

BOARD OF REGENTS
BRIEFING PAPER
HANDBOOK REVISION – TUITION CHARGES FOR NV HIGH SCHOOL GRADUATES AND
RETURNING STUDENTS

BACKGROUND & POLICY CONTEXT OF ISSUE:

It has been the policy of the Board of Regents that tuition shall not be charged to current enrollees or graduates of a Nevada high school (*Title 4, Chapter 15, Section 3*). It has recently been brought to staff's attention that while the Board's policy is quite clear that Nevada high school graduates shall be deemed residents for tuition purposes there exists a potential conflict with existing provisions of Board policy concerning returning students. Specifically, Board policy defines a "returning student" as one who re-enrolls after a break in enrollment of one or more semesters (*Title 4, Chapter 15, Section 2*). A returning student, under current Board policy, retains prior resident status, if any, as long as there is no indication that the student has established residency elsewhere. This particular provision is quite narrow in that it addresses only students who have been previously enrolled in an NSHE institution and return after a break in enrollment. It does not address the student who returns to Nevada, but was not previously enrolled in an NSHE institution. Further, the provision does not provide explicit exception for Nevada high school graduates. Therefore, it is possible that the two provisions of policy may be in conflict – whereby a Nevada high school graduate who seeks enrollment at an NSHE institution after having established residency elsewhere will be denied residency status under the definition of "returning student," in contradiction to the policy that all Nevada high school graduates shall be deemed residents for tuition purposes.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend Title 4, Chapter 15, Sections 2 and 3 to clarify that 1) regardless of prior enrollment in an institution out of state, a student seeking to enroll in an NSHE institution who is a Nevada high school graduate shall be considered a resident for tuition purposes and 2) returning students who were previously exempt from tuition charges at any NSHE institution shall retain that exemption.

IMPETUS (WHY NOW?):

Potential conflicting provisions of the Board's policy on residency was recently brought to staff's attention.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- The proposed revision will clarify that regardless of enrollment in other postsecondary institutions out-of-state, Nevada high school graduates will always be considered residents for tuition purposes.
- With this revision, clear policy will be established that returning students may retain their prior resident status for tuition purposes.
- This policy recommendation matches actual institutional practices and removes the potential conflict in policies.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

Nevada high school graduates who have given up their Nevada residency while enrolled at a postsecondary institution in another state will receive residency status regardless of time away.

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

Limit residency status for tuition purposes for Nevada high school graduates to only those students who have been continuously residing in Nevada.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title #____ Chapter #____ Section #____
- Amends Current Board Policy: *Title 4, Chapter 15, Sections 2 and 3*
- Amends Current Procedures & Guidelines Manual: Chapter #____ Section #____
- Other:_____
- Fiscal Impact: Yes____ No____
Explain:_____

POLICY PROPOSAL
TITLE 4, CHAPTER 15, SECTION 2 (in part)
Residency Determinations - Definitions

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

Section 2. Definitions

For the purposes of these regulations, the terms stated below shall have the following meanings:

1. "Alien" means a person who is not a citizen of the United States of America.
2. "Armed Forces of the United States" means the Army, the Navy, the Air Force, the Marine Corps and the Coast Guard, on active duty and does not include the National Guard or other reserve force, with the exception of active members of the Nevada National Guard. (B/R 3/04)
3. "Clear and convincing evidence" means evidence that is clear in the sense that it is not ambiguous, equivocal or contradictory and convincing in the sense that it is of such a credible, reliable, authentic and relevant nature as to evoke confidence in the truth of it.
4. "Continuously enrolled" means enrollment within a normal academic year for which continuous enrollment is claimed. A person need not attend summer sessions or other between-semester sessions in order to be continuously enrolled.
5. "Date of matriculation" means the first day of instruction in the semester or term in which enrollment of a student first occurs, except that at the University of Nevada School of Medicine it means the date that a notice of admittance is sent to a student, and at the community colleges it excludes correspondence courses and community service courses that are not state funded. A person who enrolled in an institution of the Nevada System of Higher Education but withdrew enrollment during the 100% refund period may, for the purposes of these regulations, be deemed not to have matriculated and any determination concerning residency status shall be voided until such time as the person again enrolls at a System institution.
6. "Dependent" means a person who is not financially independent and is claimed as an exemption for federal income tax purposes under Section 152 of the Internal Revenue Code (26 U.S.C. § 152) by another person for the most recent tax year.
7. "Family" means the natural or legally adoptive parent or parents of a dependent person, or if one parent has legal custody of a dependent person, that parent.
8. "Financially independent" means a person who has not been and will not be claimed as an exemption for federal income tax purposes under Section 152 of the Internal Revenue Code (26 U.S.C. § 152) by another person, except his or her spouse, for the most recent tax year.
9. "Most recent tax year" means the income tax return submitted for the prior income year.

10. "Legal guardian" means a court-appointed guardian of a dependent person, who was appointed guardian at least twelve (12) months immediately prior to the dependent person's date of matriculation and for purposes other than establishing the dependent person's residence.
11. "Nonresident" means a person who is not a resident.
12. "Objective evidence" means evidence that is verifiable by means other than a person's own statements.
13. "Relocated," means evidence of permanent, full-time employment or establishment of a business in Nevada prior to the date of matriculation.
14. "Residence" a term which for the purposes of these regulations is synonymous with the legal term "domicile," and means that location in which a person is considered to have the most settled and permanent connection, intends to remain and intends to return after any temporary absences. Residence results from the union of a person's physical presence in the location with objective evidence of an intent to remain at that location for other than a temporary purpose.
15. "Resident" means a person who has established a bona fide residence in the State of Nevada with the intent of making Nevada the person's true, fixed and permanent home and place of habitation, having clearly abandoned any former residence and having no intent to make any other location outside of Nevada the person's home and habitation. The term also includes a member of the Armed Forces of the United States who has previously established a bona fide residence in the State of Nevada, but who has been transferred to a military posting outside of Nevada while continuing to maintain a bona fide residence in Nevada. When residence for a particular period is required under these regulations, this shall mean that the person claiming residence for the period must be physically present and residing in Nevada during all of the period required, excluding temporary, short-term absences for business or pleasure.
16. "Returning student" means a student who re-enrolls after a break in enrollment of one or more semesters. [~~A "returning student" retains prior resident status, if any, as long as there is no indication that the student has established residency elsewhere.~~] (B/R 11/96)
17. "Student" means a person who is enrolled at an institution of the Nevada System of Higher Education.
18. "Tuition" means a monetary charge assessed against nonresident students, which is in addition to registration fees, or other fees assessed against all students. (B/R 5/95)
(B/R 8/04)

POLICY PROPOSAL
TITLE 4, CHAPTER 15, SECTION 3
Residency Determinations - Tuition

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

Section 3. Tuition

1. Tuition shall [~~not~~] *never* be charged to current enrollees or graduates of a Nevada high school.
2. *Tuition shall not be charged to returning students who had established an exemption from tuition charges at any NSHE institution in their prior enrollment period.*
3. Tuition shall be charged to nonresident students, except that at the community colleges no tuition shall be charged for registration in community service courses that are not state funded.
4. Tuition shall not be charged to a professional employee, classified employee, postdoctoral fellow, resident physician, or resident dentist of the Nevada System of Higher Education currently employed at least half time, or the spouse or dependent child of such an employee.
5. Tuition shall not be charged to a graduate student enrolled in the Nevada System of Higher Education and employed by the System in support of its instructional or research programs, only during the period of time of such employment.
6. Tuition shall not be charged to a member of the Armed Forces of the United States, on active duty, stationed in Nevada as a result of a permanent change of duty station pursuant to military orders, or a person whose spouse, parent or legal guardian is a member of the Armed Forces of the United States stationed in Nevada as a result of a permanent change of duty station pursuant to military orders, including a Marine currently stationed at the Marine Corps Mountain Warfare Training Center at Pickle Meadows, California. If the member ceases to be stationed in Nevada, reside in Nevada, be stationed in Pickle Meadows, California, or be domiciled in Nevada, the spouse, child or legal guardian of the member shall not be charged tuition if the spouse, child or legal guardian of the member was enrolled prior to the reassignment and remains continuously enrolled at an NSHE institution. (B/R 8/07)
7. Tuition shall not be charged to a student enrolled in the University Studies Abroad Consortium or in the National Student Exchange Program, only during the period of time of such enrollment. Time spent in Nevada while a student is in the National Student Exchange Program shall not be counted towards satisfying the residence requirement of Section 4, Paragraph 2 below, nor shall enrollment through the Consortium or the Exchange Program be included in the "date of matriculation" for evaluation of Nevada residency.
8. Tuition shall not be charged to members of federally recognized Native American tribes, who do not otherwise qualify as Nevada residents, and who currently reside on tribal lands located wholly or partially within the boundaries of the State of Nevada.
(B/R 8/04)