

## **R611, Veterans Tuition Gap Program <sup>1</sup>**

**R611-1** The following policy has been codified<sup>2</sup> as Utah Administrative Code R765-611.

### **R611-2 References**

- 2.1** Utah Code § 68-3-12.5(37)(a), Definitions in Utah Code
- 2.2** Utah Code § 53B-8-106, Resident tuition – Requirements – Rules
- 2.3** Utah Code § 53B-8-102, Definition - Resident Student Status - Exceptions
- 2.4** Utah Code Title 53B, Chapter 13b, Veterans Tuition Gap Program Act
- 2.5** Board Policy R512, Resident Student Status

### **R765. Higher Education (Utah Board of), Administration.**

#### **R765-611. Veterans Tuition Gap Program.**

##### **R765-611-1. Purpose.**

The purpose of this rule is to provide the rules and procedures for implementing Title 53B, Chapter 13b, Veterans Tuition Gap Program Act.

##### **R765-611-2. Authority.**

Subsection 53B-13b-104(3)(c) authorizes this rule.

##### **R765-611-3. Definitions.**

(1) "Board" means the Utah Board of Higher Education.

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<sup>1</sup> Adopted July 18, 2014; amended January 19, 2018; May 15, 2020; July 16, 2021; May 18, 2023; March 1, 2024; June 6, 2024; and May 15, 2025.

<sup>2</sup> This administrative rule must also be approved by the Utah Office of Administrative Rules and minor, non-substantive edits to conform with the Utah Administrative Code style guide may be made.

(2) "Education-related supplies" means necessary supplies to complete required courses.

(3) "Eligible housing allowance" means the amount established by each institution for housing.

(4) "Eligible Institution of Higher Education" or "Eligible Institution" means an institution of higher education listed in Section 53B-2-101(1) or a private postsecondary educational institution.

(5) "FAFSA" means the financial reporting form known as Free Application for Federal Student Aid that is administered by the U.S. Department of Education to determine the need and eligibility of a higher education student for financial aid.

(6) "OCHE" means the Office of the Commissioner of Higher Education.

(7) "VeT Gap" means Veterans Tuition Gap Program established under Section 53B-13b-103.

(8) "Domicile" means, for purposes of determining eligibility for a VetGap award, a student's: (1) bodily presence; (2) fixed permanent home and principal establishment to which if absent, the student intends to return; and (3) concurrent intent to voluntarily reside permanently in that location, not for a special or temporary reason.

#### **R765-611-4. Program Description and Length of Award Year.**

(1) VeT Gap may cover tuition, fees, books, education-related supplies, and a housing allowance at an eligible institution for veterans who are attending institutions of higher education in Utah and whose benefits under the federal program have been exhausted or are not available.

(2) VeT Gap shall be available only to higher education institutions that grant bachelor's degrees.

(3) The Commissioner of Higher Education ("Commissioner") shall determine the maximum amount for education-related supplies each year.

(4) Based on available program funds, the Commissioner may establish a fixed cap for the housing allowance or a percentage of the equivalent housing allowance amount allowed under the GI Bill.

(5) The award year for VeT Gap shall be the twelve-month period coinciding with the state fiscal year beginning July 1 and ending June 30.

(6) An eligible student may receive a VeT Gap grant until:

- (a) the eligible student completes the requirements for a bachelor's degree; or
- (b) the eligible student receives an initial program grant for the maximum award amount set by the board.

#### **R765-611-5. Availability of Program Funds.**

(1) Funds available for VeT Gap allocations to eligible institutions may come from specifically earmarked state appropriations, or from other sources such as private contributions.

(2) To participate in VeT Gap, each eligible institution shall demonstrate its intention to continue participating in VeT Gap by submitting annually, by March 1st, to the program administrator a certification, subject to audit, of the total number of veterans who were resident students of the state under Section 53B-8-102 and Board Policy R512 who have graduated from the institution with a bachelor's degree in the most recently completed academic year.

(3) An eligible institution's failure to submit the certification required in Subsection (2) by the requested date shall constitute an automatic decision by the eligible institution to not participate in the program for the next fiscal year.

#### **R765-611-6. Allocation of Program Funds to Eligible Institutions.**

(1) The Board shall annually allocate money appropriated for the program to eligible institutions based on the proportion of each institution's students who:

- (a) are Utah residents, as defined under Section 53B-8-102 and Board Policy R512, or exempt from paying the nonresident portion of total tuition under Section 53B-8-106;
- (b) are veterans, as defined in Section 68-3-12.5 and Board Policy R512; and
- (c) graduate with a baccalaureate degree in the most recently completed academic year.

(2) The Board may annually distribute a minimum allocation, to be set by the Office of the Commissioner of Higher Education scholarship staff, to participating institutions that do not have enough eligible graduates to receive a meaningful allocation.

(3) The program administrator shall send official notification of each participating eligible institution's allocation to the institution's director of financial aid each fiscal year.

### **R765-611-7. Student Eligibility to Participate.**

To be eligible for assistance from VeT Gap funds, each student shall:

- (a) qualify for resident student status under Section 53B-8-102 and Board Policy R512, or be exempt from paying the nonresident portion of total tuition under Section 53B-8-106 and be domiciled in Utah;
- (b) be a veteran as defined by Section 68-3-12.5 and Board Policy R512;
- (c) be unconditionally admitted and currently enrolled in an eligible program leading to a bachelor's degree at an eligible institution;
- (d) maintain satisfactory academic progress, as defined by the institution, toward the degree in which the student is enrolled;
- (e) have exhausted the federal benefit under any veterans' educational assistance program or such benefits are unavailable;
- (f) have not completed a bachelor's degree;
- (g) be in the final year of the student's academic bachelor's program; and
- (h) have completed the FAFSA as required by Board Policy R623.

### **R765-611-8. Institutional Participation Agreement.**

Each participating eligible institution shall enter into an institutional participation agreement with the program administrator or assigned designee and agree to abide by the program rules, accept and disburse funds per program rules, and keep documentation for the program to support the awards and actions taken.

### **R765-611-9. Use of Program Funds Received by an Eligible Institution.**

(1) An eligible institution may at its discretion place up to, but in no case more than, 3.0% of the total amount of program funds allocated to it for the award year in a budget for student financial aid administrative expenses of the institution.

(2) If an eligible institution determines that it cannot use any portion of its VeT Gap allocation in an award year, the institution shall return that portion of its allocation to the program administrator and the program administrator may redistribute the returned funds to other eligible institutions that it determines have unmet needs for that same award year.

(3) An eligible institution may not carry forward or carry back from one fiscal year to another any of its VeT Gap allocation for a fiscal year.

(4) OCHE may redistribute forfeited funds to other eligible institutions mid-year or as regular VeT Gap allocations the next award year.

(5) An eligible institution may establish processes to determine the distribution of funds to students so long as it does so in accordance with the provisions established in this rule.

#### **R765-611-10. Determination of Awards to Eligible Students.**

(1) Each eligible institution shall establish student cost of attendance budgets, in accordance with federal regulations applicable to student aid programs under Title IV of the Higher Education Act as amended, for specific student categories authorized in the federal regulations, and providing for the total of costs payable to the institution plus other direct educational expenses, transportation and living expenses.

(2) An eligible institution may not award VeT Gap funds to an eligible student in excess of the total amount of the student's tuition, fees, books, education-related supplies, and a housing allowance at an eligible institution for that academic year.

(3) Each eligible institution shall:

(a) award and package VeT Gap funds on an annual award year basis unless the remaining period of enrollment until completion of the academic program is less than one award year;

(b) pay VeT Gap funds one quarter or semester at a time or in thirds, if applicable to some other enrollment basis such as total months or total clock hours, contingent upon the student's maintaining satisfactory progress as defined by the institution in published policies or rules; and

(c) make each award under the program in accordance with the non-discrimination requirements of 34 C.F.R. Part 100.

(4) An eligible institution may not initially award program funds in amounts which, with Federal Direct, Federal Direct PLUS or Perkins Loans or other financial aid from any source, both need and merit-based, and with family and individual contributions, exceed the cost of attendance for the student at the eligible institution for the award year.

(5) If, after the eligible student's financial aid has been packaged and awarded, the student later receives other financial assistance, such as, for example, merit or program-based scholarship aid or the student's cost of attendance budget changes, resulting in a later over-award of more than \$500, the eligible institution shall appropriately reduce the amount of financial aid disbursed to the student so that the total does not exceed the cost of attendance.

#### **R765-611-11. Records, Retention and Cooperation in Program Reviews.**

(1) Each eligible institution shall:

(a) cooperate with OCHE in providing records and information requested for any scheduled audits or program reviews; and

(b) maintain records substantiating its compliance with all terms of the institutional participation agreement for three years after the end of the award year, or until completion of a program review and any exceptions raised in the review have been resolved, whichever occurs first.

(2) If at the end of the three-year retention period, an audit or program review exception is pending resolution, the institution shall keep records for the award year involved until the institution has resolved the exception.

#### **R765-611-12. Reporting.**

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and other scholarship information for the most recently completed fiscal year.

(2) For each institution that does not participate in the annual institutional financial aid file submission, data shall be submitted directly to OCHE no later than June 30 each year.

(3) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.