

**TUITION WAIVERS FOR WARDS OF THE STATE**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Richard M. Siddoway**

**This act modifies provisions related to the State System of Higher Education by extending tuition waivers to wards of the state. The act provides for reimbursement of those waivers by the Division of Child and Family Services.**

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 WARDS OF THE STATE ACT**

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

This chapter is known as the "Tuition Waivers for Wards of the State Act."

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

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

As used in this chapter:

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

(2) "Long-term foster care" means an individual who remains in the custody of the division, whether or not the individual resides with licensed foster parents or in independent living arrangements under the supervision of the division.

(3) "State institution of higher education" means those institutions designated in Section

28 53B-1-102.

29 (4) "Tuition" means tuition at the rate for residents of the state.

30 (5) "Ward of the state" means an individual:

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

32 (b) who had a permanency goal in the individual's treatment plan, as defined in Sections  
33 62A-4a-205 and 78-3a-312, of long-term foster care while in the custody of the division; and

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

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

36 **53B-8d-103. Tuition waivers for wards of the state.**

37 (1) Beginning in the 2001-02 academic year, and subject to the limitations in Subsections

38 (2), (3), and (4), a state institution of higher education shall waive tuition for each ward of the state  
39 who meets the following requirements:

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

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

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

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

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

49 (d) applies under Subsection (1)(c) for the first time before the age of 22;

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

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

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

59           (2) A ward of the state is eligible for a tuition waiver under this section of not more than  
60 nine semesters.

61           (3) Tuition shall be waived:

62           (a) after the individual has applied for financial assistance, including scholarships and Pell  
63 Grants; and

64           (b) only to the extent that the tuition is not covered or paid by any scholarship, trust fund,  
65 statutory benefit, Pell Grant, or any other source of tuition coverage available for a waiver under  
66 this chapter.

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

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

71           **53B-8d-104. Notice of tuition waiver approval -- Annual appropriation.**

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

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

79           (3) The division shall reimburse the state's institutions of higher education for any tuition  
80 waived under this chapter.

81           (4) The division shall annually report to the Legislature's Higher Education Appropriations  
82 Subcommittee on the number of individuals for whom tuition has been waived at each institution  
83 and the total amounts reimbursed by the division under this chapter for the fiscal year.

84           (5) The Legislature may annually appropriate the funds necessary to implement this  
85 chapter, including moneys to offset the reimbursement of tuition waivers.

**Legislative Review Note**  
**as of 12-12-00 11:28 AM**

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

**Office of Legislative Research and General Counsel**