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 AND REQUIRING THE DIVISION OF CHILD AND FAMILY SERVICES TO REIMBURSE TUITION WAIVERS.

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:


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

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

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

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

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

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

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

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

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

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

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

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

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

(d) applies under Subsection (1)(c) for the first time before the age of \[25\] 22 \[25\] ;

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

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

(g) has not achieved a bachelor's degree and has received tuition reimbursement under this 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
63 (3) Tuition shall be waived only if:

62a1 (a) the child has applied for financial assistance, including scholarships and Pell grants;

62a2 (b) only to the extent that the tuition is not covered or paid by any
62a3 scholarship, trust fund, statutory benefit, Pell Grant, or any other source of tuition coverage
63a available for a
64 waiver under this chapter.
65
66 (4) An institution of higher education shall waive tuition under this chapter only for
67 courses that are applicable toward the degree or certificate requirements of the program in which
68 the child is enrolled.

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

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

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

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

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

FOR ANY TUITION WAIVED UNDER THIS CHAPTER, the division shall annually report to the Legislature's Higher Education Appropriations Subcommittee on the number of individuals for whom tuition has been waived at each institution and the total amounts paid by the division under this
chapter for the fiscal year.

The Legislature may annually appropriate the funds necessary to implement this chapter, including moneys to offset the reimbursement of tuition waivers at each
A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel