

BOARD OF REGENTS
BRIEFING PAPER
Resident Students – Relocating for Purpose of Employment in Nevada

BACKGROUND & POLICY CONTEXT OF ISSUE:

Existing Board policy sets forth categories under which a person is deemed a resident student, including individuals who graduate from a Nevada high school and whose family member is a resident of Nevada for at least 12 months prior to matriculation (Title 4, Chapter 15, Section 4 of the *Handbook*). This policy also includes a financially independent person who has relocated to Nevada for the primary purpose of full-time employment or to establish a business in Nevada and, similarly, a financial dependent person whose spouse, family, or legal guardian has relocated to Nevada one of these purposes.

With the advances in technology, many individuals are now employed full-time and telecommute. These individuals may telecommute from their home in one state but be employed by a company in another state or internationally. In response to inquiries recently received, System staff recommends clarifying Board policy to specify that an individual may be deemed a resident student based on the student or the student's family relocating to Nevada for purpose of full-time employment *in Nevada*.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Revise Title 4, Chapter 15, Section 4 of the *Handbook* to clarify that an individual may be deemed a resident student based on the student or the student's family relocating to Nevada for the primary purpose of full-time employment *in Nevada*. In addition, clarify similar language to add "in Nevada" to the definition of "relocated" under Title 4, Chapter 15, Section 2 of the *Handbook*. (See the attached policy proposal.)

IMPETUS (WHY NOW?):

This policy change is recommended to clarify the residency policy in response to recent inquiries prompted by advancements in technology that allow individuals to be employed full-time at any location throughout the world via telecommunication.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- This policy clarification is consistent with the current interpretation of these provisions that the relocation is for the purpose of full-time employment in Nevada and that the person is living in Nevada.
- Clarifying the policy is recommended based on the advancements in technology that facilitate telecommuting to work from any state.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None have been presented.

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

None have been presented.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
 Amends Current Board Policy: Title 4, Chapter 15, Sections 2 and 4
 Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
 Other: _____
 Fiscal Impact: Yes _____ No _____
Explain: _____

POLICY PROPOSAL
TITLE 4, CHAPTER 15, SECTIONS 2 AND 4
Resident Students – Clarification on Tuition Exemption for
Employment in Nevada

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

Section 2. Definitions

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14. “Relocated,” means evidence of permanent, full-time employment *in Nevada* or establishment of a business in *and living in* Nevada prior to the date of matriculation.

....

Section 4. Resident Students

Except as otherwise provided in Section 3 of this chapter, as supported by clear and convincing evidence, any person who meets any one of the following categories 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 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 and must be issued at least 12 months 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 *in Nevada* or to establish a business in *and living 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 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 and must be issued at least 12 months 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 *in Nevada* or to establish a business in *and living in* Nevada. Examples of evidence include a letter from the employer or copy of business license.

....

5. A financially independent person who has relocated to Nevada for the primary purpose of permanent full-time employment *in Nevada* or to establish a business in *and living in* Nevada.

6. A financially dependent person whose spouse, family, or legal guardian has relocated to Nevada for the primary purpose of permanent full-time employment *in Nevada* or to establish a business in *and living in* Nevada.

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