

# R611, Veterans Tuition Gap Program <sup>1</sup>

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~~

<sup>1</sup> 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.~~

(71e) "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.

~~(35)~~ 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. 1087H~~ 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.

(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-~~1110~~. 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~~