

BOARD OF REGENTS BRIEFING PAPER

Handbook Revision: Special Reduced Fees, National Guard (AB156)

BACKGROUND & POLICY CONTEXT OF ISSUE:

Nevada Revised Statutes (NRS) 396.544 provides that the Board of Regents may grant a waiver of registration fees and laboratory fees for any active member of the Nevada National Guard, including, without limitation, a recruit, who attends a school within the System as a full-time or part-time student. For the purpose of assessing fees and charges, a person to whom a waiver is granted pursuant to NRS 396.544 shall be deemed a bona fide resident of this State. Existing Board policy under *Title 4, Chapter 17, Section 12* recognizes the provisions contained in NRS 396.544.

During the 2021 Session of the Nevada State Legislature, Assembly Bill 156 (Chapter number pending as of 6/1/21, *Statutes of Nevada 2021*) was approved, amending NRS 396.544. In general, Assembly Bill 156 authorizes an active member of the Nevada National Guard to assign or reassign his or her waiver upon reenlistment, regardless of whether the member used a waiver to attend a school within NSHE before he or she reenlisted. Specifically, this bill authorizes certain members of the Nevada National Guard who have reenlisted to: 1) assign the waiver to his or her spouse or child in lieu of using the waiver himself or herself during that period of reenlistment; and 2) reassign a waiver if the spouse or child to whom the waiver was reassigned does not use the waiver to attend school as a full-time or part-time student. The bill provides that a waiver that has been assigned or reassigned may only be used: 1) by one eligible person for each period of reenlistment of a member; and 2) for credits applicable toward the course work required for the award of an associate degree, baccalaureate degree or certificate. Existing law requires a member to whom a waiver is granted to maintain a 2.0 semester grade point average for continuing eligibility. This bill imposes the same requirement on a person to whom a waiver is assigned or reassigned.

The proposed revision to *Title 4, Chapter 17, Section 12* will bring Board policy governing fee waivers into compliance with the revised provisions of State law enacted under Assembly Bill 156.

As of the posting of this document, Assembly Bill 156 was pending the Governor's signature, the final step for formal enactment.

The enrolled version of Assembly Bill 156 can be accessed [here](#).

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend *Title 4, Chapter 17, Section 12* to align with Assembly Bill 156, passed during the 2021 Session of the Nevada State Legislature which authorizes an active member of the Nevada National Guard to assign or reassign his or her fee waiver upon reenlistment.

IMPETUS (WHY NOW?):

This proposal is brought forward to revise Board policy (*Title 4, Chapter 17, Section 12*) regarding fee waivers in response to Assembly Bill 156, which was passed by the 2021 Session of the Nevada State Legislature and is effective on July 1, 2021.

CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

- Access (Increase participation in post-secondary education)
- Success (Increase student success)
- Close the Achievement Gap (Close the achievement gap among underserved student populations)
- Workforce (Collaboratively address the challenges of the workforce and industry education needs of Nevada)
- Research (Co-develop solutions to the critical issues facing 21st century Nevada and raise the overall research profile)
- Not Applicable to NSHE Strategic Plan Goals

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

The provisions of Assembly Bill 156 support student access.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- This revision is required for Board policy to remain consistent with State law.
- Adoption of the revised policy will facilitate application of the enacted provision of Assembly Bill 156 in providing fee waivers for certain assignees of reenlisted members of the active Nevada National Guard.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None have been presented.

ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

None have been presented.

RECOMMENDATION FROM THE CHANCELLOR'S OFFICE:

The Chancellor's Office supports the proposed policy revision.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
- Amends Current Board Policy: Title 4, Chapter 17, Section 12
- Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
- Other: _____
- Fiscal Impact: Yes No _____

Explain: NSHE cannot determine the fiscal impact resulting from the expansion of the current National Guard fee waiver as it is dependent variables that cannot be reasonably projected including the number of National Guard members who reenlist, whether those members have a spouse or child who is eligible and chooses to utilize the waiver, and the institution the recipient of the waiver attends For 2019-20, 914 Nevada National Guard waivers were issued for a total value of \$2.4 million.

POLICY PROPOSAL - HANDBOOK
TITLE 4, CHAPTER 17, SECTION 12
Special Reduced Tuition and Fees

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 12. Special Reduced Tuition and Fees

....

3. Any member of the active Nevada National Guard, including a Nevada National Guard recruit, or the child or spouse of a person who was killed while performing duties as a member of the Nevada National Guard, may be permitted to register for credit without a registration fee or, except as otherwise provided, laboratory fee(s).
 - a. This policy is applicable during Fall and Spring terms only.
 - b. State-supported academic credit-bearing courses that lead to an *undergraduate or graduate* degree or certificate, including distance education courses, independent learning, and continuing education courses are eligible for the fee waiver. Self-supporting courses, including independent study and correspondence courses, are not eligible for waiver under this policy.
 - c. Laboratory fees associated with all courses numbered below the 300 level are eligible for waiver under this policy. Exceptions to the waiver of laboratory fees include: 1) per semester fees, such as the Health Service fee; 2) Special course fees for purposes other than class supplies – including individual instruction, third-party charges, and special transportation requirements; 3) fees for actual class costs in excess of \$100; and 4) technology fees.
 - d. A person to whom the fee waiver is awarded shall be deemed a bona fide resident of Nevada for tuition purposes.
 - e. To be eligible for the fee waiver, the member must be in good standing or a recruit of the active Nevada National Guard at the beginning of and throughout the entire semester for which the waiver is granted. The member who fails to remain in good standing shall reimburse the Board of Regents for the semester's waived registration fees and laboratory fees and will not be allowed to register for additional courses until the debt is paid in full.
 - f. To remain eligible for the fee waiver, the student must achieve at least a minimum 2.00 semester grade point average in order to maintain subsequent eligibility for the fee waiver. The student who fails to maintain a 2.00 semester grade point average shall reimburse the Board of Regents for the semester's waived registration fees and laboratory fees and will not be allowed to register for additional courses until the debt is paid in full.

- g. The institution [~~may~~] **shall** request the Adjutant General to verify the membership in the active Nevada National Guard of a person who is seeking or has been granted the fee waiver. The institution [~~may~~] **shall** request the Adjutant General to verify that a person is the child or spouse of a member who was killed while performing duties as a member of the Nevada National Guard.
 - h. If a fee waiver is granted to a Nevada National Guard recruit and the recruit does not enter full-time National Guard duty within one (1) year after enlisting, the student shall reimburse the Board of Regents for all previously waived registration fees and laboratory fees if the failure to enter full-time National Guard duty is attributable to the recruit's own conduct.
 - i. A child of a person who was killed while performing duties as a member of the Nevada National Guard may use the waiver for 10 years after he attains 18 years of age or, if he enrolls in an NSHE institution before age 18, for ten years after the date of enrollment. The spouse of a person who was killed while performing the duties as a member of the Nevada National Guard may use the waiver for ten years after the date of death of the member.
 - j. Registration fees associated with the William S. Boyd School of Law; the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; and the University of Nevada, Las Vegas School of Dental Medicine are not eligible for waiver under this policy.
 - k. ***For the purpose of this subsection, "spouse" means a person's partner in legal marriage or a person's domestic partner if the domestic partnership is registered with the Office of the Nevada Secretary of State.***
4. ***A member of the active Nevada National Guard who reenlisted may, in lieu of using the waiver himself or herself and regardless of whether the member utilized a waiver pursuant to subsection 3 before reenlistment, and for only one eligible person per reenlistment: i.) assign such a waiver to his or her spouse or child for credits applicable toward the course work required for the award to the spouse or child of an associate degree, baccalaureate degree or certificate at any school within the System, or; ii.) reassign such a waiver to his or her spouse or child, as applicable, if the person to whom the waiver was assigned originally does not use the waiver to attend a school within the System as a full-time or part-time student.***
- a. ***This policy is applicable during Fall and Spring terms only.***
 - b. ***State-supported academic credit-bearing courses that lead to an undergraduate degree or certificate, including distance education courses, independent learning, and continuing education courses are eligible for the fee waiver. Self-supporting courses, including independent study and correspondence courses, are not eligible for waiver under this policy.***
 - c. ***Laboratory fees associated with all courses numbered below the 300 level are eligible for waiver under this policy. Exceptions to the waiver of laboratory fees include: 1) per semester fees, such as the Health Service fee; 2) Special course fees for purposes other than class supplies – including individual instruction, third-party charges, and special transportation requirements; 3) fees for actual class costs in excess of \$100; and 4) technology fees.***

- d. *A person to whom the fee waiver is awarded shall be deemed a bona fide resident of Nevada for tuition purposes.*
- e. *To be eligible to assign or reassign a fee waiver, the member must be in good standing in the active Nevada National Guard at the beginning of and throughout the entire semester for which the waiver is granted. The member who fails to remain in good standing shall reimburse the Board of Regents for the semester's waived registration fees and laboratory fees and the assignee will not be allowed to register for additional courses until the debt is paid in full.*
- f. *A person to whom the fee waiver is assigned or reassigned must achieve at least a minimum 2.00 semester grade point average in order to maintain subsequent eligibility for the fee waiver. The student who fails to maintain a 2.00 semester grade point average shall reimburse the Board of Regents for the semester's waived registration fees and laboratory fees and will not be allowed to register for additional courses until the debt is paid in full.*
- g. *The institution shall request the Adjutant General to verify the membership and reenlistment in the active Nevada National Guard of a person who is seeking or has been granted the fee waiver. The institution shall request the Adjutant General to verify the person who has been assigned or reassigned the fee waiver.*
- l. *For the purpose of this subsection, "spouse" means a person's partner in legal marriage or a person's domestic partner if the domestic partnership is registered with the Office of the Nevada Secretary of State.*

5.[4.] Federally funded teacher training programs will carry an exception to in-state and out-of-state fee and tuition rates for contiguous and WICHE states and may be offered at a reduced per-credit fee. Additionally, all NSHE institutions may offer professional development teacher training programs at a reduced per-credit fee when funded by Nevada school districts and/or the State of Nevada through non-NSHE funds, if collaborative agreements are in place. All course offerings will be approved and delivery overseen through the usual academic processes.

6. [5.] The child or spouse of a person who as a member of the Armed Forces of the United States permanently stationed in Nevada is identified as a prisoner of war or declared missing in action while performing duties as a member of the Armed Forces may be permitted to register for credit without a registration fee or, except as otherwise provided, laboratory fee(s).

- a. This policy is applicable during Fall and Spring terms only.
- b. Academic credit courses that will lead to the degree or certificate, including state supported distance education courses, independent learning, and continuing education courses are eligible for the fee waiver. Non-state-supported independent study and correspondence courses are not eligible for waiver under this policy.
- c. Laboratory fees associated with all courses numbered below the 300 level are eligible for waiver under this policy. Exceptions to the waiver of laboratory fees include: 1) per semester fees, such as the Health Service fee; 2) Special course fees for purposes other than class supplies – including individual instruction, third-party charges, and special

transportation requirements; 3) fees for actual class cost in excess of \$100; and 4) technology fees.

- d. A person to whom the fee waiver is awarded shall be deemed a bona fide resident of Nevada for tuition purposes.
- e. To remain eligible for the fee waiver, the student must achieve at least a minimum 2.00 semester grade point average in order to maintain subsequent eligibility for the fee waiver. The student who fails to maintain a 2.00 semester grade point average shall reimburse the Board of Regents for the semester's waived registration fees and laboratory fees and will not be allowed to register for additional courses until the debt is paid in full.
- f. The institution may request such documentation as it deems necessary to verify that a person is the child or spouse of a person who as a member of the Armed Forces of the United States permanently stationed in Nevada is identified as a prisoner of war or missing in action while performing duties as a member of the Armed Forces.
- g. A child of a person who as a member of the Armed Forces of the United States permanently stationed in Nevada is identified as a prisoner of war or missing in action while performing duties as a member of the Armed Forces may use the waiver for 10 years after he attains 18 years of age or, if he enrolls in an NSHE institution before age 18, for ten years after the date of enrollment. The spouse of a person who as a member of the Armed Forces of the United States permanently stationed in Nevada is identified as a prisoner of war or missing in action while performing duties as a member of the Armed Forces may use the waiver for ten years after the date on which the member of the Armed Forces was identified as a prisoner of war or missing in action.
- h. Registration fees associated with the William S. Boyd School of Law, the University of Nevada, Reno School of Medicine, the University of Nevada, Las Vegas School of Medicine and the University of Nevada, Las Vegas School of Dental Medicine are not eligible for waiver under this policy.