

BOARD OF REGENTS
BRIEFING PAPER
HANDBOOK REVISION: Grants-in-Aid for Certain Dependents

BACKGROUND & POLICY CONTEXT OF ISSUE:

Currently, Board policy provides that grants-in-aid for widows or widowers and formerly financially dependent children of deceased former professional staff members, or former professional staff members who have become totally and permanently disabled, their spouses and financially dependent children are available when the professional staff member died until a bachelor's degree has been granted, provided that the registration period does not exceed eight semesters. Further, the Board's current policy also provides the children of deceased professional staff members who are eligible for a grant-in-aid are subject to the general grant-in-aid provisions applicable to all professional staff members (*Title 4, Chapter 18, Section 5*), which stipulates that a dependent child can only receive a grant-in-aid until age 24.

While the policy specifically states that a dependent child of a deceased professional employee is eligible for a grant-in-aid until a bachelor's degree is received (up to 8 semesters), it is not clear if the dependent child of a deceased professional employee who is over age 24 and still working towards a bachelor's degree would remain eligible. However, NSHE legal staff has indicated that the age provision is also applicable to the dependent children of deceased employees.

During the course of a recent audit of grants-in-aid that, it came to light that all NSHE institutions may not be aware of this interpretation of the policy by legal staff and that across the System the application of the provision varies by campus. Therefore, staff recommends clarifying the Board's policy to ensure that all NSHE campuses appropriately implement the provision regarding grants-in-aid for certain dependent children of deceased professional employees.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend Title 4, Chapter 18, Section 7 to clarify that the general grant-in-aid provisions of Title 4, Chapter 18 are applicable to the dependent children of deceased staff members in accordance with the opinion of legal counsel. (See attached Policy Proposal.)

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

Revising the policy will clarify the application of the age provision to certain dependents eligible for grant-in-aid to the extent that it is unclear now and not being uniformly interpreted by the campuses.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None have been brought forward.

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

Revise the policy to provide an exception for the dependent children of deceased professional employees so that they may receive a grant-in-aid beyond age 24 until they have been granted a bachelor's degree. Such an exception (granting benefits beyond 24) may be inconsistent with the Internal Revenue Code determination of "dependent" and would result in various categories of dependents being treated differently.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title #_____ Chapter #_____ Section #_____
- Amends Current Board Policy: *Title 4, Chapter 18, Section 7*
- Amends Current Procedures & Guidelines Manual: Chapter #_____ Section #_____
- Other:_____
- Fiscal Impact: Yes_____ No _____
- Explain:_____

POLICY PROPOSAL
TITLE 4, CHAPTER 18, SECTION
Grants-in-Aid for Certain Dependents

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

Section 7. Grants-in-Aid, Dependents of Deceased and Disabled Faculty

Grants-in-aid for widows or widowers and formerly financially dependent children of deceased former professional staff members, or former professional staff members who have become totally and permanently disabled, their spouses and financially dependent children, are available, under the following conditions:

1. The professional staff member shall have held a valid unfulfilled "A" or "B" contract or have been granted sabbatical leave at the time of death or such disability.
2. The spouse, widow, widower or disabled former professional staff member shall receive a grant-in-aid for a minimum of six semester hours until requirements for a degree subsequent to the one held have been completed. In no case shall such grant-in-aid for that spouse, widow, widower or disabled former professional staff member exceed eight semesters.
3. Each and every child who qualified for grant-in-aid when the professional staff member died shall be eligible for a grant-in-aid [~~until a bachelor's degree has been granted, provided that the registration period does not exceed~~] *for up to a maximum of* eight semesters.
4. A financially dependent child of such a disabled former professional staff member is eligible for grants-in-aid in the same manner as set forth in Section 5 of this Chapter.
5. Each person qualifying under this section shall meet the University admission requirements as specified in the general catalog of current issue at the time of application.