

**BOARD OF REGENTS  
BRIEFING PAPER**

**1. AGENDA ITEM TITLE: Handbook Revision: Technical Update – In-State Tuition for Certain Veterans**  
**MEETING DATE: ARSA Meeting - June 7, 2018**

**2. BACKGROUND & POLICY CONTEXT OF ISSUE:**

Existing Board policy requires in-state tuition for certain veterans and their family members pursuant to Section 702 of the federal Veterans Access, Choice and Accountability Act of 2014 (*Title 4, Chapter 15, Section 3*). In 2017, the Board updated this policy to comply with new federal requirements extending the in-state tuition benefit to include a covered individual living in Nevada who is using transferred Post-9/11 G.I. Bill benefits from a transferor who is a member of the uniformed services serving on active duty. A related update regarding the documentation such an individual must provide was not included in 2017. Under the existing policy, all other categories require documentation confirming veteran status, but for this category, the transferor is still serving on active duty. System staff recommends an update to the policy to allow the institutions to require the necessary documentation for this category of covered individuals.

**3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:**

Amend *Title 4, Chapter 15, Section 3* to clarify that a covered individual living in Nevada using transferred benefits under the Post-9/11 Veterans Educational Assistance Act from a transferor who is a member of the uniformed services on active duty must provide documentation required by the institution to confirm that the individual is eligible to use the transferred benefits from a member of the uniformed services serving on active duty. (See the attached policy proposal.)

**4. IMPETUS (WHY NOW?):**

This technical revision is necessary for institutions to establish eligibility for the new category of covered individuals using transferred Post-9/11 G.I. Bill benefits when the transferor is a member of the uniformed services who is serving on active duty, as required by federal law and Board policy.

**5. 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 21<sup>st</sup> 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**

Not applicable: This revision is a technical update to existing Board policy necessary to ensure continued compliance with federal law.

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

- The revision is technical and allows institutions to obtain the documentation necessary to confirm eligibility required under Board policy and federal law.

**7. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:**

None have been presented.

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

None have been presented.

**9. RECOMMENDATION FROM THE CHANCELLOR’S OFFICE:**

The Chancellor’s Office recommends approval of the attached policy revision.

**10. 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 X
- Explain: \_\_\_\_\_

**POLICY PROPOSAL**  
**TITLE 4, CHAPTER 15, SECTION 3**

In-State Tuition –  
Veterans Access, Choice and Accountability Act of 2014, as Amended

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

**Section 3. Tuition**

Tuition shall be charged to nonresident students except as otherwise provided in this Section.  
Tuition shall not be charged:

....

12. To a covered individual, as defined by this Subsection, who is living in Nevada.

- a. This Subsection complies with Section 702 of the Veterans Access, Choice, and Accountability Act of 2014 (Approval of Courses of Education provided by Public Institutions of Higher Learning for Purposes of All-Volunteer Force Educational Assistance Program and Post-9/11 Educational Assistance Conditional on In-State Tuition Rate for Veterans), as codified under 38 U.S.C. 3679(c), including but not limited to amendments under Public Law 114-315. The provisions contained herein must be interpreted to comply with the applicable federal provisions and definitions.
- b. To affirm a covered individual is living in Nevada, institutions shall only require the covered individual to:
  - i. Provide a physical address in Nevada; and
  - ii. Sign a statement affirming the covered individual is living in Nevada and intends to become a bona fide Nevada resident.
- c. An institution shall not require a covered individual to complete a residency form or application.
- d. ***Except as otherwise provided in this paragraph, a*** [A] covered individual must provide:
  - i. Either a DD-214 (Discharge Orders) or a DD-1300 (Report of Casualty) or similar documentation verifying the date of discharge or casualty; and
  - ii. A Certificate of Eligibility issued by the United States Department of Veterans Affairs or similar documentation verifying eligibility.

***A covered individual using transferred benefits under the Post-9/11 Veterans Educational Assistance Act when the transferor is a member of the uniformed services who is on active duty pursuant to paragraph e(ii)(b) of this section must provide documentation required by the institution to confirm that the covered individual is eligible to use the transferred benefits.***

- e. For purposes of this Subsection, “covered individual” means:
  - i. A veteran who:
    - a) Enrolls within three years from his or her discharge or release from a period of not fewer than 90 days of service in the active military, naval, or air service, including the reserve components thereof and the National Guard; and
    - b) Is pursuing a course of education with educational assistance under Chapter 30 (All-Volunteer Force Educational Assistance Program) or Chapter 33 (Post-9/11 Veterans Educational Assistance Act) of Title 38, United States Code<sup>1</sup>;

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<sup>1</sup> Includes the Montgomery GI Bill – Active Duty (Chapter 30 of Title 38, United State Code) and the Post- 9/11 GI Bill (Chapter 33 of Title 38, United State Code).

- ii. An individual using transferred benefits under the Post-9/11 Veterans Educational Assistance Act<sup>2</sup> and:
  - a) Who enrolls within three years of the transferor's discharge or release from a period of active-duty service of 90 days or more; or
  - b) The transferor is a member of the uniformed services who is serving on active duty;
- iii. An individual using benefits under the Marine Gunnery Sergeant John David Fry Scholarship ("Fry Scholarship")<sup>3</sup>; or
- iv. An individual using benefits under the Survivors' and Dependents' Educational Assistance (DEA) program<sup>4</sup> and who enrolls within three years of the transferor's discharge from or service member's death in the line of duty following a period of active-duty service of 90 days or more.

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<sup>2</sup> Chapter 33 of Title 38 of the United States Code. 38 U.S.C. § 3319 sets forth the authority to transfer unused education benefits to family members.

<sup>3</sup> The Fry Scholarship is educational assistance for an individual who is the child or spouse of a person who, on or after September 11, 2001, dies in line of duty while serving on active duty as a member of the Armed Forces to educational assistance under the Post-9/11 Veterans Educational Assistance Act (See 38 U.S.C. § 3311(b)(9)).

<sup>4</sup> The Survivors' and Dependents' Educational Assistance (DEA) Program under Chapter 35 of Title 38 of the United States Code sets forth education and training opportunities to eligible dependents of veterans who are permanently and totally disabled due to a service-related condition or of veterans who died while on active duty or as a result of a service-related condition.