

HIGHER EDUCATION SCHOLARSHIP AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Derek E. Brown

LONG TITLE

General Description:

This bill modifies requirements related to certain higher education scholarships.

Highlighted Provisions:

This bill:

- ▶ allows the Board of Regents to assign additional weights to grades earned in International Baccalaureate program courses in determining scholarship eligibility in the Regents' Scholarship Program;
- ▶ beginning July 1, 2013, changes the requirement for a student receiving a New Century scholarship or an Exemplary Academic Achievement award under the Regents' Scholarship Program to:
 - register for at least 15 credit hours per semester; and
 - maintain a 3.3 GPA; and
- ▶ exempts the Board of Regents from verifying lawful presence of certain scholarship applicants under a certain verification program; and
- ▶ requires an applicant for a New Century or Regents' scholarship to certify, under penalty of perjury, that the applicant is a United States citizen or lawfully present in the country.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

30 AMENDS:

31 **53B-8-105**, as last amended by Laws of Utah 2010, Chapter 270

32 **53B-8-109**, as last amended by Laws of Utah 2010, Chapter 270

33 **53B-8-111**, as last amended by Laws of Utah 2010, Chapter 270

34 **63G-12-402**, as last amended by Laws of Utah 2012, Chapters 192 and 369

35

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

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

38 **53B-8-105. New Century scholarships -- High school requirements.**

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

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

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

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

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

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

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

53 (i) associate degree; or

54 (ii) approved math and science curriculum.

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

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

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

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

61 (c) In addition to the requirements in Subsection (3)(a), a student in Utah schools
62 whose class graduates from high school in 2011 or after shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

85 (b) shall be a citizen of the United States or a noncitizen who is eligible to receive

86 federal student aid;

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

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

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

92 (i) higher education institution within the state system of higher education that offers
93 baccalaureate programs; or

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

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

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

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

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

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

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

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

111 (ii) 60 credit hours; or

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

113 (e) (i) A scholarship holder shall enroll full-time at a higher education institution by no

114 later than the fall term immediately following the student's high school graduation date or
115 receive an approved deferral from the board.

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

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

- 121 [~~(a)~~] (i) register as a full-time student;
- 122 [~~(b)~~] (ii) maintain at least a 3.0 grade point average for two consecutive semesters; or
- 123 [~~(c)~~] (iii) make reasonable progress towards the completion of a baccalaureate degree.

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

- 126 (i) register for at least 15 credit hours per semester;
- 127 (ii) maintain a 3.3 grade point average for two consecutive semesters; or
- 128 (iii) make reasonable progress towards the completion of a baccalaureate degree.

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

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

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

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

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

142 (c) The board shall require an applicant for a New Century scholarship to certify under
143 penalty of perjury that:

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

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

146 (d) The certification under this Subsection (9) shall include a statement advising the
147 signer that providing false information subjects the signer to penalties for perjury.

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

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

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

153 **53B-8-109. Regents' Scholarship Program -- Base Regents' scholarship --**

154 **Qualifications -- Application.**

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

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

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

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

161 (b) completes high school with at least a 3.0 cumulative grade point average;

162 (c) has at least one reported ACT test score; and

163 (d) (i) completes the following high school or college credit in grades 9-12:

164 (A) four units of credit of English;

165 (B) four units of credit of mathematics;

166 (C) three and one-half units of credit of social science;

167 (D) three units of credit of lab-based natural science; and

168 (E) two units of credit of sequential world or classical language other than English; and

169 (ii) except as provided in Subsection (4), earns a course grade on a transcript of "C" or

170 above in each individual course listed in Subsection (1)(d)(i).

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

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

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

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

176 (ii) if applicable, a college transcript showing a college course the student has
177 completed to meet the requirements of Subsection (1)(d);

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

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

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

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

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

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

192 (6) (a) The board shall require an applicant for a Regents' scholarship to certify under
193 penalty of perjury that:

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

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

196 (b) The certification under this Subsection (6) shall include a statement advising the
197 signer that providing false information subjects the signer to penalties for perjury.

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

199 **53B-8-111. Supplemental scholarship award -- Exemplary academic achievement**
200 **-- Regents' diploma.**

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

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

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

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

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

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

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

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

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

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

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

225 (4) An Exemplary Academic Achievement scholarship is valid for the shortest of the

226 following time periods:

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

228 (b) 65 credit hours; or

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

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

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

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

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

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

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

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

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

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

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

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

247 **63G-12-402. Receipt of state, local, or federal public benefits -- Verification --**
248 **Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.**

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

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

253 (ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an

254 agency or political subdivision of this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

281 (ii) do not condition the provision of assistance, the amount of assistance provided, or

282 the cost of assistance provided on the income or resources of the individual recipient; and
283 (iii) are necessary for the protection of life or safety;
284 (f) the exemption for paying the nonresident portion of total tuition as set forth in
285 Section 53B-8-106;
286 (g) an applicant for a license under Section 61-1-4, if the applicant:
287 (i) is registered with the Financial Industry Regulatory Authority; and
288 (ii) files an application with the state Division of Securities through the Central
289 Registration Depository;
290 (h) a state public benefit to be given to an individual under Title 49, Utah State
291 Retirement and Insurance Benefit Act;
292 (i) a home loan that will be insured, guaranteed, or purchased by:
293 (i) the Federal Housing Administration, the Veterans Administration, or any other
294 federal agency; or
295 (ii) an enterprise as defined in 12 U.S.C. Sec. 4502;
296 (j) a subordinate loan or a grant that will be made to an applicant in connection with a
297 home loan that does not require verification under Subsection (3)(i); ~~and~~
298 (k) an applicant for a license issued by the Department of Commerce or individual
299 described in Subsection (1)(b), if the applicant or individual provides the Department of
300 Commerce:
301 (i) certification, under penalty of perjury, that the applicant or individual is:
302 (A) a United States citizen;
303 (B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or
304 (C) lawfully present in the United States; and
305 (ii) (A) the number assigned to a driver license or identification card issued under Title
306 53, Chapter 3, Uniform Driver License Act; or
307 (B) the number assigned to a driver license or identification card issued by a state other
308 than Utah if, as part of issuing the driver license or identification card, the state verifies an
309 individual's lawful presence in the United States[-]; and

310 (l) an applicant for:

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

312 (ii) a New Century scholarship described in Section 53B-8-105.

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

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

317 (ii) the applicant is:

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

319 (B) lawfully present in the United States.

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

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

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

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

328 (ii) fraudulently obtaining:

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

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

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

335 (c) If an agency or political subdivision receives verification that a person making an
336 application for a benefit, service, or license is not a qualified alien, the agency or political
337 subdivision shall provide the information to the Office of the Attorney General unless

338 prohibited by federal mandate.

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

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

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

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

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

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

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

352 (ii) provide an annual report on the errors and delays to ensure that the application of
353 the federal SAVE program is not erroneously denying a state or local benefit to a legal resident
354 of the state; and

355 (iii) report delays and errors in the federal SAVE program to the United States
356 Department of Homeland Security.