

# BOARD OF REGENTS

## BRIEFING PAPER

### Handbook Revision, Residency Categories and Residency Reclassification

BACKGRU-22 -1.15 Td ( )TjcTJ 0DC 0.04an(i)-aUn14an()PER)4RROcould be streamlined and clarified for

students. As a result, the SAC and staff are recommending a number of revisions to the Board policy governing residency determinations. The revisions range from technical changes and corrections to clarifications in the policy language. The following summarizes the changes recommended by the SAC and staff as a result of the policy review:

- ¾ Combining the Subsections on Bona Fide Residence and Intent to Remain in Nevada Under current Board policy (Title 4, Chapter 15, Section 8 of the Handbook) in order to apply for residency reclassification a student must provide a minimum of eight items proving residency: No fewer than four items must be provided to establish the student is a bona fide resident, the student's federal tax return (to establish financial independence), and at least three additional items to establish evidence of intent to remain a Nevada resident. In practice, providing eight pieces of evidence is often difficult and unnecessary. For example, during this particular time when many students are enrolling because they are not employed, it is not uncommon for those who are not employed to not have a bank account, and this in turn limits the evidence they may provide to establish residency. The SAC and staff recommend the combining of the evidence requirements for establishing that a student is a bona fide student in Nevada and the evidence requirements proving a student's intent to remain in Nevada. The evidence requirements for financial independence will remain for a total of five pieces of evidence a student must provide.
- ¾ Financially Dependent Students- The SAC and staff recommend revising the policy to allow certain financially dependent students whose parents are residents to provide evidence of financial status for reclassification. For example, students who are already attending an NSHE institution and whose parents subsequently move to Nevada may apply for residency reclassification.
- ¾ Residency Requirements Governing Resident Aliens The SAC and staff recommend clarifications to the existing provisions governing resident aliens who may qualify as resident students for tuition purposes under certain circumstances (Title 4, Chapter 15, Section 4).
- ¾ Correction of Verifiable Errors in Classifying Students for Residency- Under current Board policy (Title 4, Chapter 15, Section 9), each designated office at an institution is required to make the initial decision on the resident or nonresident student status of a person enrolling in the institution. In some cases, errors in classifying a student incorrectly as a nonresident have occurred, and institutions have required students to go through the reclassification process to correct the error. The SAC and staff recommends revising the policy to clarify the ability of institutions to correct these errors and require the designated office to correct the decision in the case of a verifiable error without requiring the student to apply for residency reclassification.
- ¾ Effective Date -The SAC and staff recommend an effective date of the proposed policy revisions of Fall 2014 to give the campuses sufficient time to adopt the revisions into institutional protocols.

#### SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend the provisions of Board policy governing initial residency determinations and reclassifications as previously described (Title 4, Chapter 15, Sections 3, 4, 8 and 9). See attached Policy Proposal.





9. Except as otherwise provided in Subsection 8 of this Section, ~~[tuition shall be charged]~~ to a veteran of the Armed Forces of the United States who ~~was~~ <sup>was</sup> discharged within the two years immediately preceding the date of matriculation of the veteran at any NSHE institution.
  
10. ~~[Tuition shall not be charged]~~ To a student enrolled in the University Studies Abroad Consortium or in the National Student Exchange Program, only during the period of time of such enrollment. Time spent in Nevada while a student is in the National Student Exchange Program shall not be counted toward ~~issu~~ <sup>issu</sup>ing the residence requirement of Section 4, Paragraph 2 below, nor shall enrollment through the Consortium or the Exchange Program be included in the "date of matriculation" for evaluation of Nevada residency.
  
11. ~~[Tuition shall not be charged]~~ To members of federally recognized Native American tribes, who do not otherwise qualify as Nevada residents, and who currently reside on tribal lands located wholly or partially within the boundaries of the State of Nevada.

POLICY PROPOSAL  
TITLE 4, CHAPTER 15, SECTION 4  
Resident Students Effective Fall 2014

Additions appear in

- 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. 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 ~~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 fulltime 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 fulltime employment or to establish a business in Nevada.
6. A financially dependent person whose spouse, family, or ~~guardian~~ has relocated to Nevada for the primary purpose of permanent fulltime employment or to establish a business in Nevada
7. Licensed educational personnel employed ~~fulltime~~ by a public school district in the State of Nevada, or the spouse or dependent child of such an employee.

8. A teacher who is currently employed fulltime 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~~.
  
9. An alien who has become a Nevada resident by establishing bona fide residence in Nevada and who holds a permanent immigrant visa, ~~has~~ been granted official asylum or refugee status, ~~or~~ has been issued a temporary resident alien card, ~~holds~~ an approved immigration petition as a result of marriage to a U.S. citizen ~~is a nonimmigrant alien admitted to the U.S. with a visa classification under which the holder is eligible to establish domicile in the U.S.~~ alien holding another type of visa shall not be classified as a resident ~~student~~ to this subsection, except as may be required by federal law or court decisions and upon due consideration of evidence of Nevada residence. ~~The~~ Vice Chancellor for Academic and Student Affairs shall establish procedures governing visa classifications for the purpose of determining eligibility for classification as a resident student.

POLICY PROPOSAL  
TITLE 4, CHAPTER 15, SECTION 8  
Reclassification of Nonresident Status Effective Fall 2014





[4.—— Intent to Remain in Nevada

~~The student must present clear and convincing, objective evidence of intent to remain a Nevada resident. No fewer than three (3) of the following pieces of objective evidence must be submitted~~

