

**TUITION WAIVERS FOR CHILDREN IN  
LONG-TERM FOSTER CARE**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Richard M. Siddoway**

AN ACT RELATING TO HIGHER EDUCATION; EXTENDING TUITION WAIVERS TO  
CHILDREN IN LONG-TERM FOSTER CARE.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

**53B-8d-101**, Utah Code Annotated 1953

**53B-8d-102**, Utah Code Annotated 1953

**53B-8d-103**, Utah Code Annotated 1953

**53B-8d-104**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53B-8d-101** is enacted to read:

**CHAPTER 8d. TUITION WAIVERS FOR CHILDREN IN LONG-TERM FOSTER  
CARE ACT**

**53B-8d-101. Title.**

This chapter is known as the "Tuition Waivers for Children in Long-Term Foster Care  
Act."

Section 2. Section **53B-8d-102** is enacted to read:

**53B-8d-102. Definitions.**

As used in this chapter:

(1) "Child" means an individual:

(a) who is at least 17 years of age and not older than 26 years of age;

(b) who had a permanency goal in the child's treatment plan, as defined in Sections  
62A-4a-205 and 78-3a-312, of long-term foster care while in the custody of the division; and

28 (c) for whom the custody of the division was not terminated as a result of adoption.

29 (2) "Division" means the Division of Child and Family Services.

30 (3) "Long-term foster care" means a child who remains in the custody of the division,  
31 whether or not the child resides with licensed foster parents or in independent living arrangements  
32 under the supervision of the division.

33 (4) "State institution of higher learning" means those institutions designated in Section  
34 53B-1-102.

35 (5) "Tuition" means tuition at the rate for residents of the state.

36 Section 3. Section **53B-8d-103** is enacted to read:

37 **53B-8d-103. Tuition waivers for children in foster care.**

38 (1) Beginning in the 2000-01 academic year, and subject to the limitations in Subsections  
39 (2), (3), and (4), a state institution of higher education shall waive tuition for each child who meets  
40 the following requirements:

41 (a) applies, qualifies, and is admitted as a full-time, part-time, or summer school student  
42 in a program of study leading to a degree or certificate;

43 (b) is a resident student of the state as determined under Section 53B-8-102;

44 (c) applies to the division for a waiver of tuition under this chapter and provides evidence  
45 satisfactory to the division that:

46 (i) the applicant was in the custody of the division for an aggregate period of not less than  
47 24 months; and

48 (ii) the course or courses for which the applicant is seeking a tuition waiver meet the  
49 requirements of Subsection (2);

50 (d) applies under Subsection (1)(c) for the first time before the age of 25;

51 (e) is certified by the financial aid officer at the higher education institution as needing the  
52 tuition waiver in order to meet recognized educational expenses;

53 (f) maintains satisfactory academic progress, as defined by the institution of higher  
54 education, for each term or semester in which the individual is enrolled, which may be measured  
55 by the definition used for federal student assistance programs under Title IV of the Higher  
56 Education Act of 1965; and

57 (g) has not achieved a bachelor's degree and has received tuition reimbursement under this  
58 chapter for less than 124 semester credits or 180 quarter credits at an institution of higher

59 education.

60 (2) A child is eligible for a tuition waiver under this section of not more than nine  
61 semesters or the equivalent number of quarters.

62 (3) Tuition shall be waived only to the extent that the tuition is not covered or paid by any  
63 scholarship, trust fund, statutory benefit, or any other source of tuition coverage available for a  
64 waiver under this chapter.

65 (4) An institution of higher education shall waive tuition under this chapter only for  
66 courses that are applicable toward the degree or certificate requirements of the program in which  
67 the child is enrolled.

68 Section 4. Section **53B-8d-104** is enacted to read:

69 **53B-8d-104. Notice of tuition waiver approval -- Annual appropriation.**

70 (1) Upon receiving an application under Section 53B-8d-103, the division shall determine  
71 whether the applicant and the courses for which tuition waiver is sought meet the requirements of  
72 Section 53B-8d-103 and, if so, shall approve the application and notify the higher education  
73 institution that the application has been approved.

74 (2) The division shall provide the necessary forms and applications and cooperate with the  
75 state's institutions of higher education in developing efficient procedures for the implementation  
76 of this chapter.

77 (3) The division shall annually report to the Legislature's Higher Education Appropriations  
78 Subcommittee on the number of individuals for whom tuition has been waived at each institution  
79 and the total amounts paid under this chapter for the fiscal year.

80 (4) The Legislature may annually appropriate the funds necessary to implement this  
81 chapter, including moneys to offset the tuition waivers at each institution.

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**Legislative Review Note**  
**as of 12-13-99 3:34 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**