

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.