

BOARD OF REGENTS
BRIEFING PAPER
Handbook Revision, Tuition for Veterans Living in Nevada

BACKGROUND & POLICY CONTEXT OF ISSUE:

Under Section 702 of the Veterans' Access, Choice, and Accountability Act of 2014 (H.R. 3230, "Choice Act"), public institutions of higher education that do not offer in-state tuition rates to certain veterans will lose federal veteran educational assistance dollars under the Post-9/11 GI Bill (Chapter 33 of Title 38 of the *United States Code*, which includes the Fry Scholarship) and Montgomery GI Bill-Active Duty (Chapter 30 of Title 38 of the *United States Code*). Specifically, institutions must offer in-state tuition rates to veterans who are living in the state in which the institution is located; served in the active military, naval or air service; are pursuing a course of education with federal education benefits; and enroll in the institution within three years after their discharge from service. In-state tuition must also be offered to certain family members of the veteran or a member of the armed forces who died in the line of duty while on active duty if that family member enrolls within three years after the veteran's discharge or the service member's death.

To ensure NSHE institutions comply with this new federal law and do not risk the loss of federal veteran educational assistance funds, System staff propose a revision to Board policy that complies with Section 702 of the "Choice Act" by providing an exemption from tuition charges for a covered individual who enrolls within the specified three-year timeframe. Covered individuals must only start their program within the three years and then they will be covered for terms after the 3 year mark. In addition, staff propose to extend the requirements of the Choice Act in Nevada and include veterans and dependent beneficiaries who qualify under the Survivors' and Dependents' Educational Assistance (DEA) Program (See Chapter 35 of Title 38 of the *United States Code*) within the non-resident tuition exemption. The DEA Program provides 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.

This proposed policy has been reviewed by the Student Affairs Council. In addition, System staff requested technical assistance from the Veterans Benefits Administration within the United States Department of Veterans Affairs. In response, the Veterans Benefits Administration reviewed this policy and provided input to guide compliance.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend Board policy under *Title 4, Chapter 15, Section 3* to add a new subsection under which tuition shall not be charged to a "covered individual" which is defined to include a veteran who is living in Nevada if the veteran enrolls within three years of his or her discharge or release from a period of not fewer than 90 days service in the active military, naval or air service. "Covered individual" also includes certain family members living in Nevada. (See the attached policy proposal.)

IMPETUS (WHY NOW?):

This policy is proposed in response to Congress passing the Veterans Access, Choice, and Accountability Act of 2014, which was signed by the President on August 7, 2014. The paragraph of Section 702 of the Act establishing the requirement for in-state tuition for certain veterans and family members in order for public institutions to continue receive federal veteran educational assistance dollars applies to terms starting after July 1, 2015.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- Adoption of the policy will ensure institutions and veterans do not lose access to federal veteran-educational assistance dollars.
- This policy is consistent with other Board policy and state law that provides certain tuition and fee benefits to veterans and active duty members of the Armed Forces of the United States, including the Nevada National Guard.
- Upon discharge or release from service, veterans may not be able to meet residency requirements in the state in which they are living – typically 12 months of residency – because they were stationed elsewhere during their military service. Once enrolled, veterans again have challenges meeting institutional residency requirements and overcoming the presumption that they are in the state for the purpose of education, not

with the intent to remain in the state as residents. In addition, the children and spouses of veterans may have had frequent moves and deployments during the veterans' service. Thus, they too may have challenges establishing residency in any state for purposes of tuition. Federal veteran educational assistance funds do not cover the difference between in-state and out-of-state tuition, and thus a potentially large financial burden remains for veterans and their families during the transition from military service to civilian life. This federal legislation – and the proposed policy – recognizes these challenges and provides assistance by ensuring access to in-state tuition rates for veterans and certain family members in the state in which they are living.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None have been presented at this time.

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

None have been presented at this time.

COMPLIANCE WITH BOARD POLICY:

Consistent With Current Board Policy: Title #_____ Chapter #_____ Section #_____

X Amends Current Board Policy: *Title 4, Chapter 15, Section 3*

Amends Current Procedures & Guidelines Manual: Chapter #_____ Section #_____

Other:_____

X Fiscal Impact: Yes No_____

Explain: Under the provisions of the proposed policy and federal law, NSHE institutions will forgo non-resident tuition to qualified veterans and certain family members. The number of veterans and family members who will move to Nevada and qualify cannot be estimated and therefore, the revenue loss cannot be determined.

POLICY PROPOSAL
TITLE 4, CHAPTER 15, SECTION 3
Tuition – No Tuition Charged to Certain
Veterans and Certain Family Members under
The Veterans Access, Choice, and Accountability Act of 2014 (“Choice Act”)

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:

1. To current enrollees or graduates of a Nevada high school.
2. To returning students who had established an exemption from tuition charges at any NSHE institution in their prior enrollment period.

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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). 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. A covered individual must provide:***
 - i. Either a DD-214 (Discharge Orders) or a DD-1300 (Report of Casualty); and***
 - ii. A Certificate of Eligibility issued by the United States Department of Veterans Affairs.***

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 under conditions other than dishonorable 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 Code¹.**
- ii. A spouse or child using transferred benefits under the Post-9/11 Veterans Educational Assistance Act² and who enrolls within three years of the transferor’s discharge from a period of active-duty service of 90 days or more;*
- iii. A spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (“Fry Scholarship”)³ who enrolls within three years of the service member’s death in the line of duty following a period of active-duty service of 90 days or more; or*
- iv. A spouse or child using benefits under the Survivors’ and Dependents’ Educational Assistance (DEA) program⁴ 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.*

¹ *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).*

² *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.*

³ *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)).*

⁴ *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.*