

**Effective 5/9/2017**

**Part 1  
General Provisions**

**53B-8-101 Waiver of tuition.**

- (1)
  - (a) The president of an institution of higher education described in Section 53B-2-101 may waive all or part of the tuition on behalf of meritorious or impecunious resident students to an amount not exceeding 10% of the total amount of tuition which, in the absence of the waivers, would have been collected from all Utah resident students at the institution of higher education.
  - (b)
    - (i) Two and a half percent of the waivers designated in Subsection (1)(a) shall be set aside for members of the Utah National Guard.
    - (ii) A waiver described in Subsection (1)(b)(i) shall be preserved by the student at least 60 days before the beginning of an academic term.
- (2)
  - (a) A president of an institution of higher education listed in Subsections 53B-2-101(1)(a) through (h) may waive all or part of the nonresident portion of tuition for a meritorious nonresident undergraduate student.
  - (b) In determining which students are meritorious for purposes of granting a tuition waiver under Subsection (2)(a), a president shall consider students who are performing above the average at the institution of higher education, including having an admissions index higher than the average for the institution, if an admissions index is used.
  - (c) A president of an institution of higher education may continue to waive the nonresident portion of tuition for a student described in Subsection (2)(a) for as long as the student is enrolled at the institution of higher education.
  - (d) In addition to waiving the nonresident portion of tuition for a meritorious nonresident student under Subsection (2)(a), a president of an institution of higher education may waive the resident portion of tuition after the meritorious nonresident student completes a year of full-time study at the institution of higher education.
- (3) To encourage students to enroll for instruction in occupations critical to the state for which trained personnel are in short supply, a president of an institution of higher education shall grant additional full or partial tuition waivers upon recommendation of the board.
- (4) A president of an institution of higher education may waive all or part of the difference between resident and nonresident tuition for:
  - (a) meritorious graduate students; or
  - (b) nonresident summer school students.
- (5) The board may establish policies that:
  - (a) require an institution of higher education described in Subsections 53B-2-101(1)(a) through (h) to regularly assess and report whether the institution of higher education's use of tuition waivers supports the goals established by the board in accordance with Section 53B-1-402 for the institution of higher education;
  - (b) subject to the provisions of this section, establish the amount or percentage of tuition that an institution of higher education may waive;
  - (c) define the terms "meritorious" and "impecunious," as the terms apply to tuition waivers for resident students described in Subsection (1)(a); and

- (d) establish limitations on an institution of higher education's allocation of waivers described in Subsection (1)(a) for resident students who are meritorious or resident students who are impecunious.
- (6)
  - (a) The board shall submit an annual budget appropriation request for each institution of higher education described in Section 53B-2-101.
  - (b) A request described in Subsection (6)(a) shall include requests for funds sufficient in amount to equal the estimated loss of dedicated credits that would be realized if all of the tuition waivers authorized by Subsection (2) were granted.

Amended by Chapter 365, 2020 General Session

**53B-8-102 Definitions -- Resident student status -- Exceptions.**

- (1) As used in this section:
  - (a) "Eligible person" means an individual who is entitled to post-secondary educational benefits under Title 38 U.S.C., Veterans' Benefits.
  - (b) "Immediate family member" means an individual's spouse or dependent child.
  - (c) "Military service member" means an individual who:
    - (i) is serving on active duty in the United States Armed Forces within the state of Utah;
    - (ii) is a member of a reserve component of the United States Armed Forces assigned in Utah;
    - (iii) is a member of the Utah National Guard; or
    - (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned outside of Utah pursuant to federal permanent change of station orders.
  - (d) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.
  - (e) "Parent" means a student's biological or adoptive parent.
- (2) The meaning of "resident student" is determined by reference to the general law on the subject of domicile, except as provided in this section.
- (3)
  - (a) Institutions within the state system of higher education may grant resident student status to any student who has come to Utah and established residency for the purpose of attending an institution of higher education, and who, prior to registration as a resident student:
    - (i) has maintained continuous Utah residency status for one full year;
    - (ii) has signed a written declaration that the student has relinquished residency in any other state; and
    - (iii) has 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.
  - (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
    - (i) a Utah high school transcript issued in the past year confirming attendance at a Utah high school in the past 12 months;
    - (ii) a Utah voter registration dated a reasonable period prior to application;
    - (iii) a Utah driver license or identification card with an original date of issue or a renewal date several months prior to application;
    - (iv) a Utah vehicle registration dated a reasonable period prior to application;
    - (v) evidence of employment in Utah for a reasonable period prior to application;
    - (vi) proof of payment of Utah resident income taxes for the previous year;
    - (vii) a rental agreement showing the student's name and Utah address for at least 12 months prior to application; and

- (viii) utility bills showing the student's name and Utah address for at least 12 months prior to application.
- (c) A student who is claimed as a dependent on the tax returns of a person who is not a resident of Utah is not eligible to apply for resident student status.
- (4) Except as provided in Subsection (8), an institution within the state system of higher education may establish stricter criteria for determining resident student status.
- (5) If an institution does not have a minimum credit-hour requirement, that institution shall honor the decision of another institution within the state system of higher education to grant a student resident student status, unless:
  - (a) the student obtained resident student status under false pretenses; or
  - (b) the facts existing at the time of the granting of resident student status have changed.
- (6) Within the limits established in Title 53B, Chapter 8, Tuition Waiver and Scholarships, each institution within the state system of higher education may, regardless of its policy on obtaining resident student status, waive nonresident tuition either in whole or in part, but not other fees.
- (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference as recommended by the president of each institution.
- (8) Notwithstanding Subsection (3), an institution within the state system of higher education shall grant resident student status for tuition purposes to:
  - (a) a military service member, if the military service member provides:
    - (i) the military service member's current United States military identification card; and
    - (ii)
      - (A) a statement from the military service member's current commander, or equivalent, stating that the military service member is assigned in Utah; or
      - (B) evidence that the military service member is domiciled in Utah, as described in Subsection (9)(a);
  - (b) a military service member's immediate family member, if the military service member's immediate family member provides:
    - (i)
      - (A) the military service member's current United States military identification card; or
      - (B) the immediate family member's current United States military identification card; and
    - (ii)
      - (A) a statement from the military service member's current commander, or equivalent, stating that the military service member is assigned in Utah; or
      - (B) evidence that the military service member is domiciled in Utah, as described in Subsection (9)(a);
  - (c) a military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides:
    - (i) evidence of an honorable or general discharge;
    - (ii) a signed written declaration that the military veteran has relinquished residency in any other state and does not maintain a residence elsewhere;
    - (iii) objective evidence that the military veteran has demonstrated an intent to establish residency in Utah, which may include any one of the following:
      - (A) a Utah voter registration card;
      - (B) a Utah driver license or identification card;
      - (C) a Utah vehicle registration;
      - (D) evidence of employment in Utah;

- (E) a rental agreement showing the military veteran's name and Utah address; or
- (F) utility bills showing the military veteran's name and Utah address;
- (d) 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:
  - (i) evidence of the military veteran's honorable or general discharge;
  - (ii) 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
  - (iii) 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 Subsection (8)(c)(iii); or
- (e) an eligible person who provides:
  - (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits;
  - (ii) a signed written declaration that the eligible person will use the G.I. Bill benefits; and
  - (iii) 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 Subsection (8)(c)(iii).
- (f) an alien who provides:
  - (i) evidence that the alien is a special immigrant visa recipient;
  - (ii) evidence that the alien has been granted refugee status, humanitarian parole, temporary protected status, or asylum; or
  - (iii) evidence that the alien has submitted in good faith an application for refugee status, humanitarian parole, temporary protected status, or asylum under United States immigration law.
- (9)
  - (a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:
    - (i) a current Utah voter registration card;
    - (ii) a valid Utah driver license or identification card;
    - (iii) a current Utah vehicle registration;
    - (iv) a copy of a Utah income tax return, in the military service member's or military service member's spouse's name, filed as a resident in accordance with Section 59-10-502; or
    - (v) proof that the military service member or military service member's spouse owns a home in Utah, including a property tax notice for property owned in Utah.
  - (b) Aliens who are present in the United States on visitor, student, or other visas not listed in Subsection (8)(f) or (9)(c), 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 are classified as nonresidents.
  - (c) Aliens who have been granted or have applied for permanent resident status in the United States are classified for purposes of resident student status according to the same criteria applicable to citizens.
- (10) 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, and any American Indian who is a member of a federally recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled to resident student status.
- (11) A Job Corps student is entitled to resident student status if the student:
  - (a) is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and
  - (b) submits verification that the student is a current Job Corps student.

- (12) A person is entitled to resident student status and may immediately apply for resident student status if the person:
- (a) marries a Utah resident eligible to be a resident student under this section; and
  - (b) establishes his or her domicile in Utah as demonstrated by objective evidence as provided in Subsection (3).
- (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent who has been domiciled in Utah for at least 12 months prior to the student's application is entitled to resident student status.
- (14)
- (a) A person who has established domicile in Utah for full-time permanent employment may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's 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.
  - (b) All relevant evidence concerning the motivation for the move shall be considered, including:
    - (i) the person's employment and educational history;
    - (ii) the dates when Utah employment was first considered, offered, and accepted;
    - (iii) when the person moved to Utah;
    - (iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
    - (v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;
    - (vi) evidence that the person is an independent person who is:
      - (A) at least 24 years old; or
      - (B) not claimed as a dependent on someone else's tax returns; and
    - (vii) 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.
- (15)
- (a) A person who is in residence 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 entitled to resident status for tuition purposes.
  - (b) Upon the termination of the athlete's participation in the training program, the athlete shall be subject to the same residency standards applicable to other persons under this section.
  - (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah counts for Utah residency for tuition purposes upon termination of the athlete's participation in a Utah Olympic athlete training program.
- (16)
- (a) A person who has established domicile in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for an immediate family member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on the long-term health care responsibilities.
  - (b) All relevant evidence concerning the motivation for the move shall be considered, including:
    - (i) the person's employment and educational history;
    - (ii) the dates when the long-term health care responsibilities in Utah were first considered, offered, and accepted;
    - (iii) when the person moved to Utah;

- (iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
  - (v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;
  - (vi) evidence that the person is an independent person who is:
    - (A) at least 24 years old; or
    - (B) not claimed as a dependent on someone else's tax returns; and
  - (vii) 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.
- (17) The board, after consultation with the institutions, shall make rules not inconsistent with this section:
- (a) concerning the definition of resident and nonresident students;
  - (b) establishing procedures for classifying and reclassifying students;
  - (c) establishing criteria for determining and judging claims of residency or domicile;
  - (d) establishing appeals procedures; and
  - (e) other matters related to this section.
- (18) A student shall be exempt from paying the nonresident portion of total tuition if the student:
- (a) is a foreign national legally admitted to the United States;
  - (b) attended high school in this state for three or more years; and
  - (c) graduated from a high school in this state or received the equivalent of a high school diploma in this state.

Amended by Chapter 44, 2023 General Session

Amended by Chapter 50, 2023 General Session

**53B-8-103 Waiver of nonresident differential in tuition rates -- Utah Tech University good neighbor tuition waivers.**

- (1) Notwithstanding any other provision of law:
- (a)
    - (i) The board may determine when to grant a full or partial waiver of the nonresident differential in tuition rates charged to undergraduate students pursuant to reciprocal agreements with other states.
    - (ii) In making the determination described under Subsection (1)(a)(i), the board shall consider the potential of the waiver to:
      - (A) enhance educational opportunities for Utah residents;
      - (B) promote mutually beneficial cooperation and development of Utah communities and nearby communities in neighboring states;
      - (C) contribute to the quality of educational programs; and
      - (D) assist in maintaining the cost effectiveness of auxiliary operations in Utah institutions of higher education.
  - (b)
    - (i) Consistent with its determinations made pursuant to Subsection (1)(a), the board may enter into agreements with other states to provide for a full or partial reciprocal waiver of the nonresident tuition differential charged to undergraduate students.
    - (ii) An agreement shall provide for the numbers and identifying criteria of undergraduate students, and shall specify the institutions of higher education that will be affected by the agreement.

- (c) The board shall establish policy guidelines for the administration by the affected Utah institutions of any tuition waivers authorized under this section, for evaluating applicants for such waivers, and for reporting the results of the reciprocal waiver programs authorized by this section.
  - (d) A report and financial analysis of any waivers of tuition authorized under this section shall be submitted annually to the general session of the Legislature as part of the budget recommendations of the board for the system of higher education.
- (2)
- (a) Utah Tech University may offer a good neighbor full waiver of the nonresident differential in tuition rates charged to undergraduate students:
    - (i) pursuant to reciprocal agreements with other states; or
    - (ii) to a resident of a county that has a portion of the county located within 70 miles of the main campus of Utah Tech University.
  - (b)
    - (i) A student who attends Utah Tech University under a good neighbor tuition waiver shall pay a surcharge per credit hour in addition to the regular resident tuition and fees of Utah Tech University.
    - (ii) The surcharge per credit hour shall be based on a percentage of the approved resident tuition per credit hour each academic year.
    - (iii) The percentage assessed as a surcharge per credit hour shall be set by the board.
  - (c) Utah Tech University may restrict the number of good neighbor tuition waivers awarded.
  - (d) A student who attends Utah Tech University on a good neighbor tuition waiver may not count the time during which the waiver is received towards establishing resident student status in Utah.

Amended by Chapter 1, 2021 Special Session 2

**53B-8-103.5 Alumni legacy nonresident scholarships.**

- (1) In addition to other nonresident tuition scholarships, the president of an institution may waive an amount up to the full nonresident portion of tuition for alumni legacy nonresident scholarships.
- (2) The purposes of alumni legacy nonresident scholarships are to:
  - (a) assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in institutions of higher education;
  - (b) promote enrollment of nonresident students with high academic aptitudes; and
  - (c) recognize the legacy of past graduates and promote a continued connection to their alma mater.
- (3) To qualify for an alumni legacy scholarship, a student shall:
  - (a) enroll at an institution within the state system of higher education for the first time; and
  - (b) have at least one parent or grandparent who graduated with an associate's degree or higher from the same institution in which the student is enrolling.

Amended by Chapter 141, 2018 General Session

**53B-8-104 Nonresident partial tuition scholarships.**

- (1) The board may grant a scholarship for partial waiver of the nonresident portion of total tuition charged by public institutions of higher education to nonresident undergraduate students, subject to the limitations provided in this section, if the board determines that the scholarship will:

- (a) promote mutually beneficial cooperation between Utah communities and nearby communities in states adjacent to Utah;
  - (b) contribute to the quality and desirable cultural diversity of educational programs in Utah institutions;
  - (c) assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in Utah institutions of higher education; and
  - (d) promote enrollment of nonresident students with high academic aptitudes.
- (2) The board shall establish policy guidelines for the administration by institutions of higher education of any partial tuition scholarships authorized under this section, for evaluating applicants for those scholarships, and for reporting the results of the scholarship program authorized by this section.
- (3) The policy guidelines promulgated by the board under Subsection (2) shall include the following provisions:
- (a) the amount of the approved scholarship may not be more than 1/2 of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;
  - (b) a nonresident partial tuition scholarship may be awarded initially only to a nonresident undergraduate student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for 10 or more credit hours, whose legal domicile is within approximately 100 highway miles of the Utah system of higher education institution at which the recipient wishes to enroll or such distance that the board may establish for any institution;
  - (c) the total number of nonresident partial tuition scholarships granted may not exceed a total of 600 such scholarships in effect at any one time; and
  - (d) the board shall determine eligibility for nonresident partial tuition scholarships on the basis of program availability at an institution and on a competitive basis, using quantifiable measurements such as grade point averages and results of test scores.
- (4) The board shall submit an annual report and financial analysis of the effects of offering nonresident partial tuition scholarships authorized under this section to the Higher Education Appropriations Subcommittee as part of the board's budget recommendations for the system of higher education.

Amended by Chapter 365, 2020 General Session

**53B-8-104.5 Nonresident tuition scholarships.**

- (1) In addition to the scholarships authorized under Section 53B-8-104, the board may grant scholarships for a waiver of the nonresident portion of total tuition charged by public institutions of higher education to nonresident students, subject to the limitations provided in this section, if the board determines that the scholarships will:
- (a) assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in Utah institutions of higher education;
  - (b) promote enrollment of nonresident students with high academic aptitudes; and
  - (c) provide for an effective transition to meet the requirements of Section 53B-8-102.
- (2) The board shall establish policy guidelines for the administration by institutions of higher education of scholarships authorized under Subsection (1), for evaluating applicants for those scholarships, and for reporting the results of the scholarship program authorized under Subsection (1).
- (3) The policy guidelines promulgated by the board under Subsection (2) shall include the following provisions:



- (a) a maximum of 675 of the approved scholarships may be up to 100% of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;
  - (b) 225 of the approved scholarships may not be at a level of more than 50% of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;
  - (c) a nonresident scholarship may be awarded initially only to a nonresident student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for 10 or more credit hours;
  - (d) the total number of nonresident scholarships granted under Subsection (1) may not exceed a total of 900 such scholarships in effect at any one time;
  - (e) the board shall determine eligibility for nonresident scholarships on the basis of program availability at an institution and appropriate academic credentials, using quantifiable measurements such as grade point averages and results of test scores; and
  - (f) a nonresident student who receives a scholarship of greater than 50% of the differential tuition charged to nonresident students for an equal number of credit hours of instruction may not be counted against the funded target for the institution attended.
- (4) The board shall submit an annual report and financial analysis of the effects of offering nonresident tuition scholarships authorized under this section to the Legislature as part of its budget recommendations for the system of higher education.
- (5) This section applies to tuition scholarships and not the individual admission standards of higher education.

Amended by Chapter 272, 2006 General Session

**53B-8-105 New Century scholarships -- High school requirements.**

- (1) Notwithstanding the provisions of this section, the board may not accept a new application for a scholarship described in this section on or after August 15, 2021.
- (2) As used in this section:
- (a) "Complete the requirements for an associate degree" means that a student:
    - (i)
      - (A) completes all the required courses for an associate degree from a higher education institution within the state system of higher education that offers associate degrees; and
      - (B) applies for the associate degree from the institution; or
    - (ii) completes equivalent requirements described in Subsection (2)(a)(i)(A) from a higher education institution within the state system of higher education that offers baccalaureate degrees but does not offer associate degrees.
  - (b) "Fee" means a fee approved by the board.
- (3)
- (a) The board shall award New Century scholarships.
  - (b) The board shall develop and approve the math and science curriculum described under Subsection (4)(a)(ii).
- (4)
- (a) In order to qualify for a New Century scholarship, a student in Utah schools shall complete the requirements for an:
    - (i) associate degree; or
    - (ii) approved math and science curriculum.
  - (b) The requirements under Subsection (4)(a) shall be completed:
    - (i) by the day on which the student's class graduates from high school; and
    - (ii) with at least a 3.0 grade point average.

- (c) In addition to the requirements in Subsection (4)(a), a student in Utah shall:
  - (i) complete the high school graduation requirements of:
    - (A) a public high school established by the State Board of Education and the student's school district or charter school; or
    - (B) a private high school in the state that is accredited by a regional accrediting body approved by the board; and
  - (ii) complete high school with at least a 3.5 cumulative high school grade point average.
- (5) Notwithstanding Subsection (4), for a student who does not receive a high school grade point average, the student shall:
  - (a) complete the requirements for an associate degree:
    - (i) by June 15 of the year the student completes high school; and
    - (ii) with at least a 3.0 grade point average; and
  - (b) score a composite ACT score of 26 or higher.
- (6)
  - (a) To be eligible for the scholarship, a student:
    - (i) shall submit an application to the board with:
      - (A) an official college transcript showing college courses the student has completed to complete the requirements for an associate degree; and
      - (B) if applicable, an official high school transcript or, if applicable, a copy of the student's ACT scores;
    - (ii) shall be a citizen of the United States or a noncitizen who is eligible to receive federal student aid;
    - (iii) if applicable, shall meet the application deadlines as established by the board under Subsection (11); and
    - (iv) shall demonstrate, in accordance with rules described in Subsection (6)(b), the completion of a Free Application for Federal Student Aid.
  - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules regarding the completion of the Free Application for Federal Student Aid described in Subsection (6)(a)(iv), including:
    - (i) provisions for students or parents to opt out of the requirement due to:
      - (A) financial ineligibility for any potential grant or other financial aid;
      - (B) personal privacy concerns; or
      - (C) other reasons the board specifies; and
    - (ii) direction for applicants to financial aid advisors.
- (7)
  - (a) The scholarship may be used at a:
    - (i) higher education institution within the state system of higher education that offers baccalaureate programs; or
    - (ii) if the scholarship holder applies for the scholarship on or before October 1, 2019, private, nonprofit college or university in the state accredited by the Northwest Association of Schools and Colleges that offers baccalaureate programs.
  - (b)
    - (i) Subject to Subsection (7)(e), the total value of the scholarship is up to \$5,000, allocated over a time period described in Subsection (7)(c), as prescribed by the board.
    - (ii) The board may increase the scholarship amount described in Subsection (7)(b)(i) by an amount not to exceed the average percentage tuition increase approved by the board for institutions in the state system of higher education.
  - (c) The scholarship is valid for the shortest of the following time periods:

- (i) two years of full-time equivalent enrollment;
  - (ii) 60 credit hours; or
  - (iii) until the student meets the requirements for a baccalaureate degree.
- (d)
- (i) A scholarship holder shall enroll full-time at a higher education institution by no later than the fall term immediately following the student's high school graduation date or receive an approved deferral from the board.
  - (ii) The board may grant a deferral or leave of absence to a scholarship holder, but the scholarship holder may only receive scholarship money within five years of the student's high school graduation date.
- (e) For a scholarship for which a student applies after October 1, 2019:
- (i) the board shall reduce the amount of the scholarship holder's scholarship so that the total amount of state aid awarded to the scholarship holder, including tuition or fee waivers or the scholarship, does not exceed the cost of the scholarship holder's tuition and fees; and
  - (ii) the scholarship holder may only use the scholarship for tuition and fees.
- (8) The board may cancel a New Century scholarship at any time if the student fails to:
- (a) register for at least 15 credit hours per semester;
  - (b) maintain a 3.3 grade point average for two consecutive semesters; or
  - (c) make reasonable progress toward the completion of a baccalaureate degree.
- (9)
- (a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the General Fund to the board for the costs associated with the New Century Scholarship Program authorized under this section.
  - (b) It is understood that the appropriation is offset in part by the state money that would otherwise be required and appropriated for these students if they were enrolled in a four-year postsecondary program at a state-operated institution.
  - (c) Notwithstanding Subsections (3)(a) and (7), if the appropriation under Subsection (9)(a) is insufficient to cover the costs associated with the New Century Scholarship Program, the board may reduce the scholarship amount.
  - (d) If money appropriated under this section is available after New Century scholarships are awarded, the board shall use the money for the Utah Promise Program created in Section 53B-13a-103.
- (10)
- (a) The board shall adopt policies establishing an application process and an appeal process for a New Century scholarship.
  - (b) The board shall disclose on all applications and related materials that the amount of the scholarship is subject to funding and may be reduced, in accordance with Subsection (9)(c).
  - (c) The board shall require an applicant for a New Century scholarship to certify under penalty of perjury that:
    - (i) the applicant is a United States citizen; or
    - (ii) the applicant is a noncitizen who is eligible to receive federal student aid.
  - (d) The certification under this Subsection (10) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.
- (11) The board may set deadlines for receiving New Century scholarship applications and supporting documentation.
- (12) A student may not receive both a New Century scholarship and an Opportunity scholarship established in Section 53B-8-201.

Amended by Chapter 370, 2022 General Session

**53B-8-106 Resident tuition -- Requirements -- Rules.**

- (1) If allowed under federal law, a student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, shall be exempt from paying the nonresident portion of total tuition if the student:
  - (a) attended high school in this state for three or more years;
  - (b) graduated from a high school in this state or received the equivalent of a high school diploma in this state; and
  - (c) registers as an entering student at an institution of higher education not earlier than the fall of the 2002-03 academic year.
- (2) In addition to the requirements under Subsection (1), a student without lawful immigration status shall file an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status, or will file an application as soon as he is eligible to do so.
- (3) The board shall make rules for the implementation of this section.
- (4) Nothing in this section limits the ability of institutions of higher education to assess nonresident tuition on students who do not meet the requirements under this section.

Amended by Chapter 365, 2020 General Session

**53B-8-107 Military member surviving dependents -- Tuition waiver.**

- (1) As used in this section:
  - (a) "Federal active duty" means serving under orders in accordance with United States Code, Title 10 or Title 32, at any time on or after September 11, 2001.
  - (b) "Qualifying deceased military member" means a person who:
    - (i) was killed while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; or
    - (ii) dies of wounds or injuries received while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; and
    - (iii) was a member of the armed forces of the United States and a Utah resident;
    - (iv) was a member of the reserve component of the armed forces on or after September 11, 2001, and a Utah resident; or
    - (v) was a member of the Utah National Guard on or after September 11, 2001.
  - (c) "State active duty" means serving in the Utah National Guard in any duty status authorized by the governor under Title 39A, National Guard and Militia Act.
- (2) This section shall be known as the Scott B. Lundell Military Survivors' tuition waiver.
- (3) A state institution of higher education shall waive undergraduate tuition for a dependent of a qualifying deceased military member under the following conditions:
  - (a) the dependent has been accepted by the institution in accordance with the institution's admissions guidelines;
  - (b) except as provided in Subsection (4), the dependent is a resident student as determined under Section 53B-8-102;
  - (c) the dependent may not have already completed a course of studies leading to an undergraduate degree;
  - (d) the dependent may only utilize the waiver for courses that are applicable toward the degree or certificate requirements of the program in which the dependent is enrolled; and

- (e) the dependent may not be excluded from the waiver if the dependent has previously taken courses at or has been awarded credit by a state institution of higher education.
- (4) Notwithstanding Subsection (3)(b), a dependent of a qualifying deceased military member that was a member of the Utah National Guard is not required to be a resident student as determined under Section 53B-8-102.
- (5) The tuition waiver in this section is applicable for undergraduate study only.
- (6) The Department of Veterans and Military Affairs, after consultation with the adjutant general if necessary, shall certify to the institution that the dependent is a surviving dependent eligible for the tuition waiver in accordance with this section.
- (7) The waiver in this section does not apply to fees, books, or housing expenses.
- (8) The board may request reimbursement from the Legislature for costs incurred in providing the tuition waiver under this section.

Amended by Chapter 365, 2020 General Session

**53B-8-112 Public Safety Officer Career Advancement Grant Program.**

- (1) This section creates the Public Safety Officer Career Advancement Grant Program.
- (2) Subject to legislative appropriations and Subsection (7), the board shall award a grant to an applicant who:
  - (a) is a certified peace officer, currently employed by a law enforcement agency within the state; and
  - (b) is seeking a post-secondary degree in the area of criminal justice from a degree-granting institution of higher education within the state system of higher education, described in Section 53B-1-102.
- (3)
  - (a) Subject to Subsection (3)(b), the board may award a qualified applicant up to the cost of tuition and fees.
  - (b) A grant award under Subsection (3)(a) is limited to:
    - (i) a maximum of \$5,000 each academic year; and
    - (ii) a maximum of four academic years.
- (4) The board shall design the program to ensure that institutions combine loans, grants, employment, and family and individual contributions toward financing the cost of attendance.
- (5) Notwithstanding Subsection (4), the board may not award a scholarship described in Section 53B-8-112.5 to an applicant receiving a grant under this section.
- (6)
  - (a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
    - (i) set deadlines for receiving grant applications and supporting documentation; and
    - (ii) establish the application process and an appeal process for the Public Safety Officer Career Advancement Grant Program.
  - (b) The board shall include a disclosure on all applications and related materials that the amount of the awarded grants may be subject to funding or be reduced, in accordance with Subsection (7).
- (7)
  - (a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the Income Tax Fund to the board for the costs associated with the Public Safety Officer Career Advancement Grant Program authorized under this section.

- (b) Notwithstanding the provisions of this section, if the appropriation under this section is insufficient to cover the costs associated with the Public Safety Officer Career Advancement Grant Program, the board may:
  - (i) reduce the amount of a grant; or
  - (ii) distribute grants on a pro rata basis to all eligible applicants who submitted a complete application before the application deadline.
- (8) Notwithstanding Subsection 53B-8-112.5(5), the board may not award a grant under this section to an applicant receiving a scholarship under the Karen Mayne Public Safety Officer Scholarship Program described in Section 53B-8-112.5.

Amended by Chapter 453, 2023 General Session

**53B-8-112.5 Karen Mayne Public Safety Officer Scholarship Program.**

- (1) As used in this section:
  - (a) "Peace officer" means the same as that term is defined in Section 53B-8c-102.
  - (b) "POST" means the Peace Officer Standards and Training Division created in Section 53-6-103.
  - (c) "Program" means the Karen Mayne Public Safety Officer Scholarship Program that this section creates.
- (2) This section creates the Karen Mayne Public Safety Officer Scholarship Program.
- (3)
  - (a) Subject to legislative appropriations, the board shall award a scholarship to a qualified applicant who:
    - (i) is a high school graduate;
    - (ii) submits an application to the board with a copy of the student's high school diploma;
    - (iii) when eligible, enrolls in a basic training course at a state certified academy as defined in Section 53-6-202;
    - (iv) subject to Subsection (3)(b), is enrolled in a qualifying post-secondary program from:
      - (A) an institution of higher education within the state system of higher education, described in Section 53B-1-102; or
      - (B) a private, nonprofit institution of higher education in the state that is accredited by the Northwest Commission on Colleges and Universities; and
    - (v) commits to working as a peace officer for no less than five years after the day on which POST certifies the scholarship recipient.
  - (b) For purposes of Subsection (3)(a)(iv), the board shall determine the programs that qualify for a scholarship award, including criminal justice, police administration, criminology, social sciences, and other disciplines.
- (4)
  - (a) The board shall determine the amount of a scholarship award, ensuring that the amount does not exceed the combined cost of tuition, fees, and required textbooks.
  - (b) A scholarship award described in Subsection (4)(a) is limited to:
    - (i) POST training and certification in accordance with Title 53, Chapter 6, Peace Officer Standards and Training Act; and
    - (ii) a maximum of four academic years in a post-secondary program.
- (5) The board shall design the scholarship program to ensure that participating institutions combine state or federal loans or grants, internships, student employment, and family and individual contributions toward financing the cost of attendance.
- (6) A scholarship recipient shall:

- (a) notify the board of the scholarship recipient's POST certification within 15 days after the day on which POST certifies the scholarship recipient;
  - (b) submit verification of the scholarship recipient's employment to the board within 15 days after the day on which the scholarship recipient is employed as a peace officer, including:
    - (i) the employer's name, address, and telephone number;
    - (ii) the date of the scholarship recipient's hiring; and
    - (iii) the scholarship recipient's job title; and
  - (c) notify the board within 15 days after the day on which the employer terminates the scholarship recipient.
- (7)
- (a) The board may require a scholarship recipient to repay the full amount of the scholarship award that the scholarship recipient received under the program, including money paid for tuition, fees, and required textbooks, if the scholarship recipient fails to:
    - (i) meet the requirements for POST certification as described in Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act;
    - (ii) work as a peace officer for five years after the day on which POST certifies the scholarship recipient; or
    - (iii) subject to Subsection (3), earn a degree in a post-secondary program.
  - (b) Notwithstanding Subsection (7)(a), a scholarship recipient is not required to repay any amount of the scholarship award if the scholarship recipient:
    - (i) is unable to secure employment as a peace officer within 12 months after the day on which the scholarship recipient is POST certified; and
    - (ii) provides documentation from a prospective employer that the scholarship recipient was not extended an offer of employment.
- (8) The board may use up to 2% of the money appropriated for the scholarship program for administrative costs.
- (9)
- (a) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
    - (i) set deadlines for receiving scholarship applications and supporting documentation;
    - (ii) establish an application process and appeal process for the program;
    - (iii) establish policies and procedures for cancellation or repayment of scholarship awards if the scholarship recipient fails to meet the requirements under this section;
    - (iv) collaborate with POST and other law enforcement and correction agencies to provide high school students information on law enforcement careers; and
    - (v) notify POST when a student receives a scholarship under the program.
  - (b) The board shall include a disclosure on all applications and materials related to the program that the amount of the awarded scholarship may be subject to funding availability or reduction in accordance with Subsection (10).
- (10) If an appropriation under this section is insufficient to cover the costs associated with the program, the board may:
- (a) reduce the amount of a scholarship award; and
  - (b) distribute scholarship awards on a pro rata basis to all eligible applicants who submitted a complete application before the application deadline.

Enacted by Chapter 453, 2023 General Session

**53B-8-114 Continuation of previously authorized scholarships.**

- (1) As used in this section:
  - (a) "Institution of higher education" means an institution that awards money through a program described in Subsection (2)(a).
  - (b) "Scholarship term" means the length of time during which an individual is eligible to receive award money through a program described in Subsection (2)(a).
- (2) The board or an institution of higher education:
  - (a) beginning on July 1, 2019, may not accept a new application for an award described in Section 53B-6-105.7, which describes engineering and computer technology scholarships; and
  - (b) may pay, through the end of the scholarship term, an award through a program described in Subsection (2)(a) to an individual whose application for the program was accepted before the applicable date described in Subsection (2)(a).

Amended by Chapter 13, 2020 Special Session 6

**53B-8-115 Technical education scholarships.**

- (1) As used in this section:
  - (a) "Eligible institution" means:
    - (i) a degree-granting institution that provides technical education described in Section 53B-2a-201; or
    - (ii) a technical college.
  - (b) "High demand program" means a technical education program that:
    - (i) is offered by an eligible institution;
    - (ii) leads to a certificate; and
    - (iii) is designated by the board in accordance with Subsection (6).
  - (c) "Scholarship" means a technical education scholarship described in this section.
- (2) Subject to future budget constraints, the Legislature shall annually appropriate money to the board to be distributed to eligible institutions to award technical education scholarships.
- (3) In accordance with the rules described in Subsection (5), an eligible institution may award a scholarship to an individual who:
  - (a) is enrolled in, or intends to enroll in, a high demand program; and
  - (b) demonstrates, in accordance with rules described in Subsection (5)(b), the completion of a Free Application for Federal Student Aid.
- (4)
  - (a) An eligible institution may award a scholarship for an amount of money up to the total cost of tuition, fees, and required textbooks for the high demand program in which the scholarship recipient is enrolled or intends to enroll.
  - (b) An eligible institution may award a scholarship to a scholarship recipient for up to three academic years.
  - (c) An eligible institution may cancel a scholarship if the scholarship recipient does not:
    - (i) maintain enrollment in the eligible institution on at least a half time basis, as determined by the eligible institution; or
    - (ii) make satisfactory progress toward the completion of a certificate.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules:
  - (a) that establish:
    - (i) how state funding available for scholarships is divided among eligible institutions;
    - (ii) requirements related to an eligible institution's administration of a scholarship;



- (iii) requirements related to eligibility for a scholarship, including requiring eligible institutions to prioritize scholarships for underserved populations;
- (iv) a process for an individual to apply to an eligible institution to receive a scholarship; and
- (v) how to determine satisfactory progress described in Subsection (4)(c)(ii); and
- (b) regarding the completion of the Free Application for Federal Student Aid described in Subsection (3)(b), including:
  - (i) provisions for students or parents to opt out of the requirement due to:
    - (A) financial ineligibility for any potential grant or other financial aid;
    - (B) personal privacy concerns; or
    - (C) other reasons the board specifies; and
  - (ii) direction for applicants to financial aid advisors.
- (6) Every other year, after consulting with the Department of Workforce Services, the board shall designate, as a high demand program, a technical education program that prepares an individual to work in a job that has, in Utah:
  - (a) high employer demand and high median hourly wages; or
  - (b) significant industry importance.

Amended by Chapter 187, 2021 General Session

Amended by Chapter 187, 2021 General Session, (Coordination Clause)

Amended by Chapter 402, 2021 General Session

Amended by Chapter 120, 2020 General Session, (Coordination Clause)

**53B-8-116 Terrel H. Bell Education Scholarship Program -- Scholarship requirements -- Rulemaking.**

- (1) As used in this section:
  - (a) "Approved program" means a program that:
    - (i) is a teacher preparation program that:
      - (A) meets the standards described in Section 53E-6-302; and
      - (B) provides enhanced clinical experiences; or
    - (ii) prepares an individual to become:
      - (A) a speech-language pathologist; or
      - (B) another licensed professional providing services in a public school to students with disabilities.
  - (b) "Eligible institution" means a public or private institution of higher education in Utah that offers an approved program.
  - (c) "High needs area" means a subject area or field in public education that has a high need for teachers or other employees, as determined in accordance with Subsections (6) and (7).
  - (d) "Scholarship" means a scholarship described in this section.
- (2) Subject to future budget constraints, the Legislature shall annually appropriate money to the board for the Terrel H. Bell Education Scholarship Program to be distributed to eligible institutions to award scholarships to incentivize students to work in public education in Utah.
- (3)
  - (a) Subject to the prioritization described in Subsection (3)(b), an eligible institution may award a scholarship to an individual who:
    - (i) meets the academic standards described in Subsection (6);
    - (ii) is enrolled in at least six credit hours at the eligible institution;
    - (iii) declares an intent to:
      - (A) apply to and complete an approved program at the eligible institution; and

- (B) work in a Utah public school; and
- (iv) demonstrates, in accordance with rules described in Subsection (6)(b), the completion of a Free Application for Federal Student Aid.
- (b) An eligible institution shall prioritize awarding of scholarships:
  - (i) first, to first generation students who intend to work in any area in a Utah public school;
  - (ii) second, to students who:
    - (A) are not first generation students; and
    - (B) intend to work in a high needs area in a Utah public school; and
  - (iii) last, to other students who meet the requirements described in Subsection (3)(a).
- (4)
  - (a) Except as provided in Subsection (4)(b), an eligible institution may award a scholarship to an individual for an amount up to the cost of resident tuition, fees, and books for the number of credit hours in which the individual is enrolled each semester.
  - (b) An eligible institution that is a private institution may not award a scholarship for an amount of money that exceeds the average scholarship amount granted by a public institution of higher education.
- (5)
  - (a) Except as provided in Subsection (5)(b), an eligible institution may award a scholarship to an individual for up to four consecutive years.
  - (b) An eligible institution may grant a scholarship recipient a leave of absence.
  - (c) An eligible institution may cancel a scholarship if:
    - (i) the scholarship recipient fails to make reasonable progress toward completion of the approved program, as determined by the eligible institution; or
    - (ii) the eligible institution determines with reasonable certainty that the scholarship recipient does not intend to work in a Utah public school.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules:
  - (a) that establish:
    - (i) requirements related to an eligible institution's administration of a scholarship;
    - (ii) a process for an individual to apply to an eligible institution to receive a scholarship;
    - (iii) in accordance with Subsection (3)(a), requirements related to eligibility for a scholarship, including required academic standards;
    - (iv) in accordance with Subsection (3)(b), requirements related to prioritization of scholarships, including determination of:
      - (A) whether a student is a first generation student; and
      - (B) high needs areas; and
    - (v) criteria to determine whether an individual intends to work in a Utah public school; and
  - (b) regarding the completion of the Free Application for Federal Student Aid described in Subsection (3)(a)(iv), including:
    - (i) provisions for students or parents to opt out of the requirement due to:
      - (A) financial ineligibility for any potential grant or other financial aid;
      - (B) personal privacy concerns; or
      - (C) other reasons the board specifies; and
    - (ii) direction for applicants to financial aid advisors.
- (7) The board shall consult with the State Board of Education to determine:
  - (a) whether a teacher preparation program provides enhanced clinical experiences; and
  - (b) which subject areas and fields are high needs areas.

- (8) The board may use up to 5% of money appropriated for the purposes described in this section to promote the scholarships described in this section.

Amended by Chapter 196, 2020 General Session

**53B-8-117 First Responder Mental Health Services Grant Program.**

- (1) This section creates the First Responder Mental Health Services Grant Program.
- (2) Subject to legislative appropriations and Subsection (6), the board shall award a grant to an applicant who:
- (a) is a full-time employee or a retiree, as that term is defined in Section 49-11-102, who is an active member of or has qualified for an allowance under the requirements of:
    - (i) Title 49, Chapter 14, Public Safety Contributory Retirement Act;
    - (ii) Title 49, Chapter 15, Public Safety Noncontributory Retirement Act;
    - (iii) Title 49, Chapter 16, Firefighters' Retirement Act; or
    - (iv) Title 49, Chapter 23, New Public Safety and Firefighter Tier II Contributory Retirement Act;and
  - (b) is seeking a post-secondary degree or certification to become a mental health therapist, as that term is defined in Section 58-60-102, within the state system of higher education, described in Section 53B-1-102.
- (3)
- (a) Subject to Subsection (3)(b), the board may award a qualified applicant up to the cost of tuition and fees.
  - (b) A grant award under Subsection (3)(a) is limited to:
    - (i) a maximum of \$6,000 each academic year; and
    - (ii) a maximum of four academic years.
- (4) The board shall design the program to ensure that institutions combine loans, grants, employment, and family and individual contributions toward financing the cost of attendance.
- (5)
- (a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
    - (i) set deadlines for receiving grant applications and supporting documentation; and
    - (ii) establish the application process and an appeal process for the First Responder Mental Health Services Grant Program.
  - (b) The board shall include a disclosure on all applications and related materials that the amount of the awarded grants may be subject to funding or be reduced, in accordance with Subsection (6).
- (6)
- (a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the Income Tax Fund to the board for the costs associated with the First Responder Mental Health Services Grant Program authorized under this section.
  - (b) Notwithstanding the provisions of this section, if the appropriation under this section is insufficient to cover the costs associated with the First Responder Mental Health Services Grant Program, the board may:
    - (i) reduce the amount of a grant; or
    - (ii) distribute grants on a pro rata basis to all eligible applicants who submitted a complete application before the application deadline.

Enacted by Chapter 74, 2023 General Session

