

1 **HIGHER EDUCATION SCHOLARSHIP AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jerry W. Stevenson**

5 House Sponsor: Derek E. Brown

6 

---

---

**LONG TITLE**

7 **General Description:**

8 This bill modifies requirements related to certain higher education scholarships.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ allows the Board of Regents to assign additional weights to grades earned in  
12 International Baccalaureate program courses in determining scholarship eligibility  
13 in the Regents' Scholarship Program;  
14 ▶ beginning July 1, 2013, changes the requirement for a student receiving a New  
15 Century scholarship or an Exemplary Academic Achievement award under the  
16 Regents' Scholarship Program to:  
17
  - 18 • register for at least 15 credit hours per semester; and
  - 19 • maintain a 3.3 GPA; and

20 ▶ exempts the Board of Regents from verifying lawful presence of certain scholarship  
21 applicants **Ⓢ→ under a certain verification program [-] ; and**

21a ▶ **requires an applicant for a New Century or Regents' scholarship to certify, under**  
21b **penalty of perjury, that the applicant is a United States citizen or lawfully present in the**  
21c **country.** ←Ⓢ

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 53B-8-105, as last amended by Laws of Utah 2010, Chapter 270

29 53B-8-109, as last amended by Laws of Utah 2010, Chapter 270

30 53B-8-111, as last amended by Laws of Utah 2010, Chapter 270

31 63G-12-402, as last amended by Laws of Utah 2012, Chapters 192 and 369



32  
33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section 53B-8-105 is amended to read:

35 **53B-8-105. New Century scholarships -- High school requirements.**

36 (1) As used in this section, "complete the requirements for an associate degree" means  
37 that a student:

38 (a) (i) completes all the required courses for an associate degree from a higher  
39 education institution within the state system of higher education that offers associate degrees;  
40 and

41 (ii) applies for the associate degree from the institution; or

42 (b) completes equivalent requirements described in Subsection (1)(a)(i) from a higher  
43 education institution within the state system of higher education that offers baccalaureate  
44 degrees but does not offer associate degrees.

45 (2) (a) The board shall award New Century scholarships.

46 (b) The board shall develop and approve the math and science curriculum described  
47 under Subsection (3)(a)(ii).

48 (3) (a) In order to qualify for a New Century scholarship, a student in Utah schools  
49 shall complete the requirements for an:

50 (i) associate degree; or

51 (ii) approved math and science curriculum.

52 (b) The requirements under Subsection (3)(a) shall be completed:

53 (i) (A) for a student whose class graduates from high school in 2010 or before, by  
54 September 1 of the year the student's class graduates from high school; or

55 (B) for a student whose class graduates from high school in 2011 or after, by the day on  
56 which the student's class graduates from high school; and

57 (ii) with at least a 3.0 grade point average.

58 (c) In addition to the requirements in Subsection (3)(a), a student in Utah schools

59 whose class graduates from high school in 2011 or after shall:

60 (i) complete the high school graduation requirements of:

61 (A) a public high school established by the State Board of Education and the student's  
62 school district or charter school; or

63 (B) a private high school in the state that is accredited by a regional accrediting body  
64 approved by the board; and

65 (ii) complete high school with at least a 3.5 cumulative high school grade point  
66 average.

67 (4) Notwithstanding Subsection (3), for a student who does not receive a high school  
68 grade point average, the student shall:

69 (a) complete the requirements for an associate degree:

70 (i) (A) for a student who completes high school in 2010 or before, by September 1 of  
71 the year the student completes high school; or

72 (B) for a student who completes high school in 2011 or after, by June 15 of the year the  
73 student completes high school; and

74 (ii) with at least a 3.0 grade point average; and

75 (b) score a composite ACT score of 26 or higher.

76 (5) To be eligible for the scholarship, a student:

77 (a) shall submit an application to the board with:

78 (i) an official college transcript showing college courses the student has completed to  
79 complete the requirements for an associate degree; and

80 (ii) (A) if applicable, an official high school transcript; or

81 (B) if applicable, a copy of the student's ACT scores;

82 (b) shall be a citizen of the United States or a noncitizen who is eligible to receive  
83 federal student aid;

84 (c) may not have a criminal record, with the exception of a misdemeanor traffic  
85 citation; and

86 (d) if applicable, shall meet the application deadlines as established by the board under  
87 Subsection (10).

88 (6) (a) The scholarship may be used at a:

89 (i) higher education institution within the state system of higher education that offers

90 baccalaureate programs; or

91 (ii) private, nonprofit college or university in the state accredited by the Northwest  
92 Association of Schools and Colleges that offers baccalaureate programs.

93 (b) For a student whose class graduates from high school in 2010 and who completes  
94 the requirements under Subsection (3)(a) by September 1, 2010:

95 (i) if used at an institution described in Subsection (6)(a)(i), the value of the  
96 scholarship is up to 75% of the tuition costs at the selected institution; or

97 (ii) if used at an institution described in Subsection (6)(a)(ii), the value of the  
98 scholarship is up to 75% of the tuition costs at the institution, not to exceed 75% of the average  
99 tuition costs at the institutions referred in Subsection (6)(a)(i).

100 (c) (i) For a student whose class graduates in 2011 or after and who completes the  
101 requirements under this section, the total value of the scholarship is up to \$5,000, allocated  
102 over a time period described in Subsection (6)(d), as prescribed by the board.

103 (ii) The board may increase the scholarship amount described in Subsection (6)(c)(i) by  
104 an amount not to exceed the average percentage tuition increase approved by the board for  
105 institutions in the state system of higher education.

106 (d) The scholarship is valid for the shortest of the following time periods:

107 (i) two years of full-time equivalent enrollment;

108 (ii) 60 credit hours; or

109 (iii) until the student meets the requirements for a baccalaureate degree.

110 (e) (i) A scholarship holder shall enroll full-time at a higher education institution by no  
111 later than the fall term immediately following the student's high school graduation date or  
112 receive an approved deferral from the board.

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

116 (7) (a) The board may cancel a New Century scholarship at any time if the student fails  
117 to:

118 ~~(a)~~ (i) register as a full-time student;

119 ~~(b)~~ (ii) maintain at least a 3.0 grade point average for two consecutive semesters; or

120 ~~(c)~~ (iii) make reasonable progress towards the completion of a baccalaureate degree.

121 (b) Beginning July 1, 2013, the board may cancel a New Century scholarship at any  
 122 time if the student fails to:

123 (i) register for at least 15 credit hours per semester;

124 (ii) maintain a 3.3 grade point average for two consecutive semesters; or

125 (iii) make reasonable progress towards the completion of a baccalaureate degree.

126 (8) (a) Subject to future budget constraints, the Legislature shall make an annual  
 127 appropriation from the General Fund to the board for the costs associated with the New  
 128 Century Scholarship Program authorized under this section.

129 (b) It is understood that the appropriation is offset in part by the state money that would  
 130 otherwise be required and appropriated for these students if they were enrolled in a four-year  
 131 postsecondary program at a state-operated institution.

132 (c) Notwithstanding Subsections (2)(a) and (6), if the appropriation under Subsection  
 133 (8)(a) is insufficient to cover the costs associated with the New Century Scholarship Program,  
 134 the board may reduce the scholarship amount.

135 (9) (a) The board shall adopt policies establishing an application process and an appeal  
 136 process for a New Century scholarship.

137 (b) The board shall disclose on all applications and related materials that the amount of  
 138 the scholarship is subject to funding and may be reduced, in accordance with Subsection (8)(c).

138a **§→ (c) The board shall require an applicant for a New Century scholarship to certify**  
 138b **under penalty of perjury that:**

138c **(i) the applicant is a United State citizen; or**

138d **(ii) the applicant is a noncitizen who is eligible to receive federal student aid.**

138e **(d) The certification under this Subsection (9) shall include a statement advising the**  
 138f **signer that providing false information subjects the signer to penalties for perjury. ←§**

139 (10) The board may set deadlines for receiving New Century scholarship applications  
 140 and supporting documentation.

141 (11) A student may not receive both a New Century scholarship and a Regents'  
 142 scholarship established in Section 53B-8-108.

143 Section 2. Section **53B-8-109** is amended to read:

144 **53B-8-109. Regents' Scholarship Program -- Base Regents' scholarship --**

145 **Qualifications -- Application.**

146 (1) A student qualifies for a Base Regents' scholarship if the student:

147 (a) completes the high school graduation requirements of:

148 (i) a public school established by the State Board of Education and the student's school  
 149 district or charter school; or

150 (ii) a private high school in the state that is accredited by a regional accrediting body  
 151 approved by the board;

- 152 (b) completes high school with at least a 3.0 cumulative grade point average;  
 153 (c) has at least one reported ACT test score; and  
 154 (d) (i) completes the following high school or college credit in grades 9-12:  
 155 (A) four units of credit of English;  
 156 (B) four units of credit of mathematics;  
 157 (C) three and one-half units of credit of social science;  
 158 (D) three units of credit of lab-based natural science; and  
 159 (E) two units of credit of sequential world or classical language other than English; and  
 160 (ii) except as provided in Subsection (4), earns a course grade on a transcript of "C" or  
 161 above in each individual course listed in Subsection (1)(d)(i).

162 (2) The board shall establish policies to determine specific courses that meet the  
 163 requirements under Subsection (1)(d)(i).

164 (3) To be eligible for the scholarship, a student:

165 (a) shall submit an application to the board with:

166 (i) a copy of the student's official high school transcript and ACT scores; and

167 (ii) if applicable, a college transcript showing a college course the student has

168 completed to meet the requirements of Subsection (1)(d);

169 (b) shall be a citizen of the United States or a noncitizen who is eligible to receive  
 170 federal student aid;

171 (c) may not have a criminal record, with the exception of a misdemeanor traffic  
 172 citation; and

173 (d) if applicable, shall meet the application deadlines as established by the board under  
 174 Subsection 53B-8-108(9).

175 (4) For purposes of determining if a student meets the grade requirements of  
 176 Subsection (1)(d)(ii), the board shall assign additional weights to grades earned in courses  
 177 described in Subsection (1)(d)(i) that are advanced placement [~~or~~], concurrent enrollment, or  
 178 International Baccalaureate program courses.

179 (5) (a) The amount of the Base Regents' scholarship is \$1,000.

180 (b) The board may adjust the amount of the Base Regents' scholarship by up to a  
 181 percentage of the average percentage tuition increase approved by the board for institutions in  
 182 the system of higher education.

182a **§→ (6)(a) The board shall require an applicant for a Regents' scholarship to**  
 182b **certify under penalty of perjury that:**

182c **(i) the applicant is a United State citizen; or**

182d **(ii) the applicant is a noncitizen who is eligible to receive federal student aid.**

182e **(b) The certification under this Subsection (6) shall include a statement advising the**  
 182f **signer that providing false information subjects the signer to penalties for perjury. ←§**

183 Section 3. Section **53B-8-111** is amended to read:

184 **53B-8-111. Supplemental scholarship award -- Exemplary academic achievement**  
185 **-- Regents' diploma.**

186 (1) A student who qualifies for the Base Regents' scholarship in accordance with the  
187 provisions of Section 53B-8-109 shall qualify for an additional Exemplary Academic  
188 Achievement scholarship if the student:

189 (a) completes high school with a cumulative grade point average of 3.5 or higher;

190 (b) except as provided in Subsection (7), ~~[completes the course of study described]~~  
191 earns a course grade on a transcript of "B" or above in each individual course listed in

192 Subsection 53B-8-109(1)(d)(i) ~~[with no course grade on a transcript lower than a "B"]~~; and

193 (c) (i) scores a composite ACT score of 26 or higher; and

194 (ii) if determined by the board's policies, achieves additional ACT college readiness  
195 benchmark scores in English, mathematics, reading, and science.

196 (2) For a student who graduates from high school in the 2009-10 school year:

197 (a) if used at a higher education institution described in Subsection 53B-8-108(3)(a),  
198 the value of an Exemplary Academic Achievement scholarship is up to 75% of the tuition costs  
199 at the selected institution; or

200 (b) if used at a higher education institution described in Subsection 53B-8-108(3)(b),  
201 the value of an Exemplary Academic Achievement scholarship is up to 75% of the tuition costs  
202 at the institution, not to exceed 75% of the average tuition costs at the institutions described in  
203 Subsection 53B-8-108(3)(a).

204 (3) (a) For a student who graduates from high school in or after the 2010-11 school  
205 year, the total value of an Exemplary Academic Achievement scholarship is up to \$5,000,  
206 allocated over a time period described in Subsection (4), as prescribed by the board.

207 (b) The board may adjust the amount of the Exemplary Academic Achievement  
208 scholarship by up to a percentage of the average percentage tuition increase approved by the  
209 board for institutions in the state system of higher education.

210 (4) An Exemplary Academic Achievement scholarship is valid for the shortest of the  
211 following time periods:

212 (a) two years of full-time equivalent enrollment;

213 (b) 65 credit hours; or

214 (c) until the student meets the requirements for a baccalaureate degree.

215 (5) (a) The board may cancel an Exemplary Academic Achievement scholarship at any  
216 time if the student fails to:

217 [~~(a)~~] (i) register as a full-time student;

218 [~~(b)~~] (ii) maintain a 3.0 grade point average for two consecutive semesters; or

219 [~~(c)~~] (iii) make reasonable progress towards the completion of a baccalaureate degree.

220 (b) Beginning July 1, 2013, the board may cancel an Exemplary Academic  
221 Achievement scholarship at any time if the student fails to:

222 (i) register for at least 15 credit hours per semester;

223 (ii) maintain a 3.3 grade point average for two consecutive semesters; or

224 (iii) make reasonable progress towards the completion of a baccalaureate degree.

225 (6) A student who qualifies for the Exemplary Academic Achievement scholarship  
226 under this section may also receive a Regents' diploma endorsement to be issued by the board.

227 (7) For purposes of determining if a student meets the grade requirements of  
228 Subsection (1)(b), the board shall assign additional weights to grades earned in courses  
229 described in Subsection 53B-8-109(1)(d)(i) that are advanced placement [~~or~~], concurrent  
230 enrollment, or International Baccalaureate program courses.

231 Section 4. Section **63G-12-402** is amended to read:

232 **63G-12-402. Receipt of state, local, or federal public benefits -- Verification --**  
233 **Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.**

234 (1) (a) Except as provided in Subsection (3) or when exempted by federal law, an  
235 agency or political subdivision of the state shall verify the lawful presence in the United States  
236 of an individual at least 18 years of age who applies for:

237 (i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or

238 (ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an  
239 agency or political subdivision of this state.

240 (b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction  
241 Trades Licensing Act, to an applicant that is an unincorporated entity, the Department of  
242 Commerce shall verify in accordance with this Subsection (1) the lawful presence in the United  
243 States of each individual who:

244 (i) owns an interest in the contractor that is an unincorporated entity; and



245 (ii) engages, or will engage, in a construction trade in Utah as an owner of the  
246 contractor described in Subsection (1)(b)(i).

247 (2) This section shall be enforced without regard to race, religion, gender, ethnicity, or  
248 national origin.

249 (3) Verification of lawful presence under this section is not required for:

250 (a) any purpose for which lawful presence in the United States is not restricted by law,  
251 ordinance, or regulation;

252 (b) assistance for health care items and services that:

253 (i) are necessary for the treatment of an emergency medical condition, as defined in 42  
254 U.S.C. Sec. 1396b(v)(3), of the individual involved; and

255 (ii) are not related to an organ transplant procedure;

256 (c) short-term, noncash, in-kind emergency disaster relief;

257 (d) public health assistance for immunizations with respect to immunizable diseases  
258 and for testing and treatment of symptoms of communicable diseases whether or not the  
259 symptoms are caused by the communicable disease;

260 (e) programs, services, or assistance such as soup kitchens, crisis counseling and  
261 intervention, and short-term shelter, specified by the United States Attorney General, in the  
262 sole and unreviewable discretion of the United States Attorney General after consultation with  
263 appropriate federal agencies and departments, that:

264 (i) deliver in-kind services at the community level, including through public or private  
265 nonprofit agencies;

266 (ii) do not condition the provision of assistance, the amount of assistance provided, or  
267 the cost of assistance provided on the income or resources of the individual recipient; and

268 (iii) are necessary for the protection of life or safety;

269 (f) the exemption for paying the nonresident portion of total tuition as set forth in  
270 Section 53B-8-106;

271 (g) an applicant for a license under Section 61-1-4, if the applicant:

272 (i) is registered with the Financial Industry Regulatory Authority; and

273 (ii) files an application with the state Division of Securities through the Central  
274 Registration Depository;

275 (h) a state public benefit to be given to an individual under Title 49, Utah State

276 Retirement and Insurance Benefit Act;

277 (i) a home loan that will be insured, guaranteed, or purchased by:

278 (i) the Federal Housing Administration, the Veterans Administration, or any other  
279 federal agency; or

280 (ii) an enterprise as defined in 12 U.S.C. Sec. 4502;

281 (j) a subordinate loan or a grant that will be made to an applicant in connection with a  
282 home loan that does not require verification under Subsection (3)(i); [~~and~~]

283 (k) an applicant for a license issued by the Department of Commerce or individual  
284 described in Subsection (1)(b), if the applicant or individual provides the Department of  
285 Commerce:

286 (i) certification, under penalty of perjury, that the applicant or individual is:

287 (A) a United States citizen;

288 (B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or

289 (C) lawfully present in the United States; and

290 (ii) (A) the number assigned to a driver license or identification card issued under Title  
291 53, Chapter 3, Uniform Driver License Act; or

292 (B) the number assigned to a driver license or identification card issued by a state other  
293 than Utah if, as part of issuing the driver license or identification card, the state verifies an  
294 individual's lawful presence in the United States[-]; ~~§~~ → [f] and

295 (l) an applicant for:

296 (i) a Regents' scholarship described in Section 53B-8-109; or

297 (ii) a New Century scholarship described in Section 53B-8-105. [f] ←~~§~~

298 (4) (a) An agency or political subdivision required to verify the lawful presence in the  
299 United States of an applicant under this section shall require the applicant to certify under  
300 penalty of perjury that:

301 (i) the applicant is a United States citizen; or

302 (ii) the applicant is:

303 (A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and

304 (B) lawfully present in the United States.

305 (b) The certificate required under this Subsection (4) shall include a statement advising  
306 the signer that providing false information subjects the signer to penalties for perjury.

307 (5) An agency or political subdivision shall verify a certification required under  
308 Subsection (4)(a)(ii) through the federal SAVE program.

309 (6) (a) An individual who knowingly and willfully makes a false, fictitious, or  
310 fraudulent statement or representation in a certification under Subsection (3)(k) or (4) is subject  
311 to the criminal penalties applicable in this state for:

312 (i) making a written false statement under Subsection 76-8-504(2); and

313 (ii) fraudulently obtaining:

314 (A) public assistance program benefits under Sections 76-8-1205 and 76-8-1206; or

315 (B) unemployment compensation under Section 76-8-1301.

316 (b) If the certification constitutes a false claim of United States citizenship under 18  
317 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the United  
318 States Attorney General for the applicable district based upon the venue in which the  
319 application was made.

320 (c) If an agency or political subdivision receives verification that a person making an  
321 application for a benefit, service, or license is not a qualified alien, the agency or political  
322 subdivision shall provide the information to the Office of the Attorney General unless  
323 prohibited by federal mandate.

324 (7) An agency or political subdivision may adopt variations to the requirements of this  
325 section that:

326 (a) clearly improve the efficiency of or reduce delay in the verification process; or

327 (b) provide for adjudication of unique individual circumstances where the verification  
328 procedures in this section would impose an unusual hardship on a legal resident of Utah.

329 (8) It is unlawful for an agency or a political subdivision of this state to provide a state,  
330 local, or federal benefit, as defined in 8 U.S.C. Sec. 1611 and 1621, in violation of this section.

331 (9) A state agency or department that administers a program of state or local public  
332 benefits shall:

333 (a) provide an annual report to the governor, the president of the Senate, and the  
334 speaker of the House regarding its compliance with this section; and

335 (b) (i) monitor the federal SAVE program for application verification errors and  
336 significant delays;

337 (ii) provide an annual report on the errors and delays to ensure that the application of

338 the federal SAVE program is not erroneously denying a state or local benefit to a legal resident  
339 of the state; and  
340 (iii) report delays and errors in the federal SAVE program to the United States  
341 Department of Homeland Security.

---

---

**Legislative Review Note**  
as of 2-1-13 3:59 PM

**Office of Legislative Research and General Counsel**