

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

**BACKGROUND & POLICY CONTEXT OF ISSUE:**

At its March 2015 meeting, the Board of Regents approved a policy revision to comply with Section 702 of the Veterans' Access, Choice and Accountability Act of 2014 (H.R. 3230, "Choice Act"). Public institutions in states that do not enact policy to comply with these provisions by July 1, 2015, risk the loss of 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*).

Prior to the March 2015 Board meeting, the System Office requested technical assistance from the Veterans Benefits Administration, United States Department of Veterans Affairs (VA) to review the proposed policy and recommend any necessary changes. The recommendations received were incorporated into the policy approved by the Board in March. However, on April 6, 2015, the Veterans Benefits Administration contacted the System Office with two additional recommended changes in the policy language to provide clarity and ensure compliance:

1. Amend Section 12(e)(i) by deleting "under conditions other than dishonorable." A service member may enlist/re-enlist and be discharged multiple times under different conditions. To be eligible for this exemption for tuition under Section 702 and Board policy, the individual must also be eligible for federal education benefits, as determined under federal law. If a dishonorable discharge disqualifies the individual for any reason for the federal education benefits, he or she will not be eligible for this tuition exemption under Board policy.
2. Replace the phrase "A spouse or child" and insert the phrase "An individual" in Section 12(e) to eliminate any confusion. As noted by the VA, the term "spouse or child" could be interpreted and defined to mean "current spouse or child" as opposed to "spouse or child at the time of the transfer or death." Changing the term to "individual" will make the policy compliant. The "individual" would still have to qualify under federal law for these benefits.

Finally, amend the policy language to provide flexibility to the institutions in cases in which a covered individual is not able to provide the forms specified by allowing the individual to provide other documentation that verifies the required information (date of discharge/release and eligibility for federal education benefits).

**SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:**

Amend Board policy under *Title 4, Chapter 15, Section 3* to reference "an individual" instead of a "spouse or child" under the definition of a covered individual, remove the reference to discharged or released "under conditions other than dishonorable", and provide flexibility to provide other documentation that verifies the required information with regard to the date of discharge/release and eligibility for federal education benefits. (See the attached policy proposal.)

**IMPETUS (WHY NOW?):**

These revisions are recommended by the VA to make the policy compliant with Section 702 of the Choice Act before July 1, 2015, and avoid the loss of federal veteran education assistance dollars.

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

- Adoption of these policy revisions recommended by the Veterans Benefits Administration will ensure institutions and veterans do not lose access to federal veteran educational assistance dollars.

**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 # \_\_\_\_\_  
 Amends Current Board Policy: *Title 4, Chapter 15, Section 3*  
 Amends Current Procedures & Guidelines Manual: Chapter # \_\_\_\_\_ Section # \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Fiscal Impact: Yes \_\_\_\_\_ No  \_\_\_\_\_  
Explain: \_\_\_\_\_

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

Tuition Exemption – Section 702 of the Veterans Access, Choice and  
Accountability Act of 2014

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.
- .....
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) *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*.
  - 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 Code<sup>1</sup>.
- ii. **An individual** [~~A spouse or child~~] using transferred benefits under the Post-9/11 Veterans Educational Assistance Act<sup>2</sup> and who enrolls within three years of the transferor's discharge from a period of active-duty service of 90 days or more;
  - iii. **An individual** [~~A spouse or child~~] using benefits under the Marine Gunnery Sergeant John David Fry Scholarship ("Fry Scholarship")<sup>3</sup> 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. **An individual** [~~A spouse or child~~] 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>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).

<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. (BOARD OF REGENTS SPECIAL MEETING 04/24/15) Ref. BOR-2b, Page 3 of 3