



May 21, 2021

## Action Item: Policy Revisions to State Scholarship Programs

In 2019, the former USHE Board of Regents recommended eliminating the New Century and Regents' Scholarship programs after applicants from the high school graduating class of 2021. In December 2020, the Board directed staff to pursue necessary statutory revisions to enable implementation of the recommended revisions to the Regents' and New Century Scholarship programs that will enable the Board to prioritize funds towards need-based aid.

The Board also approved development of a state achievement scholarship to replace the Regents' and New Century Scholarships using updated, more equitable criteria aligned to Board Strategic Priorities. The State Legislature adopted S.B. 136, *Higher Education Scholarships Amendments* in the 2021 Legislative Session. The legislation enables the Board to formally adopt its recommended changes, including establishment of the new Opportunity Scholarship. The Board adopted the following requirements, in anticipation of S.B. 136 for the Opportunity Scholarship:

- Graduate from a Utah high school
- 3.3 minimum cumulative high school GPA
- Complete one advanced mathematics course (CE, AP, or IB)
- Complete one advanced language arts course (CE, AP, or IB)
- Complete one advanced science credit (CE, AP, IB)
- Completion of the Free Application for Federal Student Aid (FAFSA)

The attached policy formalizes the Board's recommendations from December 2020, for implementation for the 2021-22 academic year. High school students graduating in 2022 (current high school juniors) may apply for the new Opportunity Scholarship using the established advanced course criteria or the qualifying criteria from the now-discontinued Regents' Scholarship.

Applicants will be encouraged to complete the advanced course criteria outlined in the Opportunity Scholarship, because of the compelling benefit to students in their postsecondary experience. However, this temporary allowance hopefully provides some relief to high school juniors claiming to be on track for the previous Regents' Scholarship.

**Commissioner's Recommendation**

Commissioner recommends the Academic Education and Student Affairs Committees advance the proposed Board Policy R608, Opportunity Scholarship to the Committee of the Whole for further consideration.

**Attachment**

## R608, Opportunity Scholarship<sup>1</sup>

**R608-1 Purpose:** The Opportunity Scholarship encourages students to complete advanced courses in core subject areas, in order to provide better access to higher education opportunities and to reward students for preparing academically for college.

### R608-2 References

**2.1** [Utah Code Section 53B-8-201](#) Opportunity Scholarship Program

### R608-3 Definitions

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

**3.2 “Board”** means the Utah Board of Higher Education.

**3.3 “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.

**3.4 “Excusable Neglect”** means a failure to take proper steps at the proper time, not in consequence of willful disregard of the scholarship application process, but in consequence of some unexpected or unavoidable circumstances.

**3.5 “Good Cause”** means the applicant’s failure to meet a scholarship application process requirement was due to circumstances beyond the student’s control or circumstances that are compelling and reasonable.

**3.6 “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.

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<sup>1</sup> Adopted April 16, 2021 by USHE Students Affairs Committee; amended May 5, 2021

**3.7 “Scholarship Appeals Committee”** means a committee designated by Commissioner of Higher Education to review appeals of Opportunity Scholarship award decisions and take final agency action regarding awards.

**3.8 “Scholarship Award”** means a scholarship awarded to all applicants who meet the eligibility requirements of section R608.

**3.9 “Scholarship Staff”** means the employees assigned review Opportunity Scholarship applications and make decisions awarding the scholarships.

**3.10. “Substantial Compliance”** means the applicant, in good faith, demonstrated clear intent to comply with the scholarship application requirements and has demonstrated likely eligibility, but failed to precisely comply with the application specifics.

#### **R608-4 Award requirements**

**4.1** To qualify for the Opportunity 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 one advanced Mathematics course.

**4.1.3** Complete one advanced Language Arts course.

**4.1.4** Complete one advanced Science course.

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

**4.2** Students who will graduate from a Utah high school in 2022 may alternatively qualify for the Opportunity Scholarship if they satisfy the following criteria:

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

**4.2.2** Complete four credits of English.

**4.2.3** Complete four credits of math, including one course of advanced math.

**4.2.3.1** For purposes of subsection 4.2, 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.

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

**4.2.5** Complete two credits of world languages.

**4.2.6** Complete three credits of social science.

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

**4.3** Students who will graduate from a Utah high school in 2022 must apply for the Opportunity Scholarship using the eligibility criteria in either subsection 4.1 or subsection 4.2 exclusively. They may not qualify for the Opportunity Scholarship by mixing courses from both sets of criteria.

**4.3.1** The courses listed in subsections 4.1 and 4.2 are not always analogous. Students who will graduate in 2022 should verify the courses they are completing meet the eligibility requirements under the subsection through which they elect to apply.

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

**4.5 Mandatory Enrollment:** An award recipient shall enroll at an eligible institution full time—as defined by the institution—beginning with the fall semester after high school graduation. The institution at which the student attends shall verify the recipient has met the enrollment requirements before disbursing payment.

## **R608-5 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. Additional criteria to prioritize awarding may be established by the Board.

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

**5.2.1** The online Opportunity Scholarship application.

**5.2.2** Complete the online Free Application for Federal Student Aid

**5.2.3** If there is an error with the student’s transcript, a student must work with their high school or district to rectify the information to complete an application.

## **R608-6 Award Amounts and Ongoing Eligibility**

**6.1 Award Determination:** The Board will determine eligibility criteria and maximum award amounts, based on legislative appropriations and the number of eligible applicants.

**6.2 Scholarship Award:** Students who meet the eligibility criteria may receive up to a four-semester scholarship award. Institutions shall determine individual recipient award amounts in accordance with Utah Code Section 53B-8-201(3).

**6.3 Ongoing Eligibility:** If a student receives an award disbursement, the recipient must enroll at an eligible institution full time and maintain satisfactory academic progress as defined by the institution to remain eligible for future disbursements. Institutions shall verify the recipient has met these requirements. Recipients who do not maintain eligibility forfeit any remaining award amount.

## **R608-7 Time Limitations 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 Deferral or Leave of Absence:** Recipients who will not enroll as a student shall apply for a deferral or leave of absence with their institution.

**7.2.1** An approved deferral or leave of absence will not extend the time limits of the scholarship. The scholarship may only be used for academic semesters that begin within five years after the recipient’s high school graduation date.

**7.2.2** A recipient who elects to attend a USHE technical college may defer the Opportunity Scholarship during that period of enrollment subject to the time limitations of Section 7.2.2.

## **R608-8 Transfers**

**8.1** Recipients may transfer to another eligible institution and retain the scholarship award. Recipients shall inform the institution from which they transfer from and the institution to which they are transferring of their intent to transfer. Institutions shall coordinate the transfer of scholarship funds and information and report this information to the Office of the Commissioner.

## **R608-9 Appeals**

**9.1** An applicant has the right to appeal an adverse decision. When scholarship staff denies eligibility, they shall issue a written determination that includes instructions on how to file an appeal.

**9.1.1** Applicants must submit a written appeal within 30 days of the date on which the scholarship notification was issued.

**9.1.2** In the appeal, the applicant must provide contact information, high school attended, a statement of the reason for the appeal, and all information or evidence that supports the appeal.

**9.1.3** An appeal filed before the applicant receives official notification from the Scholarship Staff of its decision may not be considered.

**9.1.4** 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 provide a written explanation of the reasons for failing to file the appeal by the deadline. The Scholarship Appeals Committee shall not have jurisdiction to consider the merits of an appeal that is filed beyond the deadline unless it determines the applicant established excusable neglect.

**9.1.5** 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.

**9.1.6** 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.

**9.1.7** 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 may grant the applicant a reasonable period of time to complete the remaining requirements and to resubmit the completed application to the Scholarship Staff for a redetermination or grant the application eligibility for an award.

**9.1.8** 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.

**9.1.9** 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.

## **R608-10 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 Opportunity 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 Opportunity Scholarship and may review or formally audit an eligible institution’s compliance with this policy.