

Chapter 13a Utah Promise Program Act

53B-13a-102 Definitions.

As used in this chapter:

- (1)
 - (a) "Cost of attendance" means the estimated costs associated with attending an institution, as established by the institution in accordance with board policies.
 - (b) "Cost of attendance" includes costs payable to the institution, other direct educational expenses, transportation, and living expenses while attending the institution.
- (2)
 - (a) "Eligible student" means a financially needy student who is:
 - (i) unconditionally admitted to and enrolled at a Utah postsecondary institution on at least a half-time basis, as defined by the board, in an eligible postsecondary program leading to a defined education or training objective, as defined by the board;
 - (ii) making satisfactory academic progress, as defined by the institution in published policies or rules, toward an education or training objective; and
 - (iii)
 - (A) a resident student under Section 53B-8-102 and rules of the board; or
 - (B) exempt from paying the nonresident portion of total tuition under Section 53B-8-106.
 - (b) "Eligible student" does not include a graduate student.
- (3) "Financially needy student" means a student who demonstrates the financial inability to meet all or a portion of the cost of attendance at an institution for any period of attendance as defined by the board, after considering the student's expected family contribution.
- (4) "Fiscal year" means the fiscal year of the state.
- (5) "Partner award" means a financial award described in Section 53B-13a-106.
- (6) "Program" means the Utah Promise Program.
- (7) "Promise partner" means an employer that participates in the program described in Section 53B-13a-106.
- (8) "Utah postsecondary institution" or "institution" means:
 - (a) an institution of higher education listed in Section 53B-1-102; or
 - (b) a Utah private, nonprofit postsecondary institution that is accredited by an accrediting organization that the United States Department of Education recognizes.

Amended by Chapter 254, 2023 General Session

53B-13a-103 Utah Promise Program -- Annual report.

- (1) The Legislature finds that:
 - (a) the prosperity, economic success, and general welfare of the people of Utah and of the state are directly related to the educational levels and skills of the citizens of the state; and
 - (b) financial assistance, to bridge the gap between a financially needy student's resources and the cost of attendance at a Utah postsecondary institution, is a necessary component for ensuring access to postsecondary education and training.
- (2) There is created the Utah Promise Program to provide financial assistance to students.
- (3) The board shall annually submit an electronic report to the Higher Education Appropriations Subcommittee regarding the Utah Promise Program.

Amended by Chapter 370, 2022 General Session

53B-13a-104 Promise grants.

- (1)
 - (a) As part of the Utah Promise Program and in accordance with this section, the board shall allocate available money to each institution to use to award promise grants to eligible students to pay the eligible student's cost of attendance.
 - (b) An eligible student may apply for a promise grant in accordance with procedures established by board rule.
 - (c) The amount of a promise grant to an eligible student may not exceed the amount equal to the difference between:
 - (i) the eligible student's cost of attendance; and
 - (ii) the total value of other financial aid that the eligible student receives toward the eligible student's cost of attendance.
 - (d) An eligible student may transfer a promise grant to one or more other institutions.
- (2) In administering this section, the board shall use a packaging approach that ensures that institutions combine loans, grants, employment, and family and individual contributions toward financing the cost of attendance.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that board shall make rules establishing:
 - (a) an application process;
 - (b) eligibility criteria, including:
 - (i) criteria related to academic achievement and enrollment status; and
 - (ii) a requirement that an applicant demonstrate completion of the Free Application for Federal Student Aid, unless the student or the student's parent opts out in accordance with board rule;
 - (c) how a student demonstrates financial need;
 - (d) a formula to determine the allocation of money to institutions in accordance with Subsection (1), taking into account:
 - (i) the cost of attendance for programs offered by institutions; and
 - (ii) the number of eligible students who attend each institution; and
 - (e) a methodology for prioritizing award of promise grants based primarily on financial need.
- (4) A student is eligible for a promise grant until the student:
 - (a) earns a first bachelor's degree; or
 - (b) completes 120 credit hours.
- (5) The board or an institution may not represent to a recipient or a potential recipient of a promise grant that promise grants will remain available in perpetuity.
- (6)
 - (a) The board may require an institution to enter into a participation agreement before the institution may award promise grants.
 - (b) In a participation agreement, the board shall include a requirement that the institution:
 - (i) provide to the board information necessary to administer the promise grants;
 - (ii) comply with this section and board rules related to the promise grants;
 - (iii) submit reports related to the promise grants as required by board rule; and
 - (iv) cooperate in any review or financial audit related to the promise grants that the board determines necessary.
- (7)

- (a) The board may use up to 2% of the money appropriated for promise grants for costs related to administering the promise grants.
- (b) An institution may use up to 3% of the money the institution receives for promise grants for costs related to administering the promise grants.
- (8) The board may supplement state appropriations for the program with private contributions.

Amended by Chapter 137, 2023 General Session

53B-13a-106 Utah promise partners.

- (1) As part of the Utah Promise Program, the board may select employers to be promise partners.
- (2) The board may select an employer as a promise partner if the employer:
 - (a) applies to the board to be a promise partner; and
 - (b) meets other requirements established by the board in the rules described in Subsection (6).
- (3) An individual employed by, or who is a dependent of an employee of, a promise partner is eligible to receive a partner award if the individual:
 - (a) applies for a partner award;
 - (b) is admitted to and enrolled in an institution; and
 - (c) maintains the eligibility requirements described in this Subsection (3) for the full length of time the individual receives the partner award.
- (4)
 - (a) Subject to legislative appropriations and Subsection (4)(b), the board shall award a partner award to an individual who meets the requirements described in Subsection (3).
 - (b) The board may:
 - (i) award a partner award for up to the portion of tuition and fees for a program at an institution that is not covered by a promise partnership described in Subsection (6)(a); and
 - (ii) prioritize awarding partner awards if an appropriation for partner awards is not sufficient to provide a partner award to each individual who is eligible under Subsection (3).
 - (c) The board may continue to award a partner award to a recipient who meets the requirements described in Subsection (3) until the earlier of:
 - (i) four years after the day on which the individual initially receives a partner award;
 - (ii) when the recipient uses a partner award to attend an institution for eight semesters; or
 - (iii) when the recipient completes an approved program.
- (5) The board may name a specific promise grant after the donating business.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules that establish:
 - (a) a process for a business to seek and receive approval from the board to become a promise partner, including providing funds for tuition and fees to be distributed under the Utah Promise Program;
 - (b) a process for an individual to apply for a partner award; and
 - (c) criteria for the board to prioritize awarding partner awards to individuals.
- (7) The board may allow an individual to apply directly to the board for a partner award.

Amended by Chapter 137, 2023 General Session