

**BOARD OF REGENTS  
BRIEFING PAPER**

*Handbook* Revision, Fee Waivers for Native Americans  
September 7-8, 2023

**BACKGROUND & POLICY CONTEXT OF ISSUE:**

*Nevada Revised Statutes* (NRS) 396.5449 mandates the Board of Regents to grant a waiver of registration fees and all other mandatory fees assessed to a member or descendant of a member of any federally recognized Indian tribe or nation, provided they meet certain requirements. Existing Board policy (*Title 4, Chapter 17, Section 16*) recognizes these provisions.

At its June 30, 2023, meeting the Board of Regents approved policy revisions aligning Board policy with Assembly Bill 150 (AB 150) as approved during the 2023 Session of the Nevada State Legislature. Among the several amendments enacted by the 2023 Nevada Legislature impacting NRS 396.5449, and subsequently adopted by the Board, was the expansion of eligibility for the fee waiver to include a wider constituency of Native American students as well as the removal of the 12-month residency requirement for a member or descendant of a member of a federally recognized tribe or nation wholly or partially located in Nevada.

During the implementation of the approved June 30, 2023, revisions to *Title 4, Chapter 17, Section 16*, it was recognized that not all of the amendments to NRS 396.5449 were reflected in that proposal. Specifically, questions arose around the language providing eligibility for a member or a descendant of a member of an Indian tribe or nation wholly or partially located in Nevada, whether or not they reside on tribal lands. Because existing Board Policy (*Title 4, Chapter 15, Section 3, subsection 17*) is limited specifically to members who reside on tribal lands, a technical revision to the fee waiver eligibility language is necessary to bring Board policy into alignment with the provisions of AB 150.

This proposed policy revision maintains the alignment with NRS 396.5447, as amended by AB 150, by recognizing the specific eligibility provision for a member or a descendant of a member of an Indian tribe or nation, all or part of which is located within the boundaries of the state of Nevada, whether or not the student resides on tribal lands. In addition, this proposal includes added language to clarify that a 2.0 GPA is required to qualify for the fee waiver if the student has enrolled in courses where a letter grade is awarded. This clarification is necessary due to the expansion of the fee waiver to cover non-credits courses and programs. Finally, this proposal also includes minor punctuation/spelling corrections and the elimination of erroneous duplicative language.

**SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:**

Approve the proposed technical revision of *Title 4, Chapter 17, Section 16* to add specific language recognizing eligibility for the fee waiver to include a member or a descendant of a member of an Indian tribe or nation, all or part of which is located within the boundaries of the state of Nevada, whether or not they reside on tribal lands, and thereby bring Board policy into alignment with all provisions of AB 150. Also approve technical spelling/punctuation corrections and added language clarifying that a 2.0 GPA is required to qualify for the fee waiver if the student has enrolled in courses where a letter grade is awarded.

**IMPETUS (WHY NOW?):**

It was recognized during the July 2023 implementation of the newest provisions of the fee waiver for Native Americans that language was needed to specify fee waiver eligibility for certified members or descendants of members of federally recognized tribes or nations that are located wholly or partially within the boundaries of Nevada, whether or not they reside on tribal lands,

**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**

In general, this policy and revision supports the Board’s goals of access, success, and close institutional performance gaps by widening the financial support available to Native American students. In addition, this policy also supports the Board’s workforce goal by expanding the types of courses and programs for which the waiver can be used.

**BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:**

- The proposed revision aligns with the amendments of NRS 396.5449 as enacted through AB 150 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 # \_\_\_\_\_
- Amends Current Board Policy: *Title 4, Chapter 17, Section 16*
- Amends Current Procedures & Guidelines Manual: Chapter # \_\_\_\_\_ Section # \_\_\_\_\_
- Other: \_\_\_\_\_
- Fiscal Impact: Yes \_\_\_\_\_ No \_\_\_\_\_

**POLICY PROPOSAL**  
**TITLE 4, CHAPTER 17, SECTION 16**  
**Fee Waivers for Native Americans**

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

**Section 16. Fee Waivers for Native Americans**

1. A Native American student who is a member of a federally recognized Indian tribe or nation or 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 a tribe or nation regardless of membership status, shall be permitted to register without registration fees, laboratory fees, and any other mandatory fees provided that the individual:
  - a. Is admitted pursuant to *Title 4, Chapter 15*;
  - b. Is:
    - i. A bona fide resident pursuant to Title 4, Chapter 15;
    - ii. *A member or descendant of an enrolled member of an Indian tribe or nation, all or part of which is located within the boundaries of the State of Nevada; or*
    - iii. [~~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 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.
3. State-supported academic credit-bearing courses that lead to a certificate, associate, baccalaureate, master's, or professional degree including, *but not limited to*, dual enrollment courses, distance education courses, independent learning, and continuing education courses are eligible for the fee waiver. In addition, self-supporting courses, including *but not limited to*, independent study and correspondence courses, are 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 *who has enrolled in courses for which a letter grade is earned* must achieve at least a minimum 2.0[0] 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.
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.

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 *waiver* [~~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.