

**ACADEMIC AND STUDENT AFFAIRS COMMITTEE
TELECONFERENCE
FRIDAY, APRIL 17, 2020**

AGENDA

3:00 PM – 5:00 PM

ACTION:

- | | |
|---|-------|
| 1. Revision to Policy R165, <i>Concurrent Enrollment</i> | TAB A |
| 2. Revision to Policy R512, <i>Determination of Resident Status</i> | TAB B |
| 3. Revision to Policy R611, <i>Veterans Tuition Gap Program</i> | TAB C |
| 4. Revision to Policy R604, <i>New Century Scholarship</i> and R609C, <i>Regents' Scholarship</i> | TAB D |
| 5. Revision to Policy R620, <i>Access Utah Promise Scholarship</i> | TAB E |
| 6. Adoption of Policy R623, <i>Free Application for Federal Student Aid</i> | TAB F |

INFORMATION:

- | | |
|---|-------|
| 1. Campus Safety Study | TAB G |
| 2. Veterans Service Summary Report: Follow-up to 2014 Feasibility Study | TAB H |
| 3. Committee Priority Project Updates | TAB I |



MEMORANDUM

TAB A

April 10, 2020

Revision to Policy R165, *Concurrent Enrollment*

Two bills during the legislative session, HB336 and HB409, were related to Concurrent Enrollment. The attached document proposes changes to Policy R165 to reflect the ability of the Board to approve upper division coursework for concurrent enrollment stemming from legislation. It also changes language related to concurrent enrollment Career and Technical Education to reflect current federal law and updates the name of the Board of Higher Education stemming from SB111.

Commissioner's Recommendations

Because these updates reflect new state and federal laws, the Commissioner recommends the Board approve the revisions to Policy R165.

Attachments

R165, Concurrent Enrollment¹

R165-1. Purpose: To establish the principles, guidelines, and processes that govern Utah public higher education institutions when providing concurrent enrollment opportunities to Utah public education students.²

R165-2. References

- 2.1. Utah Code §53E Chapter 10, Concurrent Enrollment
- 2.2. Utah Code §53E-4-206, Career and College Readiness Mathematics Competency Standards
- 2.3. Utah Code §53B-1-103, Establishment of State Board of Regents—Powers, Duties, and Authority
- 2.4. Utah State Board of Education Rule R277-713, Concurrent Enrollment of High School Students in College Courses
- 2.5. Utah State Board of Education Rule R277-407, School Fees
- 2.6. Utah Code §53B-1-109, Coordination of Higher Education and Public Education Information Technology Systems – Use of Unique Student Identifier
- 2.7. Utah Code §53E-4-308, Unique Student Identifier -- Coordination of Higher Education and Public Education Information Technology Systems
- 2.8. Utah Code §53G-11, Part 4, Background Checks– Notice – Payment of costs – Request for Review
- 2.9. Utah Code §53B-16-206, Snow College Concurrent Education Program
- 2.10. Utah Code §53E-10-307, Concurrent Enrollment Courses for Accelerated Foreign Language Students

R165-3. Definitions

3.1. Concurrent Enrollment: college courses that Utah System of Higher Education (USHE) institutions offer to public school under a contractual agreement between the USHE institution and a Local Education Agency (LEA). Students continue to be enrolled in public schools, are counted in average daily membership, receive credit toward graduation, and concurrently receive college credit for courses. Concurrent enrollment is distinct from early college admission.

3.2. Career and Technical Education Courses (CTE): higher education courses that align to Utah State Board of Education (USBE) 11-digit assignment codes beginning with "~~40-Skilled & Technical Sciences~~~~30 Agriculture~~" and through "41 Work-Based Learning;" that are not designated as general education courses, and that may qualify for funding under the Strengthening Career and Technical

¹ Approved January 22, 1988; amended June 10, 2005 and July 28, 2006. Revisions approved May 29, 2009, November 18, 2011, May 16, 2014, September 16, 2016, and May 17, 2019

² This policy does not apply when a USHE institution is contracting concurrent opportunities with public education students of other states or with private high schools located within Utah.

3.3. Contractual Basis: courses and instruction offered under an annual contract between a LEA and a USHE institution. Contractual basis concurrent enrollment is eligible for state funding through the appropriation for concurrent enrollment authorized under Utah Code §53 E-10-303.

3.4. Early College: enrollment in college credit courses by high school students who are academically prepared, meet college admissions requirements, have left high school prior to graduation, and are no longer counted in average daily membership. Concurrent enrollment policies and funding mechanisms do not apply to early college admission enrollment. Early college admission enrollments are reported as regular enrollments by USHE institutions.

3.5. Early College High School: a public high school, generally affiliated with a college or university, whose academic goal is to assist accelerated students in earning college credit up to an associate degree concurrent with a high school diploma. Students are counted in the average daily membership of the high school. College credit is earned through concurrent enrollment and early college courses. The early college high school negotiates for and pays any applicable tuition and fees for early college courses.

3.6. Instructor : a licensed LEA K-12 educator who qualifies and is approved to teach concurrent enrollment courses as an adjunct faculty within an institution's academic department.

3.7. Interactive Video Conferencing (IVC): two-way, real-time transmission of audio and video signals between computer equipment at two or more locations.

3.8. Local Education Agency (LEA): a school board/public school district or public charter school.

3.9. Non-contractual Basis: college credit courses public education students pursue on their own initiative. Such students must enter into an agreement between the student, parent(s)/guardian, high school administrator, and the USHE institution for the student to take the course; the course is considered to be offered on a non-contractual basis. The student is responsible for all enrollment expenses. USHE institutions report non-contractual enrollments as regular enrollments. Non-contractual basis concurrent enrollment is not eligible for state funding.

3.10. Qualifying Experience: an LEA employee's experience in an academic field that qualifies the LEA employee to teach a concurrent enrollment course in the academic field and may include the employee's (a) number of years teaching in the academic field; (b) holding a higher level secondary teaching credential issued by the state board; (c) research, publications, or other scholarly work in the academic field; (d) continuing professional education in the academic field; (e) a portfolio of work related to the academic field; or (f) professional work experience or certifications in the academic field.

3.11. Snow College Concurrent Education Program (Snow CE): a consistent two-year schedule of concurrent enrollment courses that Snow College delivers through IVC. Snow CE courses create a pathway for secondary school students, particularly in rural high schools, to earn college credits that apply toward earning an Associate of Science or Associate of Arts degree, or satisfy scholarship requirements and other objectives that best meet students' needs. Snow CE includes advisory support to participating secondary school students and their high school counselors to ensure that students' concurrent enrollment courses align with their academic and career goals. Regents Policy 165 governs the Snow CE program. Funding is appropriated under Utah Code §53B-16-206.

3.12. Plan for College and Career Readiness : secondary school process for academic and career planning, facilitated by school counselors with students and their parents or guardians.

3.13. Supervision of CE Instructors: professional development opportunities institutions provide to public educators who qualify as concurrent enrollment instructors to prepare them to teach the CE post-secondary curriculum.

3.14. Technology Delivered Instruction: Course instructions provided to students by common technology such as broadcast, interactive videoconferencing, or the Internet.

3.15. Technology Intensive Concurrent Enrollment (TICE): hybrid concurrent enrollment courses that blend different learning activities, both in classrooms and online. TICE courses include common course assessments and, when possible, utilize open education resources. All USHE institutions may offer TICE courses.

3.16. Unique Student Identifier (SSID): an alphanumeric code assigned to each public education student for identification purposes.

3.17. Utah State Board of [Regents-Higher Education \(UBHESBR\)](#): the governing body for the Utah System of Higher Education.

3.18. Utah System of Higher Education (USHE): the system of public colleges and universities governed by the Utah State Board of Regents.

3.19. USHE Institution (Institution): a credit-granting community college, [state college](#), or university within the Utah System of Higher Education.

[3.20. USHE Technical College: a technical college within USHE that provides technical education as defined in 53B-1-101.5\(8\)](#)

[3.210. Utah State Board of Education \(USBE\):](#) the system of public education districts and charter schools governed by the State Board of Education.

R165-4. Purpose of Concurrent Enrollment: Concurrent enrollment provides course options to prepared high school students that earn high school and college credit. Concurrent enrollment allows students to complete a high school diploma while concurrently earning credits for first or second year coursework at a USHE institution, which can accelerate college completion and reduce college costs.

4.1. High Quality Opportunities: Concurrent enrollment should provide high quality, college-level academic and career and technical education opportunities to qualified high school students.

4.2. Qualitative Safeguards: College instruction offered in the high school setting must have qualitative safeguards to preserve the rigor and standards of college requirements. The USHE institution granting the college credit for a given course is responsible to establish appropriate qualitative safeguards. To help ensure quality, consistent instruction, and student success, the sponsoring institutions should officially enroll students as concurrent enrollment students.

4.3. Participating Institutions: USHE credit-granting institutions may participate in the contractual basis concurrent enrollment program in compliance with controlling law and consistent with USBE rules governing the use of public education funds.

4.4. **Program Evaluation:** The USBE and USBRUBHE shall work in close cooperation in developing, implementing, and evaluating the concurrent enrollment program.

R165-5. Students

5.1. **Student Status:** Students must be enrolled in, and counted in the average daily membership of, a Utah public school and have high school student status before and throughout enrollment in concurrent enrollment courses. Students must complete contractual basis concurrent enrollment courses prior to their high school graduation or participation in high school graduation exercises. Students who have received a diploma, whose class has graduated from high school, or who have participated in graduation exercises are not eligible to participate in the concurrent enrollment program.

5.2. **Eligibility Requirements:** USHE institutions and LEAs shall jointly establish student eligibility requirements. To predict a successful experience, institutions and LEAs may require:

5.2.1. students are in grade 9, 10, 11, or 12;

5.2.2. a grade point average, ACT score, or a placement score which predicts success (generally considered to be a "B" average or ACT score of 22 or higher);

5.2.3. supportive letters of recommendation;

5.2.4. approval of high school and college officials;

5.2.5. appropriate placement assessments for courses such as mathematics and English;

5.2.5.1. students must complete Secondary Math I, II, and III with a "C" average or better course grade in all three classes to enroll in a CE mathematics course; and

5.2.6. completion of institutionally established prerequisites for a course.

5.2.7. have on file a completed plan for college and career readiness.

5.3. **Concurrent Enrollment Participation Form/Parent Permission to Participate.** Before allowing an eligible student to participate in the concurrent enrollment program for the academic year, an institution shall ensure the student has completed the USHE concurrent enrollment participation form, signed an acknowledgement of program participation requirements, and obtained a signed parent/guardian permission form.

~~5.4. **3Early College High School Eligibility:** The Early College High School Program may enroll students in grades 9 and 10 without exception in concurrent enrollment courses. Eligibility requirements such as those listed in section 5.2 apply to Early College students.~~

5.5.5.4. **Identification of Eligible Students:** LEAs have the primary responsibility for identifying students who are eligible to participate in the concurrent enrollment program.

5.6.5.5. **Advising:** USHE institutions and LEAs shall jointly coordinate advising to prospective or current high school students who participate in the concurrent enrollment program. Advising shall include information on general education requirements at USHE institutions and how the students can choose concurrent enrollment courses to avoid duplication or excess credit hours.

5.7.5.6. Tracking Student Achievement: USHE institutions and LEAs shall jointly coordinate information technology systems to track individual students' academic achievement through both education systems in accordance with Utah Code §53B-1-109 and §53E-4-308.

5.7.1.5.6.1. USBE and USHE staff shall coordinate access to the SSID of a public education student who later attends an institution within the state system of higher education.

5.7.2.5.6.2. USHE information technology systems shall utilize the SSID of all students who have previously been assigned a unique student identifier.

5.8.5.7. Advising Report: Twelve weeks after the end of each semester, participating institutions may request from the Commissioner's Office a report listing each public high school student admitted to a USHE institution who was enrolled in 12 or more credit hours of concurrent enrollment courses per year and completed at least six of those credit hours from that institution. The report shall include:

5.7.8.1 student's name and SSID;

5.7.8.2 the student's LEA;

5.7.8.3 the name of each concurrent enrollment course taken by the student;

5.7.8.4 the institution where the student enrolled to take each concurrent enrollment course;

5.7.8.5 the number of college credits the student earned in each concurrent enrollment course with a designation that indicates which credits the student earned at a grade "C" or higher.

R165-6. Courses

6.1. Choice of Courses: The courses offered through concurrent enrollment should be introductory-level general education, career and technical education, ~~or pre-major college courses, or select upper division courses when approved by the State Board of Regents after consulting with the Utah State Board of Education~~state board. Concurrent enrollment courses must assist students in earning post-secondary certificates or degrees. Concurrent enrollment may only include college courses that correspond to high school courses typically offered in grades 11 or 12. Courses selected should reflect the strengths and resources of the respective schools and USHE institutions. Concurrent enrollment offerings are limited to courses in English, mathematics, fine arts, humanities, science, social science, world languages, and career and technical education.

~~**6.1.1. Early College High School Exception:** Early college high schools may offer, for concurrent enrollment, courses typically taught in grades 9 or 10.~~

6.1.2.6.1.1. Accelerated Foreign Language Courses: Institutions may offer 3000 level foreign language courses to accelerated foreign language students, including dual language immersion students.

6.2. Master List: The Office of the Commissioner of Higher Education (OCHE) and the USBE will jointly approve courses that are added to an institution-specific Concurrent Enrollment Master List. Only courses taken from the master list for a given academic year shall be reimbursed from state concurrent enrollment funds.

6.2.1 Changes to Concurrent Enrollment Master List: USHE institutions, after consultation with LEAs, shall provide the USBE with proposed new course offerings, including syllabi and curriculum materials by November 15 of the year proceeding the school year in which courses shall be offered.

6.3. Number of Courses: In general, institutions should limit the number of concurrent enrollment courses so they can focus on quality instruction and assure coordinated professional development activities for participating teachers and transferability of credit from institution to institution.

6.4. Institution Responsibility: The offering institution is responsible for course content, procedures, examinations, teaching materials, and monitoring of CE courses taught at a high school. The institution shall ensure the curriculum is consistent with Utah law and of comparable rigor and quality with courses offered on the institution campus. The institution shall ensure CE curriculum standards of instruction, practices for administering and grading assessments, and the course grade rubric are the same as when the course is taught on the institution campus. When possible, department exams should be used in the CE course. For courses that transfer as equivalent credit among USHE institutions, the institution will ensure articulated learning outcomes are met.

R165-7. Credit

7.1. Permanent College Transcript: All concurrent enrollment course registrations and grades are recorded on permanent college transcripts. Students who register for concurrent enrollment commit to having the final course grade on their permanent college record, regardless of the results.

7.1.1. Credit Value: College level courses taught in the high school carry the same credit hour value as when taught on a college or university campus and apply toward college/university graduation on the same basis as courses taught at the USHE institution where the credits are earned.

7.2. Credit Hours Permitted: Individual students will be permitted to earn up to 30 semester hours of college credits per year through contractual concurrent enrollment. Credits earned in excess of 30 must be on a non-contractual basis.

7.3. Institution Credit: USHE institutions are responsible for course registration and awarding college credit for concurrent enrollment courses.

7.4. Transferability: Credit earned through the concurrent enrollment program shall be transferable between USHE institutions. Students should be encouraged to seek advice from a college academic adviser to make course choices that will meet the student's educational goals.

R165-8. Tuition, Fees, and Other Charges: Regular tuition and fees may not be charged to high school students for participation in this program.

8.1. Admissions Fee: Students may be assessed a one-time admissions application fee per institution, which satisfies the general admissions application fee requirement for a full-time or part-time student at an institution. The institution may not charge any additional admissions application fees for continuous enrollment at that institution following high school graduation.

8.1.1. Participation Fee: The [USBRUBHE](#) may charge a one-time fee for students to participate in the concurrent enrollment program. Paying this fee does not satisfy the general admissions application fee required for full-time or part-time students at a USHE institution.

8.2. Partial Concurrent Enrollment Tuition: USHE institutions may charge secondary students partial tuition for each concurrent enrollment course for which the student receives college credit in the following amounts:

8.2.1. A USHE institution may charge a concurrent enrollment student who qualifies for free or reduced school lunch partial tuition of up to \$5 per credit hour;

8.2.2. If a concurrent enrollment course is taught by a public school educator in a public school facility, a USHE institution may charge up to \$10 per credit hour;

8.2.3. If a concurrent enrollment course is taught over interactive video conferencing (IVC), a USHE institution may charge up to \$15 per credit hour;

8.2.4. If a concurrent enrollment course is taught on a USHE campus, a USHE institution may charge up to \$30 per credit hour.

8.2.5. The [USBRUBHE](#) shall annually report to the Legislature's Higher Education Appropriations Subcommittee on regular tuition savings to CE students, any partial CE tuition charged, and justification for the distribution of money appropriated for concurrent enrollment, pursuant to Utah Code §53E-10-308.

8.3. Fee Waivers: Concurrent enrollment program costs attributable only to college credit or enrollment are not subject to fee waiver under public school rule R277-407. All students' costs related to concurrent enrollment classes, which may include consumables, lab fees, copying, and material costs, as well as textbooks required for the course, are subject to fee waiver consistent with R277-407. The LEA is responsible for these waivers. The contract between the USHE institution and the LEA may address the responsibility for fee waivers.

R165-9. Location and Delivery: Concurrent enrollment courses shall be offered at the most appropriate location, using the most appropriate educational technology for the course content, the faculty, and the students involved. Instruction may be delivered through live classroom instruction or other accepted instruction technologies. Instruction normally occurs during the school day with students released from regular high school coursework to participate in concurrent enrollment.

9.1. Students within Commuting Distance: Qualified students residing within commuting distance of a USHE institution may pursue their concurrent enrollment study on the institution campus with approval from their LEA.

9.2. Designated Service Region Delivery: Each USHE institution has the responsibility for offering concurrent enrollment courses within their designated service region per Regent Policy R315. If the local institution chooses not to offer a concurrent enrollment course, a LEA may ask another USHE institution to provide the course.

9.3. Right of First Refusal: A LEA shall contact the USHE institution with responsibility for that LEA's service region to request a CE course offering. The local institution shall indicate in writing whether it will offer the requested course within 30 days of the LEA contact and request.

9.3.1. Exception for Technology Delivered Courses: Concurrent enrollment courses which meet the definition of "Technology Delivered Instruction" are subject to designated service region requirements. Institutions desiring to offer technology delivered CE courses outside their

designated service region must receive a written endorsement from the local institution for each course they desire to offer before contracting with LEAs outside their designated service area. An annual system review of technology delivered courses shall be completed prior to November 30 of the year preceding the school year in which courses shall be offered to assure efficient and effective use of resources.

R165-10. CE Instructor Qualifications: College or university faculty or public school educators teach concurrent enrollment courses for the offering institution.

10.1. Selection of CE Instructors LEAs and the participating USHE institution shall jointly select instructors for concurrent enrollment courses. Selection criteria for instructors are the same as those criteria applied to other adjunct faculty appointments in specific departments within the USHE institution. Once approved as an adjunct, CE instructors who teach a CE course in 2018-19 or 2019-20 may continue to teach CE courses given curricular standards and student performance outcomes in the classes meet sponsoring academic department standards. Institutions shall establish a process for determining, in consultation with LEA partners, whether an eligible instructor who previously taught a CE course is no longer qualified to teach the CE course. The appropriate academic department at the institution must approve CE instructors prior to teaching the concurrent enrollment class.

10.2. Institutional Faculty CE Instructors: A USHE institution faculty member is an eligible CE instructor.

10.3. LEA Employee Instructor Qualifications: An LEA employee is an eligible CE instructor if the LEA employee is licensed under statutory Education Professional Licensure, is supervised by an institution of higher education, and

10.3.1. is approved as an eligible instructor by the institution of higher education that provides the concurrent enrollment course taught by the LEA employee as provided in section 10.4,

10.3.2. has an upper level mathematics credential issued by the State Board of Education, or

10.3.3. teaches a concurrent enrollment course that the LEA employee taught during the 2018-19 or 2019-20 school year .

10.4. A USHE institution shall approve an LEA employee as an eligible instructor:

10.4.1. For a career and technical education concurrent enrollment course, if the LEA employee has:

10.4.1.1. a degree, certificate, or industry certification in the concurrent enrollment course's academic field; or

10.4.1.2. qualifying experience, as determined by the institution of higher education.

10.4.2. For a concurrent enrollment course other than a career and technical education course, if the LEA employee has:

10.4.2.1. a master's degree or higher in the concurrent enrollment course's academic field;

10.4.2.2. a master's degree or higher in any academic field and at least 18 completed credit hours of graduate course work in an academic field that is relevant to the concurrent enrollment course; or

10.4.2.3. qualifying experience, as determined by the institution of higher education.

10.5. Appeals Process for Instructor Qualification Approvals. If a designated service area USHE institution determines an LEA employee is not qualified to teach a concurrent enrollment course and the LEA has exhausted all administrative remedies available at the institution, the LEA may appeal the decision in writing to the Commissioner of Higher Education within 15 calendar days of the institution's final decision. The Commissioner shall appoint an appeals committee consisting of the associate commissioner for academic affairs and two USHE chief academic officers who are uninvolved in the decision being appealed.

10.5.1. The appeals committee will review the LEA's appeal and the institution's decision.

10.5.2. The institution and LEA will provide the appeals committee with any material documents and information necessary for a complete review. The committee may request additional documentation or information as necessary.

10.5.3. The appeals committee will provide a recommendation to the Commissioner, which may include affirming or reversing the institution's decision.

10.5.4. The Commissioner shall make a final decision and issue it to the institution and the LEA in writing.

10.5.5. After the Commissioner has issued a decision, there will be no further appeals or reviews.

10.6. Criminal Background Checks: USHE faculty who are not public school educators and who teach concurrent enrollment courses defined under this policy in a high school shall complete a criminal background check consistent with Utah Code §53G-11, Part 4.³ The faculty's institution must determine if a criminal background check is required and, if so, must complete the background check and maintain required documentation consistent with the law.

10.7. Faculty Development: Concurrent enrollment instructors should be included as fully as possible in the academic life of the supervising academic department. USHE institutions and LEAs shall jointly initiate faculty development, including appropriate workshop experiences to adequately prepare instructors to teach concurrent enrollment students and course content prior to offering concurrent enrollment courses. If a USHE institution uses an instructor of record or co-teaching instructional model, the institution faculty shall fully engage and prepare the public school educator to successfully teach the curriculum prior to the beginning of the course. CE instructors must complete any faculty development required by the sponsoring academic department at the institution prior to teaching the concurrent enrollment class. USHE faculty are responsible to understand and comply with federal and state laws governing public school student privacy and student records.

R165-11. Funding

³ See §53A-3-410 for detailed information on completing background checks.

11.1. Source of Funds: Each year, the Utah Legislature will appropriate funds for accelerated learning programs. A portion of those accelerated learning funds shall be allocated to the concurrent enrollment program.

11.1.1. Eligibility to Receive Concurrent Funds: To qualify for funds, a concurrent enrollment program shall comply with the requirements described in Utah Code §53E-10-302, including rules adopted in accordance with Utah Code §53E-10-307.

11.2. Allocation of Funds: Money appropriated to the USBE for concurrent enrollment shall first be allocated between LEAs and the USBRUBHE based upon completed student credit hours taught by public school educators and taught by college or university faculty. Completed means that a student earned credit for the course. Concurrent enrollment funds may not reimburse institutions for concurrent enrollment courses repeated by students. In accordance with Utah Code §53F-2-409, funds shall be allocated as follows:

11.2.1. for courses that are taught by public school educators (instructors) where the cost of instruction is borne by the LEA, 60 percent shall be allocated to LEAs and 40 percent shall be allocated to the USBRUBHE;

11.2.2. for courses that are taught by college or university faculty or where the cost of instruction is borne by the USHE institution, 40 percent shall be allocated to LEAs; and 60 percent shall be allocated to the USBRUBHE.

11.3. Distribution of Funds among USHE Institutions: The USBRUBHE shall make rules regarding the allocation of funds pertaining to USHE institutions participating in contractual basis concurrent enrollment. Each institution shall receive a pro-rated amount according to the number of semester credit hours completed.

~~11.2.3.~~**11.3.1. Snow CE Exception:** Credit earned through the Snow CE Program, which receives a separate appropriation through Utah Code §53B-16-206 for instructional, advising, and administrative costs will not receive the pro-rated per credit funding as long as the separate appropriation funding is in place.

11.4. Annual Reports: Annual reports shall be provided to legislative committees:

11.4.1 Higher Education Appropriations: USHE staff shall annually report to the Higher Education Appropriations Subcommittee on concurrent enrollment participation and growth, including data on what higher education tuition would have been charged for the hours of concurrent enrollment credit granted as required by Utah Code §53E-10-308.

11.4.2 Public Education Appropriations: USHE and USBE staff shall annually report to the Public Education Appropriations Subcommittee an accounting of the money appropriated for concurrent enrollment; and a justification of the split described in section 11.2.

R165-12. Annual Concurrent Enrollment Contract: Collaborating LEAs and USHE institutions will annually sign a contract that establishes the terms, conditions, and duties for the institution to offer concurrent enrollment courses to the LEA's students.

12.1. Annual Contract Content: The contracts shall include relevant policy for student eligibility and participation, course eligibility and delivery, and faculty eligibility and professional development. USHE and USBE staff review and amend the contract annually, as needed, to reflect current statute and rule.

12.2. Annual Contract Deadline: Copies of all annual contracts entered into between institutions and LEAs for the upcoming school year must be submitted by institutions to the USHE system office no later than May 30 annually. USHE will convey copies of all contracts to USBE.

R165-13. Utah System of [Higher Education Technical Colleges](#) ~~(UTech)~~ Agreements: High school students may participate at a ~~UTech~~ [USHE technical college](#) campus to take contractual basis concurrent enrollment courses under the following conditions:

13.1. Concurrent Enrollment Contract: A concurrent enrollment contract (see R165-12 above) must be in place between the LEA and the USHE institution covering the instruction to be given at the [USHE technical college](#) ~~UTech~~ campus.

13.2. ~~UCAT~~ Instruction and Costs: The USHE institution enters into an agreement with the [USHE technical college](#) ~~UTech~~ to provide the instruction. The agreement clearly establishes apportionment of cost and revenue that could be transferred to the [technical college](#) ~~UTech~~, and the process for approval of [technical college](#) ~~UTech~~ instructors as institutional adjunct faculty (see R165-10).

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R165-2. References

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funding under the Strengthening Career and Technical Education for the 21st Century Act (PL 115-224, Enacted July 31, 2018).

3.3. Contractual Basis: courses and instruction offered under an annual contract between a LEA and a USHE institution. Contractual basis concurrent enrollment is eligible for state funding through the appropriation for concurrent enrollment authorized under Utah Code §53 E-10-303.

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3.7. Interactive Video Conferencing (IVC): two-way, real-time transmission of audio and video signals between computer equipment at two or more locations.

3.8. Local Education Agency (LEA): a school board/public school district or public charter school.

3.9. Non-contractual Basis: college credit courses public education students pursue on their own initiative. Such students must enter into an agreement between the student, parent(s)/guardian, high school administrator, and the USHE institution for the student to take the course; the course is considered to be offered on a non-contractual basis. The student is responsible for all enrollment expenses. USHE institutions report non-contractual enrollments as regular enrollments. Non-contractual basis concurrent enrollment is not eligible for state funding.

3.10. Qualifying Experience: an LEA employee's experience in an academic field that qualifies the LEA employee to teach a concurrent enrollment course in the academic field and may include the employee's (a) number of years teaching in the academic field; (b) holding a higher level secondary teaching credential issued by the state board; (c) research, publications, or other scholarly work in the academic field; (d) continuing professional education in the academic field; (e) a portfolio of work related to the academic field; or (f) professional work experience or certifications in the academic field.

3.11. Snow College Concurrent Education Program (Snow CE): a consistent two-year schedule of concurrent enrollment courses that Snow College delivers through IVC. Snow CE courses create a pathway for secondary school students, particularly in rural high schools, to earn college credits that apply toward earning an Associate of Science or Associate of Arts degree, or satisfy scholarship requirements and other objectives that best meet students' needs. Snow CE includes advisory support to participating secondary school students and their high school counselors to ensure that students' concurrent enrollment courses align with their academic and career goals. Regents Policy 165 governs the Snow CE program. Funding is appropriated under Utah Code §53B-16-206.

- 3.12. Plan for College and Career Readiness :** secondary school process for academic and career planning, facilitated by school counselors with students and their parents or guardians.
- 3.13. Supervision of CE Instructors:** professional development opportunities institutions provide to public educators who qualify as concurrent enrollment instructors to prepare them to teach the CE post-secondary curriculum.
- 3.14. Technology Delivered Instruction:** Course instructions provided to students by common technology such as broadcast, interactive videoconferencing, or the Internet.
- 3.15. Technology Intensive Concurrent Enrollment (TICE):** hybrid concurrent enrollment courses that blend different learning activities, both in classrooms and online. TICE courses include common course assessments and, when possible, utilize open education resources. All USHE institutions may offer TICE courses.
- 3.16. Unique Student Identifier (SSID):** an alphanumeric code assigned to each public education student for identification purposes.
- 3.17. Utah State Board of Higher Education (UBHE):** the governing body for the Utah System of Higher Education.
- 3.18. Utah System of Higher Education (USHE):** the system of public colleges and universities governed by the Utah State Board of Regents.
- 3.19. USHE Institution (Institution):** a credit-granting community college or university within the Utah System of Higher Education.
- 3.20. USHE Technical College:** a technical college within USHE that provides technical education as defined in 53B-1-101.5(8)
- 3.21. Utah State Board of Education (USB E):** the system of public education districts and charter schools governed by the State Board of Education.

R165-4. Purpose of Concurrent Enrollment: Concurrent enrollment provides course options to prepared high school students that earn high school and college credit. Concurrent enrollment allows students to complete a high school diploma while concurrently earning credits for first or second year coursework at a USHE institution, which can accelerate college completion and reduce college costs.

- 4.1. High Quality Opportunities:** Concurrent enrollment should provide high quality, college-level academic and career and technical education opportunities to qualified high school students.
- 4.2. Qualitative Safeguards:** College instruction offered in the high school setting must have qualitative safeguards to preserve the rigor and standards of college requirements. The USHE institution granting the college credit for a given course is responsible to establish appropriate qualitative safeguards. To help ensure quality, consistent instruction, and student success, the sponsoring institutions should officially enroll students as concurrent enrollment students.
- 4.3. Participating Institutions:** USHE credit-granting institutions may participate in the contractual basis concurrent enrollment program in compliance with controlling law and consistent with USB E rules governing the use of public education funds.

4.4. Program Evaluation: The USBE and UBHE shall work in close cooperation in developing, implementing, and evaluating the concurrent enrollment program.

R165-5. Students

5.1. Student Status: Students must be enrolled in, and counted in the average daily membership of, a Utah public school and have high school student status before and throughout enrollment in concurrent enrollment courses. Students must complete contractual basis concurrent enrollment courses prior to their high school graduation or participation in high school graduation exercises. Students who have received a diploma, whose class has graduated from high school, or who have participated in graduation exercises are not eligible to participate in the concurrent enrollment program.

5.2. Eligibility Requirements: USHE institutions and LEAs shall jointly establish student eligibility requirements. To predict a successful experience, institutions and LEAs may require:

5.2.1. students are in grade 9, 10, 11, or 12;

5.2.2. a grade point average, ACT score, or a placement score which predicts success (generally considered to be a "B" average or ACT score of 22 or higher);

5.2.3. supportive letters of recommendation;

5.2.4. approval of high school and college officials;

5.2.5. appropriate placement assessments for courses such as mathematics and English;

5.2.5.1. students must complete Secondary Math I, II, and III with a "C" average or better course grade in all three classes to enroll in a CE mathematics course; and

5.2.6. completion of institutionally established prerequisites for a course.

5.2.7. have on file a completed plan for college and career readiness.

5.3. Concurrent Enrollment Participation Form/Parent Permission to Participate. Before allowing an eligible student to participate in the concurrent enrollment program for the academic year, an institution shall ensure the student has completed the USHE concurrent enrollment participation form, signed an acknowledgement of program participation requirements, and obtained a signed parent/guardian permission form.

5.4. Identification of Eligible Students: LEAs have the primary responsibility for identifying students who are eligible to participate in the concurrent enrollment program.

5.5. Advising: USHE institutions and LEAs shall jointly coordinate advising to prospective or current high school students who participate in the concurrent enrollment program. Advising shall include information on general education requirements at USHE institutions and how the students can choose concurrent enrollment courses to avoid duplication or excess credit hours.

5.6. Tracking Student Achievement: USHE institutions and LEAs shall jointly coordinate information technology systems to track individual students' academic achievement through both education systems in accordance with Utah Code §53B-1-109 and §53E-4-308.

5.6.1. USBE and USHE staff shall coordinate access to the SSID of a public education student who later attends an institution within the state system of higher education.

5.6.2. USHE information technology systems shall utilize the SSID of all students who have previously been assigned a unique student identifier.

5.7. Advising Report: Twelve weeks after the end of each semester, participating institutions may request from the Commissioner's Office a report listing each public high school student admitted to a USHE institution who was enrolled in 12 or more credit hours of concurrent enrollment courses per year and completed at least six of those credit hours from that institution. The report shall include:

5.7.1 student's name and SSID;

5.7.2 the student's LEA;

5.7.3 the name of each concurrent enrollment course taken by the student;

5.7.4 the institution where the student enrolled to take each concurrent enrollment course;

5.7.5 the number of college credits the student earned in each concurrent enrollment course with a designation that indicates which credits the student earned at a grade "C" or higher.

R165-6. Courses

6.1. Choice of Courses: The courses offered through concurrent enrollment should be introductory-level general education, career and technical education, pre-major college courses, or select upper division courses when approved by the Board after consulting with the Utah State Board of Education. Concurrent enrollment courses must assist students in earning post-secondary certificates or degrees. Concurrent enrollment may only include college courses that correspond to high school courses typically offered in grades 11 or 12. Courses selected should reflect the strengths and resources of the respective schools and USHE institutions. Concurrent enrollment offerings are limited to courses in English, mathematics, fine arts, humanities, science, social science, world languages, and career and technical education.

6.1.1. Accelerated Foreign Language Courses: Institutions may offer 3000 level foreign language courses to accelerated foreign language students, including dual language immersion students.

6.2. Master List: The Office of the Commissioner of Higher Education (OCHE) and the USBE will jointly approve courses that are added to an institution-specific Concurrent Enrollment Master List. Only courses taken from the master list for a given academic year shall be reimbursed from state concurrent enrollment funds.

6.2.1 Changes to Concurrent Enrollment Master List: USHE institutions, after consultation with LEAs, shall provide the USBE with proposed new course offerings, including syllabi and curriculum materials by November 15 of the year proceeding the school year in which courses shall be offered.

6.3. Number of Courses: In general, institutions should limit the number of concurrent enrollment courses so they can focus on quality instruction and assure coordinated professional development activities for participating teachers and transferability of credit from institution to institution.

6.4. Institution Responsibility: The offering institution is responsible for course content, procedures, examinations, teaching materials, and monitoring of CE courses taught at a high school. The institution shall ensure the curriculum is consistent with Utah law and of comparable rigor and quality with courses offered on the institution campus. The institution shall ensure CE curriculum standards of instruction, practices for administering and grading assessments, and the course grade rubric are the same as when the course is taught on the institution campus. When possible, department exams should be used in the CE course. For courses that transfer as equivalent credit among USHE institutions, the institution will ensure articulated learning outcomes are met.

R165-7. Credit

7.1. Permanent College Transcript: All concurrent enrollment course registrations and grades are recorded on permanent college transcripts. Students who register for concurrent enrollment commit to having the final course grade on their permanent college record, regardless of the results.

7.1.1. Credit Value: College level courses taught in the high school carry the same credit hour value as when taught on a college or university campus and apply toward college/university graduation on the same basis as courses taught at the USHE institution where the credits are earned.

7.2. Credit Hours Permitted: Individual students will be permitted to earn up to 30 semester hours of college credits per year through contractual concurrent enrollment. Credits earned in excess of 30 must be on a non-contractual basis.

7.3. Institution Credit: USHE institutions are responsible for course registration and awarding college credit for concurrent enrollment courses.

7.4. Transferability: Credit earned through the concurrent enrollment program shall be transferable between USHE institutions. Students should be encouraged to seek advice from a college academic adviser to make course choices that will meet the student's educational goals.

R165-8. Tuition, Fees, and Other Charges: Regular tuition and fees may not be charged to high school students for participation in this program.

8.1. Admissions Fee: Students may be assessed a one-time admissions application fee per institution, which satisfies the general admissions application fee requirement for a full-time or part-time student at an institution. The institution may not charge any additional admissions application fees for continuous enrollment at that institution following high school graduation.

8.1.1. Participation Fee: The UBHE may charge a one-time fee for students to participate in the concurrent enrollment program. Paying this fee does not satisfy the general admissions application fee required for full-time or part-time students at a USHE institution.

8.2. Partial Concurrent Enrollment Tuition: USHE institutions may charge secondary students partial tuition for each concurrent enrollment course for which the student receives college credit in the following amounts:

8.2.1. A USHE institution may charge a concurrent enrollment student who qualifies for free or reduced school lunch partial tuition of up to \$5 per credit hour;

8.2.2. If a concurrent enrollment course is taught by a public school educator in a public school facility, a USHE institution may charge up to \$10 per credit hour;

8.2.3. If a concurrent enrollment course is taught over interactive video conferencing (IVC), a USHE institution may charge up to \$15 per credit hour;

8.2.4. If a concurrent enrollment course is taught on a USHE campus, a USHE institution may charge up to \$30 per credit hour.

8.2.5. The UBHE shall annually report to the Legislature's Higher Education Appropriations Subcommittee on regular tuition savings to CE students, any partial CE tuition charged, and justification for the distribution of money appropriated for concurrent enrollment, pursuant to Utah Code §53E-10-308.

8.3. **Fee Waivers:** Concurrent enrollment program costs attributable only to college credit or enrollment are not subject to fee waiver under public school rule R277-407. All students' costs related to concurrent enrollment classes, which may include consumables, lab fees, copying, and material costs, as well as textbooks required for the course, are subject to fee waiver consistent with R277-407. The LEA is responsible for these waivers. The contract between the USHE institution and the LEA may address the responsibility for fee waivers.

R165-9. Location and Delivery: Concurrent enrollment courses shall be offered at the most appropriate location, using the most appropriate educational technology for the course content, the faculty, and the students involved. Instruction may be delivered through live classroom instruction or other accepted instruction technologies. Instruction normally occurs during the school day with students released from regular high school coursework to participate in concurrent enrollment.

9.1. **Students within Commuting Distance:** Qualified students residing within commuting distance of a USHE institution may pursue their concurrent enrollment study on the institution campus with approval from their LEA.

9.2. **Designated Service Region Delivery:** Each USHE institution has the responsibility for offering concurrent enrollment courses within their designated service region per Regent Policy R315. If the local institution chooses not to offer a concurrent enrollment course, a LEA may ask another USHE institution to provide the course.

9.3. **Right of First Refusal:** A LEA shall contact the USHE institution with responsibility for that LEA's service region to request a CE course offering. The local institution shall indicate in writing whether it will offer the requested course within 30 days of the LEA contact and request.

9.3.1. **Exception for Technology Delivered Courses:** Concurrent enrollment courses which meet the definition of "Technology Delivered Instruction" are subject to designated service region requirements. Institutions desiring to offer technology delivered CE courses outside their designated service region must receive a written endorsement from the local institution for each course they desire to offer before contracting with LEAs outside their designated service area. An annual system review of technology delivered courses shall be completed prior to November 30 of

the year preceding the school year in which courses shall be offered to assure efficient and effective use of resources.

R165-10. CE Instructor Qualifications: College or university faculty or public school educators teach concurrent enrollment courses for the offering institution.

10.1. Selection of CE Instructors LEAs and the participating USHE institution shall jointly select instructors for concurrent enrollment courses. Selection criteria for instructors are the same as those criteria applied to other adjunct faculty appointments in specific departments within the USHE institution. Once approved as an adjunct, CE instructors who teach a CE course in 2018-19 or 2019-20 may continue to teach CE courses given curricular standards and student performance outcomes in the classes meet sponsoring academic department standards. Institutions shall establish a process for determining, in consultation with LEA partners, whether an eligible instructor who previously taught a CE course is no longer qualified to teach the CE course. The appropriate academic department at the institution must approve CE instructors prior to teaching the concurrent enrollment class.

10.2. Institutional Faculty CE Instructors: A USHE institution faculty member is an eligible CE instructor.

10.3. LEA Employee Instructor Qualifications: An LEA employee is an eligible CE instructor if the LEA employee is licensed under statutory Education Professional Licensure, is supervised by an institution of higher education, and

10.3.1. is approved as an eligible instructor by the institution of higher education that provides the concurrent enrollment course taught by the LEA employee as provided in section 10.4,

10.3.2. has an upper level mathematics credential issued by the State Board of Education, or

10.3.3. teaches a concurrent enrollment course that the LEA employee taught during the 2018-19 or 2019-20 school year .

10.4. A USHE institution shall approve an LEA employee as an eligible instructor:

10.4.1. For a career and technical education concurrent enrollment course, if the LEA employee has:

10.4.1.1. a degree, certificate, or industry certification in the concurrent enrollment course's academic field; or

10.4.1.2. qualifying experience, as determined by the institution of higher education.

10.4.2. For a concurrent enrollment course other than a career and technical education course, if the LEA employee has:

10.4.2.1. a master's degree or higher in the concurrent enrollment course's academic field;

10.4.2.2. a master's degree or higher in any academic field and at least 18 completed credit hours of graduate course work in an academic field that is relevant to the concurrent enrollment course; or

10.4.2.3. qualifying experience, as determined by the institution of higher education.

10.5. Appeals Process for Instructor Qualification Approvals. If a designated service area USHE institution determines an LEA employee is not qualified to teach a concurrent enrollment course and the LEA has exhausted all administrative remedies available at the institution, the LEA may appeal the decision in writing to the Commissioner of Higher Education within 15 calendar days of the institution's final decision. The Commissioner shall appoint an appeals committee consisting of the associate commissioner for academic affairs and two USHE chief academic officers who are uninvolved in the decision being appealed.

10.5.1. The appeals committee will review the LEA's appeal and the institution's decision.

10.5.2. The institution and LEA will provide the appeals committee with any material documents and information necessary for a complete review. The committee may request additional documentation or information as necessary.

10.5.3. The appeals committee will provide a recommendation to the Commissioner, which may include affirming or reversing the institution's decision.

10.5.4. The Commissioner shall make a final decision and issue it to the institution and the LEA in writing.

10.5.5. After the Commissioner has issued a decision, there will be no further appeals or reviews.

10.6. Criminal Background Checks: USHE faculty who are not public school educators and who teach concurrent enrollment courses defined under this policy in a high school shall complete a criminal background check consistent with Utah Code §53G-11, Part 4.³ The faculty's institution must determine if a criminal background check is required and, if so, must complete the background check and maintain required documentation consistent with the law.

10.7. Faculty Development: Concurrent enrollment instructors should be included as fully as possible in the academic life of the supervising academic department. USHE institutions and LEAs shall jointly initiate faculty development, including appropriate workshop experiences to adequately prepare instructors to teach concurrent enrollment students and course content prior to offering concurrent enrollment courses. If a USHE institution uses an instructor of record or co-teaching instructional model, the institution faculty shall fully engage and prepare the public school educator to successfully teach the curriculum prior to the beginning of the course. CE instructors must complete any faculty development required by the sponsoring academic department at the institution prior to teaching the concurrent enrollment class. USHE faculty are responsible to understand and comply with federal and state laws governing public school student privacy and student records.

R165-11. Funding

11.1. Source of Funds: Each year, the Utah Legislature will appropriate funds for accelerated learning programs. A portion of those accelerated learning funds shall be allocated to the concurrent enrollment program.

³ See §53A-3-410 for detailed information on completing background checks.

11.1.1. Eligibility to Receive Concurrent Funds: To qualify for funds, a concurrent enrollment program shall comply with the requirements described in Utah Code §53E-10-302, including rules adopted in accordance with Utah Code §53E-10-307.

11.2. Allocation of Funds: Money appropriated to the USBE for concurrent enrollment shall first be allocated between LEAs and the UBHE based upon completed student credit hours taught by public school educators and taught by college or university faculty. Completed means that a student earned credit for the course. Concurrent enrollment funds may not reimburse institutions for concurrent enrollment courses repeated by students. In accordance with Utah Code §53F-2-409, funds shall be allocated as follows:

11.2.1. for courses that are taught by public school educators (instructors) where the cost of instruction is borne by the LEA, 60 percent shall be allocated to LEAs and 40 percent shall be allocated to the UBHE;

11.2.2. for courses that are taught by college or university faculty or where the cost of instruction is borne by the USHE institution, 40 percent shall be allocated to LEAs; and 60 percent shall be allocated to the UBHE.

11.3. Distribution of Funds among USHE Institutions: The UBHE shall make rules regarding the allocation of funds pertaining to USHE institutions participating in contractual basis concurrent enrollment. Each institution shall receive a pro-rated amount according to the number of semester credit hours completed.

11.3.1. Snow CE Exception: Credit earned through the Snow CE Program, which receives a separate appropriation through Utah Code §53B-16-206 for instructional, advising, and administrative costs will not receive the pro-rated per credit funding as long as the separate appropriation funding is in place.

11.4. Annual Reports: Annual reports shall be provided to legislative committees:

11.4.1 Higher Education Appropriations: USHE staff shall annually report to the Higher Education Appropriations Subcommittee on concurrent enrollment participation and growth, including data on what higher education tuition would have been charged for the hours of concurrent enrollment credit granted as required by Utah Code §53E-10-308.

11.4.2 Public Education Appropriations: USHE and USBE staff shall annually report to the Public Education Appropriations Subcommittee an accounting of the money appropriated for concurrent enrollment; and a justification of the split described in section 11.2.

R165-12. Annual Concurrent Enrollment Contract: Collaborating LEAs and USHE institutions will annually sign a contract that establishes the terms, conditions, and duties for the institution to offer concurrent enrollment courses to the LEA's students.

12.1. Annual Contract Content: The contracts shall include relevant policy for student eligibility and participation, course eligibility and delivery, and faculty eligibility and professional development. USHE and USBE staff review and amend the contract annually, as needed, to reflect current statute and rule.

12.2. Annual Contract Deadline: Copies of all annual contracts entered into between institutions and LEAs for the upcoming school year must be submitted by institutions to the USHE system office no later than May 30 annually. USHE will convey copies of all contracts to USBE.

R165-13. Utah System of Higher Education Technical College Agreements: High school students may participate at a USHE technical college campus to take contractual basis concurrent enrollment courses under the following conditions:

13.1. Concurrent Enrollment Contract: A concurrent enrollment contract (see R165-12 above) must be in place between the LEA and the USHE institution covering the instruction to be given at the USHE technical college campus.

13.2. Instruction and Costs: The USHE institution enters into an agreement with the USHE technical college to provide the instruction. The agreement clearly establishes apportionment of cost and revenue that could be transferred to the technical college and the process for approval of technical college instructors as institutional adjunct faculty (see R165-10).



MEMORANDUM

TAB B

April 10, 2020

Revisions to Policy R512, *Determination of Residence Status*

During the 2020 Legislative General Session the Legislature passed HB 45, which reflects recent changes to federal law governing veterans' benefits. In accordance with these statutory changes, Regent Policy R512 governing residency should be revised to remove the limit on time from discharge from the definition of "eligible person."

Commissioner's Recommendations

The Commissioner recommends the Board approve this revision to Policy R512 effective immediately.

Attachments:

R512-1. Purpose: To define “resident” student for purposes of tuition in the Utah System of Higher Education (USHE).

R512-2. References

- 2.1. Utah Code Ann. §53B-8-102, Definition of Resident Student
- 2.2. Utah Code Ann. §23-13-2, Definition of Domicile
- 2.3. Utah Code Ann. §31A-29-103, Definition of Domicile
- 2.4. Utah Code Ann. §41-1a-202, Definition of Domicile
- 2.5. Utah Code Ann. §53B-8-101 et seq., Tuition Waivers & Scholarships
- 2.6. Policy and Procedure R510, Tuition and Fee Policy
- 2.7. Policy and Procedure R513, Tuition Waivers & Reductions

R512-3. Definitions

3.1. **“Continuous Utah residency status for one full year”** means the student has resided in Utah for 12 continuous months prior to the term for which resident student status is being sought.

3.2. **“Domicile”** shall be defined 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, and
- (2) concurrent intent to reside permanently in that location.

All persons have a domicile somewhere. A person can have only one domicile. A domicile of choice is a domicile chosen by a person to replace his or her former domicile. To acquire a domicile of choice in a place, a person must intend to make that place his or her home for the time at least. A domicile, once established, continues until it is superseded by a new domicile. Also, once established, a domicile is not lost by an absence from it for months or even years, for the purpose of business or the like, if during such absence there exists an intent to resume residence in the place of domicile following the completion of the purpose of the absence.

3.3. **“Immediate family member”** means the spouse or dependent child of the individual requesting resident student status.

3.4. **“Military servicemember”** means an individual who is serving on active duty in the United States Armed Forces within the state of Utah; or an individual who is a member of a reserve component of the United State Armed Forces assigned in Utah; or an individual who is a member of the Utah National Guard; or an

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 and May 20, 2016.

individual who maintains domicile in Utah, as described in Subsection 6.1.6., 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 on active duty:

3.5.1.1. in the United State Armed Forces for at least 180 consecutive days or was a member of a reserve component and has been separated or retired with an honorable or general discharge; or

3.5.1.2. in the National Guard and has been separated or retired with an honorable or general discharge; or

3.5.1.3. incurred an actual service related injury or disability in the line of duty regardless of whether that person completed 180 days of active duty.

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 U. S. Code ~~Chapter 30 Montgomery GI Bill Active Duty Educational Assistance Program or Chapter 33 Post 9/11 Education Assistance Program~~ 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 the condition of being a resident student for tuition purposes.

3.10. **"Substantial evidence"** means evidence that is more than a mere preponderance and is definite, clear, and convincing.

3.11. **"Utah residency"** means residing in Utah.

3.12. **"USHE institution"** means an institution within Utah's system of higher education.

R512-4. Resident Student Status

4.1. **Establishing Resident Student Status.** A student will be granted resident student status after he or she

4.1.1. has acquired domicile in Utah; or

4.1.2. has satisfied one or more of the exceptions set forth in this policy.

4.2. **Policies for Determining Resident Student Status.**

4.2.1. **Policies for Students Enrolled in Credit-Bearing Degree Programs.** Each institution shall have the responsibility of determining resident student status

according to the requirements of Utah Code Ann. §53B-8-102 and this policy. Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit-bearing degree programs, that deviates from the criteria set forth in this policy, provided the criteria implemented by the institution is more strict.

4.2.2. Policies for Students Enrolled in Non-Credit Programs. Because most non-credit applied technology programs are short-term (require less than a year to complete), USHE institutions offering non-credit courses or programs may, at their discretion, implement a policy that does not require residency classification for students enrolled in non-credit courses or programs.

4.2.3. Exception to Establishing Resident Student Status: Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit-bearing degree programs, that deviates from the criteria set forth in this policy. Such a policy shall not be more lenient than requiring a one-year waiting period as set forth here in 5.1.

4.3 Rebuttable Presumption. A student who has not previously acquired domicile in Utah and who enrolls at a USHE institution prior to residing in Utah for 12 continuous months will be presumed to not be domiciled in Utah and, therefore, will be classified as a nonresident student for tuition purposes. This presumption may be rebutted by substantial evidence.

4.4 International Students:

4.4.1. Classification of International Students Who are in United States on Nonimmigrant Visas: Students who are aliens and who are present in the United States on visitor, student, or other visas which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore must be classified as nonresident.

4.4.2. Classification of International Students Who are in United States on Immigrant Visas: Students who are aliens and who have been granted immigrant or permanent resident status in the U.S. shall be classified for purposes of resident status according to the same criteria applicable to citizens.

4.4.3. International Students Who Have Obtained Asylum or Refugee Status: An international student who has obtained asylum or refugee status under U.S. immigration law shall be classified for purposes of resident status according to the same criteria applicable to citizens.

4.5. Marriage to Utah Resident: A person who marries a Utah resident is eligible to be granted resident student status after he or she has acquired domicile in Utah.

4.6. Burden of Proof: The burden is on the student to prove that he or she is eligible for resident student status prior to the first day of classes for the term the student seeks to attend as a resident student. Except as set forth in section 4.3 of this policy, the standard for establishing resident student status is by a preponderance of the evidence. The institution, through its registrar, or 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 residency determination based on the totality of the circumstances. The evidence submitted by the student shall include the evidence that is specifically required by the applicable section of this policy. In addition, a student may be required to file any or all of the following evidence within applicable timelines established by the institution.

- 4.6.1. A statement from the student describing employment and expected sources of support;
- 4.6.2. A statement from the student's employer;
- 4.6.3. Supporting statements from persons who might be familiar with the family situation;
- 4.6.4. Birth certificate;
- 4.6.5. Marriage certificate;
- 4.6.6. Documentation of eligibility for state social or rehabilitation services;
- 4.6.7. Documentation of immigration status and placement as political refugee;
- 4.6.8. Indicia of Utah domicile, including 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.

4.7. Receipt of State Social Services Benefits: A person 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. Upon the termination of such government agency support, the person is governed by the standards applicable to other persons. Any time spent residing in Utah during the time the individual received government aid shall count towards any applicable waiting period for Utah residency for tuition purposes upon termination of the government aid.

4.8. Reciprocity: The determination to grant residency to a student at a USHE institution shall be honored at other USHE institutions, unless:

- 4.8.1. the student obtained resident student status under false pretenses, or
- 4.8.2. the facts existing at the time of the granting of resident student status have significantly changed.

4.9. Reclassification by the Institution: If a student is classified as a resident, or granted residency by a USHE institution, the USHE institution may initiate a reclassification inquiry and in fact 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 USHE institution.

4.10. Procedures for Determining Resident Student Status: If a student desires to be granted resident student status, he or she must comply with the following procedures:

- 4.10.1. Application Deadline:** Students must meet institutional application deadlines for each term. Institutions may establish a policy regarding acceptance of late residency 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.
- 4.10.2. Initial Classification:** Each institution shall initially classify all applicants as either resident or nonresident. If there is doubt concerning resident status, the applicant shall be classified as a nonresident.
- 4.10.3. Application for Reclassification:** Every student classified as a nonresident shall retain that status until he or she is officially reclassified to resident status.
- 4.10.4. Refund:** A decision favorable to the applicant shall be retroactive to the beginning of the academic period for which application for resident status was made, and shall require a refund of the nonresident portion of any tuition charges paid for that and subsequent academic periods.
- 4.10.5. Hearings:** Each institution shall be responsible for providing a process for students who have been denied resident student status to be heard. Each institution shall adopt procedures that fit the local campus situation, but the following guidelines shall be followed:
- 4.10.5.1.** Procedures for a hearing shall be set out in writing by the institution, subject to approval by the Office of the Commissioner.
 - 4.10.5.2.** The institution shall provide a hearing officer or hearing committee with appropriate clerical and other services as necessary to the effective function of the hearing process.
 - 4.10.5.3.** The student appealing the decision shall have the responsibility of providing evidence that proves that he or she has met the residency requirements. Students shall be given copies of the Regents' policies pertaining to determination of residency. The student shall also be given an explanation of the rationale of the decision-maker who previously ruled that the student was classified as a nonresident.
 - 4.10.5.4.** Both the student and the administration's representative are entitled to representation by counsel.
 - 4.10.5.5.** Oral and written evidence may be presented. It is not required that a formal, written, verbatim record of the proceedings be kept, but a written summary of the significant assertions and findings of the hearing shall be prepared.

4.10.5.6. It is not required that formal rules of evidence be followed; administrative hearing rules may be used.

4.10.5.7. Decisions of the hearing officer or hearing committee must be in writing and must give reasons for the decision.

4.11. **Declaration of Financial Independence:** In addition to submitting objective evidence of domicile, a person seeking resident student status must also submit a declaration of financial independence, which must include, at a minimum, evidence that the person 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.

4.12. **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 previously attended.

4.13. **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 under Regents' 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 tuition status. For more information on all tuition waivers, please see Regents' Policy R513.

4.13.1. **Western Undergraduate Exchange (WUE) Students:** A student attending a USHE institution under the Western Undergraduate Exchange program is considered to be domiciled in his/her home state. (See Regents' Policy R513-8 for further details regarding WUE.)

4.13.2. **Western Regional Graduate Program (WRGP):** A student attending a USHE institution under the Western Regional Graduate Program is considered to be domiciled in his/her home state.

4.13.3. **Professional Student Exchange Program/WICHE Students:** A student attending a USHE institution under the Professional Student Exchange Program/WICHE Program is considered to be domiciled in his/her home state. (See Regents' Policy R513-8 for further details regarding WICHE.)

4.13.4. **Exemption for Alumni Legacy Scholarships:** The students attending a USHE institution under this scholarship are considered to be domiciled in his/her home state. (See Regents' Policy R513-17 for further details regarding Alumni Legacy Scholarships.)

4.13.5. **Dixie State University's Good Neighbor Students:** The students attending DSU under this scholarship are considered to be domiciled in his/her home state. (See Regents' Policy R513-4.2. for further details regarding Good Neighbor Students.)

R512.5. "Student Who Has Come to Utah For the Purpose of Attending an Institution of Higher Education" Exception to Establishing Resident Student Status.

5.1. General Rule: 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 the student seeks to attend as a resident student, the student has:

- 5.1.1. maintained continuous Utah residency status for one full year;
- 5.1.2. submitted a written declaration that the student has relinquished residency in any other state;
- 5.1.3. 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
- 5.1.4. 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 section 4.12 above).

5.2 Evidence Required: Students applying for resident student status under this section are 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:

- 5.2.1. A Utah high school transcript issued in the past year confirming attendance at a Utah high school in the previous 12 months;
- 5.2.2. A Utah voter registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.3. 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 status;
- 5.2.4. A Utah vehicle registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.5. Evidence of employment in Utah for a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.6. Proof of payment of Utah resident income tax for the previous year;
- 5.2.7. A rental agreement or mortgage document showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status ; and
- 5.2.8. Utility bills showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status resident student status.

5.3. Absence from state: A student will not jeopardize his or her status under this section solely by absence from the state for a period of less than 30 total days during the 12-month period. See *Frame v. Residency Appeals Committee*, 675 P2d. 1157 (Utah 1983). 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 the student will not be deemed to be absent from the state for purposes of this section for the period of time that he or she can establish that these purposes were being met. Once a student has been granted resident student status, any future absence from the state will not negatively affect his or her resident student status.

Example: A student who comes to a Utah school on an athletic scholarship and who, during his or her first 12 months in Utah, is required to attend a training camp out of state, will be able to count the time out of state at the training camp as part of the 12-month waiting period that is requisite to being granted resident tuition status.

Example: 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 considered a resident for tuition purposes provided he or she has not taken action to establish domicile elsewhere during his or her absence from Utah.

R512.6. "Military Service" Exception to Establishing Resident Student Status.

6.1. A USHE institution shall grant resident student status for tuition purposes to:

6.1.1. a military servicemember, if the military servicemember provides:

6.1.1.1. the military servicemember's current United States military identification card; and

6.1.1.2. a statement from the military servicemember's current commander, or equivalent, stating that the military servicemember is assigned in Utah; or

6.1.1.3. evidence that the military servicemember is domiciled in Utah, as described in Subsection 6.1.6

6.1.2. a military servicemember's immediate family member, if the military servicemember's immediate family member provides:

6.1.2.1. the military servicemember's current United States military identification card or the immediate family member's current United States military identification card; and

6.1.2.2. a statement from the military servicemember's current commander, or equivalent, stating that the military servicemember is assigned in Utah; or

6.1.2.3. the military servicemember's current United States military identification card or the immediate family member's current United States military identification card, and evidence that the military servicemember is domiciled in Utah, as described in Subsection 6.1.6.

6.1.3. a military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides:

6.1.3.1. evidence of an honorable or general discharge;

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

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

6.1.3.3.1. a Utah voter registration card;

6.1.3.3.2. a Utah driver license or identification card;

6.1.3.3.3. a Utah vehicle registration;

6.1.3.3.4. evidence of employment in Utah;

6.1.3.3.5. a rental agreement showing the military veteran's name and Utah address; or

6.1.3.3.6. utility bills showing the military veteran's name and Utah address.

6.1.4. 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:

6.1.4.1. evidence of the military veteran's honorable or general discharge ~~within the last five years;~~

6.1.4.2. 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

6.1.4.3. objective evidence that the military veteran's immediate family member has demonstrated an intent to establish residency in Utah which may include any one of the items described in section 6.1.3.3. above.

6.1.5. an eligible person who provides:

6.1.5.1. evidence of eligibility under Title 38 U. S. Code ~~Chapter 30 Montgomery GI Bill - Active Duty Educational Assistance Program or Chapter 33 Post 9/11 Education Assistance Program~~ Veterans' Benefits; and

6.1.5.2. a signed written declaration that the eligible person will utilize GI Bill benefits; and

6.1.5.3. objective evidence that the eligible person has demonstrated an intent to establish residency in Utah, which may include any one of the items described in section 6.1.3.3. above.

6.1.6. Evidence of domicile as described in sections 6.1.1.3 and 6.1.2.3 includes:

- 6.1.6.1. a current Utah voter registration card;
- 6.1.6.2. a valid Utah driver license or identification card;
- 6.1.6.3. a current Utah vehicle registration
- 6.1.6.4. a copy of a Utah income tax return, in the military servicemembers's or military servicemember's spouse's name, filed as a resident in accordance with Utah Code Section 59-10-502; or
- 6.1.6.5. proof that the military servicemember or military servicemember's spouse owns a home in Utah, including a property tax notice for property owned in Utah.

R512.7 "Membership of an American Indian Tribe" Exception to Establishing Resident Student Status.

- 7.1. Any American Indian who is 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 is entitled to be granted resident student status.
- 7.2. Any American Indian who is 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.
- 7.3. A list of recognized tribes will be maintained by the Office of the Commissioner of Higher Education and distributed to all campus residency officers.

R512.8 "Job Corps Student" Exception to Establishing Resident Student Status.

- 8.1. A Job Corps student is entitled to resident student status if the student:
 - 8.1.1. is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and
 - 8.1.2. submits verification that the student is a current Job Corps student.
- 8.2. Upon termination of the student's Job Corps enrollment/participation, the student shall be subject to the same residency standards applicable to other persons under this policy. The time spent residing in Utah during the Job Corps enrollments will count towards the time period set forth in section 4.3 of this policy.

R512.9 "Participation in Olympic Training Program" Exception to Establishing Resident Student Status.

- 9.1. 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 for tuition purposes. The student shall certify his or her participation in the Olympic training program through a supporting letter from the United States Olympic Committee verifying eligibility.
- 9.2. Upon the termination of the Student's participation in such training program, the student shall be subject to the same residency standards applicable to other persons under this policy. The time spent residing in Utah during the Olympic athlete training program in Utah counts toward the time period set forth in section 4.3 of this policy.

R512.10 “Parent Domiciled in Utah for at Least 12 Months” Exception to Establishing Resident Student Status.

10.1. A dependent student who has at least one parent who has been domiciled in Utah for least 12 months prior to the first day of class of the term for which the student is seeking resident status is eligible for resident student status. The student is responsible to submit the documentation identified in section 4.7 of this policy demonstrating that the parent has established ~~domiciled~~domicile in Utah.

R512.11 “Full-time, Permanent Employment in Utah” as Basis for Rebutting Presumption of Nonresident Student.

11.1 A student who has come to 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.

11.2. All relevant evidence concerning the motivation for the move should be considered, including, but not limited to, such factors as:

- 11.2.1. the employee's employment and educational history;
- 11.2.2. the dates when Utah employment was first considered, offered, and accepted;
- 11.2.3. when the person moved to Utah;
- 11.2.4. the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
- 11.2.5. whether the person applied for admission to a USHE institution sooner than four months from the date of moving to Utah;
- 11.2.6. evidence that the person is an independent person (at least 24 years of age, or not listed as a dependent on someone else's tax forms); and
- 11.2.7. 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.

R512.12 “Divorce, Death of Spouse and Long-Term Health Care Responsibilities of Family Members” as Basis for Rebutting Presumption of Nonresident Student.

12.1. A student who resides 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 the long-term health care responsibilities.

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

- 12.2.1. the student's employment and educational history;
- 12.2.2. the dates when the long-term health care or child care responsibilities in Utah were first considered, offered, and accepted;
- 12.2.3. when the student moved to Utah;
- 12.2.4. the dates when the student applied for admission, was admitted, and was enrolled as a postsecondary student;
- 12.2.5. whether the student applied for admission to a USHE institution sooner than four (4) months from the date of moving to Utah;
- 12.2.6. evidence that the student is an independent person who is
 - 13.2.6.1. at least 24 years of age; or
 - 13.2.6.2. not claimed as a dependent on someone else's tax returns; and
- 12.2.7. 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 USHE institution.

R512-1. Purpose: To define “resident” student for purposes of tuition in the Utah System of Higher Education (USHE).

R512-2. References

- 2.1. Utah Code Ann. §53B-8-102, Definition of Resident Student
- 2.2. Utah Code Ann. §23-13-2, Definition of Domicile
- 2.3. Utah Code Ann. §31A-29-103, Definition of Domicile
- 2.4. Utah Code Ann. §41-1a-202, Definition of Domicile
- 2.5. Utah Code Ann. §53B-8-101 et seq., Tuition Waivers & Scholarships
- 2.6. Policy and Procedure R510, Tuition and Fee Policy
- 2.7. Policy and Procedure R513, Tuition Waivers & Reductions

R512-3. Definitions

3.1. **“Continuous Utah residency status for one full year”** means the student has resided in Utah for 12 continuous months prior to the term for which resident student status is being sought.

3.2. **“Domicile”** shall be defined 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, and
- (2) concurrent intent to reside permanently in that location.

All persons have a domicile somewhere. A person can have only one domicile. A domicile of choice is a domicile chosen by a person to replace his or her former domicile. To acquire a domicile of choice in a place, a person must intend to make that place his or her home for the time at least. A domicile, once established, continues until it is superseded by a new domicile. Also, once established, a domicile is not lost by an absence from it for months or even years, for the purpose of business or the like, if during such absence there exists an intent to resume residence in the place of domicile following the completion of the purpose of the absence.

3.3. **“Immediate family member”** means the spouse or dependent child of the individual requesting resident student status.

3.4. **“Military servicemember”** means an individual who is serving on active duty in the United States Armed Forces within the state of Utah; or an individual who is a member of a reserve component of the United State Armed Forces assigned in Utah; or an individual who is a member of the Utah National Guard; or an

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 and May 20, 2016.

individual who maintains domicile in Utah, as described in Subsection 6.1.6., 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 on active duty:

3.5.1.1. in the United State Armed Forces for at least 180 consecutive days or was a member of a reserve component and has been separated or retired with an honorable or general discharge; or

3.5.1.2. in the National Guard and has been separated or retired with an honorable or general discharge; or

3.5.1.3. incurred an actual service related injury or disability in the line of duty regardless of whether that person completed 180 days of active duty.

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 U. S. 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 the condition of being a resident student for tuition purposes.

3.10. **"Substantial evidence"** means evidence that is more than a mere preponderance and is definite, clear, and convincing.

3.11. **"Utah residency"** means residing in Utah.

3.12. **"USHE institution"** means an institution within Utah's system of higher education.

R512-4. Resident Student Status

4.1. **Establishing Resident Student Status.** A student will be granted resident student status after he or she

4.1.1. has acquired domicile in Utah; or

4.1.2. has satisfied one or more of the exceptions set forth in this policy.

4.2. **Policies for Determining Resident Student Status.**

4.2.1. **Policies for Students Enrolled in Credit-Bearing Degree Programs.** Each institution shall have the responsibility of determining resident student status according to the requirements of Utah Code Ann. §53B-8-102 and this policy.

Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit-bearing degree programs, that deviates from the criteria set forth in this policy, provided the criteria implemented by the institution is more strict.

4.2.2. Policies for Students Enrolled in Non-Credit Programs. Because most non-credit applied technology programs are short-term (require less than a year to complete), USHE institutions offering non-credit courses or programs may, at their discretion, implement a policy that does not require residency classification for students enrolled in non-credit courses or programs.

4.2.3. Exception to Establishing Resident Student Status: Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit-bearing degree programs, that deviates from the criteria set forth in this policy. Such a policy shall not be more lenient than requiring a one-year waiting period as set forth here in 5.1.

4.3 Rebuttable Presumption. A student who has not previously acquired domicile in Utah and who enrolls at a USHE institution prior to residing in Utah for 12 continuous months will be presumed to not be domiciled in Utah and, therefore, will be classified as a nonresident student for tuition purposes. This presumption may be rebutted by substantial evidence.

4.4 International Students:

4.4.1. Classification of International Students Who are in United States on Nonimmigrant Visas: Students who are aliens and who are present in the United States on visitor, student, or other visas which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore must be classified as nonresident.

4.4.2. Classification of International Students Who are in United States on Immigrant Visas: Students who are aliens and who have been granted immigrant or permanent resident status in the U.S. shall be classified for purposes of resident status according to the same criteria applicable to citizens.

4.4.3. International Students Who Have Obtained Asylum or Refugee Status: An international student who has obtained asylum or refugee status under U.S. immigration law shall be classified for purposes of resident status according to the same criteria applicable to citizens.

4.5. Marriage to Utah Resident: A person who marries a Utah resident is eligible to be granted resident student status after he or she has acquired domicile in Utah.

4.6. Burden of Proof: The burden is on the student to prove that he or she is eligible for resident student status prior to the first day of classes for the term the student seeks to attend as a resident student. Except as set forth in section 4.3 of this policy, the standard for establishing resident student status is by a preponderance of the evidence. The institution, through its registrar, or 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 residency determination based on the totality of the circumstances. The evidence submitted by the student shall include the evidence that is specifically required by the applicable section of this policy. In addition, a student may be required to file any or all of the following evidence within applicable timelines established by the institution.

- 4.6.1. A statement from the student describing employment and expected sources of support;
- 4.6.2. A statement from the student's employer;
- 4.6.3. Supporting statements from persons who might be familiar with the family situation;
- 4.6.4. Birth certificate;
- 4.6.5. Marriage certificate;
- 4.6.6. Documentation of eligibility for state social or rehabilitation services;
- 4.6.7. Documentation of immigration status and placement as political refugee;
- 4.6.8. Indicia of Utah domicile, including 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.

4.7. Receipt of State Social Services Benefits: A person 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. Upon the termination of such government agency support, the person is governed by the standards applicable to other persons. Any time spent residing in Utah during the time the individual received government aid shall count towards any applicable waiting period for Utah residency for tuition purposes upon termination of the government aid.

4.8. Reciprocity: The determination to grant residency to a student at a USHE institution shall be honored at other USHE institutions, unless:

- 4.8.1. the student obtained resident student status under false pretenses, or
- 4.8.2. the facts existing at the time of the granting of resident student status have significantly changed.

4.9. Reclassification by the Institution: If a student is classified as a resident, or granted residency by a USHE institution, the USHE institution may initiate a reclassification inquiry and in fact 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 USHE institution.

4.10. Procedures for Determining Resident Student Status: If a student desires to be granted resident student status, he or she must comply with the following procedures:

- 4.10.1. **Application Deadline:** Students must meet institutional application deadlines for each term. Institutions may establish a policy regarding acceptance of late

residency 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.

- 4.10.2. **Initial Classification:** Each institution shall initially classify all applicants as either resident or nonresident. If there is doubt concerning resident status, the applicant shall be classified as a nonresident.
- 4.10.3. **Application for Reclassification:** Every student classified as a nonresident shall retain that status until he or she is officially reclassified to resident status.
- 4.10.4. **Refund:** A decision favorable to the applicant shall be retroactive to the beginning of the academic period for which application for resident status was made, and shall require a refund of the nonresident portion of any tuition charges paid for that and subsequent academic periods.
- 4.10.5. **Hearings:** Each institution shall be responsible for providing a process for students who have been denied resident student status to be heard. Each institution shall adopt procedures that fit the local campus situation, but the following guidelines shall be followed:
 - 4.10.5.1. Procedures for a hearing shall be set out in writing by the institution, subject to approval by the Office of the Commissioner.
 - 4.10.5.2. The institution shall provide a hearing officer or hearing committee with appropriate clerical and other services as necessary to the effective function of the hearing process.
 - 4.10.5.3. The student appealing the decision shall have the responsibility of providing evidence that proves that he or she has met the residency requirements. Students shall be given copies of the Regents' policies pertaining to determination of residency. The student shall also be given an explanation of the rationale of the decision-maker who previously ruled that the student was classified as a nonresident.
 - 4.10.5.4. Both the student and the administration's representative are entitled to representation by counsel.
 - 4.10.5.5. Oral and written evidence may be presented. It is not required that a formal, written, verbatim record of the proceedings be kept, but a written summary of the significant assertions and findings of the hearing shall be prepared.
 - 4.10.5.6. It is not required that formal rules of evidence be followed; administrative hearing rules may be used.

- 4.10.5.7. Decisions of the hearing officer or hearing committee must be in writing and must give reasons for the decision.

4.11. **Declaration of Financial Independence:** In addition to submitting objective evidence of domicile, a person seeking resident student status must also submit a declaration of financial independence, which must include, at a minimum, evidence that the person 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.

4.12. **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 previously attended.

4.13. **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 under Regents' 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 tuition status. For more information on all tuition waivers, please see Regents' Policy R513.

4.13.1. **Western Undergraduate Exchange (WUE) Students:** A student attending a USHE institution under the Western Undergraduate Exchange program is considered to be domiciled in his/her home state. (See Regents' Policy R513-8 for further details regarding WUE.)

4.13.2. **Western Regional Graduate Program (WRGP):** A student attending a USHE institution under the Western Regional Graduate Program is considered to be domiciled in his/her home state.

4.13.3. **Professional Student Exchange Program/WICHE Students:** A student attending a USHE institution under the Professional Student Exchange Program/WICHE Program is considered to be domiciled in his/her home state. (See Regents' Policy R513-8 for further details regarding WICHE.)

4.13.4. **Exemption for Alumni Legacy Scholarships:** The students attending a USHE institution under this scholarship are considered to be domiciled in his/her home state. (See Regents' Policy R513-17 for further details regarding Alumni Legacy Scholarships.)

4.13.5. **Dixie State University's Good Neighbor Students:** The students attending DSU under this scholarship are considered to be domiciled in his/her home state. (See Regents' Policy R513-4.2. for further details regarding Good Neighbor Students.)

R512.5. "Student Who Has Come to Utah For the Purpose of Attending an Institution of Higher Education" Exception to Establishing Resident Student Status.

5.1. **General Rule:** 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 the student seeks to attend as a resident student, the student has:

- 5.1.1. maintained continuous Utah residency status for one full year;

- 5.1.2. submitted a written declaration that the student has relinquished residency in any other state;
- 5.1.3. 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
- 5.1.4. 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 section 4.12 above).

5.2 Evidence Required: Students applying for resident student status under this section are 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:

- 5.2.1. A Utah high school transcript issued in the past year confirming attendance at a Utah high school in the previous 12 months;
- 5.2.2. A Utah voter registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.3. 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 status;
- 5.2.4. A Utah vehicle registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.5. Evidence of employment in Utah for a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.6. Proof of payment of Utah resident income tax for the previous year;
- 5.2.7. A rental agreement or mortgage document showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status ; and
- 5.2.8. Utility bills showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status resident student status.

5.3. Absence from state: A student will not jeopardize his or her status under this section solely by absence from the state for a period of less than 30 total days during the 12-month period. See *Frame v. Residency Appeals Committee*, 675 P2d. 1157 (Utah 1983). 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 the student will not be deemed to be absent from the state for purposes of this section for the period of time that he or she can establish that these purposes were being met. Once a student has

been granted resident student status, any future absence from the state will not negatively affect his or her resident student status.

Example: A student who comes to a Utah school on an athletic scholarship and who, during his or her first 12 months in Utah, is required to attend a training camp out of state, will be able to count the time out of state at the training camp as part of the 12-month waiting period that is requisite to being granted resident tuition status.

Example: 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 considered a resident for tuition purposes provided he or she has not taken action to establish domicile elsewhere during his or her absence from Utah.

R512.6. "Military Service" Exception to Establishing Resident Student Status.

6.1. A USHE institution shall grant resident student status for tuition purposes to:

6.1.1. a military servicemember, if the military servicemember provides:

6.1.1.1. the military servicemember's current United States military identification card; and

6.1.1.2. a statement from the military servicemember's current commander, or equivalent, stating that the military servicemember is assigned in Utah; or

6.1.1.3. evidence that the military servicemember is domiciled in Utah, as described in Subsection 6.1.6

6.1.2. a military servicemember's immediate family member, if the military servicemember's immediate family member provides:

6.1.2.1. the military servicemember's current United States military identification card or the immediate family member's current United States military identification card; and

6.1.2.2. a statement from the military servicemember's current commander, or equivalent, stating that the military servicemember is assigned in Utah; or

6.1.2.3. the military servicemember's current United States military identification card or the immediate family member's current United States military identification card, and evidence that the military servicemember is domiciled in Utah, as described in Subsection 6.1.6.

6.1.3. a military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides:

6.1.3.1. evidence of an honorable or general discharge;

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

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

- 6.1.3.3.1. a Utah voter registration card;
- 6.1.3.3.2. a Utah driver license or identification card;
- 6.1.3.3.3. a Utah vehicle registration;
- 6.1.3.3.4. evidence of employment in Utah;
- 6.1.3.3.5. a rental agreement showing the military veteran's name and Utah address; or
- 6.1.3.3.6. utility bills showing the military veteran's name and Utah address.

6.1.4. 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:

- 6.1.4.1. evidence of the military veteran's honorable or general discharge;
- 6.1.4.2. 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
- 6.1.4.3. objective evidence that the military veteran's immediate family member has demonstrated an intent to establish residency in Utah which may include any one of the items described in section 6.1.3.3. above.

6.1.5. an eligible person who provides:

- 6.1.5.1. evidence of eligibility under Title 38 U. S. Code Veterans' Benefits; and
- 6.1.5.2. a signed written declaration that the eligible person will utilize GI Bill benefits; and
- 6.1.5.3. objective evidence that the eligible person has demonstrated an intent to establish residency in Utah, which may include any one of the items described in section 6.1.3.3. above.

6.1.6. Evidence of domicile as described in sections 6.1.1.3 and 6.1.2.3 includes:

- 6.1.6.1. a current Utah voter registration card;
- 6.1.6.2. a valid Utah driver license or identification card;
- 6.1.6.3. a current Utah vehicle registration

6.1.6.4. a copy of a Utah income tax return, in the military servicemembers's or military servicemember's spouse's name, filed as a resident in accordance with Utah Code Section 59-10-502; or

6.1.6.5. proof that the military servicemember or military servicemember's spouse owns a home in Utah, including a property tax notice for property owned in Utah.

R512.7 "Membership of an American Indian Tribe" Exception to Establishing Resident Student Status.

7.1. Any American Indian who is 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 is entitled to be granted resident student status.

7.2. Any American Indian who is 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.

7.3. A list of recognized tribes will be maintained by the Office of the Commissioner of Higher Education and distributed to all campus residency officers.

R512.8 "Job Corps Student" Exception to Establishing Resident Student Status.

8.1. A Job Corps student is entitled to resident student status if the student:

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

8.1.2. submits verification that the student is a current Job Corps student.

8.2. Upon termination of the student's Job Corps enrollment/participation, the student shall be subject to the same residency standards applicable to other persons under this policy. The time spent residing in Utah during the Job Corps enrollments will count towards the time period set forth in section 4.3 of this policy.

R512.9 "Participation in Olympic Training Program" Exception to Establishing Resident Student Status.

9.1. 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 for tuition purposes. The student shall certify his or her participation in the Olympic training program through a supporting letter from the United States Olympic Committee verifying eligibility.

9.2. Upon the termination of the Student's participation in such training program, the student shall be subject to the same residency standards applicable to other persons under this policy. The time spent residing in Utah during the Olympic athlete training program in Utah counts toward the time period set forth in section 4.3 of this policy.

R512.10 "Parent Domiciled in Utah for at Least 12 Months" Exception to Establishing Resident Student Status.

10.1. A dependent student who has at least one parent who has been domiciled in Utah for least 12 months prior to the first day of class of the term for which the student is seeking resident status is eligible for

resident student status. The student is responsible to submit the documentation identified in section 4.7 of this policy demonstrating that the parent has established domicile in Utah.

R512.11 “Full-time, Permanent Employment in Utah” as Basis for Rebutting Presumption of Nonresident Student.

11.1 A student who has come to 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.

11.2. All relevant evidence concerning the motivation for the move should be considered, including, but not limited to, such factors as:

- 11.2.1. the employee's employment and educational history;
- 11.2.2. the dates when Utah employment was first considered, offered, and accepted;
- 11.2.3. when the person moved to Utah;
- 11.2.4. the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
- 11.2.5. whether the person applied for admission to a USHE institution sooner than four months from the date of moving to Utah;
- 11.2.6. evidence that the person is an independent person (at least 24 years of age, or not listed as a dependent on someone else's tax forms); and
- 11.2.7. 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.

R512.12 “Divorce, Death of Spouse and Long-Term Health Care Responsibilities of Family Members” as Basis for Rebutting Presumption of Nonresident Student.

12.1. A student who resides 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 the long-term health care responsibilities.

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

- 12.2.1. the student's employment and educational history;
- 12.2.2. the dates when the long-term health care or child care responsibilities in Utah were first considered, offered, and accepted;
- 12.2.3. when the student moved to Utah;

- 12.2.4. the dates when the student applied for admission, was admitted, and was enrolled as a postsecondary student;
- 12.2.5. whether the student applied for admission to a USHE institution sooner than four (4) months from the date of moving to Utah;
- 12.2.6. evidence that the student is an independent person who is
 - 13.2.6.1. at least 24 years of age; or
 - 13.2.6.2. not claimed as a dependent on someone else's tax returns; and
- 12.2.7. 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 USHE institution.



MEMORANDUM

TAB C

April 10, 2020

Revisions to Regent Policy R611, *Veterans Tuition Gap Program*

During the 2020 Legislative General Session the Legislature passed HB 45, which reflects recent changes to federal law governing veterans' benefits. In accordance with these statutory changes, Regent Policy R611 governing the Veterans Tuition Gap Program should be revised to allow funding under this program to be used for books and fees as well as tuition.

Commissioner's Recommendation

The Commissioner recommends the Board approve this revision to Regent Policy R611 effective immediately.

Attachments

R611, Veterans Tuition Gap Program

R611-1. Purpose: To provide Board of Regents ("the Board") policy and procedures for implementing the Veterans Tuition Gap Program, Utah Code Title 53B, Chapter 13b, enacted in S.B. 16 by the 2014 General Session of the Utah Legislature.

R611-2. References:

- 2.1. Utah Code §68-3-15.5 (Definition of Veteran)
- 2.2. Utah Code §53B-8-106 (Resident tuition - Requirements - Rules)
- 2.3. Utah Code §53B-8-102 (Definition of Resident Student)
- 2.4. Utah Code §53B-13b-101 to 104 (Veterans Tuition Gap Program Act)
- 2.5. Policy and Procedures R512, Determination of Resident Status

R611-3. Effective Date: These policies and procedures are effective July 1, 2017.

R611-4. Policy

4.1. **Program Description:** The Veterans Tuition Gap Program (VeT Gap) is a State supplement grant to provide ~~assistance that can cover~~ tuition, ~~fees, and books assistance~~ for veterans who are attending institutions of higher education in Utah and whose benefits under the federal program have been exhausted or are not available. This program is only available to higher education institutions that grant baccalaureate degrees.

4.2. **Award Year:** The award year for VeT Gap is the twelve-month period coinciding with the state fiscal year beginning July 1 and ending June 30.

4.3. **Institutions Eligible to Participate:** Eligible institutions include those listed in Utah Code, Subsection 53B-2-101(1) and private, nonprofit, postsecondary institutions as recognized by the Internal Revenue Service or State of Utah that are located within the State of Utah and accredited by an accrediting organization recognized by the United States Department of Education.

4.4. **Students Eligible to Participate:** To be eligible for assistance from VeT Gap funds, a student:

4.4.1. must be a resident student of the State of Utah under Utah Code §53B-8-102 and Board Policy R512 or exempt from paying the nonresident portion of total tuition under Utah Code §53B-8-106; and

4.4.2. must be a veteran as defined by Utah Code Section 68-3-12.5; and

4.4.3. must be unconditionally admitted and currently enrolled in an eligible program leading to a bachelor's degree at an eligible institution; and

4.4.4. must be maintaining satisfactory academic progress, as defined by the institution, toward

¹ Adopted July 18, 2014, amended January 19, 2018.

the degree in which enrolled; and

4.4.5. has exhausted the federal benefit under any veterans educational assistance program or such benefits are unavailable; and

4.4.6. has not completed a bachelor's degree; and

4.4.7. must be in the final year of his or her academic baccalaureate program.

4.5. **Length of Award Period.** A qualifying military veteran may receive a program grant until the earlier of the following occurs:

4.5.1. the qualifying military veteran completes the requirements for a bachelor's degree; or

4.5.2. 12 months from the beginning of the initial academic term for which the qualifying military veteran receives an initial program grant.

4.6. **Program Administrator:** The program administrator for the VeT Gap is the Associate Commissioner for Student Financial Aid, or a person designated in a formal delegation of authority by the Associate Commissioner, under executive direction of the Commissioner of Higher Education.

4.7. **Availability of Funds for the Program:** Funds available for VeT Gap allocations to institutions may come from specifically earmarked state appropriations, or from other sources such as private contributions. Amounts available for allocations each year shall be allocated as follows:

4.8. **Allocation of Program Funds to Institutions**

4.8.1. Annually, the participating institution will provide the following required data, for the most recently completed academic year, by March 1st. The director of financial aid of an eligible institution, in consultation with the institution's veterans affairs officer, will demonstrate intention to continue participation in VeT Gap by submitting to the program administrator a certification, subject to audit, of ~~(a)~~ the total number of veterans who were resident students of the state of Utah under Utah Code §53B-8-102 and Board Policy R512 who have graduated from the institution with a baccalaureate degree in the most recently completed academic year.

4.8.2. Failure to submit the certification required in 4.7.1 by the requested date constitutes an automatic decision by an eligible institution not to participate in the program for the next fiscal year.

4.8.3. Allocation of program funds to participating institutions will be based on the total number of an institution's students who are veterans and Utah residents who graduated with a baccalaureate degree in the most recently completed academic year and the proportion of each participating institution's number of those students to the total population of such students. For example:

$$\frac{\text{A participating institution's number of Utah resident students who are veterans and graduated with a baccalaureate degree during the most recently completed academic year}}{\text{Total number of Utah resident students who are veterans and graduated from all participating institutions with a baccalaureate degree during the most recently completed academic year}} = \text{\% of VeT Gap funds allocated to the participating institution}$$

¹ Adopted July 18, 2014, amended January 19, 2018.

4.8.4. The program administrator will send official notification of each participating institution's allocation to the director of financial aid each academic year.

4.78.5. The program administrator will send a blank copy of the format for the institutional VeT Gap performance report, to be submitted within 30 days of the end of the applicable academic year, to the director of financial aid of each participating institution each academic year.

4.9. Institutional Participation Agreement: Each participating institution will enter into a written agreement with the program administrator or assigned designee agreeing to abide by the program policies, accept and disburse funds per program rules, provide the required report each year and retain documentation for the program to support the awards and actions taken. By accepting the funds, the participating institution agrees to the following terms and conditions:

4.9.1. Use of Program Funds Received by the Institution

4.98.1.1. The 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.

4.98.1.2. The institution may not carry forward or carry back from one fiscal year to another any of its VeT Gap allocation for a fiscal year. Any unused funds will be returned to the program administrator as directed. Returned funds will be re-distributed to eligible institutions as regular VeT Gap allocations for disbursement the next award year.

4.98.1.3. The institution may establish processes to determine the distribution of funds to students so long as it does so in accordance with provisions established in this policy.

4.9.2. Determination of Awards to Eligible Students

4.9.2.1. Student Cost of Attendance budgets will be established by the institution, in accordance with Federal regulations applicable to student financial aid programs under Title IV of the Higher Education Act as amended, for specific student categories authorized in the Federal regulations, and providing for the total of costs payable to the institution plus other direct educational expenses, transportation and living expenses.

4.9.2.2. The total amount of any VeT Gap funds awarded to an eligible student in an academic year will not exceed the amount of tuition, fees, and books ~~(not fees)~~ for that academic year and may be impacted by the following:

(a) An eligible student whose period of enrollment is less than the normally-expected period of enrollment within the award year (such as two semesters, three quarters, nine months, or 900 clock hours) will be awarded an amount in proportion to the normally-expected period of enrollment represented by the term, or terms, (e.g. semester or quarter) for which the student is enrolled; or

(b) The minimum student award amount may be the balance of funds remaining in the institution's allocation for the award year in the case that the previous eligible student receiving a VeT Gap award for the year reduced the total available funds to an amount less than that for which an individual qualified.

¹ Adopted July 18, 2014, amended January 19, 2018.

4.9.2.3. VeT Gap funds will be awarded and packaged on an annual award year basis unless the remaining period of enrollment until completion of the academic program is less than one award year. Funds will be paid one quarter or semester at a time (or in thirds, if applicable to some other enrollment basis such as total months or total clock hours), contingent upon the student's maintaining satisfactory progress as defined by the institution in published policies or rules.

4.9.2.4. All awards under the program will be made in accordance with current Federal Title IV non-discrimination requirements.

4.9.2.5. Students receiving financial aid under the program will be required to agree in writing to use the funds received for expenses covered in the student's cost of attendance budget.

a) The student's signature on the Free Application for Federal Student Aid satisfies this requirement.

(b) If the institution determines, after opportunity for a hearing on appeal according to established institutional procedures, that a student used VeT Gap funds for other purposes, the institution will disqualify the student from VeT Gap eligibility beginning with the quarter, semester or other defined enrollment period after the one in which the determination is made.

4.9.2.6. In no case will the institution initially award program funds in amounts which, with Federal Direct, Federal Direct PLUS and/or Federal Perkins Loans and other financial aid from any source, both need and merit-based, and with expected family contributions, exceed the cost of attendance for the student at the institution for the award year.

4.9.2.7. If, after the student's aid has been packaged and awarded, the student later receives other financial assistance (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 institution will appropriately reduce the amount of financial aid disbursed to the student so that the total does not exceed the cost of attendance.

4.9.3. **Reports:** The institution will submit an annual report within 30 days after completion of the award year, providing information on individual awards and such other program-relevant information as the Board may reasonably require.

4.9.4. **Records Retention and Cooperation in Program Reviews:** The institution will cooperate with the program administrator in providing records and information requested for any scheduled audits or program reviews, and will maintain records substantiating its compliance with all terms of the participation agreement for three years after the end of the award year, or until a program review has been completed and any exceptions raised in the review have been resolved, whichever occurs first. If at the end of the three year retention period, an audit or program review exception is pending resolution, the institution will retain records for the award year involved until the exception has been resolved.

¹ Adopted July 18, 2014, amended January 19, 2018.

R611, Veterans Tuition Gap Program

R611-1. Purpose: To provide Board of Regents ("the Board") policy and procedures for implementing the Veterans Tuition Gap Program, Utah Code Title 53B, Chapter 13b, enacted in S.B. 16 by the 2014 General Session of the Utah Legislature.

R611-2. References:

- 2.1. Utah Code §68-3-15.5 (Definition of Veteran)
- 2.2. Utah Code §53B-8-106 (Resident tuition - Requirements - Rules)
- 2.3. Utah Code §53B-8-102 (Definition of Resident Student)
- 2.4. Utah Code §53B-13b-101 to 104 (Veterans Tuition Gap Program Act)
- 2.5. Policy and Procedures R512, Determination of Resident Status

R611-3. Effective Date: These policies and procedures are effective July 1, 2017.

R611-4. Policy

- 4.1. **Program Description:** The Veterans Tuition Gap Program (VeT Gap) is a State supplement grant to provide assistance that can cover tuition, fees, and books for veterans who are attending institutions of higher education in Utah and whose benefits under the federal program have been exhausted or are not available. This program is only available to higher education institutions that grant baccalaureate degrees.
- 4.2. **Award Year:** The award year for VeT Gap is the twelve-month period coinciding with the state fiscal year beginning July 1 and ending June 30.
- 4.3. **Institutions Eligible to Participate:** Eligible institutions include those listed in Utah Code, Subsection 53B-2-101(1) and private, nonprofit, postsecondary institutions as recognized by the Internal Revenue Service or State of Utah that are located within the State of Utah and accredited by an accrediting organization recognized by the United States Department of Education.
- 4.4. **Students Eligible to Participate:** To be eligible for assistance from VeT Gap funds, a student:
 - 4.4.1. must be a resident student of the State of Utah under Utah Code §53B-8-102 and Board Policy R512 or exempt from paying the nonresident portion of total tuition under Utah Code §53B-8-106; and
 - 4.4.2. must be a veteran as defined by Utah Code Section 68-3-12.5; and
 - 4.4.3. must be unconditionally admitted and currently enrolled in an eligible program leading to a bachelor's degree at an eligible institution; and
 - 4.4.4. must be maintaining satisfactory academic progress, as defined by the institution, toward the degree in which enrolled; and

¹ Adopted July 18, 2014, amended January 19, 2018.

4.4.5. has exhausted the federal benefit under any veterans educational assistance program or such benefits are unavailable; and

4.4.6. has not completed a bachelor's degree; and

4.4.7. must be in the final year of his or her academic baccalaureate program.

4.5. **Length of Award Period.** A qualifying military veteran may receive a program grant until the earlier of the following occurs:

4.5.1. the qualifying military veteran completes the requirements for a bachelor's degree; or

4.5.2. 12 months from the beginning of the initial academic term for which the qualifying military veteran receives an initial program grant.

4.6. **Program Administrator:** The program administrator for the VeT Gap is the Associate Commissioner for Student Financial Aid, or a person designated in a formal delegation of authority by the Associate Commissioner, under executive direction of the Commissioner of Higher Education.

4.7. **Availability of Funds for the Program:** Funds available for VeT Gap allocations to institutions may come from specifically earmarked state appropriations, or from other sources such as private contributions. Amounts available for allocations each year shall be allocated as follows:

4.8. **Allocation of Program Funds to Institutions**

4.8.1. Annually, the participating institution will provide the following required data, for the most recently completed academic year, by March 1st. The director of financial aid of an eligible institution, in consultation with the institution's veterans affairs officer, will demonstrate intention to continue participation in VeT Gap by submitting to the program administrator a certification, subject to audit, of ~~(a)~~ the total number of veterans who were resident students of the state of Utah under Utah Code §53B-8-102 and Board Policy R512 who have graduated from the institution with a baccalaureate degree in the most recently completed academic year.

4.8.2. Failure to submit the certification required in 4.7.1 by the requested date constitutes an automatic decision by an eligible institution not to participate in the program for the next fiscal year.

4.8.3. Allocation of program funds to participating institutions will be based on the total number of an institution's students who are veterans and Utah residents who graduated with a baccalaureate degree in the most recently completed academic year and the proportion of each participating institution's number of those students to the total population of such students. For example:

$$\frac{\text{A participating institution's number of Utah resident students who are veterans and graduated with a baccalaureate degree during the most recently completed academic year}}{\text{Total number of Utah resident students who are veterans and graduated from all participating institutions with a baccalaureate degree during the most recently completed academic year}} = \text{\% of VeT Gap funds allocated to the participating institution}$$

¹ Adopted July 18, 2014, amended January 19, 2018.

4.8.4. The program administrator will send official notification of each participating institution's allocation to the director of financial aid each academic year.

4.8.5. The program administrator will send a blank copy of the format for the institutional VeT Gap performance report, to be submitted within 30 days of the end of the applicable academic year, to the director of financial aid of each participating institution each academic year.

4.9. **Institutional Participation Agreement:** Each participating institution will enter into a written agreement with the program administrator or assigned designee agreeing to abide by the program policies, accept and disburse funds per program rules, provide the required report each year and retain documentation for the program to support the awards and actions taken. By accepting the funds, the participating institution agrees to the following terms and conditions:

4.9.1. **Use of Program Funds Received by the Institution**

4.8.1.1. The 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.

4.8.1.2. The institution may not carry forward or carry back from one fiscal year to another any of its VeT Gap allocation for a fiscal year. Any unused funds will be returned to the program administrator as directed. Returned funds will be re-distributed to eligible institutions as regular VeT Gap allocations for disbursement the next award year.

4.8.1.3. The institution may establish processes to determine the distribution of funds to students so long as it does so in accordance with provisions established in this policy.

4.9.2. **Determination of Awards to Eligible Students**

4.9.2.1. Student Cost of Attendance budgets will be established by the institution, in accordance with Federal regulations applicable to student financial aid programs under Title IV of the Higher Education Act as amended, for specific student categories authorized in the Federal regulations, and providing for the total of costs payable to the institution plus other direct educational expenses, transportation and living expenses.

4.9.2.2. The total amount of any VeT Gap funds awarded to an eligible student in an academic year will not exceed the amount of tuition, fees, and books for that academic year and may be impacted by the following:

(a) An eligible student whose period of enrollment is less than the normally-expected period of enrollment within the award year (such as two semesters, three quarters, nine months, or 900 clock hours) will be awarded an amount in proportion to the normally-expected period of enrollment represented by the term, or terms, (e.g. semester or quarter) for which the student is enrolled; or

(b) The minimum student award amount may be the balance of funds remaining in the institution's allocation for the award year in the case that the previous eligible student receiving a VeT Gap award for the year reduced the total available funds to an amount less than that for which an individual qualified.

¹ Adopted July 18, 2014, amended January 19, 2018.

4.9.2.3. VeT Gap funds will be awarded and packaged on an annual award year basis unless the remaining period of enrollment until completion of the academic program is less than one award year. Funds will be paid one quarter or semester at a time (or in thirds, if applicable to some other enrollment basis such as total months or total clock hours), contingent upon the student's maintaining satisfactory progress as defined by the institution in published policies or rules.

4.9.2.4. All awards under the program will be made in accordance with current Federal Title IV non-discrimination requirements.

4.9.2.5. Students receiving financial aid under the program will be required to agree in writing to use the funds received for expenses covered in the student's cost of attendance budget.

a) The student's signature on the Free Application for Federal Student Aid satisfies this requirement.

(b) If the institution determines, after opportunity for a hearing on appeal according to established institutional procedures, that a student used VeT Gap funds for other purposes, the institution will disqualify the student from VeT Gap eligibility beginning with the quarter, semester or other defined enrollment period after the one in which the determination is made.

4.9.2.6. In no case will the institution initially award program funds in amounts which, with Federal Direct, Federal Direct PLUS and/or Federal Perkins Loans and other financial aid from any source, both need and merit-based, and with expected family contributions, exceed the cost of attendance for the student at the institution for the award year.

4.9.2.7. If, after the student's aid has been packaged and awarded, the student later receives other financial assistance (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 institution will appropriately reduce the amount of financial aid disbursed to the student so that the total does not exceed the cost of attendance.

4.9.3. Reports: The institution will submit an annual report within 30 days after completion of the award year, providing information on individual awards and such other program-relevant information as the Board may reasonably require.

4.9.4. Records Retention and Cooperation in Program Reviews: The institution will cooperate with the program administrator in providing records and information requested for any scheduled audits or program reviews, and will maintain records substantiating its compliance with all terms of the participation agreement for three years after the end of the award year, or until a program review has been completed and any exceptions raised in the review have been resolved, whichever occurs first. If at the end of the three year retention period, an audit or program review exception is pending resolution, the institution will retain records for the award year involved until the exception has been resolved.

¹ Adopted July 18, 2014, amended January 19, 2018.



MEMORANDUM

TAB D

April 10, 2020

Revision to Policy R609C, *Regents' Scholarship* and R604, *New Century Scholarship*

Regent Policies R609C and R604 are to be adjusted due to new statutory requirements and clarifying technical changes identified in cooperation with institution Financial Aid Directors:

- Establishes uniform data reporting requirements for the institutions that participate in the Regents' and New Century Scholarship programs.
- Adjusts the minimum credit hours required for students to maintain scholarship award eligibility for both the Regents' and New Century Scholarships to 12 credits.
- Allows the Regents' Scholarship to be awarded to students enrolling at an accredited, private, non-profit institution per [S.B. 117, Higher Education Financial Aid Amendments](#), in the 2020 Legislative Session.
- Clarifies the role of Commissioner's staff and institutions in accepting deferments and leaves of absence associated with the Regents' and New Century scholarship programs.
- Clarifies requirements for students to maintain scholarship award eligibility that better ensures timely degree completion.
- Removes the requirement that recipients have no criminal record, per [S.B. 162 Educational Financial Aid for Students with a Criminal Record](#), in the 2020 Legislative Session.
- Removes duplicate and outdated language.

Commissioner's Recommendations

The Commissioner recommends the Board approve the technical and statutorily required revisions to policies R609C and R604.

R609-1 Purpose: The Regents' Scholarship encourages students to complete the Regents' Recommended High School Curriculum, in order to provide better access to higher education opportunities and to reward students for preparing academically for college.

R609-2 References

- 2.1. Utah Code -Section 53B-8-108 et seq., Regents' Scholarship Program.
- 2.2. Utah Code Section 53B-2-101(1), Institutions of Higher Education
- 2.3. Utah Admin. Code §R277-700-7, High School Requirements (Effective for Graduating Students Beginning with the 2010-2011 School Year).

R609-3 Definitions

- 3.1. **"Advanced Math"** 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.
- 3.2. **"Board"** means the Utah [State Board of Regents/Higher Education](#).
- 3.3. **"College Course Work"** means any instance in which college credit is earned, including but not limited to, concurrent enrollment, distance education, dual enrollment, or early college.
- 3.4. **"Eligible Institutions"** means institutions of higher education listed in Utah Code Section 53B-2-101(1), [or a private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities.](#)
- 3.5. **"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.
- 3.6. **"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.
- 3.7. **"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.
- 3.8. **"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.

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, April 1, 2016, November 17, 2017, and May 17, 2019.

3.9. “Scholarship Award” means a -scholarship awarded to all applicants who meet the eligibility requirements of section R609-4.

3.10. “Scholarship Staff” means the employees assigned to review Regents’ Scholarship applications and make ~~initial~~ decisions awarding the scholarships and deferments.

3.11. “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.

R609-4 Award Requirements

4.1. To qualify for the Regents' Scholarship, the applicant shall satisfy the following criteria:

4.1.1. Graduate from a Utah high school with a minimum, non-weighted GPA of 3.3.

4.1.2. Complete four credits of English.

4.1.3. Complete four credits of math, including one course of advanced math.

4.1.4. Complete three credits of lab-based biology, chemistry and physics.

4.1.5. Complete two credits of world languages.

4.1.6. Complete three credits of social science.

4.1.7. Complete the ACT with a minimum score of 22.

4.1.8. Complete and submit the Free Application for Federal Student Aid (FAFSA).

4.2. A student may satisfy a course requirement through a competency-based assessment provided it is documented for credit on an official transcript.

4.3. The courses completed must be unique except when repeated for a higher grade.

4.4. Repeated course work will not count toward accumulation of required credits.

4.5. **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.

4.6. **Mandatory Enrollment:** An award recipient attending a credit-granting eligible institution shall enroll ~~in a minimum of 12 credit hours per academic semester,~~ beginning with the fall semester after high school graduation. An award recipient attending a non-credit granting institution must enroll full time in a program eligible for federal aid by September 1 after high school graduation. ~~The institution at which the student attends shall verify the recipient has met the enrollment requirement.~~

4.6.1. Scholarship recipients must elect whether to use the award funds at credit granting institutions or non-credit granting institutions. ~~The decision is irrevocable; recipients may not transfer awards between non-credit granting and credit granting institutions.~~

4.7. **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.

609-5 Application Procedures

5.1. **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.

5.2. **Required Documentation:** Applicants shall submit the following documents:

5.2.1. The online Regents' Scholarship application.

5.2.2. An official high school paper or electronic transcript, official college transcript(s) when applicable, and any other miscellaneous official transcripts demonstrating all completed courses and GPA.

5.2.3. 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.

5.2.4. Verified ACT score(s).

R609-6 Award Amounts and Renewals.

6.1. **Funding Constraints of Awards:** The Board will determine award amounts, depending on the annual legislative appropriation, whether the institution is a credit granting or non-credit granting institution, and the number of qualified applicants. Awards shall be adjusted for students enrolled at an eligible private or nonprofit college or university based on 53B-8-205.

6.2. **Scholarship Award:** Students who meet the eligibility criteria and enroll at a credit granting institution will receive a four-semester scholarship award, a maximum ~~the amount of which~~ will be determined annually by the Board. Students who enroll in a non-credit granting institution will receive a one-time scholarship award, the amount of which will be determined annually by the Board, which the institution may disburse over the course of a recipient's enrollment within this policy's limits and requirements.

6.3. **Ongoing Eligibility:** If a student receives an award disbursement, the Scholarship recipient musts ~~who~~ enroll at a credit granting institution, must maintain a 3.0 GPA and complete a minimum of 12 credit hours per academic semester to remain eligible for future disbursements. the award. -Students who earn less than a 3.0 Semester GPA will be placed on probation. If the recipient again at any time earns less than a 3.03 GPA the scholarship may be revoked. Institutions shall verify the recipient has met these requirements. -Recipients who do not maintain eligibility forfeit the remaining award amount.

R609-7. Time Constraints and Deferrals

7.1. **Time Limitation:** Scholarship funds are only available to a recipient for five years after their high school graduation date.

7.2. Upon the first day a recipient begins courses using the scholarship funds at a non-credit granting institution, the recipient must use the award in its entirety within two years, unless extended under section 7.3. This time limit does not extend ~~the~~ the five-year award availability under section 7.1.

7.3. **Deferral or Leave of Absence:** Recipients who will not enroll continuously for Fall and Spring/Winter at an eligible institution ~~as institution~~ a student shall apply for a deferral or leave of absence with their institution.

7.3.1. Deferrals may be granted at the discretion of the scholarship review committee. ~~or~~ Leaves of absence may be granted, at the discretion of the institution. Deferrals and leaves of absences may be granted, for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

7.3.2. 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 that begin within five years after the recipient's high school graduation date.

R609-8 Transfers

8.1. Recipients who elect to attend a credit granting institution may transfer to another credit granting institution and retain the scholarship award. ~~Recipients are responsible to inform the Office of the Commissioner of their intent to transfer. The Office of the Commissioner shall coordinate the transfer of scholarship funds and information.~~

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 determine eligibility. 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. Applicants may submit a written appeal through either the U.S. Mail or their Regents Scholarship Student Account. ~~Appeals must be postmarked (if mailed) or submitted online 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 may 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.

R609-10 Reporting

10.1. As directed by Commissioner's staff, eligible institutions shall report to the Board ~~of Regents~~ the following:

10.1.1. The names of students the institutions awarded Regents' Scholarship funds.

10.1.2. Enrollment information such as the current GPA, the number of credits completed, and deferment or leave of absence information.

10.1.3. Other information deemed necessary to evaluate eligibility or the effectiveness of the program.

10.2. The Board ~~of Regents~~ may, at any time, request additional documentation or data related to the Regents Scholarship and may review or formally audit an eligible institution's compliance with this policy.

R609-1 Purpose: The Regents' Scholarship encourages students to complete the Regents' Recommended High School Curriculum, in order to provide better access to higher education opportunities and to reward students for preparing academically for college.

R609-2 References

- 2.1. Utah Code Section 53B-8-108 et seq., Regents' Scholarship Program.
- 2.2. Utah Code Section 53B-2-101(1), Institutions of Higher Education
- 2.3. Utah Admin. Code §R277-700-7, High School Requirements (Effective for Graduating Students Beginning with the 2010-2011 School Year).

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- 3.1. **"Advanced Math"** 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.
- 3.2. **"Board"** means the Utah Board of Higher Education.
- 3.3. **"College Course Work"** means any instance in which college credit is earned, including but not limited to, concurrent enrollment, distance education, dual enrollment, or early college.
- 3.4. **"Eligible Institutions"** means institutions of higher education listed in Utah Code Section 53B-2-101(1), or a private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities.
- 3.5. **"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.
- 3.6. **"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.
- 3.7. **"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.
- 3.8. **"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.

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, April 1, 2016, November 17, 2017, and May 17, 2019.

3.9. **“Scholarship Award”** means a scholarship awarded to all applicants who meet the eligibility requirements of section R609-4.

3.10. **“Scholarship Staff”** means the employees assigned to review Regents’ Scholarship applications and make decisions awarding the scholarships and deferments.

3.11. **“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.

R609-4 Award Requirements

4.1. To qualify for the Regents' Scholarship, the applicant shall satisfy the following criteria:

4.1.1. Graduate from a Utah high school with a minimum, non-weighted GPA of 3.3.

4.1.2. Complete four credits of English.

4.1.3. Complete four credits of math, including one course of advanced math.

4.1.4. Complete three credits of lab-based biology, chemistry and physics.

4.1.5. Complete two credits of world languages.

4.1.6. Complete three credits of social science.

4.1.7. Complete the ACT with a minimum score of 22.

4.1.8. Complete and submit the Free Application for Federal Student Aid (FAFSA).

4.2. A student may satisfy a course requirement through a competency-based assessment provided it is documented for credit on an official transcript.

4.3. The courses completed must be unique except when repeated for a higher grade.

4.4. Repeated course work will not count toward accumulation of required credits.

4.5. **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.

4.6. **Mandatory Enrollment:** An award recipient attending a credit-granting eligible institution shall enroll beginning with the fall semester after high school graduation. An award recipient attending a non-credit granting institution must enroll full time in a program eligible for federal aid by September 1 after high school graduation.

4.6.1. Scholarship recipients must elect whether to use the award funds at credit granting institutions or non-credit granting institutions. The decision is irrevocable; recipients may not transfer awards between non-credit granting and credit granting institutions.

4.7. 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.

609-5 Application Procedures

5.1. 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.

5.2. Required Documentation: Applicants shall submit the following documents:

5.2.1. The online Regents' Scholarship application.

5.2.2. An official high school paper or electronic transcript, official college transcript(s) when applicable, and any other miscellaneous official transcripts demonstrating all completed courses and GPA.

5.2.3. 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.

5.2.4. Verified ACT score(s).

R609-6 Award Amounts and Renewals.

6.1. Funding Constraints of Awards: The Board will determine award amounts, depending on the annual legislative appropriation, whether the institution is a credit granting or non-credit granting institution, and the number of qualified applicants. Awards shall be adjusted for students enrolled at an eligible private or nonprofit college or university based on 53B-8-205.

6.2. Scholarship Award: Students who meet the eligibility criteria and enroll at a credit granting institution will receive a four-semester scholarship award, a maximum amount will be determined annually by the Board. Students who enroll in a non-credit granting institution will receive a one-time scholarship award, the amount of which will be determined annually by the Board, which the institution may disburse over the course of a recipient's enrollment within this policy's limits and requirements.

6.3. Ongoing Eligibility: If a student receives an award disbursement, the recipient must enroll at a credit granting institution, maintain a 3.0 GPA and complete a minimum of 12 credit hours per academic semester to remain eligible for future disbursements. . Students who earn less than a 3.0 Semester GPA will be placed on probation. If the recipient again at any time earns less than a 3.0 GPA the scholarship may be revoked. Institutions shall verify the recipient has met these requirements. Recipients who do not maintain eligibility forfeit the remaining award amount.

R609-7. Time Constraints and Deferrals

7.1. Time Limitation: Scholarship funds are only available to a recipient for five years after their high school graduation date.

7.2. Upon the first day a recipient begins courses using the scholarship funds at a non-credit granting institution, the recipient must use the award in its entirety within two years, unless extended under section 7.3. This time limit does not extend the five-year award availability under section 7.1.

7.3. **Deferral or Leave of Absence:** Recipients who will not enroll continuously for Fall and Spring/Winter at an eligible institution a student shall apply for a deferral or leave of absence with their institution.

7.3.1. Deferrals may be granted at the discretion of the scholarship review committee. Leaves of absence may be granted, at the discretion of the institution. Deferrals and leaves of absence may be granted for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

7.3.2. 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 that begin within five years after the recipient's high school graduation date.

R609-8 Transfers

8.1. Recipients who elect to attend a credit granting institution may transfer to another credit granting institution and retain the scholarship award. Recipients are responsible to inform the Office of the Commissioner of their intent to transfer. The Office of the Commissioner shall coordinate the transfer of scholarship funds and information.

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 determine eligibility. 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. Applicants may submit a written appeal through either the U.S. Mail or their Regents Scholarship Student Account. Appeals must be postmarked (if mailed) or submitted online 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 may 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.

R609-10 Reporting

10.1. As directed by Commissioner's staff, eligible institutions shall report to the Board the following:

10.1.1. The names of students the institutions awarded Regents' Scholarship funds.

10.1.2. Enrollment information such as the current GPA, the number of credits completed, and deferment or leave of absence information.

10.1.3. Other information deemed necessary to evaluate eligibility or the effectiveness of the program.

10.2. The Board may, at any time, request additional documentation or data related to the Regents Scholarship and may review or formally audit an eligible institution's compliance with this policy.

R604-1. Purpose: The New Century Scholarship encourages students to accelerate their education by earning an Associate's degree in high school from an institution within the Utah System of Higher Education.

R604-2. References

- 2.1. Utah Code §53B-8-105 (2010).
- 2.2. Policy and Procedures R609, Regents' Scholarship.

R604-3. Definitions

- 3.1. **"Applicant":** is 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, or a home-school student.
- 3.2. **"Associate's Degree":** An Associate of Arts, Associate of Science, or Associate of Applied Science degree received from, or verified by, a regionally accredited institution within the Utah System of Higher Education. If the institution does not offer the above listed degrees, equivalent academic requirements will suffice under subsection 3.5.2. of this policy.
- 3.3. **"Awards":** New Century Scholarship funds.
- 3.4. **"Board":** The Utah ~~State~~ Board of ~~Regents~~ Higher Education.
- 3.5. **"Completes the requirements for an associate degree":** Means that an applicant completes either of the following:
 - 3.5.1. all the required courses for an associate degree from an institution within the Utah System of Higher Education that offers Associate's degrees; and applies for the Associate's degree from the institution; or
 - 3.5.2. all the required courses for an equivalency to the associate degree from a higher education institution within the Utah System of Higher Education that offers Baccalaureate degrees but does not offer Associate's degrees.²
- 3.6. **"Excusable Neglect"** means a failure to take proper steps at the proper time, not in consequence of carelessness, inattention, or willful disregard in the processing of an appeal, but in consequence of some unexpected or unavoidable hindrance or accident.
- 3.7. **"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.

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, April 1, 2016, and May 17, 2019

² Please note the requirement to have the coursework certified by the campus registrar under subsection 5.3 of this policy.

3.8. **"High school"**: a public high 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.

3.9. **"High school graduation date"**: the day on which the recipient's class graduates from high school. For home-schooled student refer to subsection 4.2.1 of this policy.

3.10. **"Home-schooled"**: refers to a student who has not graduated from a Utah high school and received a high school grade point average (GPA).

3.11. **"Math and science curriculum"**: the rigorous math and science curriculum developed and approved by the Board which, if completed, qualifies a high school student for an award. Curriculum requirements can be found at the website of the Utah System of Higher Education.

3.12. **"New Century Scholarship"**: a renewable scholarship to be awarded to applicants who complete the eligibility requirements of section 4 of this policy.

3.13. **"Reasonable progress"**: enrolling and completing at least twelve credit hours during Fall and Spring semesters and earning a 3.3 GPA or higher each semester. If applicable, students attending summer must enroll full-time according to their institution and or program policy regarding full-time status.

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

3.15. **"Renewal Documents"**: a college transcript demonstrating that the recipient has met the required semester GPA and a detailed schedule providing proof of enrollment in twelve credit hours for the semester which the recipient is seeking award payment.

3.16. **"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.

3.17. **"Scholarship Staff"** means the group assigned to review Regents' Scholarship applications and make ~~initial~~ decisions awarding the scholarships and deferments.

3.18. **"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.

3.19. **"The Utah System of Higher Education-- USHE"**: 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.

R604-4. Recipient Requirements: This section enumerates the requirements to qualify as a recipient. Subsection 4.1. creates the general academic requirements. Subsections 4.2 and 4.3 clarify the exceptions and requirements specific for home-schooled students and students whose graduation date occurs in 2010 or before. Subsections 4.4. through 4.7. establish other generally applicable requirements.

4.1 **General Academic Requirements:** Unless an exception applies, to qualify as a recipient a student shall:

4.1.1. complete the requirements for an associate degree³ or the math and science curriculum at a regionally accredited institution within the Utah ~~State~~ System of Higher Education

4.1.1.1. with at least a 3.0 grade point average

4.1.1.2. by applicant's high school graduation date; and

4.1.2. complete the high school graduation requirements of a Utah high school with at least a 3.5 cumulative GPA.

4.2. Utah Home-schooled Students: For Utah home-schooled applicants the following exceptions and requirements apply:

4.2.1. High School Graduation Date for Home-schooled Applicants:

4.2.1.1. Completes High School in 2011 and After: If a home-schooled applicant would have completed high school in 2011 or after, the high school graduation date (under subsection 4.1.1.2.) is June 15 of the year the applicant would have completed high school;

4.2.2. ACT Composite Score Requirement: A composite ACT score of 26 or higher is required in place of the high school GPA (under subsection 4.1.2).

4.3. Mandatory Fall Term Enrollment: A recipient shall enroll in ~~and successfully complete twelve credit hours at~~ an eligible institution by Fall semester immediately following the student's high school graduation date or receive an approved deferral or leave of absence ~~from the Board~~ under subsection 8.7 of this policy. ~~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.~~

4.4. Citizenship Requirement: A recipient shall certify under penalty of law they are a citizen of the United States or a noncitizen who is eligible to receive federal student aid.

~~**4.5. No Criminal Record Requirement:** A recipient shall not have a criminal record, with the exception of a misdemeanor traffic citation.~~

~~**4.65. Regents' Scholarship:** A recipient shall not receive both New Century and ~~an award and the Regents' Scholarship~~ established in Utah Code §53B-8-108 and administered in R609.~~

R604-5 Application Procedures: This section establishes the basic application procedures for an award.

5.1. Application Contact: Qualifying students shall apply for the award through the Board.

5.2. General Procedure: An application for an award shall contain the following:

5.2.1. Application Form: the official online application will become available on the New Century website.

³ Please refer to section 3.5 for clarification.

5.2.2. College Transcript: an official college transcript showing college courses, Advanced Placement and transfer work an applicant has completed to meet the requirements for the associate degree and verification of the date the award was earned; and

5.2.3. High School Transcript: an official high school transcript with high school graduation dated posted (if applicable).

5.2.4. ACT Score: a copy of the student's verified ACT score (if applicable).

5.3. Registrar Verification: If an applicant is enrolled at an institution which does not offer an associate degree or an institution that will not award the associate degree until the academic on-campus residency requirement has been met, the registrar must verify that the applicant has completed the equivalent academic requirements under 4.1.1.

5.4. Application Deadline: Applicants shall meet the following deadlines:

5.4.1. Application Submission: Applicants must submit the official scholarship application no later than February 1 of the year of their high school graduation date or the year they would have graduated from high school.

5.4.2. Support Documentation Submission: All necessary support documentation shall be submitted on or before September 1 following the student's high school graduation date. In some cases exceptions may be made as advanced placement and transfer work verification may be delayed at an institutional level and no fault of the applicant. Scholarship awards may be denied if all documentation is not complete and submitted by the specified deadlines. And if any documentation demonstrates that the applicant did not satisfactorily fulfill all coursework and GPA requirements, or if any information, including the attestation of criminal record and citizenship status, proves to be falsified.

5.4.3. Priority Deadline: A priority deadline may be established each year. Applicants who meet the priority deadline may be given first priority of consideration for awards.

5.5. Incomplete Documentation: Applications or other submissions that have missing information or missing documents are considered incomplete, will not be considered, and may result in failure to meet a deadline.

R604-6 Awards: This section establishes the total value of an award, the power of the Board to change that value, and the eligible institutions where the award may be used.

6.1. Value of the Award: -The award is up to the amount provided by the law and determined each Spring by the Board based on legislative funding and number of applicants. -The total value may change in accordance with subsection 6.2.

6.2. The Board May Decrease Award: If the appropriation from the Utah Legislature for the scholarship is insufficient to cover the costs associated with the scholarship, the Board may reduce or limit the award.

6.3. Eligible Institutions: An award may be used at the following institutions:

6.3.1. For recipients whose high school graduation date is on or before July 1, 2019, award funds may be used at a four-year institution within the Utah System of Higher Education that offers

Baccalaureate programs or a private not-for-profit higher education four-year institution in the state of Utah accredited by the Northwest Commission on Colleges and Universities that offers Baccalaureate programs.

6.3.2. For recipients whose high school graduation date is after July 1, 2019, funds may be used at a four-year institution within the Utah System of Higher Education that offers Baccalaureate programs.-

6.4. **Enrollment at Multiple Institutions:** The award may only be used at the institution from which the student is earning a Baccalaureate degree.

6.5. **Student Transfer:** The award may be transferred to a different eligible institution upon the request of the recipient.

~~6.6. **Regents' Scholarship:** A recipient shall not receive both a Regents' Scholarship and the New Century Scholarship established in Utah Code Section 53B-8-201.~~

R604-7 Disbursement of Award: This section details the disbursement of the award amounts.

7.1. **Disbursement Schedule of Award:** The award shall be disbursed semester-by-semester over the shortest of the following time periods:

7.1.1. Four semesters of enrollment in twelve credit hours;

7.1.2. sixty credit hours; or

7.1.3. until the recipient meets the requirements for a baccalaureate degree.

7.2. **Enrollment Documentation:-** ~~Institutions shall verify the recipient has met the requirements outlined in R604-8. Recipients who do not maintain eligibility may forfeit the remaining award amount. The recipient shall submit to the Scholarship staff a detailed copy of a class schedule verifying that the recipient is enrolled in twelve credit hours or more at an eligible institution. Documentation must include the student's name, the semester the recipient will attend, institution that they are attending and the number of credits the recipient is enrolled.~~

7.4. **Dropped Hours after Award:** If a recipient drops credit hours after having received the award which results in enrollment below twelve credit hours, the scholarship will be revoked and the student may will no longer be eligible for future awards (see 8.1) unless the student needs fewer than twelve credit hours for completion of a degree.

R604-8. Continuing Eligibility: This section establishes the expectations of recipients to renew their award.

8.1 **Reasonable Progress Toward Degree Completion:** The Board may cancel a recipient's scholarship if the student fails to:

8.1.1. **Maintain 3.3 GPA:** to maintain a 3.3 GPA or higher for each semester for which he or she has received awards; or

8.1.2. **Reasonable Progress:** to make reasonable progress (twelve credit hours) toward the completion of a Baccalaureate degree, and submit the documentation by the deadline as described in subsection 8.2. -A recipient must apply and receive an approved deferral or leave of absence

under subsection 8.7 if he or she will not enroll in twelve credit hours continuously for Fall and Spring semesters.

~~8.2. —Duty of Student to Report Reasonable Progress: Each semester, the recipient must submit to the Board a copy of his or her grades to verify that he or she has met the required grade point average and has completed a minimum of twelve credit hours each semester. Recipients will not be paid for the coming semester until the requested documentation has been received. These documents must be submitted by established deadlines.~~

8.23. Probation: If a recipient earns less than a 3.3 GPA in any single semester, the recipient must earn a 3.3 GPA or better the following semester to maintain eligibility for the scholarship. If the recipient again at any time earns less than a 3.3 GPA the scholarship will be revoked.

8.34. Final Semester: A recipient will not be required to enroll in twelve credit hours if the recipient can complete the degree program with fewer credits.

8.45. No Awards after Five Years: The Board will not make an award to a recipient for an academic term that begins more than five years after the recipient's high school graduation date.

8.56. No Guarantee of Degree Completion: An award does not guarantee that the recipient will complete his or her Baccalaureate program within the recipient's scholarship eligibility period.

8.67. Deferral or Leave of Absence:

~~8.67.1.~~ A recipient shall apply to the Board for a deferral ~~of award or a~~ leave of absence ~~request are reviewed and approved by the institution the student is attending. Student are required to submit deferral and leave of absence request~~ if they do not continuously enroll ~~in fall and spring semester~~ in twelve credit hours.

~~8.67.2.~~ A deferral or leave of absence will not extend the time limits of the scholarship under subsection 8.5.

~~8.67.3.~~ Deferrals or leaves of absence may be granted, ~~at the discretion of the decision maker Board,~~ for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

R604-9 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 decision by filing an appeal with the Scholarship Appeals Committee subject to the following conditions:

9.2.1. Appeals must be ~~hand-delivered to the office or postmarked~~ submitted 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 regarding their application 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 and give him or her an opportunity to show that the appeal was timely or that it was delayed for excusable neglect. If it is found that the appeal was not timely and the delay was without excusable neglect, the Scholarship Appeals Committee shall not have jurisdiction to consider the merits.
- 9.2.5. The Scholarship Appeals Committee may consider a late appeal on its merits if it determines the appeal was delayed because of excusable neglect.
- 9.2.6. 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.
- 9.2.7. 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.
- 9.2.8. 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.
- 9.2.9. 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.
- 9.2.10. 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.

R609-10 Reporting

10.1. As directed by Commissioner's staff, eligible institutions shall report to the Board the following:

10.1.1. The names of students the institutions awarded New Century Scholarship funds.

10.1.2. Enrollment information such as the current GPA, the number of credits completed, and deferment or leave of absence information.

10.1.3. Other information deemed necessary to evaluate eligibility or the effectiveness of the program.

10.2. The Board may, at any time, request additional documentation or data related to the Regents Scholarship and may review or formally audit an eligible institution's compliance with this policy.



MEMORANDUM

TAB E

April 10, 2020

Revision of Policy R620, *Access Utah Promise Scholarship*

[H.B. 103, *Utah Promise Scholarship Program Amendments*](#) makes a technical change that allows institutions to more efficiently use state funds under this program, while ensuring tuition and fee waivers are still used wherever possible to fund the full amount of the scholarship. This issue was brought to the Commissioner's Office through feedback by the USHE Financial Aid offices.

Commissioner's Recommendation

The Commissioner recommends the Board approve the revisions to Policy R620 to conform to recently adopted legislation.

R620, Access Utah Promise Scholarship

R620-1 Purpose: To provide the Board of Regents ("The Board") policy and procedures for implementing the Access Utah Promise Scholarship ("Promise Scholarship"). This program provides a statewide needs-based scholarship program to expand access to postsecondary opportunities for all students who face financial barriers in paying for college. The program provides students an award for up to full tuition and fees in qualifying circumstances.

R620-2. References¹

- 2.1. Utah Code [§53B-8-301-304](#) (Access Utah Promise Scholarship Program)
- 2.2. Utah Code [§63G-12-402](#) (Receipt of state, local, or federal public benefits – Verification Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.)
- 2.3. Utah Code [§53B-2-101\(1\)](#) (Institutions of Higher Education)
- 2.4. Utah Code [§53B-8-102](#) (Definition of Resident Student)
- 2.5. Policy and Procedures [R512](#), Determination of Resident Status

R620-3. Definitions

- 3.1. "Institution" means institutions of higher education listed in Utah Code Section 53B-2-101(1).
- 3.2. "Promise Partner" an employer that has applied to the Board, and has established a Memorandum of Understanding (MOU) with the Board.

R620-4. Scholarship Administration

- 4.1. **Eligibility:** To qualify for a Promise Scholarship, applicants must meet the following criteria:
 - 4.1.1. Have a high school diploma or equivalent;
 - 4.1.2. Not have previously earned an associate degree or higher postsecondary degree;
 - 4.1.3. Be a resident of the State of Utah under Utah Code [§53B-8-102](#) and Regent Policy [R512](#).
 - 4.1.4. Demonstrate financial need, in accordance with sections 4.2 and 4.7;
 - 4.1.5. Accept all other grants, tuition and/or fee waivers, and scholarships offered to the applicant to attend the institution in which the applicant enrolls; and
 - 4.1.6. Maintain academic good standing as defined by the institution at which they attend.
- 4.2. **Award Criteria:** 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

¹ Adopted May 17, 2019

minimum and maximum Expected Family Contribution (EFC) based on the Free Application for Federal Student Aid within which an eligible recipient's EFC must fall to be eligible for an award). Institutions shall annually revise and publish eligibility criteria by February 1 in all publications referencing the scholarship.

4.3. Scholarship Award: The institution may award an amount to each eligible recipient up to the cost of published tuition and fees.

4.4. Last Dollar In: When determining the award amount, the institution shall first apply the total value of all grants, ~~tuition waivers, fee waivers,~~ and scholarships the recipient has received. The institution may then award an amount not to exceed the recipient's remaining cost of tuition and fees. If, after the recipient's aid has been packaged and awarded, the student later receives other financial assistance of more than \$500, the institution will appropriately reduce the amount of financial aid disbursed to the student so that the total Promise Scholarship does not exceed the cost of tuition and fees.

4.5. Scholarship Duration: A recipient may receive scholarship funds until the earliest of the following events occurs:

4.5.1. Two years after the initial award;

4.5.2. A recipient uses the scholarship for four semesters;

4.5.3. A recipient meets the academic qualifications for an associate degree; or

4.5.4. For USHE institutions that do not offer an associate degree, a recipient earns a cumulative total of 60 credits.

4.6. Application Process: Institutions shall establish an application process that applicants can easily access and complete. The Board may require an institution to modify an application or process that is overly cumbersome or confusing.

4.7. Prioritizing Awards: An institution shall, when possible, use other funding sources, tuition waivers, and fee waivers to fully fund awards. If an institution, after having exhausted those funding sources, does not have enough appropriated Promise Scholarship funds ~~or other funding sources~~ to award all eligible applicants, it may establish procedures to prioritize which applicants will receive awards based on financial need.

4.8. Competency-based Assessment: Institutions shall evaluate a recipient's knowledge, skills, and competencies acquired through formal or informal education outside the traditional postsecondary academic environment, and award appropriate credit for the recipient's prior learning.

4.9. Outreach: Institutions may advertise the Promise Scholarship under another name. All publications about the Promise Scholarship shall include disclosure that program funds are limited and subject to change.

R620-5 Transfers

5.1. A recipient may transfer to another institution and retain eligibility for the scholarship, if the recipient meets the qualifications defined in sections 4.2 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 Promise Scholarship 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 section 4.7 of

this policy. The institution to which the recipient is transferring shall make adjustments in a recipient's award in accordance with section 4.3 of this policy.

R620-6 Distribution of Award Funds to Institutions

6.1. As a condition of program participation, an eligible institution's financial aid director will report to the Board the total dollar amount of Federal Pell Grant funds awarded to resident students at the institution for the most recently completed academic year by March 1 each year.

6.1.1. An institution that fails to report the total amount of Pell Grant funds by March 1 is ineligible to participate in the program for the next fiscal year.

6.2. The Board will allocate program funds to eligible institutions in proportion to each eligible institution's percentage of the total Federal Pell Grant funds received for Utah resident students in the most recently completed award year by all participating institutions.

R620-7 Deferral or Leave of Absence: A recipient shall apply for a deferral or leave of absence if they do not continuously enroll and wish to continue to receive the scholarship.

7.1. Institutions shall develop a process for recipients to apply for deferrals or leaves of absence, which may be granted for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

R620-8 Utah Promise Partners

8.1. The Board, in consultation with the Talent Ready Utah Center at the Governor's Office of Economic Development, may select employers as Promise Partners whose employees may be eligible to receive a partner award. The Board shall establish an MOU with any selected Promise Partner that includes requirements related to an employer providing reimbursement to an employee who receives an award. The reimbursement of a Promise Partner to a corresponding recipient employed by that Promise Partner must be applied during the eligible term of the award in accordance with section 4.4. of this policy.

8.2. An employee is eligible to receive an award in accordance with the requirements of section 4.1 of this policy in addition to any criteria and limitations established through a corresponding MOU with a Promise Partner.

8.3. A recipient of an award who is an employee of a Promise Partner is subject to the same conditions as all other recipients under this policy.

R620-9 Reporting

9.1. During the first year of the program, no later than October 1, 2019, participating institutions shall report to the Board all requested data on Promise Scholarships awarded to date.

9.2. Annually, the Board will distribute a Promise Scholarship performance report template to the director of financial aid of each participating institution before the end of each fiscal year. The institution will submit the completed report by July 31 of each year.

9.3. The Board may, at any time, request additional documentation or data related to the Promise Scholarship and may review or formally audit an institution's compliance with this policy. The institution will cooperate with the Board in providing records and information requested for any scheduled audits or program reviews. Participating institutions shall maintain records substantiating its compliance with all the

program's terms for three years after the end of the award year, or until a program review has been completed and any exceptions raised in the review have been resolved, whichever occurs first. If at the end of the three-year retention period, an audit or program review exception is pending resolution, the institution will retain records for the award year involved until the exception has been resolved.

R620-10 Institutional Participation Agreement: Each participating institution will enter into a written agreement with the Board or assigned designee agreeing to abide by the program policies, accept and disburse funds per program rules, provide the required report each year, and retain documentation for the program to support the awards and actions taken. By accepting the funds, the participating institution agrees to the additional following terms and conditions:

10.1. The institution may at its discretion use up to three percent of the allocated program funds for its student financial aid administrative expenses.

10.2. The institution may not carry forward or carry back from one award year to another any of its Promise Scholarship allocation. Any exception to this rule must be approved in advance by the Board. The institution will inform the Board immediately if it determines it will not be able to utilize all program funds allotted to it for an award year. Absent any exception for a carry forward amount, institutions shall return unused funds to the Board. The Board will redistribute unused to the other eligible institutions as supplemental Promise Scholarship allocations for disbursement during the same award year. The portion of Promise Scholarship allocations budgeted for administrative expenses pursuant to Section 10.1 will not be part of any carryover.

R620, Access Utah Promise Scholarship

R620-1 Purpose: To provide the Board of Regents ("The Board") policy and procedures for implementing the Access Utah Promise Scholarship ("Promise Scholarship"). This program provides a statewide needs-based scholarship program to expand access to postsecondary opportunities for all students who face financial barriers in paying for college. The program provides students an award for up to full tuition and fees in qualifying circumstances.

R620-2. References¹

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 - 4.1.4. Demonstrate financial need, in accordance with sections 4.2 and 4.7;
 - 4.1.5. Accept all other grants, tuition and/or fee waivers, and scholarships offered to the applicant to attend the institution in which the applicant enrolls; and
 - 4.1.6. Maintain academic good standing as defined by the institution at which they attend.
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5.1. A recipient may transfer to another institution and retain eligibility for the scholarship, if the recipient meets the qualifications defined in sections 4.2 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 Promise Scholarship 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 section 4.7 of

this policy. The institution to which the recipient is transferring shall make adjustments in a recipient's award in accordance with section 4.3 of this policy.

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6.1. As a condition of program participation, an eligible institution's financial aid director will report to the Board the total dollar amount of Federal Pell Grant funds awarded to resident students at the institution for the most recently completed academic year by March 1 each year.

6.1.1. An institution that fails to report the total amount of Pell Grant funds by March 1 is ineligible to participate in the program for the next fiscal year.

6.2. The Board will allocate program funds to eligible institutions in proportion to each eligible institution's percentage of the total Federal Pell Grant funds received for Utah resident students in the most recently completed award year by all participating institutions.

R620-7 Deferral or Leave of Absence: A recipient shall apply for a deferral or leave of absence if they do not continuously enroll and wish to continue to receive the scholarship.

7.1. Institutions shall develop a process for recipients to apply for deferrals or leaves of absence, which may be granted for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

R620-8 Utah Promise Partners

8.1. The Board, in consultation with the Talent Ready Utah Center at the Governor's Office of Economic Development, may select employers as Promise Partners whose employees may be eligible to receive a partner award. The Board shall establish an MOU with any selected Promise Partner that includes requirements related to an employer providing reimbursement to an employee who receives an award. The reimbursement of a Promise Partner to a corresponding recipient employed by that Promise Partner must be applied during the eligible term of the award in accordance with section 4.4. of this policy.

8.2. An employee is eligible to receive an award in accordance with the requirements of section 4.1 of this policy in addition to any criteria and limitations established through a corresponding MOU with a Promise Partner.

8.3. A recipient of an award who is an employee of a Promise Partner is subject to the same conditions as all other recipients under this policy.

R620-9 Reporting

9.1. During the first year of the program, no later than October 1, 2019, participating institutions shall report to the Board all requested data on Promise Scholarships awarded to date.

9.2. Annually, the Board will distribute a Promise Scholarship performance report template to the director of financial aid of each participating institution before the end of each fiscal year. The institution will submit the completed report by July 31 of each year.

9.3. The Board may, at any time, request additional documentation or data related to the Promise Scholarship and may review or formally audit an institution's compliance with this policy. The institution will cooperate with the Board in providing records and information requested for any scheduled audits or program reviews. Participating institutions shall maintain records substantiating its compliance with all the

program's terms for three years after the end of the award year, or until a program review has been completed and any exceptions raised in the review have been resolved, whichever occurs first. If at the end of the three-year retention period, an audit or program review exception is pending resolution, the institution will retain records for the award year involved until the exception has been resolved.

R620-10 Institutional Participation Agreement: Each participating institution will enter into a written agreement with the Board or assigned designee agreeing to abide by the program policies, accept and disburse funds per program rules, provide the required report each year, and retain documentation for the program to support the awards and actions taken. By accepting the funds, the participating institution agrees to the additional following terms and conditions:

10.1. The institution may at its discretion use up to three percent of the allocated program funds for its student financial aid administrative expenses.

10.2. The institution may not carry forward or carry back from one award year to another any of its Promise Scholarship allocation. Any exception to this rule must be approved in advance by the Board. The institution will inform the Board immediately if it determines it will not be able to utilize all program funds allotted to it for an award year. Absent any exception for a carry forward amount, institutions shall return unused funds to the Board. The Board will redistribute unused to the other eligible institutions as supplemental Promise Scholarship allocations for disbursement during the same award year. The portion of Promise Scholarship allocations budgeted for administrative expenses pursuant to Section 10.1 will not be part of any carryover.



MEMORANDUM

TAB F

April 10, 2020

Adoption of Policy R623, *Free Application for Federal Student Aid*

S.B. 256, Student Aid Amendments requires completion of the Free Application for Federal Student Aid (FAFSA) to be eligible for certain state financial aid for higher education. The Regents' Scholarship already requires completion of the FAFSA and the USHE institution financial aid offices rely on completion of the FAFSA in determining student eligibility for the Utah Access Promise Scholarship. This legislation requires applicants to complete the FAFSA for the other state aid programs administered by the Utah State Board of Regents:

- New Century Scholarship
- Career and Technical Education Scholarships
- Terrel H. Bell Education Scholarship Program
- Success Stipend Program Act
- Veterans Tuition Gap Program Act

The legislation allows flexibility for students to opt out of this requirement as well as allows financial aid advisors to withhold the requirement where completion of the FAFSA may harm a student's overall financial aid opportunities.

Commissioner's Recommendation

The Commissioner recommends the Board adopt the policy R623 in accordance with SB 256, Student Aid Amendments.

R623, Free Application for Federal Student Aid¹

R623-1 Purpose: Require applicants for certain state scholarships to complete the Free Application for Federal Student Aid to ensure applicants have leveraged all available federal financial aid to cover the cost of higher education, provide instruction for applicants to opt out of the requirements of this policy, and provide instructions to financial aid officers.

R-623-2 References

- 2.1** Utah Code Title 53B Part 8, Chapter 8, Section 105—New Century Scholarships
- 2.2** Utah Code Title 53B Part 8, Section 115, Career and Technical Education Scholarships
- 2.3** Utah Code Title 53B, Part 8, Section 116—Terrel H. Bell Education Scholarship Program
- 2.4** Utah Code Title 53B, Part 13a, Section 104—Success Stipend Program Act
- 2.5** Utah Code Title 53B, Part 13b, Section 104—Veterans Tuition Gap Program Act

R-623-3 Definitions

3.1 Free Application for Federal Student Aid (FAFSA) The financial reporting forms used for application and reapplication to determine the need and eligibility of a student for financial assistance as described in 20 USC 1089.

R-623-4 Policy

4.1 Institutions shall require applicants for the following scholarships to complete the FAFSA to the extent that it will benefit an individual student's ability to maximize financial aid opportunities:

- 4.1.1** Terrel H. Bell Education Scholarship Program—Regent Policy R621
- 4.1.2** New Century Scholarship—Regent Policy R604
- 4.1.3** Higher Education Success Stipend Program—Regent Policy R605
- 4.1.4** Veterans Tuition Gap Program—Regent Policy R611

¹ Adopted

4.1.5 Career and Technical Education Scholarship Program—Regent Policy R622

4.2 Applicant Opt Out: An applicant may opt out of the requirement to complete the FAFSA due to:

4.2.1 Financial ineligibility for any potential grant or other financial aid;

4.2.2 Personal privacy concerns; or

4.2.3 Advice of the institution based on its assessment of the factors that may impact a student's ability to access maximum financial aid opportunities.

4.3 Institution advisors shall, to the extent practicable, encourage all of students to annually complete the FAFSA.

4.4 Institutions shall ensure staff and faculty who advise students on financial aid are properly trained on the benefits of completing the FAFSA.



MEMORANDUM

TAB G

April 10, 2020

Campus Safety Study

S.B. 80, *Campus Safety Amendments*, requires the State Board of Regents to study and make recommendations for providing public safety services on college and university campuses. The study and any recommendations are due on or before the November 2021 Education Interim Legislative Committee meeting. The Office of the Commissioner will work closely with board leadership and legislative sponsors to establish a primary committee representing institutions, law enforcement, and advocacy organizations as the principals of the study, chaired by a Regent. The committee will rely on additional practitioners, institution leaders, and subject matter experts to inform the study.

Scope of Study

- Policies and practices for hiring, supervision, and firing of campus law enforcement officers.
- Training of campus law enforcement in responding to incidents of sexual violence or other crimes reported by or involving a student, including training related to lethality or similar assessments.
- How campus law enforcement and local law enforcement respond to reports of incidents of sexual violence or other crimes reported by or involving a student, including supportive measures for victims and disciplinary actions for perpetrators.
- Training provided to faculty, staff, students, and student organizations on campus safety and prevention of sexual violence.
- Roles, responsibilities, jurisdiction, and authority of local law enforcement and campus law enforcement.
- How an institution and local law enforcement coordinate to respond to on-campus and off-campus incidents requiring public safety services.
- Any issues that may affect the timeliness of a response to an on-campus or off-campus incident reported by or involving a student.
- Infrastructure, staffing, and equipment considerations that impact the effectiveness of campus law enforcement or local law enforcement responses to an on-campus or off-campus incident reported by or involving a student.
- The benefits and disadvantages of an institution employing campus law enforcement compared to local law enforcement providing public safety services on an institution campus.
- An institution's compliance with federal and state crime statistic reporting requirements.
- How an institution informs faculty, staff, and students about a crime or emergency on campus.

- National best practices for providing public safety services on institution campuses, including differences in best practices based on the size, infrastructure, location, and other relevant characteristics of a college or university.

External Partners (Tentative)

- Utah Department of Health
- Utah Office for Victims of Crime
- Utah Council on Victims of Crime
local law, districts or special service districts that provide 911 and emergency dispatch service
- Utah Domestic Violence Coalition
- Utah Coalition Against Sexual Violence

Commissioner's Recommendation

This is an information item; no action is required.



April 10, 2020

Veterans Services Report- Five Year Follow-up to Feasibility Study

The attached document provides a follow-up report to a study conducted in 2014 that examined services USHE institutions provide to military veterans. To enhance veteran services at institutions of higher education in the state, the 2014 Utah Legislature required the USHE Board of Regents to:

- Study the feasibility of providing a veterans center or veterans services at each state institution of higher education
- Develop a plan for implementing centers or services
- Prepare a report of the study and plan with recommendations for implementation

In response to this legislation, the Office of the Commissioner of Higher Education conducted a survey among USHE institutions during the fall of 2014. After compiling results, a summary report with recommendations was provided to the USHE Board of Regents.

The report provided to the Board in 2014 was used as a basis by the Utah Department of Veterans and Military Affairs to request and receive legislative funding that has been used to augment veteran services among Utah's postsecondary institutions. Funding for this purpose became available FY 2016-17 and, based on proposals received from institutions, was distributed to institutions each of the last three fiscal years.

In an effort to assess progress made at USHE institutions since the initial veterans services survey was conducted in 2014, the Utah Department of Veterans and Military Affairs and the Commissioner's Office conducted a follow-up survey in late 2019. This document provides an analysis and summary of the 2019 survey.

The following points highlight findings of the 2019 survey:

1. Services to veterans at USHE institutions have become more visible and pronounced. Seven institutions now offer walk-in veterans centers, compared to three institutions in 2014. This is a significant accomplishment on the part of the institutions and reflects an increased priority given to veterans services.

2. Seven of the eight USHE institutions reported providing services in 2019 that they did not provide in 2014. There were 20 instances where a service was reported as not provided by an institution in 2014, but was reported as provided in 2019. Likewise, there were 17 instances where a service was reported as provided in 2014 but was reported as not provided in 2019.
3. Six out of 23 services that were examined in the survey were identified as the highest concentration of services not currently provided by USHE institutions. These services constitute the most significant opportunity for improvement on a statewide basis.
4. Developing a comprehensive set of metrics that measure success of veteran students is a work in progress. While some measures of success have been realized, much work remains to be done to develop metrics that provide meaningful indicators of success for veterans' achievements in higher education programs.

Recommendation

This report is for information to the Academic and Student Affairs Committee of the State Board of Regents; no action is required. Institutions are encouraged to review the report and use its recommendations as guidance for continued improvement to enhance services to military veterans.

Attachment



GENERAL REPORT

April 2020

Blair K. Carruth, Ph.D.

Veterans Services Summary Report

The [National Conference on Citizenship's 2017 report on veterans civic health](#)¹ showed that contributions veterans make to their respective communities are significant. In general, veterans were found to be more engaged than non-veterans in volunteerism, community service, political processes, and charitable giving. Along with military service to the country, the lifelong impacts veterans continue to have on society make this nation a better place.

Institutions in the Utah System of Higher Education are committed to serving veterans and helping them succeed in achieving their postsecondary educational goals. Additionally, assisting veterans is an important element in increasing the number of adults in Utah earning college certificates and degrees. Providing specialized support services to veterans while they engage in higher educational programs recognizes their sacrifices, contributions, and the value they provide to society. Providing services to veterans is part of the commitment USHE institutions have to provide opportunities and access for those who desire a postsecondary credential.

This report documents progress made by each USHE institution since 2014 when the Utah System of Higher Education completed [a benchmarking survey on the current state of veterans support services](#)² at Utah public colleges and universities. It also identifies opportunities for improvement and provides recommendations.

Background

To better understand services provided to veterans among USHE institutions, the 2014 Utah Legislature, via [S.B. 68, Veterans Centers](#)³, required the USHE Board of Regents to:

- Study the feasibility of providing a veterans center or veterans services at each state institution of higher education
- Develop a plan for implementing centers or services
- Prepare a report of the study and plan with recommendations for implementation

¹ National Conference on Citizenship, *2017 Veterans Civic Health Index*, <https://ncoc.org/national-reports-tup/2017-veterans-civic-health-index/>

² Utah System of Higher Education, *Walk-in Centers and Services for Veterans Recommendations to the Utah State Board of Regents*, <https://ushe.edu/wp-content/uploads/pdf/reports/VeteransServicesStudy.pdf>

³ Utah State Legislature, *S.B. 69, Veterans Centers*, <https://le.utah.gov/~2014/bills/static/SBo068.html>

In response to this legislation, the Office of the Commissioner of Higher Education conducted a survey among USHE institutions to assess the [status of veterans services in 2014](#)⁴. After compiling the survey results, a summary report with recommendations was provided to the USHE Board of Regents.

The report provided to the Board in 2014 was used as a basis by the Utah Department of Veterans and Military Affairs to request and receive legislative funding that has been used to augment veterans services among Utah's postsecondary institutions. Funding for this purpose became available FY 2016-17 and, based on proposals received from institutions, was distributed to institutions each of the last three fiscal years.

In an effort to assess progress made at USHE institutions since the initial veterans services survey was conducted in 2014, the Utah Department of Veterans and Military Affairs and the Commissioner's Office conducted a follow-up survey in 2019. This document provides an analysis and summary of the 2019 survey. As with the 2014 survey, the 2019 survey examined the following information:

- The levels of service provided to veterans
- Specific services provided to veterans
- Identification of gaps in service
- Criteria to assess levels of service
- Criteria to assess when a walk-in veterans center would be appropriate for an institution to provide
- Estimated costs associated with service enhancement

In addition, the 2019 survey included a section on metrics that was not part of the [2014 survey](#). Each institution's survey was completed under the direction of the respective institution's chief student affairs officer.

Summary of Main Findings

The following points highlight findings of the 2019 survey:

1. Services to veterans at USHE institutions have become more visible and pronounced. Seven institutions now offer walk-in veterans centers, compared to three institutions in 2014. This is a significant accomplishment on the part of the institutions and reflects an increased priority given to veterans services.
2. Seven of the eight USHE institutions reported providing services in 2019 that they did not provide in 2014. There were 20 instances where a service was not provided by an institution in 2014, but

⁴ Utah System of Higher Education, *Walk-in Centers and Services for Veterans Recommendations to the Utah State Board of Regents*, <https://ushe.edu/wp-content/uploads/pdf/reports/VeteransServicesStudy.pdf>

was provided in 2019. There were 17 instances where a service was provided in 2014 but was reported as not provided in 2019.

3. Six out of 23 services that were examined in the survey were identified as the highest concentration of services not currently provided by USHE institutions. These services constitute the most significant opportunity for improvement on a statewide basis.
4. Developing a comprehensive set of metrics that measure success of veteran students is a work in progress. While some measures of success have been realized, much work remains to be done to develop metrics that provide meaningful indicators of success for veterans' achievements in higher education programs.

Criteria to Determine Levels of Service to Veterans, Including Walk-in Veterans Centers

While all institutions within USHE are responsive in providing services for veterans, the services provided vary from one institution to another. In assessing services, it was helpful to consider services by level. In doing so, the following definitions were used:

- **Level 1—Veterans Support Staff:** Institution assigns full-time staff member(s) whose responsibility is to provide services to veterans. These staff members have other responsibilities assigned to them outside of their responsibilities to veterans.
- **Level 2—Dedicated Veterans Support Office:** Institution has at least one position assigned to provide services to veterans on a full-time basis.
- **Level 3—Veterans Services Center:** Institution has at least one position assigned to provide services to veterans on a full-time basis and offers exclusive services to veterans beyond services that are available to all students.
- **Level 4—Veterans Services with Walk-in Veterans Center:** Institution has at least one position assigned to provide services to veterans on a full-time basis, offers exclusive services to veterans beyond services that are available to all students, and provides dedicated space for use by veterans.

Respondents were asked to assess the level at which their institutions provide services to veterans. They were also asked to specify a range of veteran enrollment they believed was reasonable to justify providing each level of service identified above.

Predominately, responses suggested that once an institution enrolls more than 50 students, it should provide services to veterans at Level 4 and that Level 1 was appropriate for institutions enrolling 50 or fewer veterans. Responses showed complete consistency between the level of service at which institutions

reported they operate and the recommended service level at which they believed they should be operating. In the 2014 study, there was a greater range of disparity between actual and recommended levels of service, and at what enrollment a given level of service should be provided. Survey responses show that institutions have made considerable progress increasing levels of service to veterans over the last five years with seven institutions now offering walk-in veterans centers, up from three institutions in 2014.

See Table 1 below.

Table 1. Current and Recommended Service Levels for Veterans

	2014 Survey			2019 Survey		
Institution	Estimated Veterans Enrolled Fall 2013*	Self-identified Service Level	Recommended Service Level	Estimated Veterans Enrolled Fall 2019*	Self-identified Service Level	Recommended Service Level
University of Utah	915	4	4	1150	4	4
Utah State University	525	4	4	659	4	4
Weber State University	913	4	4	642	4	4
Southern Utah University	450	1	4	500	4	4
Snow College	46	1	1	15	1	1
Dixie State University	209	2	2	152	4	4
Utah Valley University	900	2	4	935	4	4
Salt Lake Community College	1300	4	4	851	4	4

Services for Veterans

To further understand veterans services on USHE campuses, respondents were asked to consider not only the level of service their respective institutions provide, but also the breadth of services. The latter refers to the number of actual services provided to veterans.

A list of services was developed for the [2014 survey](#)⁵ that included 26 services. This same list was used as a basis for the 2019 survey but was updated to reflect current conditions. The updated list contained 23 of the original 26 services. The services listed in the survey were derived from:





- Conversations and feedback from USHE institutional personnel who work with veterans
- Conversations with executive officers of the [Utah Department of Veterans and Military Affairs](#)⁶
- Members of the Utah Legislative Veterans Reintegration Task Force (now known as the [Veterans and Military Affairs Commission](#)⁷)
- Personnel on the Utah Veterans Education and Training Working Group
- Information gathered from national bodies including the U.S. Department of Veterans Affairs and American Council on Education

For each of the 23 services, respondents were asked to identify which services their respective institutions currently provide to veterans. Additionally, for services that were not currently offered, they were asked to identify which services could be provided without additional costs, which services could be provided with additional funding, and which services would not be feasible to provide even if additional funding were available.

Table 2, below, provides a breakdown of the responses to this inquiry. Results demonstrated that to varying degrees all institutions have opportunities to increase services to veterans. Service items identified in the survey were grouped into two service levels, Service Level 1 and Service Level 4 (since these are the service levels that apply to USHE institutions).

Table 2. Recommended Services for Veterans by Service Level and Institutions

Key to Table 2:

-  = Currently provided by institution
-  = Currently not provided by institution but could be provided without additional funding
-  = Currently not provided by institution but could be provided with additional funding
-  = Currently not provided by institution, and is not feasible to provide service even if additional funds were available

*A color indicated in parentheses denotes the status of the service as reported in the 2014 survey. Where no color is specified in parentheses, there was no change between the 2014 and 2019 surveys.

⁵ Utah System of Higher Education, *Walk-in Centers and Services for Veterans Recommendations to the Utah State Board of Regents*, <https://ushe.edu/wp-content/uploads/pdf/reports/VeteransServicesStudy.pdf>

⁶ Utah Department of Veterans and Military Affairs, <https://veterans.utah.gov/>

⁷ Utah State Legislature, *2019 Veterans and Military Affairs Commission*, <https://le.utah.gov/asp/interim/Commit.asp?Year=2019&Com=SPEVMA>

Table 2: Service Level 1- Recommended to be provided by all USHE institutions

Facilitate certification of United States Department of Veterans Affairs educational benefits ⁸	U of U	USU	WSU	SUU	Snow	DSU	UVU	SLCC
Provide guidance to help veterans complete the application for United States Department of Veterans Affairs educational benefits ⁹	U of U	USU	WSU	SUU	Snow	DSU	UVU	SLCC
Commit to practice the principles of excellence established by Executive Order 13607- Establishing Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members ¹⁰	U of U	USU	WSU	SUU	Snow	DSU	UVU	SLCC
Include statement of veterans preference ¹¹ in institutional employee recruitment and hiring documents	U of U	WSU	SUU	Snow	DSU	UVU	SLCC	USU (Blue)
Award credit to veterans for learning demonstrated through prior military experience and training in accordance with Utah Code 53B-16-107 ¹²	U of U	WSU	SUU	Snow	DSU	UVU	SLCC	USU (Blue)
Provide guidance to help veterans obtain Utah residency status	U of U	USU	WSU	SUU	DSU	UVU	SLCC	Snow (Blue)

⁸ U.S. Department of Veterans Affairs, *VA education and training benefits*, <https://www.va.gov/education/>

⁹ U.S. Department of Veterans Affairs, *How to apply for the GI Bill and related benefits*, <https://www.va.gov/education/how-to-apply/>

¹⁰ The White House, *Executive Order -- Establishing Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members*, <https://obamawhitehouse.archives.gov/the-press-office/2012/04/27/executive-order-establishing-principles-excellence-educational-instituti>

¹¹ U.S. Department of Labor, *Veterans' Preference Information*, <https://www.dol.gov/agencies/vets/programs/vetspref>

¹² Utah State Legislature, *Utah Code 53B-16-107, Credit for military service training –Notification – Transferability – Reporting*, <https://le.utah.gov/xcode/Title53B/Chapter16/53B-16-S107.html>

to qualify for in-state tuition								
Advocate for veterans with campus entities and personnel	U of U	USU	WSU	SUU	DSU	UVU	SLCC	Snow (Blue)
Utilize the resources, counsel, and guidance available in the American Council on Education's Toolkit for Veteran Friendly Institutions ¹³	U of U	USU (Green)	WSU (Green)	SUU (Green)	DSU	UVU	SLCC	Snow (Blue)
Work with veterans and academic personnel to assist in resolving enrollment and program entry requirement issues	USU	WSU	Snow	DSU	UVU	SLCC	U of U	SUU
Develop tracking system to identify all enrolled veterans each semester including those using VA benefits and those not using VA benefits	U of U	USU (Yellow)	WSU (Green)	DSU (Yellow)	UVU	SLCC	SUU	Snow
Provide guidance to support veterans with admission into educational programs at the institution	WSU	Snow	DSU	UVU	SLCC	U of U (Blue)	USU (Yellow)	SUU

Table 2: Service Level 4- Recommended to be provided by UU, USU, WSU, DSU, UVU, and SLCC- Service items included in Service Level 1 above plus the following:

Participate in the United States Department of Veterans Affairs work study program ¹⁴	U of U	USU	WSU	SUU	DSU	UVU (Yellow)	SLCC	Snow
Establish an office that serves as a central point of service for veterans	U of U	WSU	WSU	SUU (Green)	DSU	UVU	SLCC	Snow (Green)
Upon admission, identify and contact veterans to make them aware of veterans services at the institution	U of U (Yellow)	USU	SUU (Green)	DSU (Yellow)	UVU	SLCC	WSU (Yellow)	Snow (Yellow)

¹³ American Council on Education, *Toolkit for Veteran Friendly Institutions*, <https://www.acenet.edu/Documents/Veterans-Toolkit-2018.pdf>

¹⁴ U.S. Department of Education, *Work study*, <https://www.va.gov/education/about-gi-bill-benefits/how-to-use-benefits/work-study/>

Contact enrolled veterans each semester and invite them to take advantage of services available to them	U of U	USU (Green)	SUU	DSU (Yellow)	UVU	SLCC	WSU	Snow
Support professional development of veterans service personnel at annual out-of-state meetings such as WAVES ¹⁵ or NAVPA ¹⁶	U of U	USU	SUU	DSU	UVU (Green)	SLCC	WSU (Green)	Snow (Blue)
Provide a formal process for veterans issues to be represented or heard within student government or student body organizations	WSU	SUU	UVU (Yellow)	SLCC	U of U	USU	Snow (Grey)	DSU (Blue)
Provide orientation services for veterans who have been recently admitted to the institution	SUU (Green)	UVU	SLCC	U of U (Blue)	USU (Blue)	WSU (Blue)	Snow	DSU (Blue)
Develop and implement outreach training and/or materials designed to help members of the campus community better understand needs and issues of veterans	U of U	SUU (Green)	DSU (Green)	UVU	USU	WSU	SLCC (Blue)	Snow (Green)
Assist veterans to transition from school to the workplace	U of U	SUU (Yellow)	UVU	USU (Yellow)	WSU	DSU	SLCC (Blue)	Snow (Blue)
Contact enrolled veterans each semester to assist them with retention and completion	UVU	SLCC (Green)	U of U (Blue)	USU	WSU	SUU (Yellow)	Snow	DSU
Provide an academic outreach program to help underprepared veterans achieve success in college courses	UVU	SLCC	U of U	USU	WSU	SUU	Snow	DSU
Establish a standing committee composed of academic and	WSU	U of U	USU	DSU	UVU (Blue)	SLCC (Blue)	SUU (Yellow)	Snow (Yellow)

¹⁵ WAVES, *Western Association of Veterans Education Specialists*, <https://www.uswaves.org/>

¹⁶ NAVPA, *National Association of Veterans' Program Administrators*, <https://www.navpa.org/>

student services personnel to discuss common veterans' issues and make recommendations to appropriate individuals and groups for improvement								
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Metrics

The 2019 survey added a section on veteran success metrics. Institutions were asked to provide 11 metrics centered on veteran enrollment, retention, completion, and employment. The ability for institutions to report on all 11 metrics was mixed. Generally, institutions were able to identify veteran enrollment and have made progress in the ability to identify veterans upon enrollment. Likewise, some aspects of retention from one year to the next did not appear to present significant barriers for institutions to measure; however, deeper analysis of non-retained veterans (i.e., transfer to different institutions and employment data) presented challenges in data gathering. For example, not all survey respondents were familiar with or had ready access to Utah unemployment insurance wage records or the [National Student Clearinghouse](#)¹⁷, where employment and student transfer data are available.

Obtaining meaningful completion data was also met with challenges. Year-to-year completion data were generally available, although this data does not address cohort completion rates, a metric that is a more meaningful measure of completion. Determining an eight-year cohort completion rate presented challenges for several institutions.

Institutional research offices are often over-taxed with existing workloads. New data requests that add to these workloads without commensurate resources can stress the ability of an institution to respond regularly and systematically to on-going data needs.

Estimated Costs

Institutions were asked to identify costs associated with providing services identified in the blue category of Table 2. While cost information was not provided by all institutions, information that was provided is summarized in Tables 3 and 4 below. Cost information reflects salaries and benefits that are in addition to federal Veterans Administration work-study funds.

¹⁷ National Student Clearinghouse, <https://www.studentclearinghouse.org/>
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Table 3. One-time Costs: Enhancement of services for veterans and increase in service levels

Cost Item	U of U	USU	WSU	SUU	Snow	DSU	UVU	SLCC	USHE Total
Acquisition of Space									
Remodeling				10,000		20,000			30,000
Furnishings		5,000		5,000		7,000			17,000
Full-time Salaries				38,000					38,000
Full-time Benefits				5,700					5,700
Part-time staff wages beyond veterans work-study positions									
Part-time staff benefits beyond veterans work-study positions									
Operations and Maintenance									
Current Expense									
Travel, out-of-state									
Travel, in-state									
Other costs (specify) DSU-tutoring/counseling; SUU-Marketing publications, veteran orientation, student mentors									
Subtract costs associated with existing or potential funds that could be used to off-set costs identified above		-30,000							
Total Costs		-25,000		58,700		27,000			90,700

Table 4. On-going Costs: Enhancement of services for veterans and increase in service levels

Cost Item	U of U	USU	WSU	SUU	Snow	DSU	UVU	SLCC	USHE Total
Acquisition of Space									
Remodeling				3,000					3,000
Furnishings			1,000	300					1,300
Full-time Salaries	98,000	51,000	40,000	38,000					227,000
Full-time Benefits	39,200	23,460	18,000	5,700					86,360
Part-time staff wages beyond veterans work-study positions		17,160				22,360			39,520
Part-time staff benefits beyond veterans work-study positions		1,373							1,373
Operations and Maintenance	900	18,638				3,900			23,438
Current Expense		5,000	2,500						7,500
Travel, out-of-state	4,000	5,000	12,000			6,500			27,500
Travel, in-state	1,000	2,000				1,000			4,000
Other costs	45,000	21,938				21,000			87,938
Subtract costs associated with existing or potential funds that could be used to offset costs identified above						-3,900			3,900
Total Costs	188,100	145,569	73,500	47,000		50,860			505,029

Notes to on-going costs table (above):

- U of U Salaries and Benefits: Veterans Services Center Assistant Director (\$52K) Veterans Admissions Coordinator (\$46K). These positions would improve staffing in order to increase outreach and support and to provide deliberate support of veteran admissions.
- U of U Travel: Professional development for assistant director and veteran admissions coordinator

- U of U Operations and Maintenance: Cost of a monthly veteran orientation program offered in conjunction with the general transfer orientation. Approximately \$75/month to cover space, parking for speakers, and materials.
- U of U Other: Host Warrior Scholar Program
- USU Other: Academic Bridge Program
- DSU Other: Tutoring Assistance
- DSU Other: Veteran Outreach

Findings

1. Seven institutions now offer walk-in veterans centers, compared to three institutions in 2014.
2. Tabulating the change in responses from the 2014 survey, seven of the eight USHE institutions reported providing services in 2019 that they did not provide in 2014. Twenty instances were reported where a service was not provided by an institution in 2014, but was provided in 2019. There were 17 instances where a service was provided in 2014 but reported as not provided in 2019.
3. From the list of services measured in the survey, Southern Utah University reported the greatest number of new services offered between 2014 and 2019, with six new services provided to veterans.
4. Areas of highest concentration of services not currently provided include (services are not provided by five of the eight institutions):
 - Provide orientation services for veterans who have been recently admitted to the institution
 - Develop and implement outreach training and/or materials designed to help members of the campus community better understand needs and issues of veterans
 - Assist veterans to transition from school to the workplace
 - Contact enrolled veterans each semester to assist them with retention and completion
 - Provide an academic outreach program to help underprepared veterans achieve success in college courses
 - Establish a standing committee composed of academic and student services personnel to discuss common veterans' issues and make recommendations to appropriate individuals and groups for improvement
5. Institutions generally were able to identify the veteran success metrics related to veteran enrollment and year-to-year retention and completion, although providing deeper analysis pertaining to transfer, employment, and cohort completion rates presented challenges.

6. Combined responses from institutions that provided cost information suggest that \$90,700 of one-time funds and \$505,029 of on-going funds are needed to address service gaps identified by this survey.

Recommendations

1. Where items are coded in Table 2 as yellow (not currently offered, but could be offered without additional funding), institutions should examine why these services are not offered and develop strategies to provide them.
2. Where items are coded in Table 2 as green (not currently offered, but could be offered with additional funding), institutions should work with the State Department of Veterans and Military Affairs to identify funding from institutional and state sources aimed at reducing the gaps in service, especially in those cases where a service is associated with a Service Level recommended for the institution.
3. Where services were provided in 2014 but were not reported as being provided in 2019, institutions should examine why these services were no longer provided and determine strategies to offer these services, as per recommendations one or two above.
4. For each item having the highest concentration of not being provided (identified in item four of the Findings section above), institutions not providing these services should pay particular attention to developing strategies and approaches to implementing them so as to increase the breadth of services to veterans across the state.
5. Training and resources are needed to assist institutions to gather veteran success metrics, particularly obtaining cohort completion rates and information from Utah's unemployment insurance wage records and the [National Student Clearinghouse](https://www.studentclearinghouse.org/)¹⁸ and then matching this information with institutional data. It is recommended that veteran services stakeholders discuss data needs with institutional research offices to better understand the metrics that are needed—those that can be obtained with existing resources and what additional resources would be needed to address gaps that currently exist in providing veteran success metrics.

¹⁸ National Student Clearinghouse, <https://www.studentclearinghouse.org/>
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PRIORITIES REPORT

April 17, 2020

TAB I

Academic and Student Affairs

Academic and Student Affairs Priorities Update

Goal #1: Streamline Transfer and Articulation	Updates: <ul style="list-style-type: none">• <u>Utah Transfer Guide</u>: The online Utah Transfer Guide allows students to explore their transfer options by searching participating institutions, programs, courses, or course and exam equivalencies. The newly launched Transfer Check feature allows students to see how their transfer coursework fits into degree requirements for select programs from one college to the next. The Transfer Check feature contains the degree requirements for 63.5% of all bachelor's degrees awarded by USHE institutions, with more programs being added this summer.• <u>The Regents' Transfer Council</u> has identified and begun addressing its top priorities for transfer in the system:<ul style="list-style-type: none">○ Examination of different types of associate degree pathways and their benefits: pre-majors, general studies, and meta-major transfer pathways;○ Defining system-wide expectations for major program alignment and lower division pathways;○ Addressing structural misalignments between associate and bachelor's degrees (i.e., overprescribed associate degrees; bachelor degree requirements for upper division coursework during the first two years, differing levels of student preparation that may require alternate pathways into a major, etc.);○ Addressing general education misalignments;○ Addressing the stackability of technical certificates into A.A.S. and B.A.S. transfer pathways;
Goal #2: Strategically address students' options for prior learning assessment and its transferability	Updates: <ul style="list-style-type: none">• Faculty from 16 Major Committees met on Feb. 28th to discuss the regents' transfer initiatives and to identify common cut scores, credits, and course equivalencies for standardized assessments of prior learning. Representatives of the College Board attended the meetings to address faculty questions about AP and CLEP exams. Next Steps: <ul style="list-style-type: none">• In light of public health concerns, the 15 remaining Major Committees will virtually this spring between March 31 and April 15.
Ongoing Committee Responsibility: Student Affairs	Updates: <ul style="list-style-type: none">• Mental Health: All eight USHE colleges and universities are partnering with The Jed Foundation (JED) in a statewide agreement to support the mental health and well-being of Utah students. JED is a nonprofit organization focused on protecting emotional health and preventing suicide. JED has begun working with USHE institutions to guide them through a four-year collaborative process of developing comprehensive systems, programs, and policies and will provide customized support to

build upon existing institutional efforts to address student mental health, substance misuse, and suicide prevention.

- Title IX: The dates of the USHE sponsored 2020 Title IX conference, which is as part of the Utah Coalition Against Sexual Assault's (UCASA) annual Sexual Violence Conference, have been changed from March 25th and 26th to August 5th and 6th. The breakout sessions and keynotes will remain the same and the location is still the Jordan Commons Megaplex Theatres, 9335 State St., Sandy, UT 84070.