

BOARD OF REGENTS
BRIEFING PAPER

Handbook Revision, Fee Waivers for Native Americans (AB150)

June 30, 2023

BACKGROUND & POLICY CONTEXT OF ISSUE:

As approved during the 2021 Session of the Nevada State Legislature and codified in *Nevada Revised Statutes* (NRS) 396.5449, the Board of Regents shall grant a waiver of registration 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, less any federal educational benefits received by the student. In order to be considered for the waiver, a student must meet eligibility requirements, including, but not limited to, having been a resident of Nevada for not less than one year. Students receiving the waiver must meet a certain grade point average requirement each semester and fill out the Free Application for Federal Student Aid (FAFSA). Under existing law, the amount of the waiver 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. A person to whom the fee waiver is awarded shall be deemed a bona fide resident of Nevada for tuition purposes. Existing Board policy under *Title 4, Chapter 17, Section 15* recognizes the provisions contained in NRS 396.5449.

During the 2023 Session of the Nevada State Legislature, [Assembly Bill 150](#) was approved, amending NRS 396.5449 as well as NRS 396.540. In general, AB 150 revises provisions requiring the Board to grant waivers of registration and other mandatory fees for certain students who are Native American and makes an appropriation to the Nevada System of Higher Education to help defray the cost of granting the waivers.

The revisions to State law under AB 150 and subsequent proposed revisions to the *Handbook* are as follows:

- Removal of the fee waiver eligibility requirement that an eligible student must be a member or descendant of a federally recognized tribe or nation wholly or partially located in Nevada. Instead, the requirement is now that an eligible student must be a member or descendant of any federally recognized tribe or nation.
- Removal of the fee waiver eligibility requirement that the student be a resident of Nevada for not less than one year. Instead, the requirement is now that an otherwise eligible student must meet one of two criteria: (1) bona fide residence in Nevada according to Title 4, Chapter 15, which includes members of tribes or nations wholly or partially located within the state of Nevada; or (2) current residence on qualified tribal land for not less than one year.
- Addition of eligible academic periods for which a student may use the waiver, to include summer and winter terms.
- Addition of eligible courses and programs for which a student may use the waiver, to include all courses and programs, including credit-bearing, non-credit-bearing, state-supported, self-supported and dual enrollment. Due to the expansion which includes all courses, students are no longer required to be degree-seeking to use the waiver.
- Removal of the requirement that the amount of the waiver be reduced by federal education benefits received by the student. Instead, the waiver shall be equal to the full amount of the registration fees, laboratory fees and other mandatory fees assessed against an eligible student for the term, regardless of any financial aid received.

Note: AB 150 adds language to NRS 396.540 prohibiting the Board of Regents from assessing tuition charges against recipients of a Native American Fee Waiver. This portion of AB 150 is addressed in a separate policy revision to *Title 4, Chapter 15, Section 3*.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend *Title 4, Chapter 17, Section 15* to align with AB150, passed during the 2023 Session of the Nevada State Legislature, which revises the provisions of the Native American Fee Waiver.

IMPETUS (WHY NOW?):

This proposal is brought forward to revise Board policy (*Title 4, Chapter 17, Section 15*) regarding the Native American Fee Waiver in response to Assembly Bill 150, which was passed during the 2023 Session of the Nevada State Legislature and is effective July 1, 2023.

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

- Access (Increase access to higher education)
- Success (Improve student success)
- Close Institutional Performance Gaps
- Workforce (Meet workforce needs in Nevada)
- Research (Increase solutions-focused research)
- Coordination, Accountability, and Transparency (Ensure system coordination, accountability, and transparency)
- Not Applicable to NSHE Strategic Plan Goals

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

This policy revision supports the Board’s goals of access, success, and close institutional performance gaps by widening the financial support available to Native American students. Also, because the waiver can now be used for non-credit workforce programs, this revision also supports the Board’s goal of meeting workforce needs in Nevada.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- The revisions to Board policy aligns with AB 150, passed during the 2023 Session of the Nevada State Legislature.

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 # _____
- X Amends Current Board Policy: *Title 4, Chapter 17, Section 15*
- Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
- Other: _____
- X Fiscal Impact: Yes No _____

Explain: Due to the removal of the “last dollar” provision of this waiver, as well as the addition of dual credit, non-credit and non-state-supported courses and programs, the cost of the waiver (foregone revenue to the NSHE institutions) will increase. In addition, the number of enrolled eligible students is expected to continue to grow over time. In 2021-22, 140 recipients received a total of \$457,449 waived. Using the 140 students from 2021-22 as a basis and calculating the full cost of registration and other mandatory fees for 2023-24, the total cost for the coming academic year is estimated at \$997,940. Of note, this estimate is calculated at the undergraduate rates and the cost will be higher if some students enroll in graduate, professional or non-credit programs. Similarly, the estimate also does not include growth in the number of recipients, which would also result in a higher cost for the waiver program. Finally, the Legislature made an appropriation of \$457,449 for each Fiscal Years 2023-24 and 2024-25 to defray the cost of this waiver program.

POLICY PROPOSAL
TITLE 4, CHAPTER 17, SECTION 15
Fee Waivers 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]~~ *Is:*
 - i. *A bona fide resident pursuant to Title 4, Chapter 15; or*
 - ii. *Currently a resident on qualified tribal land, whether the student's actual residence was located within or outside of the boundaries of Nevada and has been a resident [of this State] for not less than one year; and*
 - c. Completes the Free Application for Federal Student Aid (FAFSA), *unless the student is or will be enrolled exclusively in one or more dual credit courses through a program for dual credit.*
2. This policy is applicable during *any academic semester or term, including but not limited to summer and winter* ~~[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 *dual enrollment courses*, distance education courses, independent learning, and continuing education courses are eligible for the fee waiver. *In addition, self-supporting* ~~[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.

10. Definitions.

a. Qualified tribal land, as defined in NRS 396.5449, means any real property for which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law and over which a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of Nevada, exercises governmental power.

b. Program for dual credit means a program through which a student is enrolled in high school, including but not limited to, a student enrolled in any grade 9 through 12 in a charter school or a student enrolled in a program designed to meet the requirements of an adult standard diploma, may enroll in a dual credit course.