

May 8, 2019

MEMORANDUM

TO: State Board of Regents
FROM: David L. Buhler
SUBJECT: Revision of Regent Policy R609A, *Regents' Scholarship*

Issue

During the 2019 Legislative Session, the Legislature appropriated one-time funding for Regents' Scholarship applicants who did not receive the scholarship and unsuccessfully exhausted all administrative and judicial remedies. The funding is discretionary, but the Commissioner's office requires Board policy to disburse those funds when appropriate.

Background

The Regents' Scholarship requires applicants to meet certain requirements for eligibility, including providing specific documents and meeting deadlines. Occasionally, an applicant who would have otherwise been eligible for the scholarship failed to meet all application requirements. If, after seeking relief from all available administrative and judicial remedies, an applicant is still unable to qualify for the Regents' Scholarship, he or she may request the Commissioner's office for a discretionary award, provided the Legislature has appropriated funding for this specific purpose.

This discretionary award option is only available for applicants who would have qualified for scholarships awarded under R609A. The Commissioner's Office may award funding under this policy at its sole discretion based on case-by-case circumstances, and only while funding is available.

Commissioner's Recommendation

The Commissioner recommends the Regents approve the revisions to policy R609A, *Regents' Scholarship* effective immediately.

David L. Buhler
Commissioner of Higher Education

DLB/GL

R609-1 Purpose: The Regents' Scholarship encourages Utah high school students to prepare for college academically and financially by taking a core course of study in grades 9-12 and saving for college. This statewide scholarship is aligned with the Utah Scholars Core Course of Study which is based on national recommendations as outlined by the State Scholars Initiative. The courses required by the scholarship are proven to help students become college and career ready. In addition, this scholarship encourages high school students to complete meaningful course work through their senior year.

R-609-2 References

- 2.1 Utah Code Ann. §53B-8-108 et seq., Regents' Scholarship Program
- 2.2 Utah Admin. Code §R277-700-7, High School Requirements (Effective for Graduating Students Beginning with the 2010-2011 School Year).
- 2.3 Regents' Policy and Procedures R604, New Century Scholarship.

R609-3 Definitions

3.1 "Applicant" means a student who is in their last term in high school and on track to complete the high school graduation requirements of a public school established by the Utah State Board of Education and the student's school district or charter school or a private high school in the state that is accredited by a regional accrediting body approved by the Utah State Board of Regents.

3.2 "Base Award": a one-time scholarship to be awarded to applicants who complete the eligibility requirements of section R609-4 of this policy.

3.3 "Board" means the Utah State Board of Regents.

3.4 "College Course Work" means any instance in which college credit is earned, including but limited to, concurrent enrollment, distance education, dual enrollment, or early college.

3.5 "Core Course of Study" means the courses taken during grades 9-12 for the Core Course of study which include:

3.5.1 4.0 units of English;

3.5.2 4.0 units of mathematics taken in a progressive manner (at minimum Secondary Mathematics I, Secondary Mathematics II, Secondary Mathematics III and one class beyond); if the student is attending a school that has not implemented the Utah Core "K-12" Standards, a student would complete at minimum Algebra I, Geometry, Algebra II, and a class beyond Algebra II

3.5.3 3.5 units of social studies;

3.5.4 3.0 units of lab-based natural science (one each of Biology, Chemistry, and Physics); and

¹ Adopted June 4, 1999, amended July 12, 1999, April 20, 2001, May 31, 2002, September 15, 2006. Amended and approved by the Board of Regents October 16, 2009, April 1, 2010, March 25, 2011, March 29, 2013 and April 1, 2016.

3.5.5 2.0 units of the same foreign language, other than English, taken in a progressive manner.

3.6 “Eligible Institutions” means institutions of the USHE or any private, nonprofit institution of higher education in Utah accredited by the Northwest Commission on Colleges and Universities (NWCCU).

3.7 “Excusable Neglect” means a failure to take proper steps at the proper time, not in consequence of carelessness, inattention, or willful disregard of the scholarship application process, but in consequence of some unexpected or unavoidable hindrance or accident.

3.8 “Exemplary Academic Achievement Award” (“Exemplary Award”) means a renewable scholarship to be awarded to students who complete the eligibility requirements of section 4.2 of this policy.

3.9 “Good Cause” means the student’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.

3.10 “High school” means a public school established by the Utah State Board of Education or private high school within the boundaries of the State of Utah. If a private high school, it shall be accredited by a regional accrediting body approved by the Board.

3.11 “Home – Schooled” refers to a student who has not graduated from a Utah high school and received credits and/ or letter grades for the Core Course of study in grades 9-12.

3.12 “Recipient” means an applicant who receives an award under the requirements set forth in this policy.

3.13 “Reasonable progress” means enrolling and completing at least fifteen credit hours during Fall and Spring semesters and earning a 3.3 grade point average (GPA) or higher each semester while enrolled at an eligible institution and receiving the award.

3.14 “Renewal Documents” include institutionally produced documents demonstrating that the recipient has met the required semester GPA and a detailed schedule providing proof of enrollment in fifteen credit hours for the semester for which the recipient is seeking award payment.

3.15 “Scholarship Appeals Committee” means the committee designated by Commissioner of Higher Education to review appeals of Regents’ Scholarship award decisions and take final agency action regarding awards.

3.16 “Scholarship Staff” means the group assigned to review Regents’ Scholarship applications and make initial decisions awarding the scholarships.

3.17 “Substantial Compliance” means the applicant, in good faith, complied with the substantial or essential scholarship application requirements and has demonstrated likely eligibility but failed to comply exactly with the application specifics.

3.18 “UESP” means the Utah Educational Savings Plan.

3.19 “USHE” means the Utah system of higher education, which includes the University of Utah, Utah State University, Weber State University, Southern Utah University, Snow College, Dixie State University, Utah Valley University, and Salt Lake Community College.

3.20 Weighted Grade: A grade shall be weighted if a student completed an advanced placement, international baccalaureate or college course. The grade weight given is half the value of the high school credits earned for the course. For AP and IB courses all grades are averaged and then the weight is applied. When college credit is earned the grade weight is applied to the grade shown on the college transcript.

R609-4. Base Award Requirements: To qualify for the Regents' Scholarship Base award, the applicant shall satisfy the following criteria:

4.1 Complete the Core Course of Study as defined in section 3.5 of this policy subject to the following criteria:

- 4.1.1** Not all courses that meet state and individual district high school graduation requirements meet the scholarship requirements.
- 4.1.2** Course Availability: In addition to taking courses at the school they are attending, a student may complete coursework through other accredited Utah high schools or Utah eligible institutions.
- 4.1.3** A student may meet a course requirement through a competency-based assessment provided it is documented on a transcript and has a letter grade(A-C) assigned.
- 4.1.4** The courses completed shall be unique except when repeated for a higher grade as noted in (insert section). Students may not take a standard course and then enroll in the honors version of the same course and count both toward meeting the scholarship credit requirements and, when applicable, the requirement of progression.
- 4.1.5** Repeated course work shall not count toward accumulation of required credits.

4.2 GPA: The applicant shall demonstrate completion of the Core Course of Study with a non-weighted cumulative high school GPA of at least 3.0.

4.3 Minimum Grade requirement: the applicant shall earn a course grade on a transcript of "C" or above in each individual course listed in section 3.4. Certain courses may receive a weighted grade as outlined under subsection 9.5 as part of the scholarship award determination.

4.4 Replacing Low Grades by Retaking a Course: An applicant may retake a course to replace a low grade received. When retaking courses to replace a grade the following subsections apply:

4.5 The Entire Course: The applicant shall either (1) retake the entire original course, or (2) complete an approved course equal to or greater in credit value in the same subject-area. The math and foreign language requirement of progression shall be shown. This is true even if the applicant only received a lower grade in a single semester, term, trimester, or quarter.

4.6 The Higher of Two Grades: The higher of two grades in the same or an approved course will count towards meeting the scholarship requirements.

4.7 Approved Courses and Progression Determined by the Regents' Scholarship Review Committee: The Regents' Scholarship Review Committee reserves the right to determine if the repeated course qualifies as an approved course in the same subject-area and if progression is required and demonstrated.

4.8 "P" and "I" Grades not Accepted: Pass/fail or incomplete grades do not meet the minimum scholarship grade requirement.

4.9 College Course Work: College course work will only be evaluated if the applicant submits an Official College transcript. If an applicant enrolls in and completes a college course worth three or more college credits, this shall be counted as one high school credit toward the scholarship requirements. The student is evaluated on the college grade earned, with the weight added to the college grade as defined in section 3.19.

4.10 ACT Score: The applicant shall submit at least one verified ACT score.

4.11 Utah High School Graduation: The applicant shall have graduated from a Utah high school.

4.12 Citizenship: A recipient shall be a citizen of the United States or a noncitizen who is eligible to receive federal student aid.

4.13 No Criminal Record: A recipient shall not have a criminal record, with the exception of a misdemeanor traffic citation.

4.14 Mandatory Fall Semester Enrollment: A recipient shall enroll in fifteen credit hours at an eligible institution by Fall semester immediately following the student's high school graduation date or receive an approved deferral from the Board under subsection 7.2. Documentation shall include the recipient's name, the semester the recipient will attend, the name of the institution they are attending and the number of credits for which the recipient is enrolled.

4.15 New Century Scholarship: A recipient shall not receive both a Regents' Scholarship and the New Century Scholarship established in Utah Code Section 53B-8-105 and administered in R604.609-5. **Exemplary Academic Achievement Award Requirements:** To qualify for the Regents' Scholarship Exemplary Academic Achievement award, the applicant shall satisfy all requirements for the Base award (see section 3.4), and additionally meet all of the following requirements:

4.16 GPA: The applicant shall have a non-weighted cumulative high school GPA of at least 3.5.

4.17 Minimum Grade: The applicant shall earn a course grade on a transcript of "B" or above in each individual course listed in section 3.4. Certain courses may receive a weighted grade as part of the scholarship award determination.

4.18 ACT Score: The applicant shall submit a verified composite ACT score of at least 26.

609-5. Continuation and Renewal of the Exemplary Award.

5.1 Duty of Student to Report Reasonable Progress Toward Degree Completion: In order to renew the Exemplary Academic Achievement Award, the recipient shall submit renewal documents each semester, providing evidence of reasonable progress toward degree completion by the deadlines established in current program materials.

5.2 If the recipient fails to maintain a 3.3 GPA in a single semester the recipient is placed on probation and shall earn a 3.3 GPA or better the following semester to maintain eligibility. If the recipient again at any time earns less than a 3.3 GPA or fails to enroll and complete fifteen credit hours, except as outlined in section 7.2 of this policy, the scholarship may be revoked.

5.3 Recipient will not be required to enroll in fifteen credit hours if the student can complete his/her degree program with fewer credits. Documentation shall include the recipient's name, the semester the recipient will attend, the name of the institution they are attending and the number of credits for which the recipient is enrolled.

5.4 Student Transfer: Students may transfer their scholarship to a different eligible institution upon request to the Scholarship office.

609-6 Application Procedures

6.1 Application Deadline: Applicants shall submit an official scholarship application no later than February 1 of the year that they graduate from high school. A priority deadline may be established 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 date of completed and submitted application.

6.2 Required Documentation: Scholarship awards shall be denied if all documentation is not completed and submitted by the specified deadlines. If any documentation demonstrates that the applicant did not satisfactorily fulfill all course and GPA requirements, or if any information, including the attestation of criminal record or citizenship status, proves to be falsified the award may be denied. Required documents that shall be submitted with a scholarship application include:

6.2.1 the official online application;

6.2.2 an official high school paper or electronic transcript, official college transcript(s) when applicable, and any other miscellaneous transcripts demonstrating all completed courses and GPA. Final transcript(s) will be requested if the student is found conditionally approved, meaning that the student appears to be on track to receive the scholarship;

6.2.3 If a student completed coursework at an educational institution outside of the district from which the student graduated, the student must submit an official transcript from the school at which he or she completed the coursework if the courses completed and grades earned are not reflected in the official high school transcript; and

6.2.4 verified ACT score(s).

R609-7. Amount of Awards and Distribution of Award Funds

7.1 Funding Constraints of Awards: The Board may limit or reduce the Base Award and/or the Exemplary Academic Achievement Award, as well as supplemental awards granted, depending on the annual legislative appropriations and the number of qualified applicants.

7.2 Amount of Awards

7.2.1 Base Award: The Base award of up to \$1,000 may be adjusted annually by the Board in an amount up to the average percentage tuition increase approved by the Board for USHE institutions.

7.2.2 Exemplary Academic Achievement Award: The Exemplary Academic Achievement award is up to the amount provided by law and as determined each Spring by the Board based on legislative funding and the number of applicants. The Exemplary Academic Achievement award may be renewed for the shortest of the following:

7.2.2.1 Four semesters of enrollment in fifteen credit hours;

7.2.2.2 Sixty-five credit hours; or

7.2.2.3 Until the student meets the requirements for a Baccalaureate degree.

7.2.3 UESP Supplemental Award to Encourage College Savings: Subject to available funding, an applicant who qualifies for the Base award is eligible to receive up to an additional \$400 in state funds to be added to the total scholarship award.

7.2.3.1. For each year the applicant is 14, 15, 16, or 17 years of age and had an active UESP account, the Board may contribute, subject to available funding, \$100 (i.e., up to \$400 total for all four years) to the recipient's award if at least \$100 was deposited into the account for which the applicant is named the beneficiary.

7.2.3.2 If no contributions are made to an applicant's account during a given year, the matching amount will likewise be \$0.

7.2.3.3 If contributions total more than \$100 in a given year, the matching amount will cap at \$100 for that year.

7.2.3.4 Matching funds apply only to contributions, not to transfers, earnings, or interest.

7.3 Distribution of Award Funds

7.3.1 Award Payable to Institution: The award will be made payable to the institution. The institution may pay over to the recipient any excess award funds not required for tuition payments. Award funds shall be used for any qualifying higher education expense including: tuition, fees, books, supplies, equipment required for course instruction, or housing.

7.3.2. Credit Hours Dropped After Award Payment: If a recipient drops credit hours after having received the award which results in enrollment below fifteen credit hours, the scholarship may be revoked.

R609-8 Time Constraints and Continuing Eligibility

8.1. Time Limitation: A Regents' Scholarship recipient shall use the award in its entirety within five years after his/her high school graduation date.

8.2. Deferral or Leave of Absence: A recipient shall apply for a deferral or leave of absence if they do not continuously enroll in fifteen credit hours.

8.2.1. Deferrals or leaves of absence may be granted, at the discretion of the Scholarship Review Committee, for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

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

8.3. No Guarantee of Degree Completion: Neither a Base award nor an Exemplary Academic Achievement award guarantees that the recipient will complete his or her Associate or Baccalaureate program within the recipient's scholarship eligibility period.

R609-9 Scholarship Determinations and Appeals

9.1. Scholarship Determinations: Submission of a scholarship application does not guarantee a scholarship award. The Scholarship Staff shall review individual scholarship applications and make the awards determination. Awards are based on available funding, applicant pool, and applicants' completion of scholarship criteria by the specified deadline.

9.2. Appeals: An applicant has the right to appeal the Scholarship Staff's adverse decision by filing an appeal with the Scholarship Appeals Committee subject to the following conditions:

- 9.2.1.** The appeal must be in writing and submitted in person or through the U.S. Mail. Appeals must be hand delivered to the office or postmarked within 30 days of the date on which the scholarship notification was issued.
- 9.2.2** In the appeal, the applicant must provide his or her full name, mailing address, the high school he or she last attended, a statement of the reason for the appeal, and all information or evidence that supports the appeal. The failure of an applicant to provide the information in this subsection shall not preclude the acceptance of an appeal.
- 9.2.3.** An appeal filed before the applicant receives official notification from the Scholarship Staff of its decision shall not be considered.
- 9.2.4** If an applicant failed to file his or her appeal on time, the Scholarship Appeals Committee shall notify the applicant of the late filing and give him or her an opportunity to explain 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.
- 9.2.5** 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.
- 9.2.6** 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.
- 9.2.7** If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that he or she demonstrated substantial compliance with the application process requirements and good cause for failing to meet one or more of the requirements, the Appeals Committee shall 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. In such a case, the applicant shall have the right to appeal an adverse decision according to this rule.

9.2.8 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.

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

9.2.10. An applicant who has exhausted all administrative and judicial remedies, and who would have likely received the scholarship but for an irreconcilable error in the application process, may seek a discretionary award from the Commissioner's office.

9.2.10.1. Discretionary awards are only available if the legislature has appropriated funds specifically for unsuccessful applicants of the Regents' Scholarship.

9.2.10.2. If the Legislature has appropriated funds for this express purpose, the Commissioner's Office may disburse the funds at its sole discretion, on a case-by-case basis. Decisions on awarding discretionary funds are final; there is no appeal available.

R609-1 Purpose: The Regents' Scholarship encourages Utah high school students to prepare for college academically and financially by taking a core course of study in grades 9-12 and saving for college. This statewide scholarship is aligned with the Utah Scholars Core Course of Study which is based on national recommendations as outlined by the State Scholars Initiative. The courses required by the scholarship are proven to help students become college and career ready. In addition, this scholarship encourages high school students to complete meaningful course work through their senior year.

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3.8 **"Exemplary Academic Achievement Award"** ("Exemplary Award") means a renewable scholarship to be awarded to students who complete the eligibility requirements of section 4.2 of this policy.

3.9 **"Good Cause"** means the student'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.

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3.12 **"Recipient"** means an applicant who receives an award under the requirements set forth in this policy.

3.13 **"Reasonable progress"** means enrolling and completing at least fifteen credit hours during Fall and Spring semesters and earning a 3.3 grade point average (GPA) or higher each semester while enrolled at an eligible institution and receiving the award.

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3.20 Weighted Grade: A grade shall be weighted if a student completed an advanced placement, international baccalaureate or college course. The grade weight given is half the value of the high school credits earned for the course. For AP and IB courses all grades are averaged and then the weight is applied. When college credit is earned the grade weight is applied to the grade shown on the college transcript.

R609-4. Base Award Requirements: To qualify for the Regents' Scholarship Base award, the applicant shall satisfy the following criteria:

4.1 Complete the Core Course of Study as defined in section 3.5 of this policy subject to the following criteria:

- 4.1.1** Not all courses that meet state and individual district high school graduation requirements meet the scholarship requirements.
- 4.1.2** **Course Availability:** In addition to taking courses at the school they are attending, a student may complete coursework through other accredited Utah high schools or Utah eligible institutions.
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- 4.1.5** Repeated course work shall not count toward accumulation of required credits.

4.2 GPA: The applicant shall demonstrate completion of the Core Course of Study with a non-weighted cumulative high school GPA of at least 3.0.

4.3 Minimum Grade requirement: the applicant shall earn a course grade on a transcript of "C" or above in each individual course listed in section 3.4. Certain courses may receive a weighted grade as outlined under subsection 9.5 as part of the scholarship award determination.

4.4 Replacing Low Grades by Retaking a Course: An applicant may retake a course to replace a low grade received. When retaking courses to replace a grade the following subsections apply:

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4.7 Approved Courses and Progression Determined by the Regents' Scholarship Review Committee: The Regents' Scholarship Review Committee reserves the right to determine if the repeated course qualifies as an approved course in the same subject-area and if progression is required and demonstrated.

4.8 "P" and "I" Grades not Accepted: Pass/fail or incomplete grades do not meet the minimum scholarship grade requirement.

4.9 College Course Work: College course work will only be evaluated if the applicant submits an Official College transcript. If an applicant enrolls in and completes a college course worth three or more college credits, this shall be counted as one high school credit toward the scholarship requirements. The student is evaluated on the college grade earned, with the weight added to the college grade as defined in section 3.19.

4.10 ACT Score: The applicant shall submit at least one verified ACT score.

4.11 Utah High School Graduation: The applicant shall have graduated from a Utah high school.

4.12 Citizenship: A recipient shall be a citizen of the United States or a noncitizen who is eligible to receive federal student aid.

4.13 No Criminal Record: A recipient shall not have a criminal record, with the exception of a misdemeanor traffic citation.

4.14 Mandatory Fall Semester Enrollment: A recipient shall enroll in fifteen credit hours at an eligible institution by Fall semester immediately following the student's high school graduation date or receive an approved deferral from the Board under subsection 7.2. Documentation shall include the recipient's name, the semester the recipient will attend, the name of the institution they are attending and the number of credits for which the recipient is enrolled.

4.15 New Century Scholarship: A recipient shall not receive both a Regents' Scholarship and the New Century Scholarship established in Utah Code Section 53B-8-105 and administered in R604.

609-5. Exemplary Academic Achievement Award Requirements: To qualify for the Regents' Scholarship Exemplary Academic Achievement award, the applicant shall satisfy all requirements for the Base award (see section 3.4), and additionally meet all of the following requirements:

4.16 GPA: The applicant shall have a non-weighted cumulative high school GPA of at least 3.5.

4.17 Minimum Grade: The applicant shall earn a course grade on a transcript of "B" or above in each individual course listed in section 3.4. Certain courses may receive a weighted grade as part of the scholarship award determination.

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609-5. Continuation and Renewal of the Exemplary Award.

5.1 Duty of Student to Report Reasonable Progress Toward Degree Completion: In order to renew the Exemplary Academic Achievement Award, the recipient shall submit renewal documents each semester, providing evidence of reasonable progress toward degree completion by the deadlines established in current program materials.

5.2 If the recipient fails to maintain a 3.3 GPA in a single semester the recipient is placed on probation and shall earn a 3.3 GPA or better the following semester to maintain eligibility. If the recipient again at any time earns less than a 3.3 GPA or fails to enroll and complete fifteen credit hours, except as outlined in section 7.2 of this policy, the scholarship may be revoked.

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6.2.3 If a student completed coursework at an educational institution outside of the district from which the student graduated, the student must submit an official transcript from the school at which he or she completed the coursework if the courses completed and grades earned are not reflected in the official high school transcript; and

6.2.4 verified ACT score(s).

R609-7. Amount of Awards and Distribution of Award Funds

7.1 Funding Constraints of Awards: The Board may limit or reduce the Base Award and/or the Exemplary Academic Achievement Award, as well as supplemental awards granted, depending on the annual legislative appropriations and the number of qualified applicants.

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7.2.1 Base Award: The Base award of up to \$1,000 may be adjusted annually by the Board in an amount up to the average percentage tuition increase approved by the Board for USHE institutions.

7.2.2 Exemplary Academic Achievement Award: The Exemplary Academic Achievement award is up to the amount provided by law and as determined each Spring by the Board based on legislative funding and the number of applicants. The Exemplary Academic Achievement award may be renewed for the shortest of the following:

7.2.2.1 Four semesters of enrollment in fifteen credit hours;

7.2.2.2 Sixty-five credit hours; or

7.2.2.3 Until the student meets the requirements for a Baccalaureate degree.

7.2.3 UESP Supplemental Award to Encourage College Savings: Subject to available funding, an applicant who qualifies for the Base award is eligible to receive up to an additional \$400 in state funds to be added to the total scholarship award.

7.2.3.1. For each year the applicant is 14, 15, 16, or 17 years of age and had an active UESP account, the Board may contribute, subject to available funding, \$100 (i.e., up to \$400 total for all four years) to the recipient's award if at least \$100 was deposited into the account for which the applicant is named the beneficiary.

7.2.3.2 If no contributions are made to an applicant's account during a given year, the matching amount will likewise be \$0.

7.2.3.3 If contributions total more than \$100 in a given year, the matching amount will cap at \$100 for that year.

7.2.3.4 Matching funds apply only to contributions, not to transfers, earnings, or interest.

7.3 Distribution of Award Funds

7.3.1 Award Payable to Institution: The award will be made payable to the institution. The institution may pay over to the recipient any excess award funds not required for tuition payments. Award funds shall be used for any qualifying higher education expense including: tuition, fees, books, supplies, equipment required for course instruction, or housing.

7.3.2. Credit Hours Dropped After Award Payment: If a recipient drops credit hours after having received the award which results in enrollment below fifteen credit hours, the scholarship may be revoked.

R609-8 Time Constraints and Continuing Eligibility

8.1. Time Limitation: A Regents' Scholarship recipient shall use the award in its entirety within five years after his/her high school graduation date.

8.2. Deferral or Leave of Absence: A recipient shall apply for a deferral or leave of absence if they do not continuously enroll in fifteen credit hours.

8.2.1. Deferrals or leaves of absence may be granted, at the discretion of the Scholarship Review Committee, for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

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

8.3. No Guarantee of Degree Completion: Neither a Base award nor an Exemplary Academic Achievement award guarantees that the recipient will complete his or her Associate or Baccalaureate program within the recipient's scholarship eligibility period.

R609-9 Scholarship Determinations and Appeals

9.1. Scholarship Determinations: Submission of a scholarship application does not guarantee a scholarship award. The Scholarship Staff shall review individual scholarship applications and make the awards determination. Awards are based on available funding, applicant pool, and applicants' completion of scholarship criteria by the specified deadline.

9.2. Appeals: An applicant has the right to appeal the Scholarship Staff's adverse decision by filing an appeal with the Scholarship Appeals Committee subject to the following conditions:

- 9.2.1.** The appeal must be in writing and submitted in person or through the U.S. Mail. Appeals must be hand delivered to the office or postmarked within 30 days of the date on which the scholarship notification was issued.
- 9.2.2** In the appeal, the applicant must provide his or her full name, mailing address, the high school he or she last attended, a statement of the reason for the appeal, and all information or evidence that supports the appeal. The failure of an applicant to provide the information in this subsection shall not preclude the acceptance of an appeal.
- 9.2.3.** An appeal filed before the applicant receives official notification from the Scholarship Staff of its decision shall not be considered.
- 9.2.4** If an applicant failed to file his or her appeal on time, the Scholarship Appeals Committee shall notify the applicant of the late filing and give him or her an opportunity to explain 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.
- 9.2.5** 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.
- 9.2.6** 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.
- 9.2.7** If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that he or she demonstrated substantial compliance with the application process requirements and good cause for failing to meet one or more of the requirements, the Appeals Committee shall 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. In such a case, the applicant shall have the right to appeal an adverse decision according to this rule.

- 9.2.8 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.
- 9.2.9. The Scholarship Appeals Committee's decision represents the final agency action. An applicant who disagrees with the Scholarship Appeal Committee's Decision may seek judicial review in accordance with Utah Code Ann. 63G-4-402.
- 9.2.10. An applicant who has exhausted all administrative and judicial remedies, and who would have likely received the scholarship but for an irreconcilable error in the application process, may seek a discretionary award from the Commissioner's office.
- 9.2.10.1. Discretionary awards are only available if the legislature has appropriated funds specifically for unsuccessful applicants of the Regents' Scholarship.
- 9.2.10.2. If the Legislature has appropriated funds for this express purpose, the Commissioner's Office may disburse the funds at its sole discretion, on a case-by-case basis. Decisions on awarding discretionary funds are final; there is no appeal available.