

May 6, 2014

MEMORANDUM

TO: State Board of Regents
FROM: David L. Buhler
SUBJECT: Revision to Policy R513, Tuition Waivers and Reductions

Background

The proposed revision to *R513, Tuition Waivers and Reductions*, addresses the passage of SB 253, Exceptions for Privately Funded Scholarship that passed during the 2015 Utah legislative session. The legislation modified state statute related to verification requirements for receipt of state, local, or federal public benefits. Specifically, the legislation exempts certain publicly funded scholarships from verification requirements. This change allows for scholarships which are privately funded and administered by USHE institutions to be awarded to students without regard to immigration status.

Issue

The proposed revision adds a new section R513-19, *When Verification of Lawful Presence is not Required*, which supports implementation of SB 253, Exceptions for Privately Funded Scholarships. The proposed language addition reads:

R513-19. When Verification of Lawful Presence is Not Required. As provided by Utah Code Ann. [§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 Ann. [§53B-8-106](#); or (2) applies for, and may be awarded, a privately funded scholarship that is administered by a USHE institution.

Commissioner's Recommendation

The Commissioner recommends the Regents approve the proposed revision to *R513, Tuition Waivers and Reductions*.

David L. Buhler
Commissioner of Higher Education

DLB/MMK/MM/CG
Attachment

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—Resident—National Guard—Nonresident—Critical Occupations—Summer School—Graduate Students
- 2.2. Utah Code [§53B-8-103](#), Partial Waivers Pursuant to Reciprocal Agreements
- 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. Western Interstate Commission for Higher Education Western Undergraduate Exchange Bulletin
- 2.7. Utah Code [Title 53B, Chapter 9](#), Higher Education for Senior Citizens
- 2.8. Utah Code [Title 53B, Chapter 8c](#), Police Officer's and Firefighter's Survivor Tuition Waiver
- 2.9. Utah Code [Title 53B, Chapter 8d](#), Tuition Waivers for Wards of the State
- 2.10. Utah Code [Title 53B, Chapter 8e](#), Tuition Waivers for Purple Heart Recipients
- 2.11. Utah Code [§53A-6-104](#), Tuition Exemption for Teachers
- 2.12. Utah Code [§53A-15-101.5](#), Concurrent Enrollment Instruction in Mandarin Chinese
- 2.13. Policy and Procedures [R510](#), Tuition and Fees
- 2.14. Policy and Procedures [R512](#), Determination of Resident Status
- 2.15. Utah Code [§53B-8-107](#), Scott B. Lundell Waiver of Tuition for Dependents of Military Members Killed in Action
- 2.16. Utah Code [§53B-8-103.5](#), Alumni Legacy Nonresident Scholarships
- 2.17. Utah Code [§53B-8-102](#), Definition of Resident Student

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 by the Board of Regents on May 29, 2009, November 18, 2011 and March 29, 2013.

R513-3. Waiver of Tuition: Resident, National Guard, Nonresident, Critical Occupations, Summer School, Graduate Students: Pursuant to §53B-8-101

3.1. Resident Students: The president of each institution may waive all or part of the tuition in 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.

3.2. National Guard Set Aside: Of the amount waived for resident students under 3.1, 2.5 percent of the total amount shall be set aside by institutions for waivers reserved for members of the Utah National Guard.

3.2.1. Each institution shall report the total waiver set aside amount for the upcoming academic year to the Utah National Guard Administration by April 15 of each year.

3.2.2. The Utah National Guard Administration will provide to the institutions a prioritized list of qualified candidates for tuition waivers by June 1 of each year. Candidates for Utah National Guard tuition waivers will be full-time students and will receive full waivers of resident tuition up to the 2.5 percent National Guard set aside amount of the total tuition waiver funding at each institution.

3.2.3. Any National Guard tuition waivers set aside but not claimed 60 days prior to the beginning of the term may be used for other qualified students.

3.3. 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 and graduate students.

3.3.1. In determining which students are meritorious for purposes of granting a tuition waiver under 3.3, a president shall consider students who are performing above the average at the institution, including having an admissions index higher than the average for the institution, if an admission index is used.

3.3.2. A president may continue to waive the nonresident portion of tuition for a student described in 3.3 for as long as the student is enrolled at the institution.

3.3.3. In addition to waiving the nonresident portion of tuition for a meritorious nonresident undergraduate student under 3.3, 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.

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

3.4. Partial Tuition Waivers for Critical Occupations: Upon recommendation of the Board of Regents, 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.

3.5. **Annual Budget Requests:** The board shall submit annual budget appropriation requests for each institution which include requests for funds sufficient in amount to equal the estimated loss of dedicated credits that would be realized if all of the tuition waivers authorized by 3.3 and 3.4 were granted.

R513-4. Partial Waivers Pursuant to Reciprocal Agreements: Pursuant to §53B-8-103

4.1. **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.

4.2. **Dixie State University Good Neighbor Waiver:** Dixie State 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 Dixie State University. A student who attends Dixie State University under a good neighbor tuition waiver shall pay a surcharge per credit hour in addition to the regular resident tuition and fees of Dixie State 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 State Board of Regents. Dixie State University may restrict the number of good neighbor tuition waivers awarded. A student who attends Dixie State 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.

4.3. **Reciprocal Agreements with Other States:** Consistent with its determinations made pursuant to section 4.1, 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.

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

4.5. **Report and Financial Analysis:** A report and financial analysis of any waivers of tuition authorized under this part shall be submitted annually to the general session of the Legislature as part of the budget recommendations of the board for the USHE.

R513-5. "Border Waiver" Nonresident Partial Tuition Scholarships: Pursuant to §53B-8-104

5.1. **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.

5.2. 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:

5.2.1. 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;

5.2.2. 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;

5.2.3. 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

5.2.4. 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
Dixie State University	157
Utah Valley University	10
Snow College	0
Salt Lake Community College	4
USHE Total	600

5.3. Annual Report: The Board submits an annual report and financial analysis of the effects of offering nonresident partial tuition scholarships authorized under this section to the Legislature as part of its budget recommendations for the USHE.

R513-6. Nonresident Tuition Scholarships: Pursuant to §53B-8-104.5

6.1. Nonresident Tuition Scholarships: In addition to the "border waiver" scholarships authorized under 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:

6.1.1. assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations; and

6.1.2. promote enrollment of nonresident students with high academic aptitudes.

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

6.2.1. 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;

6.2.2. 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;

6.2.3. 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

6.2.4. 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.

6.3. 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
Dixie State University	161	44	205
Utah Valley University	0	0	0
Salt Lake Community College	7	8	15
USHE Total	675	225	900

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

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

6.3.3. Institutions shall report to the Office of the Commissioner by June 30 each year regarding their intention to use the number of scholarships allocated in 6.3. (Some of these scholarships may be made available to qualified Job Corps students). The Office of the Commissioner may reallocate unused scholarships to other institutions.

6.4. Annual Report: The board submits an annual report and financial analysis of the effects of offering nonresident tuition scholarships authorized under this section to the Legislature as part of its budget recommendations for the USHE.

R513-7. Higher Education for Senior Citizens: Pursuant to [Title 53B, Chapter 9](#)

7.1. Senior Citizens Audit Waivers: Utah residents age 62 and over shall be permitted to enroll on a space available audit basis in classes for which they are qualified, in any USHE institution, without regular tuition charges, but subject to payment of the following:

7.1.1. A minimum administrative fee shall be charged, for the institution's cost of registration, record keeping, and report preparation. The fee shall be at least \$10 per semester of registration.

7.1.2. Where applicable, specific course fees also shall be charged.

7.2. Senior Citizens Must Pay Full Tuition to Obtain Credit: No credit shall be awarded to a senior citizen for a course taken pursuant to the senior citizens waiver in 6.1. To receive credit a senior citizen must pay regular tuition.

R513-8. Western Undergraduate Exchange: Pursuant to [§53B-8-103](#)

8.1. Authorization to Participate: USHE institutions are authorized to participate in the WICHE Western Undergraduate Exchange (WUE) Program. This program allows students in 15 participating states to enroll in selected programs at a participating institution outside the student's home state at 150 percent of regular resident tuition.

8.2. WUE Eligible Programs: Each USHE institution shall identify instructional programs in which a WUE student may participate. Institutions shall accept WUE students only in identified WUE eligible programs.

8.3. Time as WUE Student does not Count toward Residency Requirements: The period of time enrolled as a WUE student may not count toward the continuous 12 months requirement for residency for tuition purposes.

8.4. Repay Tuition Differential to Enroll in Restricted Program: An institution may require a WUE student who changes his or her enrollment to a restricted program to repay the difference in tuition that accumulated between the WUE tuition and nonresident tuition during his or her enrollment as a WUE student.

8.5. Institutions WUE Participation Rate: The State Board of Regents may establish the number of waivers an institution may provide to students in the WUE program.

8.6. Reports of Participation: Reports and recommendations regarding participation in the WUE program shall be provided to the Board upon request.

R513-9. Police Officer's and Firefighter's Survivor Tuition Waiver: Pursuant to [Title 53B, Chapter 8c](#)

9.1. Definitions: As used in this part:

9.1.1. "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.

9.1.2. "Department" means the Department of Public Safety.

9.1.3. **"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.

9.1.4. **"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.

9.1.5. **"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.

9.1.6. **"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.

9.1.7. **"Tuition"** means tuition at the rate charged for residents of the state.

9.1.8. **"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.

9.1.9. **"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.

9.2. **Tuition Waivers for Surviving Spouses and Children:** Subject to the limitations in 9.3, 9.4 and 9.5 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:

9.2.1. 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;

9.2.2. is a resident student of the state as determined under R512, Determination of Resident Status;

9.2.3. 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 9.3; and (c) the applicant meets the other requirements of this part;

9.2.4. for a child of a peace officer or firefighter killed in the line of duty, applies under section 9.2.3 for the first time before the age of 25;

9.2.5. 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 9.2.5;

9.2.6. 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

9.2.7. 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.

9.3. **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.

9.4. **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.

9.5. **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.

9.6. **Prior Approval by Department:** Upon receiving an application under Utah Code 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 Section 53B-8c-103 and, if so, shall approve the application and notify the higher education institution that the application has been approved.

9.7. **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.

9.8. **Annual Reports:** The institutions shall provide information to the Department for the Department's annual report to the Legislature's Higher Education Appropriations Subcommittee on the number of individuals for whom tuition has been waived at each institution and the total amounts paid under this chapter for the fiscal year. The institutions shall provide reports to the Board as part of the annual budget process.

9.9. **Annual Appropriation:** The statute provides that the Legislature may annually appropriate the funds necessary to implement this program, including moneys to offset the tuition waivers at each institution.

R513-10. **Tuition Waivers for Wards of the State:** Pursuant to [Title 53B, Chapter 8d](#)

10.1. **Definitions:** As used in this part:

10.1.1. **"Division"** means the Division of Child and Family Services.

10.1.2. "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.

10.1.3. "State Institution of Higher Education" means those institutions designated in 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.

10.1.4. "Tuition" means tuition at the rate for residents of the state.

10.1.5. "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.

10.2. Tuition Waivers for Wards of the State: Subject to the limitations in 10.3, 10.4, and 10.5, a state institution of higher education shall waive tuition for each ward of the state applicant who meets the following requirements:

10.2.1. 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;

10.2.2. is a resident student of the state as determined under R512, Determination of Resident Status;

10.2.3. 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 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 bachelors 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.

10.2.4. verifies that the course or courses for which the applicant is seeking a tuition waiver meet the requirements of 10.3;

10.2.5. is certified by the financial aid officer at the higher education institution as needing the tuition waiver in order to meet recognized educational expenses;

10.2.6. 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; and

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

10.4. 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.

10.5. 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.

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

10.7. Report to Legislature: As part of the annual budget process, the Board shall report to the Legislature's Higher Education Appropriations Subcommittee on the number of individuals for whom tuition has been waived at the institution and the total amounts reimbursed by the Division under this program for the fiscal year.

R513-11. Tuition Exemption for Teachers: Pursuant to [§53A-6-104](#)

11.1. "Educator" Defined: 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 53A-6-104](#), the Board Licensure section of the Educator Licensure and Professional Practices Act.

11.2. Tuition Waivers for Teachers: An educator who enrolls in a course of study determined by the State Board of Education to satisfy the professional development requirements of [§53A-6-104\(2\)\(b\)\(i\)](#) is exempt from the tuition charges for a class taken as part of that course of study provided that the following conditions are met:

11.2.1. Master's and Doctoral Degree Candidates: 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.

11.2.2. 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.

11.2.3. 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:

11.2.3.1. 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;

11.2.3.2. 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.

R513-12. Tuition Reimbursement for Sequential Mandarin Chinese Course: Pursuant to [53A-15-101.5](#)

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

12.2. 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.

12.3. 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 an institution within the USHE.

R513-13. Exemption for Certain Students with Utah High School Graduation: Pursuant to [§53B-8-106](#). 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:

13.1. attended high school in Utah for three or more years;

13.2. graduated from a high school in this state or received the equivalent of a high school diploma in Utah; and

13.3. registers as an entering student at a USHE institution not earlier than the fall of the 2002-03 academic year.

13.4. Affidavit: In addition to the requirements of R513-13, a student without lawful immigration status shall file an affidavit with the USHE institution stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

13.5. For the purposes of this section, "entering student" means a student whose first matriculation in any institution of higher education is in a public institution of higher education within the Utah System of Higher Education.

R513-14 Exemption of Nonresident Tuition for Certain Foreign Nationals: Pursuant to [§53B-8-102](#). A student shall be exempt from paying the nonresident portion of total tuition if the student

14.1. is a foreign national legally admitted to the United States;

14.2. attended a Utah high school in Utah for three or more years; and

14.3. graduated from a Utah high school or received the equivalent of a high school diploma in Utah.

R513-15 Waiver of Tuition for Purple Heart Recipients: Pursuant to [§53B-8e-101](#). 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 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.

R513-16 Scott B. Lundell Waiver of Tuition for Dependents of Military Members Killed in Action: Pursuant to [§53B-8-107](#)

16.1. Tuition Waiver: USHE institutions shall waive undergraduate tuition for surviving dependents of a Utah resident, as defined in Utah Code §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.

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

16.1.2. The dependent must be a resident student as defined by Utah Code §53B-8-102 and Regent Policy R512.

16.1.3. 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.

16.2. 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.

16.3. Definition of "Dependent": For purposes of this policy, the term "dependent" shall include a surviving spouse.

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

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

16.4.2. The waiver is applicable for undergraduate study only.

16.4.3. 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.

16.4.4. 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.

R513-17. Alumni Legacy Nonresident Scholarships: Pursuant to [§53B-8-103.5](#)

17.1. Alumni Legacy Nonresident Scholarships: In addition to other nonresident tuition scholarships, USHE presidents may also waive an amount up to the full nonresident portion of tuition for alumni legacy nonresident scholarships when the scholarship will:

17.1.1. assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in institutions of higher education; and

17.1.2. promote enrollment of nonresident students with high academic aptitudes;

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

17.2. 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:

17.2.1. enroll at an institution within the USHE for the first time; and

17.2.2. 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.

17.2.3. A student who attends an institution within the USHE on an Alumni Legacy Nonresident Scholarship may not count the time during which the scholarship is received towards establishing resident student status in Utah.

R513-18. Exemption of Nonresident Tuition as Athletic Scholarships: Pursuant to [§53B-8-102](#). In addition to the waivers of nonresident tuition available to each institution under Utah Code Ann. § 53B-8-101 et seq., and this policy (R513), 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.

[R513-19. When Verification of Lawful Presence is Not Required. As provided by Utah Code Ann. §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 Ann. §53B-8-106; or \(2\) applies for, and may be awarded, a privately funded scholarship that is administered by a USHE institution.](#)