

~~R483, Award of Tenure¹~~

~~**R483-1 Purpose:** To provide guidelines and reporting procedures for the reduction of awards of tenure at the institutions.~~

~~R483-2 References~~

~~**2.1** Utah Code §53B-2-106(2)(c) (Systems of Faculty Government)~~

~~**2.2** sponibility and Tenure~~

~~R483-3 Policy~~

~~**3.1 Plans to Reduce Awards of Tenure:** It is the policy of the State Board of Regents that tenure quotas not be imposed. In lieu of a quota system, each institution shall develop a rigorous annual review procedure for all non-tenured faculty members, and shall submit, every five years, a plan showing how the number of faculty members awarded tenure will be limited.~~

~~**3.2 Annual Reports:** Institutions within the System also shall submit to their respective institutional boards of trustees, with a copy to the State Board of Regents, an annual report revealing the number of faculty members eligible for tenure and the number awarded tenure.~~

¹Adopted December 16, 1984, amended May 15, 1985.

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2.2 Policy and Procedures R481, Academic Freedom, Professional Responsibility and Tenure

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3.2 Annual Reports: Institutions within the System also shall submit to their respective institutional boards of trustees, with a copy to the State Board of Regents, an annual report revealing the number of faculty members eligible for tenure and the number awarded tenure.

¹ Adopted December 16, 1984, amended May 15, 1985.

R512, Resident Student Status¹

R512-1 Purpose: This policy establishes criteria Utah System of Higher Education (“USHE”) institutions shall use when determining resident student status, reviews exceptions, and provides minimum standards for an appeal of a denial of resident student status.²

R512-2 References

- 2.1 Utah Code § 53B-8-102, Definitions – Resident Student Status
- 2.2 Utah Code § 41-1a-202, Definitions – [Vehicles Exempt from Registration](#)
- 2.3 Utah Code Title 53B, Chapter 8, Tuition Waiver and Scholarships
- 2.4 Utah Code § 59-10-502, Persons Required to File Returns
- 2.5 [Utah Code § 53E-1-102, Public Education Code Definitions](#)
- 2.6 [Utah Code § 64-13-1, Definitions](#)
- 2.75 United States Code Title 38, Veterans’ Benefits
- 2.86 Board Policy R134, Informal Adjudicative Proceedings under the Utah Administrative Procedures Act
- 2.97 Board Policy R510, Tuition
- 2.108 Board Policy R513, Tuition Waivers and Reductions

R512-3 Definitions

3.1 “Continuous Utah Residency for One Full Year” means the student has resided in Utah for 12 continuous months prior to the term for which the student is seeking resident student status.

3.2 “Domicile” is a term that is consistent with general Utah law defining domicile, and, for purposes of determining resident student status, shall be determined by the student’s: (1) bodily presence; (2) fixed permanent home and principal establishment to which if absent, the student intends to return; and (3) concurrent intent to voluntarily reside permanently in that location, not for a special or temporary purpose.

3.3 “Immediate Family Member” means the spouse or unmarried dependent child of the individual requesting resident student status.

¹ Adopted July 22, 1975; amended April 11, 1987, April 17, 1992, May 5, 1995, January 12, 2001, October 19, 2001, July 12, 2002, April 16, 2004, December 9, 2004, April 22, 2005, April 21, 2006, June 8, 2007, May 30, 2008, May 29, 2009, May 20, 2011, May 18, 2012, May 16, 2014, November 14, 2014, May 15, 2015, May 20, 2016, May 15, 2020, September 16, 2022, ~~and~~ December 1, 2023; [and XXX](#).

² Tuition waivers are covered by [Board Policy R513, Tuition Waivers and Reductions](#).

3.4 “Military Service member” means an individual who is:

3.4.1 Serving active duty in the United States Armed Forces within the state of Utah;

3.4.2 A member of a reserve component of the United States Armed Forces assigned in Utah;

3.4.3 A member of the Utah National Guard; or

3.4.4 Maintaining domicile in Utah, as described in subsection 5.3.2.6, but is assigned outside of Utah pursuant to federal permanent change of station orders.

3.5 “Military Veteran” means an individual who:

3.5.1 Has served in the United States Armed Forces for at least 180 days: (1) on active duty; or (2) in a reserve component, to include the National Guard; or

3.5.2 Has incurred an actual service-related injury or disability while in the United States Armed Forces regardless of whether the individual completed 180 days and was separated or retired under conditions characterized as honorable or general.

3.6 “Parent” means the biological or adoptive parent of the student, regardless of whether the parent has legal custody of the student or whether the parent claims the student as a dependent.

3.7 “Eligible Person” means an individual entitled to benefits under Title 38 United States Code - Veterans’ Benefits.

3.8 “Preponderance of the Evidence” means the existence of a fact is more probable than its nonexistence.

3.9 “Resident Student Status” means a designation that makes a student a resident student for tuition purposes at a USHE institution.

3.10 “Substantial Evidence” means clear and convincing evidence.

3.11 “Utah Residency” means residing or living in Utah.

3.12 “USHE Institution” means a higher education institution in the Utah System of Higher Education. See [Utah Code section 53B-1-102\(1\)\(a\)-\(b\)](#).

R512-4 Institution Policies for Determining Resident Student Status

4.1 Policies for Students Enrolled in Degree Programs: Institutions shall be responsible to determine resident student status under [Utah Code section 53B-8-102](#) and this policy. Except as provided in subsection 5.3, each institution may, at the recommendation of its President, implement an institutional policy that deviates from this policy, provided that the policy is stricter. The institution's policy shall require at least a one-year waiting period for a student who has come to Utah for the purpose of attending an institution of higher education.

4.2 Policies for Students Enrolled in Non-Credit Programs: Because most non-credit programs are short-term, i.e., require less than a year to complete, a USHE institution offering non-credit courses or programs may implement a policy that a resident student status determination or classification need not be required for students enrolled in non-credit courses or programs.

4.3 Policies for Students Enrolled at Technical Colleges: Because most technical education programs are short-term, i.e., require less than a year to complete, a USHE technical college or degree-granting institution with a technical college role, may implement a policy that a resident student status determination or classification for students enrolled in technical education courses or programs is not required.

R512-5 Determining Resident Student Status

5.1 Establishing Resident Student Status: A student will be granted resident student status at a USHE institution after they have:

5.1.1 Acquired domicile in Utah; or

5.1.2 Satisfied one or more of the exceptions set forth in this policy.

5.2 Procedures for Determining Resident Student Status: A student shall comply with the following procedures to apply for resident student status:

5.2.1 Application Deadline: Students must meet institutional application deadlines for each term. Institutions may establish a policy for accepting late resident student status applications for current term consideration. Unless institutional policy allows otherwise, institutions may not accept applications for resident student status or supporting documentation after the third week of the semester or term for which the student seeks resident student status. Ordinarily applications or supporting

documentation received after the third week should be considered for the following semester.

5.2.2 Initial Classification: Institutions shall initially classify all applicants as either resident or nonresident. If there is doubt regarding residency, the institution shall classify the student as a nonresident.

5.2.3 Determining Resident Student Status: The burden is on the student to prove that they are eligible for resident student status prior to the first day of classes for the term for which the student seeks resident tuition. Except as set forth in subsections 5.2.3.3, 5.4.1, and 5.4.2, the standard for establishing resident student status is by a preponderance of the evidence. The institution, through its designated person, is authorized to require written documents, affidavits, verifications, or other evidence deemed necessary to determine why a student is in Utah. The institution shall review all relevant evidence that is submitted by the student and shall make the determination based on the totality of the circumstances. The student shall submit evidence that is required by applicable section(s) of this policy.

5.2.3.1 Additionally, a student may be required to file any or all the following evidence within applicable timelines established by the institution:

5.2.3.1.1 A statement from the student describing employment and expected sources of support;

5.2.3.1.2 A statement from the student's employer;

5.2.3.1.3 Supporting statements from persons who are familiar with the family situation;

5.2.3.1.4 The student's birth certificate;

5.2.3.1.5 The student's marriage certificate;

5.2.3.1.6 Documentation of the student's eligibility for state social or rehabilitation services;

5.2.3.1.7 Documentation of the student's nonimmigrant or immigrant visa; and

5.2.3.1.8 Indicia of Utah domicile, including the student's Utah voter registration, Utah vehicle registration, Utah driver's license or identification card, Utah state income tax return, rental contract or mortgage documents, bank records, and utility bills.

5.2.3.2 In addition to submitting objective evidence of domicile, a student seeking resident student status must also submit a declaration of financial independence, which must include, at a minimum, evidence that the student is not claimed as a dependent on the most recently filed federal tax returns of any person who is not a resident of Utah. Institutional residency officers shall require such documentation at the time of initial application for resident student status.

5.2.3.3 Rebuttable Presumption of Domicile: A student who has not previously acquired domicile in Utah and who enrolls at a USHE institution prior to residing in Utah for one full year will be presumed to be not domiciled in Utah and, therefore, will be classified as a nonresident student for tuition purposes. This presumption may be rebutted by substantial evidence.

5.3 Exceptions to Obtain Resident Student Status: Notwithstanding section 5.2, institutions shall grant resident student status at USHE institutions to students who meet one of the exceptions outlined in section 5.3.

5.3.1 International Student

5.3.1.1 Classification of International Students in the United States on a Nonimmigrant Visa: A student who is an alien and provides evidence that they: (1) are a special immigrant visa recipient; (2) have been granted refugee status, humanitarian parole, temporary protected status or asylum; or (3) have submitted in good faith an application for refugee status, humanitarian parole, temporary protected status, or asylum under United States immigration law shall be classified for purposes of resident student status according to the same criteria applicable to U.S. citizens.

5.3.1.1.1 Other Nonimmigrant Visas: A student who is an alien and who is present in the United States on a visitor, student, or other visa not listed in subsection 5.3.1.1, which authorizes only temporary presence in the United States, does not have the capacity to intend to reside in Utah for an indefinite period and therefore must be classified as a nonresident.

5.3.1.2 Immigrant Visa: A student who is an alien and has been granted or has applied for permanent resident status in the United States shall be classified for purposes of resident student status according to the same criteria applicable to U.S. citizens.

5.3.2 Military Service

5.3.2.1 A military service member who provides:

5.3.2.1.1 -The military service member's current United States military identification card, and:

5.3.2.1.2 A statement from the military service member's current commander, or equivalent, stating that the military service member is assigned to Utah; or

5.3.2.1.3 Evidence that the military service member is domiciled in Utah, as described in subsection 5.3.2.6.

5.3.2.2 A military service member's immediate family member who provides:

5.3.2.2.1 The military service member's current United States military identification card; or

5.3.2.2.2 The immediate family member's current United States military identification card, and:

5.3.2.2.3 A statement from the military service member's current commander, or equivalent, stating that the military service member is assigned in Utah; or

5.3.2.2.3 Evidence that the military service member is domiciled in Utah, as described in subsection 5.3.2.6; ~~or-~~

5.3.2.2.4 Evidence that the immediate family member completed at least one year of grades 9 through 12 within the state at a local education agency, as defined in Utah Code section 53E-1-102 while the military service member was assigned in Utah, regardless of the service member's current assignment.

5.3.2.3 A military veteran, regardless of whether the military veteran served in Utah, who provides:

5.3.2.3.1 Evidence of the military veteran's honorable or general discharge;

5.3.2.3.2 A signed written declaration that the military veteran has relinquished residency in any other state and does not maintain a residence elsewhere; and

5.3.2.3.3 Objective evidence that the military veteran has demonstrated an intent to establish residency in Utah, which may include any one of the following:

5.3.2.3.3.1 A Utah voter registration card;

5.3.2.3.3.2 A Utah driver license or identification card;

5.3.2.3.3.3 A Utah vehicle registration;

5.3.2.3.3.4 Evidence of employment in Utah;

5.3.2.3.3.5 A rental agreement showing the military veteran's name and Utah address; or

5.3.2.3.3.6 Utility bills showing the military veteran's name and Utah address.

5.3.2.4 A military veteran's immediate family member, regardless of whether the military veteran served in Utah, if the military veteran's immediate family member provides:

5.3.2.4.1 Evidence of the military veteran's honorable or general discharge;

5.3.2.4.2 A signed written declaration that the military veteran's immediate family member has relinquished residency in any other state and does not maintain a residence elsewhere; and

5.3.2.4.3 Objective evidence, as described in subsection 5.3.2.3.3, that the military veteran's immediate family member has demonstrated an intent to establish residency in Utah.

5.3.2.5 An eligible person who provides:

5.3.2.5.1 Evidence of eligibility under Title 38 United States Code – Veterans' Benefits;

5.3.2.5.2 A signed written declaration that the eligible person will utilize ~~GI Bill benefits~~ Veteran Benefits under Title 38 U.S.C.; and

5.3.2.5.3 Objective evidence, as described in subsection 5.3.2.3.3, that the eligible person has demonstrated an intent to establish residency in Utah.

5.3.2.6 Evidence of domicile includes:

5.3.2.6.1 A current Utah voter registration card;

5.3.2.6.2 A valid Utah driver license or identification card;

5.3.2.6.3 A current Utah vehicle registration;

5.3.2.6.4 A copy of a Utah income tax return, in the military service member's or military service member's spouse's name, filed as a resident in accordance with Utah Code section 59-10-502; or

5.3.2.6.5 Proof that the military servicemember or military service member's spouse owns a home in Utah, including a property tax notice for property owned in Utah.

5.3.3 Foreign Service Member

5.3.3.1 A foreign service member as defined in the Foreign Service Family Act of 2021 who is either domiciled in Utah, recognizing the individual may not be physically present in Utah due to an assignment or assigned to a duty state in Utah if the foreign serve member provides:

5.3.3.1.1 Evidence of the foreign service member's status; and

5.3.3.1.2 A statement from the foreign service member's current commander, or equivalent, stating that the foreign service member is assigned in Utah; or

5.3.3.1.3 Evidence that the foreign service member is domiciled in Utah.

5.3.3.2 A foreign service member's immediate family member if the foreign service member is either domiciled in Utah, recognizing the individual may not be physically present in Utah due to an assignment or assigned to a duty state in Utah if the foreign serve family member provides:

5.3.3.2.1 Evidence of the foreign service family member's status; and

5.3.3.2.2 A statement from the foreign service member's current commander, or equivalent, stating that the foreign service member is assigned in Utah; or

5.3.3.2.3 Evidence that the foreign service member is domiciled in Utah.

5.3.3.3 A foreign service member or the foreign service member's immediate family member deemed eligible for resident student status under subsections 5.3.3.1 or 5.3.3.2 shall retain eligibility for resident student status if the foreign service member or immediate family member maintains continuous enrollment even in the case of a change in domicile or duty station.

5.3.4 Inmate: An inmate, as defined by Utah Code section 64-13-1, during the time the inmate is enrolled in a course at a USHE institution and for one year after the day on which the inmate is release from a correctional facility as defined in Utah Code section 63-13-1.

5.3.53 Marriage to Utah Resident: A student may immediately apply for resident student status when they marry a Utah resident and have established domicile in Utah as demonstrated by objective evidence described in subsection 5.3.75.1.

5.3.64 Receipt of State Social Services Benefits: A student who has been determined by a Utah governmental social or rehabilitation services agency to be a Utah resident for purposes of receiving state aid to attend a USHE institution is immediately

eligible to apply for resident student status. The state aid must, at a minimum, cover the full cost of resident tuition at the USHE institution. Upon the termination of such government agency support, the student shall be subject to the requirements of subsection 5.2.3. The time spent residing in Utah during the time the student received government aid shall count towards any applicable waiting period for resident student status upon termination of the government aid.

5.3.75 Student Who Has Come to Utah for the Purpose of Attending an

Institution of Higher Education: A student who has come to Utah for the purpose of attending an institution of higher education may be granted resident student status if, prior to the first day of classes of the term for which the student seeks resident student status, the student has: (1) maintained continuous Utah residency for one full year; (2) submitted a written declaration that the student has relinquished residency in any other state; (3) submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere; and (4) submitted a declaration of financial independence to include documentation that the student is not claimed as a dependent on the tax returns of any person who is not a resident of Utah (*see* subsection 5.2.3.2).

5.3.75.1 Evidence Required: A student applying for resident student status under this section is expected to submit as much objective evidence as possible, including, but not limited to, providing evidence of, or explanation of the lack of evidence of, each of the following:

5.3.75.1.1 A Utah high school transcript issued in the past year confirming attendance at a Utah high school in the previous 12 months;

5.3.75.1.2 A Utah voter registration dated a reasonable period (generally at least 90 days) prior to the first day of class of the term for which the student is seeking resident student status;

5.3.75.1.3 A Utah driver license or identification card with an original date of issue or renewal date several months prior to the first day of class of the term for which the student is seeking resident student status;

5.3.75.1.4 A Utah vehicle registration dated a reasonable period (generally at least 90 days) prior to the first day of class of the term for which the student is seeking resident student status;

5.3.75.1.5 Evidence of employment in Utah for a reasonable period (generally at least 90 days) prior to the first day of class of the term for which the student is seeking resident student status;

5.3.75.1.6 Proof of payment of Utah resident income tax for the previous year;

5.3.75.1.7 A rental agreement or mortgage document showing the student's name and Utah address for at least one full year prior to the first day of class of the term for which the student is seeking resident student status; and

5.3.75.1.8 Utility bills showing the student's name and Utah address for at least one full year prior to the first day of class of the term for which the student is seeking resident student status.

5.3.75.2 Absence from State: A student will not jeopardize their resident student status under this section solely by absence from the state for a period of less than 30 total days during the one year period. If a student leaves the state for the purpose of satisfying the requirements for institutional internships, institutional courses, study abroad programs, or athletic training required by the institution, then the time spent out of state will not count as an absence for purposes of this exception. Once a student has been granted resident student status, any future absence from the state will not negatively affect their resident student status.

5.3.75.3 Domicile following Resident Student Status: After being granted resident student status, a student may be absent from the state for purposes such as temporary employment, education, religious, charitable, or military service and continue to be classified as resident student status provided they have not taken action to establish domicile elsewhere during their absence from Utah.

5.3.86 Tribal Membership: Any American Indian who is either: (1) enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah; or (2) a member of a federally recognized or known Utah tribe and has graduated from a Utah high school, is entitled to be granted resident student status.

5.3.86.1 The Office of the Commissioner of Higher Education (“OCHE”) will maintain and distribute to all USHE institution residency officers a list of recognized tribes.

5.3.97 Job Corps Student: A Job Corps student is entitled to resident student status if the student:

5.3.97.1 Is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and

5.3.97.2 Submits verification that the student is a current Job Corps student.

5.3.97.3 Upon termination of the student’s Job Corps enrollment/participation, the student shall be subject to the requirements of subsection 5.2.3. The time the student spent residing in Utah as a Job Corps student shall count towards any applicable waiting period for resident student status.

5.3.108 Participation in Olympic Training Program: A student who is residing in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete’s Olympic sport, shall be immediately eligible for resident student status. The student shall certify their participation in the Olympic training program through a supporting letter from the United States Olympic Committee verifying eligibility.

5.3.108.1 Upon termination of the student’s participation in an Olympic athlete training program, the student shall be subject to the requirements of subsection 5.2.3. The time spent residing in Utah during the time the individual qualified for this status shall count towards any applicable waiting period for resident student status .

5.3.119 Parent Domiciled in Utah for at Least One Full Year: A dependent student is eligible for resident student status who has at least one parent domiciled in Utah for at least one full year prior to the first day of class of the term for which the student is seeking resident student status. The student is responsible to submit the documentation identified in subsection 5.2.73.1 demonstrating that their parent has established domicile in Utah.

5.4 Rebuttable Presumptions

5.4.1 Full-time, Permanent Employment in Utah: A student who has established domicile in Utah for full-time permanent employment, or who is an immediate family member of an individual who has come to Utah for full-time permanent employment, may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the move to Utah was, in good faith, based on an employer-requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.

5.4.1.1 All relevant evidence concerning the motivation for the move should be considered, including, but not limited to:

5.4.1.1.1 The employee's employment and educational history;

5.4.1.1.2 The dates when Utah employment was first considered, offered, and accepted;

5.4.1.1.3 When the person moved to Utah;

5.4.1.1.4 The dates when the student applied for admission, was admitted, and was enrolled as a postsecondary student;

5.4.1.1.5 Whether the student applied for admission to a USHE institution sooner than four months from the date of moving to Utah;

5.4.1.1.6 Evidence that the student is an independent person who is:

5.4.1.1.6.1 At least 24 years of age; or

5.4.1.1.6.2 Not claimed as a dependent on someone else's tax returns; and

5.4.1.1.7 Any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

5.4.2 Divorce, Death of Spouse, and Long-Term Health Care Responsibilities of Family Members: A student who has established domicile in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for the student's spouse, parent, sibling, or child, may rebut the presumption of nonresident

status by providing substantial evidence that the reason for the student's move to Utah was, in good faith, based on long-term health care responsibilities.

5.4.2.1 All relevant evidence concerning the motivation for the move shall be considered, including:

5.4.2.1.1 The student's employment and educational history;

5.4.2.1.2 The dates when the long-term health care or childcare responsibilities in Utah were first considered, offered, and accepted;

5.4.2.1.3 When the student moved to Utah;

5.4.2.1.4 The dates when the student applied for admission, was admitted, and was enrolled as a postsecondary student;

5.4.2.1.5 Whether the student applied for admission to a USHE institution sooner than four months from the date of moving to Utah;

5.4.2.1.6 Evidence that the student is an independent person who is:

5.4.2.1.6.1 At least 24 years of age; or

5.4.2.1.6.2 Not claimed as a dependent on someone else's tax returns; and

5.4.2.1.7 Any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend a USHE institution.

R512-6 Reclassification

6.1 A student classified as a nonresident by the institution shall retain that status until they are officially reclassified as resident student status.

6.2 If a student is classified as resident student status by the institution, the institution may initiate a reclassification inquiry and reclassify the student, based on any facts, error, or changes in facts or status which would justify such an inquiry, even if the error was on the part of the institution.

R512-7 Appeal of a Classification Decision: Institutions shall provide a process for students who have been denied resident student status to be heard. Institutions shall adopt procedures that fit the local campus situation, but the following guidelines shall be followed:

7.1 Procedures for an appeal hearing shall be set out in writing by the institution. OCHE may review an institution's appeal procedures for compliance with this policy.

7.2 The institution shall provide a hearing officer or hearing committee with appropriate clerical and other services, as necessary, to the effective function of the appeal hearing process.

7.3 The student appealing the resident student status decision shall be responsible to provide evidence that proves that they have met the resident student status requirements. The institution shall give the appealing student a copy of this policy and shall also give the student an explanation of the rationale of the decision-maker who initially classified the student as a nonresident.

7.4 Both the student and the institution's representative may choose, but are not required, to be accompanied by an attorney. The institution is not required to provide an attorney for the student.

7.5 The student and the institution's representative may provide oral or written evidence for the appeal hearing. The institution shall provide a written summary of the relevant information and determination of the appeal hearing to the student. The institution is not required to provide a formal, written, verbatim record of the appeal hearing.

7.6 The institution may use administrative hearing rules rather than formal rules of evidence. The institution's procedures shall state the rules that will apply to the appeal hearing.

7.7 The appeal hearing officer/hearing committee's decision must be in writing and give reasons for the determination.

7.8 A decision that finds the student is entitled to resident student status shall be retroactive to the semester or term for which the student first sought resident student status and shall require a refund of the nonresident portion of any tuition charges the student paid for that and subsequent academic periods.

R512-8 Reciprocity: The determination to grant resident student status to a student at a USHE institution shall be honored at other USHE institutions, unless:

8.1 The student obtained resident student status under false pretenses; or

8.2 The facts existing at the time the student was granted resident student status have significantly changed.

R512-9 Penalties for Giving Incorrect or Misleading Information: A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to serious disciplinary action and must also pay the applicable nonresident fees for each term the student previously attended.

R512-10 Waivers of Nonresident Tuition—Nonresident Students Exempt from Nonresident Portion of Tuition: The following students who attend a USHE institution may receive a waiver of nonresident tuition according to [Board Policy R513, *Tuition Waivers and Reductions*](#)~~Board Policy R513~~; however, these students may not use time spent in Utah as a student on any of these programs toward any waiting period that may be required for resident student status.

10.1 Western Undergraduate Exchange (“WUE”) Students: A student attending a USHE institution under the WUE program is considered to be domiciled in their home state.

10.2 Western Regional Graduate Program (“WRGP”) Students: A student attending a USHE institution under WRGP is considered to be domiciled in their home state.

10.3 Professional Student Exchange Program/Western Interstate Commission for Higher Education (“WICHE”) Students: A student attending a USHE institution under the Professional Student Exchange Program/WICHE Program is considered to be domiciled in their home state. See [Board Policy R628, *WICHE Professional Student Exchange Program*](#) for further details regarding WICHE.

10.4 Alumni Legacy Scholarships: A student attending a USHE institution on an Alumni Legacy Scholarship is considered to be domiciled in their home state. See [Board Policy R513, *Tuition Waivers and Reductions*](#) subsection 5.7 for further details regarding Alumni Legacy Scholarships.

10.5 Utah Tech University’s Good Neighbor Students: A student attending Utah Tech University on a Good Neighbor scholarship is considered to be domiciled in their home state. See [Board Policy R513, *Tuition Waivers and Reductions*](#) subsection 5.3.2 for further details regarding Good Neighbor scholarships.

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3.1 “Continuous Utah Residency for One Full Year” means the student has resided in Utah for 12 continuous months prior to the term for which the student is seeking resident student status.

3.2 “Domicile” is a term that is consistent with general Utah law defining domicile, and, for purposes of determining resident student status, shall be determined by the student’s: (1) bodily presence; (2) fixed permanent home and principal establishment to which if absent, the student intends to return; and (3) concurrent intent to voluntarily reside permanently in that location, not for a special or temporary purpose.

3.3 “Immediate Family Member” means the spouse or unmarried dependent child of the individual requesting resident student status.

¹ Adopted July 22, 1975; amended April 11, 1987, April 17, 1992, May 5, 1995, January 12, 2001, October 19, 2001, July 12, 2002, April 16, 2004, December 9, 2004, April 22, 2005, April 21, 2006, June 8, 2007, May 30, 2008, May 29, 2009, May 20, 2011, May 18, 2012, May 16, 2014, November 14, 2014, May 15, 2015, May 20, 2016, May 15, 2020, September 16, 2022, December 1, 2023; and XXX.

² Tuition waivers are covered by Board Policy R513, *Tuition Waivers and Reductions*.

3.4 “Military Service member” means an individual who is:

3.4.1 Serving active duty in the United States Armed Forces within the state of Utah;

3.4.2 A member of a reserve component of the United States Armed Forces assigned in Utah;

3.4.3 A member of the Utah National Guard; or

3.4.4 Maintaining domicile in Utah, as described in subsection 5.3.2.6, but is assigned outside of Utah pursuant to federal permanent change of station orders.

3.5 “Military Veteran” means an individual who:

3.5.1 Has served in the United States Armed Forces for at least 180 days: (1) on active duty; or (2) in a reserve component, to include the National Guard; or

3.5.2 Has incurred an actual service-related injury or disability while in the United States Armed Forces regardless of whether the individual completed 180 days and was separated or retired under conditions characterized as honorable or general.

3.6 “Parent” means the biological or adoptive parent of the student, regardless of whether the parent has legal custody of the student or whether the parent claims the student as a dependent.

3.7 “Eligible Person” means an individual entitled to benefits under Title 38 United States Code - Veterans’ Benefits.

3.8 “Preponderance of the Evidence” means the existence of a fact is more probable than its nonexistence.

3.9 “Resident Student Status” means a designation that makes a student a resident student for tuition purposes at a USHE institution.

3.10 “Substantial Evidence” means clear and convincing evidence.

3.11 “Utah Residency” means residing or living in Utah.

3.12 “USHE Institution” means a higher education institution in the Utah System of Higher Education. See Utah Code section 53B-1-102(1)(a)-(b).

R512-4 Institution Policies for Determining Resident Student Status

4.1 Policies for Students Enrolled in Degree Programs: Institutions shall be responsible to determine resident student status under *Utah Code section 53B-8-102* and this policy. Except as provided in subsection 5.3, each institution may, at the recommendation of its President, implement an institutional policy that deviates from this policy, provided that the policy is stricter. The institution's policy shall require at least a one-year waiting period for a student who has come to Utah for the purpose of attending an institution of higher education.

4.2 Policies for Students Enrolled in Non-Credit Programs: Because most non-credit programs are short-term, i.e., require less than a year to complete, a USHE institution offering non-credit courses or programs may implement a policy that a resident student status determination or classification need not be required for students enrolled in non-credit courses or programs.

4.3 Policies for Students Enrolled at Technical Colleges: Because most technical education programs are short-term, i.e., require less than a year to complete, a USHE technical college or degree-granting institution with a technical college role, may implement a policy that a resident student status determination or classification for students enrolled in technical education courses or programs is not required.

R512-5 Determining Resident Student Status

5.1 Establishing Resident Student Status: A student will be granted resident student status at a USHE institution after they have:

5.1.1 Acquired domicile in Utah; or

5.1.2 Satisfied one or more of the exceptions set forth in this policy.

5.2 Procedures for Determining Resident Student Status: A student shall comply with the following procedures to apply for resident student status:

5.2.1 Application Deadline: Students must meet institutional application deadlines for each term. Institutions may establish a policy for accepting late resident student status applications for current term consideration. Unless institutional policy allows otherwise, institutions may not accept applications for resident student status or supporting documentation after the third week of the semester or term for which the student seeks resident student status. Ordinarily applications or supporting documentation received after the third week should be considered for the following semester.

5.2.2 Initial Classification: Institutions shall initially classify all applicants as either resident or nonresident. If there is doubt regarding residency, the institution shall classify the student as a nonresident.

5.2.3 Determining Resident Student Status: The burden is on the student to prove that they are eligible for resident student status prior to the first day of classes for the term for which the student seeks resident tuition. Except as set forth in subsections 5.2.3.3, 5.4.1, and 5.4.2, the standard for establishing resident student status is by a preponderance of the evidence. The institution, through its designated person, is authorized to require written documents, affidavits, verifications, or other evidence deemed necessary to determine why a student is in Utah. The institution shall review all relevant evidence that is submitted by the student and shall make the determination based on the totality of the circumstances. The student shall submit evidence that is required by applicable section(s) of this policy.

5.2.3.1 Additionally, a student may be required to file any or all the following evidence within applicable timelines established by the institution:

5.2.3.1.1 A statement from the student describing employment and expected sources of support;

5.2.3.1.2 A statement from the student's employer;

5.2.3.1.3 Supporting statements from persons who are familiar with the family situation;

5.2.3.1.4 The student's birth certificate;

5.2.3.1.5 The student's marriage certificate;

5.2.3.1.6 Documentation of the student's eligibility for state social or rehabilitation services;

5.2.3.1.7 Documentation of the student's nonimmigrant or immigrant visa; and

5.2.3.1.8 Indicia of Utah domicile, including the student's Utah voter registration, Utah vehicle registration, Utah driver's license or identification card, Utah state income tax return, rental contract or mortgage documents, bank records, and utility bills.

5.2.3.2 In addition to submitting objective evidence of domicile, a student seeking resident student status must also submit a declaration of financial independence, which must include, at a minimum, evidence that the student is not claimed as a dependent on the most recently filed federal tax returns of any person who is not a resident of Utah. Institutional residency officers shall require such documentation at the time of initial application for resident student status.

5.2.3.3 Rebuttable Presumption of Domicile: A student who has not previously acquired domicile in Utah and who enrolls at a USHE institution prior to residing in Utah for one full year will be presumed to be not domiciled in Utah and, therefore, will be classified as a nonresident student for tuition purposes. This presumption may be rebutted by substantial evidence.

5.3 Exceptions to Obtain Resident Student Status: Notwithstanding section 5.2, institutions shall grant resident student status at USHE institutions to students who meet one of the exceptions outlined in section 5.3.

5.3.1 International Student

5.3.1.1 Classification of International Students in the United States on a Nonimmigrant Visa: A student who is an alien and provides evidence that they: (1) are a special immigrant visa recipient; (2) have been granted refugee status, humanitarian parole, temporary protected status or asylum; or (3) have submitted in good faith an application for refugee status, humanitarian parole, temporary protected status, or asylum under United States immigration law shall be classified for purposes of resident student status according to the same criteria applicable to U.S. citizens.

5.3.1.1.1 Other Nonimmigrant Visas: A student who is an alien and who is present in the United States on a visitor, student, or other visa not listed in subsection 5.3.1.1, which authorizes only temporary presence in the United States, does not have the capacity to intend to reside in Utah for an indefinite period and therefore must be classified as a nonresident.

5.3.1.2 Immigrant Visa: A student who is an alien and has been granted or has applied for permanent resident status in the United States shall be classified for purposes of resident student status according to the same criteria applicable to U.S. citizens.

5.3.2 Military Service

5.3.2.1 A military service member who provides:

5.3.2.1.1 The military service member's current United States military identification card, and:

5.3.2.1.2 A statement from the military service member's current commander, or equivalent, stating that the military service member is assigned to Utah; or

5.3.2.1.3 Evidence that the military service member is domiciled in Utah, as described in subsection 5.3.2.6.

5.3.2.2 A military service member's immediate family member who provides:

5.3.2.2.1 The military service member's current United States military identification card; or

5.3.2.2.2 The immediate family member's current United States military identification card, and:

5.3.2.2.3 A statement from the military service member's current commander, or equivalent, stating that the military service member is assigned in Utah; or

5.3.2.2.3 Evidence that the military service member is domiciled in Utah, as described in subsection 5.3.2.6; or

5.3.2.2.4 Evidence that the immediate family member completed at least one year of grades 9 through 12 within the state at a local education agency, as defined in Utah Code section 53E-1-102 while the military service member was assigned in Utah, regardless of the service member's current assignment.

5.3.2.3 A military veteran, regardless of whether the military veteran served in Utah, who provides:

5.3.2.3.1 Evidence of the military veteran's honorable or general discharge;

5.3.2.3.2 A signed written declaration that the military veteran has relinquished residency in any other state and does not maintain a residence elsewhere; and

5.3.2.3.3 Objective evidence that the military veteran has demonstrated an intent to establish residency in Utah, which may include any one of the following:

5.3.2.3.3.1 A Utah voter registration card;

5.3.2.3.3.2 A Utah driver license or identification card;

5.3.2.3.3.3 A Utah vehicle registration;

5.3.2.3.3.4 Evidence of employment in Utah;

5.3.2.3.3.5 A rental agreement showing the military veteran's name and Utah address; or

5.3.2.3.3.6 Utility bills showing the military veteran's name and Utah address.

5.3.2.4 A military veteran's immediate family member, regardless of whether the military veteran served in Utah, if the military veteran's immediate family member provides:

5.3.2.4.1 Evidence of the military veteran's honorable or general discharge;

5.3.2.4.2 A signed written declaration that the military veteran's immediate family member has relinquished residency in any other state and does not maintain a residence elsewhere; and

5.3.2.4.3 Objective evidence, as described in subsection 5.3.2.3.3, that the military veteran's immediate family member has demonstrated an intent to establish residency in Utah.

5.3.2.5 An eligible person who provides:

5.3.2.5.1 Evidence of eligibility under Title 38 United States Code – Veterans’ Benefits;

5.3.2.5.2 A signed written declaration that the eligible person will utilize Veteran Benefits under Title 38 U.S.C.; and

5.3.2.5.3 Objective evidence, as described in subsection 5.3.2.3.3, that the eligible person has demonstrated an intent to establish residency in Utah.

5.3.2.6 Evidence of domicile includes:

5.3.2.6.1 A current Utah voter registration card;

5.3.2.6.2 A valid Utah driver license or identification card;

5.3.2.6.3 A current Utah vehicle registration;

5.3.2.6.4 A copy of a Utah income tax return, in the military service member’s or military service member’s spouse’s name, filed as a resident in accordance with Utah Code section 59-10-502; or

5.3.2.6.5 Proof that the military servicemember or military service member’s spouse owns a home in Utah, including a property tax notice for property owned in Utah.

5.3.3 Foreign Service Member

5.3.3.1 A foreign service member as defined in the Foreign Service Family Act of 2021 who is either domiciled in Utah, recognizing the individual may not be physically present in Utah due to an assignment or assigned to a duty state in Utah if the foreign serve member provides:

5.3.3.1.1 Evidence of the foreign service member’s status; and

5.3.3.1.2 A statement from the foreign service member’s current commander, or equivalent, stating that the foreign service member is assigned in Utah; or

5.3.3.1.3 Evidence that the foreign service member is domiciled in Utah.

5.3.3.2 A foreign service member's immediate family member if the foreign service member is either domiciled in Utah, recognizing the individual may not be physically present in Utah due to an assignment or assigned to a duty state in Utah if the foreign serve family member provides:

5.3.3.2.1 Evidence of the foreign service family member's status; and

5.3.3.2.2 A statement from the foreign service member's current commander, or equivalent, stating that the foreign service member is assigned in Utah; or

5.3.3.2.3 Evidence that the foreign service member is domiciled in Utah.

5.3.3.3 A foreign service member or the foreign service member's immediate family member deemed eligible for resident student status under subsections 5.3.3.1 or 5.3.3.2 shall retain eligibility for resident student status if the foreign service member or immediate family member maintains continuous enrollment even in the case of a change in domicile or duty station.

5.3.4 Inmate: An inmate, as defined by Utah Code section 64-13-1, during the time the inmate is enrolled in a course at a USHE institution and for one year after the day on which the inmate is release from a correctional facility as defined in Utah Code section 63-13-1.

5.3.5 Marriage to Utah Resident: A student may immediately apply for resident student status when they marry a Utah resident and have established domicile in Utah as demonstrated by objective evidence described in subsection 5.3.7.1.

5.3.6 Receipt of State Social Services Benefits: A student who has been determined by a Utah governmental social or rehabilitation services agency to be a Utah resident for purposes of receiving state aid to attend a USHE institution is immediately eligible to apply for resident student status. The state aid must, at a minimum, cover the full cost of resident tuition at the USHE institution. Upon the termination of such government agency support, the student shall be subject to the requirements of subsection 5.2.3. The time spent residing in Utah during the time the student received government aid shall count towards any applicable waiting period for resident student status upon termination of the government aid.

5.3.7 Student Who Has Come to Utah for the Purpose of Attending an Institution of Higher Education: A student who has come to Utah for the purpose of attending an institution of higher education may be granted resident student status if, prior to the first day of classes of the term for which the student seeks resident student status, the student has: (1) maintained continuous Utah residency for one full year; (2) submitted a written declaration that the student has relinquished residency in any other state; (3) submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere; and (4) submitted a declaration of financial independence to include documentation that the student is not claimed as a dependent on the tax returns of any person who is not a resident of Utah (*see* subsection 5.2.3.2).

5.3.7.1 Evidence Required: A student applying for resident student status under this section is expected to submit as much objective evidence as possible, including, but not limited to, providing evidence of, or explanation of the lack of evidence of, each of the following:

5.3.7.1.1 A Utah high school transcript issued in the past year confirming attendance at a Utah high school in the previous 12 months;

5.3.7.1.2 A Utah voter registration dated a reasonable period (generally at least 90 days) prior to the first day of class of the term for which the student is seeking resident student status;

5.3.7.1.3 A Utah driver license or identification card with an original date of issue or renewal date several months prior to the first day of class of the term for which the student is seeking resident student status;

5.3.7.1.4 A Utah vehicle registration dated a reasonable period (generally at least 90 days) prior to the first day of class of the term for which the student is seeking resident student status;

5.3.7.1.5 Evidence of employment in Utah for a reasonable period (generally at least 90 days) prior to the first day of class of the term for which the student is seeking resident student status;

5.3.7.1.6 Proof of payment of Utah resident income tax for the previous year;

5.3.7.1.7 A rental agreement or mortgage document showing the student's name and Utah address for at least one full year prior to the first day of class of the term for which the student is seeking resident student status; and

5.3.7.1.8 Utility bills showing the student's name and Utah address for at least one full year prior to the first day of class of the term for which the student is seeking resident student status.

5.3.7.2 Absence from State: A student will not jeopardize their resident student status under this section solely by absence from the state for a period of less than 30 total days during the one year period. If a student leaves the state for the purpose of satisfying the requirements for institutional internships, institutional courses, study abroad programs, or athletic training required by the institution, then the time spent out of state will not count as an absence for purposes of this exception. Once a student has been granted resident student status, any future absence from the state will not negatively affect their resident student status.

5.3.7.3 Domicile following Resident Student Status: After being granted resident student status, a student may be absent from the state for purposes such as temporary employment, education, religious, charitable, or military service and continue to be classified as resident student status provided they have not taken action to establish domicile elsewhere during their absence from Utah.

5.3.8 Tribal Membership: Any American Indian who is either: (1) enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah; or (2) a member of a federally recognized or known Utah tribe and has graduated from a Utah high school, is entitled to be granted resident student status.

5.3.8.1 The Office of the Commissioner of Higher Education ("OCHE") will maintain and distribute to all USHE institution residency officers a list of recognized tribes.

5.3.9 Job Corps Student: A Job Corps student is entitled to resident student status if the student:

5.3.9.1 Is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and

5.3.9.2 Submits verification that the student is a current Job Corps student.

5.3.9.3 Upon termination of the student's Job Corps enrollment/participation, the student shall be subject to the requirements of subsection 5.2.3. The time the student spent residing in Utah as a Job Corps student shall count towards any applicable waiting period for resident student status.

5.3.10 Participation in Olympic Training Program: A student who is residing in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall be immediately eligible for resident student status. The student shall certify their participation in the Olympic training program through a supporting letter from the United States Olympic Committee verifying eligibility.

5.3.10.1 Upon termination of the student's participation in an Olympic athlete training program, the student shall be subject to the requirements of subsection 5.2.3. The time spent residing in Utah during the time the individual qualified for this status shall count towards any applicable waiting period for resident student status .

5.3.11 Parent Domiciled in Utah for at Least One Full Year: A dependent student is eligible for resident student status who has at least one parent domiciled in Utah for at least one full year prior to the first day of class of the term for which the student is seeking resident student status. The student is responsible to submit the documentation identified in subsection 5.2.73.1 demonstrating that their parent has established domicile in Utah.

5.4 Rebuttable Presumptions

5.4.1 Full-time, Permanent Employment in Utah: A student who has established domicile in Utah for full-time permanent employment, or who is an immediate family member of an individual who has come to Utah for full-time permanent employment, may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the move to Utah was, in good faith, based on an employer-requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.

5.4.1.1 All relevant evidence concerning the motivation for the move should be considered, including, but not limited to:

5.4.1.1.1 The employee's employment and educational history;

5.4.1.1.2 The dates when Utah employment was first considered, offered, and accepted;

5.4.1.1.3 When the person moved to Utah;

5.4.1.1.4 The dates when the student applied for admission, was admitted, and was enrolled as a postsecondary student;

5.4.1.1.5 Whether the student applied for admission to a USHE institution sooner than four months from the date of moving to Utah;

5.4.1.1.6 Evidence that the student is an independent person who is:

5.4.1.1.6.1 At least 24 years of age; or

5.4.1.1.6.2 Not claimed as a dependent on someone else's tax returns; and

5.4.1.1.7 Any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

5.4.2 Divorce, Death of Spouse, and Long-Term Health Care Responsibilities

of Family Members: A student who has established domicile in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for the student's spouse, parent, sibling, or child, may rebut the presumption of nonresident status by providing substantial evidence that the reason for the student's move to Utah was, in good faith, based on long-term health care responsibilities.

5.4.2.1 All relevant evidence concerning the motivation for the move shall be considered, including:

5.4.2.1.1 The student's employment and educational history;

5.4.2.1.2 The dates when the long-term health care or childcare responsibilities in Utah were first considered, offered, and accepted;

5.4.2.1.3 When the student moved to Utah;

5.4.2.1.4 The dates when the student applied for admission, was admitted, and was enrolled as a postsecondary student;

5.4.2.1.5 Whether the student applied for admission to a USHE institution sooner than four months from the date of moving to Utah;

5.4.2.1.6 Evidence that the student is an independent person who is:

5.4.2.1.6.1 At least 24 years of age; or

5.4.2.1.6.2 Not claimed as a dependent on someone else's tax returns; and

5.4.2.1.7 Any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend a USHE institution.

R512-6 Reclassification

6.1 A student classified as a nonresident by the institution shall retain that status until they are officially reclassified as resident student status.

6.2 If a student is classified as resident student status by the institution, the institution may initiate a reclassification inquiry and reclassify the student, based on any facts, error, or changes in facts or status which would justify such an inquiry, even if the error was on the part of the institution.

R512-7 Appeal of a Classification Decision: Institutions shall provide a process for students who have been denied resident student status to be heard. Institutions shall adopt procedures that fit the local campus situation, but the following guidelines shall be followed:

7.1 Procedures for an appeal hearing shall be set out in writing by the institution. OCHE may review an institution's appeal procedures for compliance with this policy.

7.2 The institution shall provide a hearing officer or hearing committee with appropriate clerical and other services, as necessary, to the effective function of the appeal hearing process.

7.3 The student appealing the resident student status decision shall be responsible to provide evidence that proves that they have met the resident student status requirements. The institution

shall give the appealing student a copy of this policy and shall also give the student an explanation of the rationale of the decision-maker who initially classified the student as a nonresident.

7.4 Both the student and the institution's representative may choose, but are not required, to be accompanied by an attorney. The institution is not required to provide an attorney for the student.

7.5 The student and the institution's representative may provide oral or written evidence for the appeal hearing. The institution shall provide a written summary of the relevant information and determination of the appeal hearing to the student. The institution is not required to provide a formal, written, verbatim record of the appeal hearing.

7.6 The institution may use administrative hearing rules rather than formal rules of evidence. The institution's procedures shall state the rules that will apply to the appeal hearing.

7.7 The appeal hearing officer/hearing committee's decision must be in writing and give reasons for the determination.

7.8 A decision that finds the student is entitled to resident student status shall be retroactive to the semester or term for which the student first sought resident student status and shall require a refund of the nonresident portion of any tuition charges the student paid for that and subsequent academic periods.

R512-8 Reciprocity: The determination to grant resident student status to a student at a USHE institution shall be honored at other USHE institutions, unless:

8.1 The student obtained resident student status under false pretenses; or

8.2 The facts existing at the time the student was granted resident student status have significantly changed.

R512-9 Penalties for Giving Incorrect or Misleading Information: A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to serious disciplinary action and must also pay the applicable nonresident fees for each term the student previously attended.

R512-10 Waivers of Nonresident Tuition—Nonresident Students Exempt from Nonresident Portion of Tuition: The following students who attend a USHE institution may receive a waiver of nonresident tuition according to Board Policy R513, *Tuition Waivers and Reductions*; however, these students may not use time spent in Utah as a student on any of these programs toward any waiting period that may be required for resident student status.

10.1 Western Undergraduate Exchange (“WUE”) Students: A student attending a USHE institution under the WUE program is considered to be domiciled in their home state.

10.2 Western Regional Graduate Program (“WRGP”) Students: A student attending a USHE institution under WRGP is considered to be domiciled in their home state.

10.3 Professional Student Exchange Program/Western Interstate Commission for Higher Education (“WICHE”) Students: A student attending a USHE institution under the Professional Student Exchange Program/WICHE Program is considered to be domiciled in their home state. *See Board Policy R628, WICHE Professional Student Exchange Program* for further details regarding WICHE.

10.4 Alumni Legacy Scholarships: A student attending a USHE institution on an Alumni Legacy Scholarship is considered to be domiciled in their home state. *See Board Policy R513, Tuition Waivers and Reductions* subsection 5.7 for further details regarding Alumni Legacy Scholarships.

10.5 Utah Tech University’s Good Neighbor Students: A student attending Utah Tech University on a Good Neighbor scholarship is considered to be domiciled in their home state. *See Board Policy R513, Tuition Waivers and Reductions* subsection 5.3.2 for further details regarding Good Neighbor scholarships.

R513, Tuition Waivers and Reductions¹

R513-1 Purpose: To establish procedures for Utah System of Higher Education (“USHE”) institutions to administer tuition waiver and reduction programs.

R513-2 References

- 2.1 Utah Code § 53B-8-101, Waiver of Tuition
- 2.2 Utah Code § 53B-8-103, Waiver of Nonresident Differential in Tuition Rates – Utah Tech University Good Neighbor Tuition Waiver
- 2.3 Utah Code § 53B-8-104, Nonresident Partial Tuition Scholarships—Border Waivers
- 2.4 Utah Code § 53B-8-104.5, Nonresident Tuition Scholarships
- 2.5 Utah Code § 53B-8-106, Resident Tuition Scholarships – Requirements – Rules
- 2.6 Utah Code Title 53B, Chapter 9, Higher Education for Senior Citizens
- 2.7 Utah Code Title 53B, Chapter 8c, Police Officer’s and Firefighter’s Survivor Tuition Waiver
- 2.8 Utah Code Title 53B, Chapter 8d, Tuition Waivers for Wards of the State
- 2.9 Utah Code Title 53B, Chapter 8e, Tuition Waivers for Purple Heart Recipients
- 2.10 Board Policy R510, Tuition and Fees
- ~~2.11 Board Policy R512, Determination of Resident Status~~
- 2.11~~2~~ Utah Code § 53B-8-107, Scott B. Lundell Waiver of Tuition for Dependents of Military Members Killed in Action
- 2.1~~23~~ Utah Code § 53B-8-103.5, Alumni Legacy Nonresident Scholarships
- 2.1~~34~~ Utah Code § 53B-8-102, Definition of Resident Student
- ~~2.14 Board Policy R512, Resident Student Status~~

R513-3 Definitions

3.1 “Impecunious Resident Student” means a resident student whose demonstrated lack of financial resources presents a significant barrier to accessing higher education or completing a higher education degree or certificate.

3.2 “Meritorious Resident Student” means a resident student who has demonstrated exceptional academic and/or other achievements which qualify for recognition and reward.

¹ Approved October 19, 2001; amended November 8, 2002, March 14, 2003, April 16, 2004, March 10, 2006, June 9, 2006, and June 8, 2007. Revisions approved on May 29, 2009, November 18, 2011, March 29, 2013, May 15, 2015, May 20, 2016, May 18, 2018, November 16, 2018, July 16, 2021; ~~and~~ November 18, 2022; and XXX.

R513-4 Waiver of Resident Tuition

4.1. 10% Resident Tuition Waivers: The president of each institution may waive all or part of the tuition on behalf of meritorious or impecunious resident students to an amount not exceeding 10 percent of the total amount of tuition which, in the absence of the waivers, would have been collected from all Utah resident students at the institution.

4.1.1 Of the amounts waived in 4.1, at least 10 percent of total amount shall be used to support tuition waivers for impecunious resident students.

4.1.1.1 Each of the institutions will develop and present a plan to the Board of Higher Education (“Board”) on how it expects to be compliant with 4.1.1. for the reporting cycle beginning July 1, 2021.

4.1.1.2 The Board shall review the percentage set aside for impecunious students every three years beginning July 1, 2024.

4.2 National Guard Set Aside: Of the amount waived for resident students under subsection 4.1, 2.5 percent of the total amount shall be set aside by institutions for waivers reserved for members of the Utah National Guard.

4.2.1 To ensure timely processing, the Utah National Guard Administration will provide to the institutions a prioritized list of qualified candidates for tuition waivers no later than 60 calendar days prior to the start of an academic term. Candidates for Utah National Guard tuition waivers must be full-time students. To ensure the highest number of candidates receive a tuition waiver, institutions may adjust the waiver amount between partial and full amounts.

4.2.2 An institution may, at its discretion and within its established criteria, allow recipients to use tuition waivers toward self-supported courses.

4.2.3 Any National Guard tuition waivers set aside but not claimed 30 days prior to the beginning of the term may be used for other qualified students.

4.3 Partial Tuition Waivers for Critical Occupations: Upon recommendation of the Board, a president shall grant additional full or partial tuition waivers to encourage students to enroll for instruction in specifically identified occupations critical to the state for which trained personnel are in short supply.

4.4 Waivers for Senior Citizens and Veterans: Institutions shall permit Utah residents age 62 and over or veterans as defined in [Utah Code section 68-3-12.5](#) to enroll tuition-free in classes subject to the following conditions:

4.4.1 Institutions may charge an administrative fee.

4.4.2 Institutions may charge course and program fees as defined in Board Policy R517.

4.4.3 Institutions may limit enrollment under this section based on existing prerequisites, regular procedures, standard teaching loads, and available classroom space following the enrollment of matriculated students.

4.4.4 Institutions shall not award credit or competencies for courses completed pursuant to this section.

4.4.5 Institutions' enrollment reports shall list senior citizens and veterans separately from matriculated students.

4.5 Police Officer's and Firefighter's Survivor Tuition Waiver

4.5.1 Definitions: As used in this part:

4.5.1.1 "Child" means an individual who (a) is a natural or adopted child of a deceased peace officer or deceased firefighter; and (b) was under the age of 25 at the time of the peace officer's or firefighter's death.

4.5.1.2 "Department" means the Department of Public Safety.

4.5.1.3 "Killed" means that the peace officer's or firefighter's death is the direct and proximate result of a traumatic injury incurred in the line of duty.

4.5.1.4 "Line of Duty" means an action that a peace officer or firefighter is obligated or authorized to perform by rule, regulation, condition of employment or service, or law, including a social, ceremonial, or athletic function that the peace officer or firefighter is assigned to or compensated for by the public agency being served.

4.5.1.5 "Occupational Disease" means a disease that routinely constitutes a special hazard in, or is commonly regarded as concomitant of, the peace officer's or firefighter's occupation.

4.5.1.6 “Traumatic Injury” means a wound or the condition of the body caused by external force, including an injury inflicted by bullet, explosive, sharp instrument, blunt object, or other physical blow, fire, smoke, chemical, electricity, climatic condition, infectious disease, radiation, or bacteria, but excluding an occupational disease.

4.5.1.7 “Tuition” means tuition at the rate charged for residents of the state.

4.5.1.8 “Utah Firefighter” or “Firefighter” means a member, including volunteer members and members paid on call, of a fire department or other organization that provides fire suppression and other fire related services, of a political subdivision who is responsible for or is in a capacity that includes responsibility for the extinguishment of fires. This does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.

4.5.1.9 “Utah Peace Officer” or “Peace Officer” means an employee of a law enforcement agency that is part of or administered by the state or any of its political subdivisions, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.

4.5.2 Tuition Waivers for Surviving Spouses and Children: Subject to the limitations below, a USHE institution shall waive tuition for each child and surviving spouse of a Utah peace officer or Utah firefighter who has been killed or is killed in the line of duty if the individual meets the following requirements:

4.5.2.1 ~~A~~ applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;

4.5.2.2 ~~I~~ is a resident student of the state as determined under [Board Policy R512, Resident Student Status](#); ~~;~~

4.5.2.3 ~~A~~ applies to the Department for a waiver of tuition under this chapter and provides evidence satisfactory to the Department that (a) the applicant is the surviving spouse or child of a peace officer or firefighter who was killed in the line of duty; (b) the course or courses for which the applicant is seeking a tuition waiver meet the requirements of subsection 3.5.3; and (c) the applicant meets the other requirements of this part;

4.5.2.4 ~~F~~ for a child of a peace officer or firefighter killed in the line of duty, applies under subsection 3.5.2 for the first time before the age of 25;

4.5.2.5 Is certified by the financial aid officer at the institution as needing the tuition waiver in order to meet recognized educational expenses, with the understanding that if the applicant's family income, excluding any income from death benefits attributable to the peace officer's or firefighter's death, is below 400 percent of the poverty level under federal poverty guidelines, then the income from any death benefits accruing to the applicant as a result of the death may not be counted as family income in determining financial need under this subsection 3.5.3.1;

4.5.2.6 Maintains satisfactory academic progress, as defined by the institution, for each term or semester in which the individual is enrolled, which may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; and

4.5.2.7 Has not achieved a bachelor's degree and has received tuition reimbursement under this chapter for less than 124 semester credits or 180 quarter credits at an institution of higher education.

4.5.3 Limited Term for Waiver: A child or surviving spouse of a peace officer or firefighter who was killed in the line of duty is eligible for a tuition waiver under this section of not more than nine semesters or the equivalent number of quarters.

4.5.3.1 Waiver Only If Tuition Not Otherwise Covered: Tuition shall be waived only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, or any other source of tuition coverage available for a waiver.

4.5.3.2 Waiver for Required Courses Only: An institution shall waive tuition under this chapter only for courses that are applicable toward the degree or certificate requirements of the program in which the child or surviving spouse is enrolled.

4.5.3.3 Prior Approval by Department: Upon receiving an application under [Utah Code section 53B-8c-103\(1\)\(c\)](#), the Department shall determine whether the applicant and the courses for which tuition waiver is sought meet the requirements of [Utah Code section 53B-8c-103](#) and, if so, shall approve the application and notify the higher education institution that the application has been approved.

4.5.3.4 Department Cooperation: The institutions shall cooperate with the Department in developing efficient procedures for the implementation of this program and shall use the forms and applications provided by the Department.

4.6 Tuition Waivers for Wards of the State

4.6.1 Definitions: As used in this part:

4.6.1.1 “Division” means the Division of Child and Family Services.

4.6.1.2 “Long-term Foster Care” means an individual who remains in the custody of the Division, whether or not the individual resides with licensed foster parents or in independent living arrangements under the supervision of the Division.

4.6.1.3 “State Institution of Higher Education” means those institutions designated in Utah Code section 53B-1-102 and any public institution that offers postsecondary education in consideration of the payment of tuition or fees for the attainment of educational or vocational objectives leading to a degree or certificate, including business schools, technical schools, applied technology centers, trade schools, and institutions offering related apprenticeship programs.

4.6.1.4 “Tuition” means tuition at the rate for residents of the state.

4.6.1.5 “Ward of the State” means an individual (a) who is at least 17 years of age and not older than 26 years of age; (b) who had a permanency goal in the individual’s treatment plan, as defined in Sections 62A-4a-205 and 78-3a-312, of long-term foster care while in the custody of the Division; and (c) for whom the custody of the Division was not terminated as a result of adoption.

4.6.2 Tuition Waivers for Wards of the State: Subject to the limitations in subsections 4.6.2.1, 4.6.2.2., and 4.6.2.3, a state institution of higher education shall waive tuition for each ward of the state applicant who meets the following requirements:

4.6.2.1 Applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;

4.6.2.2 Is a resident student of the state as determined under Board Policy R512;

4.6.2.3 Provides the institution with documentation from the Division that the Division has verified: (a) applicant is at least 17 years of age and not older than 26 years of age; (b) applicant had a permanency goal in the Division treatment plan,

as defined in Utah Code sections 62A-4a-205 and 78-3a-312, of long-term foster care while in the custody of the Division; (c) applicant's custody was not terminated as a result of adoption; (d) applicant was in the custody of the Division for an aggregate period of not less than 24 months; (e) applicant applied for the first time under this program before the age of 22; and (f) applicant has not achieved a bachelor's degree, and has received tuition reimbursement under this program for less than 124 semester credits (or 180 quarter credits) and for not more than nine semesters at an institution of higher education.

4.6.2.4 ~~V~~erifies that the course or courses for which the applicant is seeking a tuition waiver meet the requirements of subsection 4.6.2.3;

4.6.2.5 ~~I~~s certified by the financial aid officer at the higher education institution as needing the tuition waiver in order to meet recognized educational expenses; and

4.6.2.6 ~~M~~aintains satisfactory academic progress, as defined by the institution of higher education, for each term or semester in which the individual is enrolled, which may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; ~~and~~

4.6.3 Limited Term of Waiver: A ward of the state is eligible for a tuition waiver under this section for not more than nine semesters.

4.6.3.1 Waiver Only if Tuition Not Otherwise Covered: Tuition shall be waived (a) after the individual has applied for financial assistance, including scholarships and Pell Grants; and (b) only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, Pell Grant, or any other source of tuition coverage available for a waiver.

4.6.3.2 Waiver for Required Courses Only: An institution of higher education shall waive tuition under this chapter only for courses that are applicable toward the degree or certificate requirements of the program in which the student is enrolled.

4.6.4 Reimbursement of Waivers by Division: The institutions shall seek reimbursement from the Division for any tuition waived under this chapter.

4.7 Tuition Exemption for Teachers

4.7.1 Definitions: As used in this part:

4.7.1.1 “Educator” means an educator is a person currently employed in the Utah public school system who is a licensed educator in good standing or has been issued a letter of authorization permitting such employment under Utah Code section 53E-6-102, the Board Licensure section of the Educator Licensure and Professional Practices Act.

4.7.1.2 “Tuition Waivers for Teachers” means an educator who enrolls in a course of study determined by the State Board of Education to satisfy the professional development requirements of Utah Code section 53E-6-201(3)(b)(i) is exempt from the tuition charges for a class taken as part of that course of study provided that the following conditions are met:

4.7.1.3 “Master’s and Doctoral Degree Candidates” means because of the extensive involvement of faculty members in committees, mentoring, and counseling of master’s and doctoral degree candidates, the concept of surplus space does not apply, and such educators are not eligible for the exemption from tuition under this section.

4.7.2 Administrative Semester Registration Fee: The institution may charge an educator an administrative semester registration fee not to exceed \$100 per semester to cover the actual increased costs associated with registration, verification of educator status, identification of eligible courses, certification of space availability, and record keeping.

4.7.3 Surplus Space Enrollment: The educator may be enrolled on the basis of surplus space as determined by the institution under these rules and guidelines as follows:

4.7.3.1 If a principal or substantial reason for the institution to offer the class is to serve educators, then no educator enrolled in that class can be considered to be enrolled on the basis of surplus space, and therefore cannot be eligible for this exemption from tuition charges;

4.7.3.2 If the class meets the requirements of 53A-6-104(2)(b)(i) but does not have as a principal or substantial purpose to serve educators, then the institution shall define the optimum class size of the class in accordance with regular procedures and normal teaching loads in that space within the institution’s approved budget. The number of surplus space enrollments available to educators is determined by subtracting from the optimum class size the number of tuition paying students enrolled in the class. The surplus space enrollments may then be filled by educators

on a first come first served basis. However, in order to maintain the optimum class size, educators exempt from tuition may be bumped (last in, first out) by regular tuition paying students who later register for the class.

4.8. Tuition Reimbursement for Sequential Mandarin Chinese Course

4.8.1 Extended Sequential Study for Difficult Languages: Difficult languages require extended sequences of study to acquire proficiency in listening, speaking, reading, and writing.

4.8.2 Mandarin Chinese Program: The Board and the State Board of Education, in consultation with the Utah Education Network, may develop and implement a concurrent enrollment course of study in Mandarin Chinese. The course shall be taught over EDNET to high school juniors and seniors in the state's public education system.

4.8.3 Tuition Reimbursement: Students who successfully complete the concurrent enrollment course in Mandarin Chinese offered under the part shall receive tuition reimbursement for a sequential Mandarin Chinese course they successfully complete with a "B" grade or above at a USHE institution.

4.9 Scott B. Lundell Waiver of Tuition for Dependents of Military Members Killed in Action

4.9.1 Tuition Waiver: USHE institutions shall waive undergraduate tuition for surviving dependents of a Utah resident, as defined in [Utah Code section 53B-8-107](#), who, as a member of the armed forces of the United States, including the Utah National Guard or a reserve component, was killed or died of wounds or injuries received while serving on federal active duty, under orders of competent authority and not as a result of the member's own misconduct.

4.9.1.1 The dependent must be accepted by the institution as a student in accordance with the institution's admission guidelines.

4.9.1.2 The dependent must be a resident student as defined by [Utah Code section 53B-8-102](#) and [Board Policy R512, Resident Student Status](#).

4.9.1.3 The dependent may not be excluded from the waiver if the dependent has previously taken courses at, or has been awarded credit by, a USHE institution.

4.9.2 Certification by Adjutant General or Designee: The adjutant general, after consultation with federal authorities if necessary, shall certify to the institution that the

dependent is a surviving dependent eligible for the waiver. The adjutant general may delegate this responsibility to the Utah Department of Veterans Affairs.

4.9.3 Definition of “Dependent”: For purposes of this policy, the term “dependent” shall include a surviving spouse.

4.9.4 Limitations on Waiver: The waiver is subject to the following limitations:

4.9.4.1 The waiver is not applicable if the dependent has already completed an undergraduate degree.

4.9.4.2 The waiver is applicable for undergraduate study only.

4.9.4.3 The dependent may only utilize the waiver for courses that are applicable toward the degree or certificate requirement of the program in which the dependent is enrolled.

4.9.4.4 The waiver is not applicable to fees, books, or housing expenses, and tuition shall be waived only to the extent that tuition is not covered by scholarships, Pell Grants, statutory benefit, or any other form of non-loan tuition coverage.

4.10 Waiver of Tuition for Purple Heart Recipients: USHE institutions shall waive undergraduate tuition for each Purple Heart recipient who is admitted as a full-time, part-time, or summer school student in an undergraduate program of study leading to a degree or certificate, provided that the student is a resident of the state as determined under Utah Code section 53B-8-102, and that the student submits verification from the Division of Veterans Affairs that the student has earned a Purple Heart award as a result of military service.

4.11 When Verification of Lawful Presence is Not Required: As provided by [Utah Code section 63G-12-402](#), verification of lawful presence in the United States is not required of a student who is a graduate of a high school located in Utah and (1) is exempt from paying the nonresident portion of total tuition under [Utah Code section 53B-8-106](#); or (2) applies for, and may be awarded, a privately funded scholarship that is administered by a USHE institution.

R513–5 Waiver of Nonresident Tuition

5.1 Waivers for Nonresident Undergraduate, Graduate, or Summer School Students

The president of each institution may waive all or part of the nonresident portion of tuition for meritorious nonresident undergraduate students to an amount not exceeding the designated

percent of the total amount of tuition which, in the absence of the waivers, would have been collected from all nonresident students at the institution outlined in the chart below.

Institution	Not to exceed percentage
University of Utah	16%
Utah State University	13%
Weber State University	40%
Southern Utah University	35%
Snow College	27%
Utah Tech University	30%
Utah Valley University	18%
Salt Lake Community College	10%

5.1.1 In determining which students are meritorious for purposes of granting a tuition waiver under 5.1, a president shall consider students who are performing above the average at the institution, including having an admission index higher than the average for the institution, if an admission index is used.

5.1.2 A president may continue to waive the nonresident portion of tuition for a student described in 4.1 for as long as the student is enrolled at the institution.

5.1.3 In addition to waiving the nonresident portion of tuition for a meritorious nonresident undergraduate student under 5.1, a president may waive the resident portion of tuition after the meritorious nonresident undergraduate student completes a year of full-time study at the institution.

5.1.4 Institutions will be given until July 2021 to adjust their financial aid awards practice to align with these percentages and would be asked to be compliant with the policy for the 2022 Academic school year reports.

5.1.5 The ~~Commissioner's office~~Office of the Commissioner of Higher Education will review the percentages in 2022 and then no longer than every five years thereafter and recommend changes if appropriate and justified.

5.1.5.1 Institutions may also request an adjustment to these percentages for the Board's consideration outside of the five-year review period.

5.1.6 A president may waive all or part of the nonresident portion of tuition for nonresident graduate students.

5.1.7 A president may waive all or part of the nonresident portion of tuition for nonresident summer school students

5.2. Nonresident Tuition Scholarships

5.2.1 In addition to the “border waiver” scholarships authorized under [Utah Code section 53B-8-104](#), USHE presidents are authorized to grant scholarships for a waiver of the nonresident portion of total tuition charged to nonresident students when the scholarships will:

5.2.1.1 Assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations; and

5.2.1.2 Promote enrollment of nonresident students with high academic aptitudes.

5.2.2 **Policy Guidelines:** Nonresident tuition scholarships may be awarded at the institutions with the following provisions:

5.2.2.1 The amount of the approved scholarship may be up to 100 percent of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

5.2.2.2 675 of the approved scholarships may be at a level of more than 50 percent of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

5.2.2.3 A nonresident scholarship may be awarded initially only to a nonresident student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for ten or more credit hours; and

5.2.2.4 A nonresident student who receives a scholarship of greater than 50 percent of the differential tuition charged to nonresident students for an equal number of credit hours of instruction may not be counted against the funded target for the institution attended.

5.2.3 **Annual Number of Nonresident Tuition Scholarships:** Each academic year the president of the following institutions may award nonresident tuition scholarships as set forth below, not to exceed a total of 900 such scholarships in effect at any one time:

Institution	Differential Tuition Scholarships (up to 100%)	Differential Tuition Scholarships (up to 50%)	Total
University of Utah	24	14	38
Utah State University	330	112	442
Weber State University	55	15	70
Southern Utah University	96	25	121
Snow College	2	7	9
Utah Tech University	161	44	205
Utah Valley University	0	0	0
Salt Lake Community College	7	8	15
USHE Total	695	225	900

5.2.3.1 Institutions shall determine award eligibility on a meritorious basis, considering measures such as grade point averages and test scores.

5.2.3.2 In determining eligibility for these scholarships, institutions may consider the impact of maintaining critical enrollment levels in academic programs.

5.3 Partial Waivers Pursuant to Reciprocal Agreements

5.3.1 Partial Waiver of Nonresident Differential: The Board may grant a full or partial waiver of the nonresident differential in tuition rates charged to undergraduate students pursuant to reciprocal agreements with other states. In making the determination, the Board considers the potential of the waiver to: (A) enhance educational opportunities for Utah residents; (B) promote mutually beneficial cooperation and development of Utah communities and nearby communities in neighboring states; (C) contribute to the quality of educational programs; and (D) assist in maintaining the cost effectiveness of auxiliary operations in Utah institutions of higher education.

5.3.2 Utah Tech University Good Neighbor Waiver: Utah Tech University may offer a good neighbor full waiver of the nonresident differential in tuition rates charged to undergraduate students pursuant to the reciprocal agreements with other states or to a resident of a county that has a portion of the county located within 70 miles of the main campus of Utah Tech University. A student who attends Utah Tech University under a good neighbor tuition waiver shall pay a surcharge per credit hour in addition to the regular resident tuition and fees of Utah Tech University. The surcharge per credit hour shall be based on a percentage of the approved resident tuition per credit hour each academic year. The percentage assessed as a surcharge per credit hour shall be set by the Board. Utah Tech University may restrict the number of good neighbor tuition waivers awarded. A student who attends Utah Tech University on a good neighbor tuition waiver may not count the

time during which the waiver is received towards establishing resident student status in Utah.

5.3.3 Reciprocal Agreements with Other States: Consistent with its determinations made pursuant to subsection 4.3, the Board may enter into agreements with other states to provide for a full or partial reciprocal waiver of the nonresident tuition differential charged to undergraduate students. An agreement shall provide for the numbers and identifying criteria of undergraduate students and shall specify the institutions of higher education that will be affected by the agreement.

5.3.4 Policy Guidelines: Each Utah institution affected by tuition waivers authorized by this part shall establish policy guidelines for evaluating applicants for such waivers.

5.4 “Border Waiver” Nonresident Partial Tuition Scholarships

5.4.1 Border Waivers: An institution may grant a scholarship for partial waiver of the nonresident portion of total tuition charged by public institutions of higher education to nonresident undergraduate students, subject to the limitations provided in this part, if the institution determines that the scholarship will (a) promote mutually beneficial cooperation between Utah communities and nearby communities in states adjacent to Utah; (b) contribute to the quality ~~and desirable cultural diversity~~ of educational programs in the institution; (c) assist in maintaining an adequate level of service and related cost effectiveness of auxiliary operations in the institution; and (d) promote enrollment of nonresident students with high academic aptitudes.

5.4.2 Policy Guidelines: The institution shall establish policy for the administration of any “border waiver” partial tuition scholarships authorized under this part and for evaluating applicants for those scholarships. The institutional policy shall include the following provisions:

5.4.2.1 The amount of the approved scholarship may not be more than ½ of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

5.4.2.2 ~~A~~ “border waiver” nonresident partial tuition scholarship may be awarded initially only to a nonresident undergraduate student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for ten or more credit hours, whose legal domicile is within approximately 100 highway miles of the USHE institution at which the recipient wishes to enroll, or within such distance

or such designated eligible communities or regions as the Board may establish for each institution;

5.4.2.3 The total number of “border waiver” nonresident partial tuition scholarships granted by the institution may not exceed a total of 600 such scholarships in effect at any one time as provided in the table below; and

5.4.2.4 The institution shall determine eligibility for “border waiver” nonresident partial tuition scholarships on the basis of program availability at the institution and on a competitive basis, using quantifiable measurements such as grade point averages and results of test scores.

Institution	Number of Scholarships
University of Utah	30
Utah State University	290
Weber State University	35
Southern Utah University	74
Utah Tech University	157
Utah Valley University	10
Snow College	0
Salt Lake Community College	4
USHE Total	600

5.5 Exemption for Certain Students with Utah High School Graduation: A student, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of Title 8 of the United States Code, shall be exempt from paying the nonresident portion of total tuition if the student:

5.5.1 Attended high school in Utah for three or more years;

5.5.2 Graduated from a high school in this state or received the equivalent of a high school diploma in Utah; and

5.5.3 Registers as an entering student at an institution of higher education not earlier than the fall of the 2002-03 academic year.

5.5.4 In addition, a student without lawful immigration status shall file an affidavit with the USHE institution stating that the student has filed an application to legalize their immigration status or will file an application as soon as he or she is eligible to do so.

5.6 Exemption of Nonresident Tuition for Certain Foreign Nationals: A student shall be exempt from paying the nonresident portion of total tuition if the student:

5.6.1 ~~I~~ is a foreign national legally admitted to the United States;

5.6.2 ~~A~~ attended a Utah high school in Utah for three or more years; and

5.6.3 ~~G~~ graduated from a Utah high school or received the equivalent of a high school diploma in Utah.

5.7 Alumni Legacy Nonresident Scholarships

5.7.1 In addition to other nonresident tuition scholarships, USHE presidents may waive an amount up to ~~the full one academic school year's equivalent of the~~ nonresident portion of tuition for alumni legacy nonresident scholarships. The waiver may only be given once and applied to a student's: (1) first full school year of non-residency status; (2) first two semesters of non-residency status; or (3) first four quarters of non-residency status. when the scholarship will~~The scholarship should:~~

5.7.1.1 ~~A~~ assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in institutions of higher education; ~~and~~

5.7.1.2 ~~P~~ promote enrollment of nonresident students with high academic aptitudes; and

5.7.1.3 ~~R~~ recognize the legacy of past graduates and promote a continued connection to their alma mater.

5.7.2 Policy Guidelines: The institution shall establish institutional procedures for the administration of any Alumni Legacy Nonresident Scholarships authorized under this part and for evaluating applicants for those scholarships. The institutional procedures shall include the following criteria and provision:

5.7.2.1 ~~E~~ enroll at an institution within the USHE for the first time; and

5.7.2.2 ~~H~~ have at least one parent ~~or grandparent~~ who graduated with an associate's degree or higher from the same institution in which the student is enrolling.

5.8 Exemption of Nonresident Tuition as Athletic Scholarships: Pursuant to Utah Code section 53B-8-102. In addition to the waivers of nonresident tuition available to each institution under Utah Code section 53B-8-101 et seq., and this policy, each institution may, at

its discretion, grant as athletic scholarships full waiver of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference, and as recommended by the president of each institution.

R513-6 Annual Tuition Waiver Reporting Requirements

6.1 Institutions shall annually submit to the Board a report that provides the following data:

6.1.1 An assessment of how the institutions use of tuition waivers support the goals established by the Board;

6.1.2 The total amount of all waivers established under this policy that each institution granted stated in gross totals and as a percentage of total tuition revenue that, in the absence of waivers, the institution would have collected.

6.1.3 The amount waived for each individual waiver established under this policy, stated in gross totals and as a percentage of total tuition revenue that, in the absence of waivers, the institution would have collected.

6.1.4 The number of tuition waivers awarded by student type for each waiver awarded.

6.2 The Board shall provide an annual report to the general Legislature and the Legislature's Higher Education Appropriations Subcommittee containing the following information:

6.2.1 A report and financial analysis of any waivers of tuition authorized under this part as part of the budget recommendations of the Board for the USHE; and

6.2.2 A budget appropriation request for each institution, which include requests for funds sufficient in amount to equal the estimated loss of dedicated credits realized by tuition wavier type.

R513, Tuition Waivers and Reductions¹

R513-1 Purpose: To establish procedures for Utah System of Higher Education (“USHE”) institutions to administer tuition waiver and reduction programs.

R513-2 References

- 2.1 Utah Code § 53B-8-101, Waiver of Tuition
- 2.2 Utah Code § 53B-8-103, Waiver of Nonresident Differential in Tuition Rates – Utah Tech University Good Neighbor Tuition Waiver
- 2.3 Utah Code § 53B-8-104, Nonresident Partial Tuition Scholarships—Border Waivers
- 2.4 Utah Code § 53B-8-104.5, Nonresident Tuition Scholarships
- 2.5 Utah Code § 53B-8-106, Resident Tuition Scholarships – Requirements – Rules
- 2.6 Utah Code Title 53B, Chapter 9, Higher Education for Senior Citizens
- 2.7 Utah Code Title 53B, Chapter 8c, Police Officer’s and Firefighter’s Survivor Tuition Waiver
- 2.8 Utah Code Title 53B, Chapter 8d, Tuition Waivers for Wards of the State
- 2.9 Utah Code Title 53B, Chapter 8e, Tuition Waivers for Purple Heart Recipients
- 2.10 Board Policy R512, Resident Student Status
- 2.11 Utah Code § 53B-8-107, Scott B. Lundell Waiver of Tuition for Dependents of Military Members Killed in Action
- 2.12 Utah Code § 53B-8-103.5, Alumni Legacy Nonresident Scholarships
- 2.13 Utah Code § 53B-8-102, Definition of Resident Student
- 2.14 Board Policy R510, Tuition and Fees

R513-3 Definitions

3.1 “Impecunious Resident Student” means a resident student whose demonstrated lack of financial resources presents a significant barrier to accessing higher education or completing a higher education degree or certificate.

3.2 “Meritorious Resident Student” means a resident student who has demonstrated exceptional academic and/or other achievements which qualify for recognition and reward.

¹ Approved October 19, 2001; amended November 8, 2002, March 14, 2003, April 16, 2004, March 10, 2006, June 9, 2006, and June 8, 2007. Revisions approved on May 29, 2009, November 18, 2011, March 29, 2013, May 15, 2015, May 20, 2016, May 18, 2018, November 16, 2018, July 16, 2021; November 18, 2022; and XXX.

R513-4 Waiver of Resident Tuition

4.1. 10% Resident Tuition Waivers: The president of each institution may waive all or part of the tuition on behalf of meritorious or impecunious resident students to an amount not exceeding 10 percent of the total amount of tuition which, in the absence of the waivers, would have been collected from all Utah resident students at the institution.

4.1.1 Of the amounts waived in 4.1, at least 10 percent of total amount shall be used to support tuition waivers for impecunious resident students.

4.1.1.1 Each of the institutions will develop and present a plan to the Board of Higher Education (“Board”) on how it expects to be compliant with 4.1.1. for the reporting cycle beginning July 1, 2021.

4.1.1.2 The Board shall review the percentage set aside for impecunious students every three years beginning July 1, 2024.

4.2 National Guard Set Aside: Of the amount waived for resident students under subsection 4.1, 2.5 percent of the total amount shall be set aside by institutions for waivers reserved for members of the Utah National Guard.

4.2.1 To ensure timely processing, the Utah National Guard Administration will provide to the institutions a prioritized list of qualified candidates for tuition waivers no later than 60 calendar days prior to the start of an academic term. Candidates for Utah National Guard tuition waivers must be full-time students. To ensure the highest number of candidates receive a tuition waiver, institutions may adjust the waiver amount between partial and full amounts.

4.2.2 An institution may, at its discretion and within its established criteria, allow recipients to use tuition waivers toward self-supported courses.

4.2.3 Any National Guard tuition waivers set aside but not claimed 30 days prior to the beginning of the term may be used for other qualified students.

4.3 Partial Tuition Waivers for Critical Occupations: Upon recommendation of the Board, a president shall grant additional full or partial tuition waivers to encourage students to enroll for instruction in specifically identified occupations critical to the state for which trained personnel are in short supply.

4.4 Waivers for Senior Citizens and Veterans: Institutions shall permit Utah residents age 62 and over or veterans as defined in Utah Code section 68-3-12.5 to enroll tuition-free in classes subject to the following conditions:

4.4.1 Institutions may charge an administrative fee.

4.4.2 Institutions may charge course and program fees as defined in Board Policy R517.

4.4.3 Institutions may limit enrollment under this section based on existing prerequisites, regular procedures, standard teaching loads, and available classroom space following the enrollment of matriculated students.

4.4.4 Institutions shall not award credit or competencies for courses completed pursuant to this section.

4.4.5 Institutions' enrollment reports shall list senior citizens and veterans separately from matriculated students.

4.5 Police Officer's and Firefighter's Survivor Tuition Waiver

4.5.1 Definitions: As used in this part:

4.5.1.1 "Child" means an individual who (a) is a natural or adopted child of a deceased peace officer or deceased firefighter; and (b) was under the age of 25 at the time of the peace officer's or firefighter's death.

4.5.1.2 "Department" means the Department of Public Safety.

4.5.1.3 "Killed" means that the peace officer's or firefighter's death is the direct and proximate result of a traumatic injury incurred in the line of duty.

4.5.1.4 "Line of Duty" means an action that a peace officer or firefighter is obligated or authorized to perform by rule, regulation, condition of employment or service, or law, including a social, ceremonial, or athletic function that the peace officer or firefighter is assigned to or compensated for by the public agency being served.

4.5.1.5 "Occupational Disease" means a disease that routinely constitutes a special hazard in, or is commonly regarded as concomitant of, the peace officer's or firefighter's occupation.

4.5.1.6 "Traumatic Injury" means a wound or the condition of the body caused by external force, including an injury inflicted by bullet, explosive, sharp instrument,

blunt object, or other physical blow, fire, smoke, chemical, electricity, climatic condition, infectious disease, radiation, or bacteria, but excluding an occupational disease.

4.5.1.7 “Tuition” means tuition at the rate charged for residents of the state.

4.5.1.8 “Utah Firefighter” or “Firefighter” means a member, including volunteer members and members paid on call, of a fire department or other organization that provides fire suppression and other fire related services, of a political subdivision who is responsible for or is in a capacity that includes responsibility for the extinguishment of fires. This does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.

4.5.1.9 “Utah Peace Officer” or “Peace Officer” means an employee of a law enforcement agency that is part of or administered by the state or any of its political subdivisions, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.

4.5.2 Tuition Waivers for Surviving Spouses and Children: Subject to the limitations below, a USHE institution shall waive tuition for each child and surviving spouse of a Utah peace officer or Utah firefighter who has been killed or is killed in the line of duty if the individual meets the following requirements:

4.5.2.1 Applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;

4.5.2.2 Is a resident student of the state as determined under Board Policy R512, *Resident Student Status*;

4.5.2.3 Applies to the Department for a waiver of tuition under this chapter and provides evidence satisfactory to the Department that (a) the applicant is the surviving spouse or child of a peace officer or firefighter who was killed in the line of duty; (b) the course or courses for which the applicant is seeking a tuition waiver meet the requirements of subsection 3.5.3; and (c) the applicant meets the other requirements of this part;

4.5.2.4 For a child of a peace officer or firefighter killed in the line of duty, applies under subsection 3.5.2 for the first time before the age of 25;

4.5.2.5 Is certified by the financial aid officer at the institution as needing the tuition waiver in order to meet recognized educational expenses, with the understanding that if the applicant's family income, excluding any income from death benefits attributable to the peace officer's or firefighter's death, is below 400 percent of the poverty level under federal poverty guidelines, then the income from any death benefits accruing to the applicant as a result of the death may not be counted as family income in determining financial need under this subsection 3.5.3.1;

4.5.2.6 Maintains satisfactory academic progress, as defined by the institution, for each term or semester in which the individual is enrolled, which may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; and

4.5.2.7 Has not achieved a bachelor's degree and has received tuition reimbursement under this chapter for less than 124 semester credits or 180 quarter credits at an institution of higher education.

4.5.3 Limited Term for Waiver: A child or surviving spouse of a peace officer or firefighter who was killed in the line of duty is eligible for a tuition waiver under this section of not more than nine semesters or the equivalent number of quarters.

4.5.3.1 Waiver Only If Tuition Not Otherwise Covered: Tuition shall be waived only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, or any other source of tuition coverage available for a waiver.

4.5.3.2 Waiver for Required Courses Only: An institution shall waive tuition under this chapter only for courses that are applicable toward the degree or certificate requirements of the program in which the child or surviving spouse is enrolled.

4.5.3.3 Prior Approval by Department: Upon receiving an application under Utah Code section 53B-8c-103(1)(c), the Department shall determine whether the applicant and the courses for which tuition waiver is sought meet the requirements of Utah Code section 53B-8c-103 and, if so, shall approve the application and notify the higher education institution that the application has been approved.

4.5.3.4 Department Cooperation: The institutions shall cooperate with the Department in developing efficient procedures for the implementation of this program and shall use the forms and applications provided by the Department.

4.6 Tuition Waivers for Wards of the State

4.6.1 Definitions: As used in this part:

4.6.1.1 “Division” means the Division of Child and Family Services.

4.6.1.2 “Long-term Foster Care” means an individual who remains in the custody of the Division, whether or not the individual resides with licensed foster parents or in independent living arrangements under the supervision of the Division.

4.6.1.3 “State Institution of Higher Education” means those institutions designated in Utah Code section 53B-1-102 and any public institution that offers postsecondary education in consideration of the payment of tuition or fees for the attainment of educational or vocational objectives leading to a degree or certificate, including business schools, technical schools, applied technology centers, trade schools, and institutions offering related apprenticeship programs.

4.6.1.4 “Tuition” means tuition at the rate for residents of the state.

4.6.1.5 “Ward of the State” means an individual (a) who is at least 17 years of age and not older than 26 years of age; (b) who had a permanency goal in the individual’s treatment plan, as defined in Sections 62A-4a-205 and 78-3a-312, of long-term foster care while in the custody of the Division; and (c) for whom the custody of the Division was not terminated as a result of adoption.

4.6.2 Tuition Waivers for Wards of the State: Subject to the limitations in subsections 4.6.2.1, 4.6.2.2., and 4.6.2.3, a state institution of higher education shall waive tuition for each ward of the state applicant who meets the following requirements:

4.6.2.1 Applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;

4.6.2.2 Is a resident student of the state as determined under Board Policy R512;

4.6.2.3 Provides the institution with documentation from the Division that the Division has verified: (a) applicant is at least 17 years of age and not older than 26 years of age; (b) applicant had a permanency goal in the Division treatment plan, as defined in Utah Code sections 62A-4a-205 and 78-3a-312, of long-term foster care while in the custody of the Division; (c) applicant’s custody was not

terminated as a result of adoption; (d) applicant was in the custody of the Division for an aggregate period of not less than 24 months; (e) applicant applied for the first time under this program before the age of 22; and (f) applicant has not achieved a bachelor's degree, and has received tuition reimbursement under this program for less than 124 semester credits (or 180 quarter credits) and for not more than nine semesters at an institution of higher education.

4.6.2.4 Verifies that the course or courses for which the applicant is seeking a tuition waiver meet the requirements of subsection 4.6.2.3;

4.6.2.5 Is certified by the financial aid officer at the higher education institution as needing the tuition waiver in order to meet recognized educational expenses; and

4.6.2.6 Maintains satisfactory academic progress, as defined by the institution of higher education, for each term or semester in which the individual is enrolled, which may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965.

4.6.3 Limited Term of Waiver: A ward of the state is eligible for a tuition waiver under this section for not more than nine semesters.

4.6.3.1 Waiver Only if Tuition Not Otherwise Covered: Tuition shall be waived (a) after the individual has applied for financial assistance, including scholarships and Pell Grants; and (b) only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, Pell Grant, or any other source of tuition coverage available for a waiver.

4.6.3.2 Waiver for Required Courses Only: An institution of higher education shall waive tuition under this chapter only for courses that are applicable toward the degree or certificate requirements of the program in which the student is enrolled.

4.6.4 Reimbursement of Waivers by Division: The institutions shall seek reimbursement from the Division for any tuition waived under this chapter.

4.7 Tuition Exemption for Teachers

4.7.1 Definitions: As used in this part:

4.7.1.1 “Educator” means an educator is a person currently employed in the Utah public school system who is a licensed educator in good standing or has been issued a letter of authorization permitting such employment under Utah Code section 53E-6-102, the Board Licensure section of the Educator Licensure and Professional Practices Act.

4.7.1.2 “Tuition Waivers for Teachers” means an educator who enrolls in a course of study determined by the State Board of Education to satisfy the professional development requirements of Utah Code section 53E-6-201(3)(b)(i) is exempt from the tuition charges for a class taken as part of that course of study provided that the following conditions are met:

4.7.1.3 “Master’s and Doctoral Degree Candidates” means because of the extensive involvement of faculty members in committees, mentoring, and counseling of master’s and doctoral degree candidates, the concept of surplus space does not apply, and such educators are not eligible for the exemption from tuition under this section.

4.7.2 Administrative Semester Registration Fee: The institution may charge an educator an administrative semester registration fee not to exceed \$100 per semester to cover the actual increased costs associated with registration, verification of educator status, identification of eligible courses, certification of space availability, and record keeping.

4.7.3 Surplus Space Enrollment: The educator may be enrolled on the basis of surplus space as determined by the institution under these rules and guidelines as follows:

4.7.3.1 If a principal or substantial reason for the institution to offer the class is to serve educators, then no educator enrolled in that class can be considered to be enrolled on the basis of surplus space, and therefore cannot be eligible for this exemption from tuition charges;

4.7.3.2 If the class meets the requirements of 53A-6-104(2)(b)(i) but does not have as a principal or substantial purpose to serve educators, then the institution shall define the optimum class size of the class in accordance with regular procedures and normal teaching loads in that space within the institution’s approved budget. The number of surplus space enrollments available to educators is determined by subtracting from the optimum class size the number of tuition paying students enrolled in the class. The surplus space enrollments may then be filled by educators on a first come first served basis. However, in order to maintain the optimum class

size, educators exempt from tuition may be bumped (last in, first out) by regular tuition paying students who later register for the class.

4.8. Tuition Reimbursement for Sequential Mandarin Chinese Course

4.8.1 Extended Sequential Study for Difficult Languages: Difficult languages require extended sequences of study to acquire proficiency in listening, speaking, reading, and writing.

4.8.2 Mandarin Chinese Program: The Board and the State Board of Education, in consultation with the Utah Education Network, may develop and implement a concurrent enrollment course of study in Mandarin Chinese. The course shall be taught over EDNET to high school juniors and seniors in the state's public education system.

4.8.3 Tuition Reimbursement: Students who successfully complete the concurrent enrollment course in Mandarin Chinese offered under the part shall receive tuition reimbursement for a sequential Mandarin Chinese course they successfully complete with a "B" grade or above at a USHE institution.

4.9 Scott B. Lundell Waiver of Tuition for Dependents of Military Members Killed in Action

4.9.1 Tuition Waiver: USHE institutions shall waive undergraduate tuition for surviving dependents of a Utah resident, as defined in *Utah Code section 53B-8-107*, who, as a member of the armed forces of the United States, including the Utah National Guard or a reserve component, was killed or died of wounds or injuries received while serving on federal active duty, under orders of competent authority and not as a result of the member's own misconduct.

4.9.1.1 The dependent must be accepted by the institution as a student in accordance with the institution's admission guidelines.

4.9.1.2 The dependent must be a resident student as defined by *Utah Code section 53B-8-102* and *Board Policy R512, Resident Student Status*.

4.9.1.3 The dependent may not be excluded from the waiver if the dependent has previously taken courses at, or has been awarded credit by, a USHE institution.

4.9.2 Certification by Adjutant General or Designee: The adjutant general, after consultation with federal authorities if necessary, shall certify to the institution that the

dependent is a surviving dependent eligible for the waiver. The adjutant general may delegate this responsibility to the Utah Department of Veterans Affairs.

4.9.3 Definition of “Dependent”: For purposes of this policy, the term “dependent” shall include a surviving spouse.

4.9.4 Limitations on Waiver: The waiver is subject to the following limitations:

4.9.4.1 The waiver is not applicable if the dependent has already completed an undergraduate degree.

4.9.4.2 The waiver is applicable for undergraduate study only.

4.9.4.3 The dependent may only utilize the waiver for courses that are applicable toward the degree or certificate requirement of the program in which the dependent is enrolled.

4.9.4.4 The waiver is not applicable to fees, books, or housing expenses, and tuition shall be waived only to the extent that tuition is not covered by scholarships, Pell Grants, statutory benefit, or any other form of non-loan tuition coverage.

4.10 Waiver of Tuition for Purple Heart Recipients: USHE institutions shall waive undergraduate tuition for each Purple Heart recipient who is admitted as a full-time, part-time, or summer school student in an undergraduate program of study leading to a degree or certificate, provided that the student is a resident of the state as determined under Utah Code section 53B-8-102, and that the student submits verification from the Division of Veterans Affairs that the student has earned a Purple Heart award as a result of military service.

4.11 When Verification of Lawful Presence is Not Required: As provided by Utah Code section 63G-12-402, verification of lawful presence in the United States is not required of a student who is a graduate of a high school located in Utah and (1) is exempt from paying the nonresident portion of total tuition under Utah Code section 53B-8-106; or (2) applies for, and may be awarded, a privately funded scholarship that is administered by a USHE institution.

R513–5 Waiver of Nonresident Tuition

5.1 Waivers for Nonresident Undergraduate, Graduate, or Summer School Students

The president of each institution may waive all or part of the nonresident portion of tuition for meritorious nonresident undergraduate students to an amount not exceeding the designated

percent of the total amount of tuition which, in the absence of the waivers, would have been collected from all nonresident students at the institution outlined in the chart below.

Institution	Not to exceed percentage
University of Utah	16%
Utah State University	13%
Weber State University	40%
Southern Utah University	35%
Snow College	27%
Utah Tech University	30%
Utah Valley University	18%
Salt Lake Community College	10%

5.1.1 In determining which students are meritorious for purposes of granting a tuition waiver under 5.1, a president shall consider students who are performing above the average at the institution, including having an admission index higher than the average for the institution, if an admission index is used.

5.1.2 A president may continue to waive the nonresident portion of tuition for a student described in 4.1 for as long as the student is enrolled at the institution.

5.1.3 In addition to waiving the nonresident portion of tuition for a meritorious nonresident undergraduate student under 5.1, a president may waive the resident portion of tuition after the meritorious nonresident undergraduate student completes a year of full-time study at the institution.

5.1.4 Institutions will be given until July 2021 to adjust their financial aid awards practice to align with these percentages and would be asked to be compliant with the policy for the 2022 Academic school year reports.

5.1.5 The Office of the Commissioner of Higher Education will review the percentages in 2022 and then no longer than every five years thereafter and recommend changes if appropriate and justified.

5.1.5.1 Institutions may also request an adjustment to these percentages for the Board's consideration outside of the five-year review period.

5.1.6 A president may waive all or part of the nonresident portion of tuition for nonresident graduate students.

5.1.7 A president may waive all or part of the nonresident portion of tuition for nonresident summer school students

5.2. Nonresident Tuition Scholarships

5.2.1 In addition to the “border waiver” scholarships authorized under Utah Code section 53B-8-104, USHE presidents are authorized to grant scholarships for a waiver of the nonresident portion of total tuition charged to nonresident students when the scholarships will:

5.2.1.1 Assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations; and

5.2.1.2 Promote enrollment of nonresident students with high academic aptitudes.

5.2.2 Policy Guidelines: Nonresident tuition scholarships may be awarded at the institutions with the following provisions:

5.2.2.1 The amount of the approved scholarship may be up to 100 percent of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

5.2.2.2 675 of the approved scholarships may be at a level of more than 50 percent of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

5.2.2.3 A nonresident scholarship may be awarded initially only to a nonresident student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for ten or more credit hours; and

5.2.2.4 A nonresident student who receives a scholarship of greater than 50 percent of the differential tuition charged to nonresident students for an equal number of credit hours of instruction may not be counted against the funded target for the institution attended.

5.2.3 Annual Number of Nonresident Tuition Scholarships: Each academic year the president of the following institutions may award nonresident tuition scholarships as set forth below, not to exceed a total of 900 such scholarships in effect at any one time:

Institution	Differential Tuition Scholarships (up to 100%)	Differential Tuition Scholarships (up to 50%)	Total
University of Utah	24	14	38
Utah State University	330	112	442
Weber State University	55	15	70
Southern Utah University	96	25	121
Snow College	2	7	9
Utah Tech University	161	44	205
Utah Valley University	0	0	0
Salt Lake Community College	7	8	15
USHE Total	695	225	900

5.2.3.1 Institutions shall determine award eligibility on a meritorious basis, considering measures such as grade point averages and test scores.

5.2.3.2 In determining eligibility for these scholarships, institutions may consider the impact of maintaining critical enrollment levels in academic programs.

5.3 Partial Waivers Pursuant to Reciprocal Agreements

5.3.1 Partial Waiver of Nonresident Differential: The Board may grant a full or partial waiver of the nonresident differential in tuition rates charged to undergraduate students pursuant to reciprocal agreements with other states. In making the determination, the Board considers the potential of the waiver to: (A) enhance educational opportunities for Utah residents; (B) promote mutually beneficial cooperation and development of Utah communities and nearby communities in neighboring states; (C) contribute to the quality of educational programs; and (D) assist in maintaining the cost effectiveness of auxiliary operations in Utah institutions of higher education.

5.3.2 Utah Tech University Good Neighbor Waiver: Utah Tech University may offer a good neighbor full waiver of the nonresident differential in tuition rates charged to undergraduate students pursuant to the reciprocal agreements with other states or to a resident of a county that has a portion of the county located within 70 miles of the main campus of Utah Tech University. A student who attends Utah Tech University under a good neighbor tuition waiver shall pay a surcharge per credit hour in addition to the regular resident tuition and fees of Utah Tech University. The surcharge per credit hour shall be based on a percentage of the approved resident tuition per credit hour each academic year. The percentage assessed as a surcharge per credit hour shall be set by the Board. Utah Tech University may restrict the number of good neighbor tuition waivers awarded. A student who attends Utah Tech University on a good neighbor tuition waiver may not count the

time during which the waiver is received towards establishing resident student status in Utah.

5.3.3 Reciprocal Agreements with Other States: Consistent with its determinations made pursuant to subsection 4.3, the Board may enter into agreements with other states to provide for a full or partial reciprocal waiver of the nonresident tuition differential charged to undergraduate students. An agreement shall provide for the numbers and identifying criteria of undergraduate students and shall specify the institutions of higher education that will be affected by the agreement.

5.3.4 Policy Guidelines: Each Utah institution affected by tuition waivers authorized by this part shall establish policy guidelines for evaluating applicants for such waivers.

5.4 “Border Waiver” Nonresident Partial Tuition Scholarships

5.4.1 Border Waivers: An institution may grant a scholarship for partial waiver of the nonresident portion of total tuition charged by public institutions of higher education to nonresident undergraduate students, subject to the limitations provided in this part, if the institution determines that the scholarship will (a) promote mutually beneficial cooperation between Utah communities and nearby communities in states adjacent to Utah; (b) contribute to the quality of educational programs in the institution; (c) assist in maintaining an adequate level of service and related cost effectiveness of auxiliary operations in the institution; and (d) promote enrollment of nonresident students with high academic aptitudes.

5.4.2 Policy Guidelines: The institution shall establish policy for the administration of any “border waiver” partial tuition scholarships authorized under this part and for evaluating applicants for those scholarships. The institutional policy shall include the following provisions:

5.4.2.1 The amount of the approved scholarship may not be more than ½ of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

5.4.2.2 A “border waiver” nonresident partial tuition scholarship may be awarded initially only to a nonresident undergraduate student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for ten or more credit hours, whose legal domicile is within approximately 100 highway miles of the USHE institution at which the recipient wishes to enroll, or within such distance or such designated eligible communities or regions as the Board may establish for each institution;

5.4.2.3 The total number of “border waiver” nonresident partial tuition scholarships granted by the institution may not exceed a total of 600 such scholarships in effect at any one time as provided in the table below; and

5.4.2.4 The institution shall determine eligibility for “border waiver” nonresident partial tuition scholarships on the basis of program availability at the institution and on a competitive basis, using quantifiable measurements such as grade point averages and results of test scores.

Institution	Number of Scholarships
University of Utah	30
Utah State University	290
Weber State University	35
Southern Utah University	74
Utah Tech University	157
Utah Valley University	10
Snow College	0
Salt Lake Community College	4
USHE Total	600

5.5 Exemption for Certain Students with Utah High School Graduation: A student, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of Title 8 of the United States Code, shall be exempt from paying the nonresident portion of total tuition if the student:

5.5.1 Attended high school in Utah for three or more years;

5.5.2 Graduated from a high school in this state or received the equivalent of a high school diploma in Utah; and

5.5.3 Registers as an entering student at an institution of higher education not earlier than the fall of the 2002-03 academic year.

5.5.4 In addition, a student without lawful immigration status shall file an affidavit with the USHE institution stating that the student has filed an application to legalize their immigration status or will file an application as soon as he or she is eligible to do so.

5.6 Exemption of Nonresident Tuition for Certain Foreign Nationals: A student shall be exempt from paying the nonresident portion of total tuition if the student:

5.6.1 Is a foreign national legally admitted to the United States;

5.6.2 Attended a Utah high school in Utah for three or more years; and

5.6.3 Graduated from a Utah high school or received the equivalent of a high school diploma in Utah.

5.7 Alumni Legacy Nonresident Scholarships

5.7.1 In addition to other nonresident tuition scholarships, USHE presidents may waive an amount up to one academic school year's equivalent of the nonresident portion of tuition for alumni legacy nonresident scholarships. The waiver may only be given once and applied to a student's: (1) first full school year of non-residency status; (2) first two semesters of non-residency status; or (3) first four quarters of non-residency status. The scholarship should:

5.7.1.1 Assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in institutions of higher education;

5.7.1.2 Promote enrollment of nonresident students with high academic aptitudes; and

5.7.1.3 Recognize the legacy of past graduates and promote a continued connection to their alma mater.

5.7.2 Policy Guidelines: The institution shall establish institutional procedures for the administration of any Alumni Legacy Nonresident Scholarships authorized under this part and for evaluating applicants for those scholarships. The institutional procedures shall include the following criteria and provision:

5.7.2.1 Enroll at an institution within the USHE for the first time; and

5.7.2.2 Have at least one parent who graduated with an associate's degree or higher from the same institution in which the student is enrolling.

5.8 Exemption of Nonresident Tuition as Athletic Scholarships: Pursuant to Utah Code section 53B-8-102. In addition to the waivers of nonresident tuition available to each institution under Utah Code section 53B-8-101 et seq., and this policy, each institution may, at its discretion, grant as athletic scholarships full waiver of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference, and as recommended by the president of each institution.

R513-6 Annual Tuition Waiver Reporting Requirements

6.1 Institutions shall annually submit to the Board a report that provides the following data:

6.1.1 An assessment of how the institutions use of tuition waivers support the goals established by the Board;

6.1.2 The total amount of all waivers established under this policy that each institution granted stated in gross totals and as a percentage of total tuition revenue that, in the absence of waivers, the institution would have collected.

6.1.3 The amount waived for each individual waiver established under this policy, stated in gross totals and as a percentage of total tuition revenue that, in the absence of waivers, the institution would have collected.

6.1.4 The number of tuition waivers awarded by student type for each waiver awarded.

6.2 The Board shall provide an annual report to the general Legislature and the Legislature's Higher Education Appropriations Subcommittee containing the following information:

6.2.1 A report and financial analysis of any waivers of tuition authorized under this part as part of the budget recommendations of the Board for the USHE; and

6.2.2 A budget appropriation request for each institution, which include requests for funds sufficient in amount to equal the estimated loss of dedicated credits realized by tuition wavier type.

R548, Institutional Discretionary Funds Administration and Accountability¹

R548-1 Purpose: To provide policy for the use and administration of Institutional Discretionary Funds as defined herein, and accountability procedures for the use of such funds.

R548-2 References

- 2.1 Utah Code § 53B-7-101(11), Combined Requests for Appropriations -- Board Review of Operating Budgets -- Submission of Budgets -- Recommendations -- Hearing Request -- Appropriation Formulas -- Allocations -- Dedicated Credits -- Financial Affairs~~Financial Affairs~~
- 2.2 Board Policy R567, Internal Audit Program

R548-3 Definitions

3.1 “Institutional Discretionary Funds”: means Funds available for expenditure or transfer at the direction of the President of the institution, generated from one or both of the following sources:

3.1.1 Investment Income: Earnings resulting from the investment of cash balances in the Education and General Current Funds, and earnings resulting from the investment of other funds, including Quasi-endowment Funds, when applied for expenditure or transfer through the education and general budget.

3.1.2 Unrestricted Gifts and Grants: Gift and grant funds which are not restricted by the source to specific purposes and are deposited in the Education and General Current Fund for expenditure or transfer.

R548-4 Policy

4.1 Utah Board of Higher Education and Board of Trustees Authorizations: All Institutional Discretionary Funds shall be used for purposes authorized by the Utah Board of Higher Education (“Board”). ~~E~~ expenditures shall be in accordance with budgets approved by the institutional Board of Trustees. ~~E~~ expenditures for individual construction, remodeling and landscaping projects costing \$50,000 or more of discretionary funds shall be specifically

¹ *Adopted May 15, 1984; replaced June 24, 1988; amended June 18, 1993; October 31, 2003; July 28, 2006; March 31, 2017; ~~and~~ July 14, 2022; and XXX.*

approved by the institutional Boards of Trustees; and actual, budgeted and projected revenues and expenditures of these funds shall be reported for the Board's review as part of the annual appropriated operating budget process. All authorizations and approvals required by this section shall be obtained in advance of the relevant institutional activity.

4.2 Authorized Uses of the Funds: Except as may be prohibited by statute or legislative intent language, or by action of the Board, Institutional Discretionary Funds may be expended directly within Education and General current funds for the following purposes:

4.2.1 Enrichment of institutional academic programs;:-

4.2.2 Enrichment of institutional cultural programs;:-

4.2.3 Scholarships, ~~f~~Fellowships, and ~~s~~Student ~~a~~Aid;:-

4.2.4 Faculty development and recognition;:-

4.2.5 Campus development and landscaping, including maintenance and remodeling projects;:-

4.2.6 Seed money for program grants and contracts;:-

4.2.7 Fund raising and institutional development activities;:-

4.2.8 Supplemental library support, including acquisitions, operations, and investments in process improvements;:-

4.2.9 Acquisition of academic and support equipment; ~~or~~-

4.2.10 Other Education and General current operating support.

4.3 Transfer: Institutional Discretionary Funds also may be transferred to other funds of the institution, as follows:

4.3.1 ~~T~~To Loan Funds, for use in supporting student loans;:-

4.3.2 ~~T~~To Plant Funds, for use in supporting capital facilities development and improvement projects;:-

4.3.3 ~~T~~To Intercollegiate Athletics, for use in supporting the athletics programs;:-

4.3.4 ~~To~~ other Auxiliary Enterprises, to supplement revenues directly received from operations and dedicated fees;

4.3.5 ~~To~~ institutional quasi-endowment funds, as additions to invested quasi-endowment fund balances; or;

4.3.6 ~~To~~ other funds with prior approval of the Board ~~of Higher Education~~.

4.4 General Priority Guideline: As a general rule, Institutional Discretionary Funds should be applied as a first priority to support of current Education and General or Auxiliary Enterprises expenditures. Decisions to apply the funds toward major capital projects should be considered very carefully by institutional administrations and institutional Bboards of Trustees.

4.5 Specific Responsibilities

4.5.1 ~~The Commissioner of Higher Education~~Annual Reporting: The Commissioner of Higher Education (“Commissioner”) will provide forms and instructions for annual reporting of actual expenditures of Institutional Discretionary Funds for the most recent fiscal year, budgeted expenditures (based on estimated receipts) for the current fiscal year, and preliminary estimates of receipts and uses of the funds for the budget request year, as part of the annual appropriated operating budget process. The Commissioner will provide an analytical report of the required information each Fall, for review by the Board ~~of Higher Education~~, and such other reports as the Board may request between annual reports.

4.5.2 ~~Institutional Presidents~~Budgets: Each institution’s President is responsible to ensure that the proposed budgets and reports of actual expenditures are submitted for timely review by the institutional Board of Trustees prior to submission in the annual budget process, and that all construction, remodeling and landscaping projects requiring \$50,000 or more of Institutional Discretionary Funds are submitted in advance for approval by the institutional Board of Trustees.

4.5.3 ~~Institutional Boards of Trustees~~Compliance: Institutional Boards of Trustees are responsible for institutional compliance with the policy.

4.6 Annual Certification of Discretionary Fund Expenditures: Institution internal auditors shall annually certify the accuracy of the institution’s report of actual sources and uses of Institutional Discretionary Funds. Technical colleges may request assistance from the Board’s of Higher Education-Audit Director.

~~4.6.1 Fairness of Presentation:~~ The annual certification shall include the auditor's opinion concerning the fairness of presentation in accordance with generally accepted auditing standards for reporting on prescribed format statements and the institution's compliance with this policy.

~~4.6.1a Certification Report Deadline:~~ Institutions shall submit the certification report to the Board's ~~of Higher Education~~ Audit Director by January 15.

R548, Institutional Discretionary Funds Administration and Accountability¹

R548-1 Purpose: To provide policy for the use and administration of Institutional Discretionary Funds as defined herein, and accountability procedures for the use of such funds.

R548-2 References

- 2.1** Utah Code § 53B-7-101(11), Combined Requests for Appropriations -- Board Review of Operating Budgets -- Submission of Budgets
- 2.2** Board Policy R567, Internal Audit Program

R548-3 Definitions

3.1 “Institutional Discretionary Funds” means funds available for expenditure or transfer at the direction of the President of the institution, generated from one or both of the following sources:

3.1.1 Investment Income: Earnings resulting from the investment of cash balances in the Education and General Current Funds, and earnings resulting from the investment of other funds, including Quasi-endowment Funds, when applied for expenditure or transfer through the education and general budget.

3.1.2 Unrestricted Gifts and Grants: Gift and grant funds which are not restricted by the source to specific purposes and are deposited in the Education and General Current Fund for expenditure or transfer.

R548-4 Policy

4.1 Utah Board of Higher Education and Board of Trustees Authorizations: All Institutional Discretionary Funds shall be used for purposes authorized by the Utah Board of Higher Education (“Board”). Expenditures shall be in accordance with budgets approved by the institutional Board of Trustees. Expenditures for individual construction, remodeling and landscaping projects costing \$50,000 or more of discretionary funds shall be specifically approved by the institutional Boards of Trustees; and actual, budgeted and projected revenues

¹ *Adopted May 15, 1984; replaced June 24, 1988; amended June 18, 1993; October 31, 2003; July 28, 2006; March 31, 2017; July 14, 2022; and XXX.*

and expenditures of these funds shall be reported for the Board's review as part of the annual appropriated operating budget process. All authorizations and approvals required by this section shall be obtained in advance of the relevant institutional activity.

4.2 Authorized Uses of the Funds: Except as may be prohibited by statute or legislative intent language, or by action of the Board, Institutional Discretionary Funds may be expended directly within Education and General current funds for the following purposes:

- 4.2.1** Enrichment of institutional academic programs;
- 4.2.2** Enrichment of institutional cultural programs;
- 4.2.3** Scholarships, fellowships, and student aid;
- 4.2.4** Faculty development and recognition;
- 4.2.5** Campus development and landscaping, including maintenance and remodeling projects;
- 4.2.6** Seed money for program grants and contracts;
- 4.2.7** Fund raising and institutional development activities;
- 4.2.8** Supplemental library support, including acquisitions, operations, and investments in process improvements;
- 4.2.9** Acquisition of academic and support equipment; or
- 4.2.10** Other Education and General current operating support.

4.3 Transfer: Institutional Discretionary Funds also may be transferred to other funds of the institution, as follows:

- 4.3.1** To Loan Funds, for use in supporting student loans;
- 4.3.2** To Plant Funds, for use in supporting capital facilities development and improvement projects;
- 4.3.3** To Intercollegiate Athletics, for use in supporting the athletics programs;

4.3.4 To other Auxiliary Enterprises, to supplement revenues directly received from operations and dedicated fees;

4.3.5 To institutional quasi-endowment funds, as additions to invested quasi-endowment fund balances; or

4.3.6 To other funds with prior approval of the Board.

4.4 General Priority Guideline: As a general rule, Institutional Discretionary Funds should be applied as a first priority to support of current Education and General or Auxiliary Enterprises expenditures. Decisions to apply the funds toward major capital projects should be considered very carefully by institutional administrations and institutional Boards of Trustees.

4.5 Specific Responsibilities

4.5.1 Annual Reporting: The Commissioner of Higher Education (“Commissioner”) will provide forms and instructions for annual reporting of actual expenditures of Institutional Discretionary Funds for the most recent fiscal year, budgeted expenditures (based on estimated receipts) for the current fiscal year, and preliminary estimates of receipts and uses of the funds for the budget request year, as part of the annual appropriated operating budget process. The Commissioner will provide an analytical report of the required information each Fall, for review by the Board, and such other reports as the Board may request between annual reports.

4.5.2 Budgets: Each institution’s President is responsible to ensure that the proposed budgets and reports of actual expenditures are submitted for timely review by the institutional Board of Trustees prior to submission in the annual budget process, and that all construction, remodeling and landscaping projects requiring \$50,000 or more of Institutional Discretionary Funds are submitted in advance for approval by the institutional Board of Trustees.

4.5.3 Compliance: Institutional Boards of Trustees are responsible for institutional compliance with the policy.

4.6 Annual Certification of Discretionary Fund Expenditures: Institution internal auditors shall annually certify the accuracy of the institution’s report of actual sources and uses of Institutional Discretionary Funds. Technical colleges may request assistance from the Board’s Audit Director.

4.6.1 Certification Report: Institutions shall submit the certification report to the Board’s Audit Director by January 15.

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 LAUNCH Certification – TRANSFORM certificate – 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) Protection

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 *Adopted May 18, 2023; 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.

(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.

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.

(e) Students who receive a reasonable accommodation related to the scholarship requirements under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act by their institution’s ADA Coordinator may obtain a modification to the scholarship requirements. The institution’s ADA Coordinator, or their designee, shall provide written documentation to the institutional financial aid office about the student’s reasonable accommodation. Under these conditions, an award may be provided to a student who is enrolled less than full-time.

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. The award amount shall be set annually based on available funding and the number of eligible applicants.

(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.

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, LAUNCH Certification – TRANSFORM certificate
– 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)
Protection

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 *Adopted May 18, 2023; 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.

(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.

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.
- (e) Students who receive a reasonable accommodation related to the scholarship requirements under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act by their institution’s ADA Coordinator may obtain a modification to the scholarship requirements. The institution’s ADA Coordinator, or their designee, shall provide written documentation to the institutional financial aid office about the student’s reasonable accommodation. Under these conditions, an award may be provided to a student who is enrolled less than full-time.

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) The Board will award qualified applicants a one-time grant to be used at an eligible institution. The award amount shall be set annually based on available funding and the number of eligible applicants.
- (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.

R6~~1208~~, Opportunity Scholarship¹

R6~~1208~~-1 The following policy has been codified² as [Utah Administrative Code R765-61208](#).

R6~~1208~~-2 References.

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

R765 Higher Education (Utah Board of), Administration.

R765-612. Opportunity Scholarship.

R765-612-1. Purpose.

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

R765-612-2. Authority.

Section 53B-8-201 authorizes this rule.

R765-612-3. Definitions.

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

(2) "Board" means the Utah Board of Higher Education.

¹ Adopted May 5, 2021; amended May 20, 2022;~~;~~ May 18, 2023;~~;~~ ~~and~~ December 1, 2023; ~~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.~~

(3) "Eligible institution" means a degree-granting institution 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 as a result of willful disregard of the scholarship application process, but as a result 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 each applicant who meets the eligibility requirements of Section R765-612-4.

(9) "Scholarship staff" means the employees assigned to 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.

R765-612-4. 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 cumulative 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 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 rule.

(3) A student who graduated from a Utah high school in 2022 may alternatively qualify for the Opportunity Scholarship if the student satisfies 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 or the scholarship alternative financial form available.

(4) For purposes of Subsections ~~R765-612-4(1)(b)~~ and R765-612-4(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) The following requirements apply only to a student who graduated from a Utah high school in 2022:

- (a) Each student must apply for the Opportunity Scholarship using the eligibility criteria in either Subsection R765-612-4(1) or Subsection R765-612-4(2) exclusively.

(b) The student may not qualify for the Opportunity Scholarship by mixing courses from both sets of criteria in Subsections R765-612-4(1) and R765-612-4(2).

(c) Because the courses listed in Subsections R765-612-4(1) and R765-612-4(2) are not always analogous, each student who graduated in 2022 shall confirm the courses the student is completing meet the eligibility requirements under the subsection through which the student elects to apply.

(6) Enrollment Requirements include:-

(a) 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.

(b) A Recipients who does not enroll in the fall semester after high school graduation must apply for a deferment, as outlined in R765-612-7(2), to retain eligibility for future payments.

(c) A recipient must enroll full time, as defined by the institution, to receive a semester payment.

(d) A recipient may enroll part-time at an eligible institution and retain eligibility for future payments but may not receive funding for that semester.

(e7) The institution which that the student attends shall verify the recipient has met the enrollment requirements in R765-612-4(6) before disbursing payment.

R765-612-5. Application Procedures.

(1) Each applicant shall submit an official scholarship application no later than February 1 of the year that the student graduates from high school.

(2) The Board may establish a priority deadline each year.

(3)(a) The scholarship staff may give each applicant who meets the priority deadline first priority or consideration for the scholarship.

(b) Subject to funding, the scholarship staff may consider each student based on the date the student completed and submitted the student's application.

(c) Additional criteria to prioritize awarding may be established by the **B**board.

(4) Each applicant shall submit the following documents:

(a) the online Opportunity Scholarship application;

(b) a completed online Free Application for Federal Student Aid or the **b**Bboard approved financial form; and

(c) if graduating from a private high school in Utah, an official high school transcript.

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

R765-612-6. Award Amounts and Ongoing Eligibility.

(1) The board shall determine eligibility criteria and maximum award amounts annually, based on legislative appropriations and the number of eligible applicants.

(2) Each student who meets the eligibility criteria ~~shall~~may receive up to a four-semester scholarship award.

(3) Each institution shall determine individual recipient award amounts in accordance with Subsection 53B-8-201(3).

(4) 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 any future disbursement.

(5) Students who receive a reasonable accommodation related to the scholarship requirements under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act by their institution's ADA Coordinator may obtain a modification to the scholarship requirements. The institution's ADA Coordinator, or their designee, shall provide written documentation to the institutional financial aid office about the student's reasonable accommodation. Under these conditions, an award may be provided to a student who is enrolled less than full-time for the duration of the accommodation provided by the ADA Coordinator, or designee.

~~(65) Each institution shall verify that the recipient has met eligibility requirements before disbursing each payment. Each institution shall verify the recipient has met the requirements of Subsection (3).~~

(6) Each recipient who does not maintain eligibility shall forfeit any remaining award amount.

R765-612-7. Time Limitations and Deferrals.

(1) ~~Each~~ A recipient may only receive scholarship funds:

~~(a) for five years after the recipient's high school graduation date; or~~

~~(b) for academic semesters that begin within five years after the recipient's high school graduation date.~~

(2) ~~Each~~ A recipient who will not enroll as a student ~~shall~~ must apply for a deferral or leave of absence with the recipient's eligible institution in order to retain eligibility.

(3) An approved deferral or leave of absence ~~may~~ shall not extend the time limits of the scholarship.

(4) 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 R765-612-7(1). this section~~ Subsection R75-612-7.

R765-612-8. Transfers.

(1) Each recipient may transfer to another eligible institution and keep the scholarship award.

(2) Each recipient who transfers to another eligible institution and who desires to keep the scholarship award shall inform the institution from which the recipient transfers and the institution to which the recipient is transferring of the recipient's intent to transfer.

(3) Each institution shall:

- (i) coordinate the transfer of ~~scholarship funds and eligibility~~ information; and
- (ii) report this information to the Office of the Commissioner of Higher Education.

R765-612-9. Appeals.

- (1) Each applicant shall have the right to appeal an adverse decision.
- (2) When the scholarship staff denies eligibility, they shall issue a written determination that includes instructions on how to file an appeal.
- (3) The applicant shall submit a written appeal to the scholarship appeals committee within 30 days of the date on which the scholarship staff's adverse decision was issued.
- (4) In the appeal, the applicant shall provide:
 - (a) the applicant's contact information;
 - (b) the high school that the applicant attended;
 - (c) a statement of the reason for the appeal; and
 - (d) all information or evidence that supports the appeal.
- (5) The scholarship appeals committee may not consider an appeal filed before the applicant receives official notification from the scholarship staff of their decision.
- (6) If an applicant fails to file the appeal on time, the scholarship appeals committee shall notify the applicant of the late filing and give the applicant an opportunity to provide a written explanation of the reasons for failing to file the appeal by the deadline.
- (7) The scholarship appeals committee ~~may~~ 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.
- (8) The scholarship appeals committee shall review the appeal to determine if the scholarship staff's 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.

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

(10) If the scholarship appeals committee determines the applicant has shown by a preponderance of the evidence that the applicant demonstrated substantial compliance with the application process requirements and good cause for failing to meet one or more of the requirements, the scholarship appeals committee may grant the applicant a reasonable period 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.

(11) The scholarship appeals committee's decision shall be in writing and contain:

(a) the scholarship appeals committee's findings of facts, reasoning, and conclusions of law; and

(b) notice of the applicant's right to judicial review.

(12) The scholarship appeals committee's decision represents the final agency action.

(13) An applicant who disagrees with the scholarship appeal committee's decision may seek judicial review in accordance with Section 63G-4-402.

R765-612-10. Reporting.

(1) As specified by the Office of the Commissioner of Higher Education, 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 other ~~technical education scholarship~~pertinent information for the most recently completed fiscal year.

(2) The Office of the Commissioner of Higher Education 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.

~~**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.~~

~~**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;~~
~~(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 graduated from a Utah high school in 2022 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)(e), 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 graduated from a Utah high school in 2022 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 graduated in 2022 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 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~~

(e) 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.~~

R612, Opportunity Scholarship¹

R612-1 The following policy has been codified as Utah Administrative Code R765-612.

R612-2 References

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

R765 Higher Education (Utah Board of), Administration.

R765-612. Opportunity Scholarship.

R765-612-1. Purpose.

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

R765-612-2. Authority.

Section 53B-8-201 authorizes this rule.

R765-612-3. Definitions.

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

(2) "Board" means the Utah Board of Higher Education.

(3) "Eligible institution" means a degree-granting institution 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.

¹ *Adopted May 5, 2021; amended May 20, 2022; May 18, 2023; December 1, 2023; and XXX.*

(4) "Excusable neglect" means a failure to take proper steps at the proper time, not as a result of willful disregard of the scholarship application process, but as a result 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 each applicant who meets the eligibility requirements of Section R765-612-4.

(9) "Scholarship staff" means the employees assigned to 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.

R765-612-4. 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 cumulative 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 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 rule.

(3) A student who graduated from a Utah high school in 2022 may alternatively qualify for the Opportunity Scholarship if the student satisfies 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 or the scholarship alternative financial form available.

(4) For purposes of Subsection R765-612-4(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) The following requirements apply only to a student who graduated from a Utah high school in 2022:

(a) Each student must apply for the Opportunity Scholarship using the eligibility criteria in either Subsection R765-612-4(1) or Subsection R765-612-4(2) exclusively.

(b) The student may not qualify for the Opportunity Scholarship by mixing courses from both sets of criteria in Subsections R765-612-4(1) and R765-612-4(2).

(c) Because the courses listed in Subsections R765-612-4(1) and R765-612-4(2) are not always analogous, each student who graduated in 2022 shall confirm the courses the

student is completing meet the eligibility requirements under the subsection through which the student elects to apply.

(6) Enrollment requirements include:

(a) A recipient shall enroll at an eligible institution beginning with the fall semester after high school graduation.

(b) A recipient who does not enroll in the fall semester after high school graduation must apply for a deferment, as outlined in R765-612-7(2), to retain eligibility for future payments.

(c) A recipient must enroll full time, as defined by the institution, to receive a semester payment.

(d) A recipient may enroll part-time at an eligible institution and retain eligibility for future payments but may not receive funding for that semester.

(e) The institution that the student attends shall verify the recipient has met the enrollment requirements in R765-612-4(6) before disbursing payment.

R765-612-5. Application Procedures.

(1) Each applicant shall submit an official scholarship application no later than February 1 of the year that the student graduates from high school.

(2) The board may establish a priority deadline each year.

(3)(a) The scholarship staff may give each applicant who meets the priority deadline first priority or consideration for the scholarship.

(b) Subject to funding, the scholarship staff may consider each student based on the date the student completed and submitted the student's application.

(c) Additional criteria to prioritize awarding may be established by the Board.

(4) Each applicant 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.

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

R765-612-6. Award Amounts and Ongoing Eligibility.

(1) The board shall determine eligibility criteria and maximum award amounts annually, based on legislative appropriations and the number of eligible applicants.

(2) Each student who meets the eligibility criteria may receive up to a four-semester scholarship award.

(3) Each institution shall determine individual recipient award amounts in accordance with Subsection 53B-8-201(3).

(4) 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 any future disbursement.

(5) Students who receive a reasonable accommodation related to the scholarship requirements under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act by their institution's ADA Coordinator may obtain a modification to the scholarship requirements. The institution's ADA Coordinator, or their designee, shall provide written documentation to the institutional financial aid office about the student's reasonable accommodation. Under these conditions, an award may be provided to a student who is enrolled less than full-time for the duration of the accommodation provided by the ADA Coordinator, or designee.

(6) Each institution shall verify that the recipient has met eligibility requirements before disbursing each payment.

(6) Each recipient who does not maintain eligibility shall forfeit any remaining award amount.

R765-612-7. Time Limitations and Deferrals.

(1) A recipient may only receive scholarship funds for academic semesters that begin within five years after the recipient's high school graduation date.

(2) A recipient who will not enroll as a student must apply for a deferral or leave of absence with the recipient's eligible institution in order to retain eligibility.

(3) An approved deferral or leave of absence shall not extend the time limits of the scholarship.

(4) 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 R75-612-7.

R765-612-8. Transfers.

(1) Each recipient may transfer to another eligible institution and keep the scholarship award.

(2) Each recipient who transfers to another eligible institution and who desires to keep the scholarship award shall inform the institution from which the recipient transfers and the institution to which the recipient is transferring of the recipient's intent to transfer.

(3) Each institution shall:

(i) coordinate the transfer of eligibility information; and

(ii) report this information to the Office of the Commissioner of Higher Education.

R765-612-9. Appeals.

(1) Each applicant shall have the right to appeal an adverse decision.

(2) When the scholarship staff denies eligibility, they shall issue a written determination that includes instructions on how to file an appeal.

(3) The applicant shall submit a written appeal to the scholarship appeals committee within 30 days of the date on which the scholarship staff's adverse decision was issued.

(4) In the appeal, the applicant shall provide:

(a) the applicant's contact information;

(b) the high school that the applicant attended;

(c) a statement of the reason for the appeal; and

(d) all information or evidence that supports the appeal.

(5) The scholarship appeals committee may not consider an appeal filed before the applicant receives official notification from the scholarship staff of their decision.

(6) If an applicant fails to file the appeal on time, the scholarship appeals committee shall notify the applicant of the late filing and give the applicant an opportunity to provide a written explanation of the reasons for failing to file the appeal by the deadline.

(7) 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.

(8) The scholarship appeals committee shall review the appeal to determine if the scholarship staff's 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.

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

(10) If the scholarship appeals committee determines the applicant has shown by a preponderance of the evidence that the applicant demonstrated substantial compliance

with the application process requirements and good cause for failing to meet one or more of the requirements, the scholarship appeals committee may grant the applicant a reasonable period 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.

(11) The scholarship appeals committee's decision shall be in writing and contain:

(a) the scholarship appeals committee's findings of facts, reasoning, and conclusions of law; and

(b) notice of the applicant's right to judicial review.

(12) The scholarship appeals committee's decision represents the final agency action.

(13) An applicant who disagrees with the scholarship appeal committee's decision may seek judicial review in accordance with Section 63G-4-402.

R765-612-10. Reporting.

(1) As specified by the Office of the Commissioner of Higher Education, 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 other pertinent information for the most recently completed fiscal year.

(2) The Office of the Commissioner of Higher Education 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.

~~R610, UHEAA Federal Family Education Loan Program, PLUS, SLS and Loan Consolidation Program~~

~~**R610-1 Purpose:** To incorporate by reference all statutes, regulations and rules governing the Federal Family Education Loan Program, PLUS, SLS and Loan Consolidation programs.~~

~~R610-2 References~~

~~**2.1** Utah Code Title 53B, Chapter 12 (Higher Education Assistance Authority) Chapter 12 designates the Board of Higher Education to constitute the Utah Higher Education Assistance Authority (UHEAA), and in that capacity grants to it the general authorities for operation of student aid programs and to enter into agreements with the Federal Government, in particular with reference to the operation of a student loan guarantee program and related functions.~~

~~**2.2** S. Congress, Title IV of the Higher Education Act of 1965, as amended.~~

~~**2.3** S. Department of Education. Code of Federal Regulations, 34 CFR Parts 600, 668 and 682.~~

~~**2.4** “Common Manual, Unified Student Loan Policy” published by Common Manual Guarantors, 2001.~~

~~R610-3 Definitions~~

~~**3.1** “UHEAA”: the Utah Higher Education Assistance Authority.~~

~~**3.2** “SLS”: the Federal Supplemental Loans for Students Program.~~

~~**3.3** “PLUS”: the Federal PLUS Program.~~

~~**3.4** “FFELP”: the Federal Family Education Loan Program. This consists of the Federal Subsidized Stafford Loan Program, the Federal Unsubsidized Stafford Loan Program, the Federal PLUS Program, the Federal Supplemental Loans for Students Program (SLS), and the Federal Loan Consolidation Program.~~

~~R610-4 Incorporation by Reference~~

~~**4.1 UHEAA Incorporations:** UHEAA, as the designated guarantor for the FFELP in the state of Utah, hereby incorporates by reference the following documents:~~

~~4.1.1 Title IV of the U.S. Higher Education Act of 1965, as amended.~~

~~4.1.2 S. Department of Education 34 CFR Parts 600, 668, and 682.~~

~~4.1.3 “Common Manual, Unified Student Loan Policy”, published by Common Manual Guarantors, 2000.~~

R610-5 Policy

~~**5.1 Executive Director Authority:** Any action taken by UHEAA in accordance with UHEAA policies shall be performed by the Executive Director of UHEAA, or the Executive Director’s designee.~~

~~**5.2 Administrative Rules:** UHEAA shall establish, from time to time, additional policies governing the operation of FFELP in accordance with requirements as referenced in 4.1.1, 4.1.2 and 4.1.3 of this rule. Such policies will be filed as rules in the Utah Administrative Code in accordance with the Administrative Rulemaking Act of this state as found in Title 63, Chapter 46a of the Utah Code.~~

~~**5.3 Compliance with Rules:** Students and parents who are eligible for loans contemplated by this rule, and who wish to apply, shall be expected to comply with these rules. A copy of all federal statutes and regulations, and state rules, directly affecting FFELP, and a copy of the “Common Manual, Unified Student Loan Policy”, are available for public inspection, or can be obtained from UHEAA’s offices at 60 South 400 West, Salt Lake City, Utah 84101-1284.~~

Adopted by the UHEAA Board of Directors November 14, 1996.

R610, UHEAA Federal Family Education Loan Program, PLUS, SLS and Loan Consolidation Program

R610-1 Purpose: To incorporate by reference all statutes, regulations and rules governing the Federal Family Education Loan Program, PLUS, SLS and Loan Consolidation programs.

R610-2 References

2.1 Utah Code [Title 53B, Chapter 12](#) (Higher Education Assistance Authority) Chapter 12 designates the Board of Higher Education to constitute the Utah Higher Education Assistance Authority (UHEAA), and in that capacity grants to it the general authorities for operation of student aid programs and to enter into agreements with the Federal Government, in particular with reference to the operation of a student loan guarantee program and related functions.

2.2 S. Congress, Title IV of the Higher Education Act of 1965, as amended.

2.3 S. Department of Education. Code of Federal Regulations, 34 CFR Parts 600, 668 and 682.

2.4 “Common Manual, Unified Student Loan Policy” published by Common Manual Guarantors, 2001.

R610-3 Definitions

3.1 “UHEAA”: the Utah Higher Education Assistance Authority.

3.2 “SLS”: the Federal Supplemental Loans for Students Program.

3.3 “PLUS”: the Federal PLUS Program.

3.4 “FFELP”: the Federal Family Education Loan Program. This consists of the Federal Subsidized Stafford Loan Program, the Federal Unsubsidized Stafford Loan Program, the Federal PLUS Program, the Federal Supplemental Loans for Students Program (SLS), and the Federal Loan Consolidation Program.

R610-4 Incorporation by Reference

4.1 UHEAA Incorporations: UHEAA, as the designated guarantor for the FFELP in the state of Utah, hereby incorporates by reference the following documents:

4.1.1 Title IV of the U.S. Higher Education Act of 1965, as amended.

4.1.2 S. Department of Education 34 CFR Parts 600, 668, and 682.

4.1.3 “Common Manual, Unified Student Loan Policy”, published by Common Manual Guarantors, 2000.

R610-5 Policy

5.1 Executive Director Authority: Any action taken by UHEAA in accordance with UHEAA policies shall be performed by the Executive Director of UHEAA, or the Executive Director’s designee.

5.2 Administrative Rules: UHEAA shall establish, from time to time, additional policies governing the operation of FFELP in accordance with requirements as referenced in 4.1.1, 4.1.2 and 4.1.3 of this rule. Such policies will be filed as rules in the Utah Administrative Code in accordance with the Administrative Rulemaking Act of this state as found in Title 63, Chapter 46a of the Utah Code.

5.3 Compliance with Rules: Students and parents who are eligible for loans contemplated by this rule, and who wish to apply, shall be expected to comply with these rules. A copy of all federal statutes and regulations, and state rules, directly affecting FFELP, and a copy of the “Common Manual, Unified Student Loan Policy”, are available for public inspection, or can be obtained from UHEAA’s offices at 60 South 400 West, Salt Lake City, Utah 84101-1284.

Adopted by the UHEAA Board of Directors November 14, 1996.

R611, Veterans Tuition Gap Program ¹

R611-1 The following policy has been codified² as Utah Administrative Code R765-611.

R611-2 References

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

Subsection 53B-13b-104(3)(c) authorizes this rule.

R765-611-3. Definitions.

¹ *Adopted July 18, 2014, amended January 19, 2018; May 15, 2020; July 16, 2021; May 18, 2023; ~~and~~ March 1, 2024; and XXX.*

² *This administrative rule must also be approved by the Utah Office of Administrative Rules and minor, non-substantive edits to conform with the Utah Administrative Code style guide may be made.*

(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) "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.

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

(6) "VeT Gap" means Veterans Tuition Gap Program established under Section 53B-13b-103.

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

(1) VeT Gap may 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.

(2) VeT Gap shall be available only to higher education institutions that grant bachelor's degrees.

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

(4) 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.

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

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

(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.

(2) To participate in VeT Gap, each eligible institution shall demonstrate its intention to continue participating in VeT Gap by submitting annually, by March 1st, 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.

(3) An eligible institution's failure to submit the certification required in Subsection (2) 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~~ The Board shall annually distribute available funds to eligible institutions ~~shall be~~ based on the proportion of ~~the each~~ institution's ~~Utah resident~~ students who ~~are~~:

~~(a) a~~ Are Utah residents, as defined under Section 53B-8-102 and in R765-512-5; Board Policy R512, or exempt from paying the nonresident portion of total tuition under Section 53B-8-106;

~~(b) -va~~ Are Veterans, as defined in Section 68-3-12.5 and R765-512-3.5 Board Policy R512;; and who g

~~(c) Graduates~~ 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 Board may annually distribute a minimum allocation, to be set by the Office of the Commissioner of Higher Education scholarship staff, to participating institutions that do not have enough eligible graduates to receive a meaningful allocation.

~~(3)~~ 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.

(1) To be eligible for assistance from VeT Gap funds, each student shall:

(a) be a resident student of the state 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) be a veteran as defined by Section 68-3-12.5 and Board Policy R512;

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

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

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

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

(g) be in the final year of the student's academic bachelor's program; and

(h) have completed the FAFSA as required by Board Policy R623.

R765-611-8. Institutional Participation Agreement.

Each participating eligible institution shall enter into an institutional participation agreement with the program administrator or assigned designee and agree to abide by the program rules, accept and disburse funds per program rules, and keep 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.

(4) OCHE may redistribute forfeited funds to other eligible institutions mid-year or as regular VeT Gap allocations the next award year.

(5) 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) Each eligible institution shall establish student cost of attendance budgets, in accordance with federal regulations applicable to student 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) An eligible institution may not award VeT Gap funds to an eligible student in excess of the total amount of the student's tuition, fees, books, education-related supplies, and a housing allowance at an eligible institution for that academic year.

(3) Each eligible institution shall:

(a) award and package VeT Gap funds on an annual award year basis unless the remaining period of enrollment until completion of the academic program is less than one award year;

(b) pay VeT Gap funds 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; and

(c) make each award under the program in accordance with the non-discrimination requirements of 34 C.F.R. Part 100.

(5) 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.

(6) 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.

(1) Each eligible institution shall:

(a) cooperate with OCHE in providing records and information requested for any scheduled audits or program reviews; and

(b) maintain records substantiating its compliance with all terms of the institutional participation agreement for three years after the end of the award year, or until completion of a program review and any exceptions raised in the review have been resolved, whichever occurs first.

(2) If at the end of the three-year retention period, an audit or program review exception is pending resolution, the institution shall keep records for the award year involved until the institution has resolved the exception.

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 other scholarship information for the most recently completed fiscal year.

(2) For each institution that does not participate in the annual institutional financial aid file submission, data shall be submitted directly to OCHE no later than June 30 each year.

(3) 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 codified² as Utah Administrative Code R765-611.

R611-2 References

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

Subsection 53B-13b-104(3)(c) authorizes this rule.

R765-611-3. Definitions.

¹ *Adopted July 18, 2014, amended January 19, 2018; May 15, 2020; July 16, 2021; May 18, 2023; March 1, 2024; and XXX.*

² This administrative rule must also be approved by the Utah Office of Administrative Rules and minor, non-substantive edits to conform with the Utah Administrative Code style guide may be made.

(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) "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.

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

(6) "VeT Gap" means Veterans Tuition Gap Program established under Section 53B-13b-103.

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

(1) VeT Gap may 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.

(2) VeT Gap shall be available only to higher education institutions that grant bachelor's degrees.

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

(4) 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.

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

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

(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.

(2) To participate in VeT Gap, each eligible institution shall demonstrate its intention to continue participating in VeT Gap by submitting annually, by March 1st, 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.

(3) An eligible institution's failure to submit the certification required in Subsection (2) 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) The Board shall annually distribute available funds to eligible institutions based on the proportion of each institution's students who:

(a) are Utah residents, as defined 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) are veterans, as defined in Section 68-3-12.5 and Board Policy R512; and

(c) graduates with a baccalaureate degree in the most recently completed academic year.

(2) The Board may annually distribute a minimum allocation, to be set by the Office of the Commissioner of Higher Education scholarship staff, to participating institutions that do not have enough eligible graduates to receive a meaningful allocation.

(3) 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.

(1) To be eligible for assistance from VeT Gap funds, each student shall:

(a) be a resident student of the state 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) be a veteran as defined by Section 68-3-12.5 and Board Policy R512;

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

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

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

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

(g) be in the final year of the student's academic bachelor's program; and

(h) have completed the FAFSA as required by Board Policy R623.

R765-611-8. Institutional Participation Agreement.

Each participating eligible institution shall enter into an institutional participation agreement with the program administrator or assigned designee and agree to abide by the

program rules, accept and disburse funds per program rules, and keep 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.

(4) OCHE may redistribute forfeited funds to other eligible institutions mid-year or as regular VeT Gap allocations the next award year.

(5) 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) Each eligible institution shall establish student cost of attendance budgets, in accordance with federal regulations applicable to student 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) An eligible institution may not award VeT Gap funds to an eligible student in excess of the total amount of the student's tuition, fees, books, education-related supplies, and a housing allowance at an eligible institution for that academic year.

(3) Each eligible institution shall:

(a) award and package VeT Gap funds on an annual award year basis unless the remaining period of enrollment until completion of the academic program is less than one award year;

(b) pay VeT Gap funds 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; and

(c) make each award under the program in accordance with the non-discrimination requirements of 34 C.F.R. Part 100.

(5) 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.

(6) 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.

(1) Each eligible institution shall:

(a) cooperate with OCHE in providing records and information requested for any scheduled audits or program reviews; and

(b) maintain records substantiating its compliance with all terms of the institutional participation agreement for three years after the end of the award year, or

until completion of a program review and any exceptions raised in the review have been resolved, whichever occurs first.

(2) If at the end of the three-year retention period, an audit or program review exception is pending resolution, the institution shall keep records for the award year involved until the institution has resolved the exception.

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 other scholarship information for the most recently completed fiscal year.

(2) For each institution that does not participate in the annual institutional financial aid file submission, data shall be submitted directly to OCHE no later than June 30 each year.

(3) 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.

R6159, Talent Development Award Program¹

R6159-1 The following policy has been codified as Utah Administrative Code R765-615.²

R6159-2 References

2.1 Utah Code Title 53B Chapter 10 Part 2, Talent Development Award Program

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

R765-615. Talent Development ~~Incentive Loan~~ Award Program.

R765-615.1. Purpose.

The Talent Development Award Program is intended to recruit and train individuals to work in certain jobs that have a high demand for new employees and offer high wages in Utah, ensuring students with the highest financial need are supported. To establish the criteria and process for awarding Talent Development Award Program grant. To establish the rules and procedures for awarding incentive loans from the Talent Development Incentive Loan Program under Title 53B, Chapter 10, Part 2, Talent Ready Incentive Loan Program.

R765-615.2. Authority.

This rule is authorized by Section 53B-10-205.

R765.615.3. Definitions.

(1) “**Board Grant**” means Utah Board of Higher Education a monetary grant issued under this rule.

¹ *Adopted May 20, 2022; amended XXX.*

² This administrative rule must also be approved by the Utah Office of Administrative Rules and minor, non-substantive edits to conform with the Utah Administrative Code style guide may be made.

(2) "Full-time student" means a student who is enrolled in a minimum of 12 credit hours.

(3) "~~GOEDGO Utah Office-GOEO~~" means the Governor's Office of Economic ~~Development Opportunity~~ created in ~~Utah Code s~~Section 63N-1-201.

~~(4) "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.~~

(45) "Qualifying degree" means an associate's or a bachelor's degree that qualifies an individual to work in a qualifying job.

(56) "Qualifying job" means a job described in ~~S~~subSection ~~R765-615-7 6-2~~ for which an individual may receive a ~~grant~~incentive loan.

R765.615.4. Appropriations.

The program is funded by appropriations from the Legislature made in accordance with ~~S~~Section 53B-10-201.

R765.615.56. Qualifying Criteriaications.

~~(1) Applicants must meet the following criteria to qualify for an incentive loan~~To qualify for a grant, an applicant must:

~~(a) The applicant must have completed at least two semesters of full-time equivalent course work if he or she is pursuing a bachelor's degree, or at least one semester of full-time equivalent course work if he or she is pursuing an associate degree~~Be enrolled as a student at a USHE institution.

~~(b) The applicant is enrolled full-time.~~Sign a declaration that they are pursuing, or will pursue, a qualifying degree.

~~(c) The applicant signs~~Sign a declaration of their intent to work in a qualifying job in Utah following graduation~~stating he or she is pursuing or will pursue a qualifying degree.~~

~~(d) The applicant signs a declaration stating his or her intent to work in a qualifying job in Utah following graduation.~~Apply to the institution to receive a grant.

~~(e) The applicant must provide the institution verification of registration for classes within the qualifying degree program before the institution may release the funds.~~Complete and submit an application and the Free Application for Federal Student Aid (FAFSA) as required by Board Policy R765-623.

~~(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:~~Institutions shall annually revise and publish eligibility criteria in all publications referencing the grant.

~~(a) Rank in the top 40 percent of jobs based on an employment index that considers job growth rates and total openings.~~

~~(b) Rank in the top 40 percent for wages.~~

~~(c) Requires an associate degree or a bachelor's degree.~~

~~(4) 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.~~

R765.615.65. Application ~~Procedures~~Process.

~~(1) Applicants may apply for a grant on an application provided by their institution. The application provided by the institution shall collect, at a minimum:~~The institutions shall develop an application that, at minimum, collects the following information:

~~(a) The applicant's status as a full-time or part-time student.~~

~~(b)~~(ba) The applicant's current enrollment or registered enrollment for and the upcoming semester if available.

(be) A transcript demonstrating the applicant's completed course work.

(cd) ~~The applicant's formal declaration. A section for the applicant to formally declare his or her of their~~ intent to pursue a qualifying degree and to work in a qualifying job, ~~including the with applicant's a~~ signature.

(2) ~~The i~~Institutions shall set ~~application~~ deadlines by which applicants must submit all required materials.

(3) ~~The i~~Institutions shall determine the most efficient method for issuing ~~incentive grant loan~~ funds and ~~shall~~ collect the ~~necessary~~ information ~~necessary~~ for that purpose.

R765.615.7. Qualifying Jobs and Degrees.

(1) ~~Every other academic year, the GOEO Utah Office shall select five jobs that have the highest demand for new employees and offer high wages. Beginning in August~~ July 1 of that year, those five positions are designated as qualifying jobs for the purposes of this grant program. Qualifying jobs must, at a minimum:

(a) Rank in the top 40 percent of jobs based on an employment index that considers both job growth rates and total openings;

(b) Rank in the top 40 percent for wages; and

(c) Require an associate degree or a bachelor's degree.

(2) ~~At the same time, the GO Utah Office~~GOEO will identify and designate the associate or bachelor's degrees required to qualify for the five qualifying jobs.

R765.615.8. Award Prioritization.

(1) Grant awards may be prioritized to:

(a) Students who demonstrate financial need, and

(b) Continuing students to allow those students to receive funding through the length of their academic program. ~~(1) Grant awards may be prioritized to:~~

~~Students who demonstrate financial need, and~~

~~Continuing students to allow those students to receive funding through the length of their academic program.~~

~~(1) Grant awards and funding amounts shall prioritize students who demonstrate financial need.~~

~~(2) The institution may reduce the grant amount based on the student's ability to finance the cost of their attendance through loans, other grants, employment, and family and individual contributions other grants and scholarships.~~

~~(3) 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 or Board approved alternative financial form within which an eligible recipient's expected contribution must fall to be eligible for an award).~~

R765.615.97. ~~Loan-Grant~~ Amounts.

~~(1) Institutions Subject to funding and subSection R765-615-8: above, an institution may loan-grant an amount up to the cost of resident tuition, books, and fees for their respective institution_s.~~

~~(2) Institutions may loan amounts up to the expected time for the recipient to complete the qualifying degree, as determined by the institution.~~

R765.615.108. ~~Funding~~ Distribution of Funds to Institutions.

~~(1) The Board will annually disburse appropriated-available funds to the eligible institutions proportionally equal to the total number of students who graduated from an eligible program the previous two years. by calculating the three-year average of the qualifying degrees each institution awarded using the following assumptions:~~

R765.615.11. Release of Funds.

(1) The applicant must provide the institution verification of registration for classes within the qualifying degree program before the institution may release the funds. (a) Tuition and fees (not including books, differential, course, or program fees).

R765.615.12. Grant Transfers.

(1) A recipient may transfer to another institution and retain eligibility for the grant, if the recipient meets the qualifications defined in subSection R765.615.5 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 Talent Development 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 subSection R765.615.89 of this rule. (b) Full tuition and fee cost of associate degree students by institution for three semesters (requires 1 semester before applying).

R765.615.13. Grant Deferrals.

(1) A recipient shall apply for a deferral if they do not continuously enroll and wish to continue to receive the grant. (c) Full tuition and fee cost of bachelor's degree students by institution for six semesters (requires 2 semesters before applying).

(2) Institutions shall develop a process for recipients to apply for deferrals. (d) After year one, tuition and fees adjusted for inflation (five-year average of 3.5 percent).

R765.615.149. Loan Grant Cancellation, Repayment, and Waiver.

(1) An institution may cancel a grant if the recipient changes the degree they selected in the application at any time prior to graduation. 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.

(2) If a recipient does not return to pursue their degree after a deferral, their grant will be canceled, and no remaining funds will be released. An institution shall

~~require a recipient to repay to the institution the full amount of an incentive loan if the recipient fails to:~~

R765.615.15. 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 Talent Development 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 Talent Development Award Program and may review or formally audit an institution's documentation and compliance with this rule.~~

~~(a) Graduate with a qualifying degree within six years of initially receiving the incentive loan,~~

~~(b) Work in a qualifying job in Utah within one year of completing a qualifying degree, or~~

~~(c) Work in a qualifying job for fewer years than the number of years required to waive repayment of the full incentive loan.~~

~~(3) Institutions may cancel an incentive loan if the recipient changes the degree he or she selected in the declaration at any time prior to graduation.~~

~~(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.~~

~~(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.~~

~~(6) Institutions may waive repayment for circumstances of prolonged financial hardship.~~

R765.615.160. General Administration.

(1) Institutions may establish policies for administering this program that align with their existing practices and financial aid programs.

R615, Talent Development Award Program¹

R615-1 The following policy has been codified as Utah Administrative Code R765-615.²

R615-2 References

2.1 Utah Code Title 53B Chapter 10 Part 2, Talent Development Award Program

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

R765-615. Talent Development Award Program.

R765-615.1. Purpose.

The Talent Development Award Program is intended to recruit and train individuals to work in certain jobs that have a high demand for new employees and offer high wages in Utah, ensuring students with the highest financial need are supported. To establish the criteria and process for awarding Talent Development Award Program grant.

R765-615.2. Authority.

This rule is authorized by Section 53B-10-205.

R765.615.3. Definitions.

(1) "Grant" means a monetary grant issued under this rule.

(2) "Full-time student" means a student who is enrolled in a minimum of 12 credit hours.

¹ *Adopted May 20, 2022; amended XXX.*

² This administrative rule must also be approved by the Utah Office of Administrative Rules and minor, non-substantive edits to conform with the Utah Administrative Code style guide may be made.

(3) "GOEO" means the Governor's Office of Economic Opportunity created in Section 63N-1-201.

(4) "Qualifying degree" means an associate or a bachelor's degree that qualifies an individual to work in a qualifying job.

(5) "Qualifying job" means a job described in Subsection R765-615-7 for which an individual may receive a grant.

R765.615.4. Appropriations.

The program is funded by appropriations from the Legislature made in accordance with Section 53B-10-201.

R765.615.5. Qualifications.

(1) To qualify for a grant, an applicant must:

(a) Be enrolled as a student at a USHE institution.

(b) Sign a declaration that they are pursuing, or will pursue, a qualifying degree.

(c) Sign a declaration of their intent to work in a qualifying job in Utah following graduation.

(d) Apply to the institution to receive a grant.

(e) Complete and submit the Free Application for Federal Student Aid (FAFSA) as required by Board Policy 623.

(2) Institutions shall annually revise and publish eligibility criteria in all publications referencing the grant.

R765.615.6. Application Process.

(1) Applicants may apply for a grant on an application provided by their institution. The application provided by the institution shall collect, at a minimum:

(a) The applicant's current enrollment or registered enrollment for and the upcoming semester if available.

(b) A transcript demonstrating the applicant's completed course work.

(c) The applicant's formal declaration of their intent to pursue a qualifying degree and to work in a qualifying job, including the applicant's signature.

(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.

R765.615.7. Qualifying Jobs and Degrees.

(1) Every other academic year, GOEO shall select five jobs that have the highest demand for new employees and offer high wages. Beginning July 1 of that year, those five positions are designated as qualifying jobs for the purposes of this grant program. Qualifying jobs must, at a minimum:

(a) Rank in the top 40 percent of jobs based on an employment index that considers both job growth rates and total openings;

(b) Rank in the top 40 percent for wages; and

(c) Require an associate degree or a bachelor's degree.

(2) At the same time, GOEO will identify and designate the associate or bachelor's degrees required to qualify for the five qualifying jobs.

R765.615.8. Award Prioritization.

(1) Grant awards may be prioritized to:

(a) Students who demonstrate financial need, and

(b) Continuing students to allow those students to receive funding through the length of their academic program.

(2) The institution may reduce the grant amount based on other grants and scholarships.

(3) 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 or Board approved alternative financial form within which an eligible recipient's expected contribution must fall to be eligible for an award).

R765.615.9. Grant Amounts.

(1) Subject to funding and subsection R765-615-8 above, an institution may grant an amount up to the cost of resident tuition, books, and fees for their institution up to the expected time for the recipient to complete the qualifying degree, as determined by the institution.

R765.615.10. Distribution of Funds to Institutions.

(1) The Board will annually disburse available funds to eligible institutions proportionally equal to the total number of students who graduated from an eligible program the previous two years.

R765.615.11. Release of Funds.

(1) The applicant must provide the institution verification of registration for classes within the qualifying degree program before the institution may release the funds.

R765.615.12. Grant Transfers.

(1) A recipient may transfer to another institution and retain eligibility for the grant, if the recipient meets the qualifications defined in subsection R765.615.5 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 Talent Development 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 subsection R765.615.8 of this rule.

R765.615.13. Grant Deferrals.

(1) A recipient shall apply for a deferral if they do not continuously enroll and wish to continue to receive the grant.

(2) Institutions shall develop a process for recipients to apply for deferrals.

R765.615.14. Grant Cancellation.

(1) An institution may cancel a grant if the recipient changes the degree they selected in the application at any time prior to graduation.

(2) If a recipient does not return to pursue their degree after a deferral, their grant will be canceled, and no remaining funds will be released.

R765.615.15. 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 Talent Development 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 Talent Development Award Program and may review or formally audit an institution's documentation and compliance with this rule.

R765.615.16. General Administration.

(1) Institutions may establish policies for administering this program that align with their existing practices and financial aid programs.

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.

Subsection 53B-13c-102(2) authorizes this rule.

R765-616-3. Definitions.

(1) "Board" means the Utah Board of Higher Education.

(2)(a) "Cost of attendance" means the estimated costs associated with taking an online course, as established by an eligible institution in accordance with board policies.

¹Adopted July 16, 2021; amended May 18, 2023; ~~and~~ March 1, 2024; ~~and XXX~~.

² This administrative rule must also be approved by the Utah Office of Administrative Rules and minor, non-substantive edits to conform with the Utah Administrative Code style guide may be made.

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

(8) "Online course" means a postsecondary level course of instruction offered by an eligible institution using digital technology.

(9) "Program" means a sequence of online courses that lead to a certificate or other recognized educational credential that;

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

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

(10) "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, each 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 the board's Policy R512;

(d) complete the Free Application for Federal Student Aid; and

(e) demonstrate financial need, ~~by being eligible for a Pell Grant in accordance with Subsection R765--616--6(2)(f).~~

(2) The board shall prioritize grant funding for each student who is:

(a) from a rural area of the state, as defined by the Utah Department of Health and Human Services, which includes all counties except Utah, Salt Lake, Davis & Weber;

~~(b) a member of a racial or ethnic minority;~~

~~(e)~~ (b) classified as low income; or

~~(d)~~ (c) 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 of Higher Education shall 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) An eligible institution that receives grant funding shall be responsible for establishing a process to award grants along with other financial aid.

(2) When establishing a process for award grants, the institution shall:

(a) award grants on an annual basis and distribute grant money on a quarter or semester basis;

(b) ~~except as provided in Subsection R765-616-4(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 are applied toward the cost of attendance; ~~;~~ ~~and~~

(f) prioritize grants based on financial need using an eligible recipient's eligibility index from the FAFSA, which may include a maximum eligibility index number set by the institution.

R765-616-7. Process for Allocating Grant Funding to Eligible Institutions 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 other scholarship information for the most recently completed fiscal year.

(2) 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.

(3) 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.

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

R616, Adult Learner Grant Program¹

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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.

Subsection 53B-13c-102(2) authorizes this rule.

R765-616-3. Definitions.

(1) "Board" means the Utah Board of Higher Education.

(2)(a) "Cost of attendance" means the estimated costs associated with taking an online course, as established by an eligible institution in accordance with board policies.

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(b) "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 Section 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.

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(9) "Program" means a sequence of online courses that lead to a certificate or other recognized educational credential that;

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(d) complete the Free Application for Federal Student Aid; and

(e) demonstrate financial need, in accordance with Subsection R765-616-6(2)(f).

(2) The board shall prioritize grant funding for each student who is:

(a) from a rural area of the state, as defined by the Utah Department of Health and Human Services, which includes all counties except Utah, Salt Lake, Davis & Weber;

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(2) 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.

(3) 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.

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