

BOARD OF REGENTS
BRIEFING PAPER
RESIDENCY FOR TUITION PURPOSES

BACKGROUND & POLICY CONTEXT OF ISSUE:

Board policy (*Title 4, Chapter 15, Section 3*) currently provides that tuition shall not be charged to current enrollees or graduates of a Nevada high school. Further, to be eligible for the Millennium Scholarship (among various other criteria) a student must be “a resident of Nevada, as defined by the residency requirement in Title 4, Chapter 15, for at least two years of the normal years of high school attendance.” The aforementioned provision prohibiting tuition charges to Nevada high school graduates is not technically within the definition of residency for tuition purposes. Therefore, a technical correction is necessary to align the definition of residency for tuition purposes with current practice and similar policy provisions.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend Title 4, Chapter 15, Section 4, to provide that a student who graduates from a Nevada high school will be considered a resident for tuition purposes.

IMPETUS (WHY NOW?):

It was recently discovered that current practices, Millennium Scholarship eligibility criteria, and the definition of residency for tuition purposes are not aligned.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

The proposed technical correction will align Board policy with current practice.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None have been brought forward.

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

Leave the policy unchanged such that one could argue that technically a graduate of a Nevada high school is not considered a resident for tuition purposes conflicting with existing policies on tuition and the Millennium Scholarship.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
 Amends Current Board Policy: Title 4, Chapter 15, Section 4
 Other: _____
 Fiscal Impact: Yes _____ No _____
Explain: _____

**PROPOSED *HANDBOOK* AMENDMENT
TITLE 4, CHAPTER 15, SECTION 4**

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

Section 4. Resident Students

As supported by clear and convincing evidence, any person to whom one of the following categories applies shall be deemed a resident student for tuition purposes:

1. Except as provided otherwise in this section, a dependent person whose spouse, family or legal guardian is a bona fide resident of the State of Nevada for at least twelve (12) months immediately prior to the date of matriculation. Some or all of the following pieces of objective evidence of Nevada residency may be required with the student's application for enrollment: (B/R 12/05)
 - a. Evidence of Nevada as the spouse's, parents' or legal guardian's permanent, primary residence at the date of matriculation (examples of evidence include home ownership, a lease agreement, rent receipts, utility bills).
 - b. The student's birth certificate or proof of legal guardianship.
 - c. The spouse's, parents' or legal guardian's tax return for the most recent tax year, which indicates the student claimed as a dependent.
 - d. A Nevada driver's license or Nevada identification card for the spouse, parent or legal guardian issued prior to the date of matriculation.
 - e. A Nevada vehicle registration for the spouse, parent or legal guardian issued prior to the date of matriculation.
 - f. Nevada voter registration for the spouse, parent or legal guardian issued prior to the date of matriculation.
 - g. Evidence that the student's spouse, family, or legal guardian has relocated to Nevada for the primary purpose of permanent full-time employment or to establish a business in Nevada (examples of evidence include a letter from the employer or copy of business license).
2. Except as provided otherwise in this section, a financially independent person whose family resides outside the State of Nevada, if the person himself or herself is a bona fide resident of the State of Nevada for at least twelve (12) months immediately prior to the date of matriculation. Each student who is a resident of the State of Nevada for at least six (6) months but less than twelve (12) months before the date of matriculation for Fall 2005 shall be deemed a bona fide resident. Some or all of the following pieces of objective evidence of Nevada residency may be

required with the student's application for enrollment: (B/R 6/05)

- a. Evidence of twelve months physical, continuous presence in the State of Nevada prior to the date of matriculation (*examples of evidence include a lease agreement, rent receipts, utility bills*). (B/R 6/05)
 - b. The student's tax return for the most recent tax year, indicating a Nevada address. If no federal tax return has been filed by the student because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income. If the student is under the age of 24, a copy of the parent's or legal guardian's tax return for the most recent tax year that indicates the student was not claimed as a dependent.
 - c. The student's Nevada driver's license or Nevada identification card issued prior to the date of matriculation.
 - d. The student's Nevada vehicle registration issued prior to the date of matriculation.
 - e. The student's Nevada voter registration issued prior to the date of matriculation.
 - f. Evidence that the student, and/or the person's spouse, has relocated to Nevada for the primary purpose of permanent full-time employment or to establish a business in Nevada (*examples of evidence include a letter from the employer or copy of business license*).
- 3 A former member of the Armed Forces of the United States who was relocated from Nevada as a result of a permanent change of duty station pursuant to military orders will be considered a Nevada resident for tuition purposes under the following conditions:
- a. He/She was a resident of Nevada prior to leaving the state as a member of the Armed Forces;
 - b. He/She maintained his/her Nevada residency while a member of the Armed Forces; and
 - c. He/She returns to the State of Nevada within one year of leaving the Armed Forces.

It will be necessary for the student to supply documentation in support of each of these conditions (*e.g., driver's license, property ownership, evidence of absentee voting, etc.*)

4. ***A graduate of a Nevada high school.***

5. A financially independent person who has relocated to Nevada for the primary purpose of permanent full-time employment. (B/R 6/05)

[5]6. A financially dependent person whose spouse, family, or legal guardian has relocated to Nevada for the primary purpose of permanent full-time employment. (B/R 12/05)

[6]7. Licensed educational personnel employed full-time by a public school district in the State of Nevada, or the spouse or dependent child of such an employee. (B/R 11/96)

[7]8. A teacher who is currently employed full-time by a private elementary, secondary or postsecondary educational institution whose curricula meet the requirements of NRS 394.130, or the spouse or dependent child of such an employee. (B/R 11/96)

[8]9. An alien who has become a Nevada resident by establishing bona fide residence in Nevada and who holds a permanent immigrant visa, or has been granted official asylum or refugee status, or has been issued a temporary resident alien card, or holds an approved immigration petition as a result of marriage to a U.S. citizen. An alien holding another type of visa shall not be classified as a resident student, except as may be required by federal law or court decisions and upon due consideration of evidence of Nevada residence. (B/R 6/02)
(B/R 6/05)