

# 2021-22 NSHE NATIVE AMERICAN FEE WAIVER REPORT

Nevada System of Higher Education  
Department of Academic and Student Affairs

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# The Nevada System of Higher Education

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## Background

In 2021, the Nevada State Legislature enacted [Assembly Bill 262](#) (Chapter 349, *Statutes of Nevada 2021*) requiring the Board of Regents to grant a waiver of the base registration fee, laboratory fees, and all other mandatory fees associated with enrollment for an eligible Native American student who is a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of Nevada, or is certified by the enrollment department of a tribe or nation or the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, all or part of which is located within the boundaries of Nevada. Additional eligibility requirements include enrollment in a school within the Nevada System of Higher Education (NSHE); being a resident of the State for not less than one year; maintaining a 2.0 grade point average (GPA); and completing the Free Application for Federal Student Aid (FAFSA).

This report is written to satisfy the reporting requirements outlined in *Nevada Revised Statute* 396.54495. Accordingly, information is provided on the number of students that qualified for the NSHE Native American Fee Waiver, and the “total funding made available for the waiver.” There is no pool of money supporting this waiver. Instead, the total value of student fees waived by NSHE institutions as part of the NSHE Native American Fee Waiver is reported. Henceforth, this report will be issued annually.

## Program Eligibility

### Institutional Eligibility

Eligible institutions include the NSHE universities, state college, and community colleges:

- University of Nevada, Las Vegas
- University of Nevada, Reno
- Nevada State College
- College of Southern Nevada
- Great Basin College
- Truckee Meadows Community College
- Western Nevada College

### Student Eligibility

In order to be eligible for the Native American fee waiver, a student must:

- Be a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, all or part of which is located within the boundaries of this State, regardless of membership status;
- Be enrolled at an NSHE institution;
- Be a resident of Nevada for not less than 1 year;
- Have maintained at least a 2.0 grade point average, on a 4.0 scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used; and
- Have completed the Free Application for Federal Student Aid.

## Residency Requirement

It is important to note that the residency requirement for the Native American Fee Waiver, as defined in AB 262, is stated specifically as “has been a resident of this State for not less than one year.” This is different from most other fee waiver programs such as the National Guard fee waiver, which are tied to [NRS 396.540](#), that defines “bona fide resident” and recognizes the Board of Regents’ authority to establish policies, provided that the policies do not conflict with NRS. Under Board policy, residency for tuition purposes includes a provision ([Handbook, Title 4, Chapter 15](#), Section 3) exempting from non-resident tuition, “...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.” This lack of alignment effectively excludes from waiver eligibility Native American students who are residing on tribal lands that are located partially in Nevada, but who are not actually living in Nevada and who otherwise qualify as residents for tuition purposes, such as students residing in Woodfords, California.

### Cost

The Native American fee waiver is equal to the amount of the base registration fee and all other mandatory fees charged to the student less any federal educational benefits. Federal educational benefits include but are not limited to the Pell Grant, Federal Supplemental Educational Opportunity Grant (FSEOG), TEACH Grant, and veterans education benefits. There is no dedicated funding source supporting this fee waiver. Rather, a fee waiver results in forgone revenue for the granting institution.

It is important to understand that the Native American Fee Waiver is more expansive than most other fee waivers established in NRS or Board Policy in that it is not only applicable to students enrolled in undergraduate or graduate programs but may also be used to pay for professional programs (law, medical, dental). Further, in addition to waiving the base registration fee and laboratory fees, *Nevada Revised Statute* 396.5449 requires that “any other mandatory” fees also be waived. These waiver provisions could greatly increase the foregone revenue by institutions in future years.

### Fee Waiver Recipients and Foregone Revenue

At all NSHE institutions combined, 140 students had \$457,449 in fees waived during Academic Year 2021-22 (Tables 1 and 2). During the same award year, an additional 24 students qualified for the waiver but had fees paid by federal education benefits and therefore did not have fees waived under this program.

Table 1: Number of Recipients by Institution

	2021-22
UNLV	10
UNR	73
NSC	1
CSN	4
GBC	18
TMCC	24
WNC	10
<b>NSHE TOTAL</b>	<b>140</b>

Table 2: Total Value Waived by Institution

	2021-22
UNLV	\$39,609.04
UNR	\$330,655.13
NSC	\$652.50
CSN	\$7,055.50
GBC	\$26,626.13
TMCC	\$30,044.63
WNC	\$22,806.13
<b>NSHE TOTAL</b>	<b>\$457,449.06</b>

## Conclusion

Approved by the Nevada Legislature in late spring of 2021, the Native American Fee Waiver program was first implemented during Fall 2021. This left only a few months for NSHE System Administration, the institutions, and partners across the state to implement the program and get the word out to Native American students about this opportunity. Even with short notice, during the first year of implementation 140 students had \$457,449 in fees waived and 24 additional students qualified for the waiver but had fees paid by federal education benefits and therefore did not have fees waived under this program. During 2021-22 more than one NSHE institution added additional staff and/or programs to provide wrap-around supports for Native American students. These efforts, along with growing awareness of the fee waiver program, will likely result in higher utilization in future years.

Included are the relevant *Nevada Revised Statutes* and Board of Regents *Handbook* section.

*Nevada Revised Statutes* 396.5449-54495

**NRS 396.5449 Waiver of fees for certain students who are Native American; eligibility; verification of status.**

1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is Native American and demonstrates that the student:

(a) Is a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, all or part of which is located within the boundaries of this State, regardless of membership status;

(b) Is eligible for enrollment in a school within the System;

(c) Has been a resident of this State for not less than 1 year;

(d) Has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used; and

(e) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

2. The amount of the waiver must be equal to:

(a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or

(b) If the student is not entitled to receive any federal educational benefits for a semester, the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

3. The waiver must be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

4. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, the person shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may request documentation confirming that the student is a member or descendant of a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State.

**NRS 396.54495 Report on waiver of fees for certain students who are Native American.** The Board of Regents shall, on or before September 1 of each calendar year, prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature that includes, without limitation, aggregated data for:

1. The number of students that qualify for a waiver of registration fees, laboratory fees and any other mandatory fees pursuant to [NRS 396.5449](#).

2. The total funding made available for the waiver of registration fees, laboratory fees and any other mandatory fees pursuant to [NRS 396.5449](#), including, without limitation, gifts, grants, donations and federal contributions.

[Board of Regents Handbook Title 4, Chapter 17, Section 15](#)

#### Section 15. Fee Waivers for Native Americans

1. A Native American student who is a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of Nevada, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, all or part of which is located within the boundaries of Nevada, regardless of membership status, shall be permitted to register for credit without registration fees, laboratory fees, and any other mandatory fees provided that the individual:
  - a. Is admitted pursuant to Title 4, Chapter 16;
  - b. Has been a resident of this State for not less than one year; and
  - c. Completes the Free Application for Federal Student Aid (FAFSA)
2. This policy is applicable during Fall and Spring terms only.
3. State-supported academic credit-bearing courses that lead to a certificate, associate, baccalaureate, master's, or professional degree including distance education courses, independent learning, and continuing education courses are eligible for the fee waiver. Self-supporting courses, including independent study and correspondence courses, are not eligible for waiver under this policy.
4. All mandatory student fees and special course fees are eligible for waiver under this policy.
5. A person to whom a fee waiver is awarded shall be deemed a bona fide resident of Nevada for tuition purposes.
6. To remain eligible for the fee waiver, the student must achieve at least a minimum 2.00 semester grade point average in order to maintain subsequent eligibility for the fee waiver.
7. The institution may request documentation confirming that the student is a member or descendant of a member of a federally recognized tribe or nation, all or part of which is located within the boundaries of Nevada.
8. The amount of the wavier must be equal to the amount of the registration fee and all other mandatory fees charged to the student, less any federal educational benefits received by the student, including but not limited to Pell Grant, Federal Supplemental Educational Opportunity Grant, TEACH Grant, and veterans educational benefits.
9. On or before September 1 of each year, the Chancellor's Office shall prepare a report that includes the number of students that received the waiver pursuant to this section and the aggregate dollar amount waived by institution. The report will include any funding received to off-set the waiver from gifts, grants, donations, and federal sources. Issuing of the wavier is not contingent on the receipt of funds to support the waiver. The report will be transmitted to the Board of Regents and director of the Legislative Counsel Bureau.