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

**R765-612. Opportunity Scholarship.**

**R765-612-1. Purpose.**

This rule outlines award requirements, application procedures, and other information for the Opportunity Scholarship.

**R765-612-2. Authority.**

Section 53B-8-201 authorizes this rule.

**R765-612-3. Definitions.**

(1) "Advanced course" means a course offered via concurrent enrollment or CE, advanced placement or AP, or international baccalaureate or IB, and identified by the Utah State Board of Education as earning core credit in the required subject area.

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

(3) "Eligible institution" means a degree-granting institution of higher education listed in Section 53B-2-102, or a private, nonprofit institution of higher education in Utah.

(4) "Excusable neglect" means a failure to take proper steps at the proper time, not as a result of willful disregard of the scholarship application process, but as a result of some unexpected or unavoidable circumstances.

(5) "Good cause" means the applicant's failure to meet a scholarship application process requirement was due to circumstances beyond the student's control or circumstances that are compelling and reasonable.

(6) "High school" means a Utah public school established by the board or a private high school accredited by a regional accrediting body approved by the board.

(7) "Scholarship appeals committee" means a committee designated by the Commissioner of Higher Education to review appeals of Opportunity Scholarship award decisions and take final agency action regarding awards.

(8) "Scholarship award" means a scholarship awarded to each applicant who meets the eligibility requirements of Section R765-612-4.

(9) "Scholarship staff" means the employees assigned to review Opportunity Scholarship applications and make decisions awarding the scholarships.

(10) "Substantial compliance" means the applicant, in good faith, demonstrated clear intent to comply with the scholarship application requirements and has demonstrated likely eligibility, but failed to precisely comply with the application specifics.

**R765-612-4. Award Requirements.**

(1) To qualify for the Opportunity Scholarship, the applicant shall satisfy the following criteria:

(a) graduate from a Utah high school with a minimum, non-weighted cumulative GPA of 3.3;

(b) complete one advanced Mathematics course;

(c) complete one advanced Language Arts course;

(d) complete one advanced Science course; and

(e) complete and submit either the Free Application for Federal Student Aid or the alternative financial form approved by the board.

(2) Under Section 63G-12-402, verification of lawful presence in the United States is not required to be eligible for a scholarship under this rule.

(3) A student who graduated from a Utah high school in 2022 may alternatively qualify for the Opportunity Scholarship if the student satisfies the following criteria:

(a) graduate from a Utah high school with a minimum, non-weighted GPA of 3.3;

(b) complete four credits of English;

(c) complete four credits of math, including one course of advanced math;

(d) complete three credits of lab-based biology, chemistry, and physics;

(e) complete two credits of world languages;

(f) complete three credits of social science; and

(g) complete and submit either the Free Application for Federal Student Aid or the scholarship alternative financial form available.

(4) For purposes of Subsection R765-612-4(3)(c), advanced mathematics means any of the following courses: pre-calculus, calculus, statistics, AP calculus AB, AP calculus BC, AP statistics, college courses Math 1030 and higher, IB Math SL, HL, and Further Math.

(5) The following requirements apply only to a student who graduated from a Utah high school in 2022:

(a) Each student must apply for the Opportunity Scholarship using the eligibility criteria in either Subsection R765-612-4(1) or Subsection R765-612-4(2) exclusively.

(b) The student may not qualify for the Opportunity Scholarship by mixing courses from both sets of criteria in Subsections R765-612-4(1) and R765-612-4(2).

(c) Because the courses listed in Subsections R765-612-4(1) and R765-612-4(2) are not always analogous, each student who graduated in 2022 shall confirm the courses the student is completing meet the eligibility requirements under the subsection through which the student elects to apply.

(6) Enrollment requirements include:

(a) A recipient shall enroll at an eligible institution beginning with the fall semester after high school graduation.

(b) A recipient who does not enroll in the fall semester after high school graduation must apply for a deferment, as outlined in Subsection R765-612-7(2), to retain eligibility for future payments.

(c) A recipient must enroll full time, as defined by the institution, to receive a semester payment.

(d) A recipient may enroll part-time at an eligible institution and retain eligibility for future payments but may not receive funding for that semester.

(e) The institution that the student attends shall verify the recipient has met the enrollment requirements in Subsection R765-612-4(6) before disbursing payment.

**R765-612-5. Application Procedures.**

(1) Each applicant shall submit an official scholarship application no later than February 1 of the year that the student graduates from high school.

(2) The board may establish a priority deadline each year.

(3)(a) The scholarship staff may give each applicant who meets the priority deadline first priority or consideration for the scholarship.

(b) Subject to funding, the scholarship staff may consider each student based on the date the student completed and submitted the student's application.

(c) Additional criteria to prioritize awarding may be established by the board.

(4) Each applicant shall submit the following documents:

(a) the online Opportunity Scholarship application;

(b) a completed online Free Application for Federal Student Aid or the board approved financial form; and

(c) if graduating from a private high school in Utah, an official high school transcript.

(5) If there is an error with the student's transcript, the student shall work with the student's high school or district to rectify the information to complete the application.

**R765-612-6. Award Amounts and Ongoing Eligibility.**

(1) The board shall determine eligibility criteria and maximum award amounts annually, based on legislative appropriations and the number of eligible applicants.

(2) Each student who meets the eligibility criteria may receive up to a four-semester scholarship award.

(3) Each institution shall determine individual recipient award amounts in accordance with Subsection 53B-8-201(3).

(4) If a student receives an award disbursement, the recipient must enroll at an eligible institution full time and maintain satisfactory academic progress as defined by the institution to remain eligible for any future disbursement.

(5) Students who receive a reasonable accommodation related to the scholarship requirements under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act by their institution's ADA Coordinator may obtain a modification to the scholarship requirements. The institution's ADA Coordinator, or their designee, shall provide written documentation to the institutional financial aid office about the student's reasonable accommodation. Under these conditions, an award may be provided to a student who is enrolled less than full time during the accommodation provided by the ADA Coordinator, or designee.

(6) Each institution shall verify that the recipient has met eligibility requirements before disbursing each payment.

(7) Each recipient who does not maintain eligibility shall forfeit any remaining award amount.

**R765-612-7. Time Limitations and Deferrals.**

(1) A recipient may only receive scholarship funds for academic semesters that begin within five years after the recipient's high school graduation date.

(2) A recipient who will not enroll as a student must apply for a deferral or leave of absence with the recipient's eligible institution to retain eligibility.

(3) An approved deferral or leave of absence may not extend the time limits of the scholarship.

(4) A recipient who elects to attend a USHE technical college may defer the Opportunity Scholarship during that period of enrollment subject to the time limitations of Section 75-612-7.

**R765-612-8. Transfers.**

(1) Each recipient may transfer to another eligible institution and keep the scholarship award.

(2) Each recipient who transfers to another eligible institution and who desires to keep the scholarship award shall inform the institution from which the recipient transfers and the institution to which the recipient is transferring of the recipient's intent to transfer.

(3) Each institution shall:

(i) coordinate the transfer of eligibility information; and

(ii) report this information to the Office of the Commissioner of Higher Education.

**R765-612-9. Appeals.**

(1) Each applicant shall have the right to appeal an adverse decision.

(2) When the scholarship staff denies eligibility, they shall issue a written determination that includes instructions on how to file an appeal.

(3) The applicant shall submit a written appeal to the scholarship appeals committee within 30 days of the date on which the scholarship staff's adverse decision was issued.

(4) In the appeal, the applicant shall provide:

(a) the applicant's contact information;

(b) the high school that the applicant attended;

(c) a statement of the reason for the appeal; and

(d) all information or evidence that supports the appeal.

(5) The scholarship appeals committee may not consider an appeal filed before the applicant receives official notification from the scholarship staff of their decision.

(6) If an applicant fails to file the appeal on time, the scholarship appeals committee shall notify the applicant of the late filing and give the applicant an opportunity to provide a written explanation of the reasons for failing to file the appeal by the deadline.

(7) The scholarship appeals committee may not have jurisdiction to consider the merits of an appeal that is filed beyond the deadline unless it determines the applicant established excusable neglect.

(8) The scholarship appeals committee shall review the appeal to determine if the scholarship staff's decision was made in error, or if the applicant demonstrated substantial compliance with the scholarship application requirements but failed to meet one or more requirements for good cause.

(9) If the scholarship appeals committee determines the applicant has shown by a preponderance of the evidence that the scholarship staff's decision was made in error, the scholarship appeals committee shall either reverse the decision or remand it back to the scholarship staff for further review in accordance with the scholarship appeals committee's instructions.

(10) If the scholarship appeals committee determines the applicant has shown by a preponderance of the evidence that the applicant demonstrated substantial compliance with the application process requirements and good cause for failing to meet one or more of the requirements, the scholarship appeals committee may grant the applicant a reasonable period to complete the remaining requirements and to resubmit the completed application to the scholarship staff for a redetermination or grant the application eligibility for an award.

(11) The scholarship appeals committee's decision shall be in writing and contain:

(a) the scholarship appeals committee's findings of facts, reasoning, and conclusions of law; and

(b) notice of the applicant's right to judicial review.

(12) The scholarship appeals committee's decision represents the final agency action.

(13) An applicant who disagrees with the scholarship appeal committee's decision may seek judicial review in accordance with Section 63G-4-402.

**R765-612-10. Reporting.**

(1) As specified by the Office of the Commissioner of Higher Education, 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 pertinent information for the most recently completed fiscal year.

(2) The Office of the Commissioner of Higher Education or the board may, at any time, request additional documentation or data related to the Opportunity Scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

**KEY: Utah Board of Higher Education, Opportunity Scholarship Program, Student Financial Aid**

**Date of Last Change: December 27, 2025**

**Authorizing, and Implemented or Interpreted Law: 53B-8-201**