

AGENCY REPORTING REQUIREMENTS

2016 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill amends agency reporting requirements relating to education.

Highlighted Provisions:

This bill:

- ▶ repeals certain agency requirements for reporting to the Education Interim Committee;
- ▶ amends the way in which agencies are required to make certain reports to the Education Interim Committee; and
- ▶ amends the entities to which agencies are required to make certain reports.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 53A-1-403.5**, as last amended by Laws of Utah 2012, Chapter 23
- 53A-17a-124.5**, as last amended by Laws of Utah 2013, Chapter 299
- 53A-17a-150**, as last amended by Laws of Utah 2013, Chapter 466
- 53A-17a-162**, as last amended by Laws of Utah 2015, Chapter 12
- 53A-17a-171**, as enacted by Laws of Utah 2014, Chapter 375
- 53A-25b-201**, as last amended by Laws of Utah 2013, Chapter 278
- 53B-1-202**, as enacted by Laws of Utah 2010, Chapter 243
- 53B-8-108**, as last amended by Laws of Utah 2010, Chapter 270
- 53B-16-107**, as last amended by Laws of Utah 2014, Chapter 215

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-1-403.5** is amended to read:

33 **53A-1-403.5. Education of persons in custody of the Utah Department of**
34 **Corrections -- Contracting for services -- Recidivism reduction plan -- Collaboration**
35 **among state agencies.**

36 (1) The State Board of Education and the Utah Department of Corrections, subject to
37 legislative appropriation, are responsible for the education of persons in the custody of the Utah
38 Department of Corrections.

39 (2) (a) To fulfill the responsibility under Subsection (1), the State Board of Education
40 and the Utah Department of Corrections shall, where feasible, contract with appropriate private
41 or public agencies to provide educational and related administrative services. Contracts for
42 postsecondary education and training shall be under Subsection (2)(b).

43 (b) (i) The contract under Subsection (2)(a) to provide postsecondary education and
44 training shall be with a community college if the correctional facility is located within the
45 service region of a community college, except under Subsection (2)(b)(ii).

46 (ii) If the community college under Subsection (2)(b)(i) declines to provide the
47 education and training or cannot meet reasonable contractual terms for providing the education
48 and training as specified by the Utah Department of Corrections, postsecondary education and
49 training under Subsection (2)(a) may be procured through other appropriate private or public
50 agencies.

51 (3) (a) As its corrections education program, the State Board of Education and the Utah
52 Department of Corrections shall develop and implement a recidivism reduction plan, including
53 the following components:

- 54 (i) inmate assessment;
55 (ii) cognitive problem-solving skills;
56 (iii) basic literacy skills;
57 (iv) career skills;
58 (v) job placement;
59 (vi) postrelease tracking and support;
60 (vii) research and evaluation;
61 (viii) family involvement and support; and
62 (ix) multiagency collaboration.

63 (b) The plan shall be developed and implemented through the State Office of

64 Education and the Utah Department of Corrections in collaboration with the following entities:

- 65 (i) the State Board of Regents;
- 66 (ii) the Utah College of Applied Technology Board of Trustees;
- 67 (iii) local boards of education;
- 68 (iv) the Department of Workforce Services;
- 69 (v) the Department of Human Services;
- 70 (vi) the Board of Pardons and Parole;
- 71 (vii) the State Office of Rehabilitation; and
- 72 (viii) the Governor's Office.

73 (4) By July 1, 2014, and every three years thereafter, the Utah Department of
74 Corrections shall make a report to the [~~Education Interim Committee~~] State Board of Education
75 and the [~~Judiciary~~] Law Enforcement[;] and Criminal Justice Interim Committee evaluating
76 the impact of corrections education programs on recidivism.

77 Section 2. Section **53A-17a-124.5** is amended to read:

78 **53A-17a-124.5. Appropriation for class size reduction.**

79 (1) Money appropriated to the State Board of Education for class size reduction shall
80 be used to reduce the average class size in kindergarten through the eighth grade in the state's
81 public schools.

82 (2) Each district or charter school shall receive its allocation based upon prior year
83 average daily membership in kindergarten through grade 8 plus growth as determined under
84 Subsection 53A-17a-106(3) as compared to the total prior year average daily membership in
85 kindergarten through grade 8 plus growth of school districts and charter schools that qualify for
86 an allocation pursuant to Subsection (8).

87 (3) (a) A district may use its allocation to reduce class size in any one or all of the
88 grades referred to under this section, except as otherwise provided in Subsection (3)(b).

89 (b) (i) Each district or charter school shall use 50% of its allocation to reduce class size
90 in any one or all of grades kindergarten through grade 2, with an emphasis on improving
91 student reading skills.

92 (ii) If a district's or charter school's average class size is below 18 in grades
93 kindergarten through grade 2, it may petition the state board for, and the state board may grant,
94 a waiver to use its allocation under Subsection (3)(b)(i) for class size reduction in the other

95 grades.

96 (4) Schools may use nontraditional innovative and creative methods to reduce class
97 sizes with this appropriation and may use part of their allocation to focus on class size
98 reduction for specific groups, such as at risk students, or for specific blocks of time during the
99 school day.

100 (5) (a) A school district or charter school may use up to 20% of its allocation under
101 Subsection (1) for capital facilities projects if such projects would help to reduce class size.

102 (b) If a school district's or charter school's student population increases by 5% or 700
103 students from the previous school year, the school district or charter school may use up to 50%
104 of any allocation it receives under this section for classroom construction.

105 (6) This appropriation is to supplement any other appropriation made for class size
106 reduction.

107 (7) The Legislature shall provide for an annual adjustment in the appropriation
108 authorized under this section in proportion to the increase in the number of students in the state
109 in kindergarten through grade eight.

110 (8) (a) To qualify for class size reduction money, a school district or charter school
111 shall submit:

112 (i) a plan for the use of the school district's or charter school's allocation of class size
113 reduction money to the State Board of Education; and

114 (ii) beginning with the 2014-15 school year, a report on the school district's or charter
115 school's use of class size reduction money in the prior school year.

116 (b) The plan and report required pursuant to Subsection (8)(a) shall include the
117 following information:

118 (i) (A) the number of teachers employed using class size reduction money;

119 (B) the amount of class size reduction money expended for teachers; and

120 (C) if supplemental school district or charter school funds are expended to pay for
121 teachers employed using class size reduction money, the amount of the supplemental money;

122 (ii) (A) the number of paraprofessionals employed using class size reduction money;

123 (B) the amount of class size reduction money expended for paraprofessionals; and

124 (C) if supplemental school district or charter school funds are expended to pay for
125 paraprofessionals employed using class size reduction money, the amount of the supplemental

126 money; and

127 (iii) the amount of class size reduction money expended for capital facilities.

128 (c) In addition to submitting a plan and report on the use of class size reduction money,
129 a school district or charter school shall annually submit a report to the State Board of Education
130 that includes the following information:

131 (i) the number of teachers employed using K-3 Reading Improvement Program money
132 received pursuant to Sections 53A-17a-150 and 53A-17a-151;

133 (ii) the amount of K-3 Reading Improvement Program money expended for teachers;

134 (iii) the number of teachers employed in kindergarten through grade 8 using Title I
135 money;

136 (iv) the amount of Title I money expended for teachers in kindergarten through grade
137 8; and

138 (v) a comparison of actual average class size by grade in grades kindergarten through 8
139 in the school district or charter school with what the average class size would be without the
140 expenditure of class size reduction, K-3 Reading Improvement Program, and Title I money.

141 (d) The information required to be reported in Subsections (8)(b)(i)(A) through (C),
142 (8)(b)(ii)(A) through (C), and (8)(c) shall be categorized by a teacher's or paraprofessional's
143 teaching assignment, such as the grade level, course, or subject taught.

144 (e) The State Board of Education may make rules specifying procedures and standards
145 for the submission of:

146 (i) a plan and a report on the use of class size reduction money as required by this
147 section; and

148 (ii) a report required under Subsection (8)(c).

149 (f) Based on the data contained in the class size reduction plans and reports submitted
150 by school districts and charter schools, and data on average class size, the State Board of
151 Education shall annually report to the [~~Education Interim Committee~~] Public Education
152 Appropriations Subcommittee on the impact of class size reduction, K-3 Reading Improvement
153 Program, and Title I money on class size.

154 Section 3. Section **53A-17a-150** is amended to read:

155 **53A-17a-150. K-3 Reading Improvement Program.**

156 (1) As used in this section:

- 157 (a) "Board" means the State Board of Education.
- 158 (b) "Five domains of reading" include phonological awareness, phonics, fluency,
159 comprehension, and vocabulary.
- 160 (c) "Program" means the K-3 Reading Improvement Program.
- 161 (d) "Program money" means:
- 162 (i) school district revenue allocated to the program from other money available to the
163 school district, except money provided by the state, for the purpose of receiving state funds
164 under this section; and
- 165 (ii) money appropriated by the Legislature to the program.
- 166 (2) The K-3 Reading Improvement Program consists of program money and is created
167 to supplement other school resources to achieve the state's goal of having third graders reading
168 at or above grade level.
- 169 (3) Subject to future budget constraints, the Legislature may annually appropriate
170 money to the K-3 Reading Improvement Program.
- 171 (4) (a) To receive program money, a school district or charter school must submit a plan
172 to the board for reading proficiency improvement that incorporates the following components:
- 173 (i) assessment;
- 174 (ii) intervention strategies;
- 175 (iii) professional development for classroom teachers in kindergarten through grade
176 three;
- 177 (iv) reading performance standards; and
- 178 (v) specific measurable goals that include the following:
- 179 (A) a growth goal for each school within a school district and each charter school
180 based upon student learning gains as measured by benchmark assessments administered
181 pursuant to Section 53A-1-606.6; and
- 182 (B) a growth goal for each school district and charter school to increase the percentage
183 of third grade students who read on grade level from year to year as measured by the third
184 grade reading test administered pursuant to Section 53A-1-603.
- 185 (b) The board shall provide model plans which a school district or charter school may
186 use, or the school district or charter school may develop its own plan.
- 187 (c) Plans developed by a school district or charter school shall be approved by the

188 board.

189 (d) The board shall develop uniform standards for acceptable growth goals that a
190 school district or charter school adopts as described in this Subsection (4).

191 (5) (a) There is created within the K-3 Reading Achievement Program three funding
192 programs:

193 (i) the Base Level Program;

194 (ii) the Guarantee Program; and

195 (iii) the Low Income Students Program.

196 (b) The board may use no more than \$7,500,000 from an appropriation described in
197 Subsection (3) for computer-assisted instructional learning and assessment programs.

198 (6) Money appropriated to the board for the K-3 Reading Improvement Program and
199 not used by the board for computer-assisted instructional learning and assessments as described
200 in Subsection (5)(b), shall be allocated to the three funding programs as follows:

201 (a) 8% to the Base Level Program;

202 (b) 46% to the Guarantee Program; and

203 (c) 46% to the Low Income Students Program.

204 (7) (a) To participate in the Base Level Program, a school district or charter school
205 shall submit a reading proficiency improvement plan to the board as provided in Subsection (4)
206 and must receive approval of the plan from the board.

207 (b) (i) Each school district qualifying for Base Level Program funds and the qualifying
208 elementary charter schools combined shall receive a base amount.

209 (ii) The base amount for the qualifying elementary charter schools combined shall be
210 allocated among each school in an amount proportionate to:

211 (A) each existing charter school's prior year fall enrollment in grades kindergarten
212 through grade three; and

213 (B) each new charter school's estimated fall enrollment in grades kindergarten through
214 grade three.

215 (8) (a) A school district that applies for program money in excess of the Base Level
216 Program funds shall choose to first participate in either the Guarantee Program or the Low
217 Income Students Program.

218 (b) A school district must fully participate in either the Guarantee Program or the Low

219 Income Students Program before it may elect to either fully or partially participate in the other
220 program.

221 (c) To fully participate in the Guarantee Program, a school district shall allocate to the
222 program money available to the school district, except money provided by the state, equal to
223 the amount of revenue that would be generated by a tax rate of .000056.

224 (d) To fully participate in the Low Income Students Program, a school district shall
225 allocate to the program money available to the school district, except money provided by the
226 state, equal to the amount of revenue that would be generated by a tax rate of .000065.

227 (e) (i) The board shall verify that a school district allocates the money required in
228 accordance with Subsections (8)(c) and (d) before it distributes funds in accordance with this
229 section.

230 (ii) The State Tax Commission shall provide the board the information the board needs
231 in order to comply with Subsection (8)(e)(i).

232 (9) (a) Except as provided in Subsection (9)(c), a school district that fully participates in
233 the Guarantee Program shall receive state funds in an amount that is:

234 (i) equal to the difference between \$21 times the district's total WPUs and the revenue
235 the school district is required to allocate under Subsection (8)(c) to fully participate in the
236 Guarantee Program; and

237 (ii) not less than \$0.

238 (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive
239 under the Guarantee Program an amount equal to \$21 times the school's total WPUs.

240 (c) The board may adjust the \$21 guarantee amount described in Subsections (9)(a) and
241 (b) to account for actual appropriations and money used by the board for computer-assisted
242 instructional learning and assessments.

243 (10) The board shall distribute Low Income Students Program funds in an amount
244 proportionate to the number of students in each school district or charter school who qualify for
245 free or reduced price school lunch multiplied by two.

246 (11) A school district that partially participates in the Guarantee Program or Low
247 Income Students Program shall receive program funds based on the amount of school district
248 revenue allocated to the program as a percentage of the amount of revenue that could have been
249 allocated if the school district had fully participated in the program.

250 (12) (a) A school district or charter school shall use program money for reading
251 proficiency improvement interventions in grades kindergarten through grade 3 that have proven
252 to significantly increase the percentage of students reading at grade level, including:

253 (i) reading assessments; and

254 (ii) focused reading remediations that may include:

255 (A) the use of reading specialists;

256 (B) tutoring;

257 (C) before or after school programs;

258 (D) summer school programs; or

259 (E) the use of reading software; or

260 (F) the use of interactive computer software programs for literacy instruction and
261 assessments for students.

262 (b) A school district or charter school may use program money for portable technology
263 devices used to administer reading assessments.

264 (c) Program money may not be used to supplant funds for existing programs, but may
265 be used to augment existing programs.

266 (13) (a) Each school district and charter school shall annually submit a report to the
267 board accounting for the expenditure of program money in accordance with its plan for reading
268 proficiency improvement.

269 ~~[(b) On or before the November meeting of the Education Interim Committee of each~~
270 ~~year, the board shall report a summary of the reading improvement program expenditures of~~
271 ~~each school district and charter school.]~~

272 ~~[(c)]~~ (b) If a school district or charter school uses program money in a manner that is
273 inconsistent with Subsection (12), the school district or charter school is liable for reimbursing
274 the board for the amount of program money improperly used, up to the amount of program
275 money received from the board.

276 (14) (a) The board shall make rules to implement the program.

277 (b) (i) The rules under Subsection (14)(a) shall require each school district or charter
278 school to annually report progress in meeting school and school district goals stated in the
279 school district's or charter school's plan for student reading proficiency.

280 (ii) If a school does not meet or exceed the school's goals, the school district or charter

281 school shall prepare a new plan which corrects deficiencies. The new plan must be approved
282 by the board before the school district or charter school receives an allocation for the next year.

283 (15) (a) If for two consecutive school years, a school district fails to meet its goal to
284 increase the percentage of third grade students who read on grade level as measured by the
285 third grade reading test administered pursuant to Section 53A-1-603, the school district shall
286 terminate any levy imposed under Section 53A-17a-151 and may not receive money
287 appropriated by the Legislature for the K-3 Reading Improvement Program.

288 (b) If for two consecutive school years, a charter school fails to meet its goal to
289 increase the percentage of third grade students who read on grade level as measured by the
290 third grade reading test administered pursuant to Section 53A-1-603, the charter school may
291 not receive money appropriated by the Legislature for the K-3 Reading Improvement Program.

292 (16) The board shall make an annual report to the Public Education Appropriations
293 Subcommittee that:

294 (a) includes information on:

295 (i) student learning gains in reading for the past school year and the five-year trend;

296 (ii) the percentage of third grade students reading on grade level in the past school year
297 and the five-year trend;

298 (iii) the progress of schools and school districts in meeting goals stated in a school
299 district's or charter school's plan for student reading proficiency; and

300 (iv) the correlation between third grade students reading on grade level and results of
301 third grade language arts scores on a criterion-referenced test or computer adaptive test; and

302 (b) may include recommendations on how to increase the percentage of third grade
303 students who read on grade level.

304 Section 4. Section **53A-17a-162** is amended to read:

305 **53A-17a-162. Beverley Taylor Sorenson Elementary Arts Learning Program.**

306 (1) As used in this section:

307 (a) "Endowed chair" means a person who holds an endowed position or administrator
308 of an endowed program for the purpose of arts and integrated arts instruction at an endowed
309 university.

310 (b) "Endowed university" means an institution of higher education in the state that:

311 (i) awards elementary education degrees in arts instruction;

312 (ii) has received a major philanthropic donation for the purpose of arts and integrated
313 arts instruction; and

314 (iii) has created an endowed position as a result of a donation described in Subsection
315 (1)(b)(ii).

316 (c) "Integrated arts advocate" means a person who:

317 (i) advocates for arts and integrated arts instruction in the state; and

318 (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed
319 chair.

320 (d) "Local education agency" or "LEA" means:

321 (i) a school district;

322 (ii) a charter school; or

323 (iii) the Utah Schools for the Deaf and the Blind.

324 (2) The Legislature finds that a strategic placement of arts in elementary education can
325 impact the critical thinking of students in other core subject areas, including mathematics,
326 reading, and science.

327 (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to
328 enhance the social, emotional, academic, and arts learning of students in kindergarten through
329 grade six by integrating arts teaching and learning into core subject areas and providing
330 professional development for positions that support elementary arts and integrated arts
331 education.

332 (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
333 Learning Program, and subject to Subsection (5), the State Board of Education shall, after
334 consulting with endowed chairs and the integrated arts advocate and receiving their
335 recommendations, administer a grant program to enable LEAs to:

336 (a) hire highly qualified arts specialists, art coordinators, and other positions that
337 support arts education and arts integration;

338 (b) provide up to \$10,000 in one-time funds for each new school arts specialist
339 described under Subsection (4)(a) to purchase supplies and equipment; and

340 (c) engage in other activities that improve the quantity and quality of integrated arts
341 education.

342 (5) (a) An LEA that receives a grant under Subsection (4) shall provide matching funds

343 of no less than 20% of the grant amount, including no less than 20% of the grant amount for
 344 actual salary and benefit costs per full-time equivalent position funded under Subsection (4)(a).

345 (b) An LEA may not:

346 (i) include administrative, facility, or capital costs to provide the matching funds
 347 required under Subsection (5)(a); or

348 (ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to
 349 supplant funds for existing programs.

350 (6) An LEA that receives a grant under this section shall partner with an endowed chair
 351 to provide professional development in integrated elementary arts education.

352 (7) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
 353 Learning Program, the State Board of Education shall administer a grant program to fund
 354 activities within arts and the integrated arts programs at an endowed university in the college
 355 where the endowed chair resides to:

356 (a) provide high quality professional development in elementary integrated arts
 357 education in accordance with the professional learning standards in Section 53A-3-701 to
 358 LEAs that receive a grant under Subsection (4);

359 (b) design and conduct research on:

360 (i) elementary integrated arts education and instruction;

361 (ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts
 362 Learning Program; and

363 (iii) effectiveness of the professional development under Subsection (7)(a); and

364 (c) provide the public with integrated elementary arts education resources.

365 (8) The State Board of Education shall~~[(a)]~~ make rules in accordance with Title 63G,
 366 Chapter 3, Utah Administrative Rulemaking Act, to administer the Beverley Taylor Sorenson
 367 Elementary Arts Learning Program~~[-and]~~.

368 ~~[(b) after consultation with endowed chairs and the integrated arts advocate, submit an~~
 369 ~~annual written report to the Education Interim Committee describing the program's impact on~~
 370 ~~students in kindergarten through grade six.]~~

371 Section 5. Section **53A-17a-171** is amended to read:

372 **53A-17a-171. Intergenerational Poverty Interventions Grant Program --**

373 **Definitions -- Grant requirements -- Reporting requirements.**

374 (1) As used in this section:

375 (a) "Board" means the State Board of Education.

376 (b) "Eligible student" means a student who is classified as a child affected by
377 intergenerational poverty.

378 (c) "Intergenerational poverty" has the same meaning as in Section 35A-9-102.

379 (d) "Local Education Agency" or "LEA" means a school district or charter school.

380 (e) "Program" means the Intergenerational Poverty Interventions Grant Program
381 created in Subsection (2).

382 (2) The Intergenerational Poverty Interventions Grant Program is created to provide
383 grants to eligible LEAs to fund additional educational opportunities for eligible students,
384 outside of the regular school day offerings.

385 (3) Subject to future budget constraints, the board shall distribute to LEAs money
386 appropriated for the program in accordance with this section.

387 (4) The board shall:

388 (a) solicit proposals from LEAs to receive money under the program; and

389 (b) award grants to LEAs based on criteria described in Subsection (5).

390 (5) In awarding a grant under Subsection (4), the board shall consider:

391 (a) the percentage of an LEA's students that are classified as children affected by
392 intergenerational poverty;

393 (b) the level of administrative support and leadership at an eligible LEA to effectively
394 implement, monitor, and evaluate the program; and

395 (c) an LEA's commitment and ability to work with the Department of Workforce
396 Services, the Department of Health, the Department of Human Services, and the juvenile courts
397 to provide services to the LEA's eligible students.

398 (6) To receive a grant under the program, an LEA shall submit a proposal to the board
399 detailing:

400 (a) the LEA's strategy to implement the program, including the LEA's strategy to
401 improve the academic achievement of children affected by intergenerational poverty;

402 (b) the LEA's strategy for coordinating with and engaging the Department of
403 Workforce Services to provide services for the LEA's eligible students;

404 (c) the number of students the LEA plans to serve, categorized by age and

405 intergenerational poverty status;

406 (d) the number of students, eligible students, and schools the LEA plans to fund with
407 the grant money; and

408 (e) the estimated cost per student.

409 (7) (a) The board shall annually report to [~~the Legislature's Education Interim~~
410 ~~Committee and~~] the Utah Intergenerational Welfare Reform Commission, created in Section
411 35A-9-301, by November 30 of each year, on:

412 (i) the progress of LEA programs using grant money;

413 (ii) the progress of LEA programs in improving the academic achievement of children
414 affected by intergenerational poverty; and

415 (iii) the LEA's coordination efforts with the Department of Workforce Services, the
416 Department of Health, the Department of Human Services, and the juvenile courts.

417 (b) The board shall provide the report described in Subsection (7)(a) to the Education
418 Interim Committee upon request.

419 [~~(b)~~] (c) LEAs that receive grant money pursuant to this section shall provide to the
420 board information that is necessary for the board's report [~~to the Legislature's Education Interim~~
421 ~~Committee and the Utah Intergenerational Welfare Reform Commission as required~~] described
422 in Subsection (7)(a).

423 Section 6. Section **53A-25b-201** is amended to read:

424 **53A-25b-201. Authority of the State Board of Education -- Rulemaking --**
425 **Superintendent -- Advisory Council.**

426 (1) The State Board of Education is the governing board of the Utah Schools for the
427 Deaf and the Blind.

428 (2) (a) The board shall appoint a superintendent for the Utah Schools for the Deaf and
429 the Blind.

430 (b) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
431 Administrative Rulemaking Act, regarding the qualifications, terms of employment, and duties
432 of the superintendent for the Utah Schools for the Deaf and the Blind.

433 (3) The superintendent shall:

434 (a) subject to the approval of the board, appoint an associate superintendent to
435 administer the Utah School for the Deaf based on:

- 436 (i) demonstrated competency as an expert educator of deaf persons; and
 437 (ii) knowledge of school management and the instruction of deaf persons;
 438 (b) subject to the approval of the board, appoint an associate superintendent to
 439 administer the Utah School for the Blind based on:
 440 (i) demonstrated competency as an expert educator of blind persons; and
 441 (ii) knowledge of school management and the instruction of blind persons, including an
 442 understanding of the unique needs and education of deafblind persons.
 443 (4) (a) The board shall:
 444 (i) establish an Advisory Council for the Utah Schools for the Deaf and the Blind and
 445 appoint no more than 11 members to the advisory council;
 446 (ii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
 447 Rulemaking Act, regarding the operation of the advisory council; and
 448 (iii) receive and consider the advice and recommendations of the advisory council but
 449 is not obligated to follow the recommendations of the advisory council.
 450 (b) The advisory council described in Subsection (4)(a) shall include at least:
 451 (i) two members who are blind;
 452 (ii) two members who are deaf; and
 453 (iii) two members who are deafblind or parents of a deafblind child.
 454 (5) The board shall approve the annual budget and expenditures of the Utah Schools
 455 for the Deaf and the Blind.
 456 (6) (a) On or before the November interim meeting each year, the board shall report to
 457 the Education Interim Committee on the Utah Schools for the Deaf and the Blind.
 458 (b) The ~~[report shall be presented verbally and in written form to the Education Interim~~
 459 ~~Committee and shall include]~~ board shall ensure that the report described in Subsection (6)(a)
 460 includes:
 461 (i) a financial report;
 462 (ii) a report on the activities of the superintendent and associate superintendents;
 463 (iii) a report on activities to involve parents and constituency and advocacy groups in
 464 the governance of the school; and
 465 (iv) a report on student achievement, including:
 466 (A) ~~[student academic achievement data, including]~~ longitudinal student achievement

467 data for both current and previous students served by the Utah Schools for the Deaf and the
468 Blind;

469 (B) graduation rates; and

470 (C) [~~students exiting the Utah Schools for the Deaf and the Blind and their~~] a
471 description of the educational placement [~~after~~] of students exiting the Utah Schools for the
472 Deaf and the Blind.

473 Section 7. Section **53B-1-202** is amended to read:

474 **53B-1-202. Disclosure of foreign gifts to higher education institutions.**

475 (1) (a) Except as provided in Subsection (1)(c), on or before July 31 of each year, a
476 higher education institution shall disclose to the board, by filing a disclosure report described in
477 Subsection (2), a gift received by the higher education institution of \$50,000 or more from a
478 foreign person, considered alone or in combination with all other gifts from the foreign person,
479 during the period beginning July 1 and ending on June 30 immediately preceding the July 31
480 deadline.

481 (b) A higher education institution may rely on the following address of a foreign person
482 to determine the citizenship or nationality of the foreign person if the citizenship or nationality
483 is unknown:

484 (i) for a foreign person that is an individual, the principal residence; and

485 (ii) for a foreign person that is not an individual, the principal place of business.

486 (c) The \$50,000 amount described in Subsection (1)(a) is increased to \$250,000 if the
487 gift, considered alone or in combination with all other gifts, described in Subsection (1)(a) is
488 from a foreign person:

489 (i) with a principal residence or principal place of business located in the United States;
490 and

491 (ii) with a permanent resident status:

492 (A) under Section 245 of the Immigration and Nationality Act; and

493 (B) for 10 years or more.

494 (2) A disclosure report regarding all gifts described in Subsection (1) shall include:

495 (a) the amount of each gift described in Subsection (1);

496 (b) the date on which each gift described in Subsection (1) was received by the higher
497 education institution;

- 498 (c) the name of the foreign person making each gift described in Subsection (1);
- 499 (d) the aggregate amount of all gifts described in Subsection (1) from a foreign person
500 during the prior fiscal year of the higher education institution;
- 501 (e) for a conditional gift, a description of the conditions or restrictions related to the
502 conditional gift;
- 503 (f) for a conditional gift:
- 504 (i) for a foreign person that is an individual, if known, the country of citizenship or
505 principal residence of the individual; or
- 506 (ii) for a foreign person that is not an individual, if known, the country of incorporation
507 or place of business of the foreign person; and
- 508 (g) for a conditional gift that is a contract entered into between a higher education
509 institution and a foreign person:
- 510 (i) the amount;
- 511 (ii) the date;
- 512 (iii) a description of all conditions or restrictions; and
- 513 (iv) the name of the foreign person.
- 514 (3) A disclosure report required by this section is a public record open to inspection
515 and review during the higher education institution's business hours.
- 516 (4) At the request of the board, the attorney general may file a civil action to compel a
517 higher education institution to comply with the requirements of this section.
- 518 ~~[(5) On or before the November interim meeting of each year, the board shall report to~~
519 ~~the Education Interim Committee and provide a summary of all gifts described in Subsection~~
520 ~~(1) received by higher education institutions during the prior fiscal year.]~~
- 521 ~~[(6)]~~ (5) The board shall make rules for the administration of this section in accordance
522 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 523 Section 8. Section **53B-8-108** is amended to read:
- 524 **53B-8-108. Regents' Scholarship Program -- General provisions -- Board policies.**
- 525 (1) The Regents' Scholarship Program is created to award merit scholarships to
526 students who complete a rigorous core course of study in high school.
- 527 (2) (a) A student who is awarded the Base Regents' scholarship established in Section
528 53B-8-109 may also be awarded each of the supplemental awards established in Sections

529 53B-8-110 and 53B-8-111.

530 (b) A student may not receive both a Regents' scholarship and a New Century
531 scholarship established in Section 53B-8-105.

532 (3) A Regents' scholarship may only be used at a:

533 (a) credit-granting higher education institution within the state system of higher
534 education; or

535 (b) private, nonprofit college or university in the state that is accredited by the
536 Northwest Association of Schools and Colleges.

537 (4) (a) A scholarship holder shall enroll full-time at a higher education institution
538 described in Subsection (3) by no later than the fall term immediately following the student's
539 high school graduation date or receive an approved deferral from the board.

540 (b) The board may grant a deferral or leave of absence to a scholarship holder, but the
541 student may only receive scholarship money within five years of the student's high school
542 graduation date.

543 (5) (a) The board shall annually report on the Regents' Scholarship Program at the
544 beginning of each school year to ~~[the Education Interim Committee and]~~ the Higher Education
545 Appropriations Subcommittee.

546 (b) The ~~[report shall include]~~ board shall ensure that the report includes the number of
547 students in each school district and public high school who meet the academic criteria for the
548 Base Regents' scholarship and for the Exemplary Academic Achievement Scholarship.

549 (c) The State Board of Education, school districts, and public high schools shall
550 cooperate with the board to facilitate the collection and distribution of Regents' Scholarship
551 Program data.

552 (6) The State Board of Education shall annually provide the board a complete list of
553 directory information, including student name and address, for all grade 8 students in the state.

554 (7) The board shall adopt policies establishing:

555 (a) the high school and college course requirements described in Subsection
556 53B-8-109(1)(d)(i);

557 (b) the additional weights assigned to grades earned in certain courses described in
558 Subsections 53B-8-109(4) and 53B-8-111(7);

559 (c) the regional accrediting bodies that may accredit a private high school described in

560 Subsection 53B-8-109(1)(a)(ii);

561 (d) (i) the application process and an appeal process for a Regents' scholarship,
562 including procedures to allow a student to apply for the scholarship on-line; and

563 (ii) a disclosure on all applications and related materials that the amount of the awards
564 is subject to funding and may be reduced, in accordance with Subsection (8)(b); and

565 (e) how college credits correlate to high school units for purposes of Subsection
566 53B-8-109(1)(d)(i).

567 (8) (a) Subject to future budget constraints, the Legislature shall make an annual
568 appropriation from the Education Fund to the board for the costs associated with the Regents'
569 Scholarship Program authorized under this section and Sections 53B-8-109, 53B-8-110, and
570 53B-8-111.

571 (b) Notwithstanding the provisions of this section and Sections 53B-8-109, 53B-8-110,
572 and 53B-8-111, if the appropriation under Subsection (8)(a) is insufficient to cover the costs
573 associated with the Regents' Scholarship Program, the board may reduce the amount of the
574 Base Regents' scholarships and supplemental awards.

575 (9) The board may set deadlines for receiving Regents' scholarship applications and
576 supporting documentation.

577 Section 9. Section **53B-16-107** is amended to read:

578 **53B-16-107. Credit for military service and training -- Notification --**
579 **Transferability -- Reporting.**

580 (1) As used in this section, "credit" includes proof of equivalent noncredit course
581 completion awarded by the Utah College of Applied Technology.

582 (2) An institution of higher education listed in Section 53B-2-101 shall provide written
583 notification to each student applying for admission that the student is required to meet with a
584 college counselor in order to receive credit for military service and training as recommended by
585 a postsecondary accreditation agency or association designated by the State Board of Regents
586 or the Utah College of Applied Technology Board of Trustees if:

587 (a) credit for military service and training is requested by the student; and

588 (b) the student has met with an advisor at an institution of higher education listed in
589 Section 53B-2-101 at which the student intends to enroll to discuss applicability of credit to
590 program requirements, possible financial aid implications, and other factors that may impact

591 attainment of the student's educational goals.

592 (3) Upon transfer within the state system of higher education, a student may present a
593 transcript to the receiving institution for evaluation and to determine the applicability of credit
594 to the student's program of study, and the receiving institution shall evaluate the credit to be
595 transferred pursuant to Subsection (2).

596 (4) The State Board of Regents and the Utah College of Applied Technology Board of
597 Trustees shall annually report the number of credits awarded under this section by each
598 institution of higher education to [~~the Education Interim Committee and~~] the Utah Department
599 of Veterans' Affairs.