

BOARD OF REGENTS
BRIEFING PAPER

Handbook Revision, Tuition for Native American Students (AB262)

BACKGROUND & POLICY CONTEXT OF ISSUE:

During the 2021 Session of the Nevada State Legislature, Assembly Bill 262 (Chapter number pending as of 6/1/2021, *Statutes of Nevada 2021*) was enacted mandating fee waivers for certain Native American students. Specifically, Assembly Bill 262 mandates the Board of Regents to grant a waiver of registration fees, laboratory fees, and all other mandatory fees assessed to eligible members or descendants of any federally recognized Indian tribe or nation, all or part of which is located within the boundaries of Nevada. In order to be considered for the waiver, a student must meet eligibility requirements, including the confirmation of their membership or descendent status of a federally recognized tribe or nation, all or part of which is located within the boundaries of Nevada, be eligible for admission, have been a Nevada resident for not less than one year, and complete the Free Application for Federal Student Aid (FAFSA). A student found eligible for the fee waiver will be deemed a bona fide resident for tuition purposes.

In addition, the bill requires annual reporting to the state legislature on the number of students that received the waiver. The measure noted that the report should include any funds made available to cover the waiver, including gifts, grants, donations and federal contributions. However, the awarding of waivers under the provisions of Assembly Bill 262 is not contingent on the receipt of such funding, and therefore absent such funding the institutions will absorb the cost of the waivers, as is the case for other waiver programs like the National Guard Fee waiver (*Title 4, Chapter 17, Section 12*).

The proposed revisions to *Title 4, Chapter 17, new Section 15* will bring the *Handbook* provisions governing tuition and fee waivers in compliance with provisions of state law enacted under Assembly Bill 262.

As of the posting of this document, Assembly Bill 262 was pending the Governor's signature, the final step of formal enactment.

The enrolled version of Assembly Bill 262 can be accessed [here](#).

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend *Title 4, Chapter 17*, adding new *Section 15* of the *Handbook* to align with Assembly Bill 262 passed by the 2021 Session of the Nevada State Legislature that mandates the Board grant a waiver of registration fees, laboratory fees and all other mandatory fees to eligible Native Americans and corresponding reporting requirements on the number of students that received the waiver.

IMPETUS (WHY NOW?):

This proposal is brought forward to revise Board policy regarding the granting of fee waivers in response to Assembly Bill 262 which was passed by the 2021 Session of the Nevada State Legislature.

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 262 support the Board’s student access goal.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- This policy revision is required for Board policy to remain in compliance with State law.
- Adoption of the revised policies will facilitate application of the enacted provisions of Assembly Bill 262 in a waiver for registration fees, laboratory fees, and all other mandatory fees to eligible Native Americans who are members or descendants of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of Nevada.

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 recommends amending Board policy to comply with the provisions of state law.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
 - Amends Current Board Policy: Title 4, Chapter 15, Section 3
 - Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
 - Other: _____
 - Fiscal Impact: Yes No _____
- Explain: *The Chancellor’s Office estimated a fiscal impact of Assembly Bill 262 at approximately \$1.9 million. However, this figure is based on all currently enrolled students that self-identified as Native Americans which may include students that are not members of a federal recognized tribe or nation, all or part of which is located within the boundaries of Nevada. The figure also does not contemplate growth in the number of enrolled eligible students, which is one purpose of the bill.*

POLICY PROPOSAL
TITLE 4, CHAPTER 17, new SECTION 15
Fee Waiver for Native Americans

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

Section 15. Fee Waivers for Native Americans

1. *A Native American student who is a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of Nevada, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, all or part of which is located within the boundaries of Nevada, regardless of membership status, shall be permitted to register for credit without registration fees, laboratory fees, and any other mandatory fees provided that the individual:
 - a. *Is admitted pursuant to Title 4, Chapter 16;*
 - b. *Has been a resident of this State for not less than one year; and*
 - c. *Completes the Free Application for Federal Student Aid (FAFSA).**
2. *This policy is applicable during Fall and Spring terms only.*
3. *State-supported academic credit-bearing courses that lead to a certificate, associate, baccalaureate, master's, or professional degree 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.*
4. *All mandatory student fees and special course fees are eligible for waiver under this policy.*
5. *A person to whom a fee waiver is awarded shall be deemed a bona fide resident of Nevada for tuition purposes.*
6. *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.*
7. *The institution may request documentation confirming that the student is a member or descendant of a member of a federally recognized tribe or nation, all or part of which is located within the boundaries of Nevada.*
8. *The amount of the wavier must be equal to the amount of the registration fee and all other mandatory fees charged to the student, less any federal educational benefits received by the student, including but not limited to Pell Grant, Federal Supplemental Educational Opportunity Grant, TEACH Grant, and veterans educational benefits.*
9. *On or before September 1 of each year, the Chancellor's Office shall prepare a report that includes the number of students that received the waiver pursuant to this section and the aggregate dollar amount waived by institution. The report will include any funding received to off-set the waiver from gifts, grants, donations, and federal sources. Issuing of*

the wavier is not contingent on the receipt of funds to support the waiver. The report will be transmitted to the Board of Regents and director of the Legislative Counsel Bureau.

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RENUMBER SECTIONS 15 THROUGH 31 AS SECTIONS 16 THROUGH 32.