



UTAH SYSTEM OF
HIGHER EDUCATION

MEMORANDUM

May 10, 2023

State Aid Policy Revisions

In response to 2023 legislative changes and the need for additional clarity among state aid policies, the Commissioner's Office proposes the creation of five new policies, revising eight existing policies, and retiring seven policies. The five new policies will provide guidance for new state aid programs, the eight revised policies will update and provide greater clarity for existing programs, and the elimination of seven policies will remove outdated information. The following summarizes each proposed change:

New Policies (5)

- R627, First Responder Mental Health Services Grant
[H.B. 278](#) of the 2023 Legislative General Session created a program that grants up to \$6,000 per year for certain first responders to enroll in a program to become a mental health therapist.
- R625, International Internship Scholarship Pilot Program
The Legislature funded a pilot scholarship program that awards up to \$5,000 towards the cost of an international internship experience to eligible students who demonstrate financial need.
- R607, Prime Program Grant
[H.B. 318](#) of the 2023 Legislative General Session created a \$500 one-time scholarship for high school students earning a TRANSFORM certificate through the USBE PRIME program by completing five concurrent enrollment courses in different disciplines or a career and technical education program that is at least 300 hours or six courses.
- R617, Karen Mayne Public Safety Officer Scholarship Program
[S.B. 128](#) of the 2023 Legislative General Session created a scholarship of up to \$5,000 per year for tuition, fees, books, and POST certification for aspiring law enforcement officers seeking relevant courses of study who commit to working in law enforcement for at least five years after POST certification.
- R628, WICHE Professional Student Exchange Program
A program funded by an annual legislative appropriation that supports Utah residents who enroll in select out-of-state professional programs that are unavailable at USHE institutions, as outlined in [Utah Code 53B-4-101](#).

Revised Policies (8)

- R606, USHE Employee Partner Scholarship
Clarifies eligibility criteria and application procedures to improve the student experience and administration.
- R608 Opportunity Scholarship
Aligns policy with the statute by stipulating that a student must graduate from a *Utah* high school and removing an allowance for competency-based assessments as a course requirement.
- R611, Veterans Tuition Gap Program
[H.B. 197](#) of the 2023 Legislative General Session allowed eligible students to use scholarship funds towards education-related supplies and housing. Additional technical changes include clarity for the administration of the scholarship and requirements for institutions to report the use of scholarship funds to the Commissioner's Office to align with regular data collection.
- R614, Public Safety Officer Career Advancement Grant Program
Aligns FAFSA requirement with other state aid programs, updates qualifications based on changes in the 2023 Legislative General Session, and stipulates the distribution of funds to institutions.
- R616, Adult Learner Grant Program
Clarifies the process for allocating funding to institutions and adds requirements for institutions to report the use of scholarship funds to the Commissioner's Office to align with regular data collection.
- R620, Utah Promise Program Grant
Incorporates changes from [H.B. 197](#) of the 2023 Legislative General Session that extends the duration a student may receive the award and allows the Commissioner's Office to receive and allocate private donations to the program.
- R621, Terrel H. Bell Education Scholarship Program
Aligns FAFSA requirement with other state aid programs and clarifies the distribution of funds to institutions.
- R624, Utah Promise Partners Program
Incorporates changes from [H.B. 197](#) of the 2023 Legislative General Session to allow the Board to name an award after a donating Promise Partner, extends the duration a student may receive the award, and clarifies employee qualifications.

Retired Policies (7)

- R603, Terrel H. Bell Teaching Incentive Loan Program
The incentive loan program was converted to a grant program, and all outstanding loans were forgiven after Board action in May 2022. No outstanding loans remain for this program.
- R605, Higher Education Success Stipend Program
HESSP was merged with the Utah Promise Program in 2022. No new awards have been made for this program during the 2022-2023 school year.
- R612, Lender Participation
The program ended on June 30, 2022.
- R615, Talent Development Incentive Loan Program
The incentive loan program was converted to a grant program, and all outstanding loans were forgiven. No outstanding loans remain for this program.
- R618, UHEAA Grant
The final awards were issued in fiscal year 2022.
- R626, Lender-of-Last Resort Program
The UHEAA guarantor formal closure occurred on February 28, 2023.
- R650, Lender Certification of Obligations
The UHEAA guarantor formal closure occurred on February 28, 2023.

Commissioner's Recommendation

The Commissioner recommends the Board of Higher Education approve the proposed creation, revision, or elimination of these 20 policies.

R607, PRIME Program Grant¹

R607-1 The following policy has been codified² as Utah Administrative Code R765-607.

R607-2 References

- 2.1** Utah Code Title 53B, Chapter 2, Institutions of Higher Education
- 2.2** Utah Code § 53E-10-309, Utah PRIME Program
- 2.3** Utah Code Title 53E, Public Education System – State Administration
- 2.4** Utah Administrative Code R765-608, Opportunity Scholarship
- 2.5** Board Policy R623, Free Application for Federal Student Aid (FAFSA)

R765. Higher Education (Utah Board of), Administration.

R765-607. PRIME Program Grant.

R765-607-1. Purpose.

This rule outlines the requirements of and application process for the PRIME Program Grant, a grant for qualified applicants who earn a TRANSFORM certificate from the Utah State Board of Education (“USBE”).

R765-607-2. Authority.

This rule is authorized by Section 53E-10-309.

R765-607-3. Definitions.

- (1) “Board” means the Utah Board of Higher Education described in Section 53B-1-402.
- (2) “Eligible institution” means:
 - (a) A degree-granting institution of higher education or a technical college within the state system of higher education, as identified in Section 53B-2-101(1); or
 - (b) A private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities.
- (3) “Excusable neglect” means failure to take proper steps at the proper time, not in consequence of willful disregard of the scholarship application process, but in consequence of some unexpected or unavoidable circumstances.
- (4) “Good cause” means the applicant’s failure to meet a scholarship application process requirement was due to circumstances beyond the student’s control or circumstances that are compelling and reasonable.
- (5) “OCHE” means the Office of the Commissioner of Higher Education.
- (6) “Opportunity Scholarship” means the scholarship program described in Rule R765-608, Opportunity Scholarship.
- (7) “Scholarship staff” means staff in OCHE assigned to administer state scholarships on behalf of the Board.
- (8) “Substantial Compliance” means the applicant, in good faith, demonstrated clear intent to comply with the scholarship application requirements and has demonstrated likely eligibility, but failed to precisely comply with the application specifics.
- (9) “USBE” means the Utah State Board of Education, as described in Title 53E, Chapter 1.

R765-607-4. Private and Nonprofit College and University Eligibility.

To participate in this program, a private or nonprofit college or university must enter into an agreement with OCHE.

¹ Adopted XXX.

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

R765-607-5. Award Requirements.

(1) To qualify for the PRIME Program Grant, an applicant shall:

(a) Be awarded a TRANSFORM certificate by the USBE;

(b) Complete the scholarship application provided by the Board;

(c) Complete the FAFSA in accordance with Board Policy R623, Free Application for Federal Student Aid; and

(d) Enroll at an eligible institution full time—as defined by the institution—beginning with the fall semester after high school graduation. The institution at which the student attends shall verify the recipient has met the enrollment requirements before disbursing payment.

R765-607-6. Application Process.

(1) Applicants shall submit an official scholarship application no later than February 1st of the year that they graduate from high school. The Board may establish a priority deadline each year. Applicants who meet the priority deadline may be given first priority or consideration based on the date they completed their application. Additional criteria to prioritize awarding may be established by the Board.

(a) The application deadline for the 2023-24 academic year is July 1, 2023.

(2) Scholarship staff shall verify TRANSFORM certificate recipients with USBE before funds are awarded.

R765-607-7. Grant Amount.

(1) Subject to available funding, the Board will award qualified applicants a one-time grant of \$500 to be used at an eligible institution.

(2) Students may receive both the PRIME Program Grant and the Opportunity Scholarship. The PRIME Grant shall be applied first to tuition and fees before an Opportunity Scholarship may be awarded.

R765-607-8. Deferral or Leave of Absence.

Awardees may obtain an approved deferral or leave of absence of up to three years after the date of their high school graduation.

R765-607-9. Appeals Process.

(1) An applicant has the right to appeal an adverse decision. Upon request by the student, the scholarship staff shall provide an opportunity for the student to appeal an adverse decision to a committee of at least three impartial persons. All appeal requests must be submitted in writing within 30 days of the application notice.

(a) An appeal filed before the applicant receives official notification from scholarship staff of its decision may not be considered.

(b) If an applicant fails to file their appeal on time, scholarship staff shall notify the applicant of the late filing and give them an opportunity to provide a written explanation of the reasons for failing to file the appeal by the deadline. An appeal committee may not have jurisdiction to consider the merits of an appeal that is filed beyond the deadline unless it determines the applicant established excusable neglect.

(c) The appeal committee shall review the appeal to determine if the award decision was made in error or if the applicant demonstrated substantial compliance with the scholarship application requirements but failed to meet one or more requirements for good cause.

(d) Scholarship staff and the appeal committee do not have the authority to consider, adjust, or award a TRANSFORM certificate. Request for consideration for TRANSFORM certificate eligibility should be submitted through USBE.

(e) The appeal committee decision represents the final agency action. An applicant who disagrees with the decision may seek judicial review in accordance with Section 63G-402.

R765-607-10. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other scholarship information for the most recently completed fiscal year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

R617, Karen Mayne Public Safety Officer Scholarship Program¹

R617-1 The following policy has been codified² as Utah Administrative Code R765-617.

R617-2 References

- 2.1** Utah Code § 53B-8-112.5, Karen Mayne Public Safety Officer Scholarship Program (Karen Mayne Scholarship)
- 2.2** Utah Code Title 53, Chapter 6, Peace Officer Standards and Training Act
- 2.3** Utah Code § 53B-8-112, Public Safety Officer Career Advancement Grant Program
- 2.4** Utah Code § 53B-8c-102, Police Officer's and Firefighter's Survivor Tuition Act

R765. Higher Education (Utah Board of), Administration.

R765-617. Karen Mayne Public Safety Officer Scholarship Program.

R765-617-1. Purpose.

This rule outlines requirements, awardee responsibilities, and application procedures for the Karen Mayne Public Safety Officer Scholarship Program.

R765-617-2. Authority.

This rule is authorized by Section 53B-8-112.5.

R765-617-3. Definitions.

- (1)** “Academic Year” means the calendar year starting July 1 and ending June 30. For degree-granting institutions, this includes Fall, Summer, and Spring semesters.
- (2)** “Board” means the Utah Board of Higher Education described in Section 53B-1-402.
- (3)** “Eligible institution” means:
 - (a)** A degree-granting institution of higher education or a technical college within the state system of higher education, as identified in Section 53B-2-101(1); or
 - (b)** A private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities that enter into agreement with OCHE to participate in this program.
- (4)** “OCHE” means the Office of the Commissioner of Higher Education.
- (5)** “Peace officer” means the same as that term is defined in Section 53B-8c-102.
- (6)** “POST” means the Peace Officer Standards and Training Division created in Section 53-6-103.
- (7)** “Qualifying post-secondary program” means criminal justice, police administration, criminology, social sciences, or other program approved by the Board.
- (8)** “Scholarship staff” means OCHE staff assigned to administer state scholarships on behalf of the Board.

R765-617-4. Award Requirements.

- (1)** To qualify for the Karen Mayne Scholarship, an applicant shall:
 - (a)** Be a Utah high school graduate;
 - (b)** Complete a Karen Mayne Scholarship application, published by OCHE;
 - (c)** When eligible, enroll in a basic training course at a state certified academy as defined in Section 53-6-202;

¹ Adopted XXX.

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

(d) Enroll in a qualifying post-secondary program at an eligible institution starting the fall semester after high school graduation; and

(e) Commit to working as a peace officer in Utah for no less than five years after the day on which POST certifies the scholarship recipient.

(2) A recipient who does not enroll immediately as a student shall obtain an approved deferral from their institution.

(3) A student who receives the Public Safety Officer Career Advancement Grant, as described in Section 53B-8-112, is not eligible to participate in the Karen Mayne Public Safety Officer Scholarship Program.

R765-617-5. Awardee Responsibilities.

(1) A scholarship recipient shall:

(a) Notify the Board regarding POST certification within 15 days after the day on which POST certifies the scholarship recipient;

(b) Submit verification of employment with a Utah law enforcement agency to the Board within 15 days after the day on which the scholarship recipient is employed as a peace officer, including:

(i) The employer's name, address, and telephone number;

(ii) The date of the scholarship recipient's hiring; and

(iii) The scholarship recipient's job title; and

(c) Notify the Board of any employment changes within 15 days after the day on which the change is made.

R765-617-6. Application Process.

(1) Applicants shall submit an official scholarship application no later than June 30 before the fiscal year during which scholarship awards are made.

(2) Applicants shall submit the following documents to be considered for the Karen Mayne Public Safety Officer Scholarship:

(a) The completed Karen Mayne Public Safety Officer Scholarship Program application published by OCHE;

(b) High school transcripts that verify graduation from a Utah high school;

(c) A description of the applicant's public safety career objectives;

(d) A declaration of the applicant's admission to and intention to enroll in an eligible post-secondary program described in Section R765-617-8 at an eligible institution;

(e) Proof of completion of the FAFSA in accordance with Board Policy R623, Free Application for Federal Student Aid; and

(f) Other documentation as outlined on the annual scholarship application or requested by scholarship staff.

(3) Requirements in Subsections R765-617-6(2)(b) through (2)(f) may be included in the scholarship application described in Subsection R765-617-6(1).

(4) Students must reapply and meet the requirements for the scholarship each academic year. After an initial application is approved, a high school transcript is not required to be resubmitted.

R765-617-7. Grant Amount.

(1) Subject to available funding, qualified applicants will be awarded a scholarship that does not exceed the combined cost of tuition, fees, required textbooks, and POST training and certification.

(2) The Board may establish a maximum scholarship amount annually.

(3) A student may participate in Karen Mayne Scholarship for a maximum of four academic years.

(4) If the legislative appropriation is insufficient to cover the costs associated with the Karen Mayne Scholarship, the Board may:

(a) Reduce the amount of a grant; or

(b) Distribute grants on a pro rata basis to all eligible applicants who submitted all application material, as described in Section R765-617-6, before the application deadline.

(4) Institutions shall combine state or federal loans or grants, internships, student employment, and family and individual contributions toward financing the cost of attendance.

R765-617-8. Board Responsibilities.

(1) The Board shall:

(a) Collaborate with POST and other law enforcement and correction agencies to provide high school students with information on law enforcement careers;

(b) Notify POST when a student receives a scholarship under the program; and

(c) Include a disclosure on all applications and materials related to the program that the amount of the awarded scholarship may be subject to funding availability or reduction.

(2) The Board may cancel an award and require a scholarship recipient to repay the full amount of the scholarship award that the scholarship recipient received under the program, including money paid for tuition, fees, and required textbooks, if the scholarship recipient fails to adhere to responsibilities in Sections 765-617-4 through 6.

R765-617-9. Appeals Process.

(1) An applicant has the right to appeal an adverse decision. Upon request by the student, the scholarship staff shall provide an opportunity for the student to appeal an adverse decision to a committee of at least three impartial persons. All appeal requests must be submitted in writing within 30 days of the application notice.

R765-617-10. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other scholarship information for the most recently completed fiscal year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

R625, International Internship Scholarship Pilot Program Fund¹

R625-1 The following policy has been codified² as Utah Administrative Code R765-625.

R625-2 References

2.1 Utah Code § 53B-2-101, Institutions of Higher Education

2.2 Utah Code § 63J-1-603, Nonlapsing Authority

2.3 Board Policy R623, Free Application for Federal Student Aid (FAFSA)

R765. Higher Education (Utah Board of), Administration.

R765-625. International Internship Scholarship Pilot Program Fund.

R765-625-1. Purpose.

This rule outlines the requirements of and application process for International Internship Scholarships Pilot Program Fund.

R765-625-2. Authority.

This rule is authorized by Senate Bill 3, Appropriations Adjustments (2023).

R765-625-3. Definitions.

(1) “Board” means the Utah Board of Higher Education described in Section 53B-1-402.

(2) “USHE Degree-granting Institution” means a degree-granting institution of higher education within the state system of higher education, as identified in Section 53B-2-101(1).

(3) “OCHE” means the Office of the Commissioner of Higher Education.

(4) “Scholarship Staff” means OCHE staff assigned to administer state scholarships on behalf of the Board.

R765-625-4. Award Requirements.

(1) To qualify for the International Internship Scholarship Program, an applicant shall:

(a) Be enrolled at a USHE degree-granting institution;

(b) Complete the International Internship Scholarship Program application, published by OCHE;

(c) Complete and submit either the Free Application for Federal Student Aid (“FAFSA”) or the alternative financial form that is approved by the Board; and

(d) Demonstrate financial need based on the expected family contribution or student aid index from the FAFSA or equivalent from a Board approved alternative.

R765-625-5. Application Process.

(1) Applicants shall submit an official scholarship application no later than the annual deadline established by scholarship staff.

(2) Applicants shall submit the following documents to be considered for the International Internship Scholarship Program:

(a) The completed International Internship Scholarship Program application published by scholarship staff;

(b) Proof of enrollment at a USHE degree-granting institution;

(c) Proof of completion of either the FAFSA or an alternative financial form approved by the Board; and

(d) Other documentation as outlined on the scholarship application or requested by scholarship staff.

¹ Adopted XXX.

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

R765-625-6. Grant Amount.

(1) Subject to available funding, qualified applicants will be awarded a scholarship up to \$5,000 for the international internship program.

(2) Scholarship staff shall determine award amounts based on available funding and the number of qualified applicants. Students who demonstrate greater financial need may receive a higher award.

(3) Institutions shall combine available state or federal grants, designated institution funds, internship income, student employment, and family and individual contributions toward financing the cost of the internship.

R765-625-7. Appeals Process.

An applicant has the right to appeal an adverse decision. Upon request by the student, scholarship staff shall provide an opportunity for the student to appeal an adverse decision to a committee of at least three impartial persons. All appeal requests must be submitted in writing within 30 days of the application notice.

R765-625-8. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other scholarship information for the most recently completed fiscal year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

R628, WICHE Professional Student Exchange Program¹

R628-1 The following policy has been codified² as Utah Administrative Code R765-628.

R628-2 References

- 2.1** Utah Code § 53B-4-101, WICHE Compact
- 2.2** Board Policy R512, Determination of Resident Status

R765. Higher Education (Utah Board of), Administration.

R765-628. WICHE Professional Student Exchange Program.

R765-628-1. Purpose.

This rule outlines the application requirements and funding procedures for the WICHE Professional Student Exchange Program.

R765-628-2. Authority.

This rule is authorized by Section 53B-4-101.

R765-628-3. Definitions.

- (1) “WICHE” means the Western Interstate Commission for Higher Education.
- (2) “PSEP” means the WICHE Professional Student Exchange Program, a regional exchange program for students pursuing certain professional healthcare degrees at participating universities in other WICHE states and territories. Students pay reduced tuition because their home state pays a fee to the enrolling institution(s) to reduce tuition costs.
- (3) “Domicile” shall be defined consistent with general Utah law defining domicile, and, for purposes of determining resident student status, shall be determined by the student’s: (a) bodily presence, and (b) concurrent intent to reside permanently in that location. All persons have a domicile somewhere. A person can have only one domicile. A domicile of choice is a domicile chosen by a person to replace their former domicile. To acquire a domicile of choice in a place, a person must intend to make that place their home for the time at least. A domicile, once established, continues until it is superseded by a new domicile. Also, once established, a domicile is not lost by an absence from it for months or even years, for the purpose of business or the like, if during such absence there exists an intent to resume residence in the place of domicile following the completion of the purpose of the absence.
- (4) “Certifying officer” means the designated Commissioner’s Office employee who promotes PSEP opportunities to Utah residents, processes certification applications for prospective students seeking to enroll through eligible PSEP programs, and serves as the office liaison with WICHE staff for the purposes of processing funds for students and tracking their academic progress through graduation.
- (5) “Support fee” means the agreed upon award amount set for each eligible program and academic year. The support fee is negotiated between WICHE and the cooperating programs and is approved biennially (in even years) by the WICHE Commission.

R765-628-4. Application.

- (1) New applicants shall submit the following to the certifying officer by October 15th of the year prior to admission to an eligible professional program:
 - (a) A completed WICHE PSEP application for the State of Utah as published by the Utah Board of Higher Education;
 - (b) A signed consent and waiver form;

¹ Adopted XXX.

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

- (c) Undergraduate college transcripts; and
- (d) Additional documentation to verify domicile, as requested.
- (2) Applicants who are certified as meeting the residency requirement in Subsection R765-628-4(4) will be given one of the following certification statuses:
 - (a) Certified/Incoming (application received by October 15th, will be enrolling as a first-year student)
 - (b) Alternate Certified/Enrolled (application received by October 15th, enrolled in 2nd year or beyond of professional program).
 - (c) Alternate Late Certified/Incoming (application received after October 15, will be enrolling as a first-year student).
 - (d) Alternate Late Certified/Enrolled (application received after October 15th, enrolled in 2nd year or beyond of professional program).
- (3) Applicants must notify the certifying officer of all admission offers to cooperating programs. WICHE schools also notify WICHE's central office of offers. WICHE and the certifying officer monitor the number of certified applicants and their admission offers.
- (4) Residency Requirement. To be eligible for certification, a student must have established domicile in the State of Utah for five full consecutive years prior to the time of application.
- (5) If a student does not receive funding and wishes to recertify for the following year, the student must reapply and submit all required documentation for Utah certification.

R765-628-5. Funding Applicants.

- (1) The number of new students funded in each approved field is determined by available funding. All returning PSEP students who were awarded in prior academic years and who have remained in good academic standing will receive priority for funding before new applicants are considered. The student is responsible for determining how they define good academic standing. WICHE tracks academic progress and reports concerns to the certifying officer.
- (2)(a) If insufficient funding exists to award all new applicants with admission offers, the certifying officer shall rank new applicants, as follows: Certified/Incoming students are given first consideration followed by Alternate Certified/enrolled students, then alternate late certified/incoming, and lastly alternate late certified/enrolled students.
 - (b) If further ranking is required within the groups above, students will be ranked by the following categories until all available funding is awarded:
 - (i) Student institutional rankings for Utah applicants, provided to WICHE confidentially;
 - (ii) Application submission date;
 - (iii) Cumulative undergraduate GPA; and
 - (iv) Length of Utah residency.
- (3)(a) If offered funding, a student must return the following documents no later than the deadline set by the certifying officer:
 - (i) A signed contract accepting the funding, agreeing to the terms of funding, and acknowledging intent to return to Utah to practice their profession upon completion of the program; and
 - (ii) A copy of their final acceptance letter to an approved optometry/podiatry program.
- (b) If the required documentation is not submitted by the established deadline, the student may forfeit their PSEP eligibility.
- (4) Students receiving military, federal, or private scholarships or full fellowships that cover tuition are ineligible to receive WICHE support. Cases in which tuition is partially covered are considered on an individual basis.

R765-628-6. Continued Eligibility.

- (1) After a student is certified and awarded, the state agrees to continue to provide a support fee for that student through the normal duration of the program, as defined by WICHE, subject to appropriation of necessary funds, and provided that the student remains in good academic standing, as defined by the attending institution. Standard programs in optometry and podiatry are four years in duration. WICHE monitors academic progress annually until all degree requirements have been met and communicates any changes in status (leave of absence, academic probation, etc.) with the certifying officer. The Commissioner's Office will not support students for duplicative coursework.
- (2) Leaves of absence may be considered for unexpected or sudden circumstances that arise after a student enrolls in an eligible program. Students must obtain an approved leave of absence from their

enrolling program. Once institutional approval is obtained, leaves for purposes of PSEP may be approved by the certifying officer for no more than one year at a time. WICHE must also be notified by the certifying officer and/or the enrolling program. Funding provided for incomplete or failed coursework may result in reduced funding upon return to enrollment. Leaves of absence for more than one year may require a student to reapply for PSEP funding to be considered for funding upon return.

(3) The certifying officer may request documentation to verify continued enrollment, Utah residency, intent to return to Utah post-graduation, or other pertinent information to remain eligible for funding.

R765-628-7. Funding for WICHE Meetings.

Funding from the legislative appropriation may be used for WICHE Commission membership dues and travel for staff to attend related annual WICHE meetings.

R627, First Responder Mental Health Services Grant¹

R627-1 The following policy has been codified² as Utah Administrative Code R765-627.

R627-2 References

- 2.1** Utah Code § 53B-8-117, First Responder Mental Health Services Grant Program
- 2.2** Utah Code Title 49, Chapter 11, Utah State Retirement Systems Administration
- 2.3** Utah Code Title 58, Chapter 60, Mental Health Professional Practice Act
- 2.4** Utah Code § 53B-1-102, Utah System of Higher Education
- 2.5** Utah Code § 63G-4-402, Judicial Review – Informal Adjudicative Proceedings

R765. Higher Education (Utah Board of), Administration.

R765-627. First Responder Mental Health Services Grant.

R765-627-1. Purpose.

This rule outlines the requirements of and application process for First Responder Mental Health Services Grant Program.

R765-627-2. Authority.

This rule is authorized by Section 53B-8-117.

R765-627-3. Definitions.

(1) “Academic Year” means the calendar year starting July 1 and ending June 30. For degree-granting institutions, this includes Fall, Summer, and Spring semesters of the corresponding academic year.

(2) “Board” means the Utah Board of Higher Education described in Section 53B-1-402.

(3) “Eligible institution” means an institution of higher education as defined in Section 53B-1-102.

(4) “OCHE” means the Office of the Commissioner of Higher Education.

(5) “Scholarship staff” means OCHE staff assigned to administer state scholarships on behalf of the Board.

R765-627-4. Award Requirements

(1) To qualify for the First Responder Mental Health Services Grant, an applicant shall be:

(a) A full-time employee or a retiree, as defined in Section 49-11-102, who is an active member of or has qualified for an allowance under the requirements of:

(i) Title 49, Chapter 14, Public Safety Contributory Retirement Act;

(ii) Title 49, Chapter 15, Public Safety Noncontributory Retirement Act;

(iii) Title 49, Chapter 16, Firefighters' Retirement Act; or

(iv) Title 49, Chapter 23, New Public Safety and Firefighter Tier II Contributory Retirement Act;

and

(b) Seeking a post-secondary degree or certification to become a mental health therapist, as that term is defined in Section 58-60-102, at an eligible institution.

R765-627-5. Application Process

(1) Applicants shall submit a grant application no later than June 30 before the fiscal year during which awards are made.

¹ Adopted XXX.

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

(2) Required Documentation. Applicants shall submit the following documents:

(a) The completed First Responder Mental Health Services Grant application published by OCHE;

(b) Documentation demonstrating enrollment in eligible public safety retirement program, as described in Subsection R765-627-4(1)(a);

(c) A description of the applicant's mental health services career objectives;

(d) A declaration of the applicant's intention to enroll in a program that leads to certification as a mental health professional at an eligible institution; and

(e) Other documents as outlined on the annual grant application or as requested by scholarship staff.

(f) Requirements in Subsections R765-627-5(2)(b) through (2)(f) may be included in the grant application described in Subsection R765-627-5(2)(a).

(3) To be considered for the award each year, applicants shall reapply annually.

R765-627-6. Grant Amounts.

(1) Subject to available funding, qualified applicants may be awarded a grant up to the cost of tuition and fees, with a maximum award of \$6,000 each academic year.

(2) A student may participate in First Responder Mental Health Services Grant for a maximum of four academic years.

(3) If the legislative appropriation is insufficient to cover the costs associated with the First Responder Mental Health Services Grant Program, the Board may:

(a) Reduce the amount of a grant; or

(b) Distribute grants on a pro rata basis to all eligible applicants who submitted all application material, as described in Section 5.2, before the application deadline.

(4) Institutions shall combine state or federal loans or grants, internships, student employment, and family and individual contributions toward financing the cost of attendance.

(5) The amount of the awards may be subject to funding or be reduced. This information shall be included as a disclosure on the application form.

R765-627-7. Transfers.

Recipients may transfer to the same program at another eligible institution and retain grant eligibility if they meet all requirements in Subsection R765-627-4. Transfer students are responsible for communication with financial aid offices at each institution and with scholarship staff in advance of the application deadline.

R765-627-8. Appeals Process.

An applicant has the right to appeal an adverse decision. Upon request by the student, the scholarship staff shall provide the student an opportunity to appeal an adverse decision to a committee of at least three impartial persons. All appeal requests must be submitted in writing within 30 days of the application notice.

R765-627-9. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other grant information for the most recently completed academic year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

R606, USHE Employee Partner Scholarship¹

R606-1 The following policy has been codified² as Utah Administrative Code R765-606.

R606-2 References

2.1 [Utah Code § 53B-13a-106](#), Utah Promise Partners

R606-3 Policy

R765. Higher Education (Utah Board of), Administration.

R765-606. USHE Employee Partner Scholarship

R765-606-1. Purpose.

This rule outlines the process and application procedures for employees of a Utah System of Higher Education (“USHE”) institution to receive a scholarship to attend another USHE institution.

R765-606-2. Authority.

This rule is authorized by Section 53B-13a-106.

R765-606-3. Definitions.

(1) “USHE Employee Partner Scholarship” means a scholarship award available to employees of a USHE institution or the Office of the Commissioner of Higher Education (“OCHE”).

(2) “USHE Employee Scholarship Advisory Committee” (“Committee”) means a committee comprised of representatives appointed by the Commissioner of Higher Education to provide recommendations for awarding scholarships.

(3) “Fiscal Year” means the calendar year starting July 1, and ending June 30. For degree-granting institutions, this includes Summer, Fall and Spring semesters of the corresponding academic year.

R765-606-4. Scholarship Award.

The Commissioner, or their designee, may award a one-year USHE Employee Partner Scholarship to an individual employed at a USHE institution for up to 50% of tuition and fees if the employee:

- (1) Is employed at a USHE institution full-time;
- (2) Has been admitted to a USHE institution other than the one at which they are employed, and has declared intention to enroll; and
- (3) Intends to pursue a program of study leading to a certificate, degree or other credential related to their current job duties or a related career progression.

R765-606-5. Application Procedures.

An eligible employee must submit a scholarship application by ~~May 30~~ a deadline set by OCHE.

(1) Annually, the scholarship application shall be made available to USHE institution Human Resources Directors, or their identified equivalent, who are responsible for notifying USHE employees at their institution about this program.

(2) Applicants must receive, and include in their application, written approval of a Dean, Assistant Vice-President or equivalent (or any employee more senior) that the applicant’s educational pursuit is related to the applicant’s current job duties or related career progression.

(3) Applicants must submit the scholarship application published by OCHE.

R765-606-6. Scholarship Administration.

(1) The Commissioner, or their designee, shall annually determine the available funds to be applied to this program, the maximum scholarship award amount, and which applicants may receive an award.

¹ *Adopted XXX.*

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

When determining scholarship awards under this policy, the Commissioner, or their designee, shall consider recommendations submitted by the USHE Employee Scholarship Advisory Committee.

(2) A scholarship award cannot exceed 50% of tuition and fees during the fiscal year for which the award is made or for the total duration of the program in which the recipient is enrolled, whichever occurs first.

(3) OCHE shall transfer award funds to USHE institutions on behalf of recipients.

(4) Institutions shall return any unexpended funds awarded to a recipient during the fiscal year and accompanying expenditure documentation by June 30 of the corresponding fiscal year.

R765-606-7. USHE Employee Scholarship Advisory Committee.

(1) Annually, every USHE President shall identify one employee for consideration to serve on the Committee.

(2) Annually, the Commissioner shall appoint up to 6 employees from any USHE institution from nominees identified by USHE presidents to serve on the Committee.

(3) A nominee may not apply for a scholarship award for the year in which she or he serves on the Committee.

(4) The Committee shall recommend to the Commissioner, or their designee, the proportion of scholarship awards to be awarded for any certificate or degree type offered at any USHE institution.

(5) The Committee shall use all available information to inform its recommendation including available funds, programs of study current applicants intend to pursue, programs considered to most advance the skills of current applicants, and the extent current applicants will fulfill the strategic objectives of the Board by receiving an award.

(6) The Committee shall submit its recommendation to the Commissioner, or their designee, by June 30 annually.

R765-606-8. Scholarship Administration.

(1) After providing a recipient notice and an opportunity to respond, an institution may rescind a recipient's scholarship if it determines the recipient has not met the requirements of Subsection R765-606-4.

(2) Recipients may reapply for the scholarship annually. Those who received the scholarship during the previous year shall be given priority in the application and award process.

(3) Recipients may receive a scholarship award for up to five consecutive years in a single program, subject to the requirements of this Subsection.

R765-606-9. Transfers.

Recipients may transfer to the same program at another eligible institution and retain the scholarship if they meet all requirements in Subsection R765-606-4. Transfer students are ultimately responsible for communication with financial aid offices at each institution and OCHE well in advance. Transfer students must maintain full-time employment status at the same institution at which they were employed at the time of application. The receiving institution is responsible to make any adjustments in a recipient's award. Higher cost of tuition and fees at the new institution are subject to available funding in this program at the time of transfer.

R765-606-10. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other scholarship information for the most recently completed fiscal year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.



R606, USHE Employee Partner Scholarship¹

R606-1 The following policy has been codified² as Utah Administrative Code R765-606.

R606-2 References

2.1 Utah Code § 53B-13a-106, Utah Promise Partners

R606-3 Policy

R765. Higher Education (Utah Board of), Administration.

R765-606. USHE Employee Partner Scholarship

R765-606-1. Purpose.

This rule outlines the process and application procedures for employees of a Utah System of Higher Education ("USHE") institution to receive a scholarship to attend another USHE institution.

R765-606-2. Authority.

This rule is authorized by Section 53B-13a-106.

R765-606-3. Definitions.

(1) "USHE Employee Partner Scholarship" means a scholarship award available to employees of a USHE institution or the Office of the Commissioner of Higher Education ("OCHE").

(2) "USHE Employee Scholarship Advisory Committee" ("Committee") means a committee comprised of representatives appointed by the Commissioner of Higher Education to provide recommendations for awarding scholarships.

(3) "Fiscal Year" means the calendar year starting July 1, and ending June 30. For degree-granting institutions, this includes Summer, Fall and Spring semesters of the corresponding academic year.

R765-606-4. Scholarship Award.

The Commissioner, or their designee, may award a one-year USHE Employee Partner Scholarship to an individual employed at a USHE institution for up to 50% of tuition and fees if the employee:

(1) Is employed at a USHE institution full-time;

(2) Has been admitted to a USHE institution other than the one at which they are employed, and has declared intention to enroll; and

(3) Intends to pursue a program of study leading to a certificate, degree or other credential related to their current job duties or a related career progression.

R765-606-5. Application Procedures.

An eligible employee must submit a scholarship application by ~~May 30~~ a deadline set by OCHE before the fiscal year during which scholarship awards are made.

(1) Annually, the scholarship application shall be made available to USHE institution Human Resources Directors, or their identified equivalent, who are responsible for notifying USHE employees at their institution about this program.

(2) Applicants must receive, and include in their application, written approval of a Dean, Assistant Vice-President or equivalent (or any employee more senior) that the applicant's educational pursuit is related to the applicant's current job duties or related career progression.

(3) Applicants must submit the scholarship application published by OCHE.

R765-606-6. Scholarship Administration.

(1) The Commissioner, or their designee, shall annually determine the available funds to be applied

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¹ Adopted XXX.

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

to this program, the maximum scholarship award amount, and which applicants may receive an award. When determining scholarship awards under this policy, the Commissioner, or their designee, shall consider recommendations submitted by the USHE Employee Scholarship Advisory Committee.

(2) A scholarship award cannot exceed 50% of tuition and fees during the fiscal year for which the award is made or for the total duration of the program in which the recipient is enrolled, whichever occurs first.

(3) OCHE shall ~~annually~~ transfer award funds to USHE institutions on behalf of recipients.

(4) Institutions shall return any unexpended funds awarded to a recipient during the fiscal year ~~and accompanying expenditure documentation~~ by June 30 of the corresponding fiscal year.

R765-606-7. USHE Employee Scholarship Advisory Committee.

(1) Annually, every USHE President shall identify one employee for consideration to serve on the Committee.

(2) Annually, the Commissioner shall appoint up to 6 employees from any USHE institution from nominees identified by USHE presidents to serve on the Committee.

(3) A nominee may not apply for a scholarship award for the year in which she or he serves on the Committee.

(4) The Committee shall recommend to the Commissioner, or their designee, the proportion of scholarship awards to be awarded for any certificate or degree type offered at any USHE institution.

(5) The Committee shall use all available information to inform its recommendation including available funds, programs of study current applicants intend to pursue, programs considered to most advance the skills of current applicants, and the extent current applicants will fulfill the strategic objectives of the Board by receiving an award.

(6) The Committee shall submit its recommendation to the Commissioner, or their designee, by June 30 annually.

R765-606-8. Scholarship Administration.

(1) After providing a recipient notice and an opportunity to respond, an institution may rescind a recipient's scholarship if it determines the recipient has not met the ~~following~~ requirements of ~~Subsection R765-606-4~~.

~~(a) Maintaining satisfactory academic progress toward the completion of the recipient's program in accordance with the institution's policies;~~

~~(b) Being enrolled at least half-time as determined by the institution;~~

~~(c) Maintaining full-time employment at a USHE institution;~~

(2) Recipients may reapply for the scholarship annually. Those who received the scholarship during the previous year shall be given priority in the application and award process.

(3) Recipients may receive a scholarship award for up to five consecutive years in a single program, subject to the requirements of this ~~Subsection~~.

~~R765-606-8. Deferment~~

~~A recipient may seek deferment of an award in accordance with applicable deferral policies at the eligible institution.~~

R765-606-9. Transfers.

Recipients may transfer to the same program at another eligible institution and retain the scholarship if they meet all requirements in ~~Subsection R765-606-4~~. Transfer students are ultimately responsible for communication with financial aid offices at each institution ~~and OCHE~~ well in advance. Transfer students must maintain full-time employment status at the same institution at which they were employed at the time of application. The receiving institution is responsible to make any adjustments in a recipient's award. Higher cost of tuition and fees at the new institution are subject to available funding in this program at the time of transfer.

R765-606-10. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other scholarship information for the most recently completed fiscal year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this ~~policy~~ ~~rule~~.

R608, Opportunity Scholarship¹

R608-1 The following policy has been codified² as Utah Administrative Code R765-608.

R608-2 References.

2.1 [Utah Code § 53B-8-201](#), Opportunity Scholarship Program

R765. Higher Education (Utah Board of), Administration.

R765-608. Opportunity Scholarship

R765-608-1. Purpose.

This rule outlines award requirements, application procedures, and other information for the Opportunity Scholarship.

R765-608-2. Authority.

This rule is authorized by Section 53B-8-201.

R765-608-3. Definitions.

(1) “Advanced Course” means a course offered via concurrent enrollment (CE), advanced placement (AP), or international baccalaureate (IB) and identified by the Utah Board of Education as earning core credit in the required subject area.

(2) “Board” means the Utah Board of Higher Education.

(3) “Eligible Institutions” means degree-granting institutions of higher education listed in [section 53B-2-102](#), or a Utah private, nonprofit postsecondary institution that is accredited by a regional accrediting organization recognized by the Board.

(4) “Excusable Neglect” means a failure to take proper steps at the proper time, not in consequence of willful disregard of the scholarship application process, but in consequence of some unexpected or unavoidable circumstances.

(5) “Good Cause” means the applicant’s failure to meet a scholarship application process requirement was due to circumstances beyond the student’s control or circumstances that are compelling and reasonable.

(6) “High School” means a Utah public school established by the Board or a private high school accredited by a regional accrediting body approved by the Board.

(7) “Scholarship Appeals Committee” means a committee designated by the Commissioner of Higher Education to review appeals of Opportunity Scholarship award decisions and take final agency action regarding awards.

(8) “Scholarship Award” means a scholarship awarded to all applicants who meet the eligibility requirements of Subsection R765-608-4.

(9) “Scholarship Staff” means the employees assigned review Opportunity Scholarship applications and make decisions awarding the scholarships.

(10) “Substantial Compliance” means the applicant, in good faith, demonstrated clear intent to comply with the scholarship application requirements and has demonstrated likely eligibility, but failed to precisely comply with the application specifics.

R765-608-4. Award Requirements.

(1) To qualify for the Opportunity Scholarship, the applicant shall satisfy the following criteria:

- (a) Graduate from a Utah high school with a minimum, non-weighted GPA of 3.3;
- (b) Complete one advanced Mathematics course;
- (c) Complete one advanced Language Arts course;

¹ *Adopted May 5, 2021; amended May 20, 2022, and XXX.*

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

(d) Complete one advanced Science course; and
(e) Complete and submit either the Free Application for Federal Student Aid (FAFSA) or the alternative financial form approved by the Board.

(2) Under Section 63G-12-402, verification of lawful presence in the United States is not required to be eligible for a scholarship under this policy.

(3) Students who will graduate from a Utah high school in 2022 or later may alternatively qualify for the Opportunity Scholarship if they satisfy the following criteria:

- (a) Graduate from a Utah high school with a minimum, non-weighted GPA of 3.3;
- (b) Complete four credits of English;
- (c) Complete four credits of math, including one course of advanced math;
- (d) Complete three credits of lab-based biology, chemistry, and physics;
- (e) Complete two credits of world languages;
- (f) Complete three credits of social science; and
- (g) Complete and submit either the Free Application for Federal Student Aid (FAFSA) or the scholarship alternative financial form available.

(4) For purposes of Subsections R765-608-4(1)(b) and (3)(c), advanced Mathematics means any of the following courses: pre-calculus, calculus, statistics, AP calculus AB, AP calculus BC, AP statistics, college courses Math 1030 and higher, IB Math SL, HL, and Further Math.

(5) Students who will graduate from a Utah high school in 2022 or later must apply for the Opportunity Scholarship using the eligibility criteria in either Subsection R765-608-4(1) or (2), exclusively. They may not qualify for the Opportunity Scholarship by mixing courses from both sets of criteria.

(a) The courses listed in Subsections R765-608-4(1) or (2) are not always analogous. Students who will graduate in 2022 or later should verify the courses they are completing meet the eligibility requirements under the subsection through which they elect to apply.

(b) **Mandatory Enrollment.** An award recipient shall enroll at an eligible institution full time—as defined by the institution—beginning with the fall semester after high school graduation. The institution at which the student attends shall verify the recipient has met the enrollment requirements before disbursing payment.

R765-608-5. Application Procedures.

(1) **Application Deadline.** Applicants shall submit an official scholarship application no later than February 1 of the year that they graduate from high school. The Board may establish a priority deadline each year. Applicants who meet the priority deadline may be given first priority or consideration for the scholarship. Subject to funding, students may be considered based on the date of they completed and submitted their application. Additional criteria to prioritize awarding may be established by the Board.

(2) **Required Documentation.** Applicants shall submit the following documents:

- (a) The online Opportunity Scholarship application;
- (b) A completed online Free Application for Federal Student Aid or the Board approved financial form; and
- (c) If graduating from a private high school in Utah, an official high school transcript.

(3) If there is an error with the student's transcript, a student must work with their high school or district to rectify the information to complete an application.

R765-608-6. Award Amounts and Ongoing Eligibility.

(1) **Award Determination.** The Board will determine eligibility criteria and maximum award amounts annually, based on legislative appropriations and the number of eligible applicants.

(2) **Scholarship Award.** Students who meets the eligibility criteria may receive up to a four-semester scholarship award. Institutions shall determine individual recipient award amounts in accordance with Section 53B-8- 201(3).

(3) **Ongoing Eligibility.** If a student receives an award disbursement, the recipient must enroll at an eligible institution full time and maintain satisfactory academic progress as defined by the institution to remain eligible for future disbursements. Institutions shall verify the recipient has met these requirements. Recipients who do not maintain eligibility forfeit any remaining award amount.

R765-608-7. Time Limitations and Deferrals.

(1) **Time Limitation.** Scholarship funds are only available to a recipient for five years after their high school graduation date.

(2) **Deferral or Leave of Absence.** Recipients who will not enroll as a student shall apply for a deferral or leave of absence with their institution.

- (a) An approved deferral or leave of absence will not extend the time limits of the scholarship. The

scholarship may only be used for academic semesters that begin within five years after the recipient's high school graduation date.

(b) A recipient who elects to attend a USHE technical college may defer the Opportunity Scholarship during that period of enrollment subject to the time limitations of Subsection R765-608-7(1).

R765-608-8. Transfers.

Recipients may transfer to another eligible institution and retain the scholarship award. Recipients shall inform the institution from which they transfer from and the institution to which they are transferring of their intent to transfer. Institutions shall coordinate the transfer of scholarship funds and information and report this information to the Office of the Commissioner.

R765-608-9. Appeals.

(1) An applicant has the right to appeal an adverse decision. When scholarship staff denies eligibility, they shall issue a written determination that includes instructions on how to file an appeal.

(2)(a) Applicants must submit a written appeal to the Appeal Committee within 30 days of the date on which the scholarship notification was issued.

(b) In the appeal, the applicant must provide contact information, high school attended, a statement of the reason for the appeal, and all information or evidence that supports the appeal.

(3) An appeal filed before the applicant receives official notification from the scholarship staff of its decision may not be considered.

(4) If an applicant fails to file their appeal on time, the Scholarship Appeals Committee shall notify the applicant of the late filing and give them an opportunity to provide a written explanation of the reasons for failing to file the appeal by the deadline. The Scholarship Appeals Committee shall not have jurisdiction to consider the merits of an appeal that is filed beyond the deadline unless it determines the applicant established excusable neglect.

(5) The Scholarship Appeals Committee shall review the appeal to determine if the award decision was made in error, or if the applicant demonstrated substantial compliance with the scholarship application requirements but failed to meet one or more requirements for good cause.

(6) If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that the initial decision was made in error, it shall either reverse the initial decision or remand it back to the scholarship staff for further review in accordance with the Appeals Committee's instructions.

(7) If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that they demonstrated substantial compliance with the application process requirements and good cause for failing to meet one or more of the requirements, the Appeals Committee may grant the applicant a reasonable period of time to complete the remaining requirements and to resubmit the completed application to the scholarship staff for a redetermination or grant the application eligibility for an award.

(8) The Scholarship Appeals Committee's decision shall be in writing and contain its findings of facts, reasoning and conclusions of law and notice of the right to judicial review.

(9) The Scholarship Appeals Committee's decision represents the final agency action. An applicant who disagrees with the Scholarship Appeal Committee's Decision may seek judicial review in accordance with Section 63G-4-402.

R765-608-10. Reporting.

(1) As specified by the Office of the Commissioner, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other technical education scholarship information for the most recently completed fiscal year.

(2) The Office of the Commissioner or the Board may, at any time, request additional documentation or data related to the Opportunity Scholarship Program and may review or formally audit an institution's documentation and compliance with this rule.



R608, Opportunity Scholarship¹

R608-1 The following policy has been codified² as Utah Administrative Code R765-608.

R608-2 References.

2.1 Utah Code § 53B-8-201, Opportunity Scholarship Program

R765. Higher Education (Utah Board of), Administration.

R765-608. Opportunity Scholarship

R765-608-1. Purpose.

This rule outlines award requirements, application procedures, and other information for the ~~The Opportunity Scholarship encourages students to complete advanced courses in core subject areas while in high school, to make higher education more accessible and to reward students for preparing academically for college.~~

R765-608-2. Authority.

This rule is authorized by Section 53B-8-201.

R765-608-3. Definitions.

(1) “Advanced Course” means a course offered via concurrent enrollment (CE), advanced placement (AP), or international baccalaureate (IB) and identified by the Utah Board of Education as earning core credit in the required subject area.

(2) “Board” means the Utah Board of Higher Education.

~~(3) “Eligible Institutions” means degree-granting institutions of higher education listed in Utah~~

~~(3) Code Section 53B-2-10+(1)2, or a Utah private, nonprofit college or university in Utah postsecondary institution that is accredited by the Northwest Commission on Colleges and Universities a regional accrediting organization recognized by the Board.~~

(4) “Excusable Neglect” means a failure to take proper steps at the proper time, not in consequence of willful disregard of the scholarship application process, but in consequence of some unexpected or unavoidable circumstances.

(5) “Good Cause” means the applicant’s failure to meet a scholarship application process requirement was due to circumstances beyond the student’s control or circumstances that are compelling and reasonable.

(6) “High School” means a Utah public school established by the Board or a private high school accredited by a regional accrediting body approved by the Board.

(7) “Scholarship Appeals Committee” means a committee designated by the Commissioner of Higher Education to review appeals of Opportunity Scholarship award decisions and take final agency action regarding awards.

(8) “Scholarship Award” means a scholarship awarded to all applicants who meet the eligibility requirements of Subsection R765-608-4.

(9) “Scholarship Staff” means the employees assigned review Opportunity Scholarship applications and make decisions awarding the scholarships.

(10) “Substantial Compliance” means the applicant, in good faith, demonstrated clear intent to comply with the scholarship application requirements and has demonstrated likely eligibility, but failed to precisely comply with the application specifics.

R765-608-4. Award Requirements.

(1) To qualify for the Opportunity Scholarship, the applicant shall satisfy the following criteria:

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¹ Adopted May 5, 2021; amended May 20, 2022, and XXX.

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

- (a) Graduate from a Utah high school with a minimum, non-weighted GPA of 3.3;
- (b) Complete one advanced Mathematics course;
- (c) Complete one advanced Language Arts course;
- (d) Complete one advanced Science course; and
- (e) Complete and submit either the Free Application for Federal Student Aid (FAFSA) or the alternative financial form approved by the Board.

(2) Under ~~Utah Code Section~~ 63G-12-402, verification of lawful presence in the United States is not required to be eligible for a scholarship under this policy.

(3) Students who will graduate from a Utah high school in 2022 or later may alternatively qualify for the Opportunity Scholarship if they satisfy the following criteria:

- (a) Graduate from a Utah high school with a minimum, non-weighted GPA of 3.3;
- (b) Complete four credits of English;
- (c) Complete four credits of math, including one course of advanced math;
- (d) Complete three credits of lab-based biology, chemistry, and physics;
- (e) Complete two credits of world languages;
- (f) Complete three credits of social science; and
- (g) Complete and submit either the Free Application for Federal Student Aid (FAFSA) or the scholarship alternative financial form available.

(4) For purposes of ~~s Subsections R765-608-4(1)(b) and (3)(c)-2~~, advanced Mathematics means any

of the following courses: pre-calculus, calculus, statistics, AP calculus AB, AP calculus BC, AP statistics, college courses Math 1030 and higher, IB Math SL, HL, and Further Math.

(5) Students who will graduate from a Utah high school in 2022 or later must apply for the Opportunity Scholarship using the eligibility criteria in either ~~Subsection R765-608-4(1) or (2)~~ or subsection 4.2 exclusively. They may not qualify for the Opportunity Scholarship by mixing courses from both sets of criteria.

(a) The courses listed in ~~s Subsections R765-608-4(1) or (2)~~ are not always analogous. Students who will graduate in 2022 or later should verify the courses they are completing meet the eligibility requirements under the subsection through which they elect to apply.

~~(b) A student may satisfy a course requirement through a competency-based assessment provided it is documented for credit on an official transcript.~~

(b) Mandatory Enrollment. An award recipient shall enroll at an eligible institution full time—as defined by the institution—beginning with the fall semester after high school graduation. The institution at which the student attends shall verify the recipient has met the enrollment requirements before disbursing payment.

R765-608-5. Application Procedures.

(1) Application Deadline. Applicants shall submit an official scholarship application no later than February 1 of the year that they graduate from high school. The Board may establish a priority deadline each year. Applicants who meet the priority deadline may be given first priority or consideration for the scholarship. Subject to funding, students may be considered based on the date of they completed and submitted their application. Additional criteria to prioritize awarding may be established by the Board.

(2) Required Documentation. Applicants shall submit the following documents:

- (a) The online Opportunity Scholarship application;
- (b) A completed online Free Application for Federal Student Aid or the Board approved financial form; and
- (c) If graduating from a private high school in Utah, an official high school transcript.

(3) If there is an error with the student's transcript, a student must work with their high school or district to rectify the information to complete an application.

R765-608-6. Award Amounts and Ongoing Eligibility.

(1) Award Determination. The Board will determine eligibility criteria and maximum award amounts annually, based on legislative appropriations and the number of eligible applicants.

(2) Scholarship Award. Students who meets the eligibility criteria may receive up to a four-semester scholarship award. Institutions shall determine individual recipient award amounts in accordance with ~~Utah Code Section~~ 53B-8- 201(3).

(3) Ongoing Eligibility. If a student receives an award disbursement, the recipient must enroll at an eligible institution full time and maintain satisfactory academic progress as defined by the institution to remain eligible for future disbursements. Institutions shall verify the recipient has met these requirements. Recipients who do not maintain eligibility forfeit any remaining award amount.

R765-608-7. Time Limitations and Deferrals.

(1) Time Limitation. Scholarship funds are only available to a recipient for five years after their high school graduation date.

(2) Deferral or Leave of Absence. Recipients who will not enroll as a student shall apply for a deferral or leave of absence with their institution.

(a) An approved deferral or leave of absence will not extend the time limits of the scholarship. The scholarship may only be used for academic semesters that begin within five years after the recipient's high school graduation date.

(b) A recipient who elects to attend a USHE technical college may defer the Opportunity Scholarship during that period of enrollment subject to the time limitations of Subsection [R765-608-7\(1\)](#).

R765-608-8. Transfers.

Recipients may transfer to another eligible institution and retain the scholarship award. Recipients shall inform the institution from which they transfer from and the institution to which they are transferring of their intent to transfer. Institutions shall coordinate the transfer of scholarship funds and information and report this information to the Office of the Commissioner.

R765-608-9. Appeals.

(1) An applicant has the right to appeal an adverse decision. When scholarship staff denies eligibility, they shall issue a written determination that includes instructions on how to file an appeal.

(2)(a) Applicants must submit a written appeal to the Appeal Committee within 30 days of the date on which the scholarship notification was issued.

(b) In the appeal, the applicant must provide contact information, high school attended, a statement of the reason for the appeal, and all information or evidence that supports the appeal.

(3) An appeal filed before the applicant receives official notification from the scholarship staff of its decision may not be considered.

(4) If an applicant ~~failed-fails~~ to file their appeal on time, the Scholarship Appeals Committee shall notify the applicant of the late filing and give ~~them him or her~~ an opportunity to provide a written explanation of the reasons for failing to file the appeal by the deadline. The Scholarship Appeals Committee shall not have jurisdiction to consider the merits of an appeal that is filed beyond the deadline unless it determines the applicant established excusable neglect.

(5) The Scholarship Appeals Committee shall review the appeal to determine if the award decision was made in error, or if the applicant demonstrated substantial compliance with the scholarship application requirements but failed to meet one or more requirements for good cause.

(6) If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that the initial decision was made in error, it shall either reverse the initial decision or remand it back to the scholarship staff for further review in accordance with the Appeals Committee's instructions.

(7) If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that they demonstrated substantial compliance with the application process requirements and good cause for failing to meet one or more of the requirements, the Appeals Committee may grant the applicant a reasonable period of time to complete the remaining requirements and to resubmit the completed application to the scholarship staff for a redetermination or grant the application eligibility for an award.

(8) The Scholarship Appeals Committee's decision shall be in writing and contain its findings of facts, reasoning and conclusions of law and notice of the right to judicial review.

(9) The Scholarship Appeals Committee's decision represents the final agency action. An applicant who disagrees with the Scholarship Appeal Committee's Decision may seek judicial review in accordance with [Utah Code Ann. Section 63G-4-402](#).

R765-608-10. Reporting.

(1) As specified by the Office of the Commissioner, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other technical education scholarship information for the most recently completed fiscal year.

(2) The Office of the Commissioner or the Board may, at any time, request additional documentation or data related to the Opportunity Scholarship Program and may review or formally audit an institution's documentation and compliance with this ~~policy~~[rule](#).

R611, Veterans Tuition Gap Program ¹

R611-1 The following policy has been codified as [Utah Administrative Code R765-611](#).

R611-2 References.

- 2.1** [Utah Code § 68-3-12.5\(37\)\(a\)](#), Definitions for Utah Code of Veteran
- 2.2** [Utah Code § 53B-8-106](#), Resident tuition – Requirements – Rules
- 2.3** [Utah Code § 53B-8-102](#), Definition of Resident Student
- 2.4** [Utah Code Title 53B, Chapter 13b](#), Veterans Tuition Gap Program Act
- 2.5** [Board Policy R512](#), Determination of Resident Status

R765. Higher Education (Utah Board of), Administration.

R765-611. Veterans Tuition Gap Program.

R765-611-1. Purpose.

The purpose of this rule is to provide the rules and procedures for implementing Title 53B, Chapter 13b, Veterans Tuition Gap Program Act.

R765-611-2. Authority.

This rule is authorized by Section 53B-13b-104(3)(c).

R765-611-3. Definitions.

- (1) "Board" means the Utah Board of Higher Education.
- (2) "Education-related supplies" means necessary supplies to complete required courses."
- (3) "Eligible housing allowance" means the amount established by each institution for housing.
- (4) "Eligible institution" means a higher education institution that grants baccalaureate degrees

and is:

- (a) a public institution of higher education described in Subsection 53B-2-101(1); or
- (b) a private, nonprofit, postsecondary institution that is:
 - (i) recognized by the Internal Revenue Service or the state;
 - (ii) located within the state; and
 - (iii) accredited by an accrediting organization recognized by the U.S. Department of

Education.

(5) "FAFSA" means the financial reporting form known as Free Application for Federal Student Aid that is administered by the U.S. Department of Education to determine the need and eligibility of a higher education student for financial aid.

(6) "OCHE" means the Office of the Commissioner of Higher Education.

(7) "VeT Gap" means Veterans Tuition Gap Program.

R765-611-4. Program Description and Length of Award Year.

(1) VeT Gap is a state supplement grant to provide assistance that can cover tuition, fees, books, education-related supplies, and a housing allowance at an eligible institution for veterans who are attending institutions of higher education in Utah and whose benefits under the federal program have been exhausted or are not available. This program shall be available only to higher education institutions that grant bachelor's degrees.

(2) OCHE shall determine the maximum amount for education-related supplies each year.

(3) Based on available program funds, OCHE may establish a fixed cap for the housing allowance or a percentage of the equivalent housing allowance amount allowed under the GI Bill.

(4) The award year for VeT Gap is the twelve-month period coinciding with the state fiscal year beginning July 1 and ending June 30.

(5) An eligible student may receive a VeT Gap grant until:

¹ Adopted July 18, 2014, amended January 19, 2018, May 15, 2020, July 16, 2021, and XXX.

- (a) The eligible student completes the requirements for a bachelor's degree; or
- (b) The eligible student receives an initial program grant for the maximum award amount set by the Board.

R765-611-5. Availability of Program Funds.

(1) Funds available for VeT Gap allocations to eligible institutions may come from specifically earmarked state appropriations, or from other sources such as private contributions. An eligible institution's ability to participate in VeT Gap shall be determined each year as follows:

(a) Annually, by March 1st, the participating institution shall demonstrate intention to continue participating in VeT Gap by submitting to the program administrator a certification, subject to audit, of the total number of veterans who were resident students of the state under Section 53B-8-102 and Board Policy R512 who have graduated from the institution with a bachelor's degree in the most recently completed academic year.

(b) Failure to submit the certification required in Subsection (1)(a) by the requested date shall constitute an automatic decision by the eligible institution to not participate in the program for the next fiscal year.

R765-611-6. Allocation of Program Funds to Eligible Institutions.

(1) Allocation of program funds to an eligible institution shall be based on the proportion of the institution's Utah resident students who are veterans who graduated with a baccalaureate degree in the most recently completed academic year when compared to the total population of such students in each of the other eligible institutions that are participating in VeT Gap that year. (2) The program administrator shall send official notification of each participating eligible institution's allocation to the institution's director of financial aid each fiscal year.

R765-611-7. Student Eligibility to Participate.

To be eligible for assistance from VeT Gap funds, a student must:

- (1) Be a resident student of the State of Utah under Section 53B-8-102 and Board Policy R512, or exempt from paying the nonresident portion of total tuition under Section 53B-8-106;
- (2) Be a veteran as defined by Section 68-3-12.5;
- (3) Be unconditionally admitted and currently enrolled in an eligible program leading to a bachelor's degree at an eligible institution;
- (4) Maintain satisfactory academic progress, as defined by the institution, toward the degree in which they are enrolled;
- (5) Have exhausted the federal benefit under any veterans' educational assistance program or such benefits are unavailable;
- (6) Have not completed a bachelor's degree;
- (7) Be in the final year of his or her academic baccalaureate program.; and
- (8) Have completed the FAFSA as required by Board Policy R623.

R765-611-8. Institutional Participation Agreement.

Each participating institution will enter into a written agreement with the program administrator or assigned designee agreeing to abide by the program rules, accept and disburse funds per program rules, and retain documentation for the program to support the awards and actions taken.

R765-611-9. Use of Program Funds Received by an Eligible Institution.

(1) An eligible institution may at its discretion place up to, but in no case more than, 3.0% of the total amount of program funds allocated to it for the award year in a budget for student financial aid administrative expenses of the institution.

(2) If an eligible institution determines that it cannot use any portion of its VeT Gap allocation in an award year, the institution may return that portion of its allocation to the program administrator and the program administrator may redistribute the returned funds to other eligible institutions that it determines have unmet needs for that same award year.

(3) An eligible institution may not carry forward or carry back from one fiscal year to another any of its VeT Gap allocation for a fiscal year. Forfeited funds may be redistributed to other eligible institutions mid-year or as regular VeT Gap allocations the next award year.

(4) An eligible institution may establish processes to determine the distribution of funds to students so long as it does so in accordance with the provisions established in this rule.

R765-611-10. Determination of Awards to Eligible Students.

(1) Student cost of attendance budgets shall be established by the eligible institution, in accordance with federal regulations applicable to student financial aid programs under Title IV of the Higher Education Act as amended, for specific student categories authorized in the federal regulations, and providing for the total of costs payable to the institution plus other direct educational, transportation, and living expenses.

(2) The total amount of any VeT Gap funds awarded to an eligible student in an academic year will not exceed the amount of tuition, fees, books, education-related supplies, and a housing allowance at an eligible institution.

(3) VeT Gap funds shall be awarded and packaged on an annual award year basis unless the remaining period of enrollment until completion of the academic program is less than one award year. Funds shall be paid one quarter or semester at a time or in thirds, if applicable to some other enrollment basis such as total months or total clock hours, contingent upon the student's maintaining satisfactory progress as defined by the institution in published policies or rules.

(4) Each award under the program shall be made in accordance with the non-discrimination requirements of 34 C.F.R. Part 100.

(5) The total amount of any VeT Gap funds awarded to an eligible student in an academic year will not exceed the amount of tuition, fees, books, education-related supplies, and a housing allowance for that academic year.

(6) An eligible institution may not initially award program funds in amounts which, with Federal Direct, Federal Direct PLUS or Perkins Loans or other financial aid from any source, both need and merit-based, and with family and individual contributions, exceed the cost of attendance for the student at the institution for the award year.

(7) If, after the eligible student's financial aid has been packaged and awarded, the student later receives other financial assistance, such as, for example, merit or program-based scholarship aid or the student's cost of attendance budget changes, resulting in a later over-award of more than \$500, the eligible institution shall appropriately reduce the amount of financial aid disbursed to the student so that the total does not exceed the cost of attendance

R765-611-11. Records, Retention and Cooperation in Program Reviews.

The institution will cooperate with OCHE in providing records and information requested for any scheduled audits or program reviews and will maintain records substantiating its compliance with all terms of the participation agreement for three years after the end of the award year, or until a program review has been completed and any exceptions raised in the review have been resolved, whichever occurs first. If at the end of the three-year retention period, an audit or program review exception is pending resolution, the institution will retain records for the award year involved until the exception has been resolved.

R765-611-12. Reporting.

(1) As specified by OCHE each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other scholarship information for the most recently completed fiscal year. For institutions who do not participate in the annual institutional financial aid file submission, data shall be submitted directly no later than June 30 each year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.



R611, Veterans Tuition Gap Program ¹

R611-1 The following policy has been codified as Utah Administrative Code R765-611.

R611-2 References.

- [2.1 Utah Code § 68-3-12.5\(37\)\(a\), Definitions for Utah Code of Veteran](#)
- [2.2 Utah Code § 53B-8-106, Resident tuition – Requirements – Rules](#)
- [2.3 Utah Code § 53B-8-102, Definition of Resident Student](#)
- [2.4 Utah Code Title 53B, Chapter 13b, Veterans Tuition Gap Program Act](#)
- [2.5 Board Policy R512, Determination of Resident Status](#)

R765. Higher Education (Utah Board of), Administration.

R765-611. Veterans Tuition Gap Program.

R765-611-1. Purpose.

The purpose of this rule is to provide the rules and procedures for implementing Title 53B, Chapter 13b, Veterans Tuition Gap Program Act.

R765-611-2. Authority.

This rule is authorized by Section 53B-13b-104(3)(c).

R765-611-3. ~~Effective Date:~~ These policies and procedures are effective July 1, 2017. Definitions.

- (1) "Board" means the Utah Board of Higher Education.
- (2) "~~Education-related supplies~~" means necessary supplies to complete required courses.
- (3) "~~Eligible housing allowance~~" means the amount established by each institution for housing.
- (4) "Eligible institution" means a higher education institution that grants baccalaureate degrees

and is:

- (a) a public institution of higher education described in Subsection 53B-2-101(1); or
- (b) a private, nonprofit, postsecondary institution that is:
 - (i) recognized by the Internal Revenue Service or the state;
 - (ii) located within the state; and
 - (iii) accredited by an accrediting organization recognized by the U.S. Department of

Education.

(35) "Eligible student" means a student attending an eligible institution who:

(a) is a resident student of the state as established under Section 53B-8-102 and Board Policy

~~R512 or exempt from paying the nonresident portion of total tuition under Section 53B-8-106;~~

(b) is a veteran as defined by Section 68-3-12.5;

(c) is ~~unconditionally admitted and currently enrolled in an eligible program leading to a bachelor's degree at an eligible institution;~~

(d) is maintaining satisfactory academic progress, as defined by the institution, toward the degree in which enrolled;

(e) has exhausted the federal benefit under any veterans educational assistance program or such benefits are unavailable;

(f) has not completed a bachelor's degree;

(g) is in the final year of the student's academic baccalaureate program; and

(h) has completed the FAFSA to the extent that it will benefit the student's ability to maximize financial aid opportunities, except that the student may opt out of this requirement due to:

(i) financial ineligibility for any potential grant or other financial aid;

(ii) personal privacy concerns; or

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¹ Adopted July 18, 2014, amended January 19, 2018, May 15, 2020, ~~and~~ July 16, 2021, and XXX.

~~(iii) advice of the institution based on its assessment of the factors that may impact the student's ability to access maximum financial aid opportunities.~~(56) "FAFSA" means the financial reporting form known as Free Application for Federal Student Aid that is administered by the U.S. Department of Education to determine the need and eligibility of a higher education student for financial aid.

~~(57) "Institutional Participation agreement" means a written agreement between the program administrator and an eligible institution that is needed for the eligible institution to participate in VeT Gap.~~

~~(68) "OCHE" means the Office of the Commissioner of Higher Education.~~

~~(79) "Program administrator" means the Associate Commissioner for Student Financial Aid, or a person designated in a formal delegation of authority by the Associate Commissioner, under executive direction of the Commissioner of Higher Education. OCHE staff assigned to administer state scholarships on the Board's behalf.~~

~~(710) "VeT Gap" means Veterans Tuition Gap Program.~~

R765-611-4-1. Program Description and Length of Award Year.

(1) VeT Gap is a state supplement grant to provide ~~tuition~~ assistance that can cover tuition, fees, books, education-related supplies, and a housing allowance at an eligible institution for veterans who are attending institutions of higher education in Utah and whose benefits under the federal program have been exhausted or are not available. This program shall be ~~only~~ available only to higher education eligible institutions that grant baccalaureate bachelor's degrees.

~~(2) OCHE shall determine the maximum amount for education-related supplies each year.~~

~~(3) Based on available program funds, OCHE may establish a fixed cap for the housing allowance or a percentage of the equivalent housing allowance amount allowed under the GI Bill.~~

(4) The award year for VeT Gap is the twelve-month period coinciding with the state fiscal year beginning July 1 and ending June 30.

~~(5) An eligible student may receive a VeT Gap grant until the earlier of the following occurs:~~

~~(a) The eligible student completes the requirements for a bachelor's degree; or~~

~~(b) 12 months from the beginning of the initial academic term for which t~~The eligible student receives an initial program grant for the maximum award amount set by the Board.

R765-611-5. Availability of Program Funds.

(1) Funds available for VeT Gap allocations to eligible institutions may come from specifically earmarked state appropriations, or from other sources such as private contributions. An eligible institution's ability to participate in VeT Gap shall be determined each year as follows:

(a) Annually, by March 1st, the ~~director of financial aid of an eligible participating institution, in consultation with the institution's veterans affairs officer,~~ shall demonstrate the intention to continue participating on in VeT Gap by submitting to the program administrator a certification, subject to audit, of the total number of veterans who were resident students of the state under Section 53B-8-102 and Board Policy R512 who have graduated from the institution with a baccalaureate bachelor's degree in the most recently completed academic year.

(b) Failure to submit the certification required in Subsection (1)(a) by the requested date shall constitute an automatic decision by the eligible institution to not participate in the program for the next fiscal year.

R765-611-6. Allocation of Program Funds to Eligible Institutions.

(1) Allocation of program funds to an eligible institution shall be based on the proportion of the institution's Utah resident students who are veterans who graduated with a baccalaureate degree in the most recently completed academic year when compared to the total population of such students in each of the other eligible institutions that are participating in VeT Gap that year. ~~For example, a particular eligible institution's number of Utah resident students who are veterans and graduated with a baccalaureate degree during the most recently completed academic year divided by the total number of Utah resident students who are veterans and graduated from each of the other participating eligible institutions with a baccalaureate degree during the most recently completed academic year equals the percent of VeT Gap funds allocated to that particular eligible institution.~~

(2) The program administrator shall send official notification of each participating eligible institution's allocation to the institution's director of financial aid each fiscal year.

R765-611-7. Student Eligibility to Participate.

To be eligible for assistance from VeT Gap funds, a student must:

- (1) Be a resident student of the State of Utah under Section 53B-8-102 and Board Policy R512, or exempt from paying the nonresident portion of total tuition under Section 53B-8-106;
- (2) Be a veteran as defined by Section 68-3-12.5;
- (3) Be unconditionally admitted and currently enrolled in an eligible program leading to a bachelor's degree at an eligible institution;
- (4) ~~Be maintaining~~ Maintain satisfactory academic progress, as defined by the institution, toward the degree in which they are enrolled;
- (5) Have exhausted the federal benefit under any veterans' educational assistance program or such benefits are unavailable;
- (6) Have not completed a bachelor's degree;
- (7) Be in the final year of his or her academic baccalaureate program.; and
- (8) Have completed the FAFSA as required by Board Policy R623.

R765-611-8. Institutional Participation Agreement.

Each participating institution will enter into a written agreement with the program administrator or assigned designee agreeing to abide by the program rules, accept and disburse funds per program rules, and retain documentation for the program to support the awards and actions taken.

R765-611-89. Use of Program Funds Received by an Eligible Institution.

- (1) An eligible institution may at its discretion place up to, but in no case more than, 3.0% of the total amount of program funds allocated to it for the award year in a budget for student financial aid administrative expenses of the institution.
- (2) If an eligible institution determines that it cannot use any portion of its VeT Gap allocation in an award year, the institution may return that portion of its allocation to the program administrator and the program administrator may redistribute the returned funds to other eligible institutions that it determines have unmet needs for that same award year.
- (3) An eligible institution may not carry forward or carry back from one fiscal year to another any of its VeT Gap allocation for a fiscal year. ~~Any unused funds shall be returned to the program administrator as directed. Returned~~ Forfeited funds ~~shall~~ may be redistributed to other eligible institutions mid-year or as regular VeT Gap allocations ~~for disbursement~~ the next award year.
- (4) An eligible institution may establish processes to determine the distribution of funds to students so long as it does so in accordance with the provisions established in this rule.

R765-611-910. Determination of Awards to Eligible Students.

- (1) Student cost of attendance budgets shall be established by the eligible institution, in accordance with ~~20 U.S.C. Sec. 10871~~ federal regulations applicable to student financial aid programs under Title IV of the Higher Education Act as amended, for specific student categories authorized in the federal regulations, and providing for the total of costs payable to the institution plus other direct educational ~~expenses~~, transportation, and living expenses.
- (2) ~~The total amount of any VeT Gap funds awarded to A~~ An eligible student in an academic year will not exceed the amount of who receives a program grant may only use the grant toward tuition, fees, and books, education-related supplies, and a housing allowance at an eligible institution.
- (3) VeT Gap funds shall be awarded and packaged on an annual award year basis unless the remaining period of enrollment until completion of the academic program is less than one award year. Funds shall be paid one quarter or semester at a time or in thirds, if applicable to some other enrollment basis such as total months or total clock hours, contingent upon the student's maintaining satisfactory progress as defined by the institution in published policies or rules.
- (4) Each award under the program shall be made in accordance with the non-discrimination requirements of 34 C.F.R. Part 100.
- (5) ~~Each eligible student receiving financial aid under the program shall be required to agree in writing to use the funds received for expenses covered in the student's cost of attendance budget. The student's signature on the FAFSA shall satisfy this requirement.~~
- (6) ~~If the eligible institution determines, after opportunity for a hearing on appeal according to established institutional procedures, that an eligible student used VeT Gap funds for other purposes, the institution shall disqualify the student from VeT Gap eligibility beginning with the quarter, semester or other defined enrollment period after the one in which the determination is made.~~
- (5) The total amount of any VeT Gap funds awarded to an eligible student in an academic year will not exceed the amount of tuition, fees, books, education-related supplies, and a housing allowance for that academic year.

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(76) An eligible institution may not initially award program funds in amounts which, with Federal Direct, Federal Direct PLUS or Perkins Loans or other financial aid from any source, both need and merit-based, and with ~~expected~~ family ~~and individual~~ contributions, exceed the cost of attendance for the student at the institution for the award year.

(87) If, after the eligible student's financial aid has been packaged and awarded, the student later receives other financial assistance, such as, for example, merit or program-based scholarship aid or the student's cost of attendance budget changes, resulting in a later over-award of more than \$3500, the eligible institution shall appropriately reduce the amount of financial aid disbursed to the student so that the total does not exceed the cost of attendance

~~R765-611-1149.~~ Records, Retention and Cooperation in Program Reviews.

The institution will cooperate with ~~the program administrator~~OCHE in providing records and information requested for any scheduled audits or program reviews and will maintain records substantiating its compliance with all terms of the participation agreement for three years after the end of the award year, or until a program review has been completed and any exceptions raised in the review have been resolved, whichever occurs first. If at the end of the three-year retention period, an audit or program review exception is pending resolution, the institution will retain records for the award year involved until the exception has been resolved.

~~R765-611-12.~~ Reporting.

~~(1) As specified by OCHE each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other scholarship information for the most recently completed fiscal year. For institutions who do not participate in the annual institutional financial aid file submission, data shall be submitted directly no later than June 30 each year.~~

~~(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.~~

~~R765-611-131.~~ FAFSA Training.

To assist eligible students with the FAFSA requirement, each institution shall ensure that:

~~(1) Each institution advisor encourages, to the extent practicable, each eligible student to annually complete the FAFSA; and~~

~~(2) The staff and faculty who advise eligible students on financial aid are properly trained on the benefits of completing the FAFSA~~



R614, Public Safety Officer Career Advancement Grant Program¹

R614-1 The following policy has been codified² as Utah Administrative Code R765-614.

R614-2 References.

- 2.1** Utah Code § 53B-1-102, Utah System of Higher Education
- 2.2** Utah Code § 53B-8-112, Public Safety Officer Career Advancement Grant Program
- 2.3** Utah Code § 63G-4-202, Designation of Adjudicative Proceedings as Informal
- 2.4** Utah Code § 53B-8-112.5, Karen Mayne Public Safety Officer Scholarship Program

R765. Higher Education (Utah Board of), Administration.

R765-614. Public Safety Officer Career Advancement Grant Program

R765-614-1. Purpose.

This rule outlines the application process and procedures for the Public Safety Officer Career Advancement Grant Program (“PSOCAG”).

R765-614-2. Authority.

This rule is authorized by Section 53B-8-112.

R765-614-3. Definitions.

- (1) “FAFSA” means the Free Application for Federal Student Aid.
- (2) “Post-Secondary Degree” means an associate, bachelor’s, master’s, or doctoral degree.
- (3) “PSOCAR” means the Public Safety Officer Career Advancement Reimbursement Program.

R765-614-4. Qualifications.

- (1) To qualify for PSOCAG, an applicant must be:
 - (a) A certified peace officer;
 - (b) Currently employed by a Utah law enforcement agency; and
 - (c) Seeking a post-secondary degree in a criminal justice-related program from a USHE institution.
- (2) Institutions shall annually revise and publish eligibility criteria in all publications referencing the grant.
- (3) A student who receives the Karen Mayne Public Safety Officer Scholarship Program, as described in Section 53B-8-112.5, is not eligible to participate in PSOCAG for the same degree.

R765-614-5. Application Process.

- (1) Each institution will establish processes for receiving and reviewing applications and distributing awards consistent with this policy and will set application deadlines that accommodate both full-time and part-time students.
 - (a) The application must include information about other means an applicant may finance their education.
 - (b) The application must include a notice to students that the amount of the award is subject to available funding and may be reduced.
- (2) Applicants must complete and submit ~~either~~ the FAFSA in accordance with R623, Free Application for Federal Student Aid, and the application and include all required documentation requested by the institution.

¹ *Adopted May 20, 2022. Amended XXX.*

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

R765-614-6. Grant Amounts.

Subject to funding, qualified applicants may be given a grant up to the cost of tuition and fees with a maximum of \$5,000 each academic year. A student may participate in PSOCAG for a maximum of four academic years.

R765-614-7. Distribution of Funds to Institutions.

The Board will allocate 50 percent of program funds to eligible institutions equally and allocate the remaining 50 percent of program funds in proportion to each eligible institution's percentage of total PSOCAR or PSOCAG awards by all participating institutions in the most recently completed award year.

R765-614-8. Appeals.

An applicant has the right to appeal an adverse decision. Upon the applicant's request, the institution shall provide an opportunity that aligns with institutional policy for the student to appeal an adverse decision.

R765-614-9. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other scholarship information for the most recently completed fiscal year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

R614, Public Safety Officer Career Advancement Grant Program¹

R614-1 The following policy has been codified² as Utah Administrative Code R765-614.

R614-2 References.

- 2.1 Utah Code § 53B-1-102, Utah System of Higher Education
- 2.2 Utah Code § 53B-8-112, Public Safety Officer Career Advancement Grant Program
- 2.3 Utah Code § 63G-4-202, Designation of Adjudicative Proceedings as Informal
- 2.4 Utah Code § 53B-8-112.5, Karen Mayne Public Safety Officer Scholarship Program

R765. Higher Education (Utah Board of), Administration.

R765-614. Public Safety Officer Career Advancement Grant Program

R765-614-1. Purpose.

This rule outlines the application process and procedures for the Public Safety Officer Career Advancement Grant Program (“PSOCAG”).

R765-614-2. Authority.

This rule is authorized by Section 53B-8-112.

R765-614-3. Definitions.

- (1) “FAFSA” means the Free Application for Federal Student Aid.
- (2) “Post-Secondary Degree” means an associate, bachelor’s, master’s, or doctoral degree.
- (3) “PSOCAR” means the Public Safety Officer Career Advancement Reimbursement Program.

R765-614-4. Qualifications.

- (1) To qualify for PSOCAG, an applicant must be:
 - (a) A certified peace officer;
 - (b) Currently employed by a Utah law enforcement agency; and
 - (c) Seeking a post-secondary degree in a criminal justice-related program from a USHE institution.
- (2) Institutions shall annually revise and publish eligibility criteria in all publications referencing the grant.

(3) A student who receives the Karen Mayne Public Safety Officer Scholarship Program, as described in Section 53B-8-112.5, is not eligible to participate in PSOCAG for the same degree.

R765-614-5. Application Process.

(1) Each institution will establish processes for receiving and reviewing applications and distributing awards consistent with this policy and will set application deadlines that accommodate both full-time and part-time students.

(a) The application must include information about other means an applicant may finance their education.

(b) The application must include a notice to students that the amount of the award is subject to available funding and may be reduced.

(2) Applicants must complete and submit ~~either the Free Application for Federal Student Aid (FAFSA) or the alternative financial form approved by the Board in accordance with R623, Free Application for Federal Student Aid.~~ and the application and include all required documentation requested by the institution.

¹ *Adopted May 20, 2022. Amended XXX.*

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

R765-614-6. Grant Amounts.

Subject to funding ~~and section 8 below~~, qualified applicants may be given a grant up to the cost of tuition and fees with a maximum of \$5,000 each academic year. A student may participate in PSOCAG for a maximum of four academic years.

R765-614-7. Distribution of Funds to Institutions.

The Board will allocate 50 percent of program funds to eligible institutions equally and allocate the remaining 50 percent of program funds in proportion to each eligible institution's percentage of total PSOCAR or PSOCAG awards by all participating institutions in the most recently completed award year.

R765-614-98. Appeals.

An applicant has the right to appeal an adverse decision. Upon ~~request by the student~~ applicant's request, the institution shall provide an opportunity that aligns with institutional policy for the student to appeal an adverse decision ~~to a committee of at least three impartial persons.~~

R765-614-~~109~~. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other scholarship information for the most recently completed fiscal year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this ~~policy~~ rule.

R616, Adult Learner Grant Program¹

R616-1 The following policy has been codified² as Utah Administrative Code R765-616.

R616-2 References.

2.1 [Utah Code Title 53B, Chapter 13c](#), Adult Learner Grant Program

R765. Higher Education (Utah Board of), Administration.

R765-616. Adult Learner Grant Program.

R765-616-1. Purpose.

To provide financial assistance for adult learners pursuing an online degree in a field of industry need.

R765-616-2. Authority.

This rule is authorized by Title 53B, Chapter 13c.

R765-616-3. Definitions.

(1) “Cost of Attendance” means the estimated costs associated with taking an online course, as established by an eligible institution in accordance with Board policies.

(2) “Cost of attendance” includes tuition, costs payable to the eligible institution, and other direct educational expenses related to taking an online course.

(3) “Eligible Institution” means an institution that offers a postsecondary level course of instruction using digital technology.

(4) “Eligible Student” means a student who meets the eligibility criteria established in Subsection R765-616-4.

(5) “Fiscal Year” means the fiscal year of the state.

(6) “Institution” means an institution described in Section 53B-1-102 or a Utah private, nonprofit postsecondary institution that is accredited by a regional accrediting organization that the Board recognizes.

(7) “Online Course” means a postsecondary level course of instruction offered by an eligible institution using digital technology.

(8) “Program” means:

(a) A sequence of online courses that lead to a certificate or other recognized educational credential;

(b) Is made up of only online courses, meaning a student can complete the program through online course offerings; and

(c) Prepares students for employment in four-star or five-star jobs as defined by the Department of Workforce Services.

(9) “Tuition” means tuition and fees at the rate charged for residents of the state.

R765-616-4. Grant Eligibility.

(1) To be eligible for a grant under this section, a student shall:

(a) Be 26 years or older;

(b) Be enrolled in an online program at an eligible institution in a field designed to meet industry needs and leading to a certificate or other recognized educational credential;

(c) Be a Utah resident as determined by Board Policy R512;

(d) Complete the Free Application for Federal Student Aid (“FAFSA”); and

(e) Demonstrate financial need by being eligible for a Pell Grant.

¹Adopted July 16, 2021. Amended XXX.

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

- (2) The Board will prioritize grant funding for students who are:
- (a) From rural areas of the state, as defined by the Department of Health, which includes all counties except Utah, Salt Lake, Davis & Weber;
 - (b) A member of a racial or ethnic minority;
 - (c) Classified as low income; or
 - (d) Pursuing education in degree programs aligned to four- or five- star jobs as established by the Department of Workforce Services.

R765-616-5. Process for Allocating Grant Funding to Eligible Institutions.

The Office of the Commissioner will allocate the funding based on the proportional number of graduates from eligible programs at participating institutions in the most recent year for which data is available on or before July 1 of each year.

R765-616-6. Process for Awarding Grants to Eligible Students.

(1) Eligible institutions that receive grant funding are responsible for establishing a process to award grants along with other financial aid. When establishing a process for award grants, institutions shall:

- (a) Award grants on an annual basis and distribute grant money on a quarter or semester basis;
- (b) Except for provided in Subsection 4(2)(b), award grants without regard to an applicant's race, creed, color, religion, sex, or ancestry;
- (c) Ensure the total sum of program grant, and financial aid from any source, do not exceed the cost of attendance for an eligible student at an eligible institution for a fiscal year;
- (d) Determine award amounts within the minimum and maximum award range as established annually by the Board; and
- (e) Ensure all funds received from the grant shall be applied towards the cost of attendance.

R765-616-7. Reporting.

(1) As specified by OCHE each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other scholarship information for the most recently completed fiscal year. For institutions that do not participate in the annual institutional financial aid file submission, data shall be submitted directly no later than June 30 each year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

(3) The Board shall annually report data and information collected under this section to the Higher Education Appropriations Subcommittee.



R616, Adult Learner Grant Program¹

R616-1 The following policy has been codified² as Utah Administrative Code R765-616.

R616-2 References.

2.1 Utah Code Title 53B, Chapter 13c, Adult Learner Grant Program

R765. Higher Education (Utah Board of), Administration.

R765-616. Adult Learner Grant Program.

R765-616-1. Purpose.

To provide financial assistance for adult learners pursuing an online degree in a field of industry need.

R765-616-2. Authority.

This rule is authorized by Title 53B, Chapter 13c.

R765-616-3. Definitions.

(1) "Cost of Attendance" means the estimated costs associated with taking an online course, as established by an eligible institution in accordance with Board policies.

(2) "Cost of attendance" includes tuition, costs payable to the eligible institution, and other direct educational expenses related to taking an online course.

(3) "Eligible Institution" means an institution that offers a postsecondary level course of instruction using digital technology.

~~1-~~(4) "Eligible Student" means a student who meets the eligibility criteria established in Subsection

R765-616-4.

~~2-~~(5) "Fiscal Year" means the fiscal year of the state.

~~3-~~(6) "Institution" means an institution described in Section 53B-1-102 or a Utah private, nonprofit

postsecondary institution that is accredited by a regional accrediting organization that the Board recognizes.

~~4-~~(7) "Online Course" means a postsecondary level course of instruction offered by an eligible institution using digital technology.

~~5-~~(8) "Program" means:

(a) A sequence of online courses that lead to a certificate or other recognized educational credential;

~~1-~~(b) Is made up of only online courses, meaning a student can complete the program through online course offerings; and

~~2-~~(c) Prepares students for employment in four-star or five-star jobs as defined by the Department of

Workforce Services.

~~3-~~(9) "Tuition" means tuition and fees at the rate charged for residents of the state.

R765-616-4. Grant Eligibility.

~~1-~~(1) To be eligible for a grant under this section, a student shall:

~~1-~~(a) Be 26 years or older;

~~2-~~(b) Be enrolled in an online program at an eligible institution in a field designed to meet industry needs and leading to a certificate or other recognized educational credential;

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¹Adopted July 16, 2021. Amended XXX.

²This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

(c) Be a Utah resident as determined by Board Policy R512;
~~3.(d) Complete the Free Application for Federal Student Aid ("FAFSA"); and~~
~~4.(e) Demonstrate financial need by being eligible for a Pell Grant.~~
~~5.(2) The Board will prioritize gGrant funding will be prioritized for students who are:~~
~~1.(a) Are From rural areas of the state, as defined in U.A. C. R523-1-5 by the Department of Health, which includes all counties except Utah, Salt Lake, Davis & Weber;~~
~~2.(b) Are A member of a racial or ethnic minority;~~
~~3.(c) Are Classified as low income; or~~
~~4.(d) Are Pursuing education in degree programs aligned to four- or five- star jobs as established by the Department of Workforce Services.~~

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R765-616-5. Process for Allocating Grant Funding to Eligible Institutions.
 The Office of the Commissioner will allocate the funding based on ~~on the data provided in section 5-1 funding the proportional number of graduates from eligible programs at participating institutions in the most recent year for which data is available on or before July 1 of each year.~~
~~1. By April 15 of each year, participating eligible institutions shall submit the following to the Office of the Commissioner:~~
~~1. Total FTE enrollment for the prior academie year~~
~~2. Declared majors at fall end of term by eligible online programs~~

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R765-616-6. Process for Awarding Grants to Eligible Students.
 (1) Eligible institutions that receive grant funding are responsible for establishing a process to award grants along with other financial aid. When establishing a process for award grants, institutions shall:
~~1.(a) Award grants on an annual basis and distribute grant money on a quarter or semester basis;~~
~~2.(b) Except for provided in Subsection 4(2)(b), award grants without regard to an applicant's race, creed, color, religion, sex, or ancestry;~~
~~3.(c) Ensure the total sum of program grant, and financial aid from any source, do not exceed the cost of attendance for an eligible student at an eligible institution for a fiscal year;~~
~~4.(d) Determine award amounts within the minimum and maximum award range as established annually by the Board; and~~
~~5.(e) Ensure all funds received from the grant shall be applied towards the cost of attendance.~~

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R765-616-7. Process for Allocating Grant Funding to Eligible Institutions Reporting.
~~1. Institutions that receive grant funding shall report annually to the Commissioner's office the following:~~
~~1. Number of grant recipients~~
~~2. Average award of grant money provided per grant recipient~~
~~3. Benefits in fulfillment of the purposes for this program~~
~~4. Recommendations for program modification, including recommended funding~~
~~(1) As specified by OCHE each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other scholarship information for the most recently completed fiscal year. For institutions that do not participate in the annual institutional financial aid file submission, data shall be submitted directly no later than June 30 each year.~~
~~(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.~~
 (3) The Board shall annually report data and information collected under this section to the Higher Education Appropriations Subcommittee.

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R620, Utah Promise Program Grant ¹

R620-1 The following policy has been codified² as [Utah Administrative Code R765-620](#).

R620-2 References

- 2.1 [Utah Code Title 53B Chapter 13a](#), Utah Promise Program Act
- 2.2 [Utah Code § 63G-12-402](#), Receipt of State, Local, or Federal Public Benefits – Verification Exceptions
- 2.3 [Utah Code § 53B-2-101\(1\)](#), Institutions of Higher Education
- 2.4 [Utah Code § 53B-8-102](#), Resident Student Status
- 2.5 [Utah Code § 53B-8-106](#), Resident Tuition
- 2.6 [Board Policy 512](#), Determination of Resident Status

R765. Higher Education (Utah Board of), Administration.

R765-620. Utah Promise Program Grant.

R765-620-1. Purpose.

The purpose of this rule is to provide the rules and procedures for implementing the Utah Promise Program Grant.

R765-620-2. Authority.

This rule is authorized by Title 53B, Chapter 13a.

R765-620-3. Definitions.

- (1) “Board” means the Utah Board of Higher Education.
- (2) “Cost of Attendance” means the estimated costs associated with attending an institution, including costs payable to the institution for tuition and fees, other direct educational expenses, transportation, and living expenses while attending the institution.
- (3) “Institution” means an institution of higher education under Section 53B-2-101(1).
- (4) “OCHE” means the Office of the Commissioner of Higher Education.
- (5) “Promise Grant” means a grant awarded under Title 53B, Chapter 13a and administered under this rule.

R765-620-4. Qualifications.

- (1) To qualify for a Promise Grant, an applicant must:
 - (a) Be enrolled at an institution;
 - (b) Either be a resident of Utah under Section 53B-8-102 and Board Policy R512 or qualify for resident tuition under Section 53B-8-106;
 - (c) Demonstrate financial need, in accordance with subsections 6;
 - (d) Accept all other grants, tuition and/or fee waivers, and scholarships offered to the applicant to attend the institution in which the applicant enrolls; and
 - (e) Maintain academic good standing as defined by the institution the applicant attends.
- (2) Institutions shall annually revise and publish eligibility criteria in all publications referencing the grant. All publications about the Promise Grant shall disclose that program funds are limited and subject to change.
- (3) Under Section 63G-12-402, verification of lawful presence in the United States is not required to be eligible for a grant under this policy.

R765-620-5. Application Process.

¹Adopted May 17, 2019; amended May 15, 2020, May 20, 2022, and XXX.

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

(1) Institutions shall establish an application process consistent with this policy that applicants can easily access and complete. The Board may require an institution to modify an application or process that is overly cumbersome or confusing.

(2) The institution shall set deadlines by which applicants must submit all required materials.

(3) The institution shall determine the most efficient method for issuing grant funds and shall collect the information necessary for that purpose.

(4) Applicants must complete and submit either the Free Application for Federal Student Aid (“FAFSA”) or the alternative financial form approved by the Board and the grant application and include all required documentation.

R765-620-6. Prioritization.

Grants shall be prioritized based primarily on financial need. An institution shall establish criteria to assess an applicant’s financial need. The criteria shall use quantifiable, need-based measures (for example, institutions may establish a range with a minimum and maximum need index based on the FASFA within which an eligible recipient’s expected contribution must fall to be eligible for an award).

R765-620-7. Grant Award and Calculation.

(1) An institution shall use other funding sources, tuition waivers, and fee waivers, when possible, to fully fund awards.

(2) In determining awards, the institution shall consider all other loans, grants, employment, and family and individual contributions the applicant can put toward financing the cost of attendance.

(3) Grants shall be prioritized based primarily on financial need as outlined in section 6.

(4) The institution may award an amount to an eligible recipient up to the cost of attendance, after taking into account the total value of other financial aid the recipient receives toward the cost of attendance.

R765-620-8. Grant Duration.

An eligible recipient may receive a Promise Grant until the recipient:

(1) Earns a first bachelor’s degree; or

(2) Attempts 120 credit hours.

R765-620-9. Competency-based Assessment.

Institutions shall evaluate a recipient’s knowledge, skills, and competencies acquired through formal or informal education outside the traditional postsecondary academic environment, and award appropriate credit for the recipient’s prior learning.

R765-620-10. Grant Transfers.

A recipient may transfer to another institution and retain eligibility for the grant, if the recipient meets the qualifications defined in Subsection R765-620-4 at the institution to which the recipient is transferring. Recipients are responsible to inform the financial aid office at the institution to which they are transferring that they are receiving the Promise Grant at their current institution. The financial aid offices at the respective institutions shall coordinate the transfer of scholarship information. Upon transfer, the institution shall prioritize the award of any eligible recipient before all others awarded in accordance with section 6 of this policy. The institution to which the recipient is transferring shall make adjustments in a recipient’s award in accordance with subsection R765-620-7 .

R765-620-11. Distribution of Funds to Institutions.

(1) In determining how to allocate program funds to an institution, the Board will consider:

(a) The costs of attendance of programs offered by the institution; and

(b) The number of eligible students who attend each institution.

(2) The Board will allocate program funds to eligible institutions in proportion to each eligible institution’s percentage of the total Federal Pell Grant funds received for Utah resident students and students who qualified for resident tuition in the most recently completed award year by all participating institutions.

R765-620-12. Grant Cancellation.

If a recipient no longer meets the eligibility requirements, their grant will be canceled, and no remaining funds will be released.

R765-620-13. Reporting.

(1) As specified by the Office of the Commissioner, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to

applications, awards, program enrollments, utilization, funding, and/or other Promise Grant award information for the most recently completed fiscal year.

(2) The Office of the Commissioner may, at any time, request additional documentation or data related to the Utah Promise Program Grant and may review or formally audit an institution's documentation and compliance with this rule.

(3) By March 1 of each year, participating institutions financial aid directors will report to the Board the total dollar amount of Federal Pell Grant funds awarded to resident students and students who qualified for resident tuition under Section 53B-8-106 at the institution for the most recently completed academic year.

(4) An institution that fails to submit the required reports by the required deadlines may be ineligible to participate in the program for the next fiscal year.

R765-620-14. Administrative Costs.

The Board may use up to 3% of the money appropriated for the Utah Promise Program to cover administrative costs.

R765-620-15. Funding Sources.

The Board may supplement state appropriations for the program with private contributions and may name an award after the donor.

R765-620-16. Institutional Participation Agreement.

Each participating institution will enter into a written agreement with the Board or assigned designee agreeing to abide by the program policies, accept and disburse funds per program rules, provide the required report each year, and retain documentation for the program to support the awards and actions taken. By accepting the funds, the participating institution agrees to the additional following terms and conditions:

(1) The institution may at its discretion use up to 3% of the funds it receives for the Utah Promise Program to cover administrative costs.

(2) The institution may not carry forward or carry back from one award year to another any of its Promise Grant allocation. Any exception to this rule must be approved in advance by the Board. The institution will inform the Board immediately if it determines it will not be able to utilize all program funds allotted to it for an award year. Absent any exception for a carry forward amount, institutions shall return unused funds to the Board. The Board will redistribute unused to the other eligible institutions as supplemental Promise Grant allocations for disbursement during the same award year. Promise Grant allocations budgeted for administrative expenses will not be part of any carryover.

R620-17. Report to Higher Education Appropriations Subcommittee.

Annually, the Board shall submit an electronic report to the Higher Education Appropriations Subcommittee about the Utah Promise Program.

R620, Utah Promise Program Grant ¹

R620-1 The following policy has been codified² as Utah Administrative Code R765-620.

R620-2 References

- 2.1 Utah Code Title 53B Chapter 13a, Utah Promise Program Act
- 2.2 Utah Code § 63G-12-402, Receipt of State, Local, or Federal Public Benefits – Verification Exceptions
- 2.3 Utah Code § 53B-2-101(1), Institutions of Higher Education
- 2.4 Utah Code § 53B-8-102, Resident Student Status
- 2.5 Utah Code § 53B-8-106, Resident Tuition
- 2.6 Board Policy 512, Determination of Resident Status

R765. Higher Education (Utah Board of), Administration.

R765-620. ~~Acess~~ Utah Promise ~~Scholarship~~ Program Grant.

R765-620-1. Purpose.

The purpose of this rule is to provide the rules and procedures for implementing the ~~Acess~~ Utah Promise ~~Scholarship~~ Program Grant. ~~This program provides a statewide needs based scholarship program to expand access to postsecondary opportunities for each student who faces financial barriers in paying for college. The program provides an eligible student an award for up to full tuition and fees in qualifying circumstances~~

R765-620-2. Authority.

This rule is authorized by ~~53B-8-303(8) and 53B-8-304(5)~~ Title 53B, Chapter 13a.

R765-620-3. Definitions.

- (1) "Board" means the Utah Board of Higher Education.
- ~~(2) "EFC" means Expected Family Contribution based on the Free Application for Federal Student Aid.~~
- ~~(3) "Institution" means institutions of higher education listed in Subsection 53B-2-101(1).~~
- ~~(4) "Promise Partner" means an employer that has~~
 - ~~(a) applied to the Board, and~~
 - ~~(b) established a Memorandum of Understanding with the Board.~~
- (2) "Cost of Attendance" means the estimated costs associated with attending an institution, including costs payable to the institution for tuition and fees, other direct educational expenses, transportation, and living expenses while attending the institution.
- ~~(3) "Institution" means an institution of higher education listed in Subsection 53B-2-101(1) under Section 53B-2-101(1).~~
- (4) "OCHE" means the Office of the Commissioner of Higher Education.
- ~~(5) "Promise Scholarship Grant" means the scholarship described in Section 53B-8-303 a grant awarded under Title 53B, Chapter 13a and administered under this rule.~~

~~R765-620-4. Scholarship Administration.~~

- ~~(1) To qualify for a Promise Scholarship, an applicant must meet the following criteria:~~
 - ~~(a) have a high school diploma or equivalent;~~
 - ~~(b) not have previously earned an associate degree or higher postsecondary degree;~~
 - ~~(c) be a resident of the state under Section 53B-8-102 and board policy R512.~~

¹Adopted May 17, 2019; amended May 15, 2020, ~~and~~ May 20, 2022, ~~and XXX.~~

²This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

~~(d) demonstrate financial need, in accordance with Subsections R765-620-4(2) and R765-620-4(7);~~

~~(e) accept all other grants, tuition and fee waivers, and scholarships offered to the applicant to attend the institution in which the applicant enrolls; and~~

~~(f) maintain academic good standing as defined by the institution at which the applicant attends.~~

~~(2) An institution shall establish criteria to assess an applicant's financial need. The criteria shall use quantifiable, needs-based measures. For example, institutions may establish a range with a minimum and maximum EFC within which an eligible recipient's EFC must fall to be eligible for an award. An institutions shall annually revise and publish eligibility criteria by February 1 in all publications referencing the scholarship.~~

~~(3) The institution may award an amount to each eligible recipient up to the cost of published tuition and fees.~~

~~(4) When determining the award amount, the institution shall first apply the total value of all grants, tuition waivers, fee waivers, and scholarships the recipient has received. The institution may then award an amount not to exceed the recipient's remaining cost of tuition and fees. If, after the recipient's aid has been packaged and awarded, the recipient later receives other financial assistance of more than \$500, the institution shall appropriately reduce the amount of financial aid disbursed to the recipient so that the total Promise Scholarship does not exceed the cost of tuition and fees.~~

~~(5) A recipient may receive scholarship funds until the earliest of the following events occurs:~~

~~(a) two years after the initial award;~~

~~(b) the recipient uses the scholarship for four semesters;~~

~~(c) the recipient meets the academic qualifications for an associate degree; or~~

~~(d) for institutions that do not offer an associate degree, a recipient earns a cumulative total of 60 credits.~~

~~(6) An institutions shall establish an application process that an applicant can easily access and complete. The board may require an institution to modify an application form or process that is overly cumbersome or confusing.~~

~~(7) If an institution does not have enough appropriated Promise Scholarship funds or other funding sources to award each eligible applicant, it may establish procedures to prioritize which applicants will receive awards based on financial need.~~

~~(8) An institution shall evaluate a recipient's knowledge, skills, and competencies acquired through formal or informal education outside the traditional postsecondary academic environment, and award appropriate credit for the recipient's prior learning.~~

~~(9) An institutions may advertise the Promise Scholarship under another name. Any publication about the Promise Scholarship shall include disclosure that program funds are limited and subject to change.~~

R765-620-5. Transfers.

~~(1) A recipient may transfer to another institution and retain eligibility for the scholarship, if the recipient meets the qualifications defined in Subsection R765-620-4(2) at the institution to which the recipient is transferring. The recipient is responsible to inform the financial aid office at the institution to which the recipient is transferring that the recipient is receiving the Promise Scholarship at the recipient's current institution.~~

~~(2) Each financial aid office at the respective institutions shall coordinate the transfer of scholarship information. Upon transfer, the institution shall prioritize the award of any eligible recipient before all others awarded in accordance with Subsection R765-620-4(7). The institution to which the recipient is transferring shall make adjustments in the recipient's award in accordance with Subsection R765-620-4(3).~~

R765-620-6. Distribution of Award Funds to Institutions.

~~(1) As a condition of program participation, an eligible institution's financial aid director shall report to the board the total dollar amount of Federal Pell Grant funds awarded to resident students at the institution for the most recently completed academic year by March 1 each year.~~

~~(2) An institution that fails to report the total amount of Pell Grant funds by March 1 is ineligible to participate in the program for the next fiscal year.~~

~~(3) The board shall allocate program funds to eligible institutions in proportion to each eligible institution's percentage of the total Federal Pell Grant funds received for Utah resident students in the most recently completed award year by each participating institution.~~

R765-620-7. Deferral or Leave of Absence.

(1) A recipient shall apply for a deferral or leave of absence if they do not continuously enroll and wish to continue to receive the scholarship.

(2) An institutions shall develop a process for each recipient to apply for a deferral or leave of absence, which may be granted for military service, humanitarian or religious service, documented medical reasons, and other exigent reasons.

~~R765-620-8. Utah Promise Partners.~~

~~(1) The board, in consultation with the Talent Ready Utah Center at the Governor's Office of Economic Development, may select employers as Promise Partners whose employees may be eligible to receive a partner award. The board shall establish a Memorandum of Understanding with any selected Promise Partner that includes requirements related to an employer providing reimbursement to an employee who receives an award. The reimbursement of a Promise Partner to a corresponding recipient employed by that Promise Partner must be applied during the eligible term of the award in accordance with Subsection R765-620-4(4).~~

~~(2) An employee is eligible to receive an award in accordance with the requirements of Subsection R765-620-4(1) in addition to any criteria and limitations established through a corresponding Memorandum of Understanding with a Promise Partner.~~

~~(3) A recipient of an award who is an employee of a Promise Partner is subject to the same conditions as any other recipient under this rule.~~

~~R765-620-9. Reporting.~~

~~(1) During the first year of the program, no later than October 1, 2019, a participating institution shall report to the board all requested data on Promise Scholarships awarded to date.~~

~~(2) Annually, the board shall distribute a Promise Scholarship performance report template to the director of financial aid of each participating institution before the end of each fiscal year. The institution shall submit the completed report by July 31 of each year.~~

~~(3) The board may, at any time, request additional documentation or data related to the Promise Scholarship and may review or formally audit an institution's compliance with this rule. The institution shall cooperate with the board in providing records and information requested for any scheduled audits or program reviews. Each participating institution shall maintain records substantiating its compliance with the program's terms for three years after the end of the award year, or until a program review has been completed and any exceptions raised in the review have been resolved, whichever occurs first. If at the end of the three year retention period, an audit or program review exception is pending resolution, the institution shall retain records for the award year involved until the exception has been resolved.~~

~~R765-620-10. Institutional Participation Agreement.~~

~~(1) Each participating institution shall enter into a written agreement with the board or assigned designee agreeing to abide by the program rules, accept and disburse funds per program rules, provide the required report each year, and retain documentation for the program to support the awards and actions taken. By accepting the funds, the participating institution agrees to the additional following terms and conditions:~~

~~(a) The institution may at its discretion use up to three percent of the allocated program funds for its student financial aid administrative expenses.~~

~~(b) The institution may not carry forward or carry back from one award year to another any of its Promise Scholarship allocation. Any exception to this rule must be approved in advance by the board. The institution shall inform the board immediately if it determines it will not be able to utilize all program funds allotted to it for an award year. Absent any exception for a carry forward amount, each institution shall return unused funds to the board. The board shall redistribute unused funds to the other eligible institutions as supplemental Promise Scholarship allocations for disbursement during the same award year. The portion of Promise Scholarship allocations budgeted for administrative expenses pursuant to Subsection (1)(a) shall not be part of any carryover.~~

~~R765-620-4. Qualifications.~~

- ~~(1) To qualify for a Promise Grant, an applicant must:~~
- ~~(a) Be enrolled as at an institution;~~
 - ~~(b) Either be a resident of Utah under Section 53B-8-102 and Board Policy R512 or qualify for resident tuition under Section 53B-8-106;~~
 - ~~(c) Demonstrate financial need, in accordance with subsections 6;~~
 - ~~(d) Accept all other grants, tuition and/or fee waivers, and scholarships offered to the applicant to attend the institution in which the applicant enrolls; and~~
 - ~~(e) Maintain academic good standing as defined by the institution the applicant attends.~~

(2) Institutions shall annually revise and publish eligibility criteria in all publications referencing the grant. All publications about the Promise Grant shall disclose that program funds are limited and subject to change.

(3) Under Section 63G-12-402, verification of lawful presence in the United States is not required to be eligible for a grant under this policy.

R765-620-5. Application Process.

(1) Institutions shall establish an application process consistent with this policy that applicants can easily access and complete. The Board may require an institution to modify an application or process that is overly cumbersome or confusing.

(2) The institution shall set deadlines by which applicants must submit all required materials.

(3) The institution shall determine the most efficient method for issuing grant funds and shall collect the information necessary for that purpose.

(4) Applicants must complete and submit either the Free Application for Federal Student Aid (“FAFSA”) or the alternative financial form approved by the Board and the grant application and include all required documentation.

R765-620-6. Prioritization.

Grants shall be prioritized based primarily on financial need. An institution shall establish criteria to assess an applicant’s financial need. The criteria shall use quantifiable, need-based measures (for example, institutions may establish a range with a minimum and maximum need index based on the ~~Free Application for Federal Student Aid FASFA~~ within which an eligible recipient’s expected contribution must fall to be eligible for an award).

R765-620-7. Grant Award and Calculation.

(1) An institution shall use other funding sources, tuition waivers, and fee waivers, when possible, to fully fund awards.

(2) In determining awards, the institution shall consider all other loans, grants, employment, and family and individual contributions the applicant can put toward financing the cost of attendance.

(3) Grants shall be prioritized based primarily on financial need as outlined in section 6.

(4) The institution may award an amount to an eligible recipient up to the cost of attendance, after taking into account the total value of other financial aid the recipient receives toward the cost of attendance.

R765-620-8. Grant Duration.

~~After an institution has awarded a Promise Grant to an eligible recipient, as long as the recipient continues to meet the qualifications, the Promise Grant shall continue until the earlier of either An eligible recipient may receive a Promise Grant until the recipient:~~

~~(1) Two years after the initial grant Earns a first bachelor’s degree; or~~

~~(2) A recipient uses the grant to attend an institution for four semesters Attempts 120 credit hours.~~

R765-620-9. Competency-based Assessment.

Institutions shall evaluate a recipient’s knowledge, skills, and competencies acquired through formal or informal education outside the traditional postsecondary academic environment, and award appropriate credit for the recipient’s prior learning.

R765-620-10. Grant Transfers.

A recipient may transfer to another institution and retain eligibility for the grant, if the recipient meets the qualifications defined in Subsection R765-620-4 at the institution to which the recipient is transferring. Recipients are responsible to inform the financial aid office at the institution to which they are transferring that they are receiving the Promise Grant at their current institution. The financial aid offices at the respective institutions shall coordinate the transfer of scholarship information. Upon transfer, the institution shall prioritize the award of any eligible recipient before all others awarded in accordance with section 6 of this policy. The institution to which the recipient is transferring shall make adjustments in a recipient’s award in accordance with subsection R765-620-7 ~~of this policy.~~

R765-620-11. Distribution of Funds to Institutions.

(1) In determining how to allocate program funds to an institution, the Board will consider:

(a) The costs of attendance of programs offered by the institution; and

(b) The number of eligible students who attend each institution.

(2) The Board will allocate program funds to eligible institutions in proportion to each eligible institution’s percentage of the total Federal Pell Grant funds received for Utah resident students and

students who qualified for resident tuition in the most recently completed award year by all participating institutions.

~~R765-620-12. Grant Deferrals.~~

~~12.1 Institutions shall develop a process for recipients to apply for deferrals or leaves of absence, which may be granted for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.~~

R765-620-123. Grant Cancellation.

If a recipient ~~does not return to pursue their degree after a deferral, or~~ no longer meets the eligibility requirements, their grant will be canceled, and no remaining funds will be released.

R765-620-134. Reporting.

(1) As specified by the Office of the Commissioner, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other Promise Grant award information for the most recently completed fiscal year.

(2) The Office of the Commissioner may, at any time, request additional documentation or data related to the Utah Promise Program Grant and may review or formally audit an institution's documentation and compliance with this ~~policy~~rule.

(3) By March 1 of each year, participating institutions financial aid directors will report to the Board the total dollar amount of Federal Pell Grant funds awarded to resident students and students who qualified for resident tuition under Section 53B-8-106 at the institution for the most recently completed academic year.

(4) An institution that fails to submit the required reports by the required deadlines may be ineligible to participate in the program for the next fiscal year.

R765-620-14.5 Administrative Costs.

The Board may use up to 3% of the money appropriated for the Utah Promise Program to cover administrative costs.

R765-620-15. Funding Sources.

The Board may supplement state appropriations for the program with private contributions and may name an award after the donor.

R765-620-16. Institutional Participation Agreement.

Each participating institution will enter into a written agreement with the Board or assigned designee agreeing to abide by the program policies, accept and disburse funds per program rules, provide the required report each year, and retain documentation for the program to support the awards and actions taken. By accepting the funds, the participating institution agrees to the additional following terms and conditions:

(1) The institution may at its discretion use up to 3% of the funds it receives for the Utah Promise Program to cover administrative costs.

(2) The institution may not carry forward or carry back from one award year to another any of its Promise Grant allocation. Any exception to this rule must be approved in advance by the Board. The institution will inform the Board immediately if it determines it will not be able to utilize all program funds allotted to it for an award year. Absent any exception for a carry forward amount, institutions shall return unused funds to the Board. The Board will redistribute unused to the other eligible institutions as supplemental Promise Grant allocations for disbursement during the same award year. ~~The portion of~~ Promise Grant allocations budgeted for administrative expenses ~~pursuant to subsection 18.1~~ will not be part of any carryover.

R620-17. Report to Higher Education Appropriations Subcommittee.

Annually, the Board shall submit an electronic report to the Higher Education Appropriations Subcommittee about the Utah Promise Program.

R621, Terrel H. Bell Education Scholarship Program¹

R621-1 The following policy has been codified as [Utah Administrative Code R765-621](#).

R621-2 References

- 2.1** [Utah Code 53B-8-116](#), Terrel H. Bell Education Scholarship Program
- 2.2** [Utah Code Title 53E, Chapter 6, Part 3](#), Licensing Requirements
- 2.3** [Board Policy R623](#), Free Application for Federal Student Aid

R765. Higher Education (Utah Board of), Administration.

R765-621. Terrel H. Bell Education Scholarship Program.

R765-621-1. Purpose.

To provide procedures for administration of the Terrel H. Bell Teaching Education Scholarship Program, ensuring it recruit first-generation students into teaching careers, encourages outstanding students to teach in high needs areas in Utah's public schools, and to recognize teaching as a critically important career choice for the state of Utah.

R765-621-2. Authority.

This rule is authorized by Section 53B-8-116(6).

R765-621-3. Definitions.

- (1) "Approved Program" means:
 - (a) A teacher preparation program that meets the education profession licensure standards described in Section 53E-6-302, and provides enhanced clinical experiences, or prepares an individual to become a speech-language pathologist or another licensed professional providing services in a public school to students with disabilities;
 - (b) Courses taken at Salt Lake Community College or Snow College that lead students to make reasonable progress to meet institutional criteria for admission into a program in accordance with Subsection R765-621-3(1)(a).
- (2) "Board" means Utah Board of Higher Education.
- (3) "Average Scholarship Amount" means average USHE undergraduate resident tuition and general student fees for the corresponding academic year.
- (34) "Eligible Institution" means a public or private institution of higher education in Utah that offers an approved program.
- (45) "FAFSA" means the Free Application for Federal Student Aid
- (56) "High Needs Area" means a subject area or field in public education that has a high need for teachers or other employees, determined annually by the Board in consultation with State Board of Education.
- (67) "First-Generation Student" means a student whose parents never completed college or beyond.
- (78) "Full-time Enrollment" means 12 semester hours or other number of hours as determined by the recipient's institution.
- (89) "Part-time Enrollment" means a minimum of 6 credits in a semester.
- (10) "Scholarship staff" means staff in the Office of the Commissioner of Higher Education assigned to administer state scholarships on behalf of the Board.

R765-621-4. General Award Conditions.

¹Adopted May 17, 2019; amended May 20, 2022, and XXX.

(1) Scholarship Award.

(a) Under this program, an eligible institution may award a scholarship to an individual for an amount up to the cost of resident tuition, fees, and books for the number of credit hours in which the individual is enrolled each semester.

(b) An eligible private institution may not award a scholarship for an amount that exceeds the average scholarship amount granted by a public institution of higher education.

(c) A recipient may receive a scholarship for up to four consecutive years, or equivalent when considering institution-approved leaves of absence.

(d) Eligible institutions may award scholarships to full-time or part-time enrolled students.

(2) Application and Award Procedures.

(a) An eligible institution shall develop processes for promoting and distributing awards consistent with this rule, and will set application deadlines that accommodate both full-time and part-time students.

(b) Applications must require a student's declaration to earn a degree in an approved program.

(3) Prioritizing Awards.

(a) Institutions shall prioritize scholarship awards as follows:

(i) First, to first-generation students who intend to work in any area in a Utah public school.

(ii) Second, to students who are not first-generation students but intend to work in high needs area in a Utah public school.

(iii) Third, to students who meet the requirements in Section R765-621-5.

R765-621-5. Initial and Continuing Eligibility.

(1) To be eligible for a scholarship award under this rule, an applicant must do the following:

(a) Declare their intent to earn a degree in an approved program and to teach in a Utah public school after graduation;

(b) Complete the FAFSA in accordance with Board Policy R623, Free Application for Federal Student Aid;

(2) Award recipients must maintain satisfactory academic progress in accordance with their institution's policies.

(3) A recipient must make reasonable progress to meet institutional criteria for admission to an approved program. Once admitted to an approved program a recipient must maintain reasonable progress towards completion of an approved program.

(4) A recipient who transfers to another eligible institution will retain an award if they continue to meet criteria established for recipients at the receiving institution.

(5) After no more than four semesters of full-time, or eight semesters of part-time postsecondary course work, a recipient must apply and be accepted into an approved program at an eligible institution.

(6) A recipient who has not been accepted into an approved program at an eligible institution may be granted a temporary deferment of an award for up to two years while seeking acceptance into an approved program.

(7) After providing a recipient notice and an opportunity to respond, an institution may rescind a recipient's scholarship if the dean of education or the director of financial aid determines the recipient:

(a) is failing to make reasonable progress toward completion of program requirements, or

(b) has demonstrated to a reasonable certainty that he or she does not intend to teach at a public school in Utah after graduation.

(8) Under Section 63G-12-402, verification of lawful presence in the United States is not required to be eligible for this scholarship.

(9) Appeals. Upon request by the student, the institution shall provide an opportunity for the student to appeal a dean or director's determination to rescind the scholarship to a committee of at least three impartial persons.

(10) Leaves of Absence. A recipient may seek leave of absence from attending an institution in accordance with applicable deferral policies at a corresponding eligible institution.

R765-621-6. Transfer of Award Funds.

A recipient may transfer to another eligible institution and retain the scholarship if the recipient meets all requirements of the receiving institution. The recipient shall be responsible for communicating with the recipient's college or school of education and the financial aid office at the receiving institution well in advance. A recipient who does not meet application deadlines or demonstrate satisfactory academic progress may have their scholarship rescinded. The receiving institution shall be responsible to make any adjustments in a recipient's award.

R765-621-7. Distribution of Award Funds to Institutions.

The Board will annually distribute available funds to eligible institutions proportionally equal to the total number of teachers who graduated from the eligible institution and were hired by a Utah public school district for the most recent three cohort years available, minus funds for Snow College and Salt Lake Community College allocated at the discretion of the Board and amounts allocated to institutions with new programs without the required three-year history of graduates to fit in the allocation formula, who will receive a minimum allocation amount to be set by scholarship staff.

R765-621-8. Reporting.

As specified by the Office of the Commissioner, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other TH Bell Scholarship information for the most recently completed fiscal year. The Board may, at any time, request additional documentation or data related to the T.H. Bell Scholarship and may review or formally audit an institution's compliance with this rule.



R621, Terrel H. Bell Education Scholarship Program¹

R621-1 The following policy has been codified as Utah Administrative Code R765-621.

R621-2 References

2.1 [Utah Code 53B-8-116, Terrel H. Bell Education Scholarship Program](#)

2.2 [Utah Code Title 53E, Chapter 6, Part 3, Licensing Requirements](#)

2.3 [Board Policy R623, Free Application for Federal Student Aid](#)

R765. Higher Education (Utah Board of), Administration.

R765-621. Terrel H. Bell Education Scholarship Program.

R765-621-1. Purpose.

To provide procedures for administration of the Terrel H. Bell Teaching Education Scholarship Program, ensuring it recruit first-generation students into teaching careers, encourages outstanding students to teach in high needs areas in Utah's public schools, and to recognize teaching as a critically important career choice for the state of Utah.

R765-621-2. Authority.

This rule is authorized by Section 53B-8-116(6).

R765-621-3. Definitions.

(1) "Approved Program" means:

(a) A teacher preparation program that meets the education profession licensure standards described in Section 53E-6-302, and provides enhanced clinical experiences, or prepares an individual to become a speech-language pathologist or another licensed professional providing services in a public school to students with disabilities;

(b) Courses taken at Salt Lake Community College or Snow College that lead students to make reasonable progress to meet institutional criteria for admission into a program in accordance with

~~Subsection R765-621-3(1)(a) of this policy.~~

(2) ~~Board means Utah Board of Higher Education.~~

(3) ~~"Average Scholarship Amount" means average USHE undergraduate resident tuition and general student fees for the corresponding academic year.~~

(34) "Eligible Institution" means a public or private institution of higher education in Utah that offers an approved program.

(45) "FAFSA" means the ~~financial reporting form known as~~ Free Application for Federal Student Aid ~~that is administered by the U.S. Department of Education to determine the need and eligibility of a college student for financial aid.~~

(56) "High Needs Area" means a subject area or field in public education that has a high need for teachers or other employees, determined annually by the Board in consultation with State Board of Education.

(67) "First-Generation Student" means a student ~~for whom no parents or guardians attained a bachelor's degree whose parents never completed college or beyond.~~

(78) "Full-time Enrollment" means 12 semester hours or ~~such~~ other number of hours as determined by the recipient's institution.

(89) "Part-time Enrollment" means a minimum of 6 credits in a semester.

(9) ~~"Average Scholarship Amount" means average USHE undergraduate resident tuition and general student fees for the corresponding academic year.~~

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¹Adopted May 17, 2019; amended May 20, 2022, and XXX.

(10) “Scholarship staff” means staff in the Office of the Commissioner of Higher Education assigned to administer state scholarships on behalf of the Board.

R765-621-4. General Award Conditions.

- (1) Scholarship Award.
 - (a) Under this program, an eligible institution may award a scholarship to an individual for an amount up to the cost of resident tuition, fees, and books for the number of credit hours in which the individual is enrolled each semester.
 - (b) An eligible private institution may not award a scholarship for an amount that exceeds the average scholarship amount granted by a public institution of higher education.
 - (c) A recipient may receive a scholarship for up to four consecutive years, or equivalent when considering institution-approved leaves of absence.
 - (d) Eligible institutions may award scholarships to full-time or part-time enrolled students.
- (2) Application and Award Procedures.
 - (a) An eligible institution shall develop processes for promoting and distributing awards consistent with this rule, and will set application deadlines that accommodate both full-time and part-time students.
 - (b) Applications must require a student’s declaration to earn a degree in an approved program.
- (3) Prioritizing Awards.
 - (a) Institutions shall prioritize scholarship awards as follows:
 - (i) First, to first-generation students who intend to work in any area in a Utah public school.
 - (ii) Second, to students who are not first-generation students but intend to work in high needs area in a Utah public school.
 - (iii) Third, to students who meet the requirements in Section R765-621-5.

R765-621-5. Initial and Continuing Eligibility.

- (1) To be eligible for a scholarship award under this rule, an applicant must do the following:
 - (a) Declare their intent to earn a degree in an approved program and to teach in a Utah public school after graduation;
 - (b) Complete the FAFSA in accordance with Board Policy R623, Free Application for Federal Student Aid; to the extent that it will benefit the student’s ability to maximize financial aid opportunities, except that a student may opt out of this requirement due to:
 - ~~(i) Financial ineligibility for any potential grant or other financial aid;~~
 - ~~(ii) personal privacy concerns; or~~
 - ~~(iii) advice of the institution based on its assessment of the factors that may impact the student’s ability to access financial aid opportunities.~~
 - (2) Award recipients must maintain satisfactory academic progress in accordance with their institution’s policies.
 - (3) A recipient must make reasonable progress to meet institutional criteria for admission to an approved program. Once admitted to an approved program a recipient must maintain reasonable progress towards completion of an approved program.
 - (4) A recipient who transfers to another eligible institution will retain an award if they continue to meet criteria established for recipients at the receiving institution.
 - (5) After no more than four semesters of full-time, or eight semesters of part-time postsecondary course work, a recipient must apply and be accepted into an approved program at an eligible institution.
 - (6) A recipient who has not been accepted into an approved program at an eligible institution may be granted a temporary deferment of an award for up to two years while seeking acceptance into an approved program.
 - (7) After providing a recipient notice and an opportunity to respond, an institution may rescind a recipient’s scholarship if the dean of education or the director of financial aid determines the recipient:
 - (a) is failing to make reasonable progress toward completion of program requirements, or
 - (b) has demonstrated to a reasonable certainty that he or she does not intend to teach at a public school in Utah after graduation.
 - ~~(8) Under Section 63G-12-402, verification of lawful presence in the United States is not required to be eligible for this scholarship.~~
 - ~~(9) Appeals.~~ Upon request by the student, the institution shall provide an opportunity for the student to appeal a dean or director’s determination to rescind the scholarship to a committee of at least three impartial persons.
 - (910) Leaves of Absence. A recipient may seek leave of absence from attending an institution in accordance with applicable deferral policies at a corresponding eligible institution.

R765-621-6. Transfer of Award Funds.

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A recipient may transfer to another eligible institution and retain the scholarship if the recipient meets all requirements of the receiving institution. The recipient shall be responsible for communicating with the recipient's college or school of education and the financial aid office at the receiving institution well in advance. A recipient who does not meet application deadlines or demonstrate satisfactory academic progress may have their scholarship rescinded. The receiving institution shall be responsible to make any adjustments in a recipient's award.

R765-621-7. Distribution of Award Funds to Institutions.

The Board will annually distribute available funds to eligible institutions proportionally equal to the total number of teachers who graduated from ~~an~~ the eligible institution and were hired by a Utah public school district for the most recent three cohort years available, minus funds for Snow College and Salt Lake Community College allocated at the discretion of the Board and amounts allocated to institutions with new programs without the required three-year history of graduates to fit in the allocation formula, who will receive a minimum allocation amount to be set by scholarship staff.

R765-621-8. Reporting.

- (1) On or before June 30 each year, eligible institutions shall report to the Board the following:
 - (a) ~~any new or procedures, application materials;~~
 - (b) ~~the name and student identification number, first-generation status, and specific enrolled program of each recipient to whom the institution awarded scholarship funds the current academic year;~~
 - (c) ~~the scholarship amount each recipient received; and~~
 - (d) ~~the number of first-generation recipients.~~

As specified by the Office of the Commissioner, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other TH Bell Scholarship information for the most recently completed fiscal year. The Board may, at any time, request additional documentation or data related to the T.H. Bell Scholarship and may review or formally audit an institution's compliance with this rule.

~~R765-621-9. FAFSA Completion Requirement~~

- ~~To assist students with the FAFSA requirement, each institution shall ensure that:~~
- ~~(1) each institution advisor encourages, to the extent practicable, each student to annually complete the FAFSA; and~~
 - ~~(2) the staff and faculty who advise students on financial aid are properly trained on the benefits of completing the FAFSA.~~



R624, Utah Promise Partner Program ¹

R621-1 The following policy has been codified² as Utah Administrative Code R765-624.

R621-2 References

2.1 [Utah Code § 53B-13a-106](#), Utah Promise Partners

R765. Higher Education (Utah Board of), Administration.

R765-621. Utah Promise Partner Program.

R765-621-1. Purpose.

This rule outlines the procedures for the Utah Promise Partner Program

R765-621-2. Authority.

This rule is authorized by Section 53B-13a-106.

R765-621-3. Definitions.

- (1) “Board” means the Utah Board of Higher Education.
- (2) “Eligible program” means an academic program defined by the Board and the Promise Partner.
- (3) “Institution” means an institution of higher education under Utah Code section 53B-2-101(1).
- (4) “Promise Partner Award” means an award given to an eligible employee or dependent of a promise partner under this policy.
- (5) “Promise Partner” means an employer that has applied to, and established a Memorandum of Understanding with, the Board.
- (6) “Dependent” means a person who meet the Internal Revenue Service’s qualifying child or qualifying relative test.

R765-621-4. Utah Promise Partners.

The Board may select, as a promise partner, an employer who applies to the Board and meets other requirements established by the Board. The Board may name a specific promise grant after the donating promise partner.

R765-621-5. Employee Qualifications.

- (1) An employee who works for a promise partner, or who is a dependent of an employee of a promise partner, is eligible to receive an award under this policy if the individual:
 - (a) Completes the application process approved by the Board;
 - (b) Is admitted to, and enrolled in or intends to enroll in and eligible program at a Utah System of Higher Education institution; and
 - (c) Meets other requirements established by the Office of the Commissioner of Higher Education.
- (2) The student must meet the eligibility requirements outlined in subsection R765-621-5(1) for the full-length of time the student receives the award.

R765-621-6. Application Process.

- (1) The promise partner shall establish an application process consistent with this rule that applicants can easily access and complete.
- (2) The Board, in consultation with the partner, shall set deadlines by which applicants must submit all required materials.

¹Adopted May 20, 2022; amended XXX.

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

R765-621-7. Award.

Subject to funding, the Board may:

- (1) Give a promise partner award for the portion of tuition and fees for a program at an institution that is not covered by the promise partner;
- (2) Prioritize awarding promise partner awards if an appropriation for promise partner awards is insufficient to provide a promise partner award to each eligible applicant.

R765-621-8. Award Duration.

The Board may continue to award a promise partner award to an eligible recipient until the earlier of:

- (1) ~~Two~~ Four years after the day on which the recipient receives a promise partner award;
- (2) The recipient's use of the promise partner award to attend an institution for eight semesters; or
- (3) The recipient completing an eligible program.



R624, Utah Promise Partner Program ¹

R621-1 The following policy has been codified² as Utah Administrative Code R765-624.

R621-2 References

2.1 [Utah Code § 53B-13a-106](#), Utah Promise Partners

R765. Higher Education (Utah Board of), Administration.

R765-621. Utah Promise Partner Program.

R765-621-1. Purpose.

This rule outlines the procedures for the Utah Promise ~~Partner Program Grant is a statewide need-based grant program that expands access to postsecondary opportunities to all in collaboration with industry partners. This policy outlines the Utah Board of Higher Education's ("Board") policy and procedures for administering the Utah Promise Partner Program.~~

R765-621-2. Authority.

This rule is authorized by Section 53B-13a-106.

R765-621-3. Definitions.

- (1) ~~"Board" means the Utah Board of Higher Education.~~
- (2) ~~"Eligible program" means an academic program defined by the Board and the Promise Partner.~~
- (3) "Institution" means an institution of higher education under Utah Code section 53B-2-101(1).
- (4) "Promise Partner Award" means an award given to an eligible employee ~~or dependent~~ of a promise partner under this policy.
- (5) "Promise Partner" means an employer that has applied to, and established a Memorandum of Understanding with, the Board.
- (6) ~~"Dependent" means a person who meet the Internal Revenue Service's qualifying child or qualifying relative test.~~

R765-621-4. Utah Promise Partners.

The Board, ~~in consultation with the Talent Ready Utah Program~~, may select, as a promise partner, an employer who applies to the Board and meets other requirements established by the Board. ~~The Board may name a specific promise grant after the donating promise partner.~~

R765-621-5. Employee Qualifications.

- (1) An employee who works for a promise partner, ~~or who is a dependent of an employee of a promise partner~~, is eligible to receive an award under this policy if ~~the individual~~:
- (a) ~~The employee e~~completes the application process approved by the Board;
 - (b) Is admitted to, and enrolled in ~~or intends to enroll in and eligible program at~~ a Utah System of Higher Education institution; and
 - (c) Meets other requirements established by the ~~Promise Partner Office of the Commissioner of Higher Education~~.
- ~~(+)(2)~~ The student must meet the eligibility requirements outlined in subsection R765-621-5(1) for the full-length of time the student receives the award.

R765-621-6. Application Process.

- (1) The promise partner shall establish an application process consistent with this rule that

¹Adopted May 20, 2022-; ~~amended XXX~~.

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

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applicants can easily access and complete.

(2) The Board, in consultation with the partner, shall set deadlines by which applicants must submit all required materials.

R765-621-7. Award.

Subject to funding, the Board may:

(1) Give a promise partner award for the portion of tuition and fees for a program at an institution that is not covered by ~~a~~ the promise partner ~~reimbursement~~;

(2) Prioritize awarding promise partner awards if an appropriation for promise partner awards is insufficient to provide a promise partner award to each eligible applicant.

R765-621-8. Award Duration.

The Board may continue to award a promise partner award to an eligible recipient until the earlier of ~~either~~:

(1) ~~Two~~ Four years after the day on which the recipient receives a promise partner award;

(2) The recipient ~~s use of~~ es the promise partner award to attend an institution for ~~four~~ eight semesters; or

(3) The recipient completing an eligible program, es the requirements for an associate degree, or

~~(4) The recipient attends an institution that does not offer associate degrees, and the recipient has earned 60 credit hours.~~

R603, Terrel H. Bell Teaching Incentive Loan Program¹

R603-1 Purpose: To provide policy and procedures for the administration of the Terrel H. Bell Teaching Incentive Loan Program, ensuring that the Program accomplishes its purpose, which is to recruit

outstanding students to teach in prioritized critical areas of need in Utah's public schools, as defined by the Utah State Office of Education's criticality index, and to recognize teaching as a positive career choice.

R603-2 References

2.1 — Utah Code Title 53B, Chapter 10 (Terrel Bell Teaching Incentive Loans Program)

2.2 — Utah Code Title 53A, Chapter 6 (Educator Licensure and Professional Practices Act)

R603-3 Definitions

3.1 — **“Teaching” or “Work in Utah’s Public or Private Schools”:** Includes actual classroom instruction, curriculum development, school administration, student counseling, library science, instructional technology, and other similar activities in which the former student uses her or his Program supported training to benefit Utah students.

3.2 — **“Awards”:** Basic awards under the Program which provide payment towards tuition and fees.

3.3 — **“Program”:** Terrel H. Bell Teaching Incentive Loan Program.

3.4 — **“Grace Period”:** A period of time up to two years, commencing after a recipient has graduated and obtained a teaching license, during which time a recipient's repayment obligations are stayed so long as the recipient is actively seeking employment to teach in a Utah public or private school.

3.5 — **“SOE”:** State Office of Education

¹ *Adopted May 15, 1984, amended November 20, 1984, June 21, 1985, March 14, 1986, January 24, 1997, August 3, 2001 and October 27, 2005.*

3.6 — **“OCHE”:** Office of the Commissioner of Higher Education

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3.7 — **“the Board”**: Board of Higher Education

3.8 — **“Full-time Registration”**: 12 semester hours or such other number of hours as determined by the recipient’s institution.

3.9 — **“Part-time Registration”**: 6 semester hours in a high-need area as determined by the USOE criticality index.

3.10 — **“High School Program Recipient”**: A Utah resident senior high school student Award recipient.

3.11 — **“Post-secondary Program Recipient”**: A Utah resident student Award recipient who has completed at least 24 semester hours of college/university credit.

3.12 — **“Graduate Recipient”**: A Utah resident Award recipient who has earned at least a bachelors degree.

3.13 — **“State Approved Teacher Preparation Program”**: An educator preparation program approved by the State Board of Education pursuant to section 53A-6-107, Program Approval, of the Educator Licensing and Professional Practices Act.

3.14 — **“License”**: A certificate issued by the State Board of Education which attests to the fact that the holder has satisfied the requirements for employment in the public school system.

3.15 — **“Advanced License”**: Graduate degrees and endorsements in high-need areas of teaching or work in Utah’s schools as determined by the State Board of Education.

3.16 — **“USOE Criticality Index”**: The index of prioritized areas of high-need for teachers in Utah public schools developed and distributed by the Utah State Office of Education.

R603-4 Conditions of Awards and of Pay-back Obligation

4.1 General Award Conditions

4.1.1 — Awards under this incentive loan program provide payment towards tuition and/or general fees (late fees, reinstatement or reactivation fees, insurance premiums or special course fees are not covered) for up to four years of full-time equivalent enrollment, or until the requirements for licensing or advanced licensing have been met, whichever is less, as long as the conditions of the program continue to be observed by the student. In addition, specially-qualified students may also receive, subject to legislative appropriation, Premier Stipends are an additional \$1,500 per semester with a maximum of \$3,000 per year.

4.1.2 — To qualify for the Program a student must meet the criteria of Utah residency for tuition purposes provided in board policy R512, Determination of Resident Status.

4.1.3 — An Award may be used at any of Utah’s state operated institutions or a Utah private institution of higher education that offers a state approved teacher education program.

4.1.4 — A postsecondary recipient must remain enrolled as a full-time student at the awarding institution for a minimum of two semesters prior to transferring to another **POLICY R603**

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participating institution.

4.2 Application and Award Procedures

4.2.1 High school students make application through the high school counselor at their school. Post secondary students, who have successfully completed not less than the equivalent of two semesters of formal higher education, make application through the College of Education at a four-year institution or, when legislative appropriations are sufficient to distribute awards through USHE's two-year colleges, through the Office of Academic Affairs at a two-year institution. Graduate recipients, who have at least a bachelor's degree, make application through the college of education at a four-year institution. Each College of Education at USHE's four-year institutions, and each Office of Academic Affairs at USHE's two-year institutions, shall develop processes to distribute the awards consistent with USOE's criticality index, and will set application deadlines that accommodate both full and part-time students.

4.2.2 Prior to receiving a Program voucher or funds, each recipient is required to sign a program Promissory Note.

4.2.3 If a student receives tuition and/or fee waiver from another source, he/she cannot collect the Program voucher in cash but must forfeit one of the awards. Students may not receive cash payment in lieu of a Program tuition or fee voucher.

4.2.4 If the Program recipient is to receive a reduction in tuition (for example, a 50% reduction as a child of a faculty member), that reduction is to be applied before the voucher is used.

4.2.5 Awards can be used for full-time or part-time registration.

4.2.6 If a recipient uses the institutional Program voucher and subsequently withdraws from all classes, the institution will be reimbursed only for the actual cost that the institution charges to the student. If Program funds are used to pay an uncompleted semester, the recipient must pay his/her own tuition and fees for the next full-time semester.

4.2.7 Award recipients are required to keep the OCHE informed of any changes in name, address, social security number, enrollment status and educational service employment status.

4.3 Premier Awards

4.3.1 In addition to Award payment towards tuition and fees, the Program may also provide Premier Stipends, subject to legislative appropriation.

4.3.2 Premier awards may be made to students in their Senior year who are majoring in critical teaching shortage areas.

4.3.3 Premier funds will be distributed from the OCHE to awarding institutions to be given directly to recipients as determined by the institution.

4.3.4 Premier moneys awarded in the Program are subject to the same repayment obligation as basic awards.

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4.4 Continuing Eligibility of Students

~~4.4.1 Award recipients taking lower division classes must maintain established college standards for students in good standing.~~

~~4.4.2 Recipients at four-year institutions must meet institutional criteria for admission to a teacher education program and once admitted must maintain academic standards established by the institution for completion of the teacher education program in order to remain eligible for renewal of the Program.~~

~~4.4.3 Program recipients transferring from one eligible institution to another will retain their Awards if they continue to meet criteria established for Program recipients at the receiving institution. The names of transfer students will be reported by institutions each quarter/semester to the OCHE. Receiving institutions will be notified of all transferring Award holders by the sending institution.~~

~~4.4.4 After no more than four semesters of full-time, or six semesters of part-time, post-secondary course work, a Program recipient must apply and be accepted in a teacher education program at a state approved teacher preparation program at an institution of higher education in Utah in order to remain eligible for renewal of the Award.~~

~~4.4.5 Program recipients who have not been accepted into a College of Education (COE) after receiving six semesters of Awards may be dropped from the Program and converted to repayment status or, at the discretion of OCHE, may be granted a temporary leave of absence from the Program while they seek acceptance into a COE.~~

~~4.4.6 A Program recipient, whether enrolled full- or part-time, may be denied further program assistance by the institution in which he/she is enrolled if, after notice and a reasonable opportunity for the student to respond orally and in writing, the dean of teacher education at the four-year institution, or the director of financial aid at two-year colleges, determines that the recipient either is failing to make reasonable progress toward ultimate completion of licensure requirements, or has demonstrated to a reasonable certainty that he or she does not intend to teach in Utah after graduation. Upon request by the student, the institution shall provide an opportunity for the student to appeal the determination of the dean or director to a committee of at least three impartial persons.~~

~~4.4.7 A Program recipient, whether enrolled full- or part-time, who intends to discontinue his/her studies temporarily to fulfill religious, military, or other personal obligations, must seek, and obtain, a timely Leave of Absence (LOA), as outlined in Section 4.5 of this policy. Failure to do so may result in the Program recipient being dropped from the Program and converted to repayment status.~~

4.5 Guidelines for Leaves of Absence

~~4.5.1 A one-time Leave of Absence (LOA) may be granted for one semester by the institution. Any LOA requested for more than one semester shall require OCHE approval.~~

~~4.5.2 Institution representatives shall report all leaves of absence granted to the OCHE each semester.~~

~~4.5.3 Leaves of absence are not automatically granted and are approved only for exceptional circumstances such as, but not limited to, prolonged illness, disability, religious or~~

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community service, and unforeseen personal reasons.

4.5.4 If the recipient does not return to pursue his or her teacher education after a leave of absence, that student will be dropped from the program and must repay all Program moneys unless an extended leave is granted by OCHE.

4.6 Standards for Repayment

4.6.1 Realizing that teaching positions may not always be readily available in Utah public or private schools to recipients of Awards from this Program, the recipient is allowed a period of two years (the Grace Period), commencing upon graduation/certification, within which time the recipient's repayment obligations are stayed, but this stay of the repayment obligation is conditioned upon the requirement that the recipient actively, and continually, seek employment for teaching in a Utah public or private school. If a recipient, who has graduated and obtained a teaching license, is not teaching in a Utah public or private school and cannot certify that he/she is actively seeking employment teaching in a Utah public or private school, then monetary repayment of the loans is due immediately.

4.6.2 Each successive quarter/semester of teaching on a full-time equivalent basis shall be deemed as equal payment for the assistance received during each successive quarter/semester during which such scholarship assistance was received.

4.6.3 The State Board of Education identifies Title I and Necessarily Existent Small Rural Schools. Recipients who teach in Title I or Necessarily Existent Small Rural Schools will receive two quarters/semesters of teaching repayment credit for each quarter/semester of teaching.

4.6.4 With the approval of OCHE, substitute teaching may be used to repay the Award. However, a minimum of twenty substitute teaching days must be earned during a school year in order to repay a pro rata share of a quarter/semester, calculated on a 60-day quarter and a 90-day semester. Full-time substitute teaching earns the same credits towards repayment as does full-time teaching.

4.6.5 Recipients who attend post-secondary institutions out of state, at either the undergraduate or graduate level, shall enter repayment immediately, unless OCHE grants a deferment.

4.6.6 Any recipient who fails to complete requirements for a teacher license, as outlined in the Utah State Board of Education rules, will be required to repay all Award assistance received, with interest, unless the recipient receives OCHE approved relief as defined in Section R603-5.

4.6.7 The OCHE may defer, reduce or waive the recipient's teaching or repayment obligation in whole or in part upon documentation showing extreme personal financial hardship, or the inability of a Program recipient because of prolonged illness, disability, or other cause beyond the control of the student to commence or continue to pursue teaching on a full-time equivalent basis in Utah within the prescribed period of time despite the good faith effort of the recipient to do so.

4.6.8 A recipient who commences teaching on a timely basis, but who ceases to teach before his or her obligation has been discharged in full for all Award assistance received must repay the balance due, with interest, based upon the uncompleted teaching period. Also, a recipient who has begun monetary repayment may switch to repayment by teaching. Once

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repayment begins, either through teaching or money, it continues without interruption until paid in full, unless a deferment is approved by the OCHE.

~~4.6.9~~ If the maker of the promissory note should die or become permanently disabled before the note is fully paid, the entire balance due thereon, together with accrued and unpaid interest, shall be canceled.

~~4.7~~ Terms of Monetary Repayment Obligation

~~4.7.1~~ Within 60 days after a recipient of an award receives written notice from the OCHE that he/she is obligated to repay all or part of the amount of assistance received, the recipient shall either pay the amount due in its entirety or shall begin monthly payments with terms and conditions outlined in the Promissory Note signed by the recipient. Monetary repayment of the loan will be required to begin:

~~4.7.1.1~~ upon expiration of the two-year Grace Period, if the recipient is not teaching, or

~~4.7.1.2~~ at any time during the Grace Period if recipient does not actively seek employment teaching in a Utah public or private school, or

~~4.7.1.3~~ 60 days after student leaves school, either temporarily or permanently, prior to graduation, or

~~4.7.1.4~~ 60 days after student ceases to carry a part-time academic class load as defined herein, unless such class load is approved by the college of education program administrator or the Director of Financial Aid, or

~~4.7.1.5~~ 60 days after student graduates, but fails to obtain a teaching certificate, or

~~4.7.1.6~~ 60 days after a student fails to qualify for Continuing Eligibility as provided in Section 4.4.

~~4.7.2~~ The repayment schedule shall outline the principal and interest in equal monthly installments of not less than fifty dollars (\$50.00) per month unless a lesser amount is approved by OCHE, with a repayment period of ten (10) years or such longer period as may be approved by OCHE. Depending upon the amount owed, the minimum monthly payment may exceed \$50 per month. Once repayment begins, either through teaching or money, it continues until paid in full except as provided in Section R603-5.

~~4.7.3~~ All payments shall be credited first to accrued late fees, then to interest, and then to the unpaid principal balance. No interest shall accrue during the Grace Period.

~~4.7.4~~ The recipient shall be permitted to prepay all or any part of the principal balance, plus accrued interest thereon, at any time without penalty.

~~4.7.5~~ In the event of a change from monetary to teaching as Program repayment, only the amount of monetary repayment applied to the principal will be credited towards the total Program obligation.

~~4.7.6~~ If the recipient fails to pay the amount due on a timely basis, the entire amount owed by the recipient shall become immediately due and payable, together with interest accrued from the date of the notification of the repayment obligation, and, in addition thereto, reasonable

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~~attorney's fees and other collection charges necessary to collect the amount due.~~

R603-5 Deferment

~~**5.1 Reasons for Deferment:** Upon application by the recipient, the OCHE may grant a deferment of or reduction in the obligation to make payments of interest and principal on the promissory note during such period of time as the applicant establishes he or she is financially unable to make the required payments for the reason that he or she (a) is enrolled and in attendance as a full-time student at a Utah institution of higher education, (b) is suffering from prolonged illness or disability, (c) is engaged in religious or community service without, or at nominal compensation, (d) is unemployed despite the exercise of reasonable diligence to secure suitable employment, or (e) is the victim of other extraordinary circumstances under which a continued obligation of repayment would create a severe personal hardship. OCHE may set time limits for a deferment and grant extensions to the deferment at its discretion.~~

~~**5.2 No Interest Accrues:** During an approved period of deferment granted under paragraph 5.1, interest will not accrue, and installment payments need not be made.~~

~~**5.3 Commissioner's Authority:** The Board of Higher Education delegates to the Commissioner of Higher Education authority to approve the postponement or waiver of repayment obligations as well as leaves of absence for the Terrel H. Bell Teaching Incentive Loan Program.~~

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R605, Higher Education Success Stipend Program

R605-1 Purpose: To provide Board of Higher Education (“the Board”) policy and procedures for implementing the Higher Education Success Stipend Program (“HESSP”) (formerly known as the Utah Centennial Opportunity Program for Education (“UCOPE”)) (“HESSP”, or “program”), Utah Code Title 53B, Chapter 13a, enacted in H.B. 64 by the 1996 General Session of the Utah Legislature, as amended in 1997, 1998, 2004 by S.B. 40, Cesar Chavez Scholarship Program and 2011 by S.B. 107, Higher Education Success Stipend Program (“HESSP”).

R605-2 References

[2.1 Utah Code 53B-8-102](#) (Definition of Resident Student)

[2.2 Utah Code 53B-8-106](#) (Resident tuition—Requirements—Rules)

[2.3 Utah Code Title 53B, Chapter 13a](#) (Higher Education Success Stipend Act)

[2.4 Policy and Procedures R512](#), Determination of Resident Status

R605-3 Effective Date: These revised policies and procedures are effective July 1, 2011.

R605-4 Policy

4.1 Program Description: HESSP is a State supplement to increasingly inadequate grant and work assistance from Federal Government student financial aid programs. In Utah Code 53B-13a-103(1), the Legislature finds “the prosperity, economic success, and general welfare of the people of Utah and of the state are directly related to the educational levels and skills of the citizens of the state; and financial assistance, to bridge the gap between a financially needy student’s resources and the cost of attendance at a Utah postsecondary institution, is a necessary component for ensuring access to postsecondary education and training.”

4.2 Award Year: The award year for HESSP is the twelve-month period coinciding with the state fiscal year beginning July 1 and ending June 30.

4.3 Institutions Eligible to Participate: Eligible institutions include the eight institutions of the Utah System of Higher Education, Utah private, nonprofit postsecondary institutions (which are accredited by a regional accrediting organization recognized by the Board) and the Utah

College of Applied Technology campuses. These are the only institutions eligible to participate. For purposes of this section the Board recognizes the Northwest Association of Schools and Colleges as the accrediting organization. Utah private nonprofit postsecondary institutions accredited by the Northwest Association of Schools and Colleges are Brigham Young University, Westminster College and LDS Business College.

4.4 Students Eligible to Participate: To be eligible for grant or work-study assistance from HESSP funds, a student must:

4.4.1 be a resident student of the State of Utah under Utah Code 53B-8-102 and Board Policy R512 or exempt from paying the nonresident portion of total tuition under Utah Code §53B-8-106. For purposes of this section, in addition to the qualification methods set forth in Policy R512, an institution may recognize a student, other than a nonimmigrant alien, as a resident student of the State of Utah if the student graduated from a Utah high school within 12 months of enrolling in the institution; and

4.4.2 be unconditionally admitted and currently enrolled in an eligible institution on at least a half-time basis as defined in Federal regulations applicable to Title IV of the Higher Education Act, in a post-high school program of at least nine months duration, leading to an Associate or Bachelors' degree, or to a diploma or certificate in an applied technology or other occupational specialty. This does not include un-matriculated students or students enrolled in post-baccalaureate programs or in remedial or developmental programs to prepare for admittance to a degree, diploma, or occupational certificate program; and

4.4.3 be maintaining satisfactory academic progress, as defined by the institution, toward the degree, diploma, or certificate objective in which enrolled; and

4.4.4 meet all requirements of general eligibility for Federal Higher Education Act Part IV Student Financial Aid Programs, as defined in applicable U. S. Department of Education Regulations and the current edition of the Department of Education Student Aid Handbook; and

4.4.5 have a demonstrated need for financial assistance based on the defined Cost of Attendance for the applicable student category at the institution and the expected family contribution as determined by the Federal need analysis process for Higher Education Act Title IV student financial assistance programs.

4.5 Program Administrator: The program administrator for HESSP is the Associate Commissioner for Student Financial Aid, or a person designated in a formal delegation of authority by the Associate Commissioner, under executive direction of the Commissioner of Higher Education.

4.6 Determination of Funds Available for the Program: Funds available for HESSP allotments to institutions may come from specifically earmarked state appropriations, from the statewide student financial aid line item appropriation to the Board, or from other sources such as private contributions. Amounts available for allotment each year shall be determined as follows:

4.6.1 Consistent with the original purposes of the Statewide Student Financial Aid line item appropriation to the Board, funds appropriated in the line item shall be applied in the following priority order:

4.6.1.2 First priority is given to matching funds for Utah System of Higher Education institutional awards from the Federal Government for campus-based Federal Perkins Loan Program capital contributions, Federal Supplemental Educational Opportunities Grant Program funds, and partial matching for the Federal College Work Study Program.

4.6.1.3 Second priority is given to providing the required state match for allocations of Leveraging Educational Assistance Partnership Program Federal contributions to the State of Utah.

4.6.1.4 All remaining funds are used for HESSP.

4.6.2 All funds appropriated by specific legislation, or in a specific line item for HESSP, and any funds from other sources contributed for HESSP, are added together with funds available for HESSP pursuant to subsection 4.6.1, to determine the total amount available for the program.

4.7 Allotment of Program Funds to Institutions

4.7.1 Annually, the program administrator will request Federal Pell Grant disbursement data by March 1st. The director of financial aid of an eligible institution will demonstrate intention to continue participation in HESSP by submitting to the program administrator a certification, subject to audit, of (a) the total dollar amount of Federal Pell Grant funds awarded in the most recent completed award year to all students at the institution and (b) the total dollar amount of Pell Grant funds awarded specifically to students at the institution who were resident students of the state of Utah under Utah Code §53B-8-102 and Board Policy R512.

4.7.2 Failure to submit the certification required in 4.7.1 by the requested date constitutes an automatic decision by an eligible institution not to participate in the program for the next fiscal year.

4.7.3 Allotment of program funds to participating institutions is in the same proportion as the amount of Federal Pell Grant funds received by each participating institution for resident undergraduate students bears to the total of such funds received for such students in the most recently completed award year by all participating institutions. For example:

$\frac{\text{Participating Institutions Utah Resident Pell Grant Disbursements}}{\text{Total Utah Resident Pell Grant Disbursements for all Participating Institutions}}$	=	% of HESSP Funds Allocated to the Participating Institution
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4.7.4 The program administrator will send official notification of each participating institutions allotment to the director of financial aid each fiscal year.

4.7.5 The program administrator will send a blank copy of the format for the institutional HESSP performance report, to be submitted within 30 days of the end of the applicable fiscal year, to the director of financial aid of each participating institution each fiscal year.

4.8 Institutional Participation Agreement: Each participating institution will enter into a written agreement with the program administrator or assigned designee agreeing to abide by the program policies, accept and disburse funds per program rules, provide the required report each year and retain documentation for the program to support the awards and actions taken. By accepting the funds, the participating institution agrees to the following terms and conditions:

4.8.1 Use of Program Funds Received by the Institution

4.8.1.1 The institution may at its discretion place up to, but in no case more than, 3.0% of the total amount of program funds allotted to it for the award year in a budget for student financial aid administrative expenses of the institution and will expend all funds so budgeted before the end of the state fiscal year for which allotted.

4.8.1.2 (a) For any award year, the institution may, at its option, place all or any portion of its allotted HESSP funds in a budget to be used only for payment of work-study stipends to eligible students, for employment during the award year either in jobs provided under Federal Work-Study Program (FWSP) regulations or in jobs provided in accordance with HESSP Work-Study Program (HWSP) policies (Section

~~4.9 herein). The State Legislature has determined that need-based work-study stipends be given strong emphasis.~~

~~**4.8.1.2** (b) Work-study payments from the institution's HESSP work-study budget, for jobs under either FWSP regulations or HWSP policies, will be counted as HESSP awards for purposes of subsection 4.8.2.3.~~

~~**4.8.1.3** All work-study jobs provided using HESSP funds from the budget pursuant to this subsection, including those established under FWSP regulations, will be identified to the recipient as HESSP work-study awards. No portion of the institution's HESSP allotment may be used as institutional match for Federal Work-Study Program allocations.~~

~~**4.8.1.4** The institution will place the total remainder of program funds allotted to it for the award year, after amounts budgeted pursuant to subsections 4.8.1.1 and 4.8.1.2, in a budget to be used only for payment of HESSP grants to eligible students during and for periods of enrollment within the award year. Grants awarded from this budget will be identified to the recipient as Higher Education Success Stipend Grants.~~

~~**4.8.1.5** The institution may not carry forward or carry back from one fiscal year to another any of its HESSP allocation for a fiscal year. Any exception to this rule must be approved in advance by the HESSP program administrator. The institution will inform the program administrator immediately if it determines it will not be able to utilize all program funds allotted to it for an award year. Unused funds may be returned to the program administrator as directed. Returned funds will be re-distributed to the other eligible institutions as supplemental HESSP allocations for disbursement during the same award year. The portion of HESSP allocations budgeted for administrative expenses pursuant to Section 4.8.1.1 will not be part of any carryover.~~

4.8.2 Determination of Awards to Eligible Students

~~**4.8.2.1** Student Cost of Attendance budgets will be established by the institution, in accordance with Federal regulations applicable to student financial aid programs under Title IV of the Higher Education Act as amended, for specific student categories authorized in the Federal regulations, and providing for the total of costs payable to the institution plus other direct educational expenses, transportation and living expenses.~~

~~4.8.2.2~~ HESSP work study or grant amounts will be awarded based on financial aid information and cost of attendance budgets at the time the awards are determined, with first priority given to eligible students who demonstrate the greatest financial need.

~~4.8.2.3~~ The total amount of any HESSP grant and/or work study awards to an eligible student in an award year will not exceed \$5,000, and the minimum HESSP grant and/or work study award to an eligible student will be \$300, except that:

(a) The minimum amount may be the amount of funds remaining in the institution's allotment for the award year in the case of the last eligible student receiving a HESSP grant award for the year; and

(b) An eligible student whose period of enrollment is less than the normally expected period of enrollment within the award year (such as two semesters, three quarters, nine months, or 900 clock hours) will be awarded a minimum or maximum amount in proportion to the portion of the normally expected period of enrollment represented by the quarter(s), semester(s) or other defined term for which the student is enrolled.

~~4.8.2.4~~ HESSP Grants and work study stipends will be awarded and packaged on an annual award year basis. Grants will be paid one quarter or semester at a time (or in thirds, if applicable to some other enrollment basis such as total months or total clock hours), contingent upon the student's maintaining satisfactory progress as defined by the institution in published policies or rules. Work study wages will be paid regularly as earned, provided the student is continuing to make satisfactory progress.

~~4.8.2.5~~ All awards under the program will be made without regard to an applicant's race, creed, color, religion, ancestry, or age.

~~4.8.2.6~~ Students receiving financial aid under the program will be required to agree in writing to use the funds received for expenses covered in the student's cost of attendance budget.

a) The student's signature on the Free Application for Federal Student Aid satisfies this requirement.

(b) If the institution determines, after opportunity for a hearing on appeal according to established institutional procedures, that a student used HESSP grant or work study funds for other purposes, the institution will disqualify the student from HESSP eligibility beginning with the quarter, semester, or other defined enrollment period after the one in which the determination is made.

~~4.8.2.7~~ In no case will the institution initially award program grants or work study stipends or both in amounts which, with Federal Stafford, Federal PLUS and/or Perkins Loans and other financial aid from any source, both need and merit based, and with expected family contributions, exceed the cost of attendance for the student at the institution for the award year.

~~4.8.2.8~~ If, after the student's aid has been packaged and awarded, the student later receives other financial assistance (for example, merit or program based scholarship aid) or the student's cost of attendance budget changes, resulting in a later over award of more than \$500, the institution will appropriately reduce the amount of financial aid disbursed to the student so that the total does not exceed the cost of attendance.

~~4.8.3 Reports:~~ The institution will submit an annual report within 30 days after completion of the award year, providing information on individual awards and such other program relevant information as the Board may reasonably require.

~~4.8.4 Records Retention and Cooperation in Program Reviews:~~ The institution will cooperate with the program administrator in providing records and information requested for any scheduled audits or program reviews, and will maintain records substantiating its compliance with all terms of the participation agreement for three years after the end of the award year, or until a program review has been completed and any exceptions raised in the review have been resolved, whichever occurs first. If at the end of the three year retention period, an audit or program review exception is pending resolution, the institution will retain records for the award year involved until the exception has been resolved.

~~4.9 HESSP Work Study Program Guidelines:~~ If an institution elects to utilize its HESSP Work Study funds for the HESSP Work Study Program (HWSP) instead of in accordance with Federal Work Study (FWSP) regulations, the following guidelines apply:

~~4.9.1 Institutional Jobs:~~ The institution may establish designated HWSP institutional jobs on campus or in other institutional operating sites, and administer such jobs in accordance with the following conditions:

~~4.9.1.1~~ The job must be supplemental to, and not displace, any regularly established job held by a greater than half time institutional employee in the three months immediately prior to establishment of the HWSP institutional job.

~~4.9.1.2~~ The hourly wage for the HWSP institutional job must be no less than the current Federal minimum wage, and no more than the hourly wage paid to regular

employees of the institution in equivalent positions in the institution's personnel system.

~~**4.9.1.3** The institution may pay up to one hundred percent of the hourly wage for the institutional job from its HESSP work study budget established pursuant to subsection 4.8.1.2., provided the total wages paid to a student for the job from HESSP and any other institutional funds do not exceed the amount of the award to the student for the award year.~~

~~**4.9.2 School Assistant Jobs:** The institution may establish designated HWSP school assistant jobs for volunteer tutors, mentors, or teacher assistants, to work with educationally disadvantaged and high risk school pupils, by contract with individual schools or school districts, and administer such jobs in accordance with the following conditions:~~

~~**4.9.2.1** The hourly wage for the HWSP school assistant job must be no less than the current Federal minimum wage, and no more than the hourly wage paid to regular employees of the school or school district in equivalent positions in its personnel system.~~

~~**4.9.2.2** The institution may pay up to one hundred percent of the hourly wage for the job from its HESSP work study budget established pursuant to subsection 4.9.2, provided the total wages paid to a student for the job from any source do not exceed the amount of the award to the student for the award year.~~

~~**4.9.3 Community Service Jobs:** The institution may establish designated HWSP community service jobs with volunteer community service organizations certified by the program administrator on advice of the Utah Commission on Volunteers, and administer such jobs in accordance with the following conditions:~~

~~**4.9.3.1** The hourly wage for the HWSP community service job must be no less than the current Federal minimum wage, and no more than the hourly wage paid to regular employees of the organization in equivalent positions in its personnel~~

~~**4.9.3.2** The institution may pay up to one hundred percent of the hourly wage for the job from its HESSP work study budget established pursuant to subsection 4.9.3, provided the total wages paid to a student for the position from any source do not exceed the amount of the award to the student for the award~~

~~**4.9.4 Matching Jobs:** The institution may establish designated HWSP matching jobs by contract with government agencies, private businesses, or non profit corporations, and administer such jobs in accordance with the following conditions:~~

~~4.9.4.1~~ The matching job may not involve any religious or partisan political activities or be with an organization whose primary purpose is religious or political.

~~4.9.4.2~~ The matching job must be supplemental to, and not displace, any regularly established job held by a greater than half-time employee in the government agency, private business, or non-profit corporation in the three months immediately prior to establishment of the HWSP matching job.

~~4.9.4.3~~ The hourly wage for the HWSP matching job must be no less than the current Federal minimum wage, and no more than the hourly wage paid to regular employees of the organization in equivalent positions in its personnel system, unless the hourly wage of equivalent positions is less than the current Federal minimum wage.

~~4.9.4.4~~ The institution may pay up to fifty percent of the hourly wage for the job from its HESSP work study budget established pursuant to subsection 4.9.4, provided the total wages (including the employer paid portion) paid to the student do not exceed the amount of the award to the student for the award year.

~~4.9.5~~ Institutions are strongly encouraged to place students, when possible, in HWSP jobs which have a relationship to the student's field of study or training.

~~4.9.6~~ Institutions or the employing organization must pay the employer portion of required Federal Taxes (FICA, FUI and SUI), from institutional funds, for the students who are paid for a work study award.

~~4.9.7~~ If an institution employs students in work study jobs or other institutional jobs cumulatively over time to a point at which the institution is required to pay employee benefits other than the direct job wages for a HESSP funded work study job, the institution is required to pay the costs of any such required employee benefits from institutional funds other than HESSP allotted funds.

Adopted May 3, 1996; amended March 20, 1997 and April 24, 1998. Amended on April 11, 2000; June 20, 2002; June 22, 2004; June 20, 2006; May 20, 2011, and November 18, 2011.

R612, Lender Participation

~~R611-1 Purpose:~~ To establish the lender eligibility requirements for participation as an originating lender in the UHEAA loan program.

~~R612-2 References~~

~~2.1 [Utah Code Title 53B, Chapter 12.](#)~~

~~2.2 S. Code, Higher Education Act of 1965, as amended.~~

~~R612-2 Definitions~~

~~3.1 Originating Lender. A lending institution which originates Federal Stafford, PLUS, SLS or Consolidation Loans.~~

~~3.2 “Located in Utah”: With respect to this rule, a lender is located in Utah if the lender has an office in Utah where the lender’s full range of products and services is available to the lender’s customers for routine business transactions. An office established for the sole purpose of collecting student loan applications is not sufficient to qualify a lender as being located in Utah.~~

~~R612-4 Policy~~

~~4.1 Lender Eligibility Requirements:~~ To participate as an originating lender in the UHEAA loan program, a lender must:

~~4.1.1 be located in Utah;~~

~~4.1.2 be an eligible lender as defined by the Higher Education Act of 1965, as amended;~~

~~4.1.3 obtain a six-digit lender identification number issued by the U.S. Department of Education; and~~

~~4.1.4 execute an “Agreement to Guarantee Loans” with UHEAA~~

~~4.2 Borrower Eligibility:~~ A lender which meets the requirements of 4.1 may make loans guaranteed by UHEAA to any eligible borrower.

~~**4.3 Lender Pre-Approval:** A lender which participates in the UHEAA loan program is considered pre-approved.~~

~~**4.4 Loan Approval by Disbursement:** By disbursing the loan, the lender acknowledges its approval of the loan.~~

~~**4.5 Lender Cancellation of UHEAA Guarantee:** A guarantee issued by UHEAA may be canceled by the lender, if the lender does not grant approval of the loan.~~

~~**4.6 Failure to Comply:** If the lender violates or fails to comply with the provisions of this policy or the Higher Education Act of 1965, as amended, the lender will be liable for any penalties, claims, actions and expenses relating to the violation. In addition, the lender may be subject to limitation, suspension or termination under the Higher Education Act of 1965, as amended.~~

Revised by the UHEAA Board of Directors July 14, 1995 and amended October 1, 2001 and August 31, 2004.

R615, Talent Development Incentive Loan Program[†]

R615-1 Purpose: To establish the criteria and process for awarding incentive loans from the Talent Development Incentive Loan Program under Utah Code section 53B-10-201.

R615-2 References

2.1 Utah Code Title 53B Chapter 10 Part 2, Talent Development Loan Program

2.2 Board Policy R619, Talent Development Incentive Award Program

R615-3 Definitions

3.1 “Full-time student” means a student who is enrolled in a minimum of 12 credit hours.

3.2 “GOED” means the Governor’s Office of Economic Development created in Utah Code section 63N-1-201.

3.3 “Incentive loan” means an incentive loan awarded by an institution to a full-time student who has met the eligibility criteria as established by the Board of Higher Education.

3.4 “Qualifying degree” means an associate or a bachelor’s degree that qualifies an individual to work in a qualifying job.

3.5 “Qualifying job” means a job described in subsection 6.2 for which an individual may receive an incentive loan.

[†]Adopted May 20, 2022.

~~R615-4 Program Sunsetting:~~ Due to amendments made to Utah Code Title 53B Title Chapter 10 Part 2 in the 2022 legislative session, this program shall sunset on May 3, 2022. Nevertheless, this policy shall remain in effect until there are no more outstanding loans made under it. Beginning May 4, 2022, qualified applicants may seek talent development awards under Board policy R619.

~~R615-5 Appropriations:~~ The program is funded by appropriations from the Legislature made in accordance with Utah Code section 53B-10-201.

~~R615-6 Application Procedures:~~ A full-time student pursuing a qualifying degree may apply for an incentive loan from the institution at which they are attending by doing the following:

~~6.1~~ The institutions shall develop an application that, at minimum, collects the following information:

~~6.1.1~~ The applicant's status as a full-time or part-time student.

~~6.1.2~~ The applicant's current enrollment or registered enrollment for and the upcoming semester if available.

~~6.1.3~~ A transcript demonstrating the applicant's completed course work.

~~6.1.4~~ A section for the applicant to formally declare their intent to pursue a qualifying degree and to work in a qualifying job, with a signature.

~~6.2~~ Institutions shall set application deadlines by which applicants must submit all required materials.

~~6.3~~ Institutions shall determine the most efficient method for issuing incentive loan funds and collect the necessary information for that purpose.

~~R615-7 Qualifying Criteria~~

~~7.1~~ Applicants must meet the following criteria to qualify for an incentive loan:

~~7.1.1~~ The applicant must have completed at least two semesters of full-time equivalent course work if they are pursuing a bachelor's degree, or at least one semester of full-time equivalent course work if they are pursuing an associate degree.

~~7.1.2~~ The applicant is enrolled full-time.

~~7.1.3~~ The applicant signs a declaration stating they are pursuing or will pursue a qualifying degree.

~~7.1.4~~ The applicant signs a declaration stating their intent to work in a qualifying job in Utah following graduation.

~~7.1.5~~ The applicant must provide the institution verification of registration for classes within the qualifying degree program before the institution may release the funds.

~~7.2~~ Every other academic year, the Governor's Office of Economic Development (GOED) shall select five jobs that have the highest demand for new employees and offer high wages. Beginning the August of that year, those five positions are designated as qualifying jobs for the purposes of this incentive loan program. When selecting the qualifying jobs, GOED shall ensure the jobs meet the following criteria:

~~7.2.1~~ Rank in the top 40 percent of jobs based on an employment index that considers job growth rates and total openings.

~~7.2.2~~ Rank in the top 40 percent for wages.

~~7.2.3~~ Requires an associate degree or a bachelor's degree.

~~7.3~~ In conjunction with selecting the qualifying jobs, GOED will identify and designate the bachelor's or associate degrees required to qualify for the five qualifying jobs.

~~R615-8 Loan Amounts~~

~~8.1 Institutions may loan an amount up to the cost of resident tuition, books, and fees for their respective institutions.~~

~~8.2 Institutions may loan amounts up to the expected time for the recipient to complete the qualifying degree, as determined by the institution.~~

~~R615-9 Funding Distribution~~

~~9.1 The Board will disburse appropriated funds to the institutions by calculating the three-year average of the qualifying degrees each institution awarded using the following assumptions:~~

~~9.1.1 Tuition and fees (not including books, differential, course, or program fees)~~

~~9.1.2 Full tuition and fee cost of associate degree students by institution for three semesters (requires 1 semester before applying)~~

~~9.1.3 Full tuition and fee cost of bachelor's degree students by institution for six semesters (requires 2 semesters before applying)~~

~~9.1.4 After year one, tuition and fees adjusted for inflation (five-year average of 3.5 percent)~~

~~R615-10 Loan Cancellation, Repayment, and Waiver~~

~~10.1 For each year that a recipient works in a qualifying job in Utah following completion of a qualifying degree, the institution that awarded the incentive loan shall waive repayment of the amount of one year of the recipient's incentive loan.~~

~~10.2 An institution shall require a recipient to repay to the institution the full amount of an incentive loan if the recipient fails to:~~

~~10.2.1 Graduate with a qualifying degree within six years of initially receiving the incentive loan;~~

~~10.2.2~~ Work in a qualifying job in Utah within one year of completing a qualifying degree, or

~~10.2.3~~ Works in a qualifying job for fewer years than the number of years required to waive repayment of the full incentive loan.

~~10.3~~ Institutions may cancel an incentive loan if the recipient changes the degree they selected in the declaration at any time prior to graduation.

~~10.4~~ Institutions may waive repayment if a recipient has graduated with a qualifying degree within six years of receiving the loan, works in a non-qualifying job that the institution determines is reasonably related to the degree, and resides in Utah.

~~10.5~~ Institutions may delay repayment for reasonable, unforeseen circumstances that inhibits the recipient's ability to meet the requirements for loan payment-waivers as described above.

~~10.6~~ Institutions may waive repayment for circumstances of prolonged financial hardship.

R615-11 General Administration

~~11.1~~ Institutions may establish policies for administering this program that align with their existing practices and financial aid programs.

R618, UHEAA Grant

~~**R618-1 Purpose:** To provide Utah Higher Education Assistance Authority (UHEAA) policy and procedures for administering the UHEAA Grant (“Program”)~~

R618-2 References

~~**2.1** Board of Higher Education Policy [R601](#), Board of Directors of the Utah Higher Education Assistance Authority.~~

~~**2.2** Memorandum to the UHEAA Board of Directors from Chalmers Gail Norris, Executive Director of UHEAA (UHEAA Board Meeting Agenda, November 30, 1999).~~

~~**2.3** Memorandum to the UHEAA Board of Directors from Chalmers Gail Norris, Executive Director of UHEAA (UHEAA Board Meeting Agenda, September 4, 2003).~~

~~**2.4** UHEAA Board of Directors’ Agenda Action Item, Board Report No. 4. (March 16, 2004).~~

~~**2.5** Letter to Chalmers Gail Norris, Executive Director of Utah Higher Education Assistance Authority from William T. Evans, Assistant Attorney General, Chief, Education Division of the State of Utah (March 16, 2004).~~

R618-3 Effective Date

~~**3.1 Effective Date of Policy:** These policies and procedures are effective as of fiscal year 2008.~~

R618-4 Policy

~~**4.1 Program Description:** The UHEAA Grant is a need-based grant awarded to qualified students who have demonstrated substantial financial need and are making satisfactory academic progress, as defined by the institution. Program funds can be awarded by the participating institution to a qualified student as an institutional packaging of need-based financial aid or emergency awards for students experiencing unanticipated personal or family financial difficulties which threaten their ability to continue enrollment during the remainder of the academic year.~~

4.2 Award Year: The award year for the Program is the twelve-month period designated by an eligible institution, coinciding with the state fiscal year beginning July 1 and ending June 30.

4.3 Institutions Eligible to Participate: Eligible institutions include the ten institutions of the Utah System of Higher Education (USHE) and private nonprofit postsecondary institutions which are accredited by a regional accrediting organization recognized by the Board of Higher Education Policy (“Board”). These are the only institutions eligible to participate. For purposes of this section the Board recognizes the Northwest Association of Schools and Colleges. Utah private nonprofit postsecondary institutions accredited by the Northwest Association of Schools and Colleges are: Brigham Young University, Brigham Young University Idaho, Brigham Young University Hawaii, LDS Business College and Westminster College.

4.4 Students Eligible to Receive UHEAA Grants: To be eligible for the UHEAA Grant, a student must:

4.4.1 Have demonstrated need for financial assistance.

4.4.2 Be certified by the institution to be enrolled and in good standing and making satisfactory academic progress, as formally defined by the institution, towards a program objective (degree, diploma or certificate).

4.5 Program Administrator: The program administrator for the UHEAA Grant is the Associate Commissioner for Student Financial Aid or a person designated in a formal delegation of authority by the Associate Commissioner, under executive direction of the Commissioner of Higher Education.

4.6 Determination of Funds Available for the Program: UHEAA Grants are funded in total from UHEAA’s Loan Purchase Program’s (LPP) Short Term Note Fund’s (STNF) net operating revenues. Each fiscal year the UHEAA Executive Director recommends for action by the UHEAA Board of Directors a UHEAA Grant funding commitment.

4.7 Allotment of Program Funds to Institutions: Allotment of program funds shall be determined by multiplying the total amount available by the ratios of 3rd week headcount enrollment of participating institutions to total. Utah College of Applied Technology (UCAT) allocations are determined by contingency reserve amounts and are not based on head count enrollment. (Approved UHEAA Board of Directors, March 29, 2005)

4.8 Institutional Participation Agreements: To receive UHEAA Grant funds for an award year, a participating institution is required to submit a master “letter of agreement”, signed by the chief executive officer, certifying that the program funds provided by UHEAA will be used in accordance with the following terms and conditions.

4.8.1 Use of Program Funds Received by the Participating Institution

4.8.1.1 The financial aid director of the institution will determine what portion of the UHEAA Grant allotment will be utilized for awards to qualifying students as part of the institutional packaging of need-based aid and what portion will be reserved for emergency awards to students experiencing unanticipated personal or family financial difficulties which threaten their ability to continue enrollment during the remainder of the academic year.

4.8.1.2 The institution may retain and carry forward up to 10% of the current year UHEAA Grant fund allotments(s) to the next fiscal year. However, the institution shall inform the program administrator immediately if it determines that it will not be able to utilize all program funds allotted to it for the award year. The institution may return excess funds before April 1 of the current fiscal year to the program administrator for re-allotment to other institutions.

4.8.1.3 All earnings on UHEAA Grant funds, which are held by the institution in an interest-bearing account, are to be disbursed to students in the form of a UHEAA Grant.

4.8.2 Determination of Awards to Eligible Students

4.8.2.1 The maximum amounts of the UHEAA Grant that may be awarded to an eligible student during a fiscal year are \$2,800 for an undergraduate student and \$4,500 for a graduate student. The minimum amount is \$300, except that a smaller amount may be awarded when the unused remainder of the allotment is less than \$300.

4.8.2.2 All awards under the program will be made without regard to an applicant's race, color, religion, national origin, sex, childbirth, pregnancy, pregnancy-related conditions, age, or status as a person with disabilities, disabled veteran, or veteran of the Vietnam era or otherwise provided by law.

4.8.3 Notification and Reports: The institution will submit a midyear report in December of the fiscal year and an annual report within 30 days after completion of the fiscal year, providing information on individual awards and such other program-relevant information as UHEAA may reasonably require.

4.8.4.1.1 Records Retention and Cooperation in Program Reviews: The institution agrees to maintain adequate documentation of the basis for the selection of recipients and of delivery of the grant funds for audit by UHEAA for a period of three years after the applicable fiscal year.

~~R626, Lender of Last Resort Program~~

~~R626-1 Purpose:~~ The purpose of this rule is to provide the terms and conditions under which UHEAA will provide Lender of Last Resort (LLR) loans to borrowers who have otherwise been unable to obtain a subsidized or unsubsidized Federal Stafford Loan or Federal PLUS Loan from a lender participating in the UHEAA loan program.

~~R626-2 References~~

~~**2.1** [Utah Code, Title 53B, Utah System of Higher Education, Chapter 12.](#)~~

~~**2.2** S. Code, Title IV of the Higher Education Act of 1965, as amended.~~

~~**2.3** [S. Department of Education, Code of Federal Regulations, 34 CFR Part 682.401\(e\)](#)~~

~~R626-3 General~~

~~**3.1 Status of LLR Loans:** An LLR loan, regardless of the lender or the funding source, has all the characteristics of a conventional FFEL Program loan except as provided herein or in directives of the S. Secretary of Education (Secretary).~~

~~**3.2 Identification of the Need for LLR Loans—Institutional Certification:** UHEAA shall maintain and publish a list of known FFEL program lender participants and encourage potential borrowers toward such lenders. The starting point for determining that an LLR loan is needed is the inability of a student (or his or her parent) to obtain a conventional FFEL loan. Generally, this determination is made on a student by student basis. However, to ensure that LLR services are provided in a timely manner, UHEAA will use criteria and processes developed by the U.S. Department of Education (Department) to certify institutional eligibility to make LLR UHEAA will work with the institution to provide, at a minimum:~~

~~**3.2.1** The number and percentage of the institution's FFEL loan applicants who are expected to be unable to obtain a conventional FFEL loan;~~

~~**3.2.2** The names of the FFEL lender or lenders that provided FFEL loans in the past to students attending the institution (or their parents) which, based on available information, have indicated that they will no longer provide conventional FFEL loans to these individuals. And for each such lender, an estimate of the number of students who will be impacted by the lender's decision; and~~

~~3.2.3~~ The names of other FFEL lenders that UHEAA or the institution contacted to request FFEL loan access for students at the institution for the 2008-2009 academic year.

~~3.3 Institution-wide Certification—UHEAA Response:~~ Any institution-wide certification of the need for LLR loans by an institution located in Utah must be made by ~~When so determined:~~

~~3.3.1~~ UHEAA will attempt to identify FFEL lenders that will make conventional FFEL loans.

~~3.3.2~~ If no lenders are identified, UHEAA will seek FFEL lenders that will make LLR loans.

~~3.3.3~~ If no FFEL lender will make LLR loans, UHEAA will itself, to the extent practicable, make LLR loans using available unrestricted net assets, after taking into consideration other anticipated programmatic uses of the assets.

~~3.3.4~~ Finally, if UHEAA lacks the financial capacity to make LLR loans with its own funds, it will request federal Advances from the Secretary to make LLR loans. UHEAA will provide the Secretary with a detailed description of UHEAA's administrative capability, a detailed rationale of why UHEAA does not have sufficient funds to issue LLR loans itself, a description of attempts to locate other non-federal funds; and data supporting UHEAA's financial capability to provide LLR loans to the borrowers for which it is responsible.

~~3.4 Eligibility Requirements:~~ When a student (or group of students) is unable to obtain a conventional FFEL loan, pursuant section 428(j) and 34 CFR 682.401(e), UHEAA is statutorily responsible for all students attending the institutions in Utah and all Utah resident students attending eligible out-of-state institutions.

~~3.4.1~~ UHEAA may make (regardless of the funding source), or arrange for an eligible lender to make, LLR loans only to students attending an institution located in Utah or to a Utah resident attending an institution in another state.

~~3.4.2~~ UHEAA is responsible for providing LLR loans to students and parents of students who attend school or reside in Utah. UHEAA will not establish any additional eligibility criteria what these individuals must meet in order to obtain LLR loans. So long as every individual who meets FFELP eligibility requirements obtains a FFEL LLR loan, UHEAA may use services of lenders that agree to make LLR loans only to particular categories of individuals. UHEAA remains responsible for ensuring that these individuals are served if its LLR lenders choose not to lend.

~~3.4.3~~ Where an institution has campuses in more than one state, it may, based on its administrative process, request and receive LLR loans from UHEAA if either its main campus is in Utah or the requesting branch campus is in Utah.

3.5 Borrower Rights and Responsibilities: An LLR loan made by a FFEL program lender, UHEAA using its own funds, or UHEAA using federal Advances provides the borrower the same rights, benefits, and obligations that apply to a conventional FFEL loan (e.g., discharges and cancellations, loan consolidation, etc.)

3.6 Lender and Loan Holder Rights, Benefits, and Obligations: When an LLR loan is made by a traditional FFEL lender, or by UHEAA using funds other than federal Advances, all of the rights, obligation, benefits, and requirements that apply to conventional FFEL loans apply to the lender (including UHEAA acting as an LLR lender) and to any subsequent holders, except that the LLR loan carries a default insurance (and reinsurance rate) of 100 percent.

3.6.1 If UHEAA makes LLR loans using its own capital, it will assess the borrower the origination fee and the default fee, and will pay the lender fee, as required by R-5715.

3.6.2 UHEAA will not direct any federal Advances to make LLR loans to a lender.

3.7 UHEAA Obligations: In the event UHEAA makes a LLR loan, it will comply with all the requirements applicable to a FFEL lender under the Higher Education Act (HEA). LLR loans made with UHEAA's own funds will not be assigned to the Department. Such loans are not subject to the assignment authority granted the Department in section 428(j) of the HEA.

3.8 Federal Advances Protection, Use, and Assignment of LLR Loans Made with Federal Advances: Federal funds issued for the purpose of making LLR loans will be deposited into a special reserve account of UHEAA's Federal Fund. The receipt and use of such funds will be fully auditable. Such funds will not be used for any purpose other than making LLR loans by UHEAA. The federal government will be the beneficial owner of the loans made with these funds, and UHEAA will hold and treat the loan as a federal asset.

3.8.1 LLR loans made by UHEAA with federal Advances are federal assets and under the terms and conditions of the Advances Agreement, UHEAA may not sell, securitize, or pledge these loans.

3.8.2 UHEAA will assign these loans to the Department upon demand by the Secretary. Assignment of an LLR loan, in this context, is the transfer of title to the UHEAA will promptly notify a borrower that has received an LLR loan made with federal Advances the loan has been assigned to the Department.

3.9 Minimum and Maximum Loan Amount: The minimum amount for which UHEAA will authorize a loan guarantee for an LLR loan is \$200. A loan made under UHEAA's LLR program may not exceed the borrower's financial need, as determined under Part F of Title IV of the HEA.

3.10 Loan Originator: LLR loans guaranteed by UHEAA shall be originated by eligible FFEL lenders under agreement with UHEAA for LLR loan purposes or by UHEAA, as guarantor, from its own funds or from federal advances.

3.11 Hours of Operation: For LLR purposes, UHEAA shall maintain office hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on state and federal holidays.

3.12 Availability Information: UHEAA will provide written notification of the availability of its LLR loans to all schools located in Utah.

3.13 Survey of FFEL Lenders: Before UHEAA implements its LLR program, it will survey by letter, telephone, e-mail or personal contact all FFEL lenders with which UHEAA has an agreement, as well as any other FFEL lender that has expressed an interest, to identify a lender or lenders that will provide conventional FFEL loans to some or all eligible borrowers in Utah. UHEAA will seek a response from every lender. UHEAA will not issue any LLR loans until the survey is completed.

3.14 Issuance of LLR Loans: Pursuant to Section 428(j), where the need to issue an LLR loan becomes necessary, either UHEAA or an eligible LLR lender will issue a loan.

3.15 Written Statement from LLR Lender: Upon implementation of the LLR program, UHEAA shall obtain from each lender with whom it enters into an LLR agreement a written statement explaining why the lender is unwilling to make conventional FFEL loans, in general or specific cases, but is willing to make LLR loans. UHEAA shall provide a copy of such written statement to the Department.

3.16 Agreements with LLR Lenders: Any agreement between UHEAA and a lender for LLR loan purposes will clearly state the scope and time frame of the lender's LLR commitment. The agreement will require the lender to notify UHEAA of its intent to terminate the LLR agreement at least 60 days prior to the effective date of the termination, and to fully disburse any loan first disbursed prior to that effective date.

3.17 Selection of LLR Lenders: UHEAA will enter into LLR agreements with any and all eligible lenders willing to participate in its LLR program, provided:

3.17.1 UHEAA has ensured that the lender is prepared to continue making LLR loans under UHEAA's LLR program and;

3.17.2 UHEAA has undertaken a review process to examine and verify the lender's financial and administrative capability to serve as an LLR lender. UHEAA will review and examine lender information, including audited financial statements, to determine whether the lender has available capital or the ability to raise the necessary capital to make LLR

loans, as well as the lender's administrative capability, resources, and expertise to make and service those loans.

3.18 UHEAA LLR Loans Made Directly: In the event there are no eligible FFEL lenders willing to make LLR loans under agreement with UHEAA, UHEAA will undertake to make LLR loans directly, using available unrestricted net assets or federal Advances. UHEAA will make only LLR loans directly.

3.19 Origination and Servicing Capabilities: UHEAA is a bundled agency with both guarantee and LPP secondary market programs. It currently originates and services loans for FFEL lenders and services loans for the LPP secondary market in full compliance with FFEL program rules.

3.20 Types of Loans Available in LLR Program: UHEAA's LLR program will make available to eligible borrowers subsidized and unsubsidized Federal Stafford Loans and Federal PLUS Loans.

3.21 UHEAA Reports to the Department: UHEAA will comply with Department requirements for reporting on LLR loans. This will include use of LIDs and LLR flags for loan tracking and, at a minimum, for each LLR loan made with federal Advances, the name of the borrower, the institution, disbursement amounts and dates, type of loan. In addition, UHEAA will provide the verification of school certification.

R626-4 Application Procedures

4.1 Documentation: To apply for an LLR loan, the student or school shall provide UHEAA with documentation verifying an eligible student has been unable to obtain a subsidized or unsubsidized Federal Stafford Loan for attendance at an eligible school from at least two eligible lenders. UHEAA provides origination services on behalf of lenders. UHEAA will notify the student and institution of the first denial so that they have the opportunity to find another lender that will make a conventional FFEL loan to the borrower prior to seeking an LLR loan.

4.2 Approval and Notification: Upon receipt of documentation described in 4.1, UHEAA shall approve the LLR loans and notify the school of the approval.

4.3 Information Packet: Once the LLR loans have been approved, UHEAA shall send LLR loan information to the student either electronically or by mail.

4.4 Information Packet Contents: The LLR information packet shall include:

~~4.4.1~~ an application and promissory note for an LLR loan with instructions to complete the application form and return it to UHEAA; and

~~4.4.2~~ counseling materials which include information relating to the borrower's loan obligation.

~~4.5~~ **Notification of Final Status:** Once UHEAA receives the original, properly completed application and promissory note for an LLR loan, UHEAA shall inform the student as to the final status of the student's application within 60 days of receiving the properly completed form.

R626-5 Operational Procedures

5.1 Information Dissemination: UHEAA shall disseminate to schools and lenders participating in the UHEAA loan program a copy of the final UHEAA LLR rule and notice of the effective date. The information will be available on the UHEAA web site uheaa.org and UHEAA will issue news releases to major newspapers and media outlets in Utah.

5.2 Contact Person: The contact person for LLR information and services is:

Richard Robbins, Director of Operations
Utah Higher Education Assistance Authority (UHEAA)
60 South 400 West
Salt Lake City, Utah 84101
Tel: (801-321-7270)
E-mail: rrobbins@utahsbr.edu

5.3 LLR Operating Hours and Services: The UHEAA LLR program may be contacted weekdays, except on state or federal holidays, from 8:00 a.m. to 5:00 p.m. Mountain Time by telephone (877-336-7378); in person at 60 South 400 West, Salt Lake City, Utah 84101, or electronically at uheaa.org.

5.4 Expected Time to Originate and Disburse an LLR Loan: The normal time required to originate and disburse an LLR loan is ten business days. In no case will the origination and disbursement process take longer than 60 days.

5.5 Counseling for LLR Loan Recipients: UHEAA must ensure that borrowers receiving LLR loans are appropriately counseled on their loan obligations. UHEAA will ensure that each institution complies with its responsibilities for initial loan counseling. UHEAA supports counseling services at Utah institutions through training for financial aid personnel at Utah

schools. UHCAA also provides detailed information packets to prospective borrowers and eligible schools.

Adopted by the UHCAA Board of Directors and amended July 14, 1995, November 14, 1996. Replaced December 11, 2008.

~~R650, Lender Certification of Obligations~~

~~**R650-1 Purpose:** To establish the requirements for acquisition of obligations under the Higher Education Loan Act.~~

~~R650-2 Reference~~

~~**2.1** [Utah Code Title 53B, Utah System of Higher Education, Chapter 13.](#)~~

~~R650-3 Definitions~~

~~**3.1 Board;** means the Board of Higher Education.~~

~~**3.2 Obligations;** means student loan notes and other debt obligations reflecting loans to students which the board may take, acquire, buy, sell, or endorse under Utah Code Ann. 53B-13-103(3).~~

~~R650-4 Policy~~

~~**4.1 General Policy:** In order for obligations to be eligible for acquisition, purchase, or commitment to purchase by the board, Utah Code Ann. §53B-13-103(3) requires the lender holding the obligations to certify at or before the transfer to the board that (a) under and to the extent required by rules and regulations of the board, the proceeds of the sale or its equivalent shall be reinvested in other obligations under the student loan program; or (b) the obligation was made in anticipation of its sale to the board under rules and regulations of the board. Due to the change in national policy regarding the student loan programs, the reinvestment of proceeds of sales of obligations in other obligations under the student loan programs is no longer possible. Consequently, the reinvestment of the proceeds is not required for obligations to be eligible for acquisition, purchase, or commitment to purchase by the board. Instead, for such obligations to be eligible for acquisition, purchase or commitment to purchase, the board must determine at or before their transfer to the board that the acquisition, purchase, or commitment to purchase of the obligations will assist the board in accomplishing its purposes without the requirement of reinvesting the proceeds of the sale in other obligations under the student loan program.~~

~~**4.2 Lender's Certificate:** The lender's certificate shall state:~~

~~4.2.1 the obligations wholly consist of student loan notes and other debt obligations reflecting loans to students; and~~

~~4.2.2 if applicable, the obligation was made in anticipation of its sale to the board.~~

~~Adopted January 24, 2014.~~