Effective 10/14/2025

Title 53H. Higher Education

Chapter 1
System of Higher Education

Part 1
General Provisions

53H-1-101 Title 53H Definitions.

As used in this title:

(1)
(a) "Academic education" means an educational program that:
(i) is offered by an institution of higher education described in Subsection 53H-1-102(1)(a); and
(ii) leads to academic certificates or associate, bachelor's, graduate, or professional degrees as the board defines.
(b) "Academic education" does not include technical education.

(2) "Board" means the Utah Board of Higher Education described in Section 53H-1-203.

(3) "Career and technical education" means an educational program that:
(a) is designed to meet industry needs;
(b) leads to:
(i) a certificate offered by an institution described in Subsection 53H-1-102(1)(b) or Section 53H-3-609; or
(ii) a degree; and
(c) may qualify for funding under the Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. 2301 et seq.

(4) "Commissioner" means the commissioner of higher education appointed in accordance with Section 53H-1-302.

(5) "Degree-granting institution of higher education" or "degree-granting institution" means an institution of higher education described in Subsection 53H-1-102(1)(a).

(6) "Institution board of trustees" or "board of trustees" means:
(a) a degree-granting institution of higher education board of trustees described in Section 53H-3-202; or
(b) a technical college board of trustees described in Section 53H-3-205.

(7) "Institution of higher education" or "institution" means an institution of higher education listed in Subsection 53H-1-102(1)(a) and (b) and includes:
(a) a branch or affiliated institution; or
(b) a campus or facilities owned, operated, or controlled by the board of trustees of the institution of higher education.

(8)
(a) "Private postsecondary educational institution" means an institution that:
(i) does not receive direct funding through state appropriations; and
(ii) provides higher education programs.
(b) "Private postsecondary educational institution" includes:
(i) a private nonprofit college or university; and
(ii) a private for-profit college or university.

(9) "Technical college" means an institution of higher education described in Subsection 53H-1-102(1)(b).
(10)
(a) "Technical education" means an educational program that:
(i) is offered by an institution of higher education described in Subsection 53H-1-102(1)(a) and (b), or a degree-granting institution acting in the degree-granting institution's technical education role described in Section 53H-3-609;
(ii) prepares students for employment in occupations that do not require a degree; and
(iii) meets the needs of Utah's employers for technically skilled workers.
(b) "Technical education" does not include general education.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-1-102 Utah system of higher education.
(1) The Utah system of higher education consists of the following:
(a) degree-granting institutions, which are:
(i) the University of Utah;
(ii) Utah State University;
(iii) Weber State University;
(iv) Southern Utah University;
(v) Snow College;
(vi) Utah Tech University;
(vii) Utah Valley University; and
(viii) Salt Lake Community College;
(b) technical colleges, which are:
(i) Bridgerland Technical College;
(ii) Davis Technical College;
(iii) Dixie Technical College;
(iv) Mountainland Technical College;
(v) Ogden-Weber Technical College;
(vi) Southwest Technical College;
(vii) Tooele Technical College; and
(viii) Uintah Basin Technical College;
(c) the Utah Board of Higher Education; and
(d) other public post-high school educational institutions as the Legislature may designate.
(2) A change in the name of an institution within the Utah system of higher education is not a change in the role or mission of the institution, unless otherwise authorized by the board.
(3) It is not the intent of the Legislature to increase the number of research universities in the state beyond the University of Utah and Utah State University.
(4) An institution or board described in Subsection (1) is empowered to sue and be sued and to contract and be contracted with.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 2
Utah Board of Higher Education

53H-1-201 General Provisions -- Definitions.

As used in this part, "transnational repression" means conduct by an agent of a foreign government or agent of a foreign terrorist organization that is:

(1) directed at an individual located within the United States, such as:
  (a) harassment, intimidation, or censorship;
  (b) threats or use of physical force;
  (c) electronic or digital surveillance or targeting;
  (d) a threat of punishment, harassment, or retaliation against another individual under the foreign government's or foreign terrorist organization's effective control;
  (e) financial coercion, including a threat or use of confiscation, expropriation, or denial of access to property or financial services;
  (f) abuse of administrative or immigration processes;
  (g) selective prosecution or enforcement of generally applicable laws; or
  (h) use or direction of social media, telecommunications, or similar entities to carryout conduct described in Subsections (1)(a) through (g); and
(2) done with the purpose of extending a foreign government's or foreign terrorist organization's ability to influence, control, or impose preferences on the individual's behavior while the individual is outside the foreign government's or foreign terrorist organization's area of control.

Amended by Chapter 211, 2026 General Session

53H-1-202 Establishment of initial board membership in 2023.

(1) The governor shall appoint, with the advice and consent of the Senate, individuals to the board, to ensure that the board consists of 10 members with new terms in accordance with this section.
(2) Except for the appointment of the student member described in Section 53H-1-204(3)(c), the governor shall appoint each individual to a two-year, four-year, or six-year term to ensure that one-third of the members complete the members' terms on June 30 of each odd number year.
(3) Following the appointments described in this section, the governor shall fill a vacancy on the board in accordance with Section 53H-1-204.
(4) Notwithstanding Section 67-1-2, for an appointment described in this section:
  (a) a majority of the president of the Senate, the Senate majority leader, and the Senate minority leader may waive the 30-day requirement described in Subsection 67-1-2(2); and
  (b) the Senate is not required to hold a confirmation hearing.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-1-203 Establishment of board -- Powers, duties, and authority -- Reports.

(1)
  (a) There is established the Utah Board of Higher Education, which:
    (i) is the governing board for the institutions of higher education; and
    (ii) controls, oversees, and regulates the Utah System of Higher Education in a manner consistent with the purpose of this title and the specific powers and responsibilities granted to the board.
  (b)
    (i) The University of Utah shall provide administrative support for the board.

(ii) Notwithstanding Subsection (1)(b)(i), the board shall maintain the board's independence, including in relation to the powers and responsibilities granted to the board.

(2) The board shall:

(a) establish and promote a state-level vision and goals for higher education that emphasize data-driven retrospective and prospective system priorities, including:

(i) quality;

(ii) affordability;

(iii) access and equity;

(iv) completion;

(v) workforce alignment and preparation for high-quality jobs; and

(vi) economic growth;

(b) establish system policies and practices that advance the vision and goals;

(c) establish metrics to demonstrate and monitor:

(i) performance related to the goals; and

(ii) performance on measures of operational efficiency;

(d) collect and analyze data including economic data, demographic data, and data related to the metrics;

(e) govern data quality and collection across institutions;

(f) establish, approve, and oversee each institution's mission and role in accordance with Section 53H-3-602;

(g) assess an institution's performance in accomplishing the institution's mission and role;

(h) participate in the establishment and review of programs of instruction in accordance with Section 53H-3-603;

(i) perform the following duties related to an institution of higher education president, including:

(i) hiring an institution of higher education president in accordance with Section 53H-3-302;

(ii) through the commissioner and the board's executive committee:

(A) providing support and guidance to an institution of higher education president; and

(B) evaluating an institution of higher education president based on institution performance and progress toward systemwide priorities;

(iii) setting the terms of employment for an institution of higher education president, including performance-based compensation, through an employment contract or another method of establishing employment; and

(iv) establishing, through a confidential process, a statewide succession plan to develop potential institution presidents from within the system;

(j) create and implement a strategic finance plan for higher education, including by:

(i) establishing comprehensive budget and finance priorities for academic education and technical education;

(ii) allocating statewide resources to institutions;

(iii) setting tuition for each institution;

(iv) administering state financial aid programs;

(v) administering performance funding in accordance with Chapter 8, Part 3, Performance Funding; and

(vi) developing a strategic capital facility plan and prioritization process in accordance with Chapter 9, Part 5, General Capital Developments, and Sections 53H-9-604 and 53H-9-605;

(k) create and annually report to the Higher Education Appropriations Subcommittee on a seamless articulated education system for Utah students that responds to changing demographics and workforce, including by:

(i) providing for statewide prior learning assessment, in accordance with Section 53H-3-702;

(ii) establishing and maintaining, in accordance with Section 53H-3-604, clear pathways for articulation and transfer, including identifying strategies that promote transfer from an institution external to the Utah System of Higher Education;
(iii) establishing degree program requirement guidelines, including credit hour limits;
(iv) aligning general education requirements across degree-granting institutions;
(v) coordinating and incentivizing collaboration and partnerships between institutions in delivering programs;
(vi) coordinating distance delivery of programs;
(vii) coordinating work-based learning; and
(viii) emphasizing the system priorities and metrics described in Subsections (2)(a) and (c);
(l) coordinate with the public education system:
(i) regarding public education programs that provide postsecondary credit or certificates; and
(ii) to ensure that an institution of higher education providing technical education serves secondary students in the public education system;
(m) delegate to an institution board of trustees certain duties related to institution governance including:
(i) guidance and support for the institution president;
(ii) effective administration;
(iii) the institution's responsibility for contributing to progress toward achieving systemwide goals; and
(iv) other responsibilities determined by the board;
(n) delegate to an institution of higher education president management of the institution of higher education;
(o) consult with an institution of higher education board of trustees or institution of higher education president before acting on matters pertaining to the institution of higher education;
(p) maximize efficiency throughout the Utah System of Higher Education by identifying and establishing shared administrative services, beginning with:
(i) commercialization;
(ii) services for compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;
(iii) information technology services; and
(iv) human resources, payroll, and benefits administration;
(q) develop strategies for providing higher education, including career and technical education, in rural areas;
(r) manage and facilitate a process for initiating, prioritizing, and implementing education reform initiatives, beginning with common applications and direct admissions;
(s) provide ongoing quality review of programs;
(t) before each annual legislative general session, provide to the Higher Education Appropriations Subcommittee a prioritization of all projects and proposals for which the board or an institution of higher education seeks an appropriation;
(u) coordinate with the Department of Corrections to establish educational programs for inmates as described in Section 64-13-6; and
(v) require that institutions provide information to international students regarding transnational repression and how to report instances of transnational repression to law enforcement as described in Section 53-10-1103.
(3) The board shall submit an annual report of the board's activities and performance against the board's goals and metrics to:
(a) the Education Interim Committee;

(b) the Higher Education Appropriations Subcommittee;
(c) the governor; and
(d) each institution of higher education.
(4) The board shall prepare and submit an annual report detailing the board's progress and recommendations on workforce related issues, including career and technical education, to the governor and to the Education Interim Committee by December 1 of each year, including information detailing:
(a) how institutions of higher education are meeting the career and technical education needs of secondary students;
(b) how the system emphasized high demand, high wage, and high skill jobs in business and industry;
(c) performance outcomes, including:
(i) entered employment;
(ii) job retention; and
(iii) earnings;
(d) an analysis of workforce needs and efforts to meet workforce needs; and
(e) student tuition and fees.
(5) The board may modify the name of an institution of higher education to reflect the role and general course of study of the institution.
(6) The board may not take action relating to merging a technical college with another institution of higher education without legislative approval.
(7) This section does not affect the power and authority vested in the State Board of Education to apply for, accept, and manage federal appropriations for the establishment and maintenance of career and technical education.
(8) The board shall ensure that any training or certification that an employee of the higher education system is required to complete under this title or by board rule complies with Title 63G, Chapter 22, State Training and Certification Requirements.
(9) The board shall demonstrate compliance with Subsection (2)(p) by providing to the Higher Education Appropriations Subcommittee:
(a) on or before October 1, 2024, evidence of implementation of at least one shared administrative service;
(b) on or before October 1, 2025, evidence of implementation of at least two shared administrative services; and
(c) on or before October 1, 2026, evidence of implementation of at least three shared administrative services.
(10) If the Higher Education Appropriations Subcommittee finds the board to be out of compliance with Subsection (9), the Legislature shall:
(a) deduct 10% of the appropriation described in Section 53H-8-302 for the following fiscal year; and
(b) deduct an additional 10% of the appropriation described in Section 53H-8-302 for each subsequent year of noncompliance up to a maximum deduction of 30%.

Amended by Chapter 211, 2026 General Session

53H-1-204 Membership of the board -- Student appointee -- Terms -- Oath -- Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation -- Training.

(1) The board consists of 10 residents of the state whom the governor appoints with the advice and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies, and this section.

(2)

(a) For an appointment effective July 1, 2023, the governor shall appoint the member in accordance with Section 53H-1-202.

(b) Except for an individual whom the governor appoints as described in Section 53H-1-202, the term of each member of the Utah Board of Higher Education expires on July 1, 2023.

(3)

(a) The governor shall make all appointments to the board on a nonpartisan basis.

(b) An individual may not serve simultaneously on the board and an institution board of trustees.

(c) The governor shall appoint at least one student member to the board.

(d) Notwithstanding Subsection (1), the governor's appointment of a student member described in Subsection (3)(c) is not subject to the advice and consent of the Senate.

(e) The governor shall ensure that the membership of the board includes:

(i) members with various experience, including in degree-granting institution governance, technical college governance, and representation from various industry sectors; and

(ii) at least one member who resides in:

(A) a county of the third through sixth class; or

(B) a county of the second class with a national park and two or more state parks.

(4)

(a)

(i) Except as provided in Subsection (4)(a)(ii) and Section 53H-1-202, the governor shall appoint board members to six-year staggered terms beginning on July 1 of the year of appointment.

(ii) The governor shall appoint the student member described in Subsection (3)(c) to a one-year term.

(b)

(i) A board member other than the student member described in Subsection (3)(c) may serve up to two consecutive full terms.

(ii) The student member described in Subsection (3)(c) may not serve more than one full term.

(5) The governor may, after consulting with the president of the Senate, remove a member for cause.

(6)

(a) A board member shall take the official oath of office before entering upon the duties of office.

(b) The board shall file the oath described in Subsection (6)(a) with the Division of Archives and Records Services.

(7) The board shall elect a chair and vice chair from among the board's members to serve terms of two years and until the board chooses and qualifies successors.

(8)

(a) The board shall appoint a secretary from the commissioner's staff to serve at the board's discretion.

(b) The board's secretary is a full-time employee.

(c) The secretary shall record and maintain a record of all board meetings and perform other duties as the board directs.

(9)

(a) The board may establish advisory committees, including a faculty and staff advisory committee.

(b) The board shall address all matters requiring board determination in a properly convened meeting of the board or the board's executive committee.

(10)

(a) The board shall enact bylaws for the board's own government not inconsistent with the constitution or the laws of this state.

(b) The board shall provide for an executive committee in the bylaws that:

(i) has the full authority of the board to act upon routine matters during the interim between board meetings;

(ii) may not act on nonroutine matters except under extraordinary and emergency circumstances; and

(iii) shall report to the board at the board's next meeting following an action undertaken by the executive committee.

(11)

(a) The board shall meet regularly upon the board's own determination.

(b) The board may also meet, in full or executive session, at the request of the chair, the commissioner, or at least five members of the board.

(12) The board may not conduct the board's business without the agreement of a majority of the board.

(13)

(a) The governor shall immediately fill a vacancy in the board occurring before the expiration of a member's full term in accordance with this section.

(b) An individual whom the governor appoints under Subsection (13)(a) shall serve for the remainder of the unexpired term.

(14)

(a)

(i) Subject to Subsection (14)(a)(ii), a member shall receive a daily salary for each calendar day that the member attends a board meeting that is the same as the daily salary for a member of the Legislature described in Section 36-2-3.

(ii) A member may receive a salary for up to 10 calendar days per calendar year.

(b) A member may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(15) The commissioner shall provide to each member:

(a) initial training when the member joins the board; and

(b) ongoing annual training.

(16) A board member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-1-205 Board Member Qualifications.

(1) The board shall develop qualifications for the composition of the board to ensure that combined, the board members have:

(a) a range of experience, including experience in industry;

(b) varied areas of expertise; and

(c) varied geographic representation.

(2) In developing the qualifications, the board shall consider:

(a) expertise in:
(i) business or industry;
(ii) technical education;
(iii) general education; and
(iv) advanced education and research;
(b) geographic representation; and
(c) knowledge or experience in a field including:
(i) finance;
(ii) accounting or auditing;
(iii) law;
(iv) facilities or real estate;
(v) educational delivery models;
(vi) workforce development;
(vii) economic development;
(viii) kindergarten through grade 12 education; and
(ix) educational quality assessment.
(3) The board shall consult with the governor to develop the qualifications described in this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-1-206 Committees.

The board may form committees to support the board in fulfilling the board's duties.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-1-207 Coordination of higher education and public education information technology systems -- Use of unique student identifier.

(1) As used in this section:
(a) "Center" means the Utah Data Research Center created in Section 53H-15-202.
(b) "Unique student identifier" means the same as that term is defined in Section 53E-4-308.
(2) The board and State Board of Education, in collaboration with the center, shall:
(a) coordinate public education and higher education information technology systems to allow individual student academic achievement to be tracked through both education systems in accordance with this section and Section 53E-4-308; and
(b) coordinate access to the unique student identifier of a public education student who later attends an institution of higher education.
(3) Information technology systems used at an institution of higher education shall use the unique student identifier of all students who have previously been assigned a unique student identifier.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-1-208 Board guidance to degree-granting institutions on student housing.

The board shall make policies or otherwise provide to each degree-granting institution guidance regarding the degree-granting institution's student housing, including:
(1) compliance with the requirements for sex-designated dwelling units within the degree-granting institution's student housing, as those terms are defined in Section 63G-31-305, and the provision of dwelling units that are not sex-designated; and
(2) practices to ensure individual privacy within the degree-granting institution's student housing.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-1-209 Standardized systems prescribed by the board.

The board shall prescribe for all institutions under its jurisdiction standardized systems of accounts, records, and reports covering in sufficient detail the operations of the institutions under its control.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-1-210 Utah Board of Higher Education successor to rights and duties.

(1) The Utah Board of Higher Education is the successor to and is vested with all rights, duties, obligations, and liabilities to which the Utah Board of Higher Education's predecessor governing boards, the Utah System of Technical Colleges Board of Trustees, and the Coordinating Council of Higher Education were subject, except as otherwise provided by law.
(2) For the Utah System of Technical Colleges Board of Trustees, the Utah Board of Higher Education:
  (a) is vested with all rights, titles, privileges, powers, obligations, liabilities, immunities, franchises, endowments, assets, property, and claims;
  (b) shall fulfill and perform all obligations, including obligations relating to outstanding bonds and notes; and
  (c) may continue an administrative rule.

Amended by Chapter 231, 2026 General Session

Part 3
Commissioner of Higher Education

53H-1-301 General Provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-1-302 Appointment of commissioner of higher education -- Qualifications -- Associate commissioners -- Duties -- Office.

(1)
  (a) The board, upon approval from the governor and with the advice and consent of the Senate, shall appoint a commissioner of higher education to serve at the board's pleasure as the board's chief executive officer.
  (b) The following may terminate the commissioner:
    (i) the board; or
    (ii) the governor, after consultation with the board.
  (c) The board shall:
    (i) set the salary of the commissioner;
    (ii) subject to Subsection (3), prescribe the duties and functions of the commissioner; and
    (iii) select a commissioner on the basis of outstanding professional qualifications.

(2)
(a) The commissioner may appoint associate commissioners.
(b) An associate commissioner described in Subsection (2)(a) is not subject to the approval of the board.
(3) The commissioner is responsible to the board to:
(a) ensure the proper execution of the policies, programs, and strategic plan of the board;
(b) furnish information about the Utah System of Higher Education and make recommendations regarding that information to the board;
(c) provide state-level leadership in any activity affecting an institution of higher education;
(d) in consultation with the board's executive committee and in accordance with Subsection 53H-1-203(2), evaluate and provide support and guidance to an institution of higher education president; and
(e) perform other duties the board assigns in carrying out the board's duties and responsibilities.
(4) The commissioner is responsible to the governor to:
(a) inform the governor about the board's strategic plan and progress on accomplishing the strategic plan;
(b) inform the governor of significant issues impacting the Utah System of Higher Education; and
(c) provide other information and updates as requested by the governor.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-1-303 Appointment and hiring of staff.
(1) The commissioner may appoint and hire a staff of professional, legal, and administrative personnel.
(2) The commissioner shall determine salaries, retirement provisions, and other benefits for the staff described in this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 4
Reports and Oaths of Office.

53H-1-401 General Provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-1-402 Reports to and actions of the Higher Education Appropriations Subcommittee.
(1) In accordance with applicable provisions and Section 68-3-14, the following recurring reports are due to the Higher Education Appropriations Subcommittee:
(a) the reports described in Sections 53H-1-502, 53H-1-503, and 53H-1-504, regarding prohibited discriminatory practices, submissions, and training;
(b) the reports described in Section 53H-1-203 by the board on:
(i) system wide responses to changing demographics and workforce; and
(ii) the board's activities and performance against the board's goals and metrics;
(c) the report described in Section 53H-5-205;

(d) the report described in Section 53H-8-202 by the board on recommended appropriations for higher education institutions and the board, including the report described in Section 53H-11-406 by the board on the effects of offering nonresident partial tuition scholarships;
(e) the report described in Section 53H-8-211 by the board on the Higher Education Research Funding Pilot Program;
(f) the report described in Section 53H-8-306 by the Department of Workforce Services on high-demand jobs;
(g) the reports described in Section 53H-8-303 by the board on performance;
(h) the report described in Section 53H-11-402 by the board on the Opportunity Scholarship Program;
(i) the report described in Section 53H-13-309 regarding the talent advisory councils;
(j) the report described in Section 53H-11-414 by the board on the Utah Promise Program;
(k) the report described in Section 53H-6-202 by the board on an institution compensating a student athlete for the use of the student athlete's name, image, or likeness;
(l) the report described in Section 53H-1-604 regarding the Higher Education and Corrections Council; and
(m) the report described in Section 53E-10-308 by the State Board of Education and board on student participation in the concurrent enrollment program.

(2) In accordance with applicable provisions and Section 68-3-14, the board's report regarding each institution's strategic reinvestment plan described in Section 53H-8-210 is due, on occasion, to the Higher Education Appropriations Subcommittee.

(3) In accordance with applicable provisions, the Higher Education Appropriations Subcommittee shall:
(a) complete the following:
(i) an appropriation recommendation described in Section 53H-1-504 regarding compliance with Subsections 53H-1-504(3)(c) and 53H-1-504(9)(a); and
(ii) as required by Section 53H-8-304, the review of performance funding described in Section 53H-8-304; and
(b) ensure that all non-statutory performance and growth funding formulas that contribute to appropriations for technical colleges:
(i) include equivalent funding value for secondary and adult students; and
(ii) reflect the full responsibility of the technical college's statutorily-required services.

(4) The Higher Education Appropriations Subcommittee shall hear and prioritize any requests for capital facilities within the Utah System of Higher Education described in Section 53H-1-102, in accordance with Chapter 9, Part 5, General Capital Developments, and Chapter 9, Part 6, Technical College Leasing and Capital Development.

(5) The board shall:
(a) complete a technical college capacity funding framework study for institutions described in Subsection 53H-3-602(1)(b)(iv) that contemplates:
(i) a process for identifying specific technical college programs eligible for state-funded capacity expansion;
(ii) identifying, validating, and quantifying, by institution and program, unmet:
(A) student demand, including secondary and postsecondary students; and
(B) employer demand for graduates;
(iii) methodology for establishing the amount and timing of state-funded capacity appropriations, including whether the appropriations are retrospective or prospective;
(iv) the availability of alternative funding sources to support capacity expansions;

(v) mechanisms for the return of state funds if an institution does not achieve capacity gains; and
(vi) how the capacity framework comports with:
(A) enrollment funding, as described in Section 53H-8-212; and
(B) performance funding, as described in Chapter 8, Part 3, Performance Funding; and
(b) report the results of the study described in this Subsection (5), including any corresponding recommendations, to the Higher Education Appropriations Subcommittee before October 1, 2026.

Amended by Chapter 138, 2026 General Session

53H-1-403 Other required reports to the Legislature or state level entities.
(1) The following entities shall submit reports to the Education Interim Committee as described in each referenced section:
(a) the board shall submit:
(i) an annual report regarding the board's activities and performance against the board's goals and metrics as described in Section 53H-1-203;
(ii) an annual report detailing the board's progress and recommendations on workforce related issues as described in Section 53H-1-203;
(iii) a report regarding an institution compensating a student athlete for the use of the student athlete's name, image, or likeness as described in Section 53H-6-202; and
(iv) an annual report regarding the talent advisory councils as described in Section 53H-13-309;
(b) the Office of Legislative Research and General Counsel shall provide a summary regarding the data collected from campus expression climate surveys as described in Section 53H-1-504;
(c) the Utah Education and Telehealth Network shall provide an annual report as described in Section 53H-4-213.7;
(d) an institution with and without housing facilities shall provide an annual report regarding crime statistics as described in Section 53H-7-603;
(e) the Center for Civic Excellence at Utah State University shall provide a report before July 1, 2029, regarding implementation as described in Section 53H-4-307.6;
(f) the Rocky Mountain Center for Occupational and Environmental Health Advisory Board shall provide by July 1 each year a report as described in Section 53H-5-205;
(g) the Utah Data Research Center shall provide an annual report as described in Sections 53H-15-303 and 53H-15-306;
(h) the Higher Education and Corrections Council shall provide an annual report as described in Section 53H-1-604;
(i) the youth apprenticeship council shall provide the written report as described in Section 53H-13-312; and
(j) the commissioner shall provide, in collaboration with the entities described in Subsection 53H-13-405(1), an annual report regarding the cooperative education program as described in Section 53H-13-407.
(2) The following entities shall submit reports to the Executive Appropriations Committee as described in each referenced section:
(a) the board shall submit:
(i) in the September 2025 meeting, a report regarding institutions' strategic reinvestment plans as described in Section 53H-8-210; and

(ii) in the September 2026 and 2027 meetings, a report regarding the progress of institutions in executing the institutions' strategic reinvestment plan as described in Section 53H-8-210; and

(b) the Nucleus Institute shall provide an annual report as described in Section 53H-16-406.

(3) The following entities shall submit reports to the Natural Resources, Agriculture, and Environment Interim Committee as described in each referenced section:

(a) the Utah State University Bingham Entrepreneurship and Energy Research Center shall annually report as described in Section 53H-4-316; and

(b) the Utah State University Food Security Council shall prepare and submit an annual written report as described in Section 53H-4-313.

(4) The following entities shall submit reports to the Economic Development and Workforce Services Interim Committee as described in each referenced section:

(a) the commissioner shall provide, in collaboration with the entities described in Subsection 53H-13-405(1), an annual report regarding the cooperative education program as described in Section 53H-13-407;

(b) Utah State University shall provide a report every three years regarding the remote online opportunities program as described in Section 53H-4-312;

(c) the Utah State University Food Security Council shall prepare and submit an annual written report as described in Section 53H-4-313; and

(d) the Nucleus Institute shall provide an annual report as described in Section 53H-16-406.

(5) The ASPIRE Engineering Research Center at Utah State University shall provide an annual report to the Transportation and Infrastructure Appropriations Subcommittee as described in Section 53H-4-306.6.

(6) The Utah Data Research Center shall provide an annual report to the Business and Labor Interim Committee as described in Section 53H-15-306.

(7) The board shall provide the following reports to state agencies and departments as described in each referenced section:

(a) to the Division of Facilities Construction and Management and others upon request, an annual technical college lease report as described in Section 53H-9-602;

(b) to the Department of Veterans and Military Affairs, an annual report regarding number of credits awarded as described in Section 53H-3-703; and

(c) to the General Oversight Committee, an annual report regarding civil liberties complaints as described in Section 53H-7-303.

(8) The board shall provide to the general session of the Legislature for budget recommendation purposes an annual report regarding:

(a) waivers of tuition as described in Section 53H-11-307; and

(b) nonresident tuition scholarships as described in Section 53H-11-405.

(9) An institution shall provide the following reports as described in each referenced section:

(a) to the institution's governing board and published on the governing board's website, the institution's required prohibited submissions described in Section 53H-1-502;

(b) to the board, disclosures of foreign gifts received as described in Section 53H-8-503;

(c) for a qualifying institution, to the board annually regarding the faculty incentive component of the Engineering and Computer Science Initiative as described in Section 53H-1-603;

(d) for a degree-granting institution:

(i) to the board annually regarding post-tenured data as described in Section 53H-3-406; and

(ii) to the board annually regarding technical education as described in Section 53H-3-609;

(e) for a technical college:

(i) to the board annually regarding secondary student needs and access to programs as described in Section 53H-3-1203; and
(ii) to the board annually regarding annual leases as described in Section 53H-9-602;
(f) on a date the board determines for 2026 and 2027, regarding the institution's progress in executing the institution's strategic reinvestment plan as described in Section 53H-8-210;
(g) in accordance with rules the board establishes, to the board annually regarding the Opportunity scholarships awarded as described in Section 53H-11-402;
(h) in accordance with rules the board establishes, reports related to the promise grants as described in Section 53H-11-414;
(i) to the board annually regarding credit for prior learning as described in Section 53H-3-702; and
(j) for an institution with or without housing facilities, an annual report regarding crime statistics to the Law Enforcement and Criminal Justice Interim Committee as described in Section 53H-7-603.
(10) An institution's board of trustees shall provide to the board annually a report regarding any approved contracts or grants as described in Section 53H-8-208.
(11) The commissioner shall provide the following reports as described in each referenced section:
(a) an annual summary report regarding institutional matches for the faculty incentive component of the Engineering and Computer Science Initiative as described in Section 53H-1-603; and
(b) in collaboration with the entities described in Subsection 53H-13-405(1), an annual report regarding the cooperative education program as described in Section 53H-13-407 to the Talent, Education, and Industry Alignment Board and the board.
(12) The Talent Ready Utah Program shall provide an annual report to the board as described in Section 53H-13-304.
(13) The Utah Works Program shall provide an annual report to the board as described in Section 53H-13-307.
(14) The University of Utah shall provide an annual report to the governor regarding the engineering experiment station as described in Section 53H-4-208.
(15) The Center for Civic Excellence at Utah State University vice provost shall annually report to the provost, the president of the institution, and the commissioner as described in Section 53H-4-307.6.

Amended by Chapter 355, 2026 General Session

53H-1-404 Oaths of office.

Notwithstanding Section 52-1-2, except as otherwise provided in this title, an individual whom one of the following appoints or employs is not required to take an official oath of office:
(1) the board;
(2) the commissioner;
(3) an institution;
(4) an institution board of trustees; or
(5) the president of an institution.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 5

Equal Opportunity Initiatives

53H-1-501 General Provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-1-502 Prohibition on the use of certain submissions in higher education -- Exceptions.

(1) As used in this section:

(a) "Prohibited submission" means a submission, statement, or document that requires an individual to articulate the individual's position, view, contribution, effort, or experience regarding a policy, program, or initiative that promotes differential treatment based on an individual's personal identity characteristic.

(b) "Prohibited submission" includes a submission, statement, or document that relates to a policy, program, or initiative regarding:

(i) anti-racism;

(ii) bias;

(iii) critical race theory;

(iv) implicit bias;

(v) intersectionality;

(vi) a prohibited discriminatory practice, as that term is defined in Section 53H-1-504; or

(vii) racial privilege.

(c) "Prohibited submission" does not include a submission, statement, or document for an employment position if the submission, statement, or document relates to a bona fide occupational qualification for the position.

(2) Except as provided in Subsections (4) and (5), an institution may not require, request, solicit, or compel a prohibited submission as a certification or condition before taking action with respect to:

(a) employment, including decisions regarding:

(i) hiring;

(ii) terms of employment;

(iii) benefits;

(iv) compensation;

(v) seniority status;

(vi) tenure or continuing status;

(vii) promotion;

(viii) performance reviews;

(ix) transfer;

(x) termination; or

(xi) appointment;

(b) admission to, advancement in, or graduation from an institution or an academic program;

(c) participation in an institution-sponsored program; or

(d) qualification for or receipt of state financial aid or other state financial assistance.

(3) An institution may not grant any form of preferential consideration to an individual who, with or without solicitation from the institution, provides a prohibited submission for consideration for any action described in Subsection (2).

(4)

(a) If federal law requires an institution to accept or require a prohibited submission, the institution:
(i) may accept the prohibited submission only to the extent required under federal law; and
(ii) shall limit consideration of the information contained in the prohibited submission to the extent necessary to satisfy the requirement under federal law.
(b) For a required prohibited submission under Subsection (4)(a), an institution shall:
(i) prepare a report to the institution's governing board detailing the circumstances under which the prohibited submission is required; and
(ii) publish the report described in Subsection (5)(a) on the institution's governing board website in a conspicuous location.
(5) Nothing in this section limits or prohibits an institution's authority to establish policies that:
(a) are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment;
(b) require disclosure of an employee's academic research, classroom teaching, or coursework; or
(c) require an applicant for employment, tenure, or promotion to disclose or discuss the applicant's:
(i) research;
(ii) teaching agenda;
(iii) artistic creations; or
(iv) pedagogical approaches or experiences with students of all learning abilities.
(6)
(a) The board shall conduct a biennial review of an institution of higher education's compliance with this section on one-half of the degree granting institutions of higher education and one-half of the technical colleges each year so that each institution receives a review once every two years.
(b) If the board identifies a violation of this section, the board shall:
(i) on or before 30 days after the day on which the board identifies the violation, work with the institution to create a remediation plan; and
(ii) provide the institution 180 days after the day of the creation of the remediation plan to cure the violation.
(7) On or before November 1 of each year, the board shall prepare and submit a report to the Education Interim Committee and the Higher Education Appropriations Subcommittee on:
(a)
(i) the review process and each institution's compliance determination; or
(ii) if a violation is identified, the remediation plan and progress under Subsection (7)(b); and
(b) violations the board identifies in accordance with Sections 53H-1-503 and 53H-1-504.
(8) The Legislature may withhold future state appropriations to an institution that fails to cure a violation of this section within the time provided under Subsection (6)(b).
(9) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a procedure for accepting and processing an individual's complaint against an institution for an alleged violation of this section.

Amended by Chapter 438, 2026 General Session

53H-1-503 Prohibition on the use of certain training in higher education -- Exceptions.
(1) As used in this section:
(a) "Prohibited training" means a mandatory instructional program that:

(i) an institution requires the institution's employees, prospective employees, students, or prospective students to attend; and
(ii) promotes a prohibited discriminatory practice as that term is defined in Section 53H-1-504.
(b) "Prohibited training" includes an in-person or online seminar, discussion group, workshop, other program, or related materials.
(2) An institution may not require prohibited training.
(3) An institution shall annually train the institution's faculty and staff on academic freedom and freedom of speech in accordance with state or federal law.
(4) Nothing in this section limits or prohibits an institution's authority to establish policies that are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment.
(5)
(a) The board shall conduct a biennial review of an institution of higher education's compliance with this section on one-half of the institutions of higher education and one-half of the technical colleges each year so that each institution receives a review once every two years.
(b) If the board identifies a violation of this section, the board shall:
(i) on or before 30 days after the day on which the board identifies the violation, work with the institution to create a remediation plan; and
(ii) provide the institution 180 days after the day of the creation of the remediation plan to cure the violation.
(6) On or before November 1 of each year, the board shall include in the board's report described in Subsection 53H-1-502 information on:
(a) the review process and each institution's compliance determination; or
(b) if a violation is identified, the remediation plan and progress under Subsection (5)(b).
(7) The Legislature may withhold future state appropriations to an institution that fails to cure a violation of this section within the time provided under Subsection (5)(b).
(8) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a procedure for accepting and processing an individual's complaint against an institution for an alleged violation of this section.

Amended by Chapter 438, 2026 General Session

53H-1-504 Prohibited discriminatory practices -- Restrictions -- Campus climate survey -- Exceptions.

(1) As used in this section:
(a) "Important government interest" includes a governmental purpose relating to:
(i) athletic competition or athletic safety in public education; or
(ii) privacy, including compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex.
(b) "Personal identity characteristic" means an individual's race, color, ethnicity, sex, sexual orientation, national origin, religion, or gender identity.
(c)
(i) "Prohibited discriminatory practice" means engaging in or maintaining a policy, procedure, practice, program, office, initiative, or required training that, based on an individual's personal identity characteristic:
(A) promotes the differential treatment of an individual without an important government interest;

(B) influences the employment decisions of an individual other than through the use of neutral hiring processes with regard to a personal identity characteristic and in accordance with federal law;
(C) influences an individual's admission to, advancement in, or graduation from an institution, the public education system, or an academic program; or
(D) influences an individual's participation in an institution-sponsored or public education system-sponsored program.
(ii) "Prohibited discriminatory practice" includes engaging in or maintaining a policy, procedure, practice, program, office, initiative, or required training that:
(A) asserts that one personal identity characteristic is inherently superior or inferior to another personal identity characteristic;
(B) asserts that an individual, by virtue of the individual's personal identity characteristic, is inherently privileged, oppressed, racist, sexist, oppressive, or a victim, whether consciously or unconsciously;
(C) asserts that an individual should be discriminated against in violation of Title VI, Title VII, and Title IX, receive adverse treatment, be advanced, or receive beneficial treatment because of the individual's personal identity characteristic;
(D) asserts that an individual's moral character is determined by the individual's personal identity characteristic;
(E) asserts that an individual, by virtue of the individual's personal identity characteristic, bears responsibility for actions committed in the past by other individuals with the same personal identity characteristic;
(F) asserts that an individual should feel discomfort, guilt, anguish, or other psychological distress solely because of the individual's personal identity characteristic;
(G) asserts that meritocracy is inherently racist or sexist;
(H) asserts that socio-political structures are inherently a series of power relationships and struggles among racial groups;
(I) promotes resentment between, or resentment of, individuals by virtue of the individuals' personal identity characteristics;
(J) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual because of the individual's personal identity characteristic;
(K) considers an individual's personal identity characteristic in determining receipt of state financial aid or other state financial assistance, including a scholarship award or tuition waiver; or
(L) is referred to or named "diversity, equity, and inclusion."
(iii) "Prohibited discriminatory practice" does not include:
(A) policies or procedures required by state or federal law, including laws relating to prohibited discrimination or harassment; or
(B) policies or procedures that promote intellectual diversity that do not otherwise constitute a prohibited discriminatory practice.
(d) "Student success and support" means a description of an office, division, employment position, or other unit of an institution that provides support, guidance, and resources that equip all students, including all students at higher risk of not completing a certificate or degree, with experiences and opportunities for success in each student's academic and career goals, and without excluding individuals on the basis of an individual's personal identity characteristic.
(e) "Title VI" means Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et seq.
(f) "Title VII" means Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e et seq.

(g) "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.

(2) An institution may not:

(a) engage in a prohibited discriminatory practice;

(b) take, express, or assert a position or opinion on subjects described in Subsection 53H-1-502(1)(b);

(c) establish or maintain an office, division, employment position, or other unit of an institution established to implement, develop, plan, or promote campus policies, procedures, practices, programs, or initiatives, regarding a prohibited discriminatory practice; or

(d) employ or assign an employee or a third-party whose duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, and procedures relating to a prohibited discriminatory practice.

(3)

(a) An institution shall:

(i) ensure that all students have access to programs providing student success and support;

(ii) publish the titles and syllabi of all mandatory courses, seminars, classes, workshops, and training sessions on the institution's website in an online database that is readily searchable by the public;

(iii) annually train employees on the separation of personal political advocacy from an institution's business and employment activities;

(iv) develop strategies, including inviting speakers, to promote viewpoint diversity; and

(v) establish policies and procedures to include opportunities for education and research on free speech and civic education.

(b) The board shall report to the Higher Education Appropriations Subcommittee on the status and allocation of appropriated funds for student success and support.

(c) The Legislature shall, in a line item appropriation, appropriate ongoing funding to support an institution's student success and support program in accordance with this section.

(4)

(a) On or before January 1, 2025, the board shall contract with a third-party contractor, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to conduct a campus expression climate survey of each institution:

(i) to assess student, faculty, and staff perceptions of and experiences with an institution's campus environment that measures the student's, faculty member's, and staff member's perception of and experience with an institution's campus environment; and

(ii) that measures the student's, faculty member's, and staff member's perception of and experience with campus policy and practice regarding freedom of speech and academic freedom at the institution.

(b) The board shall collect the results of each campus expression climate survey under Subsection (4)(a) and submit the results to the Office of Legislative Research and General Counsel beginning on or before July 1.

(c)

(i) The Office of Legislative Research and General Counsel shall provide a summary report on the data collected from the campus expression climate surveys to the Education Interim Committee on or before:

(A) November 1, 2027, for reports received in years 2025, 2026, and 2027;

(B) November 1, 2030, for reports received in years 2028, 2029, and 2030; and

(C) November 1, 2033, for reports received in years 2031, 2032, and 2033.

(ii) On or before November 1, 2035, the Office of Legislative Research and General Counsel shall provide a comprehensive report of the campus expression climate surveys to the Education Interim Committee.

(5)

(a) Nothing in this section requires an individual to respond to a campus expression climate survey.

(b) Nothing in this section limits or prohibits an institution's authority to establish policies that:

(i) are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment;

(ii) require disclosure of an employee's academic research, classroom teaching, or coursework; or

(iii) require for employment, tenure, or promotion to disclose or discuss the applicant's:

(A) research;

(B) teaching agenda;

(C) artistic creations; or

(D) pedagogical approaches or experiences with students of all learning abilities.

(6)

(a) This section does not apply to:

(i) requirements necessary for athletic and accreditation compliance;

(ii) academic research;

(iii) academic course teaching in the classroom;

(iv) in accordance with Subsection (3)(a)(iv):

(A) a presentation or instruction by a guest lecturer in an academic course; or

(B) a speaker an administrative unit of the institution, faculty member or faculty organization, staff member or staff organization, or student club or organization invites to speak, virtually or in person, at the institution, including a public policy event described in Section 53H-6-302;

(v) a grant that would otherwise require:

(A) a department, office, division, or other unit of an institution to engage in a prohibited discriminatory practice if the grant has been reviewed and approved by the institution's board of trustees; or

(B) an institution to engage in a prohibited discriminatory practice if the grant has been reviewed and approved by the board;

(vi) requirements necessary for an institution to establish or maintain eligibility for any federal program; or

(vii) private scholarships administered by an institution.

(b) Notwithstanding any other provision of this chapter or of Chapter 3, Institutions of Higher Education Generally, the University of Utah may take any action required for the University of Utah to comply with the terms of an agreement entered into between the University of Utah and the Ute Indian Tribe before July 1, 2024.

(7)

(a) The board shall conduct a biennial review of an institution of higher education's compliance with this section as follows:

(i) for 2025, on each institution of higher education; and

(ii) for 2026, and every year after, on one-half of the degree granting institutions of higher education and one-half of the technical colleges.

(b) If the board identifies a violation of this section, the board shall:

(i) on or before 30 days after the day on which the board identifies the violation, work with the institution to create a remediation plan; and
(ii) provide the institution 180 days after the day of the creation of the remediation plan to cure the violation.
(8) On or before November 1 of each year, the board shall include in the board's report described in Section 53H-1-502 information on:
(a) the review process and each institution's compliance determination; or
(b) if a violation is identified, the remediation plan and progress under Subsection (7)(b).
(9)
(a) On or before December 1 of each year, the Higher Education Appropriations Subcommittee shall:
(i) report the findings under Subsections (3)(b) and (8) to the Legislature; and
(ii) make appropriation recommendations about an institution's compliance with this section.
(b) The Legislature may withhold future state appropriations to an institution that fails to cure a violation of this section within the time provided under Subsection (7)(b).
(10) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a procedure for accepting and processing an individual's complaint against an institution for an alleged violation of this section.

Amended by Chapter 438, 2026 General Session

Part 6
Initiatives and Councils

53H-1-601 General Provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-1-602 Engineering and Computer Technology Initiative.

(1)
(a)
(i) The commissioner of higher education, under the direction of the board shall develop, establish, and maintain an Engineering and Computer Science Initiative within the state system of higher education to increase the number of graduates in engineering, computer science, and related technology.
(ii) The commissioner of higher education, under the direction of the board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing the criteria for those fields of study that qualify as "related technology" under this section and Section 53H-1-603.
(b) The initiative shall include components that:
(i) improve the quality of instructional programs in engineering, computer science, and related technology by providing supplemental money for equipment purchases; and
(ii) provide incentives to institutions to hire and retain faculty under Section 53H-1-603.
(2) The increase in program capacity under Subsection (1)(a) shall include funding for new and renovated capital facilities and funding for new engineering and computer science programs.

(3) The Legislature shall provide an annual appropriation to the board to fund the initiative.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-1-603 Incentive program for engineering, computer science, and related technology faculty.

(1) The Legislature shall provide an annual appropriation to help fund the faculty incentive component of the Engineering and Computer Science Initiative established under Section 53H-1-602.

(2) The appropriation shall be used to hire, recruit, and retain outstanding faculty in engineering, computer science, and related technology fields under guidelines established by the commissioner of higher education, under the direction of the board.

(3)

(a) An institution of higher education shall match the appropriation on a one-to-one basis in order to qualify for state money appropriated under Subsection (1).

(b)

(i) Qualifying institutions shall annually report their matching dollars to the board.

(ii) The commissioner of higher education shall make a summary report of the institutional matches.

(4) The commissioner of higher education, under the direction of the board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing policies and procedures to apply for and distribute the state appropriation to qualifying institutions.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-1-604 Higher Education and Corrections Council.

(1) As used in this section:

(a) "Correctional facility" means the same as that term is defined in Section 64-13-1.

(b) "Council" means the Higher Education and Corrections Council created in this section.

(c) "Department" means the Department of Corrections created in Section 64-13-2.

(d) "Inmate" means the same as that term is defined in Section 64-13-1.

(2) There is created the Higher Education and Corrections Council to advise the board, the Education Interim Committee, and the Higher Education Appropriations Subcommittee regarding the development and delivery of accredited higher education curriculum to incarcerated individuals in the state correctional system.

(3) The council consists of the following 11 members:

(a) a member of the House of Representatives whom the speaker of the House of Representatives appoints;

(b) a member of the Senate whom the president of the Senate appoints;

(c) the commissioner or the commissioner's designee;

(d) the following two members whom the commissioner appoints and who are engaged in prison education and have expertise in transfer articulation:

(i) one employee of a technical college; and

(ii) one employee of a degree-granting institution;

(e) the following two members whom the governor appoints:

(i) an individual who actively researches higher education delivered in a corrections setting using evidence-based practices; and

(ii) a formerly incarcerated individual who participated in postsecondary educational programs while incarcerated;

(f) one member of the Board of Pardons and Parole whom the chair of the Board of Pardons and Parole appoints;

(g) the executive director of the Department of Corrections or the executive director's designee;

(h) one employee of the Department of Corrections with expertise in education whom the executive director of the Department of Corrections appoints; and

(i) the executive director of the Department of Workforce Services or the executive director's designee.

(4)

(a) The members described in Subsections (3)(a) and (3)(b) shall serve as co-chairs of the council.

(b)

(i) Except as provided under Subsection (4)(b)(ii), an appointed member of the council shall serve a term of two years.

(ii) A council member's term ends on the day on which the member's status that allows the member to serve on the council under Subsection (3) ends.

(c) The individuals authorized to make appointments under Subsection (3) shall make the respective appointments:

(i) before July 1 of each odd-numbered year, by:

(A) reappointing the council member whose term expires under Subsection (4)(b)(i); or

(B) appointing a new council member; and

(ii) in the case of a vacancy created under Subsection (4)(b)(ii), for the remainder of the vacated term.

(d) The individual authorized to make appointments under Subsection (3) may change the relevant appointment described in Subsection (3) at any time for the remainder of the existing term.

(5)

(a) The salary and expenses of a council member who is a legislator shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

(b) A council member who is not a legislator:

(i) may not receive compensation or benefits for the member's service on the council; and

(ii) may receive per diem and reimbursement for travel expenses that the council member incurs as a council member at the rates that the Division of Finance establishes under:

(A) Sections 63A-3-106 and 63A-3-107; and

(B) rules that the Division of Finance makes under Sections 63A-3-106 and 63A-3-107.

(6)

(a) A majority of the council members constitutes a quorum.

(b) The action of a majority of a quorum constitutes an action of the council.

(7) The commissioner shall provide staff support to the council.

(8) The council shall:

(a) coordinate, facilitate, and support higher education delivered in the state's correctional facilities, including the county jails under contract with the Department of Corrections to house inmates, to prepare incarcerated individuals for integration and productive employment upon release;

(b) explore and provide recommendations to the board and the Department of Corrections for the efficient and effective delivery of higher education programs to incarcerated individuals, including:

(i) evidence-based practices and technologies;
(ii) methods of maximizing and facilitating incarcerated individuals' access to educational programs;
(iii) methods of supporting and facilitating timely completion of courses, certificates, and degrees;
(iv) methods of emphasizing educational programs that:
(A) align with current and future workforce demands of the state;
(B) lead to occupations that are accessible to released incarcerated individuals;
(C) provide sustainable wages following release; and
(D) maximize accessibility and timely completion during incarceration;
(v) use of cross-institutional application of coursework toward certificates and degrees;
(vi) use of coursework that encourages personal and civic development; and
(vii) methods of leveraging innovative course delivery, including technology resources;
(c) explore methods and make recommendations for the collection and analysis of critical data regarding:
(i) enrollment and completion of postsecondary education courses, certificate programs, credentials, and degree programs;
(ii) federal and state student aid awarded to incarcerated individuals;
(iii) costs of postsecondary education in prison, including any recommendations for continued improvement; and
(iv) outcomes of formerly incarcerated individuals who participated in postsecondary programming during incarceration if the individual is under the supervision of the Division of Adult Probation and Parole created in Section 64-14-202, including recidivism, employment, and post-release postsecondary education engagement; and
(d) recommend requests for legislative appropriations to the board to support the purposes and objectives of the council.
(9) The council shall annually report regarding the council's plans and programs, the number of enrollees served, and the number of enrollees receiving degrees and certificates to:
(a) the board;
(b) before the committee's November interim committee meeting, the Education Interim Committee; and
(c) at least 30 days before the beginning of the annual legislative session, the Higher Education Appropriations Subcommittee.
(10) A degree-granting institution of higher education providing education to inmates in a correctional facility shall provide relevant academic and career advising services that are substantially similar to services provided to a student who is not a confined or incarcerated individual.
(11) Each participating institution of higher education described in this section shall report annually to the council regarding the guidance and support provided.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 7
Interstate Agreements

53H-1-701 General Provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-1-702 WICHE compact.

As empowered by law, the governor of Utah has duly entered into a compact the text of which is as follows:

Article I.

Whereas, the future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

Whereas, many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional, and graduate training, nor do all of the States have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

Whereas, it is believed that the Western States, or groups of such states within the Region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the Region and of the students thereof:

Now, therefore, the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming do hereby covenant and agree as follows:

Article II.

Each of the compacting states and territories pledges to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this compact.

Article III.

The compacting states and territories hereby create the Western Interstate Commission for Higher Education, hereinafter called the Commission. The Commission shall be a body corporate of each compacting state and territory and an agency thereof. The Commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

Article IV.

The Commission shall consist of three resident members from each compacting state or territory. At all times one commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

The commissioners from each state and territory shall be appointed by the governor as provided by law in the state or territory. Any commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

The terms of each commissioner shall be four years. Each commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

Article V.

Any business transacted at any meeting of the Commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

One or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transaction of business.

Each compacting state and territory represented at any meeting of the Commission is entitled to one vote.

Article VI.

The Commission shall elect from its number a chairman and a vice chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents, and employees as may be required to carry out the purpose of this Compact. The Commission shall fix and determine their duties, qualifications, and compensation, having due regard for the importance of the responsibilities involved.

The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the Commission.

Article VII.

The Commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

The Commission may elect such committees as it deems necessary for the carrying out of its functions.

The Commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The Chairman may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states or territories shall call additional meetings.

The Commission shall submit a budget to the governor of each compacting state and territory at such time and for such period as may be required.

The Commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the Region.

Prior to January 16 of each year, the Commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or territory or his designated representative. The Commission shall not be subject to the audit in the accounting procedure of any of the compacting states or territories. The Commission shall provide for an independent annual audit.

Article VIII.

It is the duty of the Commission to enter in such contractual agreements with any institutions in the Region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the Commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The Commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the Commission may enter into contractual agreements:

(a) with the governing authority of any educational institution in the Region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties; and

(b) with the governing authority of an educational institution in the Region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the Region providing the desired service and facilities, upon such terms and conditions as the Commission may prescribe.

It is the duty of the Commission to undertake studies of needs for professional and graduate educational facilities in the Region, the resources for meeting those needs, and the long-range effects of the Compact on higher education; and from time to time to prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states and territories. In conducting the studies, the Commission may confer with any national or regional planning body which may be established. The Commission shall draft and recommend to the governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the Region.

For the purposes of this Compact, "Region" means the geographical limits of the several compacting states and territories.

Article IX.

The operating costs of the Commission shall be apportioned equally among the compacting states and territories.

Article X.

This Compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii have duly adopted it. This Compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

Article XI.

This Compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing that consent by the Legislature and governor of the terminating state. Any state or territory may at any time withdraw from this Compact by means of appropriate legislation to that end. The withdrawal is not effective until two years after written notice by the governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action is received by the Commission. The withdrawal shall not relieve the withdrawing state or territory from its obligations under the compact accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the Commission.

Article XII.

If any compacting state or territory at any time defaults in the performance of any of its obligations assumed or imposed in accordance with this Compact, all rights, privileges, and benefits conferred by this Compact or agreements under the Compact are suspended from the effective date of that default as fixed by the Commission.

Unless the default is remedied within a period of two years following the effective date of the default, this Compact may be terminated with respect to the defaulting state or territory by affirmative vote of 3/4 of the other member states or territories.

The defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has defaulted; and (b) application to and the approval by a majority vote of the Commission.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-1-702.1 WICHE Compact -- Commissioners -- Duties -- Records of academic progress -- Cancellation of student registration.

(1) The commissioners are the three resident members from the state of Utah, required by Article IV of the compact, and are authorized to function as representatives of the state on the Western Interstate Commission for Higher Education.

(2) The commissioners' duties are as follows:

(a) to study the need for professional and graduate educational facilities not available within this state;

(b) to recommend appropriations to meet the needs of this act;

(c) to provide for screening of all applicants for professional, graduate, or higher educational study not available within the state in accordance with established rules; and

(d) to certify to out of state institutions under the compact all acceptable candidates.

(3) An applicant may not be certified unless the applicant has been a bona fide resident of the state for at least the five years prior to the date of application.

(4)

(a) Students must maintain continuous Utah residency during the students' attendance at an out of state institution in order to receive financial support under the compact.

(b) If Utah residency is terminated by a student during any academic year in which the student has received financial support under the compact, the support shall be relinquished and terminated at the end of that academic year.

(5)

(a) The Commissioner of Higher Education shall maintain records of the academic progress of Utah students receiving financial support under the compact while attending out of state institutions.

(b) If the records reveal a student is not progressing satisfactorily, upon recommendation of the out of state institution, the commissioner shall cancel the student's registration and withhold future payments otherwise due.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-1-703 Interstate reciprocity agreement regarding postsecondary distance education courses.

(1) As used in this section:

(a) "Distance education" means instruction offered by a means where the student and faculty member are in separate physical locations.

(b) "Eligible Institution" means a degree-granting postsecondary education entity.

(c) "Postsecondary education" means education or educational services offered primarily to an individual who:

(i) has completed or terminated the individual's secondary or high school education; or

(ii) is beyond the age of compulsory school attendance.

(2) The board may execute an interstate reciprocity agreement for postsecondary distance education:
(a) for an eligible institution that offers a postsecondary distance education course or program; and
(b) that requires an eligible institution to meet certain standards to become authorized to operate under the interstate reciprocity agreement.
(3) If the board executes an interstate reciprocity agreement under Subsection (2), the board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
(a) standards for granting an eligible institution authorization to operate under the interstate reciprocity agreement;
(b) a filing, document, or membership fee required for an eligible institution to obtain authorization under the interstate reciprocity agreement; and
(c) a process for administering the interstate reciprocity agreement.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Chapter 2
Private Institutions

Part 1
General Provisions

53H-2-101 General Provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-2-102 Application to private institutions.

(1) Except as expressly provided, the provisions of this title do not apply to a private postsecondary educational institution.
(2) The following sections of this title expressly provide for application to a private postsecondary educational institution:
(a) Section 53H-3-503;
(b) Section 53H-3-304;
(c) Section 53H-3-604;
(d) Section 53H-3-1001;
(e) Section 53H-4-202;
(f) Section 53H-6-201;
(g) Section 53H-8-611;
(h) Chapter 10, Part 3, Student Prosperity Savings Program;
(i) Section 53H-11-402
(j) Section 53H-11-403;
(k) Section 53H-11-407;
(l) Section 53H-11-409;

(m) Section 53H-11-411;
(n) Section 53H-11-412;
(o) Section 53H-11-413;
(p) Section 53H-11-414;
(q) Chapter 14, Part 4, Confidential Communications for Institutional Advocacy Services; and
(r) Chapter 16, Nucleus Institute.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Chapter 3
Institutions of Higher Education Generally

Part 1
General Provisions

53H-3-101 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-3-102 Institutions of higher education -- Corporate bodies -- Powers.

(1) The institutions of higher education and the board listed in Section 53H-1-102 are bodies politic and corporate with perpetual succession and with all rights, immunities, and franchises necessary to function as such.
(2)
(a) An institution of higher education and the board may have and use a corporate seal and may, subject to this title, take, hold, lease, sell, and convey real and personal property as the interest of the institution requires.
(b) An institution of higher education and the board is vested with all the property, franchises, and endowments of, and is subject to, all the contracts, obligations, and liabilities of the institution's respective predecessor.
(c)
(i) An institution of higher education and the board may enter into business relationships or dealings with private seed or venture capital entities or partnerships consistent with Utah Constitution, Article VI, Section 29, Subsection (2).
(ii) A business dealing or relationship entered into under Subsection (2)(c)(i) does not preclude the private entity or partnership from participating in or receiving benefits from a venture capital program authorized or sanctioned by the laws of this state, unless otherwise precluded by the specific law that authorizes or sanctions the program.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 2
Boards of Trustees

53H-3-201 General provisions -- Definitions -- General powers and duties.

(1) To assist the Utah Board of Higher Education to fulfill the board's statutory duty to control, oversee, and regulate the Utah System of Higher Education under Subsection 53H-1-203(1)(a)(ii), each board of trustees shall act in alignment with the board and through the following powers and duties:

(a) act on behalf of the institution in performing fiduciary and other duties, responsibilities, and functions that either statute or the board authorizes;

(b) facilitate communication between the institution and the community;

(c) in consultation with stakeholders in the institution's region, prepare, approve, and monitor progress on a strategic plan for the institution that aligns with:

(i) state attainment goals;

(ii) workforce needs;

(iii) the institution's role, mission, and distinctiveness;

(iv) board goals and metrics described in Section 53H-1-203; and

(v) the Utah Board of Higher Education strategic plan;

(d) carry out duties regarding institutional governance described in Subsection 53H-1-203(2)(m);

(e) regarding the institution's president:

(i) participate in a presidential search in accordance with Section 53H-3-302;

(ii)

(A) establish key performance indicators and annually evaluate the president's performance against the key performance indicators; and

(B) consult the board regarding the president's performance to help the board facilitate the board's responsibility in Subsection 53H-3-303(11)(b) to evaluate presidential performance; and

(iii) consult with the president regarding:

(A) the organization and structure of the institution; and

(B) the organization and governance of faculty, tenure and post-tenure, and other personnel issues;

(f) consult with the president and approve a recommendation to the board to annually determine the institution's proposed tuition and general fees;

(g) assist the president in executing budget processes, including:

(i) approving an annual budget and fund balances;

(ii) planning, implementing, and executing fundraising and development projects for supplementing institutional appropriations; and

(iii) establishing budgetary policies, including:

(A) policies regarding benefits and endowment investments; and

(B) presidential expenditures, including thresholds that require notification of expenditures to the board of trustees;

(h) review, consider, and approve the institution's awards, credentials, minors, and emphases, including programs in accordance with Section 53H-3-603 and board guidelines and board policies, changes to existing programs, and expedited program approval and termination procedures to meet market needs;

(i) approve budgetary and audit policies that are necessary for the effective administration of the institution;

(j) oversee internal audits of the institution, including serving as or creating a subcommittee of the board of trustees to serve as the institution's audit committee, as that term is defined in Section 63I-5-102;

(k) report to the board in accordance with statutory requirements and board policies; and
(l) perpetuate and strengthen alumni and community identification with the institution's traditions and goals.
(2) The board shall provide independent, professional staffing and advising support to institutional boards of trustees.

Amended by Chapter 231, 2026 General Session

53H-3-202 Degree-granting institution board of trustees -- Unique powers and duties.
In addition to the duties described in Section 53H-3-201, a board of trustees of a degree-granting institution may select recipients of honorary degrees.

Repealed and Re-enacted by Chapter 231, 2026 General Session

53H-3-203 Degree-granting institution board of trustees -- Membership -- Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.
(1) As used in this section, "board of trustees" means the board of trustees for a degree-granting institution.
(2)
(a) The board of trustees consists of the following:
(i) except as provided in Subsection (2)(c), eight individuals appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies; and
(ii) two ex officio members who are the president of the institution's alumni association, and the president of the associated students of the institution.
(b) In making the appointments described in Subsections (2)(a)(i) and (2)(c)(i), the governor:
(i) shall ensure that the membership of a board of trustees includes representation of interests of business, industry, and labor; and
(ii) may not appoint an individual to more than two consecutive full terms.
(c)
(i) The board of trustees of Utah State University has nine individuals appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
(ii) One of the nine individuals described in Subsection (2)(c)(i) shall reside in the Utah State University Eastern service region or the Utah State University Blanding service region.
(3)
(a) The governor shall appoint four members of each board of trustees during each odd-numbered year to four-year terms commencing on July 1 of the year of appointment.
(b) Except as provided in Subsection (3)(d), a member appointed under Subsection (2)(a)(i) or (2)(c)(i) holds office until a successor is appointed and qualified.
(c) The ex officio members serve for the same period as each ex officio member serves as president and until the ex officio member's successors have qualified.
(d)
(i) The governor may remove a member appointed under Subsection (2)(a)(i) or (2)(c)(i) for cause.
(ii) The governor shall consult with the president of the Senate before removing a member in accordance with Subsection (3)(d)(i).

(4) When a vacancy occurs in the membership of a board of trustees for any reason, the governor shall, with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a replacement for the unexpired term.
(5)
(a) Each member of a board of trustees shall take the official oath of office prior to assuming the office.
(b) The oath shall be filed with the Division of Archives and Records Services.
(6) A board of trustees shall elect a chair and vice chair, who serve for two years and until the chair and vice chair's successors are elected and qualified.
(7)
(a) A board of trustees may enact bylaws for the board of trustees' own government, including provisions for regular meetings.
(b)
(i) A board of trustees may provide for an executive committee in the board of trustees' bylaws.
(ii) If established, an executive committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.
(iii) An executive committee may act on nonroutine matters only under extraordinary and emergency circumstances.
(iv) An executive committee shall report the executive committee's activities to the board of trustees at the board of trustees' next regular meeting following the action.
(c) Copies of a board of trustees' bylaws shall be filed with the board.
(8) A quorum is required to conduct business and consists of six members.
(9) A board of trustees may establish advisory committees.
(10) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
(a) Section 63A-3-106;
(b) Section 63A-3-107; and
(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
(11) A board of trustees member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-204 Technical college board of trustees -- Unique powers and duties.

In addition to the duties described in Section 53H-3-201, a technical college board of trustees shall, regarding the strategic plan described in Subsection 53H-3-201(2), consult with the board, other higher education institutions, school districts, and charter schools within the technical college's region regarding the delivery of technical education within the region.

Repealed and Re-enacted by Chapter 231, 2026 General Session

53H-3-205 Technical college boards of trustees -- Membership -- Appointments.

(1) As used in this section:
(a) "Higher education institution" means the same as that term is defined in Section 53H-9-603.
(b) "Technical college service area" means the geographic area served by each technical college as described in Section 53H-3-1202.
(2) A technical college board of trustees consists of:

(a) one member each from no more than four of the local school boards for the school districts in the technical college service area, appointed by the local school board to which the member belongs, in a rotation that the technical college specifies in accordance with Subsection (6);
(b) except as provided in Subsection (3)(b), one individual who is a member of the higher education institution board of trustees, appointed by the higher education institution board of trustees; and
(c) a number of individuals, appointed by the governor with the advice and consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies, that is:
(i) seven for:
(A) Tooele Technical College;
(B) Uintah Basin Technical College; and
(C) Dixie Technical College;
(ii) eight for:
(A) Bridgerland Technical College;
(B) Ogden-Weber Technical College;
(C) Davis Technical College; and
(D) Southwest Technical College; or
(iii) nine for Mountainland Technical College.

(3)
(a) In appointing the members described in Subsection (2)(c), the governor shall appoint individuals who represent the interests of business, industry, or labor in the technical college service area.
(b) If no member of the institution of higher education board of trustees lives within the technical college service area, the institution of higher education board of trustees may nominate an individual to be appointed by the governor with the advice and consent of the Senate instead of appointing a member described in Subsection (2)(b).

(4)
(a) The governor may remove a member appointed under Subsection (2)(c) or (3)(b) for cause.
(b) The governor shall consult with the president of the Senate before removing a member appointed under Subsection (2)(c) or (3)(b).

(5) A member described in Subsection (2)(c) shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

(6)
(a) A technical college with a service region containing more than four school districts shall create, in the bylaws of the technical college's board of trustees, a rotation schedule for local school board representation on the technical college's board of trustees.
(b) The commissioner, on behalf of the board, shall review the bylaw components described in Subsection (6)(a) before the technical college formally adopts the bylaw amendments.
(c) The rotation required for an appointed board member under Subsection (2)(a) applies only to a board member who is appointed on or after May 6, 2026.

Amended by Chapter 231, 2026 General Session

53H-3-206 Technical college boards of trustees -- Terms -- Quorum -- Chair -- Compensation.

(1)
(a) Except as provided in this Subsection (1), a member of a technical college board of trustees is appointed to a four-year term.

(b) The governor may appoint a member described in Subsection 53H-3-205(2)(c) to a two-year term to ensure that the terms of approximately half of the members described in Subsection 53H-3-205(2)(c) expire every other year.
(c) When a vacancy occurs in the membership of a technical college board of trustees, the appointing authority for the vacant position described in Section 53H-3-205 shall appoint a replacement for the remainder of the term.
(d) An appointed member holds office until a successor is appointed in accordance with Section 53H-3-205.
(2) A member of a technical college board of trustees may not hold office for more than two consecutive full terms.
(3) A majority of a technical college board of trustees is a quorum.
(4) A technical college board of trustees shall elect a chair from the technical college board of trustees' membership.
(5) A member of a technical college board of trustees may not receive compensation or benefits for the member of the technical college board of trustees' service, but may receive per diem and travel expenses in accordance with:
(a) Section 63A-3-106;
(b) Section 63A-3-107; and
(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
(6)
(a) A technical college board of trustees may enact bylaws for the technical college board of trustees' own government, including provisions for regular meetings, that are in accordance with the policies of the board.
(b)
(i) A technical college board of trustees may provide for an executive committee in the technical college board of trustees' bylaws.
(ii) If established, an executive committee shall have the full authority of the technical college board of trustees to act upon routine matters during the interim between board of trustees' meetings.
(iii) An executive committee may act on nonroutine matters only under extraordinary and emergency circumstances.
(iv) An executive committee shall report the executive committee's activities to the technical college board of trustees at the technical college board of trustees' next regular meeting following the activities.
(7) A technical college board of trustees may establish advisory committees.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 3
Presidents

53H-3-301 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-3-302 Appointment of institution of higher education presidents.

(1) As used in this section:
(a) "President" means the president of an institution of higher education.
(b) "Search committee" means a committee that selects finalists for a position as an institution of higher education president.
(2) The board shall appoint a president for each institution of higher education.
(3) A president serves in accordance with the terms of employment that the board establishes as described in Section 53H-1-203.
(4)
(a)
(i) Except as provided in Subsection (4)(a)(ii), to appoint a president, the board shall establish a search committee that includes representatives of faculty, staff, students, the institution of higher education board of trustees, alumni, the outgoing president's executive council or cabinet, and the board.
(ii) The board may delegate the authority to appoint the search committee to an institution of higher education board of trustees.
(iii) The commissioner shall provide staff support to a search committee.
(b)
(i) Except as provided in Subsection (4)(b)(ii), a member of the board and a member of the institution of higher education board of trustees shall cochair a search committee.
(ii) The board may delegate the authority to chair a search committee to the institution of higher education board trustees.
(c) A search committee shall:
(i) respect and protect candidate confidentiality; and
(ii) through closed executive sessions:
(A) review prospective candidates; and
(B) forward three prioritized finalists to the board to consider for a position as a president.
(d) A search committee may not forward an individual to the board as a finalist unless a majority of the search committee members, as verified by the commissioner, find the individual to be qualified and likely to succeed as a president.
(5)
(a) The board shall select an institution of higher education president from among the finalists a search committee presents to the board under Subsections (4)(c) and (5)(b).
(b) If the board is not satisfied with the finalists a search committee presents to the board, the board may direct the search committee to resume the search process and submit three additional prioritized finalists until the search committee presents a finalist whom the board approves.
(6) The board, through the commissioner, shall:
(a) create a comprehensive, active recruiting plan to ensure a strong, diverse pool of potential candidates for presidents; and
(b) review, in a closed executive session, individuals from within the system whose candidacy may be considered for future applicant pools in relation to the succession plan described in Section 53H-1-203.
(7) A record or information gathered or generated during the search process, including a candidate's application and the search committee's deliberations, is confidential and is a protected record under Section 63G-2-305.
(8) The board shall take final hiring action of a president in an open and public board meeting.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-303 Duties and responsibilities of the president of an institution of higher education -- Approval by board of trustees.

(1) As used in this section, "president" means the president of an institution.

(2) The president of each institution may exercise grants of power and authority as the board delegates, as well as the necessary and proper exercise of powers and authority not denied to the institution or the institution's administration, faculty, or students by the board or by law, to ensure the effective and efficient administration and operation of the institution consistent with the statewide strategic plan for higher education.

(3) A president may:

(a) appoint or employ:

(i) administrative officers, other cabinet members, and a general counsel described in Section 53H-3-405:

(A) who are at-will employees;

(B) who serve the institution in the administrative, cabinet, or general counsel role at the pleasure of the president; and

(C) whom the president may remove at any time; and

(ii) deans, faculty members, professional personnel, and support personnel;

(b) prescribe duties for a position described in Subsection (3)(a); and

(c) determine the salary for an employed position described in Subsection (3)(a), in accordance with the institution's human resources policies.

(4) A president may, after consultation with the institution's board of trustees, exercise powers related to the institution's employees, including faculty and persons under contract with the institution, by implementing:

(a) policies governing personnel;

(b) furloughs;

(c) reductions in force;

(d) program reductions or discontinuance;

(e) early retirement incentives that provide cost savings to the institution; or

(f) other measures that provide cost savings, facilitate efficiencies, or otherwise enable the institution to meet the institution's mission and role.

(5) A president shall:

(a) control and manage the budget and finances of the institution in consultation with the board of trustees in accordance with Section 53H-3-201, including by, as determined by the president:

(i) establishing the institution's budget; and

(ii) establishing or adjusting administrative or academic unit budgets;

(b) subject to Section 53H-8-202, establish:

(i) tuition for the institution, including both resident and nonresident tuition if the institution is a degree-granting institution, subject to the approval of the board as described in Section 53H-1-203; and

(ii) fees and other charges for the institution; and

(c) establish the organization and structure of the institution, including by, as determined by the president, creating, merging, or eliminating a college, department, or other administrative or academic unit of the institution.

(6) Subject to the approval of the institution's board of trustees, a president:

(a) subject to Section 53H-3-406, shall provide for the constitution, government, and organization of the faculty and administration, including:

(i) enacting and implementing rules;
(ii) ensuring that the faculty may only have jurisdiction over:
(A) academic requirements for admission, degrees, and certificates; and
(B) course curriculum and instruction;
(iii) permitting faculty to have jurisdiction over a matter other than a matter described in Subsection (6)(a)(ii) only if the following entities expressly authorize or delegate such power:
(A) the Legislature;
(B) the board;
(C) institution's board of trustees; or
(D) the institution's president; and
(iv) if the institution is a degree-granting institution, the establishment of a prescribed system of tenure; and
(b) may authorize the faculty to determine the general initiation and direction of instruction and of the examination, admission, and classification of students.
(7) A president may establish policies for the administration and operation of the institution that:
(a) are consistent with the institution's role that the board establishes, rules which the board enacts, and the laws of the state; and
(b) may provide for:
(i) administrative, faculty, student, and joint committees with jurisdiction over specified institutional matters;
(ii) student government and student affairs organizations;
(iii) the establishment of institutional standards in furtherance of the ideals of higher education to which the institution and the institution's administration, faculty, and students subscribe and foster; and
(iv) the holding of classes on legal holidays, other than Sunday.
(8) A president shall manage the president's institution as a part of the Utah System of Higher Education.
(9) In performing any of the acts described in this section, a president may, in the president's sole discretion, seek input from the institution's faculty, staff, or students.
(10) The board shall establish guidelines relating to the roles and relationships between presidents and boards of trustees, including those matters for which law requires the approval of a board of trustees before implementation by the president.
(11)
(a) A president is subject to:
(i) an annual performance review and evaluation that the institution's board of trustees administers, in accordance with Section 53H-3-201, and in consultation with the Utah Board of Higher Education; and
(ii) regular review and evaluation that the board administers, in consultation with the institution's board of trustees, through a process the board approves.
(b) Only the board may formally declare a president's standing or take other formal action regarding a president.

Amended by Chapter 231, 2026 General Session

53H-3-304 Powers of chief administrative officer to order individuals off an institution of higher education's property.
(1) As used in this section:

(a) "Chief administrative officer" means the president of an institution of higher education or an individual designated by the president.
(b) "Institution of higher education" means:
(i) an institution of higher education as defined in Section 53H-1-101; or
(ii) a private postsecondary educational institution.
(2) It is the purpose of this section to:
(a) supplement and clarify the power vested in the governing board of each institution of higher education; and
(b) regulate, conduct, and enforce law and order on property owned, operated, or controlled by each institution of higher education.
(3) A chief administrative officer may order an individual to leave property that is owned, operated, or controlled by an institution of higher education if:
(a) the individual acts, or if the chief administrative officer has reasonable cause to believe that the individual intends to act, to:
(i) cause injury to an individual;
(ii) cause damage to property;
(iii) commit a crime;
(iv) interfere with the peaceful conduct of the activities of the institution of higher education;
(v) violate a rule or regulation of the institution of higher education if that rule or regulation is not in conflict with state law; or
(vi) disrupt the institution of higher education, the institution's pupils, or the institution of higher education's activities; or
(b) the individual is reckless as to whether the individual's actions will cause fear for the safety of another individual.
(4)
(a) If a law enforcement agency or security department of an institution of higher education lacks sufficient manpower to deal effectively with a condition of unrest existing or developing on a campus or related facility of the institution of higher education in the judgment of the chief administrative officer, the chief administrative officer may call for assistance from the county sheriff of the county, a city law enforcement agency, or the Department of Public Safety.
(b) Upon receipt of the request under Subsection (4)(a), the county sheriff, a city law enforcement agency, or the Department of Public Safety must render all necessary assistance without expense to the institution of higher education.
(c) All personnel while rendering assistance to the institution of higher education shall serve under the general direction of the chief administrative officer.
(5) Nothing in this section shall limit:
(a) the right or duty of a local law enforcement agency to enforce the law which the local law enforcement agency had prior to this enactment; or
(b) the right of a state or local law enforcement agency to enforce the laws of this state.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-305 Technical college presidents.
(1) The board shall appoint a president for each technical college in accordance with Section 53H-3-302.
(2) A technical college president is the chief executive officer of the technical college.
(3) A technical college president:
(a) does not need to have a doctorate degree; and

(b) shall have extensive experience in career and technical education.

(4) In addition to the duties described in Section 53H-3-303, a technical college president shall:

(a) after consulting with the board, other institutions of higher education, school districts, and charter schools within the technical college's region, prepare a comprehensive strategic plan for delivering technical education within the region;

(b) consult with business, industry, the Department of Workforce Services, the Governor's Office of Economic Development, and the Governor's Office of Planning and Budget on an ongoing basis to determine what workers and skills are needed for employment in Utah businesses and industries;

(c) coordinate with local school boards, school districts, and charter schools to meet the technical education needs of secondary students; and

(d) develop policies and procedures for the admission, classification, instruction, and examination of students in accordance with the policies and accreditation guidelines of the board and the State Board of Education.

Amended by Chapter 343, 2026 General Session

Part 4
Employees

53H-3-401 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-3-402 Criminal background checks of prospective and existing employees of higher education institutions -- Institutions to adopt policy.

(1) As used in this section,

(a) "Institution" means an institution and the board listed in Subsection 53H-1-102(1).

(b) "Minor" means a person younger than 21 years old.

(2) An institution and the board listed in Subsection 53H-1-102(1) shall adopt a policy providing for criminal background checks of:

(a) prospective employees of institutions; and

(b) existing employees of institutions, where reasonable cause exists.

(3)

(a) The policy shall require that:

(i) an applicant for any position that involves significant contact with minors or any position considered to be security sensitive by an institution or the institution's designee shall submit to a criminal background check as a condition of employment; and

(ii) an existing employee submit to a criminal background check, where reasonable cause exists.

(b) Subsection (3)(a)(i) does not apply to adjunct faculty positions.

(c) The policy may allow or require applicants for positions other than those described in Subsection (3)(a)(i) to submit to a criminal background check as a condition of employment.

(d) The policy may allow criminal background checks for new employees to be phased in over a two-year period.

(4) The applicant or employee shall receive written notice that the background check has been requested.
(5) Each applicant or employee subject to a criminal background check under this section shall, if required by the institution:
  (a) be fingerprinted; and
  (b) consent to a fingerprint background check by:
    (i) the Utah Bureau of Criminal Identification; and
    (ii) the Federal Bureau of Investigation.
(6)
  (a) Institutions may request the Utah Bureau of Criminal Identification to conduct criminal background checks of prospective employees and, where reasonable cause exists, existing employees pursuant to an institution's policy.
  (b) At the request of an institution, the Utah Bureau of Criminal Identification shall:
    (i) release the individual's full record of criminal convictions to the administrator requesting the information; and
    (ii) seek additional information from regional or national criminal data files in responding to inquiries under this section.
  (c) Information received by the Utah Bureau of Criminal Identification from entities other than agencies or political subdivisions of the state may not be released to a private entity unless the release is permissible under applicable laws or regulations of the entity providing the information.
  (d) Except as provided in Subsection (7), the institution shall pay the cost of background checks conducted by the Utah Bureau of Criminal Identification, and the money collected shall be credited to the Utah Bureau of Criminal Identification to offset the Utah Bureau of Criminal Identification's expenses.
(7) An institution may by policy require an applicant to pay the costs of a criminal background check as a condition of employment.
(8) The applicant or employee shall have an opportunity to respond to any information received as a result of the criminal background check.
(9) If a person is denied employment or is dismissed from employment because of information obtained through a criminal background check, the person shall receive written notice of the reasons for denial or dismissal and have an opportunity to respond to the reasons under procedures established by an institution in policy.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-403 Bereavement leave for miscarriage and stillbirth.
(1) As used in this section "miscarriage" means the spontaneous or accidental loss of a fetus, regardless of gestational age or the duration of the pregnancy.
(2) An institution shall adopt policies providing at least three work days of paid bereavement leave for an employee following the end of the employee's pregnancy by way of miscarriage or stillbirth or following the end of another individual's pregnancy by way of a miscarriage or stillbirth, if:
  (a) the employee is the individual's spouse or partner;
  (b) the employee is the individual's former spouse or partner and the employee would have been a biological parent of a child born as a result of the pregnancy;

(c) the employee provides documentation to show that the individual intended for the employee to be an adoptive parent, as that term is defined in Section 81-13-101, of a child born as a result of the pregnancy; or
(d) under a valid gestational agreement in accordance with Title 81, Chapter 5, Part 8, Gestational Agreement, the employee would have been a parent of a child born as a result of the pregnancy.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-404 Institution of higher education required to provide leave to a legislator on an authorized legislative day.

(1) As used in this section:
(a) "Authorized legislative day" means:
(i) the day on which the Legislature convenes in annual general session, and each day after that day, until midnight of the 45th day of the annual general session;
(ii) a special session day;
(iii) a veto override session day;
(iv) an interim day designated by the Legislative Management Committee;
(v) an authorized legislative training day; or
(vi) any other day on which a meeting of a committee, subcommittee, commission, task force, or other entity is held, if:
(A) the committee, subcommittee, commission, task force, or other entity is created by statute or joint resolution;
(B) the legislator's attendance at the meeting is approved by the Legislative Management Committee; and
(C) service and payment for service by the legislator is not in violation of the Utah Constitution, including Article V and Article VI, Sections 6 and 7.
(b) "Authorized legislative training day" means a day that a Legislative Expenses Oversight Committee designates as an authorized legislative day for training or informational purposes, including:
(i) chair training;
(ii) an issue briefing;
(iii) legislative leadership instruction;
(iv) legislative process training;
(v) legislative rules training;
(vi) new legislator orientation; or
(vii) another meeting to brief, instruct, orient, or train a legislator in relation to the legislator's official duties.
(c) "Legislator" means:
(i) a member of the Utah Senate;
(ii) a member of the Utah House of Representatives; or
(iii) an individual who has been elected as a member described in Subsection (1)(c)(i) or (ii), but has not yet been sworn in or begun the individual's term of office.
(d) "Retaliatory action" means to:
(i) dismiss the employee;
(ii) reduce the employee's compensation;
(iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;

(iv) fail to promote the employee if the employee would have otherwise been promoted; or
(v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
(2) Except as provided in Subsection (4), an institution of higher education and the board listed in Subsection 53H-1-102(1) that employs an individual who is a legislator:
(a) shall grant leave to the individual on an authorized legislative day for the number of hours requested by the individual;
(b) may not interfere with, or otherwise restrain the individual from, using the leave described in Subsection (2)(a); and
(c) may not take retaliatory action against the individual for using the leave described in Subsection (2)(a).
(3) The leave described in Subsection (2) is leave without pay unless the institution of higher education or the board and the individual described in Subsection (2) agree to terms that are more favorable to the individual.
(4) An institution of higher education or the board is not required to comply with Subsection (2) if the institution board of trustees of the institution of higher education determines that complying with the requirement would cause the institution of higher education significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the institution of higher education's operations.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-405 Degree-granting institution attorneys -- Appointment -- Duties.
(1) Recognizing the status of degree-granting institutions within the Utah System of Higher Education as bodies politic and corporate, the president of a degree-granting institution may appoint attorneys to:
(a) provide legal advice to the degree-granting institution; and
(b) coordinate legal affairs within the degree-granting institution.
(2) A degree-granting institution shall fund compensation costs and related office expenses for an attorney described in Subsection (1) within existing budgets.
(3) The board shall coordinate the activities of attorneys described in Subsection (1).
(4) To ensure alignment with the requirements described in Subsection (1), the board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
(a) define the scope of duties and responsibilities of attorneys; and
(b) provide guidance to presidents for establishing lines of accountability for attorneys.
(5) An attorney described in Subsection (1):
(a) may not:
(i) conduct litigation;
(ii) settle a claim covered by the State Risk Management Fund;
(iii) issue a formal legal opinion; or
(iv) serve in or exercise:
(A) a role outside the scope of authority that board rules described in Subsection (4) establish; or
(B) an administrative role, function, or office, except for a primarily legal or regulatory role or as outlined in the board's rules described in Subsection (4); and
(b) shall cooperate with the Office of the Attorney General in providing legal representation to a degree-granting institution.
(6) Notwithstanding Subsection (1), a president of a degree-granting institution may not appoint, contract, hire, or otherwise retain outside legal counsel for the purpose of prosecuting or

defending litigation without the written consent of the attorney general or the attorney general's designee.

Amended by Chapter 231, 2026 General Session

53H-3-406 Tenure -- Reporting.

(1) A president of a degree-granting institution, in consultation with the degree-granting institution's board of trustees, shall make policies:
  (a) related to tenure and post-tenure review; and
  (b) ensuring that the terms and conditions of tenured employment are stated in writing and provided to a faculty member.
(2) Tenure and post-tenure policies shall:
  (a) protect academic freedom in teaching, research, and in an individual's personal life;
  (b) require that a final award of tenure be approved by the president of the degree-granting institution offering the award of tenure, in consultation with the board of trustees of the degree-granting institution; and
  (c) comply with this section.
(3) A tenured faculty member may be dismissed from employment at a degree-granting institution:
  (a) for cause, including:
    (i) professional incompetence;
    (ii) serious misconduct or unethical behavior;
    (iii) legal misconduct substantially related to the performance of duties;
    (iv) serious violations of board or institution rules;
    (v) the conviction of a crime affecting the fitness of the tenured faculty member to engage in teaching, research, service, outreach, administration, or other assigned duties;
    (vi) falsified credentials or plagiarism; or
    (vii) inability or unwillingness to meet institutional expectations, including failure to address deficiencies outlined in a remediation plan following post-tenure review;
  (b) if the program in which the tenured faculty member works is discontinued by the degree-granting institution or modified to such a degree that the tenured faculty member's position is no longer needed; and
  (c) in the event of financial exigency of the degree-granting institution.
(4) Policies governing dismissal of a tenured faculty member for cause shall include, at a minimum:
  (a) notice to the tenured faculty member of the alleged cause, including any evidence supporting the allegation;
  (b) providing reasonable time and opportunity for the tenured faculty member to respond;
  (c) a hearing before an independent board of tenured faculty peers;
  (d) a written determination on the issue, including a determination of termination or continued employment; and
  (e) an appeals process ending with the final decision of the president of the degree-granting institution in consultation with the board of trustees of the degree-granting institution.
(5) A tenured faculty member who is being dismissed because the program in which the tenured faculty member works is discontinued or modified, as described in Subsection (3)(b), or in the event of financial exigency of the degree-granting institution, as described in Subsection (3)(c), shall receive severance in accordance with the terms of the tenured faculty member's employment contract.
(6) Nothing in this section prohibits a president of a degree-granting institution from creating additional policies and processes regarding discipline of a tenured faculty member.

(7) A degree-granting institution shall conduct, and a tenured faculty member shall receive:
(a) an annual performance review of the tenured faculty member's performance; and
(b) a post-tenure review, as described in Subsection (9).
(8) A president of a degree-granting institution shall ensure that each program or department at the degree-granting institution has policies describing the minimum performance of a tenured faculty member for use in a post-tenure review.
(9) A post-tenure review shall:
(a) be conducted by a committee of:
(i) tenured faculty member peers, appointed by the appropriate vice president at the degree-granting institution in consultation with the faculty member's department chair, including at least two individuals appointed from either a different department than the tenured faculty member going through post-tenure review, a different degree-granting institution than the tenured faculty member going through post-tenure review, or both; and
(ii) the provost or the provost's designee; and
(b) consist of a comprehensive review of the tenured faculty member's performance over the previous five years, including:
(i) teaching assessment, including student evaluations, for all courses taught;
(ii) the quality of the tenured faculty member's scholarly research;
(iii) service to the profession, school, or community;
(iv) annual performance reviews;
(v) intellectual property owned wholly or partly by, or commercialization efforts attributed to, the tenured faculty member;
(vi) the tenured faculty member's compliance with the degree-granting institution's policies regarding the responsibilities and ethical obligations of faculty members; and
(vii) any improvement plans for underperformance.
(10)
(a) If, following a post-tenure review, a tenured faculty member is found to not meet the standards established by the degree-granting institution, the degree-granting institution shall create a remediation plan to address deficiencies and a timeline by which the tenured faculty member is expected to address the deficiencies.
(b) A tenured faculty member who fails to address deficiencies as described in Subsection (10)(a) may be subject to disciplinary action from the degree-granting institution, including dismissal for cause, subject to the appeals process described in Subsection (4)(e).
(c) In consultation with the board of trustees, a president of a degree-granting institution who does not dismiss a tenured faculty member who fails to address deficiencies as described in Subsection (10)(a) shall justify in writing to the board why the tenured faculty member is not being dismissed.
(11) A president of a degree-granting institution shall provide an annual report to the board, no later than October 1 of each year, with the following information:
(a) the number of post-tenure reviews that took place at the degree-granting institution in the previous year;
(b) an analysis of scores from post-tenure reviews that took place in the previous year with personal information redacted;
(c) the number of post-tenure reviews from the previous year that resulted in a remediation plan;
(d) a qualitative summary of the types of remediation plans created in the previous year, including an average timeline by which tenured faculty members are expected to address deficiencies; and

(e) a summary of written justifications described in Subsection (10)(c), if any, with personal information redacted.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 5
Notifications and Disclosures

53H-3-501 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-3-502 Organ donation notification.

(1) As used in this section:
(a) "Donor" means the same as that term is defined in Section 26B-8-301.
(b) "Donor registry" means the same as that term is defined in Section 26B-8-301.
(2)
(a) An institution of higher education shall distribute, twice each academic year to each enrolled student:
(i) an electronic message notifying each student of the option to register as a donor by selecting the Internet link described in Subsection (2)(a)(ii); and
(ii) through the electronic message described in Subsection (2)(a)(i) an Internet link to a website for a donor registry established under Section 26B-8-319.
(b) An institution of higher education may also provide to students information on donor registry by other electronic, printed, or in-person means.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-503 Education loan notifications.

(1) As used in this section:
(a) "Borrower" means:
(i) an individual enrolled in an eligible postsecondary institution who receives an education loan; or
(ii) an individual, including a parent or legal guardian, who receives an education loan to fund education expenses of an individual enrolled in an eligible postsecondary institution.
(b) "Education loan" means a loan made to a borrower that is:
(i) made directly by a federal or state program; or
(ii) insured or guaranteed under a federal or state program.
(c) "Eligible postsecondary institution" means an entity that:
(i) is an institution of higher education or private postsecondary educational institution; and
(ii) participates in federal student assistance programs under the Higher Education Act of 1965, Title IV, 20 U.S.C. Sec. 1070 et seq.
(2) Annually, on or before July 1, an eligible postsecondary institution that receives information about a borrower's education loan shall:
(a) notify the borrower that the borrower has an education loan;

(b) direct the borrower to the National Student Loan Data System described in 20 U.S.C. Sec. 1092b to receive information about the borrower's education loan; and
(c) provide the borrower information on how the borrower can access an online repayment calculator.
(3) An eligible postsecondary institution does not incur liability for information provided to a borrower in accordance with this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-504 Disclosure requirements for institution programs.
(1) As used in this section:
(a) "Department" means the Department of Workforce Services.
(b) "Job placement data" means information collected by the board, and based on information from the department, that reflects the job placement rate and industry employment information for a student who graduates from a program.
(c)
(i) "Program" means a program of organized instruction or study at an institution that leads to:
(A) an academic degree;
(B) a professional degree;
(C) a vocational degree;
(D) a certificate of one year or greater or the direct assessment equivalent; or
(E) another recognized educational credential.
(ii) "Program" includes instruction or study that, in lieu of time as a measurement for student learning, utilizes direct assessment of student learning, or recognizes the direct assessment of student learning by others, if the assessment is consistent with the accreditation of the institution or program utilizing the results of the assessment.
(d) "Student loan information" means the percentage of students at an institution who:
(i) received a Title IV loan authorized under:
(A) the Federal Perkins Loan Program;
(B) the Federal Family Education Loan Program; or
(C) the William D. Ford Direct Loan Program; and
(ii) fail to pay a loan described in Subsection (1)(e)(i)(A), (B), or (C).
(e) "Total costs" means:
(i) the estimated costs a student would incur while completing a program, including:
(A) tuition and fees; and
(B) books, supplies, and equipment; and
(ii) calculated based on a student's degree, the institution's average costs that would be incurred while a student completes a program and are subsidized by taxpayer contribution, including:
(A) tuition and fees; and
(B) other applicable expenses subsidized by taxpayer contribution for program completion.
(f) "Wage data" means information collected by the board, and based on information from the department, that reflects a student's wage the first year and fifth year after a student has successfully completed a program.
(2)
(a) Except as provided in Subsection (4), for each program listed in an institution's course catalog or each program otherwise offered by the institution, the institution shall provide a

conspicuous and direct link on the institution's website, subject to Subsection (2)(b), to the following information maintained by the board in accordance with Subsection (3):
(i) job placement data;
(ii) to the extent supporting data is available, student loan information;
(iii) total costs; and
(iv) wage data.
(b) An institution shall include the information described in Subsection (2)(a) on each institutional website that includes academic, cost, financial aid, or admissions information for a program.
(3) The commissioner, under the board's direction, shall:
(a) collect the information described in Subsection (2)(a);
(b) develop through user testing a format for the display of information described in Subsection (2)(a) that is easily accessible and informative; and
(c) maintain the information described in Subsection (2)(a) so that it is current.
(4) An institution is not subject to Subsection (2) for a program that the institution is required to report on under 34 C.F.R. Sec. 668.412.
(5) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for the implementation and administration of this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-505 Health insurance mandates.

An institution of higher education shall include in a health plan it offers to the institution of higher education's employees insurance mandates in accordance with Section 31A-22-605.5.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 6
Institutional Programs and Courses of Study

53H-3-601 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-3-602 Establishment of institutional roles and general courses of study -- Regional alignment.

(1) Except as institutional roles are specifically assigned by the Legislature, the board:
(a) shall establish and define the roles of the various institutions of higher education; and
(b) shall, within each institution of higher education's primary role, prescribe the general course of study to be offered at the institution of higher education, including for:
(i) research universities, which provide undergraduate, graduate, and research programs and include:
(A) the University of Utah; and
(B) Utah State University;

(ii) regional universities, which provide career and technical education, undergraduate associate and baccalaureate programs, and select master's degree programs to fill regional demands and include:
(A) Weber State University;
(B) Southern Utah University;
(C) Utah Tech University; and
(D) Utah Valley University;
(iii) comprehensive community colleges, which provide associate programs and include:
(A) Salt Lake Community College; and
(B) Snow College; and
(iv) technical colleges and degree-granting institutions that provide technical education, and include:
(A) each technical college; and
(B) the degree-granting institutions described in Section 53H-3-608.

(2)
(a) Except for the University of Utah, and subject to Subsection (2)(b), each institution of higher education described in Subsections (1)(b)(i) through (iii) has career and technical education included in the institution of higher education's primary role.
(b) The board shall determine the extent to which an institution described in Subsection (2)(a) provides career and technical education within the institution's primary role.

(3) The board shall further clarify each institution of higher education's primary role by clarifying:
(a) the level of program that the institution of higher education generally offers, in accordance with Subsection 53H-3-603(3);
(b) broad fields that are within the institution of higher education's mission; and
(c) any special characteristics of the institution of higher education, such as being a land grant university.

(4) The board shall:
(a)
(i) organize the institutions described in Subsection (1) into regions that include at least one degree-granting institution and one technical college in each region; and
(ii) report to the Higher Education Appropriations Subcommittee by August 2026, regarding the organization described in Subsection (4)(a)(i);
(b) facilitate the horizontal and vertical integration of the institutions of higher education in accordance with this Subsection (4);
(c) ensure that the vertical integration of institutions described in Subsection (4)(a) provides:
(i) articulated programs that guarantee specific courses or credits transfer through course equivalencies for general education, majors, and minors, making the transfer process predictable and reducing credit loss;
(ii) stackable programs that sequentially build upon prior learning to reflect an accumulated set of knowledge and skills;
(iii) integrated admission and enrollment;
(iv) integrated student services; and
(v) opportunities to leverage shared administrative services;
(d) in establishing and defining missions and roles under this section, identify opportunities for cross-regional and statewide horizontal integration of institutions described in Subsection (4)(a) that promote financial efficiencies and quality and attainable programming by leveraging and aligning:
(i) shared academic programs;

(ii) academic program and degree specialization; and
(iii) for research institutions, research opportunities; and
(e) consult with faculty, staff, and students while developing and implementing the integration process described in this Subsection (4).

Amended by Chapter 191, 2026 General Session

53H-3-603 Changes in curriculum -- Substantial alterations in institutional operations -- Program approval -- Periodic review of programs -- Career and technical education curriculum changes.

(1) As used in this section, "program of instruction" means a program of curriculum that leads to the completion of a degree, diploma, certificate, or other credential.
(2)
(a) Under procedures and policies approved by the board and developed in consultation with each institution of higher education, each institution of higher education may make such changes in the institution of higher education's curriculum as necessary to better effectuate the institution of higher education's primary role; and
(b) subject to Subsection (2)(a), an institution of higher education's faculty shall establish and have primary responsibility for the curriculum of a course within a program of instruction at the institution.
(3) The board shall establish criteria for whether an institution of higher education may approve a new program of instruction, including criteria related to whether:
(a) the program of instruction meets identified workforce needs;
(b) the institution of higher education is maximizing collaboration with other institutions of higher education to provide for efficiency in offering the program of instruction;
(c) the new program of instruction is within the institution of higher education's mission and role; and
(d) the new program of instruction meets other criteria determined by the board.
(4)
(a) Except as board policy permits, an institution of higher education may not establish a branch, extension center, college, or professional school.
(b) The president of an institution of higher education may, with the approval of the institution of higher education's board of trustees, establish a new program of instruction that meets the criteria described in Subsection (3), subject to board review for pathway articulation.
(c) An institution of higher education shall notify the board of a proposed new program of instruction, including how the proposed new program of instruction meets the criteria described in Subsection (3).
(d) The board shall establish procedures and guidelines for institutional boards of trustees to consider an institutional proposal for a new program of instruction described in Subsection (4)(b).
(5)
(a)
(i) Except as provided in Subsection (5)(a)(ii), a degree-granting institution may not offer a degree with a credit-hour requirement, comprising general education and degree-specific requirements, that exceeds 120 total credit hours.
(ii) The board may authorize a degree-granting institution to exceed the credit-hour limit described in Subsection (5)(a)(i) if the relevant degree:
(A) is required for professional licensure; or

(B) has a nationally recognized accreditation standard that mandates a higher credit-hour minimum, including circumstances where additional coursework is necessary to protect public health, safety, and welfare.

(b) The board shall develop a process to grant conditional approval of accelerated three-year degrees to allow for the implementation of an accelerated degree upon accreditation.

(6) The president of an institution of higher education may discontinue a program of instruction in accordance with criteria that the president and the institution of higher education's board of trustees establish.

(7)

(a) The board shall conduct a periodic review of all new programs of instruction, including those funded by gifts, grants, and contracts, no later than two years after the first cohort to begin the program of instruction completes the program of instruction.

(b) The board may conduct a periodic review of any program of instruction at an institution of higher education, including a program of instruction funded by a gift, grant, or contract.

(c) The board shall conduct:

(i) at least once every five years, at least one review described in Subsection (7)(b) of each program of instruction at each institution; and

(ii) annually, a qualitative and quantitative review of academic disciplines across the system, including enrollment, graduation rates, and workforce placement, ensuring that the board conducts a review of all disciplines within the system at least once every five years.

(d) Following a review described in this Subsection (7) that finds that a program is underperforming, as the board defines, across the system of higher education or at an individual institution, and after providing the relevant institution of higher education an opportunity to respond to the board's review of a given program of instruction, the board:

(i) shall modify, consolidate, or terminate the program of instruction; and

(ii) may require an institution to develop a performance improvement plan and annually report back to the board regarding the plan.

(e) The board shall:

(i) develop qualitative and quantitative standards for program review under this Subsection (7); and

(ii) ensure the application of the standards the board develops under Subsection (7)(e)(i) in each program review.

(8) In making decisions related to career and technical education curriculum changes, the board shall coordinate, on behalf of the boards of trustees of higher education institutions, a review of the proposed changes by the State Board of Education to ensure an orderly and systematic career and technical education curriculum that eliminates overlap and duplication of course work with high schools and technical colleges.

(9) The board shall demonstrate compliance with Subsection (7) by:

(a) creating a list of programs and corresponding review schedules;

(b) upon request of the Higher Education Appropriations Subcommittee, providing the list described in Subsection (9)(a); and

(c) providing a written report on or before October 1 to the Higher Education Appropriations Subcommittee of each year regarding relevant findings from the reviews conducted under Subsection (7).

(10) On or before October 1, 2026, if the Higher Education Appropriations Subcommittee finds the board to be out of compliance with Subsection (9), the Legislature shall:

(a) deduct 10% of the appropriation described in Section 53H-8-302 for the following fiscal year; and

(b) deduct an additional 10% of the appropriation described in Section 53H-8-302 for each subsequent year of noncompliance up to a maximum deduction of 30%.

Amended by Chapter 231, 2026 General Session

53H-3-604 Common course numbering -- Transferability of credits -- Agreement with competency-based general education provider -- Policies.

(1) As used in this section:

(a) "Accredited institution" means an institution that:

(i) offers a competency-based postsecondary general education course online or in person; and

(ii) is accredited by an organization that the United States Department of Education recognizes.

(b) "Articulation agreement" means an agreement between the board and a provider that allows a student to transfer credit awarded by the provider for a general education course to any institution of higher education.

(c) "Competency-based" means a system where a student advances to higher levels of learning when the student demonstrates competency of concepts and skills regardless of time, place, or pace.

(d) "Competency-based general education provider" or "provider" means a private postsecondary educational institution that:

(i) offers a postsecondary competency-based general education course online or in person;

(ii) awards academic credit; and

(iii) does not award degrees, including associates degrees or baccalaureate degrees.

(e) "Credit for prior learning" means the same as that term is defined in Section 53H-3-702.

(2) The board shall:

(a) facilitate articulation and the seamless transfer of courses, programs, and credit for prior learning within the Utah System of Higher Education;

(b) provide for the efficient and effective progression and transfer of students within the Utah System of Higher Education;

(c) avoid the unnecessary duplication of courses, including for a student who transfers from an institution external to the Utah System of Higher Education described in Section 53H-1-102;

(d) communicate ways in which a student may earn credit for prior learning;

(e) ensure an institution informs a student of the student's options for appealing a decision related to the transfer and acceptance of credits; and

(f) allow a student to proceed toward the student's educational objectives as rapidly as the student's circumstances permit.

(3) The board shall develop, coordinate, and maintain a transfer and articulation system that:

(a) maintains a course numbering system that assigns common numbers to specified courses of similar level with similar curricular content, rigor, and standards;

(b) allows a student to track courses that transfer among institutions of higher education;

(c) allows a student to transfer courses from a provider with which the board has an articulation agreement to any institution of higher education;

(d) allows a student to transfer competency-based general education courses from an accredited institution to an institution of higher education;

(e) improves program planning;

(f) increases communication and coordination between institutions of higher education;

(g) facilitates student acceleration and the transfer of students and credits between institutions of higher education; and

(h) if the system includes a software or data tool:

(i) provides predictive analysis that models probabilities of student success; and
(ii) develops tailored strategies to best support students.

(4)
(a) The board shall identify general education courses in the humanities, social sciences, arts, physical sciences, and life sciences with uniform prefixes and common course numbers.
(b) A degree-granting institution shall annually identify institution courses that satisfy requirements of courses described in Subsection (4)(a).
(c) A degree-granting institution shall accept a course described in Subsection (3)(c), (3)(d), or (4)(a) toward filling specific area requirements for general education or lower division courses that transfer to baccalaureate majors.

(5)
(a) The board shall:
(i) identify technical education programs with common names, descriptions, lengths, and objectives; and
(ii) within technical education programs, common course names, descriptions, length, and objectives, allow for customization of electives to meet regional industry demand.
(b) The commissioner shall appoint committees of faculty members from technical education committees to recommend aligned programs and courses that will satisfy graduation requirements.

(6)
(a) The board shall identify common prerequisite courses and course substitutions for degree programs across degree-granting institutions.
(b) The commissioner shall appoint committees of faculty members from the degree-granting institutions to recommend appropriate courses of similar content and numbering that will satisfy requirements for lower division courses that transfer to baccalaureate majors.
(c) A degree-granting institution shall annually identify institution courses that satisfy requirements of courses described in Subsection (6)(a).
(d) A degree-granting institution shall accept a course described in Subsection (3)(c), (3)(d), or (6)(a) toward filling graduation requirements.

(7)
(a)
(i) The board shall seek proposals from providers to enter into articulation agreements.
(ii) A proposal described in Subsection (7)(a)(i) shall include the general education courses that the provider intends to include in an articulation agreement.
(b) The board shall:
(i) evaluate each general education course included in a proposal described in Subsection (7)(a) to determine whether the course is equally rigorous and includes the same subject matter as the equivalent course offered by any institution of higher education; and
(ii) if the board determines that a course included in a provider's proposal is equally rigorous and includes the same subject matter as the equivalent course offered by any institution of higher education, enter into an articulation agreement with the provider.

(8) The board shall establish policies to administer the policies and requirements described in this section.

(9) The board shall include information demonstrating that institutions of higher education are complying with the provisions of this section and the policies established in accordance with Subsection (8) in the annual report described in Section 53H-1-203.

Amended by Chapter 192, 2026 General Session

53H-3-605 Granting of degrees, diplomas, or certifications -- Board approval -- Termination of previous approval.

(1)
(a) An institution of higher education may not issue a degree, diploma, or certificate outside of the institution of higher education's primary role, as described in Section 53H-3-602, unless the institution of higher education receives approval from the board of the adequacy of the study for which the degree, diploma, or certificate is offered.
(b) A student shall demonstrate a reasonable understanding of the following before receiving a bachelor's degree or teaching credential:
(i) the history, principles, form of government, and economic system of the United States; and
(ii) the fundamental role of religion in United States history and the primacy of religious liberty to American constitutional government.
(2) Degrees, diplomas, and certificates issued before the effective date of this section do not require board approval.
(3) The board may terminate the granting of previously approved degrees, diplomas, and certificates if the degrees, diplomas, or certificates are inconsistent with the primary role prescribed by the board for the affected institution of higher education.

Amended by Chapter 435, 2026 General Session

53H-3-606 Pathways development.

(1) The board shall develop and implement a plan that creates clear educational pathways:
(a) from a technical college to a degree-granting institution;
(b) in course work leading to a qualifying job or a qualifying degree as described in Section 53H-11-415; and
(c) for high schools that offer criminal justice or protective services pathways programs, including information on:
(i) available concurrent enrollment classes in subjects described in Section 53H-11-403; and
(ii) scholarship opportunities for careers as peace officers as defined in Section 53H-11-306.
(2) The plan shall maximize efficiencies in transferring earned credit and help align academic programs with workforce needs.
(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules necessary to establish:
(a) a plan described in this section; and
(b) the job requirements related to regional pathway coordinators funded by the Legislature related to this section and as described in Subsection (4).
(4) Under the direction of the Office of the Commissioner of Higher Education, regional pathway coordinators shall:
(a) collaborate with regional secondary and postsecondary professionals in:
(i) concurrent enrollment;
(ii) career and technical education; and
(iii) workforce development;
(b) coordinate regional responsibilities with the professionals described in Subsection (4)(a) for programming that aligns work between:
(i) the statewide college and career mapping efforts;
(ii) the Utah First Credential program described in Section 53E-10-310; and
(iii) related pathway initiatives, including those described in this section;

(c) support implementation of:
(i) the Utah First Credential program described in Section 53E-10-310; and
(ii) future programming aligned with updates related to and within the Utah First Credential program described in Section 53E-10-310;
(d) as the Office of the Commissioner of Higher Education requests, contribute to the development of:
(i) the Utah First Credential Master Plan described in Section 53E-10-310;
(ii) the master credential list described in Section 53E-10-310; and
(iii) related Utah First Credential program elements described in Section 53E-10-310, including:
(A) alignment of the first credential framework with college and career mapping;
(B) regional needs assessments;
(C) landscape analyses;
(D) definitions and assessment tools; and
(E) statewide reporting frameworks; and
(e) provide required reporting on institutional and regional outcomes related to key performance indicators the Office of the Commissioner of Higher Education establishes.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-607 Courses offered through the Statewide Online Education Program.

An institution of higher education listed in Section 53H-1-102 may offer a secondary school level course through the Statewide Online Education Program in accordance with Section 53F-4-504.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-608 Geographic service areas for degree-granting institutions that provide technical education.

(1) A degree-granting institution of higher education provides technical education in the geographic areas of the state described in this section.
(2)
(a) The Snow College Richfield campus, described in Section 53H-4-502, provides technical education for the geographic area encompassing:
(i) the Juab School District;
(ii) the Millard School District;
(iii) the Tintic School District;
(iv) the North Sanpete School District;
(v) the South Sanpete School District;
(vi) the Wayne School District;
(vii) the Piute School District; and
(viii) the Sevier School District.
(b) A Utah State University regional institution, as defined in Section 53H-4-303, provides technical education for the geographic area encompassing:
(i) for Utah State University Eastern, described in Section 53H-4-303:
(A) the Carbon School District; and
(B) the Emery School District;
(ii) for Utah State University Blanding, described in Section 53H-4-303, the San Juan School District; and
(iii) for Utah State University Moab, described in Section 53H-4-303, the Grand School District.

(c) Salt Lake Community College provides technical education for the geographic area encompassing:
(i) the Salt Lake City School District;
(ii) the Granite School District;
(iii) the Murray School District;
(iv) the Canyons School District; and
(v) the Jordan School District.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-609 Degree-granting institutions that provide technical education -- Duties -- Board evaluation.

(1) A degree-granting institution described in Section 53H-3-608:
(a) shall:
(i) fulfill the technical college duties described in Subsections 53H-3-1203(1) and (2); and
(ii) report annually to the board on:
(A) the status of technical education in the degree-granting institution's service area; and
(B) student tuition and fees for the technical education programs provided by the degree-granting institution; and
(b) may not exercise any jurisdiction over career and technical education provided by a school district or charter school independently of the school district or charter school.
(2) The board shall monitor and evaluate the impact of degree programs on technical education provided by a degree-granting institution described in Section 53H-3-608.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-610 Incorporation of seminal documents in writing courses.

(1) As used in this section:
(a) "Founding documents" means primary source documents that are foundational to the establishment and development of the United States of America, including:
(i) the Declaration of Independence;
(ii) the United States Constitution;
(iii) the Federalist Papers;
(iv) the Bill of Rights; and
(v) other documents identified by the board as foundational to American constitutional history.
(b) "Presidential speeches" means speeches, addresses, or written messages by presidents of the United States that address matters of national significance or articulate principles of governance.
(c) "Seminal documents" means primary source documents of enduring significance to American history, government, or civic discourse, including:
(i) founding documents;
(ii) presidential speeches;
(iii) Supreme Court opinions that establish major constitutional principles; and
(iv) other historical documents identified by the board that have shaped American institutions or democratic traditions.
(d) "Writing course" means a general education course in which the primary focus is the development of writing skills and that awards credit toward fulfilling the written communication requirement described in board policy.

(2) Beginning in the 2026-27 academic year, the board shall establish a policy that:
(a) requires an institution of higher education to incorporate seminal documents into writing courses where the institution and the course instructor determine the incorporation is appropriate and advances the learning objectives of the course;
(b) encourages analytical writing assignments that use seminal documents as primary sources to develop a student's skills in:
(i) close reading of primary source texts;
(ii) analysis of historical and rhetorical context;
(iii) synthesis of multiple sources; and
(iv) evidence-based argumentation;
(c) preserves the discretion of institutions of higher education and faculty members to:
(i) determine when and how to incorporate seminal documents into writing courses;
(ii) select specific seminal documents appropriate to course objectives;
(iii) design assignments that align with course objectives and student learning outcomes; and
(iv) determine the format, length, and scope of number of assignments using seminal documents; and
(d) maintains genre diversity in writing instruction by ensuring multiple forms of writing are taught, including:
(i) narrative and creative writing;
(ii) technical and professional writing;
(iii) research writing;
(iv) digital and multimodal composition; and
(v) other genres appropriate to course objectives.
(3) The board may compile and maintain a list of seminal documents that institutions and instructors may reference when incorporating seminal documents into writing courses.
(4) Beginning in the 2026-27 academic year, an institution of higher education may voluntarily adopt structured writing course requirements similar to the following requirements:
(a) incorporate seminal documents as described in this section;
(b) require students to complete at least three analytical writing assignments that use seminal documents as primary sources for analysis;
(c) emphasize foundational thinking and communication skills through close reading and analysis of primary texts, consistent with Subsection 53H-4-307.5(3)(c)(ii);
(d) encourage the use of seminal documents for additional writing assignments, class discussions, and other pedagogical purposes beyond the minimum requirements described in this Subsection (4);
(e) integrate, where appropriate, primary texts and source materials described in Subsections 53H-4-307.5(3)(c)(iii) and 53H-4-307.5(3)(d)(iii); and
(f) develop in students the capacity to engage with complex texts, analyze historical and rhetorical contexts, and articulate evidence-based arguments in writing.
(5) The board shall find an institution of higher education that adopts structured requirements under Subsection (4) as in compliance with the policy established under Subsection (2).

Enacted by Chapter 182, 2026 General Session

Part 7
Credit for Prior Learning and Military Service

53H-3-701 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-3-702 Credit for prior learning -- Board plan and policies -- Reporting.

(1) As used in this section:

(a) "Credit for prior learning" means credit awarded by an institution to a student who demonstrates, through a prior learning assessment, that the student's prior learning meets college-level competencies.

(b) "International Baccalaureate programme" means an International Baccalaureate Secondary Education programme course that:

(i) the International Baccalaureate establishes; and

(ii)

(A) an International Baccalaureate diploma candidate takes;

(B) an International Baccalaureate career candidate takes; or

(C) an International Baccalaureate course student, who is not a candidate under Subsection (1)(c)(ii)(A) or (B), takes.

(c) "International Baccalaureate programme subject score" means the total points the International Baccalaureate awards to a student for an International Baccalaureate programme course based on fulfillment of all subject requirements, including the end-of-course examination and externally assessed coursework.

(d) "Prior learning" means knowledge, skills, or competencies acquired through formal or informal education outside the traditional postsecondary academic environment.

(e) "Prior learning assessment" means a method of evaluating or assessing an individual's prior learning.

(2) The board shall develop a plan for advising and communicating with students and the public about credit for prior learning.

(3)

(a) The board shall establish policies that provide minimum standards for all institutions regarding:

(i) accepted forms of prior learning assessments;

(ii) awarding credit for prior learning;

(iii) transferability of credit for prior learning between institutions;

(iv) transcription of credit for prior learning;

(v) institutional procedures for maintaining transparency and consistency in awarding credit for prior learning;

(vi) communication to faculty, advisors, current students, and prospective students regarding standards and costs related to credit for prior learning and prior learning assessments;

(vii) required training of faculty and advisors on prior learning assessment standards and processes; and

(viii) portfolio-specific prior learning assessments.

(b) The board shall ensure that accepted forms of prior learning assessments described in Subsection (3)(a) include:

(i) program evaluations, completed by an institution, of noncollegiate programs or training courses to recognize proficiencies;

(ii) nationally recognized, standardized examinations, including:

(A) Advanced Placement examinations;
(B) College Level Exam Program general examinations;
(C) College Level Exam Program subject examinations; and
(D) DANTES Subject Standardized Tests;
(iii) International Baccalaureate programme subject scores;
(iv) customized examinations offered by an institution to verify an individual's learning achievement that may include course final examinations or other examinations that assess general disciplinary knowledge or skill;
(v) evaluations of corporate or military training; and
(vi) assessments of individuals' portfolios.

(4)
(a) The board shall establish minimum scores and maximum credit for each standardized examination described in Subsection (3)(b)(ii).
(b) An institution shall award credit to a student who demonstrates competency by passing a standardized examination described in Subsection (3)(b)(ii) unless the award of credit duplicates credit already awarded.

(5) For purposes of Subsection (3)(b)(iii), all institutions shall award credit to a student who receives an International Baccalaureate programme subject score of four or higher for an International Baccalaureate programme course unless the award of credit duplicates credit an institution already awarded.

(6) The board shall, through committees that the board authorizes, consult with the Utah Association of IB World Schools and school International Baccalaureate program coordinators to align International Baccalaureate programme subject scores with commonly numbered institution of higher education courses to satisfy general education requirements or major requirements.

(7) The board shall:
(a) create and maintain a website that provides statewide information on prior learning assessments and credit for prior learning; and
(b) maintain software or data tools to support the board in:
(i) implementing the plan described in Subsection (2); and
(ii) fulfilling the board's requirements described in Section 53H-3-604.

(8) An institution shall annually report to the board on:
(a) each form of prior learning assessment for which the institution provides credit for prior learning; and
(b) the total amount of credit for prior learning the institution provides to students.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-703 Credit for military service and training -- Notification -- Transferability -- Reporting.

(1) As used in this section, "credit" includes proof of equivalent noncredit course completion awarded by a technical college.

(2) An institution of higher education listed in Section 53H-1-102 shall provide written notification to each student applying for admission that the student is required to meet with a college counselor in order to receive credit for military service and training as recommended by a postsecondary accreditation agency or association designated by the board if:
(a) credit for military service and training is requested by the student; and

(b) the student has met with an advisor at an institution of higher education listed in Section 53H-1-102 at which the student intends to enroll to discuss applicability of credit to program requirements, possible financial aid implications, and other factors that may impact attainment of the student's educational goals.

(3) Upon transfer within the state system of higher education, a student may present a transcript to the receiving institution of higher education for evaluation and to determine the applicability of credit to the student's program of study, and the receiving institution of higher education shall evaluate the credit to be transferred in accordance with Subsection (2) and the policies described in Section 53H-3-702.

(4) The board shall annually report the number of credits awarded under this section by each institution of higher education to the Department of Veterans and Military Affairs.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 8
Formation of Non-Profit Corporations and Foundations

53H-3-801 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-3-802 Formation of non-profit corporations or foundations.

(1) An institution of higher education described in Section 53H-1-102 may form a non-profit corporation or foundation to aid or assist the institution of higher education, within the institution of higher education's mission and role described in Section 53H-3-602, in meeting the institution of higher education's charitable, scientific, literary, research, educational, or other objectives.

(2) The board and the president of the institution of higher education control a nonprofit corporation or foundation described in Subsection (1).

(3) A nonprofit corporation or foundation described in Subsection (1) may receive and administer:

(a) legislative appropriations;

(b) government grants;

(c) private contracts; or

(d) private gifts.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 9
Enforcement of Regulations at Institutions

53H-3-901 General provisions -- Definitions.

(1) It is the purpose of this part to confirm and clarify the power vested in the board to pass rules and regulations governing parking and traffic on campuses and related facilities and to enforce the rules and regulations by all appropriate methods.

(2) The board may delegate authority granted under this part to the president of each institution so long as the rules and regulations are approved by the institution's board of trustees.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-902 Power of board and institutions to adopt rules and enact regulations.

(1) As used in this section, "face covering" means the same as that term is defined in Section 53G-9-210.

(2)

(a) The board may enact regulations governing the conduct of university and college students, faculty, and employees.

(b) A president in consultation with the board of trustees, may enact policies governing the conduct of university and college students, faculty, and employees.

(3)

(a) An institution may enact traffic, parking, and related policies governing all individuals on campus and facilities owned or controlled by the institution.

(b)

(i) The board and an institution may not require proof of vaccination as a condition for enrollment or attendance within the system of higher education unless the board or an institution allows for the following exemptions:

(A) a medical exemption if the student provides to the institution a statement that the claimed exemption is for a medical reason; and

(B) a personal exemption if the student provides to the institution a statement that the claimed exemption is for a personal or religious belief.

(ii) An institution that offers both remote and in-person learning options may not deny a student who is exempt from a requirement to receive a vaccine under Subsection (3)(b)(i) to participate in an in-person learning option based upon the student's vaccination status.

(iii) Subsections (3)(b)(i) and (ii) do not apply to a student studying in a medical setting at an institution of higher education.

(iv) Nothing in this section restricts a state or local health department from acting under applicable law to contain the spread of an infectious disease.

(c)

(i) The board or an institution may not require an individual to wear a face covering as a condition of attendance for in-person instruction, institution-sponsored athletics, institution-sponsored extracurricular activities, in dormitories, or in any other place on a campus of an institution within the system of higher education at any time after the end of the spring semester in 2021.

(ii) Subsection (3)(c)(i) does not apply to an individual in a medical setting at an institution of higher education.

(4) The board shall enact regulations that require all testimony be given under oath during an employee grievance hearing for a non-faculty employee of an institution of higher education if the grievance hearing relates to the non-faculty employee's:

(a) demotion; or

(b) termination.

(5) Acknowledging that the Legislature has the authority to regulate, by law, firearms at higher education institutions, the board may:

(a) authorize higher education institutions to establish no more than one secure area at each institution as a hearing room in accordance with Section 76-8-311.1, but not otherwise restrict the lawful possession or carrying of firearms; and
(b) authorize a higher education institution to make a policy that allows a resident of a dormitory located at the institution to request only roommates who choose not to possess firearms in the resident's dorm that the roommates may otherwise lawfully possess in the dormitory.
(6) In addition to the requirements and penalty prescribed in Sections 76-8-311.1 and 76-8-311.2, the board shall make rules to ensure:
(a) the use of reasonable means such as mechanical, electronic, x-ray, or similar devices, to detect firearms, ammunition, or dangerous weapons contained in the personal property of or on the person of any individual attempting to enter a secure area hearing room;
(b) that an individual required or requested to attend a hearing in a secure area hearing room is notified in writing of the requirements related to entering a secure area hearing room under this Subsection (6)(b) and Section 76-8-311.1;
(c) that the restriction of firearms, ammunition, or dangerous weapons in the secure area hearing room is in effect only during the time the secure area hearing room is in use for hearings and for a reasonable time before and after the hearing; and
(d) the application of reasonable space limitations to the secure area hearing room as the number of individuals involved in a typical hearing warrants.
(7) The board and institutions may enforce the rules, regulations, and policies described in this section in any reasonable manner, including the assessment of fees, fines, and forfeitures, through:
(a) withholding from money owed the violator;
(b) the imposition of probation, suspension, or expulsion from the institution;
(c) the revocation of privileges;
(d) the refusal to issue certificates, degrees, and diplomas;
(e) judicial process; or
(f) any reasonable combination of the alternatives described in this Subsection (7).

Amended by Chapter 171, 2026 General Session

53H-3-903 Establishment of police or security departments.

An institution's president may establish and maintain police or security departments for the purpose of enforcing the regulations of each institution of higher education and the laws of the state.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-904 Appointment of police or security personnel -- Powers.

(1) An institution shall appoint members of the police or security department of the institution.
(2) Upon appointment, members described in Subsection (1) are peace officers and have all the powers of police in cities and of sheriffs, including the power to make arrests on view or on warrant of violation of state statutes and city or county ordinances.
(3) Members of the police or security department of any institution also have the power to enforce all rules and regulations that the institution or the board promulgates as related to the institution.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-905 Criminal and traffic laws in full force and effect.

(1) All of the criminal laws of this state, including the traffic laws, are in full force and effect on the campuses of institutions of higher education and upon all other property or facilities owned by the institutions or operated or controlled by the governing board of the institution.

(2)

(a) An institution of higher education is a "political subdivision" and the board of trustees is a "local authority."

(b) All streets, roadways, alleys, and parking lots on property owned or controlled by an institution of higher education are "streets or highways" as these terms are used in Title 41, Chapter 6a, Traffic Code.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-906 Traffic violations -- Notice of rule or regulation.

(1) It is a violation of this section for any person to operate or park a vehicle upon any property owned or controlled by an institution of higher education contrary to posted signs authorized by the published rules and regulations of the institution or to block or impede traffic through or on any of these properties.

(2) A violation of Subsection (1) is an infraction.

(3) Notice of a rule or regulation to all persons is sufficient if the rule or regulation is published in one issue of a newspaper of general circulation in the county or counties in which the institution and the campus or facility is located.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-907 Violation of part a misdemeanor.

A violation of this part is a class B misdemeanor.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-908 Jurisdiction of district and justice courts.

Any district court or any justice court of any city or county in which property owned or controlled by a state institution of higher education is located has jurisdiction to hear and determine cases involving an alleged violation of this part.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-909 Fines and forfeitures -- Disposition.

All fines and forfeitures collected by any justice court judge and one-half of all the fines and forfeitures collected by the clerk of any district court for a violation of any of this part are remitted to the state treasurer to be credited to the general operating fund of the institution of higher education complaining of the violation.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 10

Internships

53H-3-1001 General provisions -- Definitions.

As used in this part:

(1)

(a) "Cooperating employer" means a public or private entity which, as part of a work experience and career exploration program offered through an institution of higher education, provides interns with training and work experience in activities related to the entity's ongoing business activities.

(b) "Cooperating employer" also means an institution of higher education that provides the work experience segment of an intern's work experience and career exploration program.

(2) "Institution of higher education" means any:

(a) component of the state system of higher education, described in Section 53H-1-102, that is authorized by the board to offer internship programs; and

(b) private postsecondary educational institution which offers internship programs under this part.

(3) "Intern" means a student enrolled in a work experience and career exploration program under Section 53H-3-1002:

(a) that an institution of higher education sponsors;

(b) involves both classroom instruction and work experience with a cooperating employer; and

(c) for which the student receives no compensation.

(4) "Internship" means the work experience segment of an intern's work experience and career exploration program that:

(a) an institution of higher education sponsors under a written agreement with a cooperating employer; and

(b) an intern performs under the direct supervision of a cooperating employer.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-1002 Higher education internships.

An institution of higher education may offer internships in connection with work experience and career exploration programs operated in accordance with rules of the board.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-1003 Interns -- Workers' compensation medical benefits -- Risk management.

(1) An intern participating in an internship under Section 53H-3-1002 is considered to be a volunteer worker of the sponsoring institution of higher education solely for purposes of:

(a) receiving workers' compensation medical benefits; and

(b) coverage by the Risk Management Fund created in Section 63A-4-201.

(2) Receipt of medical benefits under Subsection (1) shall be the exclusive remedy against the institution and the cooperating employer for all injuries and occupational diseases as provided under Title 34A, Chapter 2, Workers' Compensation Act, and Chapter 3, Utah Occupational Disease Act.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-1004 Internship programs -- Criminal background checks.

An institution of higher education shall require an officer or employee of the institution or a cooperating employer, who will be given significant unsupervised access to a minor student in connection with the student's activities as an intern, to submit to a criminal background check on the same basis as a volunteer under Section 53G-11-402.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-1005 Recognition of participation in internship program.

A cooperating employer may:

(1) be given appropriate recognition by an institution of higher education, including the posting of the employer's name and a short description of the employer's business in an appropriate location on the institution's property; or

(2) be given publication of that information in official publications of the institution.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 11
Community Colleges

53H-3-1101 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-3-1102 Curricula at the community colleges.

(1) The curricula at the colleges shall include career and technical education, courses of a general nature which can be transferred to other higher education institutions, adult and continuing education, and developmental education.

(2) The colleges also provide needed community service.

(3)

(a) Career and technical education continues as the highest priority role of the colleges.

(b) To ensure continued emphasis of career and technical education, the board shall develop specific funding mechanisms which will maintain the high priority treatment of these programs and address the fact that many vocational programs are more costly than general education or transfer programs.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-1103 Qualifications for entrance to community colleges -- Preference to veterans.

(1) A community college shall give enrollment preference to veterans who furnish proof of other than a dishonorable discharge from the armed forces of the United States.

(2) Admission at a community college is based upon an individual's interest, ability, and potential for the desired occupational area and payment of the required tuition or fee.

(3) A community college may not deny admission on the basis of an individual's previous schooling or training.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 12
Technical Colleges

53H-3-1201 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-3-1202 Technical colleges service areas.

The technical colleges described in Subsection 53H-1-102(1)(b) serve the geographic areas encompassing the following school districts:

(1) for Bridgerland Technical College:
  (a) the Box Elder School District;
  (b) the Cache School District;
  (c) the Logan School District; and
  (d) the Rich School District;
(2) for Ogden-Weber Technical College:
  (a) the Ogden City School District; and
  (b) the Weber School District;
(3) for Davis Technical College:
  (a) the Davis School District; and
  (b) the Morgan School District;
(4) for Tooele Technical College, the Tooele County School District;
(5) for Mountainland Technical College:
  (a) the Alpine School District and each new school district resulting from the division of Alpine School District;
  (b) the Nebo School District;
  (c) the Provo School District;
  (d) the South Summit School District;
  (e) the North Summit School District;
  (f) the Wasatch School District; and
  (g) the Park City School District;
(6) for Uintah Basin Technical College:
  (a) the Daggett School District;
  (b) the Duchesne School District; and
  (c) the Uintah School District;
(7) for Southwest Technical College:
  (a) the Beaver School District;
  (b) the Garfield School District;
  (c) the Iron School District; and
  (d) the Kane School District; and
(8) for Dixie Technical College, the Washington School District.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-1203 Technical colleges -- Duties.

(1) Each technical college shall, within the geographic area served by the technical college:
  (a) offer technical education programs;
  (b) offer a program described in Subsection (1)(a) at:
    (i) low cost to adult students, as approved by the board; and
    (ii) no tuition to secondary students;
  (c) develop cooperative agreements with school districts, charter schools, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of instructional facilities within the geographic area served by the technical college; and
  (d) after consulting with school districts and charter schools within the geographic area served by the technical college:
    (i) ensure that secondary students in the public education system have access to technical education at the technical college; and
    (ii) prepare and submit an annual report to the board detailing:
      (A) how the technical education needs of secondary students within the region are being met;
      (B) what access secondary students within the region have to programs offered at the technical college;
      (C) how the technical college emphasizes high demand, high wage, high skill jobs in business and industry; and
      (D) student tuition and fees.
(2) A technical college may offer:
  (a) a competency-based high school diploma approved by the State Board of Education in accordance with Section 53E-3-501;
  (b) basic instruction in areas such as reading, language arts, and mathematics that are necessary for student success in a chosen technical education or job-related program;
  (c) courses of interest when similar offerings to the community are limited and courses are financially self-supporting; and
  (d) secondary school level courses through the Statewide Online Education Program in accordance with Section 53F-4-504.
(3) Except as provided in Subsection (2)(d), a technical college may not:
  (a) offer courses other than technical education or the basic instruction described in Subsections (2)(b) and (c);
  (b) offer a degree;
  (c) offer technical education or basic instruction outside the geographic area served by the technical college without a cooperative agreement between an affected institution of higher education, except as provided in Subsection (5);
  (d) provide tenure or academic rank for a technical college's instructors; or
  (e) participate in intercollegiate athletics.
(4) The mission of a technical college is limited to technical education and may not expand to include academic programs that lead to a degree.
(5)
  (a) A technical college may offer technical education or basic instruction outside the geographic area served by the technical college without a cooperative agreement, as required in Subsection (3)(c), if:
    (i) the technical education or basic instruction is specifically requested by:
      (A) an employer; or

(B) a craft, trade, or apprenticeship program;
(ii) the technical college notifies the affected institution about the request; and
(iii) the affected institution is given an opportunity to make a proposal, prior to any contract being finalized or training being initiated by the technical college, to the employer, craft, trade, or apprenticeship program about offering the requested technical education or basic instruction, provided that the proposal shall be presented no later than one business week from the delivery of the notice described under Subsection (5)(a)(ii).
(b) The requirements under Subsection (5)(a)(iii) do not apply if there is a prior training relationship.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-1204 Utah System of Technical Colleges -- Institutional name changes.
(1) Beginning July 1, 2017:
(a) Bridgerland Applied Technology College shall be known as Bridgerland Technical College;
(b) Ogden-Weber Applied Technology College shall be known as Ogden-Weber Technical College;
(c) Davis Applied Technology College shall be known as Davis Technical College;
(d) Tooele Applied Technology College shall be known as Tooele Technical College;
(e) Mountainland Applied Technology College shall be known as Mountainland Technical College;
(f) Uintah Basin Applied Technology College shall be known as Uintah Basin Technical College;
(g) Southwest Applied Technology College shall be known as Southwest Technical College; and
(h) Dixie Applied Technology College shall be known as Dixie Technical College.
(2)
(a) As described in Subsection (1), each technical college is a continuation of the applied technology college that preceded the technical college.
(b) An institution described in Subsection (1):
(i) possess all rights, title, privileges, powers, immunities, franchises, endowments, property, and claims of the institution that preceded the institution; and
(ii) shall fulfill and perform all obligations of the institution that preceded the institution, including obligations relating to outstanding bonds and notes.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 13
Other Requirements and Restrictions

53H-3-1301 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-3-1302 Vaccination requirements -- Exemptions -- Face covering requirements.

(1) An institution of higher education and the board described in Section 53H-1-102 may not require proof of vaccination as a condition for enrollment or attendance unless the institution allows for the following exemptions:
  (a) a medical exemption if the student provides to the institution a statement that the claimed exemption is for a medical reason; and
  (b) a personal exemption if the student provides to the institution a statement that the claimed exemption is for a personal or religious belief.
(2) An institution that offers both remote and in-person learning options may not deny a student who is exempt from a requirement to receive a vaccine under Subsection (1) to participate in an in-person learning option based upon the student's vaccination status.
(3)
  (a) For purposes of this Subsection (3), "face covering" means the same as that term is defined in Section 53G-9-210.
  (b) An institution of higher education and the board described in Section 53H-1-102 may not require an individual to wear a face covering to attend or participate in in-person instruction, institution-sponsored athletics, institution-sponsored extracurricular activities, in dormitories, or in any other place on a campus of an institution within the system of higher education at any time after the end of the spring semester in 2021.
(4) Subsections (1), (2), and (3) do not apply to a student studying in a medical setting at an institution of higher education if the institution of higher education provides the student the same rights under Title VII of the Civil Rights Act to seek an exemption from a vaccination mandate or face covering mandate as the institution of higher education provides to a health care professional employed by the institution of higher education.
(5) Nothing in this section restricts a state or local health department from acting under applicable law to contain the spread of an infectious disease.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-1303 Restrictions on higher education entities bidding on architect or engineering services in public procurement projects.

(1) As used in this section:
  (a) "Architect-engineer services" means those professional services within the scope of the practice of architecture as defined in Section 58-3a-102, or professional engineering as defined in Section 58-22-102.
  (b) "Government entity" means a state agency, an institution of higher education, a county, a municipality, a local school district, a special district, or a special service district.
(2) When a government entity elects to obtain architect or engineering services by using a competitive procurement process and has provided public notice of the government entity's competitive procurement process:
  (a) a higher education entity, or any part of one, may not submit a proposal in response to the government entity's competitive procurement process; and
  (b) the government entity may not award a contract to perform the architect or engineering services solicited in the competitive procurement process to a higher education entity or any part of one.
(3)
  (a) Subject to the prohibition contained in Subsection (3)(b), an employee of a higher education entity may, in a private capacity, submit a proposal in response to the competitive procurement process.

(b) An employee of a higher education entity may not use any supplies, materials, or other resources owned by, or any persons matriculating at, attending, or employed by, the higher education entity in:
(i) preparing a response to the competitive procurement process; or
(ii) completing any work, assignment, or contract awarded to the employee resulting from that competitive procurement process.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-3-1304 Research university -- Duty to research.
(1) As used in this section, "research university" means the University of Utah or Utah State University.
(2) The conduct of research by a research university is, for purposes of Section 20A-2-605, an official duty imposed by law on the research university.

Enacted by Chapter 102, 2026 General Session

53H-3-1305 Institution of higher education prioritization of school breaks to coincide with state holy days.
Starting with the 2027-28 school year, when setting the schedule for a school year, an institution of higher education shall, to the extent possible, prioritize scheduling school breaks to coincide with Good Friday and other state holy days described in Section 63G-1-1101.

Enacted by Chapter 124, 2026 General Session

Chapter 4
Individual Institutions

Part 1
General Provisions

53H-4-101 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 2
University of Utah

53H-4-201 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-4-202 Health Sciences and School of Medicine.

(1) As used in this section:
  (a) "Psychiatry resident" means a medical resident practicing in any type of psychiatry specialty or subspecialty, as determined by the university.
  (b) "University" means the University of Utah Health Sciences.
(2)
  (a) Subject to legislative appropriations, the university shall annually select up to four more first-year psychiatry residents than the number of first-year psychiatry residents the university selected for the 2018-19 academic year.
  (b) Subject to legislative appropriations, the university shall annually select up to two more first-year psychiatry residents than the number of first-year psychiatry residents the university selected for the 2019-2020 academic year.
  (c) Nothing in this section prohibits the university from using money from a source other than legislative appropriations to select more than the total number of psychiatry residents described in Subsection (2)(a) or (b).
  (d) The university may not use money appropriated for the purposes described in this Subsection (2) to supplant existing money used for psychiatry residents.
(3)
  (a) Subject to legislative appropriations, the university shall award a grant to produce a certification in child and adolescent behavioral health primary care for primary care physicians and medical professionals, school counselors, social workers, and other professionals who work with children and adolescents.
  (b) The university shall ensure that the amount of the grant awarded under Subsection (3)(a) is matched, at a minimum, by private gifts, grants, and bequests of personal property made to the grant.
(4) Beginning with the 2013-14 school year and subject to Subsection (5), the University of Utah School of Medicine may increase the number of students admitted by 40 students for a total of 122 students admitted annually.
(5) No fewer than 82% of the students admitted annually shall:
  (a) meet the qualifications of a resident student for the purpose of tuition in accordance with:
    (i) Section 53H-11-202;
    (ii) board policy on determining resident status; and
    (iii) University of Utah policy on determining resident status;
  (b) have graduated from a public or private postsecondary educational institution located in Utah; or
  (c) have graduated from a public or private high school located in Utah.
(6) The University of Utah School of Medicine shall ensure that any licensed physicians who oversee fellowship training to specialize in pain treatment are recommending medical providers, as that term is defined in Section 26B-4-201.
(7) Notwithstanding any other provision of this section, the University of Utah School of Medicine may, to teach a medical student from another state or an institution outside the state, enter into an agreement with:
  (a) a state entity from the other state; or
  (b) the institution of higher education outside the state.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-203 Use of dead bodies for medical purposes.

(1) A county shall, within 24 hours after assuming custody of an unclaimed body for which the county is required to provide burial under Section 26B-8-225, provide notice of the county's custody of the body to the dean of University of Utah School of Medicine.
(2) The notice described in Subsection (1) shall specify the body's probable cause of death.
(3) Subject to Section 26B-8-225, the county shall, at the request of the dean ofthe University of Utah School of Medicine, forward the body to the university, at the university's expense, within 24 hours of receiving the dean's request.
(4) The University of Utah School of Medicine shall, for a body it receives under Subsection (3):
  (a) properly embalm and preserve the body for at least 60 days; and
  (b) upon request, release the body to a person with priority to control the disposition of the body under Section 58-9-602.
(5)
  (a) A person delivering a body to the University of Utah shall receive a receipt for the body.
  (b) The University of Utah School of Medicine is responsible for records kept on any body received under this section.
  (c) The records shall include all facts necessary for proper identification of the body.
(6) A body unclaimed after 60 days under this section may be used for the following purposes:
  (a) to promote medical and surgical science; and
  (b) for instruction and study by physicians and students of anatomy and embalming.
(7) The University of Utah School of Medicine shall, upon completion of the purposes outlined in Subsection (6), ensure the remains:
  (a) are properly cremated; or
  (b) receive a decent burial.
(8) A person who commits the following violations is guilty of a class B misdemeanor:
  (a) failure or neglect to give notice required under Subsection (1); or
  (b) failure or neglect to forward a body upon request under Subsection (3).

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-204 Health services -- Huntsman Mental Health Institute -- Behavioral health curriculum.

(1) As used in this section, "Huntsman Mental Health Institute" means the mental health and substance use treatment institute within the University of Utah.
(2) The Huntsman Mental Health Institute shall coordinate with the State Board of Education to develop a youth curriculum to increase awareness about behavioral health challenges facing youth in the state.
(3) The curriculum described in Subsection (2) shall include age-appropriate information on:
  (a) the connection and importance of mental health to overall health;
  (b) tools for maintaining mental health wellness, including evidence-based practices used to overcome behavioral health challenges;
  (c) signs and symptoms of common behavioral health challenges and ways to respond to the signs and symptoms;
  (d) the prevalence of behavioral health challenges across all populations;
  (e) common behavioral health conditions and evidence-based treatments for common behavioral health conditions; and
  (f) how to seek assistance or find support for a behavioral health challenge in a school and the community.
(4) The Huntsman Mental Health Institute shall annually:

(a) update the curriculum in coordination with the State Board of Education;
(b) publish the curriculum on the Huntsman Mental Health Institute's website in a conspicuous location; and
(c) distribute the curriculum as a resource to:
(i) parents and guardians of elementary and secondary school students;
(ii) elementary and secondary schools; and
(iii) other organizations that serve youth in the state.
(5) The Huntsman Mental Health Institute shall consider feedback provided to the Huntsman Mental Health Institute about the curriculum when annually updating the curriculum under Subsection (4)(a).

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-205 Research park.
(1) As used in this section:
(a) "Patent" means the patent covering the land acquired by the University of Utah from the United States of America dated October 18, 1968.
(b)
(i) "Research park" means:
(A) research and development facilities;
(B) research institutes;
(C) testing laboratories;
(D) related business and government installations; and
(E) similar facilities, together with land.
(ii) "Research park" includes all necessary appurtenances, rights, and franchises acquired and developed by the University of Utah which are suitable or necessary to promote the social welfare of the state through the advancement of education, science, research, economic development, and related purposes.
(2) The acquisition and provision of any one or more of the following facilities may be included as part of the development of land for the research park but only to the extent that the facilities are incidental to the use of the land as a research park:
(a) water;
(b) sewage;
(c) drainage;
(d) street;
(e) road;
(f) sidewalk;
(g) curb;
(h) gutter;
(i) street lighting;
(j) electrical distribution; and
(k) docking.
(3) The Legislature determines that it is in the public interest of the state, Utah's citizens, and commerce to develop a research park in Salt Lake County upon property conveyed to the University of Utah under patent from the United States of America dated October 18, 1968.
(4) The University of Utah has the following powers:

(a) to establish, develop, and administer, through nonprofit corporations or foundations controlled by the president and the board of trustees, a research park upon the land acquired by the university under the patent;
(b) to establish, acquire, develop, maintain, and operate a research park, including the acquisition of all necessary or suitable buildings, facilities, and improvements, and to acquire, purchase, construct, reconstruct, improve, remodel, add to, extend, maintain, equip, and furnish the research park or any building or facility, including research and service facilities and areas intended for the common use of the research park tenants;
(c) to form nonprofit corporations or foundations to aid and assist the University of Utah to attain the University of Utah's charitable, scientific, literary, and educational objectives, including the acquisition, construction, financing, operation, and management of a research park;
(d) to lease to the nonprofit corporation or foundation all or part of the land and facilities included in the research park upon terms and conditions established by the University of Utah, and to enter into any other contract or agreement with the nonprofit corporation or foundation as necessary for the construction, financing, operation, and management of the research park;
(e) to lease, either directly or through a nonprofit corporation or foundation, to any person, firm, partnership, or corporation engaged in business for a profit any part or all of the land, buildings, or facilities of the research park under guidelines established by the university;
(f) to allow a lessee to acquire or construct necessary or suitable buildings, facilities, and improvements upon the leased property, with any improvements acquired or constructed upon the premises during the term of the lease reverting to and becoming the property of the university at the lease's termination, renewal, or extension; and
(g) to finance all or part of the cost of the research park including the purchase, construction, reconstruction, improvement, remodeling, addition to, extension, maintenance, equipment, and furnishing as permitted by law for the financing of self-liquidating projects by institutions of higher education.

(5)
(a) The nonprofit corporations or foundations may receive and administer legislative appropriations, government grants, contracts, and private gifts to carry out the nonprofit corporation or foundation's public purposes.
(b) For the purpose of employee benefits, all salaried employees, agents, officers, faculty, and staff of the nonprofit corporation or foundation are considered employees, agents, officers, faculty, and staff of the University of Utah.

(6) The Salt Lake City Council shall provide police and fire protection and furnish, install, and maintain customary municipal services and facilities for street lighting, traffic control, sidewalks, curb, gutter, drainage, sewage disposal, and water supply to all areas of the research park established upon lands conveyed to the University of Utah under the patent.

(7)
(a) The services and facilities are to be furnished and provided as needed and determined by the board subject to connection fees, use charges, and other service fees customarily assessed against similar persons, companies, or properties within the territorial limits of Salt Lake City.
(b) No special improvement district may be created or special taxes imposed with respect to the services and facilities provided under this section.
(c) The Department of Transportation may enter into agreements with the University of Utah between regular sessions of the Legislature designating all or part of the roads within or adjacent to the research park as part of the state highway system.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-206 Center for Medical Cannabis Research.

(1) As used in this section:

(a) "Academic research cannabis license" means the license described in Title 4, Chapter 41a, Part 9, Academic Medical Cannabis Research.

(b) "Cannabis" means the same as that term is defined in Section 26B-4-201.

(c) "Cannabis cultivation facility" means the same as that term is defined in Section 4-41a-102.

(d) "Cannabis product" means the same as that term is defined in Section 26B-4-201.

(e) "Center" means the Center for the Medical Cannabis Research created in this section.

(f) "Eligible institution" means an institution of higher education that:

(i) is located in Utah; and

(ii) has or will obtain an academic research cannabis license.

(g) "Medical cannabis patient card" means the same as that term is defined in Section 26B-4-201.

(2) There is created the Center for Medical Cannabis Research within the University of Utah.

(3) The center:

(a) shall seek state, federal, and private funds to award grants for medical cannabis research;

(b) shall facilitate and support funding for research related to the health effects, including the potential risks or side effects, of the use of cannabis products;

(c) shall facilitate and support funding for research related to the efficacy and potential health effects of various cannabis delivery methods, including vaporizing, ingesting, topical application, and combustion;

(d) shall support researchers in applying for and securing federal and private research grant funding for expanding medical cannabis research;

(e) shall review current and future cannabis research literature, clinical studies, and clinical trials;

(f) shall educate medical providers, lawmakers, and the public about medical cannabis research advances;

(g) shall, if requested, consult with researchers and eligible institutions seeking to conduct medical cannabis research regarding legal implications of the research under state and federal law;

(h) shall monitor, to the extent that appropriate and sufficient data are available, patient outcomes in any state with a medicinal cannabis program;

(i) may coordinate, share knowledge, and share best practices with a state:

(i) that has a medical cannabis program; and

(ii) is conducting cannabis research;

(j) may award or facilitate funding for grants to an eligible institution for medical cannabis research, including research regarding the growing of a medical-grade cannabis plant that is used for a cannabis product;

(k) shall support a licensed cannabis cultivation facility to provide medical-grade cannabis products for research;

(l) shall make, for research conducted by the center, the research outcomes publicly available;

(m) shall maintain a catalog of all published scientific reports based on projects funded or managed by the center;

(n) shall ensure that an individual who agrees to use a cannabis product as part of a research project conducted by the center or a grantee has:

(i) a valid medical cannabis patient card from the state; or

(ii) if included in the research project as a resident of another state, the equivalent of a medical cannabis patient card under the laws of another state, district, territory, commonwealth, or insular possession of the United States;

(o) shall obtain an academic research cannabis license;

(p) may apply for, or assist an eligible institution to apply for, a federal cannabis cultivation registration to locate a cannabis cultivation site in Utah; and

(q) for the report described in Section 26B-4-222, shall provide information to the Department of Health and Human Services describing:

(i) all research projects that are funded by a grant awarded by the center, including which institution received the grant;

(ii) all research projects conducted by the center; and

(iii) the adequacy of funding for the center's duties.

(4) For research funded, conducted, or facilitated by the center, the center shall ensure the research:

(a) includes appropriate research development, testing, and evaluation; and

(b) if the research involves human subjects, is reviewed, approved, and overseen by an institutional review board as defined in Section 26B-4-212.

(5) The University of Utah shall provide staff for the center.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-207 Rehabilitation Building -- Proceeds from federal land grants for a Miners Hospital for disabled miners.

(1) There is appropriated to the University of Utah all funds, assets, and revenues which have been, or will be, derived from the sale or other disposition of those lands conveyed to the state of Utah by those federal grants for a Miners Hospital for disabled miners contained in Section 12 of the Enabling Act and in Chapter 280, Public Laws of the Seventieth Congress, 2nd Session (Act of February 20, 1929) which funds, assets, and revenues now are, or in the future will be, in the custody and control of the School and Institutional Trust Lands Board of Trustees.

(2) The funds, assets, and revenues described in Subsection (1) shall be used for the construction, equipment, furnishings, and operation, or either or any of the same, on the campus of the university of a rehabilitation building, either as a separate structure or as an integrated unit in the University of Utah Medical Center.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-208 College of Mines and Earth Sciences.

(1) There is established a College of Mines and Earth Sciences at the University of Utah.

(2) The college is the beneficiary of all land grants and appropriations made or to be made by the United States to the state for the establishment and maintenance of a school of mines.

(3) The college may offer courses in and related to mining, metallurgical and electrical engineering, and other branches of engineering that pertain to mining.

(4)

(a) There is established the Utah Engineering Experiment Station in conjunction with the College of Mines and Earth Sciences.

(b) The Utah Engineering Experiment Station is controlled and managed by the University of Utah.

(5) The Utah Engineering Experiment Station has the following functions:
(a) to conduct experiments and investigations on matters that have the potential to benefit the state's industrial interests or would be for the public good; and
(b) to inform the public of the results of the experiments and investigations conducted by the Utah Engineering Experiment Station.
(6) The Utah Engineering Experiment Station is not to conduct experiments or investigations on those matters that more properly relate to the functions of Utah State University's experiment station.
(7) The University of Utah makes an annual report on the Utah Engineering Experiment Station to the governor at a time designated by the governor.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-209 Reading clinic.
(1) The Legislature recognizes the critical importance of identifying, assessing, and assisting students with reading difficulties at an early age in order for the students to have successful and productive school and life experiences.
(2) To help accomplish this, there is established a reading clinic, hereafter referred to as the "clinic," based at the University of Utah, College of Education, to assist educators and parents of students statewide in:
(a) assessing elementary school students who do not demonstrate satisfactory progress in reading;
(b) providing instructional intervention to enable the students to overcome reading difficulties; and
(c) becoming better prepared to help all students become successful readers by providing the students with professional development programs in reading that are based on best practices and the most current, scientific research available through nationally and internationally recognized reading researchers and instructional specialists.
(3)
(a) The clinic shall focus primarily on students in grades 1 through 3 since research shows the need for students to become successful readers by the end of grade 3.
(b) The clinic shall make assessment and instructional intervention services available to public education students of all ages.
(4) The clinic shall provide these services at a base site in Salt Lake County and through remote access interactive technology to reach educators, parents, and students throughout the state.
(5) The clinic shall provide:
(a) instruction to teachers in the use of technology and blended learning in providing individualized reading instruction and reading remediation; and
(b) access to students for reading remediation and instruction services through distance learning technology if a student is unable to regularly access a reading clinic location.
(6) The clinic shall integrate both the usage of and instruction on the use of technology-based reading assessment tools as part of the clinic's services.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-210 SafeUT Crisis Line.
(1) As used in this section:
(a) "Commission" means the SafeUT and School Safety Commission established in this section.

(b) "Huntsman Mental Health Institute" means the mental health and substance abuse treatment institute within the University of Utah Hospitals and Clinics.

(2) The Huntsman Mental Health Institute shall:

(a) establish the SafeUT Crisis Line to provide:

(i) a means for an individual to anonymously report:

(A) unsafe, violent, or criminal activities, or the threat of such activities at or near a public school;

(B) incidents of bullying, cyber-bullying, harassment, or hazing; and

(C) incidents of physical or sexual abuse committed by a school employee or school volunteer; and

(ii) crisis intervention, including suicide prevention, to individuals experiencing emotional distress or psychiatric crisis;

(b) provide the services described in Subsection (2)(a) 24 hours a day, seven days a week;

(c) when necessary, or as required by law, promptly forward a report received under Subsection (2)(a) to appropriate:

(i) school officials; and

(ii) law enforcement officials;

(d) in accordance with Subsection (2)(e), report the uses of the SafeUT Crisis Line described in Subsection (2) to the State Bureau of Investigation's systems described in Subsections 53-10-302(7) and (8);

(e) coordinate with the state security chief to determine the appropriate circumstances necessitating a report described in Subsection (2)(d);

(f) subject to legislative appropriations and in consultation with the School Security Task Force described in Section 53-22-104.1, state security chief described in Section 53-22-102, and School Safety Center described in Section 53G-8-802, develop and deploy additional supports and enhancements for school safety efforts; and

(g) develop a SafeUT software application that is available in multiple languages including Spanish.

(3) There is created the SafeUT and School Safety Commission composed of the following members:

(a) one member who represents the Office of the Attorney General, whom the attorney general appoints;

(b) one member who represents the Utah public education system, whom the State Board of Education appoints;

(c) a designee of the Utah Board of Higher Education, whom the commissioner selects under direction of the board;

(d) one member who represents the Department of Health and Human Services, whom the executive director of the Department of Health and Human Services appoints;

(e) one member of the House of Representatives, whom the speaker of the House of Representatives appoints;

(f) one member of the Senate, whom the president of the Senate appoints;

(g) one member who represents the Huntsman Mental Health Institute, whom the chair of the commission appoints;

(h) one member who represents law enforcement who has extensive experience in emergency response, whom the chair of the commission appoints;

(i) one member who represents the Department of Health and Human Services who has experience in youth services or treatment services, whom the executive director of the Department of Health and Human Services appoints; and

(j) two members of the public, whom the chair of the commission appoints.

(4)

(a) Except as provided in Subsection (4)(b), members of the commission shall be appointed to four-year terms.

(b) The length of the terms of the members shall be staggered so that approximately half of the committee is appointed every two years.

(c) When a vacancy occurs in the membership of the commission, the replacement shall be appointed for the unexpired term.

(5)

(a) The attorney general's designee shall serve as chair of the commission.

(b) The chair shall set the agenda for commission meetings.

(6) Attendance of a simple majority of the members constitutes a quorum for the transaction of official commission business.

(7) Formal action by the commission requires a majority vote of a quorum.

(8)

(a) Except as provided in Subsection (8)(b), a member may not receive compensation, benefits, per diem, or travel expenses for the member's service.

(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(9) The Office of the Attorney General shall provide staff support to the commission.

(10) The commission shall coordinate:

(a) statewide efforts related to the SafeUT Crisis Line;

(b) with the State Board of Education and the board to promote awareness of the services available through the SafeUT Crisis Line; and

(c) with the state security chief appointed under Section 53-22-102 to ensure appropriate reporting described in Subsections and (2)(d) and (e).

(11) A local education agency governing board shall inform students, parents, and school personnel about the SafeUT Crisis Line.

(12)

(a) Except as provided in Subsection (12)(b), the Huntsman Mental Health Institute may charge a fee to an institution of higher education or other entity for the use of the SafeUT Crisis Line in accordance with the method described in Subsection (12)(c).

(b) The Huntsman Mental Health Institute may not charge a fee to the State Board of Education or a local education agency for the use of the SafeUT Crisis Line.

(c) The commission shall establish a standard method for charging a fee described in Subsection (12)(a).

Amended by Chapter 238, 2026 General Session

53H-4-211 Utah Museum of Natural History.

(1) For purposes of this section:

(a) "Collections" means the same as that term is defined in Section 9-8a-302.

(b) "Curation facility" means:

(i) the museum;

(ii) an accredited facility meeting federal curation standards;

(iii) for the purposes described in Subsection (7)(c), a paleontology museum; or

(iv) an appropriate state park.

(c) "Museum" means the Utah Museum of Natural History.

(d) "Paleontology museum" means a museum owned or established by a city of the first or second class, that:
(i) is designed for the curation and display of specimens and paleontological resources;
(ii) has a designated paleontologist responsible for the care and preservation of the specimens, collections, and paleontological resources; and
(iii) is an approved repository, as that term is defined in 43 C.F.R. Sec. 49.5, or has a detailed plan to become an approved repository.
(e) "Repository" means:
(i) a facility designated by the museum through memoranda of agreement;
(ii) for the purposes described in Subsection (7)(c), a paleontology museum; or
(iii) a place of reburial.
(f) "School and institutional trust lands" are those properties defined in Section 53C-1-103.
(2) There is established at the University of Utah the Utah Museum of Natural History, where tangible objects reflecting the past, present, and continuing development of our natural history may be collected and displayed for educational and cultural purposes.
(3)
(a) The museum shall make available to people throughout the state, through traveling exhibits and outreach programs, archeological and paleontological objects retrieved from the state.
(b) The museum shall provide professional expertise and assistance in the proper care of the archeological and paleontological collections from state lands as the collections are housed throughout the state.
(4) The museum shall submit an annual request to the Legislature to fund the ongoing costs of the programs authorized under Subsection (3) as part of the museum's base budget.
(5) The University of Utah is authorized to receive gifts, contributions, and donations of all kinds, including tangible objects and specimens for the development of or display in the museum.
(6) The museum shall make rules to ensure the adequate curation of all collections from lands owned or controlled by the state or the state's subdivisions.
(a) The rules shall:
(i) conform to, but not be limited by, federal curation policy;
(ii) recognize that collections recovered from school and institutional trust lands are owned by the respective trust, and shall be made available for exhibition as the beneficiaries of the respective trust may request, subject to museum curation policy and the curation facility's budgetary priorities;
(iii) recognize that any collections obtained in exchange for collections found on school and institutional trust lands shall be owned by the respective trust; and
(iv) recognize that if, at the museum's discretion, the curation facility makes and sells reproductions derived from collections found on school or institutional trust lands, any money obtained from these sales shall be given to the respective trust, but the curation facility may retain money sufficient to recover the direct costs of preparation for sale and a reasonable fee for handling the sale.
(7)
(a) Subject to Subsection (7)(c), the museum may enter into memoranda of agreement with other repositories located in and outside the state to act as the museum's designee for the curation of collections.
(b) In these memoranda, the museum may delegate some or all of the museum's authority to curate.

(c) A city that has a paleontology museum may retain, curate, and manage paleontological specimens, paleontological collections, and paleontological resources recovered on lands owned or controlled by the city.

(8)

(a) All collections recovered from lands owned or controlled by the state or the state's subdivisions shall be deposited at the museum, a curation facility, or at a repository within a reasonable time after the completion of field work.

(b) The museum shall make rules establishing procedures for selection of the appropriate curation facility or repository.

(c) The rules shall consider:

(i) whether the permittee, authorized pursuant to Section 9-8a-305, is a curation facility;

(ii) the appropriateness of reburial;

(iii) the proximity of the curation facility or repository to the point of origin of the collection;

(iv) the preference of the owner of the land on which the collection was found;

(v) the nature of the collection and the repository's or curation facility's ability and desire to curate the collection in question, and ability to maximize the scientific, educational, and cultural benefits for the people of the state and the school and institutional trusts;

(vi) selection of a second curation facility or repository, if the original repository or curation facility becomes unable to curate the collections under the original repository or curation facility's care; and

(vii) establishment of an arbitration process for the resolution of disputes over the location of a curation facility or repository, which shall include an ultimate arbitration authority consisting of the landowner, the state archaeologist or paleontologist, and a representative from the governor's office.

(d) The repository or curation facility may charge a curation fee commensurate with the costs of maintaining those collections, except that a fee may not be charged to the respective trust for collections found on school or institutional trust lands.

(9) The repository or curation facility shall make specimens available through loans to museums and research institutions in and out of the state when, in the opinion of the repository or curation facility:

(a) the use of the specimens is appropriate; and

(b) arrangements are made for safe custodianship of the specimens.

(10) The museum shall comply with the procedures of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding publication of the museum's rules in the Utah State Bulletin and the Utah Administrative Code.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-212 Utah Museum of Fine Arts.

(1) There is established at the University of Utah the Utah Museum of Fine Arts as:

(a) a state general and multicultural art museum; and

(b) a state institution charged with the broad responsibility of collecting and exhibiting, for the education and enrichment of Utah's citizens, art and related objects from around the world from prehistoric times to the present.

(2) The museum shall:

(a) serve as a repository in Utah of the objects referred to in Subsection (1);

(b) collect and display tangible art objects that reflect the past, present, and continuing development of the visual arts in America and throughout the rest of the world;

(c) provide professional expertise and assistance in the proper care of the tangible art objects displayed at the museum; and
(d) engage visitors to the museum in discovering meaningful connections with the artistic expressions of the world's cultures by:
(i) acting as a responsible steward of the material legacy of the visual arts located at the Utah Museum of Fine Arts for the people of Utah;
(ii) serving as a teaching, learning, and research resource for the University of Utah, the state's greater educational community, and the general public;
(iii) promoting an open dialogue with visitors and the community about the role of visual arts in our society;
(iv) fostering and celebrating the diverse artistic expressions and accomplishments of the people of Utah and around the world;
(v) cultivating community partnerships and collaborations to ensure that the visual arts reach a broad spectrum of the general public; and
(vi) offering a wide range of experiences that will enable visitors to the museum to explore the variety of ways the arts can inform and enhance the human experience.
(3) The University of Utah may receive gifts, contributions, and donations of all kinds, including tangible objects for the development of or display in the museum.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-213.1 Educational telecommunications -- Definitions.
(1) As used in Sections 53H-4-213.1 through 53H-4-213.7:
(a) "Digital resource" means a digital or online library resource, including a database.
(b) "Digital resource provider" means an entity that offers a digital resource to customers for license or sale.
(c) "Education Advisory Council" means the Utah Education Advisory Council created in Section 53H-4-213.6.
(d) "Obscene or pornographic material" means material that:
(i) an average person, applying contemporary community standards, finds that, taken as a whole, appeals to prurient interest in sex;
(ii) is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion; and
(iii) taken as a whole does not have serious literary, artistic, political, or scientific value.
(e) "Telehealth" means the electronic transfer, exchange, or management of related data for diagnosis, treatment, and consultation, and educational, public health, or other related purposes.
(f) "Telehealth Advisory Council" means the Utah Telehealth Advisory Council created in Section 53H-4-213.5.
(g) "Utah Education and Telehealth Network," or "UETN," means a consortium and partnership between public and higher education, the Department of Health and Human Services, and health care providers, that is created in Section 53H-4-213.4.
(2) The Legislature finds and determines the following:
(a) the University of Utah's Dolores Dore' Eccles Broadcast Center is the statewide public broadcasting and telecommunications facility for education in Utah;
(b) the center shall provide services to citizens of the state in cooperation with higher and public education, state and local government, and private industry;

(c) distribution services provided through the center shall include KUED - TV, KUER - FM, and KUEN - TV;
(d) KUED - TV and KUER - FM are licensed to the University of Utah;
(e) the Utah Education and Telehealth Network's broadcast entity, KUEN - TV, is licensed to the Utah Board of Higher Education and, together with UETN, is operated on behalf of the state's systems of public and higher education;
(f) all the entities referred to in Subsection (2)(c) are under the administrative supervision of the University of Utah, subject to the authority and governance of the Utah Board of Higher Education and
(g) this section neither regulates nor restricts a privately owned company in the distribution or dissemination of educational programs.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-213.2 Educational telecommunications -- General powers of University of Utah related to public broadcasting and telecommunication for education.

(1) Subject to applicable rules of the Federal Communications Commission and the Utah Board of Higher Education, the University of Utah shall:
(a) serve as the state's provider of public television services, with programming from the Public Broadcasting Service and other syndicated and locally produced programs;
(b) serve as the state's primary provider of public radio services, with programming from National Public Radio and other syndicated and locally produced programs; and
(c) subject to Section 53H-8-208, accept and use gifts and apply for and receive funds from federal and other sources to carry out the purposes of this part.
(2) Subject to future budget constraints, the Legislature shall provide an annual appropriation to operate KUED - TV.
(3) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of educational programs.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-213.3 Educational telecommunications -- Responsibilities of the Utah Board of Higher Education, the State Board of Education, the University of Utah, KUED - TV, KUER - FM, and UETN related to public broadcasting and telecommunication for education and government.

(1) Subject to applicable rules of the Federal Communications Commission and Section 53H-4-213.4, the Utah Board of Higher Education, the State Board of Education, the University of Utah, KUED - TV, KUER - FM, and UETN shall:
(a) coordinate statewide services of public radio and television;
(b) develop, maintain, and operate statewide distribution systems for KUED - TV, KUER - FM, and KUEN, the statewide distance learning service, the educational data network, connections to the Internet, and other telecommunications services appropriate for providing video, audio, and data telecommunication services in support of public and higher education, state government, and public libraries;
(c) support the delivery of these services to as many communities as may be economically and technically feasible and lawfully permissible under the various operating licenses;
(d) cooperate with state and local governmental and educational agencies and provide leadership and consulting service for telecommunication for education;

(e) represent the state with privately owned telecommunications systems to gain access to the state's networks for the delivery of programs and services sponsored or produced by public and higher education;
(f) acquire, produce, coordinate, and distribute a variety of programs and services of an educational, cultural, informative, and entertaining nature designed to promote the public interest and welfare of the state;
(g) coordinate with the state system of higher education to acquire, produce, and distribute broadcast and nonbroadcast college credit telecourses, teleconferences, and other instructional and training services;
(h) coordinate with school districts and public schools to acquire, produce, and distribute broadcast and nonbroadcast telecourses, teleconferences, and other instructional and training services to the public schools;
(i) coordinate the development of a clearing house for the materials, courses, publications, media, software, and other applicable information related to the items addressed in Subsections (1)(g) and (h);
(j) coordinate the provision of the following services to public schools:
(i) broadcast, during school hours, of educational and administrative programs recommended by the State Board of Education;
(ii) digitization of programs for broadcast purposes; and
(iii) program previewing;
(k) share responsibility for instructional television awareness and utilization; and
(l) provide teleconference and training services for state and local governmental agencies.
(2) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of education programs.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-213.4 Educational telecommunications -- Utah Education and Telehealth Network.
(1) There is created the Utah Education and Telehealth Network, or UETN.
(2) UETN shall:
(a) coordinate and support the telecommunications needs of public and higher education, public libraries, and entities affiliated with the state systems of public and higher education as approved by the Utah Education and Telehealth Network Board, including the statewide development and implementation of a network for education, which utilizes satellite, microwave, fiber-optic, broadcast, and other transmission media;
(b) coordinate the various telecommunications technology initiatives of public and higher education;
(c) provide high-quality, cost-effective Internet access and appropriate interface equipment for schools and school systems;
(d) procure, install, and maintain telecommunication services and equipment on behalf of public and higher education;
(e) develop or implement other programs or services for the delivery of distance learning and telehealth services as directed by law;
(f) apply for state and federal funding on behalf of:
(i) public and higher education; and
(ii) telehealth services;
(g) in consultation with health care providers from a variety of health care systems, explore and encourage the development of telehealth services as a means of reducing health care costs

and increasing health care quality and access, with emphasis on assisting rural health care providers and special populations; and

(h) in consultation with the Department of Health and Human Services, advise the governor and the Legislature on:

(i) the role of telehealth in the state;

(ii) the policy issues related to telehealth;

(iii) the changing telehealth needs and resources in the state; and

(iv) state budgetary matters related to telehealth.

(3) In performing the duties under Subsection (2), UETN shall:

(a) provide services to schools, school districts, and the public and higher education systems through an open and competitive bidding process;

(b) work with the private sector to deliver high-quality, cost-effective services;

(c) avoid duplicating facilities, equipment, or services of private providers or public telecommunications service, as defined under Section 54-8b-2;

(d) utilize statewide economic development criteria in the design and implementation of the educational telecommunications infrastructure; and

(e) assure that public service entities, such as educators, public service providers, and public broadcasters, are provided access to the telecommunications infrastructure developed in the state.

(4) The University of Utah shall provide administrative support for UETN.

(5)

(a) The Utah Education and Telehealth Network Board, which is the governing board for UETN, is created.

(b) The Utah Education and Telehealth Network Board shall have 13 members as follows:

(i) five members representing the state system of higher education, of which at least one member represents technical colleges, appointed by the commissioner of higher education;

(ii) four members representing the state system of public education appointed by the State Board of Education;

(iii) one member representing the state library appointed by the state librarian;

(iv) two members representing hospitals as follows:

(A) the members may not be employed by the same hospital system;

(B) one member shall represent a rural hospital;

(C) one member shall represent an urban hospital; and

(D) the chief administrator or the administrator's designee for each hospital licensed in this state shall select the two hospital representatives; and

(v) one member representing the office of the governor, appointed by the governor.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(d)

(i) The Utah Education and Telehealth Network Board shall elect a chair.

(ii) The chair shall set the agenda for the Utah Education and Telehealth Network Board meetings.

(6) A member of the Utah Education and Telehealth Network Board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) The Utah Education and Telehealth Network Board:
(a) shall hire an executive director for UETN who may hire staff for UETN as permitted by the budget;
(b) may terminate the executive director's employment or assignment;
(c) shall determine the executive director's salary;
(d) shall annually conduct a performance evaluation of the executive director;
(e) shall establish policies the Utah Education and Telehealth Network Board determines are necessary for the operation of UETN and the administration of UETN's duties; and
(f) shall advise UETN in:
(i) the development and operation of a coordinated, statewide, multi-option telecommunications system to assist in the delivery of educational services and telehealth services throughout the state; and
(ii) acquiring, producing, and distributing instructional content.
(8) The executive director of UETN shall be an at-will employee.
(9) UETN shall locate and maintain educational and telehealth telecommunication infrastructure throughout the state.
(10) Educational institutions shall manage site operations under policy established by UETN.
(11) Subject to future budget constraints, the Legislature shall provide an annual appropriation to operate UETN.
(12) If the network operated by the Division of Technology Services is not available, UETN may provide network connections to the central administration of counties and municipalities for the sole purpose of transferring data to a secure facility for backup and disaster recovery.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-213.5 Educational Telecommunications -- Utah Telehealth Advisory Council.
(1) There is created the Utah Telehealth Advisory Council, which may, at the discretion of the Utah Education and Telehealth Network Board, be combined with the Utah Education Advisory Council created in Section 53H-4-213.6.
(2) The Utah Telehealth Advisory Council members shall be appointed by the Utah Education and Telehealth Network Board.
(3)
(a) The Utah Telehealth Advisory Council shall annually elect a chairperson from the Utah Telehealth Advisory Council's membership.
(b) The chair shall set the agendas for the meetings of the advisory council and shall report to the Utah Education and Telehealth Network Board.
(c) The Utah Telehealth Advisory Council shall hold meetings at least once every three months.
(d) Meetings may be held from time to time on the call of the chair or a majority of the Utah Education and Telehealth Network Board members.
(4) A member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses in accordance with:
(a) Section 63A-3-106;
(b) Section 63A-3-107; and
(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
(5) The Utah Education and Telehealth Network Board shall provide staff support to the council.
(6) The council shall:
(a) advise and make recommendations on telehealth service issues to the Utah Education and Telehealth Network Board and other state entities;

(b) advise and make recommendations on telehealth-related patient privacy to the Utah Education and Telehealth Network Board;
(c) promote collaborative efforts to establish technical compatibility, uniform policies, and privacy features to meet legal, financial, commercial, and other societal requirements;
(d) identify, address, and seek to resolve the legal, ethical, regulatory, financial, medical, and technological issues that may serve as barriers to telehealth service;
(e) explore and encourage the development of telehealth as a means of reducing health care costs and increasing health care quality and access, with emphasis on assisting rural health care providers and special populations with access to or development of electronic medical records; and
(f) seek public input on telehealth issues.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-213.6 Educational telecommunications -- Utah Education Advisory Council.

(1)
(a) There is created the Utah Education Advisory Council which may, at the discretion of the Utah Education and Telehealth Network Board, be combined with the Utah Telehealth Advisory Council created in Section 53H-4-213.5.
(b) The Utah Education Advisory Council members shall be appointed by the Utah Education and Telehealth Network Board.
(c) The Utah Education Advisory Council shall annually elect a chairperson from the Utah Education Advisory Council membership.
(d) The chair shall set the agenda for Utah Education Advisory Council meetings and report to the Utah Education and Telehealth Network Board.
(e) The Utah Education Advisory Council shall hold meetings at least once every three months.
(f) Meetings may be held from time to time on the call of the chair or a majority of the Utah Education and Telehealth Network Board members.

(2) A member of the Utah Education Advisory Council may not receive compensation or benefits for the member's service, but at the executive director's discretion may receive per diem and travel expenses in accordance with:
(a) Section 63A-3-106;
(b) Section 63A-3-107; and
(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(3) The Utah Education Advisory Council shall:
(a) advise the Utah Education and Telehealth Network Board and other public entities regarding:
(i) the coordination of the various telecommunications technology initiatives of public and higher education;
(ii) how to provide high-quality, cost-effective Internet access and appropriate interface equipment for schools and school systems;
(iii) recommendations for the procurement, installation, and maintenance of telecommunication services and equipment on behalf of public and higher education; and
(iv) the development or implementation of other programs or services for the delivery of distance learning and digital health services as directed by law; and
(b) seek public input on the development and operation of a coordinated, statewide, multi-option telecommunications system to assist in the delivery of educational services and digital health services throughout the state.

(4) The Utah Education and Telehealth Network Board shall provide staff to the council.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-213.7 Educational telecommunications -- Digital resource standards.

(1) A digital resource purchased or licensed by UETN and offered to students in public schools must have safety policies and technology protection measures that:
  (a) prohibit and prevent a public school student using the resource from sending, receiving, viewing, or downloading obscene or pornographic material; and
  (b) filter or block access to obscene or pornographic material.
(2)
  (a) Regardless of any contract provision to the contrary, if UETN discovers a digital resource does not meet the requirements described in Subsection (1), UETN:
    (i) shall notify the digital resource provider; and
    (ii) may withhold future payments pending the digital resource provider's compliance with Subsection (1).
  (b) A digital resource provider is in breach of contract if the digital resource provider fails to verify compliance with Subsection (1) within 90 days after the day on which UETN provides the notice described in Subsection (2)(a)(i).
  (c) A contract UETN enters into for a digital resource shall contain provisions that comply with this section.
(3) Before November 30 of each year, UETN shall submit a report to the Education Interim Committee detailing all instances of a digital resource provider's failure to comply with the provisions of this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 3
Utah State University

53H-4-301 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-4-302 Utah State University powers -- Nonprofit foundations -- State power plant.

(1) Utah State University has general control and supervision of the state power plant in Logan Canyon.
(2) In addition to any other powers the institution has, Utah State University may form nonprofit corporations or foundations controlled by the president of the university and the board to aid and assist the university in attaining the university's charitable, scientific, literary, research, and educational objectives.
(3) The nonprofit corporations or foundations may receive and administer legislative appropriations, government grants, contracts, and private gifts to carry out the nonprofit corporation or foundation's public purposes.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-303 Regional campuses -- Establishment of campuses -- Career and technical education.

(1) As used in this section:
(a) "Service regions" means the service regions, as established by the Utah State University board of trustees, for:
(i) Utah State University Eastern;
(ii) Utah State University Blanding; and
(iii) Utah State University Moab.
(b) "University" means Utah State University.
(c) "Utah State University Moab" means the Utah State University regional campus located at or near Moab.
(d) "Utah State University regional institution" or "USU regional institution" means:
(i) Utah State University Eastern;
(ii) Utah State University Blanding; or
(iii) Utah State University Moab.
(e) "Vice president" means the vice president described in Subsection (5)(d).
(2) Utah State University shall operate and administer regional campuses located at or near Roosevelt and Moab.
(3) A regional campus described in Subsection (2) shall offer academic courses comparable to those offered in an accredited institution of higher education.
(4) A USU regional institution shall:
(a) maintain a strong curriculum in career and technical education courses at the USU regional institution's campus and within the region the USU regional institution serves that can be transferred to other institutions within the higher education system, together with lower division courses and courses required for associate degrees in science, arts, applied science, and career and technical education; and
(b) work with school districts and charter schools in developing an aggressive concurrent enrollment program.
(5)
(a) There is established a comprehensive regional college of the university called Utah State University Eastern.
(i) The university shall:
(A) possess all rights, title, privileges, powers, immunities, franchises, endowments, property, and claims of the College of Eastern Utah; and
(B) fulfill and perform all obligations of Utah State University Eastern, including obligations relating to outstanding bonds and notes.
(b)
(i) Utah State University Eastern has a campus that serves Price, Utah, and surrounding areas.
(ii) The university board of trustees shall establish Utah State University Eastern's service region.
(c) Utah State University Eastern is under the authority and direction of the university president and the university board of trustees.
(d) Utah State University Eastern shall be administered by a vice president of the university appointed by the university president.
(e)

(i) The university president shall appoint a regional advisory council to advise the university president and the vice president regarding local issues relating to Utah State University Eastern.
(ii) The vice president shall provide the university president with recommendations for membership on the regional advisory council.
(iii) The regional advisory council may include:
(A) a student representative; or
(B) residents of the counties in the Utah State University Eastern service region.

(6)
(a) There is established a comprehensive regional college of the university called Utah State University Blanding.
(b)
(i) Utah State University Blanding has a campus that serves Blanding, Utah and surrounding areas.
(ii) The university board of trustees shall establish Utah State University Blanding's service region.
(c) Utah State University Blanding is under the authority and direction of the university president and the university board of trustees.
(d) Utah State University Blanding shall be administered by a vice president of the university appointed by the university president.
(e)
(i) The university president shall appoint a regional advisory council to advise the university president and the vice president regarding local issues relating to Utah State University Blanding.
(ii) The vice president shall provide the university president with recommendations for membership on the regional advisory council.
(iii) The regional advisory council may include:
(A) a student representative; or
(B) residents of the counties in the Utah State University Blanding service region.

(7)
(a) Utah State University shall establish a career and technical education advisory committee composed of the following 13 members:
(i) one elected local school board member appointed by the board of education for the Carbon School District;
(ii) one elected local school board member appointed by the board of education for the Emery School District;
(iii) one elected local school board member appointed by the board of education for the Grand School District;
(iv) one elected local school board member appointed by the board of education for the San Juan School District;
(v) nine members appointed by the Utah State University president that include:
(A) one member of the Utah State University Eastern regional advisory council described in this section;
(B) one member of the Utah State University Blanding regional advisory council described in this section;
(C) one member representing Utah State University Moab; and
(D) six representatives of business or industry from members of the program advisory committees overseeing career and technical education in the service regions.

(b) The career and technical education advisory committee shall:
(i) prepare a comprehensive strategic plan for delivering career and technical education within the service regions, after consulting with:
(A) Utah State University Eastern;
(B) Utah State University Blanding;
(C) Utah State University Moab; and
(D) school districts and charter schools within the service regions;
(ii) make recommendations regarding what skills are needed for employment in Utah businesses and industries;
(iii) recommend programs based upon the information gathered in accordance with Subsection (7)(b)(ii);
(iv) review annual program evaluations;
(v) provide counsel, support, and recommendations for updating and improving the effectiveness of career and technical education programs and services, including expedited program approval and termination of procedures, consistent with board policy;
(vi) monitor program advisory committees and other advisory groups to provide counsel, support, and recommendations for updating and improving the effectiveness of training programs and services; and
(vii) coordinate with local school boards, districts, and charter schools to meet the career and technical education needs of secondary students.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-304 Center for School of the Future.

(1) There is hereby established the Center for the School of the Future at Utah State University, hereafter referred to as "the center."
(2)
(a) The purpose of the center is to promote best practices in the state's public education system and encourage cooperative and research development relationships between public and higher education.
(b) For purposes of this section "best practices" means the best process or system that effectively achieves an educational objective.
(3) The center has the following duties and responsibilities:
(a) to direct the center's efforts to those education issues judged to be of greatest importance by the State Board of Education, school districts, and the school district's patrons, subject to the availability of funds to sustain the center's efforts;
(b) to coordinate and collaborate with education stakeholders, such as institutions of higher education, the State Board of Education, school districts, parent-teacher organizations, and other public and private educational interests in identifying or developing and then implementing best practices throughout the state's public education system;
(c) to contribute to the creation and maintenance of a public education system that continually and systematically improves itself by building upon the most effective education policies, programs, and practices and rejecting those that are less effective;
(d) to identify problems and challenges in providing educational and related services to all students in the public schools, including special education students and students at risk;
(e) to identify current public and private resources at both the state and national level that are available to resolve problems or overcome challenges within the public education system and seek additional resources as necessary; and

(f) to support the implementation of best practices in the public education system through professional development programs and dissemination of information.

(4) The center in collaboration with the State Board of Education shall:

(a) clarify the problems and challenges identified under this section, identify desired outcomes, and agree upon measures of outcomes;

(b) prioritize the problems and challenges;

(c) identify readily accessible resources to solve problems and challenges, including best practices that could be implemented with little or no adaptation;

(d) determine whether new programs or procedures should be developed, and estimate the extent of effort required for that development;

(e) determine which existing programs should be eliminated; and

(f) assist in implementing solutions, monitoring accomplishments, disseminating results, and facilitating the extension of successful efforts to new settings.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-305 Mormon Pioneer Heritage Center.

(1) As used in this section:

(a) "Alliance" means the Utah Heritage Highway 89 Alliance.

(b) "Center" means the Mormon Pioneer Heritage Center.

(c) "Counties" means the counties of Sanpete, Sevier, Piute, Wayne, Garfield, and Kane.

(2) There is established the Mormon Pioneer Heritage Center in connection with Utah State University.

(3) The purpose of the center is to coordinate interdepartmental research and extension efforts in recreation, heritage tourism, and agricultural extension service and to enter into cooperative contracts with the United States Departments of Agriculture and the Interior, state, county, and city officers, public and private organizations, and individuals to enhance Mormon pioneer heritage.

(4) The center has the following duties and responsibilities:

(a) to support United States congressional findings that the landscape, architecture, traditions, products, and events in the counties convey the heritage of pioneer settlements and the pioneer settlement's role in agricultural development;

(b) to coordinate with extension agents in the counties to assist in the enhancement of heritage businesses and the creation of heritage products;

(c) to foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities;

(d) to support United States Congressional findings that the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(e) to encourage research and studies relative to the variety of heritage resources along the 250-mile Highway 89 corridor from Fairview to Kanab, Utah, and Highways 12 and 24, the All-American-Road, to the extent those resources demonstrate:

(i) the colonization of the western United States; and

(ii) the expansion of the United States as a major world power;

(f) to demonstrate that the great relocation to the western United States was facilitated by:

(i) the 1,400 mile trek from Illinois to the Great Salt Lake by the Mormon Pioneers; and

(ii) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho, the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern California, and areas along the eastern border of California; and

(g) to assist in interpretive efforts that demonstrate how the Boulder Loop, Capitol Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area convey the compelling story of how early settlers:
(i) interacted with Native Americans; and
(ii) established towns and cities in a harsh, yet spectacular, natural environment.
(5) The center, in collaboration with the United States Department of the Interior, the National Park Service, the United States Department of Agriculture, the United States Forest Service, the Department of Cultural and Community Engagement, the Utah Historical Society, and the alliance and the alliance's intergovernmental local partners, shall:
(a) assist in empowering communities in the counties to conserve, preserve, and enhance the heritage of the communities while strengthening future economic opportunities;
(b) help conserve, interpret, and develop the historical, cultural, natural, and recreational resources within the counties; and
(c) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the counties.
(6) The center, in collaboration with the United States Department of the Interior, the National Park Service, and with funding from the alliance, shall develop a heritage management plan.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-306.1 Electrification of Transportation Infrastructure Research Center -- Definitions.

As used in Sections 53H-4-306.1 through 53H-4-306.6:
(1) "Department of Environmental Quality" means the Department of Environmental Quality created in Section 19-1-104.
(2) "Department of Transportation" means the Department of Transportation created in Section 72-1-201.
(3) "Governor's Office of Economic Development" means the Governor's Office of Economic Development created in Section 63N-1a-301.
(4) "Industry advisory board" means the industry advisory board created in accordance with Section 53H-4-306.4.
(5) "Initiative" means the strategic planning and development initiative to guide the transition to an electrified and intelligent transportation system in this state.
(6) "Large public transit district" means the same as that term is defined in Section 17B-2a-802.
(7) "Office of Energy Development" means the Office of Energy Development created in Section 79-6-401.
(8) "Project director" means the project director of the research center appointed under Subsection 53H-4-306.2(2)(b).
(9) "Research center" means the ASPIRE Engineering Research Center at Utah State University.
(10) "Steering committee" means the Electrification of Transportation Infrastructure Steering Committee created in Section 53H-4-306.3.

Amended by Chapter 343, 2026 General Session

53H-4-306.2 Electrification of Transportation Infrastructure Research Center -- Designation -- Duties.

(1) The ASPIRE Engineering Research Center at Utah State University is designated as the lead research center to coordinate and lead the initiative described in Sections 53H-4-306.1 through 53H-4-306.6.

(2) The research center shall:
(a) direct and carry out the mission of the initiative;
(b) appoint a project director to oversee the initiative; and
(c) provide administrative and staff support to the steering committee and industry advisory board.
(3) The project director shall:
(a) oversee the operations of the initiative; and
(b) propose to the steering committee the expenditure of funds appropriated by the Legislature to carry out the duties under Sections 53H-4-306.1 through 53H-4-306.6.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-306.3 Electrification of Transportation Infrastructure Research Center -- Steering committee.
(1) There is created the Electrification of Transportation Infrastructure Steering Committee.
(2) The Electrification of Transportation Infrastructure Steering Committee consists of the following members:
(a) the executive director of the Department of Transportation, or the executive director's designee;
(b) the executive director of the Department of Environmental Quality, or the executive director's designee;
(c) the director of the Office of Energy Development, or the director's designee;
(d) the executive director of a large public transit district, or the executive director's designee;
(e) the executive director of the Governor's Office of Economic Development, or the executive director's designee;
(f) one representative of a major electrical power provider in the state, appointed by the governor; and
(g) the chair of the industry advisory board created in Section 53H-4-306.4.
(3) The steering committee member representing the Department of Transportation shall serve as the chair of the steering committee.
(4) The steering committee shall:
(a) provide direction to the project director on the nature and priorities of the strategic planning and development initiative;
(b) assist the project director in the development of a strategic action plan and implementation related to the electrification of transportation infrastructure;
(c) approve annual reports on the strategic planning and development initiative as required in Section 53H-4-306.6;
(d) consider and approve the budget proposed by the project director for the expenditure of funds for the initiative; and
(e) review expenditures authorized by the project director made before October 1, 2023.
(5) The steering committee shall convene no later than October 1, 2023.

Amended by Chapter 343, 2026 General Session

53H-4-306.4 Electrification of Transportation Infrastructure Research Center -- Industry advisory board.
(1) The research center shall create an industry advisory board with members selected from the following relevant sectors:

(a) electrical power providers;
(b) electric bus manufacturers;
(c) electric vehicle manufacturers;
(d) electric passenger or freight rail manufacturers;
(e) electric aircraft manufacturers;
(f) electric freight truck manufacturers;
(g) high-capacity battery manufacturers;
(h) large fiber-optic or high-speed Internet providers;
(i) transportation infrastructure companies;
(j) charging component, systems, or network providers;
(k) smart or artificial intelligence-integrated infrastructure providers; and
(l) any other sector that the research center determines is substantially necessary to fulfilling the initiative goals.

(2) The industry advisory board members shall designate the chair and other officers of the industry advisory board.

(3) The industry advisory board shall:
(a) assist the project director in operating the strategic planning and development initiative with insights and needs from across the industries;
(b) develop a chapter to be included in each annual report that describes the industry support and perspectives relative to the analysis and recommendations provided in the annual report; and
(c) provide at least one representative to participate in briefings to interim or appropriations committees of the Legislature.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-306.5 Electrification of Transportation Infrastructure Research Center -- Duties of the project director.

(1) The project director and the steering committee shall consult the following parties in developing and carrying out the initiative:
(a) representatives of each sector described in the industry advisory board membership in Subsection 53H-4-306.4(1), regardless of whether that sector is actually represented on the industry advisory board;
(b) institutions of higher education, including institutions of technical education, both inside and outside this state;
(c) the chairs of the following committees of the Legislature:
(i) the Transportation and Infrastructure Appropriations Subcommittee;
(ii) the Public Utilities, Energy, and Technology Interim Committee; and
(iii) the Transportation Interim Committee; and
(d) any other persons or entities the steering committee determines are relevant or necessary to fulfilling the stated mission.

(2) The project director, in consultation with the steering committee and the industry advisory board, shall lead an outreach and promotional effort to:
(a) build awareness among stakeholders, industry partners, federal agencies, and the state's congressional delegation of the state's efforts to be a national leader in electrifying the state's transportation system; and
(b) attract industry partners and industry and federal investment to the state to design, develop, and deliver systems to promote and implement the initiative.

(3) The project director shall:
(a) oversee the operations of the initiative; and
(b) propose to the steering committee the program budget for the expenditure of funds appropriated by the Legislature to carry out the duties under Sections 53H-4-306.1 through 53H-4-306.6.
(4)
(a) The project director may, in accordance with Sections 53H-4-306.1 through 53H-4-306.6, and subject to this Subsection (4), expend funds appropriated by the Legislature.
(b)
(i) Before October 1, 2023, the project director may not expend more than 25% of the annual project budget.
(ii) At the first meeting of the steering committee, the project director shall:
(A) provide a detailed account to the steering committee for all expenditures made before October 1, 2023; and
(B) present a budget proposal for the remainder of the fiscal year ending June 30, 2024.
(iii) Before October 1, 2023, the project director may expend funds for the following purposes:
(A) establish necessary and time-sensitive groundwork for development of the vision and strategic objective of the initiative;
(B) acquisition of materials needed for the initiative; and
(C) costs to hire and pay salaries of staff.
(c) Except as described in Subsection (4)(b), the project director:
(i) shall propose an annual budget for the initiative; and
(ii) may not expend funds appropriated to the research center outside of the approved budget without approval of the steering committee.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-306.6 Electrification of Transportation Infrastructure Research Center -- Project development and strategic objectives -- Reporting requirements.
(1)
(a) The research center shall develop and define an action plan for the electrification of transportation infrastructure in this state.
(b) The research center shall provide a report of the action plan that includes:
(i) a description of the ideal electrified transportation system and incremental steps to implement the action plan over 10-year, 20-year, and 30-year time horizons, including a description of a transportation system that:
(A) provides intelligent coordination for vehicular traffic and charging individually and collectively into a dynamically communicative transportation system that links to and coordinates with the electric grid;
(B) integrates across and supports all modes of transportation and vehicle classes in complementary ways;
(C) integrates with hydrogen and renewable natural gas generation, storage, grid support, and fuel cell vehicles in complementary ways; and
(D) provides improved air quality, reduced cost to move people and goods, and new jobs and economic growth in the state;
(ii) strategic objectives in each element of the action plan above that are necessary to realize the action plan;

(iii) an initial description of changes needed to realize the action plan in each of the following sectors across the ecosystem:
(A) electrical power generation, distribution, and utility-scale energy storage infrastructure and capacity, including reliability, cost, and availability standards;
(B) interconnected smart charging infrastructure, intelligent transportation systems, control systems, and communications systems to facilitate the transition to electrified transportation;
(C) private surface transportation, including passenger vehicles, freight trucks, and freight trains;
(D) public surface transportation, including passenger vehicles, buses, and trains;
(E) air transportation, including private commercial aircraft and unmanned aircraft systems;
(F) vehicles that operate off-highway, including construction, mining, and agriculture;
(G) charging technology, solutions, and systems, including charging stations and shared use of infrastructure across modes of transportation and vehicle classes;
(H) workforce, including analysis of the capacity and types of education, vocations, trades, and certifications necessary in each relevant sector to develop the local workforce needed to accomplish the vision; and
(I) any other sector that the steering committee determines is substantially necessary to fulfilling the stated mission;
(iv) identification of key gaps in the ecosystem from the sectors and industries described in this Subsection (1)(b) that serve as priorities for near term innovation and investment;
(v) evaluation of risk and vulnerability of relevant supply chains, including natural resources to ensure stability and availability; and
(vi) an accounting of funds appropriated to or received by the research center, and any expenditure of those funds.
(c) Before August 1, 2024, the research center shall report on the action plan described in this Subsection (1) to the Transportation and Infrastructure Appropriations Subcommittee of the Legislature.
(2) Beginning in 2025, before August 1 of each year, the research center shall provide an annual report to the Transportation and Infrastructure Appropriations Subcommittee of the Legislature, including:
(a) an updated and prioritized list of strategic objectives identified in the initial report described in Subsection (1)(b);
(b) any actionable goals established or recommended by the research center;
(c) a prioritized list of steps to accomplish the goals and strategic objectives identified by the research center;
(d) metrics to measure the effectiveness of any goals or strategic objectives and related analysis;
(e) the research center's progress and effort in developing a long-range strategy for implementation of the action plan;
(f) the research center's efforts in and results of outreach to relevant industry, government, and investment sectors;
(g) any recommendations on potential legislation to implement the action plan; and
(h) an accounting of funds appropriated to or received by the research center, and any expenditure of those funds.
(3) Before November 30, 2027, the Transportation Interim Committee shall consider whether to continue the initiative as described in Sections 53H-4-306.1 through 53H-4-306.6 or allow the repeal of Sections 53H-4-306.1 through 53H-4-306.6 as described in Section 63I-1-253.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-307.1 Center for Civic Excellence.

(1) As used in Sections 53H-4-307.1 through 53H-4-307.6:
  (a) "Center" means the Center for Civic Excellence established in this section.
  (b) "Program" means the general education program at Utah State University.
(2) There is established the Center for Civic Excellence as a pilot program and an administrative unit in the Office of the Provost at Utah State University to:
  (a) provide general education for all Utah State University students;
  (b) replace the existing distribution model of general education with a coherent curriculum with a foundation of the core values, principles, and purposes described in Section 53H-4-307.5; and
  (c) develop a curriculum grounded in the following mission:
    (i) engaging students in civil and rigorous intellectual inquiry, across ideological differences, with a commitment to intellectual freedom in the pursuit of truth;
    (ii) ensuring, through engagement with foundational primary texts representing "the best of what has been thought and said," that all graduates, regardless of the graduate's major, engage with the "big questions, great debates, and enduring ideas" that continue to shape society's self-understanding, the American experience, and the modern world; and
    (iii) cultivating students' intellectual and personal habits of mind to enable the students to contribute and thrive in the students' economic, social, political, and personal lives with a focus on civil discourse, critical thinking about enduring questions, wise decision-making, and durable skills.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-307.2 Center for Civic Excellence -- Duties -- Authority.

The Center for Civic Excellence shall:
(1) serve as the program home of general education at Utah State University;
(2)
  (a) govern faculty over all general education curriculum; and
  (b) establish a faculty curriculum committee to develop and review program outcomes and all courses;
(3) develop and assess the program and all general education courses, ensuring alignment with the purposes and commitments described in Sections 53H-4-307.1 and 53H-4-307.5;
(4) appoint and evaluate all instructors who will teach general education courses at Utah State University; and
(5) provide professional development for instructors teaching in the program to ensure fidelity to the program's purposes, values, and outcomes.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-307.3 Center for Civic Excellence -- Leadership.

(1)
  (a) The Office of the Provost shall house the center.
  (b) The provost shall appoint a vice-provost to:
    (i) lead the center; and

(ii) report to the provost regarding the operation of the center and the general education program.

(2) The vice-provost overseeing the center shall:

(a) appoint faculty to the center's curriculum committee;

(b) oversee the development and assessment of the general education program and the program's courses;

(c) manage the recruitment of affiliate instructors from other academic units;

(d) approve appointments of affiliate instructors who will teach for the center;

(e) approve syllabi from affiliate instructors who will teach for the center;

(f) oversee the development of performance expectations for affiliate faculty;

(g) manage the evaluation of affiliate instructors; and

(h) manage the review and approval of petitions for exceptions for general education requirements.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-307.4 Center for Civic Excellence -- Faculty.

(1) Only an instructor whom the vice-provost leading the center grants an appointment as an affiliate instructor in the center may teach general education courses at Utah State University.

(2) In appointing an instructor under Subsection (1), the vice-provost leading the center shall:

(a) grant an at-will appointment on a two-year, renewable basis;

(b) require the instructor to engage with all professional development the center mandates; and

(c)

(i) ensure the center annually evaluates the instructor on the instructor's teaching performance in the general education program; and

(ii) deliver the performance evaluation to the faculty member, department head, and dean.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-307.5 Center for Civic Excellence -- Curriculum.

(1) The center shall:

(a) govern the general education program and general education courses at Utah State University; and

(b) ensure that:

(i) the general education program aligns with the general education program requirements described in board policy; and

(ii) there is general education transferability to and from Utah State University and other institutions within the Utah System of Higher Education.

(2) The center is founded on the following principles, values, and purposes:

(a) a commitment to viewpoint diversity and civil discourse, ensuring that students understand opposing points of view and can contribute in the public square in civil and productive ways;

(b) the development of program outcomes and courses that engage students in enduring questions of meaning, purpose, and value; and

(c) the cultivation in students of the durable skills necessary to thrive in educational, social, political, economic, and personal contexts.

(3) The center shall ensure, within the general education program:

(a) a cap of 30 credits;

(b) the integration of six written and oral communication credits with three humanities credits;

(c) that three three-credit courses in the humanities:
(i) engage with perennial questions about the human condition, the meaning of life, and the nature of social and moral lives;
(ii) emphasize foundational thinking and communication skills through engagement with primary texts predominantly from Western civilization, such as:
(A) the intellectual contributions of ancient Israel, ancient Greece, and Rome; and
(B) the rise of Christianity, medieval Europe, the Renaissance, the Enlightenment, and post-Enlightenment;
(iii) include texts for each course that are historically distributed from antiquity to the present from figures with lasting literary, philosophical, and historical influence, such as Homer, Plato, Aristotle, Lao Tzu, Cicero, Maimonides, Boethius, Shakespeare, Mill, Woolf, and Achebe; and
(iv) are organized around themes central to the preservation and flourishing of a free society, such as the moral life, happiness, liberty, equality and justice, and goodness and beauty; and
(d) that one three-credit course in American institutions:
(i) engages students with the major debates and ideas that inform the historical development of the republican form of government of the United States of America;
(ii) focus on the founding principles of American government, economics, and history, such as natural rights, liberty, equality, constitutional self-government, and market systems; and
(iii) use primary source material, such as:
(A) the Magna Carta, the United States Constitution, the Federalist Papers; and
(B) material from thinkers, such as Marcus Aurelius, Seneca, Adam Smith, John Locke, Montesquieu, and Alexis de Tocqueville.
(4) The vice-provost overseeing the center:
(a) shall ensure that the center:
(i) no less than seven days before the first day of class for a given semester or other academic term during which the institution offers a course, makes available to the public on the institution's website a syllabus for each section of the courses in the humanities described in Subsection (3) that:
(A) provide the section number;
(B) provides a brief description of each major assignment and examination;
(C) lists any required or recommended reading;
(D) provides a general description of the subject matter of each lecture or discussion;
(E) is accessible from the home page of the institution's website by use of not more than three links;
(F) is searchable by keywords and phrases; and
(G) is accessible to the public without requiring registration, use of a user name and password, or another method of user identification;
(ii) continues to make the information described in Subsection (4)(a) available on the center's website until at least the second anniversary of the date on which the center initially posted the information; and
(iii) updates the information described in Subsection (4)(a) as soon as practicable after the information changes; and
(b) may assign duties under this Subsection (4) to one or more administrative employees.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-307.6 Center for Civic Excellence -- Oversight -- Reporting.

(1) The vice-provost leading the center shall submit an annual report:
  (a) to the provost, president of the institution, and the commissioner;
  (b) that includes a mission-based accounting of:
    (i) program and instructor performance and goals for improvement;
    (ii) professional development offerings and future goals;
    (iii) the course offerings and syllabus publication described in Section 53H-4-307.5; and
    (iv) a full account of the center's budget.
(2) The commissioner shall report annually to the Education Interim Committee regarding the implementation and activities of the center.
(3) Each year, the center shall:
  (a) assess the quality of teaching and adherence to program principles, values, and goals;
  (b) identify expectations for addressing deficiencies or for continued improvement; and
  (c) share the review described in Subsections (3)(a) and (b) with appropriate department heads.
(4) Before July 1, 2029, the center shall:
  (a) report to the board educational outcomes and impacts of the pilot program;
  (b) provide recommendations for system-wide general education curriculum; and
  (c) report to the Education Interim Committee regarding the implementation and activities of the center.
(5) Based on the pilot program's outcomes, the board shall, in consultation with academic experts, pedagogical specialists, and institutional stakeholders, develop a proposed core of system-wide general education courses aligned with the educational principles of this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-308 Distance Education Doctorate Program.

(1) The Legislature finds that:
  (a) many Utah public education administrators are nearing the end of administrative careers and will retire early in the 21st Century;
  (b) Utah public schools have many mid-career faculty that could become the next wave of administrators if the mid-career faculty were prepared with a doctorate in education degree that emphasized curriculum and instruction;
  (c) each of Utah's community colleges have several faculty that need a terminal degree and further knowledge in curriculum development and state-of-the-art instructional methodology, and these individuals, being mid-career, find it difficult to relocate to a college campus for a traditional program; and
  (d) the state and the state's students will be better served if faculty and administrators are more knowledgeable about the development of curriculum and the latest instructional methodology based on documented research.
(2) Therefore, Utah State University shall establish a Distance Education Doctorate Program to accommodate public education administrators and community college faculty and administration.
(3) The program shall include the following components:
  (a) the offering of courses for a doctorate degree in education over the system established under Sections 53H-4-213.1 through 53H-4-213.7;
  (b) structuring of the program to make it identical to a regular campus program in rigor and course work; and
  (c) providing a support system from at least the following five departments at the university:

(i) Elementary Education;
(ii) Secondary Education;
(iii) Business Information Systems and Education;
(iv) Industrial Technology; and
(v) Agricultural Systems Technology and Education.

(4) The university shall augment the program with off-campus summer courses, with those courses eventually being offered over the system established under Sections 53H-4-213.1 through 53H-4-213.7.

(5) The Legislature shall provide an annual appropriation to fund the program established under this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-309 Veterinary education program.

(1) With the approval of the board, Utah State University may enter into a partnership agreement with Washington State University to establish a veterinary education program.

(2) The partnership agreement may provide that:

(a)

(i) initially, up to 20 Utah resident students and 10 nonresident students may be accepted each year into a four-year program leading to a doctorate in veterinary medicine; and

(ii) if resources become available to expand the doctoral program in veterinary medicine, additional Utah resident students and nonresident students may be accepted into the program; and

(b) students accepted into the doctoral program in veterinary medicine pursuant to Subsection (2)(a) complete the first and second years of study at Utah State University and the third and fourth years of study at Washington State University.

(3) Subject to future budget constraints, the Legislature shall annually provide an appropriation to pay for the nonresident portion of tuition for Utah students enrolled at Washington State University under a partnership agreement authorized by this section for the third and fourth years of a doctoral program in veterinary medicine.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-310 Strengthening At-Risk Youth and Their Families Program.

(1) There is created the Strengthening At-Risk Youth and Their Families Program to be administered through the Utah State University Extension Family Life and 4-H Programs.

(2) The program shall be implemented throughout the state through Utah State University Extension county offices.

(3) The program shall provide services to youth who have demonstrated behavioral and learning problems at school or have been referred to juvenile court for delinquent behavior.

(4) Youths and the youths' families in need of services may be identified and referred to the program through:

(a) school officials;
(b) juvenile court officers;
(c) community social service agencies; or
(d) parents.

(5) The program shall actively seek and screen adult volunteers to work with high risk youth and the youths' families.

(6) The program shall provide training and support to the volunteers to prepare the volunteers for the wide variety of social, cultural, and other environmental factors the volunteers will encounter.
(7) The volunteers shall:
(a) enroll and involve youth in 4-H and other community service and activity programs;
(b) provide academic tutoring, with an emphasis on reading skills, when necessary;
(c) seek out opportunities for participation in structured recreational activities; and
(d) facilitate the families' development of a positive family environment including:
(i) setting clear expectations and limits in the home;
(ii) fostering communication skills between family members;
(iii) encouraging the families' involvement in the school and community; and
(iv) assisting in the development of time management skills.
(8) The program shall provide for an annual assessment and evaluation of the entire program including:
(a) assessments conducted on youths and the youths' families before entering the program;
(b) documentation of ongoing changes observed in the youths while participating in the program, including behavioral and academic changes;
(c) assessments conducted on youths and the youths' families upon exiting the program; and
(d) overall assessment of the program in the various communities, to include:
(i) acceptance and support within the community;
(ii) availability of sufficient programs and activities; and
(iii) availability of qualified adults to serve as volunteers.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-311 Recreation and Tourism Program.
(1) There is appropriated for fiscal year 1998-99, $150,000 from the General Fund to Utah State University for base budget funding to conduct a program of teaching, research, and extension on outdoor recreation and tourism.
(2) The university shall establish the program in the Institute of Outdoor Recreation and Tourism in the College of Natural Resources.
(3) The extension and research program shall focus on at least three areas:
(a) tourism and outdoor recreation use;
(b) the social and economic tradeoffs of tourism and outdoor recreation for local communities; and
(c) the relationship between outdoor recreation and tourism and public land management practices and policies.
(4) The purpose of the program is to provide:
(a) better data for the Legislature and state agencies in the Legislature's and state agency's decision-making processes on issues relating to tourism and outdoor recreation;
(b) a base of information and expertise to assist community officials as the community officials attempt to balance the economic, social, and environmental tradeoffs in tourism development; and
(c) an interdisciplinary approach of research and study on outdoor recreation and tourism, a complex sector of the state's economy.
(5) The program shall include an office at the university for coordinating interdepartmental research and extension efforts with different agencies and institutions of higher education.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-312 Remote online opportunities program.

(1) As used in this section:

(a) "Association of governments" means an association of political subdivisions established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.

(b) "Program" means the program administered by Utah State University in accordance with this section.

(c) "Remote online opportunity" means employment, including freelance employment, or the operation of an online business for which an individual:

(i) can complete duties primarily online; and

(ii) is not required to work from a specific geographic location.

(2)

(a) Subject to legislative appropriations, Utah State University, through a county extension office, shall administer a program that helps individuals who live in rural areas access remote online opportunities.

(b) In administering the program, Utah State University shall consider input from a county located in a geographic area selected for the program under Subsection (4).

(3) Utah State University shall, as part of the program:

(a) provide training modules to adults and high school students;

(b) coordinate with rural high schools and postsecondary institutions;

(c) develop marketing materials;

(d) develop relationships with information technology companies that offer remote online opportunities;

(e) partner with websites that list freelance remote online opportunities;

(f) provide scholarships for individuals who live in rural areas to access online skill-based training for remote online opportunities;

(g) provide one-on-one coaching for an individual who pursues a remote online opportunity; and

(h) conduct other activities related to remote online opportunities as determined by Utah State University.

(4)

(a) Utah State University shall administer the program:

(i) in at least one geographic area in the state initially; and

(ii) in additional geographic areas if resources allow.

(b) In determining where to initially administer the program, Utah State University shall consider whether counties in a geographic area:

(i) are primarily rural or have remote rural areas;

(ii) face high unemployment rates;

(iii) have access to high speed Internet;

(iv) have a large percentage of high school graduates leave the geographic area after graduating from high school; and

(v) are members of an association of governments that supports helping individuals who live in rural areas access remote online opportunities.

(5) On or before November 1, 2020, and on or before November 1 every third year thereafter, Utah State University shall report to the Economic Development and Workforce Services Interim Committee on:

(a) the number of individuals who receive training through the program;

(b) the number and percentage of individuals who participate in the program and access a remote online opportunity; and
(c) whether there is a reduction in the unemployment rate in a geographic area included in the program.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-313 Food Security Council.

(1) As used in this section:
(a) "Council" means the Food Security Council created in this section.
(b) "Food security" means access to sufficient, affordable, safe, and nutritious food that meets an individual's food preferences and dietary needs.
(c) "SNAP-Ed program" means the nutrition education component of the federal "Supplemental Nutrition Assistance Program" under Title 7, U.S.C. Chapter 51, Supplemental Nutrition Assistance Program.
(d) "State superintendent" means the state superintendent of public instruction appointed under Section 53E-3-301.
(e) "Utah food product" means a food product that is produced in the state.
(2) There is created at Utah State University the Food Security Council.
(3) The council is composed of the following 15 members:
(a) the executive director of the Department of Health and Human Services or the executive director's designee;
(b) the executive director of the Department of Workforce Services or the executive director's designee;
(c) the state superintendent or the state superintendent's designee;
(d) the commissioner or the commissioner's designee;
(e) the commissioner of the Department of Agriculture and Food or the commissioner's designee; and
(f) the following members appointed by the chair of the council:
(i) one member who represents the Utah State University Extension Service;
(ii) one member who represents the Utah State University Expanded Food and Nutrition Education Program;
(iii) one member who represents the Utah Women, Infants, and Children Program administered under 42 U.S.C. Sec. 1786;
(iv) one member who represents the Utah SNAP-Ed program;
(v) one member who represents a food assistance organization;
(vi) one member who represents an advocacy group that addresses federal nutrition programs;
(vii) one member who represents an organization that promotes healthy eating and active lifestyles in the state;
(viii) one member who represents an organization that provides refugee resettlement services in the state;
(ix) one member who represents the Utah Farm Bureau Federation; and
(x) one member who represents a tribal government in the state.
(4)
(a) A member described in Subsection (3)(d) shall serve a term of two years.
(b) If a vacancy occurs for a member described in Subsection (3)(d), the chair of the council shall appoint a replacement to serve the remainder of the member's term.
(c) A member may serve more than one term.

(5) A member may not receive compensation or benefits for the member's service.
(6) The council shall elect a chair from the council's members, who shall serve a two-year term.
(7)
(a) A majority of the members of the council constitutes a quorum of the council.
(b) The action by a majority of the members of a quorum constitutes the action of the council.
(8) The Utah State University Hunger Solutions Institute shall provide staff support to the council.
(9) The council shall:
(a) develop statewide goals and messaging related to food security and nutrition education;
(b) coordinate statewide efforts to address food security;
(c) ensure that any state programs receiving federal funds from the United States Department of Agriculture's Food and Nutrition Service provide consistent and coordinated nutrition education messaging;
(d) promote programs and activities that contribute to healthy eating and active lifestyles;
(e) promote programs and activities that advance Utah food products; and
(f) disseminate the statewide goals and messaging developed under Subsection (10) to state agencies.
(10) On or before October 1 of each year, the council shall prepare and submit an annual written report to the Economic Development and Workforce Services Interim Committee, the Education Interim Committee, and the Natural Resources, Agriculture, and Environment Interim Committee that contains:
(a) a description of the council's operations, activities, programs, and services; and
(b) any recommendations on how the state should act to address issues relating to food security.
(11) The council may accept gifts, grants, or donations from public or private sources for purposes of carrying out the council's duties.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-314 Agricultural experiment station.
(1) There is established an agricultural experiment station in connection with Utah State University.
(2) The station conducts research as provided by state and federal laws governing the establishment and maintenance of agricultural experiment stations.
(3) The university is in charge of the experiment station, and shall purchase or lease suitable lands, erect necessary buildings, provide needed equipment, and appoint officers and assistants to conduct and issue reports on the research conducted at the station.
(4) The university may enter into cooperative agreements with governmental entities, organizations, corporations, institutions, and individuals to carry out the provisions governing agricultural experiment stations.
(5) The university may establish and maintain substations to assist in conducting the research provided for in this section.
(6) The university may discontinue the existence of a substation.
(7) If a substation is created by legislative enactment, the university is under no obligation to maintain the substation beyond that time for which special appropriations are made by the Legislature.
(8) The university shall establish and maintain a climate center to gather and analyze climatological data for the benefit of all state agencies.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-315 Agricultural extension service.

(1) There is established by Utah State University an agricultural extension service as provided in the federal Smith-Lever and Capper-Ketchum Acts and other federal laws.

(2)
  (a) The university may enter into cooperative contracts with the United States Department of Agriculture, county or city officers, private and public organizations, corporations, and individuals, to share the expense of establishing and maintaining an agricultural extension service.
  (b) The county legislative body of each county may provide sufficient funds to ensure that the agricultural extension service functions properly in the legislative body's county.

(3)
  (a) The governor may apply to the Secretary of the Treasury to obtain any appropriation made by Congress relating to the federal laws referred to in this section.
  (b) Whenever the university and agricultural experiment station shall be entitled to any money under these acts or similar acts, the university shall execute and file with the Secretary of the Treasury an agreement to expend the money received for the sole and exclusive purpose expressed in such act and in the manner therein directed, and to maintain a farm of at least 25 acres in connection with the university.
  (c) The university shall also comply with all conditions expressed in the acts.

(4) The university shall execute and file with the Secretary of the Treasury an agreement relating to the expenditure of funds received under the laws referred to in Subsection (3) that the funds will be used for the exclusive purpose directed in those laws.

(5) The university shall comply with all conditions expressed in the laws referred to in Subsection (1) in order to receive money under those laws.

(6) The state reaffirms the state's acceptance of the grants of money and property authorized by the following Acts of Congress:
  (a) the Morrill Act, approved July 2, 1862;
  (b) an Act of Congress passed March 2, 1887, entitled, "An act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July 2, 1862, and all acts supplementary to that act";
  (c) an Act of Congress entitled, "An act to provide an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," approved March 16, 1906;
  (d) the Purnell Act, approved February 24, 1925;
  (e) "the Smith-Lever Act to aid in the development of the extension work in connection with the agricultural colleges," approved May 8, 1914; and
  (f) "the Capper-Ketchum Act, providing for further support of agricultural extension work as conducted by the agricultural colleges," approved May 22, 1928.

(7) The state guarantees all money received under this section against loss or misapplication.

(8) The treasurer of Utah State University is the officer who receives money appropriated by the Secretary of the Treasury under this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-316 Uintah Basin Air Quality Research Project.

(1) There is created the Uintah Basin Air Quality Research Project to study ozone formation in the Uintah Basin.

(2) The Utah State University Bingham Entrepreneurship and Energy Research Center shall:

(a) conduct the Uintah Basin Air Quality Research Project by:
(i) developing and improving computer models to simulate ozone formation and determine the cause of ozone formation;
(ii) measuring pollutants in the ambient air to:
(A) track how emissions are changing over time; and
(B) verify the accuracy of computer models; and
(iii) characterizing pollutant emissions from various sources; and
(b) annually report to the Natural Resources, Agriculture, and Environment Interim Committee on the results of the research described in Subsection (2)(a) by no later than November 30 of each year.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-317 Federal funds contingency planning dashboard.

(1) As used in this section:
(a) "Center" means the Analytics Solutions Center at the Utah State University Jon M. Huntsman School of Business.
(b) "Federalism Commission" means the Federalism Commission created in Section 63C-4a-302.
(2) In consultation with the Federalism Commission and subject to legislative appropriation, the center shall:
(a) create and maintain a digital dashboard that visualizes the risk of federal funds reductions and the state's dependency on federal funds;
(b) ensure that the dashboard is publicly available, user-friendly, and dynamic;
(c) identify, curate, clean, and securely warehouse funding data relevant to creating and maintaining the dashboard;
(d) continuously monitor and update the dashboard's data and functionality to ensure accuracy and compliance with this section;
(e) model economic scenarios to help the state plan for potential reductions in federal funds; and
(f) upon request, report to the Federalism Commission regarding the duties described in this section.

Enacted by Chapter 86, 2026 General Session

53H-4-318 Utah Forest Restoration Institute.

(1) As used in this section:
(a) "Institute" means the Utah Forest Restoration Institute created in Subsection (2).
(b) "Watershed Restoration Initiative" means the initiative created in Section 79-2-602.
(2) There is created the Utah Forest Restoration Institute in connection with Utah State University.
(3) The institute shall:
(a) conduct research as provided by state and federal laws governing the establishment and maintenance of southwest ecological restoration institutes;
(b) study how the state can improve the health of forests, woodland ecosystems, and watersheds;
(c) recommend mitigation strategies that reduce the risks and impacts of wildfire;
(d) coordinate with the Watershed Restoration Initiative to fund watershed and forest restoration projects in accordance with Subsection (4); and
(e) monitor the long-term effectiveness of watershed and forest restoration projects funded by the state.

(4) To coordinate the funding of watershed and forest restoration projects with the Watershed Restoration Initiative, the institute shall:
(a) review a prioritized list of watershed restoration projects submitted by the Watershed Restoration Initiative;
(b) approve funding for watershed restoration projects based on:
(i) immediate need for watershed and forest health;
(ii) the projected short-term and long-term benefit to watershed and forest health;
(iii) available funds; and
(iv) recommendations from the Watershed Restoration Initiative; and
(c) before May 1 of each year, notify the Watershed Restoration Initiative of the approved watershed restoration projects from the prioritized list described in Subsection (4)(a).
(5)
(a) The Watershed Restoration Initiative may submit an emergency request for funding to the institute in response to a wildfire, flooding event, or other natural disaster.
(b) If the institute receives an emergency request for funding from the Watershed Restoration Initiative, the institute shall:
(i) within 72 hours of receiving the request, review the emergency request for funding;
(ii) within 96 hours of receiving the request, notify the Watershed Restoration Initiative of the institute's decision to provide funding for the request; and
(iii) within a reasonable time of receiving the request, if the institute decides to provide funding for the request, distribute funding to the Watershed Restoration Initiative.
(6)
(a) The institute shall prepare and submit an annual report on or before July 1 of each year to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee.
(b) The report shall include:
(i) a list of programs funded by the institute;
(ii) any programs or research completed in the previous year and an assessment of the programs or research; and
(iii) a complete operating and financial statement for the preceding fiscal year.

Enacted by Chapter 418, 2026 General Session

Part 4
Southern Utah University

53H-4-401 General provisions -- Definitions.
Reserved.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-402 Helen Foster Snow Cultural Center.
Subject to legislative appropriations, Southern Utah University shall establish the Helen Foster Snow Cultural Center to provide language support and cultural opportunities to students studying the Mandarin Chinese language.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 5
Snow College

53H-4-501 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-4-502 Snow College -- Richfield campus.

(1) There is established a branch campus of Snow College in Richfield, Utah, known as the Snow College Richfield campus.
(2) Snow College shall administer the branch campus under the general control and supervision of the board as an integrated part of Snow College's mission, programs, and curriculum.
(3) Snow College shall:
  (a) maintain a strong curriculum in career and technical education courses at the Snow College Richfield campus and within the region served by Snow College which can be transferred to other institutions within the higher education system, together with lower division courses and courses required for associate degrees in science, arts, applied science, and career and technical education; and
  (b) work with school districts and charter schools in developing an aggressive concurrent enrollment program in cooperation with Snow College Richfield campus.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-503 Snow College Concurrent Education Program.

(1) As used in this section:
  (a) "Interactive video conferencing" means two-way, real-time transmission of audio and video signals between devices or computers at two or more locations.
  (b) "Program" means the Snow College Concurrent Education Program.
(2) Consistent with policies established by the board, Snow College shall establish and administer, subject to legislative appropriations, the Snow College Concurrent Education Program to provide:
  (a) a consistent two-year schedule of concurrent enrollment courses delivered through interactive video conferencing to secondary school students;
  (b) a pathway for a secondary school student to earn college credits that:
    (i) apply toward earning an Associate of Science or Associate of Arts degree; or
    (ii) satisfy scholarship requirements or other objectives that best meet the needs of an individual student; and
  (c) advisory support to secondary school students who participate in the program and the secondary school students' school counselors to ensure that students' concurrent enrollment courses align with the students' academic and career goals.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-504 Snow College -- Economic Development and Workforce Preparation Advisory Committee.

(1) Snow College shall have the Snow College Economic Development and Workforce Preparation Advisory Committee composed of the following 12 members:
  (a) one economic development professional appointed by the Juab County legislative body;
  (b) one economic development professional appointed by the Millard County legislative body;
  (c) one economic development professional appointed by the Sanpete County legislative body;
  (d) one economic development professional appointed by the Wayne County legislative body;
  (e) one economic development professional appointed by the Piute County legislative body;
  (f) one economic development professional appointed by the Sevier County legislative body;
  (g) four representatives of business or industry employers within the region appointed by the Snow College Board of Trustees from nominations of the members appointed under Subsections (1)(a) through (f);
  (h) one public education school district superintendent, appointed by the Snow College Board of Trustees, chosen from the school district superintendents serving in the Juab, Millard, Tintic, North Sanpete, South Sanpete, Wayne, Piute, and Sevier School Districts; and
  (i) one public education school district career and technical education director, appointed by the Snow College Board of Trustees, chosen from the career and technical education directors serving in the Juab, Millard, Tintic, North Sanpete, South Sanpete, Wayne, Piute, and Sevier School Districts.

(2)
  (a) Except as provided in Subsection (2)(b), a member of the Snow College Economic Development and Workforce Preparation Advisory Committee shall serve for a term of four years.
  (b) The president of Snow College shall adjust the length of the terms to ensure that the terms of committee members are staggered so that approximately half of the committee members are appointed every two years.

(3) The members of the Snow College Economic Development and Workforce Preparation Advisory Committee shall elect a chair of the committee from the committee's membership.

(4) The Snow College Economic Development and Workforce Preparation Advisory Committee shall meet upon the call of the chair or a majority of the committee members.

(5) The Snow College Economic Development and Workforce Preparation Advisory Committee shall:
  (a) assess the economic development needs of central Utah and advise Snow College on how Snow College can improve the effectiveness of Snow College's efforts to assist business, industry, and local governments in efforts to expand economic activity and enhance the local economy; and
  (b) review educational programs offered by Snow College, including career and technical education programs, and advise Snow College on how the college can improve Snow College's efforts to prepare students for employment in the region and enhance the skills of workers who are already employed.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 6
Utah Tech University

53H-4-601 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-4-602 Utah Tech University -- Institutional name change.

(1) As used in this section:
(a) "Board of trustees" means the board of trustees of Utah Tech University.
(b) "Institution" means Utah Tech University.
(2)
(a) Dixie State University shall be known as Utah Tech University.
(b) Utah Tech University is a continuation of Dixie State College of Utah and Dixie State University and shall:
(i) possess all rights, titles, privileges, powers, immunities, franchises, endowments, property, and claims of Dixie State University and Dixie State College of Utah; and
(ii) fulfill and perform all obligations of Dixie State University and Dixie State College of Utah, including obligations relating to outstanding bonds and notes.
(3) The board of trustees in consultation with the Utah Board of Higher Education shall:
(a) create a committee to recommend a name for the institution; and
(b) ensure that the committee:
(i) represents students, university personnel, community members, and industry leaders in the committee's membership;
(ii) provides opportunity for input from and collaboration with the public, including:
(A) residents of southwestern Utah;
(B) institutional partners; and
(C) university faculty, staff, students, and alumni;
(iii) reviews options for the institution's name; and
(iv) makes recommendations regarding the institution's name to the board of trustees.
(4)
(a) The board of trustees shall:
(i) review the committee's recommendation described in Subsection (3)(b); and
(ii) choose whether to forward a name for the institution to the Utah Board of Higher Education.
(b) Should the board of trustees choose to forward a name for the institution to the Utah Board of Higher Education under Subsection (4)(a), the board of trustees shall ensure that the name:
(i) reflects the institution's mission and significance to the surrounding region and state; and
(ii) enables the institution to compete and be recognized nationally.
(c) Should the board of trustees recommend a name for the institution under Subsection (4)(a), the Utah Board of Higher Education shall vote on whether to approve and recommend the name to the Legislature.
(5) Should the Utah Board of Higher Education and the board of trustees recommend a name for the institution to the Legislature through the process described in Subsections (3) and (4), the Utah Board of Higher Education and the board of trustees shall recommend the name for the institution to the Legislative Management Committee no later than November 1, 2021.
(6)
(a) Except as provided in Subsection (6)(b), the board of trustees shall designate the institution's main campus as the "Dixie Campus" for a period of no less than 20 years.

(b) After July 1, 2042, if the board of trustees seeks to alter the designation described in Subsection (6)(a), the board of trustees shall first obtain the approval of the Utah Board of Higher Education.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-603 Nonprofit corporations and foundations -- Purpose.

(1) Utah Tech University may form a nonprofit corporation or foundation controlled by the president of the university and the board to aid and assist the university in attaining the university's charitable, communications, and other related educational objectives, including:
(a) support for media innovation;
(b) film festivals;
(c) film production;
(d) print media;
(e) broadcasting;
(f) television; and
(g) digital media.
(2) The nonprofit corporation or foundation may receive and administer legislative appropriations, government grants, contracts, and private gifts to carry out the nonprofit corporation's public purposes.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-604 Utah Tech University Higher Education for Incarcerated Youth Program.

(1) As used in this section:
(a) "Interactive video conferencing" means two-way, real-time transmission of audio and video signals between devices or computers at two or more locations.
(b) "Program" means the Utah Tech University Higher Education for Incarcerated Youth Program.
(c) "Student" means an individual who is:
(i) in the custody of the Division of Juvenile Justice and Youth Services at any time a course is being offered, including:
(A) individuals in the legal custody of the Division of Juvenile Justice and Youth Services; and
(B) individuals who are housed in a detention center that the Division of Juvenile Justice and Youth Services operates; and
(ii) subject to the jurisdiction of the Youth Parole Authority.
(2) Consistent with policies established by the board, Utah Tech University shall, subject to legislative appropriation, establish and administer the Utah Tech University Higher Education for Incarcerated Youth Program to provide:
(a) students needing high school credits opportunities for concurrent enrollment courses;
(b) a consistent, two-year, flexible schedule of higher education courses delivered through interactive video conferencing, in-person, or online methods to students;
(c) a pathway for students to earn college credits that:
(i) apply toward earning a certificate, associate degree, bachelor's degree; or
(ii) satisfy scholarship requirements or other objectives that best meet the needs of an individual student; and

(d) advisory support to students and academic counselors who participate in the program to ensure that the students' higher education courses align with the academic and career goals defined in the students' plans for college and career readiness.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-605 Heritage Committee.

(1) The board of trustees shall establish a Heritage Committee to identify and implement strategies to preserve the heritage, culture, and history of the region on the campus of Utah Tech University, including the regional significance of the term "Dixie."

(2) At or before the November interim meeting in 2022, the board of trustees shall report to the Education Interim Committee regarding the establishment of the Heritage Committee described in Subsection (1).

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 7
Utah Valley University

53H-4-701 General provisions -- Definitions.

As used in this part:

(1) "Center" means the Center for Constitutional Studies at Utah Valley University.

(2) "Commission" means the Federalism Commission created in Section 63C-4a-302.

(3) "Fire and rescue training program" means the program described in Section 53H-4-705.

(4) "Fire board" means the Utah Fire Prevention Board, created in Section 53-7-203.

(5) "Initiative" means the Civic Thought and Leadership Initiative described in Section 53H-4-706.

(6) "Institute" means the Gary R. Herbert Institute for Public Policy at Utah Valley University.

(7) "University" means Utah Valley University.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-702 Institutional name change.

(1) Beginning July 1, 2008, Utah Valley State College shall be known as Utah Valley University.

(2) The university is a continuation of Utah Valley State College and shall:

(a) possess all rights, title, privileges, powers, immunities, franchises, endowments, property, and claims of the college; and

(b) fulfill and perform all obligations of the college, including obligations relating to outstanding bonds and notes.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-703 Federalism-related duties of Center for Constitutional Studies.

In consultation with the commission and subject to appropriations by the Legislature, the center shall:

(1) develop a nonpartisan continuing education and training program for state and local government employees on:

(a) the principles of federalism;

(b) the sovereignty, supremacy, and general jurisdiction of the individual states, including the breadth and extent of state police power jurisdiction;
(c) the history and practical implementation of the Ninth, Tenth, and Fourteenth Amendments to the United States Constitution;
(d) the limited jurisdiction and powers of the federal government as proscribed by the United States Constitution, as amended;
(e) methods of evaluating federal jurisdiction, law, or action in the context of the principles of federalism;
(f) the duty, jurisdiction, and powers of the state to restore or maintain the constitutionally balanced state and federal governing roles and responsibilities; and
(g) other education or training components related to federalism as recommended by the commission;
(2) organize an annual conference for state representatives and leaders whose primary purpose is to facilitate nonpartisan discussion and coordination amongst states with respect to federalism issues;
(3) study and advise the commission in regards to the creation of a state-led national organization focused on strengthening federalism and improving intergovernmental relations, including the makeup, duties, and functions of such organization;
(4) coordinate with private sector actors who agree to conduct out-of-state outreach to build national support for the commission's federalism efforts;
(5) establish informal working groups consisting of public and private stakeholders as is appropriate to assist the center in fulfilling the requirements of this section; and
(6) report to the commission as requested regarding the center's progress in fulfilling the requirements of this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-704 Federalism-related duties of Herbert Institute.

In consultation with the commission and subject to appropriations by the Legislature, the institute shall:
(1) serve as a liaison between the commission and the center with respect to federalism issues;
(2) conduct outreach and coordination with public and private sector entities to support the commission's federalism efforts;
(3) coordinate with private sector actors who agree to conduct out-of-state outreach to build national support for the commission's federalism efforts; and
(4) report to the commission as requested regarding the institute's progress in fulfilling the requirements of this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-705 Fire prevention, education, and training program.

(1) With technical advice and support from the fire board, Utah Valley University shall operate a statewide fire and rescue training program that:
(a) provides instruction, training, and testing for:
(i) Utah Valley University students; and
(ii) firefighters and emergency rescue personnel throughout the state, whether paid or volunteer;
(b) explores new methods of firefighting, fire training, and fire prevention;
(c) provides training for fire and arson detection and investigation;

(d) provides training to students, firefighters, and emergency rescue personnel on how to conduct public education programs to promote fire safety;
(e) provides aircraft rescue firefighting training;
(f) provides for certification of firefighters, pump operators, instructors, officers, and rescue personnel; and
(g) provides facilities and props for teaching firefighting and emergency rescue skills.
(2) Utah Valley University shall ensure that the curriculum, training, and facilities offered in the fire and rescue training program are sufficient to allow individuals who successfully complete the program to receive applicable certification as a firefighter or emergency rescue professional.
(3) Utah Valley University and the fire board shall consult together regarding:
(a) the development and content of the curriculum and training of the fire and rescue training program;
(b) the identification of individuals who may participate in the fire and rescue training program without cost; and
(c) the establishment of certification standards and requirements.
(4) Utah Valley University shall allow individuals designated by the fire board to participate in and complete the fire and rescue training program without cost and to receive applicable certification.
(5) Utah Valley University and the fire board shall by contract establish terms to:
(a) define the scope and content of the fire and rescue training program;
(b) identify the fire and rescue personnel throughout the state who will be permitted to participate in the fire and rescue training program without cost; and
(c) define other aspects of the relationship between Utah Valley University and the fire board relating to the fire and rescue training program that are mutually beneficial.
(6) In accordance with Section 34A-3-114, the fire and rescue training program shall:
(a) obtain and utilize a record keeping system for the cancer screening program;
(b) facilitate cancer screenings conducted by the Rocky Mountain Center for Occupational and Environmental Health; and
(c) track cancer screenings for a firefighter.
(7) In accordance with Section 53-33-202, the fire and rescue training program shall:
(a) provide staff for the board created in Section 53-33-202; and
(b) provide accounting services for the trust fund created in Section 53-33-201.

Amended by Chapter 469, 2026 General Session

53H-4-706 Civic Thought and Leadership Initiative.
(1) The university shall establish the Civic Thought and Leadership Initiative within the Center for Constitutional Studies to facilitate nonpartisan political discussion and provide civic education and research.
(2) The initiative shall:
(a) provide courses in and related to philosophy, history, economics, and political science;
(b) provide resources to students, outside academic institutions, government agencies, and other persons regarding civic affairs; and
(c) foster thoughtful civic engagement in Utah and the surrounding region.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-707 Acceptance of gifts.

The university is authorized to receive gifts, contributions, and donations of all kinds, for development or support of the initiative.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-4-708 Election study.

(1) The institute and the center shall conduct a study to determine:
  (a) the security risks of in-person voting versus voting by mail; and
  (b) the best practices for conducting and implementing a process where identification is presented and checked at a ballot drop box before a voter may deposit a ballot in the ballot drop box.
(2) The portion of the study described in Subsection (1)(a) shall include:
  (a) a comparison between Utah and states that don't use voting by mail as the primary means of voting;
  (b) an analysis of potential and actual fraud in Utah, and in comparison to other states;
  (c) an analysis of the accuracy or inaccuracy of voter rolls using a vote by mail system versus in-person voting; and
  (d) an analysis of related issues raised in 2024-20, A Performance Audit of Utah's Election System: Strengthening Election Integrity.
(3) The portion of the study described in Subsection (1)(b) shall include information, analysis, and recommendations regarding:
  (a) logistics;
  (b) wait times;
  (c) costs; and
  (d) ballot processing.
(4) The institute and the center shall present the results of the study described in this section to the Government Operations Interim Committee at or before the October 2026 interim meeting.

Enacted by Chapter 311, 2026 General Session

Part 8
Weber State University

53H-4-801 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 9
Salt Lake Community College

53H-4-901 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 10
Bridgerland Technical College

53H-4-1001 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 11
Davis Technical College

53H-4-1101 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 12
Dixie Technical College

53H-4-1201 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 13
Mountainland Technical College

53H-4-1301 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 14
Ogden-Weber Technical College

53H-4-1401 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 15
Southwest Technical College

53H-4-1501 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 16
Tooele Technical College

53H-4-1601 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 17
Uintah Basin Technical College

53H-4-1701 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Chapter 5
Multi-Institution Programs and Initiatives

Part 1
General Provisions

53H-5-101 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 2
Rocky Mountain Center for Occupational and Environmental Health

53H-5-201 General provisions -- Definitions.
As used in this part:
(1) "Advisory board" means the Rocky Mountain Center for Occupational and Environmental Health Advisory Board created in Section 53H-5-203.

(2) "Affected populations" include:
(a) employees;
(b) employers;
(c) insurers;
(d) professionals or professional organizations related to occupational and environmental health;
(e) government agencies; and
(f) outside academic institutions.
(3) "Center" means the Rocky Mountain Center for Occupational and Environmental Health established in Section 53H-5-202.
(4) "Director" means the director of the center.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-5-202 Rocky Mountain Center for Occupational and Environmental Health.
(1) There is established at the University of Utah and Weber State University the Rocky Mountain Center for Occupational and Environmental Health, to be a center for occupational health, safety, and environment education and research.
(2) The University of Utah and Weber State University shall:
(a) jointly operate the center in a manner so that the center is:
(i) eligible to be designated as an education and research center by the National Institute for Occupational Safety and Health in the United States Department of Health and Human Services; and
(ii) a resource for affected populations to:
(A) improve workplace health, safety, and environment; and
(B) contribute to economic growth and development in Utah and the surrounding region; and
(b) each appoint a co-principal investigator upon application for the designation described in Subsection (2)(a)(i).
(3) The University of Utah senior vice president for health sciences and the Weber State University provost and vice president of academic affairs shall jointly develop an annual budget for the center that considers funding from all available sources.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-5-203 Advisory board.
(1) In consultation with the director appointed under Section 53H-5-204, the president of the University of Utah and the president of Weber State University, or the presidents' designees, shall create an advisory board known as the "Rocky Mountain Center for Occupational and Environmental Health Advisory Board" to:
(a) promote occupational health and safety in Utah and the surrounding region;
(b) promote the development of undergraduate training in occupational health and safety;
(c) engage other higher education institutions in the state to participate in improving occupational health and safety education and programs for undergraduate students and other affected populations, including the industrial hygiene program offered at Utah State University;
(d) promote the interests and mission of the center by advising the director on issues including:
(i) operation of the center as a multidisciplinary, state-of-the-art program at the university;
(ii) developing and maintaining state and institutional support;
(iii) emerging local or regional, occupational health and safety education and research needs;

(iv) continuing education and outreach to local and regional occupational health and safety professionals;
(v) coordinating with other local or regional entities that promote occupational health and safety in a manner that meets the needs of both employers and employees; and
(vi) grant requirements and renewal;
(e) advise the director on the expenditure by the center of public and private funds including:
(i) funds appropriated by the Legislature;
(ii) donations;
(iii) the proportionate amount of administrative funds available to each university upon the center's designation as described in Subsection 53H-5-202(2)(a)(i), consistent with federal guidelines; and
(iv) the proportionate amount of funds available to each university for the center from public and private grants and contracts; and
(f) develop recommendations for the long-term operation of the center consistent with Section 53H-5-202.

(2)
(a) The advisory board shall consist of no fewer than 15 and no more than 18 individuals who represent the affected populations.
(b) In consultation with the director appointed under Section 53H-5-204, the president of the University of Utah and the president of Weber State University, or the presidents' designees, shall establish reasonable bylaws for the operation of the advisory board including:
(i) the selection of advisory board members;
(ii) quorum requirements; and
(iii) voting requirements.

(3) The advisory board shall elect an advisory board chair and vice chair from among the advisory board members by a vote of the members.

(4)
(a) The advisory board shall have an executive committee consisting of:
(i) the advisory board chair;
(ii) the advisory board vice chair; and
(iii) three other advisory board members, selected by the advisory board chair in consultation with the director.
(b) The executive committee shall meet at least quarterly to advise the center and to plan for advisory board meetings.

(5) The advisory board chair, in consultation with the director, shall call advisory board meetings at least two times each calendar year.

(6) The advisory board and the executive committee are subject to Title 52, Chapter 4, Open and Public Meetings Act.

(7) An advisory board member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
(a) Section 63A-3-106;
(b) Section 63A-3-107; and
(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-5-204 Appointment and removal of director.

(1) Subject to Subsection (2), the University of Utah senior vice president for health sciences and the Weber State University provost and vice president of academic affairs shall jointly appoint and may jointly remove the director.
(2) The appointment or removal of the director under Subsection (1) may be made only after consultation with:
(a) the president of the University of Utah or the president's designee;
(b) the president of Weber State University or the president's designee;
(c) the dean of the University of Utah college of engineering or the dean's designee; and
(d) the advisory board through the advisory board chair.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-5-205 Reporting requirements.
(1) The advisory board, through the director and the advisory board chair, shall provide by no later than July 1 of each year, a written report to the president of the University of Utah, the president of Weber State University, and the Education Interim Committee.
(2) The report required under Subsection (1) shall:
(a) summarize the center's activities and accomplishments in the immediate proceeding calendar year; and
(b) provide information and the advisory board's advice and recommendations on how the state, university, and the center can:
(i) improve workplace health and safety; and
(ii) contribute to economic growth and development in Utah and the surrounding region.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 3
State Arboreta

53H-5-301 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-5-302 Establishment of state arboreta -- Purpose -- Acceptance of gifts.
(1) In recognition of the cultural role that trees and shrubbery and birds and bees have played in the settlement and development of this state and the hardships that many of the pioneers endured to bring to this land seeds, plants, trees, and shrubs which have contributed so much to the scenic beauty of this state, it is deemed expedient that state arboreta be established for the purpose of further developing a knowledge and appreciation of trees and shrubs and to provide a place where the seeds, plants, trees, and shrubs may be planted and cultivated as memorials and for the cultural enjoyment of the people of the state.
(2)
(a) State arboreta are created and established at:
(i) the University of Utah; and
(ii) Utah State University.

(b) The universities listed in Subsection (2)(a) may:
(i) on behalf of the people of this state, cultivate a greater knowledge and public appreciation for the trees and plants around us, as well as those growing in remote sections of the country and world; and
(ii) receive gifts, contributions, and donations of all kinds, including gifts and contributions of trees, plants, and shrubbery of every variety to promote the purposes and pursuits of an arboretum.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 4
Other Multi-Institution Programs and Initiatives

53H-5-401 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-5-402 Multi-University Consortium for Teacher Training in Sensory Impairments -- Purposes -- Appropriation.
(1)
(a) In conjunction with the board's master plan for higher education, there is established a Multi-University Consortium for Teacher Training in Sensory Impairments which is an outgrowth of a consortium established by the federal government.
(b) The consortium shall include within its membership the University of Utah, Utah State University, Brigham Young University, the Utah Schools for the Deaf and the Blind, the Services for At-Risk Students section under the State Board of Education, and local school districts.
(2) The consortium, in collaboration with the board and the State Board of Education, shall develop and implement teacher preparation programs that qualify and certify instructors to work with students who are visually impaired, deaf, or hard of hearing, or both visually impaired and deaf or hard of hearing.
(3) The board shall consider including within the board's annual budget recommendations a line item appropriation to provide ongoing funding for the programs provided pursuant to this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-5-403 Higher Education Engineering Partnership.
(1) Utah State University and Weber State University shall enter into a partnership agreement to jointly deliver a bachelor's degree in electrical engineering to meet the demand for electrical engineers in the state, including the demand at Hill Air Force Base.
(2) The partnership agreement may provide for:
(a) a satellite location for the Utah State University electrical engineering program on a Weber State University campus, including the Davis campus; and
(b) a curriculum using courses from:

(i) Weber State University's electrical engineering technology and general education programs; and
(ii) Utah State University's electrical engineering bachelor's degree program and other related programs.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Chapter 6
Campus Life and Activities

Part 1
General Provisions

53H-6-101 General Provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 2
Athletics

53H-6-201 Definitions.

As used in this part:

(1) "Athlete agent" means the same as that term is defined in Section 58-87-102.

(2) "Athletic entity" means an athletic association, athletic conference, or other group or organization with authority over intercollegiate athletics.

(3)
(a) "Institutional marketing associate" means a third-party entity that enters into a contract with, or acts on behalf of, an institution or intercollegiate athletics program.
(b) "Institutional marketing associate" does not include:
(i) an institution;
(ii) an athletic entity; or
(iii) a staff member, employee, officer, director, manager, or owner of an institution.

(4) "Intercollegiate athletics program" means an institution-sponsored athletic program or sporting activity in which a student athlete represents the student athlete's institution in competition against another institution.

(5) "Prohibited endorsement provision" means a provision that requires or permits the use of a student athlete's name, image, or likeness to promote:
(a) a tobacco product or electronic cigarette, as those terms are defined in Section 76-9-1101, including vaping;
(b) an alcoholic product, as that term is defined in Section 32B-1-102;
(c) a seller or dispenser of a controlled substance, including steroids, antibiotics, and marijuana;
(d) gambling or betting;
(e) a sexually oriented business, as that term is defined in Section 17-50-331; or

(f) a firearm that the student athlete cannot legally purchase.

(6)

(a) "Student athlete" means an individual who:

(i) is enrolled in an institution; and

(ii) participates as an athlete for the institution in an intercollegiate athletics program.

(b) "Student athlete" includes an agent or other representative of a student athlete.

(7) "Student athlete agreement" means a proposed or executed contract:

(a) between a student athlete and another party; and

(b) in which the student athlete and other party agree that the student athlete's name, image, or likeness may be used to promote a business, person, product, service, or individual in exchange for the student athlete receiving financial compensation or other benefits.

(8) "Third-party entity" means an individual or organization, other than an athletic entity, with authority over intercollegiate athletics.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-6-202 Use of a student athlete's name, image, or likeness in intercollegiate athletics programs -- Contracts -- Exceptions -- Prohibitions.

(1) An institution may, except as provided in Subsection (2), compensate a student athlete directly for use of the student athlete's name, image, or likeness.

(2) An institution may not compensate a student athlete or prospective student athlete for use of the student athlete's name, image, or likeness through:

(a) funds the Legislature appropriates; or

(b) a fee a student attending an institution pays to the institution.

(3)

(a) A student athlete may not enter into a student athlete agreement that contains a prohibited endorsement provision.

(b) A student athlete agreement or any communication, or other material related to a student athlete agreement, including those created before May 1, 2024, is not subject to Title 63G, Chapter 2, Government Records Access and Management Act.

(4) A student athlete attending an institution is not an employee of the institution through:

(a) the student athlete's participation in an athletic program the institution offers; or

(b) the institution compensating the student athlete for use of the student athlete's name, image, or likeness.

(5) The board shall:

(a) beginning fiscal year 2028 and every five years thereafter, conduct an audit of each institution that evaluates:

(i) money an institution expends to directly compensate a student athlete for the use of the student athlete's name, image, or likeness; and

(ii) the implementation and use of payments by an institution to a student athlete for a student athlete's name, image, or likeness; and

(b) prepare and submit a written report for the audit described in Subsection (5)(a) to the Education Interim Committee and the Higher Education Appropriations Subcommittee.

(6) An athletic entity may not:

(a) prevent a student athlete of an institution from fully participating in intercollegiate athletics because the student athlete:

(i) earns compensation through the student athlete's name, image, or likeness; or

(ii) obtains professional representation from an athlete agent or attorney;

(b) prevent an institution from becoming a member of an athletic entity or from participating in intercollegiate athletics that an athletic entity sponsors because a student athlete of an institution or college participating in intercollegiate athletics:
(i) earns compensation from the use of the student athlete's name, image, or likeness; or
(ii) obtains professional representation from an athlete agent or attorney; or
(c) prevent an institution, institutional marketing associate, or third-party entity from creating and supporting opportunities for a student athlete to earn compensation for use of the student athlete's name, image, or likeness.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-6-203 Abusive coaching policies.

(1) As used in this section:
(a)
(i) "Abusive coaching practice" means conduct by a coach or member of the coaching staff that creates a harmful environment for a student athlete.
(ii) "Abusive coaching practice" includes conduct by a coach or coaching staff with a student athlete that results in:
(A) harmful or offensive physical contact;
(B) sexual misconduct or harassment;
(C) inappropriate sexual language; or
(D) conduct that a reasonable person would find to be psychologically abusive.
(b) "Athletic department" means the division of a degree-granting institution responsible for overseeing intercollegiate athletic programs.
(2) A degree-granting institution shall:
(a) address abusive coaching practices by requiring a degree-granting institution's athletic department to adopt a policy by November 7, 2025, that:
(i) allows an individual to submit a complaint to the athletic department alleging a violation of the policies described in this Subsection (2)(a);
(ii) prohibits coaches and coaching staff from encouraging or advising a student athlete to tolerate an abusive coaching practice;
(iii) prohibits coaches and coaching staff from discouraging a report for an abusive coaching practice;
(iv) establishes reporting requirements for a volunteer, coach, or member of the coaching staff who learns of an abusive coaching practice;
(v) mandates training for athletic department staff on recognizing and preventing an abusive coaching practice;
(vi) establishes a procedure for the athletic department to follow when responding to a complaint of an abusive coaching practice; and
(vii) institutes disciplinary action for individuals found in violation of the policies described in this Subsection (2)(a);
(b) submit the policy described in Subsection (2)(a) to the board and Education Interim Committee before the Education Interim Committee's November 2025 meeting; and
(c) establish procedures to:
(i) notify an individual of the receipt of the complaint the individual submits under Subsection (2)(a)(i), within five business days after the submission of the complaint;
(ii) initiate an investigation of the complaint no later than 30 days after the receipt of a complaint;

(iii) require the degree-granting institution to ensure the investigation is as thorough and expeditious as possible; and
(iv) where appropriate, act immediately to stop a program under an athletic department until the degree-granting institution is able to restore an environment that is not harmful.
(3)
(a) A degree-granting institution's board of trustees shall:
(i) review the policies a degree-granting institution creates in accordance with Subsection (2)(a); and
(ii) approve the policies a degree-granting institution creates if the policies meet the policy requirements listed in Subsection (2)(a).
(b) Upon approval of the policies by a degree granting institution's board of trustees a degree-granting institution shall send the adopted policies to the board.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 3
General Campus Activities and Programs

53H-6-301 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-6-302 Public policy events at state institutions of higher education.
(1) As used in this section:
(a) "Debate" means an event at which two or more presenters advocate for opposing or diverse approaches to a public policy issue and rebut each other's positions.
(b) "Formal administrative unit" means:
(i) an office or division under the direct supervision of the president or president's cabinet; or
(ii) an academic department, college, institute, or center within an institution.
(c) "Presenter" means an individual whom an institution invites or authorizes to present at or facilitate a public policy event.
(d) "Public policy event" means a debate or event with multiple presenters that:
(i) addresses, from multiple, divergent, and opposing perspectives, a range of public policy issues;
(ii) an institution designates under Subsection (2)(a); and
(iii) a formal administrative unit organizes or authorizes under this section.
(2) A degree-granting institution shall:
(a) establish practices that will introduce campus communities to diverse viewpoints, including designating public policy events to host during each regular academic year;
(b)
(i) ensure that at least some public policy events are debates;
(ii) invite presenters from within and outside the institution;
(iii) ensure that public policy events are open to:
(A) all students, faculty, and staff of the institution; and

(B) the general public, unless the institution restricts individuals who are not affiliated with the institution to achieve a compelling governmental interest; and

(iv) seek presenters who represent differing views; and

(c) maintain and update a publicly accessible and searchable calendar online:

(i) that lists all public policy events that are open to the general public; and

(ii) that includes, for each public policy event:

(A) the title of the event;

(B) the name and, where applicable, institutional affiliation of each presenter; and

(C) the name of the formal administrative unit that organizes and stages the event.

(3)

(a) Nothing in Subsection (2) requires an exact balance between presenters of differing viewpoints.

(b) Nothing in this section prohibits an institution from inviting an individual speaker or a panel who articulates a singular or specific perspective, as described in Subsection 53H-1-504(3)(a)(iv).

Enacted by Chapter 438, 2026 General Session

Chapter 7
Students' Rights and Responsibilities

Part 1
General Provisions

53H-7-101 General Provisions -- Definitions.

As used in this chapter, "student" means an individual enrolled at an institution.

Enacted by Chapter 8, 2025 Special Session 1

Enacted by Chapter 8, 2025 Special Session 1

Part 2
Campus Free Expression

53H-7-201 Definitions.

As used in this part:

(1) "Benefit" means:

(a) recognition by an institution;

(b) registration by an institution;

(c) the use of an institution's facility for meeting or speaking purposes;

(d) the use of communication channels; or

(e) funding sources that are otherwise available to other student organizations at an institution.

(2) "Expressive activity" means an activity that includes:

(a) peacefully assembling, protesting, or speaking;

(b) distributing literature;

(c) carrying a sign;
(d) circulating a petition; or
(e) otherwise participating in speech or conduct protected by:
(i) the First Amendment to the United States Constitution; or
(ii) Utah Constitution, Article I, Sections 4 and 15.
(3) "Student organization" means a student organized group that is:
(a) officially recognized, or seeking official recognition, by an institution as a student club; and
(b) comprised of students that receive, or are seeking to receive, benefits available to student clubs from the institution.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-202 Expressive activities at an institution.

(1) An outdoor area of an institution's campus is a traditional public forum.
(2) An institution may maintain and enforce reasonable time, place, or manner restrictions on an expressive activity in an outdoor area of the institution's campus, if the restrictions:
(a) are narrowly tailored to serve a significant institutional interest;
(b) are based on published, content-neutral, and viewpoint-neutral criteria; and
(c) leave open ample alternative channels for communication.
(3) Subject to Subsection (2), an institution may not prohibit:
(a) a member of the institution's community or the public from spontaneously and contemporaneously assembling in an outdoor area of the institution's campus; or
(b) a person from freely engaging in noncommercial expressive activity in an outdoor area of the institution's campus if the person's conduct is lawful.
(4) This part does not apply to expressive activity in an area on an institution's campus other than an outdoor area.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-203 Religious, political, and ideological student organizations -- Protection from discrimination.

An institution may not deny any benefit or privilege that is available to any student organization, or discriminate against, a religious, political, or ideological student organization:
(1) because such student organization is religious, political, or ideological;
(2) on the basis of protected expressive activity engaged in by the student organization or the student organization's members; or
(3) based on a requirement that a leader of the student organization:
(a) affirm or adhere to the sincerely held beliefs of the student organization;
(b) comply with a standard of conduct the student organization establishes; or
(c) further the mission, purpose, or standards of conduct of the student organization, as these are defined by the student organization.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-204 Cause of action.

(1) The following persons may bring an action in a state court of competent jurisdiction to enjoin a violation of this part or to recover compensatory damages, reasonable court costs, or reasonable attorney fees:

(a) the attorney general; or
(b) a person claiming that the person's rights, as described in this part, were violated.
(2) In an action brought under this part, if the court finds a violation of this part, the court:
(a) shall enjoin the violation;
(b) shall, if a person whose rights, as described in this part, were violated brought the action, award the person:
(i) at least $500 for an initial violation; and
(ii) if the person notifies the institution of the violation, $50 for each day the violation continues after the notification; and
(c) may award a prevailing plaintiff:
(i) compensatory damages;
(ii) reasonable court costs; or
(iii) reasonable attorney fees.
(3) Notwithstanding Title 63G, Chapter 7, Governmental Immunity Act of Utah, an institution that violates this part is not immune from suit or liability for the violation.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-205 Statute of limitations.
(1) Except as provided in Subsection (3), an action under this part may not be brought later than one year after the day on which the cause of action accrues.
(2) Each day that a violation continues after an initial violation, and each day that an institution's policy in violation of this part remains in effect, shall constitute a continuing violation of this part.
(3) For a continuing violation described in Subsection (2), the limitation described in Subsection (1) shall extend to one year after the day on which the most recent violation occurs.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 3
Student Civil Liberties Protection

53H-7-301 Definitions.
As used in this part:
(1) "Civil liberty" means a civil liberty enumerated in the United States Constitution or the Utah Constitution.
(2) "Initiate rulemaking proceedings" means the same as that term is defined in Section 63G-3-601.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-302 Policies requiring rulemaking -- Policy review.
An institution may not make or amend a policy that directly affects a student's civil liberty, unless the policy is made a rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-303 Complaint process -- Reporting.

(1) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing a procedure whereby a student enrolled in an institution may submit a complaint to the board alleging a policy of the institution directly affects one or more of the student's civil liberties.

(2)

(a) When a student submits a complaint in accordance with the rules adopted under Subsection (1), the board shall:

(i) examine the complaint and, within 30 days after the day on which the board receives the complaint, determine whether the complaint is made in good faith; and

(ii)

(A) if the board determines that the complaint is made in good faith, direct the institution against which the complaint is made to initiate rulemaking proceedings for the challenged policy; or

(B) if the board determines that the complaint is made in bad faith, dismiss the complaint.

(b) Before November 30 of each year, the board shall submit a report to the General Oversight Committee detailing:

(i) the number of complaints the board received during the preceding year;

(ii) the number of complaints the board found to be made in good faith during the preceding year; and

(iii) each policy that is the subject of a good-faith complaint that the board received during the preceding year.

(3) If the board directs an institution to initiate rulemaking proceedings for a challenged policy in accordance with this section, the institution shall initiate rulemaking proceedings for the policy within 60 days after the day on which the board directs the institution.

Amended by Chapter 484, 2026 General Session

Part 4
Campus Anti-Harassment

53H-7-401 Definitions.

As used in this part:

(1) "Discriminatory harassment" means student-on-student speech that:

(a) is unwelcome;

(b) discriminates on the basis of a classification protected under federal or state law; and

(c) is so severe, pervasive, and objectively offensive, and that so undermines and distracts from a student's educational experience, that the student is effectively denied access to an institution's resource or opportunity.

(2)

(a) "Student-on-student speech" means verbal, written, or other communication that is:

(i) communicated by a student; and

(ii) directed at another student.

(b) "Student-on-student speech" does not include an act of physical contact between a student and another student.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-402 Institution duties.

(1) An institution is in violation of this part if the institution:
  (a) gains actual knowledge of discriminatory harassment in the institution's program or activity; and
  (b) acts with deliberate indifference to the discriminatory harassment.
(2)
  (a) An institution may not sanction or discipline, as discriminatory harassment, student-on-student speech that does not constitute discriminatory harassment.
  (b) An institution is not liable under this part for failing to sanction or discipline a student who communicates student-on-student speech that is not discriminatory harassment.
(3) Nothing in this part prevents an institution from sanctioning or disciplining student-on-student speech that is otherwise not protected under the First Amendment to the United States Constitution.
(4) Nothing in this part prevents an institution from responding to student-on-student speech that is not discriminatory harassment by taking nonpunitive actions designed to promote a welcoming, inclusive environment.
(5) Nothing in this part prevents an institution from maintaining policies prohibiting stalking or other criminal activity.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-403 Cause of action.

The attorney general may bring an action to enjoin a violation of this part, in a state court of competent jurisdiction, against an institution or an institution's agent acting in the agent's official capacity.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-404 Statute of limitations.

(1) Except as provided in Subsection (3)(b), the attorney general may not bring an action under this part later than one year after the day on which the cause of action accrues.
(2) For an action alleging a violation of Subsection 53H-7-402(2)(a), the cause of action accrues on the day on which the student receives final notice, from the institution, of sanction or discipline that violates Subsection 53H-7-402(2)(a).
(3)
  (a) For an action alleging a violation of Subsection 53H-7-402(1), the cause of action accrues on the day on which the institution gains knowledge of the discriminatory harassment.
  (b) For an action described in Subsection (3)(a), the limitation described in Subsection (1) extends to one year after the day on which the most recent known act of discriminatory harassment, involving the same parties as a prior known act of discriminatory harassment, occurs.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 5
Campus Sexual Violence

53H-7-501 Definitions.

As used in this part:

(1) "Alleged perpetrator" means an individual whom a victim alleges committed an act of sexual violence against the victim.

(2) "Code of conduct" means an institution's student code of conduct, student code of ethics, honor code, or other policy under which the institution may sanction a student.

(3) "Covered allegation" means an allegation made to an institution that an individual committed an act of sexual violence.

(4) "Law enforcement agency" means an off-campus law enforcement agency of the unit of local government with jurisdiction to respond to a covered allegation.

(5) "Sexual violence" means:

(a) sexual abuse as described in 18 U.S.C. Sec. 2242;

(b) aggravated sexual abuse as described in 18 U.S.C. Sec. 2241;

(c) assault resulting in substantial bodily injury as described in 18 U.S.C. Sec. 113(a)(7);

(d) sexual assault;

(e) dating violence;

(f) domestic violence; or

(g) stalking.

(6) "Victim" means a student who alleges that the student was a victim of sexual violence.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-502 Code of conduct violation -- Report of sexual violence.

An institution may not sanction a student for a code of conduct violation related to the use of drugs or alcohol if:

(1) the student is:

(a) a victim of an act of sexual violence; or

(b) a witness to an act of sexual violence;

(2) the student reports to the institution, in good faith, a covered allegation related to the act of sexual violence described in Subsection (1); and

(3) the institution learns of the student's code of conduct violation due to the student's report described in Subsection (2).

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-503 Institution engagement with a law enforcement agency -- Articulable and significant threat -- Notification to victim.

(1)

(a) An institution shall keep confidential from a law enforcement agency a covered allegation reported to the institution by the victim of the covered allegation.

(b) Notwithstanding Subsection (1)(a), an institution may engage with a law enforcement agency in response to a covered allegation described in Subsection (1)(a):

(i) if the victim consents to the institution engaging with the law enforcement agency; or

(ii) in accordance with Subsection (2).

(2)
(a) Subject to Subsection (3), an institution that receives a report described in Subsection (1)(a) may engage with a law enforcement agency in response to the covered allegation if the institution determines, in accordance with Subsection (2)(b), that the information in the covered allegation creates an articulable and significant threat to individual or campus safety at the institution.
(b) To determine whether the information in a covered allegation creates an articulable and significant threat described in Subsection (2)(a), the institution shall consider, if the information is known to the institution, at least the following factors:
(i) whether the circumstances of the covered allegation suggest an increased risk that the alleged perpetrator will commit an additional act of sexual violence or other violence;
(ii) whether the alleged perpetrator has an arrest history that indicates a history of sexual violence or other violence;
(iii) whether records from the alleged perpetrator's previous postsecondary institution indicate that the alleged perpetrator has a history of sexual violence or other violence;
(iv) whether the alleged perpetrator is alleged to have threatened further sexual violence or other violence against the victim or another individual;
(v) whether the act of sexual violence was committed by more than one alleged perpetrator;
(vi) whether the circumstances of the covered allegation suggest there is an increased risk of future acts of sexual violence under similar circumstances;
(vii) whether the act of sexual violence was perpetrated with a weapon; and
(viii) the age of the victim.
(3) An institution shall:
(a) before engaging with a law enforcement agency in accordance with Subsection (2), provide notice to the victim of the following:
(i) the institution's intent to engage with a law enforcement agency;
(ii) the law enforcement agency with which the institution intends to engage; and
(iii) the reason the institution made the determination described in Subsection (2); and
(b) in engaging with a law enforcement agency under Subsection (2):
(i) maintain the confidentiality of the victim; and
(ii) disclose the minimum information required to appropriately address the threat described in Subsection (2)(a).
(4) Nothing in this section supersedes:
(a) an obligation described in Section 26B-6-205, 80-2-602, or 78B-3-502; or
(b) a requirement described in Chapter 14, Part 4, Confidential Communications for Institutional Advocacy Services.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-504 Criminal retaliation against a victim or a witness.
(1) As used in this section:
(a) "Bodily injury" means the same as that term is defined in Section 76-1-101.5.
(b) "Damage" means physical damage to an individual's property.
(2) An individual is guilty of a third degree felony if the individual inflicts bodily injury or damage:
(a) upon a victim of or a witness to an act of sexual violence alleged in a covered allegation; and
(b) in retaliation for the victim's or the witness's:
(i) report of the covered allegation; or

(ii) involvement in an investigation initiated by the institution in response to the covered allegation.

(3) An individual is guilty of a third degree felony if the individual:

(a) communicates an intention to inflict bodily injury:

(i) upon a victim of or a witness to an act of sexual violence alleged in a covered allegation; and

(ii) in retaliation for the victim's or the witness's:

(A) report of the covered allegation; or

(B) involvement in an investigation initiated by the institution in response to the covered allegation; and

(b)

(i) intends the communication described in Subsection (3)(a) as a threat against the victim or the witness; or

(ii) knows that the communication described in Subsection (3)(a) will be viewed as a threat against the victim or the witness.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 6
Campus Safety

53H-7-601 General Provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-7-602 Campus safety plans and training -- Institution duties.

(1) As used in this section:

(a) "Covered offense" means:

(i) sexual assault;

(ii) domestic violence;

(iii) dating violence; or

(iv) stalking.

(b) "Student organization" means a club, group, sports team, fraternity or sorority, or other organization:

(i) of which the majority of members is composed of students enrolled in an institution; and

(ii)

(A) that is officially recognized by the institution; or

(B) seeks to be officially recognized by the institution.

(2) An institution shall develop a campus safety plan that addresses:

(a) where an individual can locate the institution's policies and publications related to a covered offense;

(b) institution and community resources for a victim of a covered offense;

(c) the rights of a victim of a covered offense, including the measures the institution takes to ensure, unless otherwise provided by law, victim confidentiality throughout all steps in the reporting and response to a covered offense;

(d) how the institution informs the campus community of a crime that presents a threat to the campus community;
(e) availability, locations, and methods for requesting assistance of security personnel on the institution's campus;
(f) guidance on how a student may contact law enforcement for incidents that occur off campus;
(g) institution efforts related to increasing campus safety, including efforts related to the institution's increased response in providing services to victims of a covered offense, that:
(i) the institution made in the preceding 18 months; and
(ii) the institution expects to make in the upcoming 24 months;
(h) coordination and communication between institution resources and organizations, including campus law enforcement;
(i) institution coordination with local law enforcement or community resources, including coordination related to a student's safety at an off-campus location; and
(j) how the institution requires a student organization to provide the campus safety training as described in Subsection (5).
(3) An institution shall:
(a) prominently post the institution's campus safety plan on the institution's website and each of the institution's campuses; and
(b) annually update the institution's campus safety plan.
(4) An institution shall develop a campus safety training curriculum that addresses:
(a) awareness and prevention of covered offenses, including information on institution and community resources for a victim of a covered offense;
(b) bystander intervention; and
(c) sexual consent.
(5) An institution shall require a student organization, in order for the student organization to receive or maintain official recognition by the institution, to annually provide campus safety training, using the curriculum described in Subsection (4), to the student organization's members.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-603 Student housing crime reporting.
(1) As used in this section:
(a) "Campus law enforcement" means an institution's police department.
(b) "Crime statistics" means the number of each of the crimes in 34 C.F.R. Sec. 668.46(c)(1) that are reported to a local police agency or campus law enforcement, listed by type of crime.
(c)
(i) "Institution noncampus housing facility" means a building or property that:
(A) is used for housing students;
(B) is not part of the institution's campus; and
(C) the institution owns, manages, controls, or leases;
(ii) "Institution noncampus housing facility" includes real property that is adjacent to, and is used in direct support of, the building or property described in Subsection (1)(c)(i).
(d) "Local law enforcement agency" means a state or local law enforcement agency other than campus law enforcement.
(e)
(i) "On-campus housing facility" means a building or property that is:
(A) used for housing students; and

(B) part of the institution's campus.
(ii) "On-campus housing facility" includes real property that is:
(A) adjacent to the on-campus housing facility; and
(B) used in direct support of the on-campus housing facility.
(f) "Student housing" means:
(i) an institution noncampus housing facility;
(ii) an on-campus housing facility; or
(iii) a student organization noncampus housing facility.
(g) "Student organization" means the same as that term is defined in Section 53H-7-101.
(h) "Student organization noncampus housing facility" means a building or property that:
(i) is used for housing students;
(ii) is not part of the institution's campus; and
(iii)
(A) a student organization owns, manages, controls, or leases; or
(B) is real property that is adjacent to the student organization noncampus housing facility and is used in direct support of the noncampus housing facility.
(2) An institution with the types of housing facilities described in this Subsection (2) shall:
(a) create a report of crime statistics aggregated by:
(i) on-campus housing facility, identified and listed individually using the institution's system for inventorying institution facilities;
(ii) institution noncampus housing facility, identified and listed individually using the institution's system for inventorying institution facilities; and
(iii) student organization noncampus housing facilities, identified and listed individually using the institution's system for identifying student organization noncampus housing facilities;
(b) report annually to the Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee, at or before the committee's November meetings, on crime statistics aggregated by housing facility as described in Subsection(2)(a); and
(c) on or before November 1 of each year, provide the crime statistics aggregated by housing facility as described in Subsection (2)(a) to the Department of Criminal Justice created in Section 75E-2-102.
(3) An institution that does not have the types of housing described in Subsection (2) shall report the crime statistics as required by 20 U.S.C. Section 1092(f), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, to the entities specified in Subsection (2).
(4) Upon request from an institution, a local law enforcement agency shall provide to the institution crime statistics for each student housing facility over which the local law enforcement agency has jurisdiction.
(5) Except as provided in Section 53H-7-503, when campus law enforcement receives a complaint or report of a crime that campus law enforcement reasonably determines occurred outside of campus law enforcement's jurisdiction, campus law enforcement shall share any record of the complaint or report with the local law enforcement agency with jurisdiction.

Amended by Chapter 466, 2026 General Session

Part 7
Student Legal Representation

53H-7-701 Definitions.

As used in this part:

(1) "Academic dishonesty" means an act of dishonesty relating to a student's academic work or performance.

(2) "Accused student" means an individual enrolled in an institution who has allegedly violated a policy or rule.

(3) "Accused student organization" means a student organization, recognized by an institution, that has allegedly violated a policy or rule.

(4) "Alleged victim" means an individual whose rights are allegedly infringed or who is otherwise allegedly harmed by an accused student's or a student organization's violation of a policy or rule.

(5) "Evidence" means information that is inculpatory or exculpatory as the information relates to an accusation against an accused student or accused student organization, including:

(a) a complainant statement;

(b) a third-party witness statement;

(c) electronically stored information;

(d) a written communication;

(e) a post to social media; or

(f) demonstrative evidence.

(6) "Full participation" means the opportunity in a student or student organization disciplinary proceeding to:

(a) make opening and closing statements;

(b) examine and cross-examine a witness;

(c) introduce relevant evidence; and

(d) provide support, guidance, or advice to an accused student, accused student organization, or alleged victim.

(7) "Legal representation" means an attorney, who is licensed to practice law in this state and whom:

(a) an accused student selects to assist the student in the student's disciplinary proceeding;

(b) an alleged victim selects to assist the alleged victim at a proceeding that pertains to the alleged victim; or

(c) an accused student organization selects to assist the student organization at a student organization disciplinary proceeding.

(8) "Nonattorney advocate" means an individual, who is not licensed to practice law and whom:

(a) an accused student selects to assist the student in the student's disciplinary proceeding;

(b) an alleged victim selects to assist the alleged victim at a proceeding that pertains to the alleged victim; or

(c) an accused student organization selects to assist the student organization at a student organization disciplinary proceeding.

(9) "Policy or rule" means a policy or rule, or a relevant section of a policy or rule, of an institution that, if violated, may result in:

(a) for a student, a suspension of 10 calendar days or more or expulsion from the institution; or

(b) for a student organization, the suspension or the removal of institutional recognition of the student organization.

(10) "Proceeding" means an adjudicatory hearing, including an appeal, in which evidence is presented to a hearing officer or a hearing panel, and that is:

(a) required by a policy or rule; or

(b) held to determine whether a policy or rule has been violated.

(11)

(a) "Student disciplinary proceeding" means a proceeding initiated by an institution to determine whether an accused student has violated a policy or rule.

(b) "Student disciplinary proceeding" does not include a proceeding that solely involves a student's academic dishonesty.

(12) "Student organization" means a club or other organization:

(a) that meets during noninstructional time;

(b) that is recognized by the institution at which the organization meets; and

(c) with a majority of members who are current students at the institution.

(13)

(a) "Student organization disciplinary proceeding" means a proceeding initiated by an institution to determine whether an accused student organization has violated a rule or policy.

(b) "Student organization disciplinary proceeding" does not include a proceeding that solely involves a student's academic dishonesty.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-702 Application.

The provisions of this part do not:

(1) govern campus law enforcement departments or law enforcement personnel; or

(2) otherwise replace or amend criminal procedures that govern law enforcement activities.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-703 Student disciplinary proceedings -- Legal representation.

(1) An institution may not prohibit:

(a) an accused student from being represented, at the accused student's expense, by legal representation or a nonattorney advocate at a student disciplinary proceeding that pertains to the accused student; or

(b) an accused student's legal representation or nonattorney advocate from full participation in a student disciplinary proceeding that pertains to the accused student.

(2) An institution may not prohibit:

(a) an alleged victim from being represented, at the alleged victim's expense, by legal representation or a nonattorney advocate at a student disciplinary proceeding that pertains to the alleged victim; or

(b) the alleged victim's legal representation or nonattorney advocate from full participation in a student disciplinary proceeding that pertains to the alleged victim.

(3)

(a) An institution shall provide an accused student described in Subsection (1) or an alleged victim described in Subsection (2) written notice of the accused student's or alleged victim's rights under this section.

(b) The institution shall ensure that the notice provided to an accused student under Subsection (3)(a) notifies the accused student that:

(i) the accused student is entitled to a student disciplinary proceeding to contest the charges against the accused student;

(ii) the accused student is entitled to a presumption of innocence; and

(iii) the presumption of innocence remains until:

(A) the accused student acknowledges responsibility for the alleged violation; or
(B) the institution has established every element of the alleged violation at a student disciplinary proceeding.

(c) Unless exigent circumstances reasonably justify proceeding without providing notice under Subsection (3)(a), an institution shall establish policies and procedures to ensure that the institution provides written notice of the accused student's or alleged victim's rights as soon as practicable but no later than seven days before a student disciplinary proceeding that pertains to the accused student or alleged victim.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-704 Student organization disciplinary proceedings -- Legal representation.

(1) An institution may not prohibit:
(a) an accused student organization from being represented, at the accused student organization's expense, by legal representation or a nonattorney advocate at a student organization disciplinary proceeding that pertains to the accused student organization; or
(b) an accused student organization's legal representation or nonattorney advocate from full participation in a student organization disciplinary proceeding that pertains to the accused student organization.

(2) An institution may not prohibit:
(a) an alleged victim from being represented, at the alleged victim's expense, by legal representation or a nonattorney advocate at a student organization disciplinary proceeding that pertains to the alleged victim; or
(b) the alleged victim's legal representation or nonattorney advocate from full participation in a student organization disciplinary proceeding that pertains to the alleged victim.

(3)
(a) An institution shall provide an accused student organization described in Subsection (1) or an alleged victim described in Subsection (2) written notice of the accused student organization's or alleged victim's rights under this section.
(b) The institution shall ensure that the notice provided to an accused student organization under Subsection (3)(a) notifies the accused student organization that:
(i) the accused student organization is entitled to a student organization disciplinary proceeding to contest the charges against the accused student organization;
(ii) the accused student organization is entitled to a presumption of innocence; and
(iii) the presumption of innocence remains until:
(A) the accused student organization acknowledges responsibility for the alleged violation; or
(B) the institution has established every element of the alleged violation at a student organization disciplinary proceeding.
(c) Unless exigent circumstances reasonably justify proceeding without providing notice under Subsection (3)(a), an institution shall establish policies and procedures to ensure that the institution provides written notice of the accused student organization's or alleged victim's rights as soon as practicable but no later than seven days before a student organization disciplinary proceeding that pertains to the accused student organization or alleged victim.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-705 Exchange of evidence.

(1)

(a) An institution shall ensure that an accused student, an alleged victim, or an accused student organization has access to all material evidence that is in the institution's possession, including both inculpatory and exculpatory evidence, unless the material is subject to a legal privilege, no later than one week before the day on which a proceeding begins.
(b) Evidence that is an accused student's or an alleged victim's personal medical record, mental health record, therapy note, or journal may not be used as evidence in a proceeding unless the accused student or alleged victim consents to the use of the evidence in the proceeding.
(c) Any evidence presented in a proceeding under this part is confidential and may not be:
(i) used as evidence in a subsequent proceeding; or
(ii) used or disclosed to a third-party for any other purpose other than for the proceeding.
(2) Nothing in this part:
(a) provides for formal or informal discovery beyond the exchange of evidence described in Subsection (1); or
(b) incorporates or binds an institution to:
(i) the Utah Rules of Civil Procedure or the Utah Rules of Evidence; or
(ii) the Federal Rules of Civil Procedure or the Federal Rules of Evidence.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-706 Conflict of interest.

(1) An institution shall conduct a student disciplinary proceeding or student organization disciplinary proceeding in an impartial manner free from conflicts of interests.
(2) Except as provided in Subsection (3), in order to avoid conflicts of interest created by a comingling of roles, an institution shall prohibit an individual employed by or otherwise representing an institution from acting as an adjudicator, hearing officer, or appellate hearing officer in a student disciplinary proceeding or student organization disciplinary proceeding if the individual has also served in one of the following roles in the same matter:
(a) an advocate or counselor for an alleged victim, accused student, or accused student organization;
(b) an investigator;
(c) an institutional prosecutor; or
(d) an advisor to a person described in Subsection (2)(a), (b), or (c).
(3) If an individual employed by the institution or otherwise representing the institution serves as an investigator and an institutional prosecutor for the alleged violation of a policy or rule, the institution shall advise an accused student, accused student organization, or alleged victim before the investigation proceeding.
(4) An individual may not serve as an investigator or institutional prosecutor and an advocate for an accused student, accused student organization, or alleged victim in the same matter.
(5) In a proceeding conducted under this part, an institution shall allow an accused student, accused student organization, or an alleged victim to raise objections to issues that could potentially compromise the impartiality of the proceedings, including any potential conflicts of interest in violation of this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-707 Application -- Institution policies.

(1) This part does not prohibit an institution from temporarily suspending an accused student or accused student organization pending the completion of a student or student organization disciplinary proceeding.
(2) An institution shall:
(a) enact policies to govern proceedings in which a student has a right to an active legal representation or a nonattorney advocate in accordance with this part;
(b) train adjudicators, hearing officers, and appellate hearing officers on relevant evidence and nonrelevant, nonprobative evidence; and
(c) enact policies and procedures to notify a student of the student's right to bring a cause of action in violation of this part to the attorney general's office.
(3) An institution may adopt a policy requiring a legal representation or nonattorney advocate of an accused student, alleged victim, or accused student organization to submit questions for an opposing party to the hearing officer.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-708 Cause of action.

The attorney general may bring an action to enjoin a violation of this part, in a state court of competent jurisdiction, against an institution or an institution's agent acting in the agent's official capacity.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-709 Statute of limitations.

(1) The attorney general may not bring an action under this part later than one year after the day on which the cause of action accrues.
(2) The cause of action accrues on the day on which the student or student organization receives final notice, from the institution, of sanction or discipline that violates an institution's rule or policy.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 8
Instructional Materials for Students with a Disability

53H-7-801 Definitions.

For purposes of this part:
(1)
(a) "Instructional material or materials" means textbooks and other materials written and published primarily for use by students in postsecondary instruction that are required or essential to a student's success in a course of study in which a student with a disability is enrolled. The determination of which materials are "required or essential to student success" shall be made by the instructor of the course in consultation with the official making the request pursuant to Section 53H-7-802 in accordance with rules issued pursuant to Section 53H-7-805.

(b) "Instructional material or materials" does not include nontextual mathematics and science materials until the time software becomes commercially available that permits the conversion of existing electronic files of the materials into a format that is compatible with braille translation software or alternative media for students with disabilities.

(2) "Printed instructional material or materials" means instructional material or materials in book or other printed form.

(3) "Nonprinted instructional materials" means instructional materials in formats other than print, and includes instructional materials that require the availability of electronic equipment in order to be used as a learning resource, including software programs, video disks, and video and audio tapes.

(4) "Specialized format" means braille, audio, or digital text that is exclusively for use by blind or other persons with disabilities.

(5)

(a) "Structural integrity" means all of the printed instructional material, including the text of the material, sidebars, the table of contents, chapter headings and subheadings, footnotes, indexes, glossaries, and bibliographies.

(b) "Structural integrity" need not include nontextual elements such as pictures, illustrations, graphs, or charts.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-802 Instructional materials to be provided in electronic format.

(1)

(a) On or after January 1, 2009, any person that publishes or manufactures printed instructional material for students attending an institution of higher education shall provide to the institution for use by students attending the institution any printed instructional material in an electronic format mutually agreed upon by the publisher or manufacturer and the institution.

(b) Computer files or electronic versions of the printed instructional material shall:

(i) maintain the structural integrity of the printed instructional material;

(ii) be compatible with commonly used braille translation and speech synthesis software; and

(iii) include corrections and revisions as may be necessary.

(c) If good faith efforts fail to produce an agreement pursuant to Subsection (1)(a) between the publisher or manufacturer and the institution as to an electronic format that will preserve the structural integrity of the printed instructional material, the publisher or manufacturer shall provide the instructional material in ASCII text and shall preserve as much of the structural integrity of the printed instructional material as possible.

(2) The computer files or electronic versions of the printed instructional material shall be provided to the institution at no additional cost and in a timely manner, upon receipt of a written request that:

(a) certifies that the institution has purchased the printed instructional material for use by a student with a disability or that a student with a disability attending or registered to attend that institution has purchased the printed instructional material;

(b) certifies that the student has a disability that prevents the student from using standard instructional materials;

(c) certifies that the printed instructional material is for use by the student in connection with a course in which the student is registered or enrolled at the institution; and

(d) is signed by the coordinator of services for students with disabilities at the institution or by the official responsible for monitoring compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. at the institution.

(3) A publisher or manufacturer providing instructional materials in an electronic format to an institution may require that, in addition to the requirements specified in Subsections (2)(a) through (2)(d), the request shall include a statement signed by the student that:

(a) the student will use the electronic copy of the printed instructional material in specialized format solely for the student's own educational purposes; and

(b) the student will not copy or duplicate the printed instructional material for use by others.

(4) If an institution permits a student to directly use the electronic version of an instructional material, the disk or file shall be copy-protected or the institution shall take other reasonable precautions to ensure that the student does not copy or distribute electronic versions of instructional materials in violation of the Copyright Revisions Act of 1976, 17 U.S.C. Sec. 101 et seq.

(5) A person that publishes or manufactures nonprinted instructional materials for students attending an institution of higher education shall provide computer files or other electronic versions of the nonprinted instructional materials for use by students attending the institution subject to the same requirements specified in Subsections (1) and (2) for printed instructional materials, when technology is available to convert the nonprinted instructional materials to a format that maintains the structural integrity of the nonprinted instructional materials that is compatible with braille translation and speech synthesis software.

(6) Nothing in this part shall be construed to prohibit an institution from assisting a student with a disability by using the electronic version of printed instructional material provided pursuant to this section solely to transcribe or arrange for the transcription of the printed instructional materials into braille. If a transcription is made, the institution shall have the right to share the braille copy of the printed instructional material with other students with disabilities.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-803 Centers for processing requests for electronic versions of instructional materials.

(1) The board may establish one or more centers to process requests for electronic versions of instructional materials pursuant to this part.

(2) The institutions designated as within the jurisdiction of a center shall submit requests for instructional material to the center, which shall transmit the request to the publisher or manufacturer.

(3) If there is more than one center, each center shall make every effort to coordinate requests.

(4) The publisher or manufacturer of instructional material shall be required to honor and respond to only those requests submitted through a designated center.

(5) If a publisher or manufacturer has responded to a request for instructional materials by a center, all subsequent requests for those instructional materials shall be satisfied by the center to which the request is made.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-804 Infringement of copyright laws not authorized.

Nothing in this part shall be considered to authorize any use of instructional materials that would constitute an infringement of copyright under the Copyright Revision Act of 1976, as amended, 17 U.S.C. Sec. 101 et seq.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-805 Institution to make policy.

An institution shall make policy consistent with this section for the implementation and administration of the institution, including policy addressing:

(1) the designation of materials considered "required or essential to student success";

(2) the determination of the availability of technology for the conversion of nonprinted materials pursuant to Section 53H-7-802 and the conversion of mathematics and science materials pursuant to Section 53H-7-801; and

(3) the procedures and standards relating to distribution of files and materials pursuant to Section 53H-7-802.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 9
Other Student-Related Policies

53H-7-901 General Provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-7-902 Free expression policies.

(1) As used in this section, "free expression policy" means an institution's policy, regulation, or other expectation related to student expression.

(2) An institution shall:

(a) publish the institution's free expression policies:

(i) in the institution's student handbook; and

(ii) on the institution's website;

(b) include information about the institution's free expression policies in an orientation program for students enrolled in the institution; and

(c) develop a program, procedures, and materials to ensure that an individual who has responsibility for the discipline or education of a student at the institution understands the institution's free expression policies.

(3) An individual described in Subsection (2)(c) includes an institution:

(a) administrator;

(b) campus police officer;

(c) residence life official; and

(d) faculty member.

(4) An institution shall ensure that a free expression policy is consistent with the provisions of this chapter and ensure the policy is:

(a) viewpoint-neutral in text and application; and

(b) respects a student organization's rights, as described in this chapter.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-7-903 Student religious and conscience accommodations.

(1) As used in this section:

(a) "Conscience" means the same as that term is defined in Section 67-27-106.

(b) "Fundamental alteration" means a change so significant in an examination or assignment that the change:

(i) alters the essential nature, objectives, or standards of a class, program, or degree; and

(ii) negatively impacts the student's ability, as a neutral arbiter, whom the institution designates under Subsection (5)(f) determines, to:

(A) master essential learning outcomes of the course, program, or degree; or

(B) acquire the knowledge, skills, or competencies necessary to pass the course, program, or degree.

(c) "Matter of public concern" means speech that relates to a political, social, religious, moral, or community matter.

(d) "Reasonably accommodate" means taking reasonable steps to modify expectations for a student's participation in an examination or other academic requirement by:

(i) excusing participation;

(ii) offering an alternative deadline or schedule; or

(iii) offering an alternative examination or assignment.

(2) In accordance with Subsection (3), an institution shall:

(a) for any course:

(i) reasonably accommodate a student's absence from an examination or other academic requirement under the circumstances described in Subsection (3) for reasons of:

(A) the student's religious or conscience belief; or

(B) the student's participation in an organized activity conducted under the auspices of the student's religious tradition or religious organization; and

(ii) ensure that an accommodation described in Subsection (2)(a)(i) does not adversely impact the student's academic opportunities; and

(b) for a course that the institution mandates for graduation or for an academic major, reasonably accommodate a student's objection to a required examination or assignment for reasons of the student's sincerely held religious or conscience belief if the requested accommodation does not create a fundamental alteration.

(3) An institution shall make an accommodation described in Subsection (2) if:

(a) for an accommodation described in Subsection (2)(a), the time at which an examination or academic requirement is scheduled to occur conflicts with the student's sincerely held religious or conscience belief; and

(b) for any accommodation described in Subsection (2), the student provides a written prior notice to the instructor of the course for which the student seeks the accommodation regarding the request for the accommodation.

(4)

(a) An instructor shall:

(i) respond to a request for an accommodation as soon as practicable and in accordance with institutional polices described in Subsection (5); and

(ii) if the instructor denies the request, notify the student and the institution of the denial, including the reason for the denial, as soon as practicable and in accordance with the institutional policies described in Subsection (5).

(b) An instructor may not compel a student to publicly take or communicate a specified position on a matter of public concern as the student's own, including by requiring a student to write a letter to a lawmaker, write a letter to an editor, write an article for publication, publish an opinion online or on social media, or create or publish a podcast.

(5) An institution shall establish policies and procedures, with guidance from the board, related to the accommodation described in Subsection (2) that:

(a) require the institution to provide the accommodation with respect to the student's participation in examinations and other academic requirements;

(b) allow an instructor who receives a notice described in Subsection (3)(b) to:

(i) schedule an alternative examination time before or after the regularly scheduled examination; or

(ii) make accommodations for other academic requirements related to the accommodation;

(c) require an instructor who receives a notice described in Subsection (3)(b) to keep confidential a student's request for the accommodation, unless disclosure is permitted by law;

(d) address a reasonable timeframe within which:

(i) a student must submit a request described in Subsection (3)(b) to an instructor; and

(ii) an instructor must respond to a student's request described in Subsection (3)(b);

(e) outline a process by which an instructor shall, if the instructor denies the student's request for an accommodation described in Subsection (2):

(i) notify the institution of the instructor's denial of the student's request; and

(ii) provide to the institution a written explanation of why the instructor denied the request; and

(f) designate one or more neutral arbiters with the academic and subject matter expertise necessary to review a denial described under Subsection (5)(e) and determine whether the requested accommodation constitutes a fundamental alteration.

(6)

(a) The commissioner shall annually:

(i)

(A) create a list of the dates of religious holidays for the following two years; and

(B) distribute the list described in this Subsection (6)(a)(i) to an institution; and

(ii) upon the request of the Education Interim Committee, ensure the inclusion of information institutions report under Subsection (7)(c) in an annual report to the Legislature described in Section 53H-1-403.

(b) The creation and distribution of the list described in Subsection (6)(a)(i) does not prohibit a student from seeking, or an institution from granting, an accommodation for a date of a religious holiday that is not included on that list.

(7) An institution shall:

(a) designate a point of contact for information about an accommodation described in Subsection (2), who may also serve as the neutral arbiter described in Subsection (5)(f);

(b) publish the following information on the institution's website and update the information annually:

(i) the institution's religious and conscience belief accommodation policies described in Subsection (5);

(ii) the point of contact described in Subsection (7)(a);

(iii) the list described in Subsection (6)(a);

(iv) a description of the general procedure to request an accommodation described in Subsection (2); and
(v) the grievance process described in Subsection (5)(f);
(c) submit an annual report to the board, no later than December 1 of each year, detailing, for the previous academic year, any neutral arbiter decisions under Subsection (5); and
(d) no later than December 1, 2026, report to the board the institutional policies the institution creates in accordance with Subsection (5).
(8) The board shall:
(a) establish policies to ensure the protection of students' sincerely held religious and conscience beliefs; and
(b) provide guidelines for the institution policies described in Subsection (5), including parameters for the accommodations described in this section and guidance for protecting a student's sincerely held religious and conscience beliefs.
(9) Nothing in this section interferes with federal law.

Amended by Chapter 407, 2026 General Session

Part 10
Student Data

53H-7-1001 General provisions -- Definitions.

As used in this part:
(1) "Educational data" means a student's:
(a) transcript data;
(b) enrollment information;
(c) course history; and
(d) academic credentials.
(2) "Informed consent" means voluntary, affirmative, written authorization complying with the requirements of 34 C.F.R. Sec. 99.30 that a student provides after the individual is presented, in a clear manner, with sufficient information to reasonably understand:
(a) the educational data that is subject to access or disclosure;
(b) the purpose of the disclosure of the educational data;
(c) the recipient of the educational data disclosure;
(d) that the student has the right to revoke consent of disclosure of the educational data at any time;
(e) the scope and duration of the authorization to disclose the educational data; and
(f) whether consent is a condition of the student's participation in any educational program or activity.

Enacted by Chapter 234, 2026 General Session

53H-7-1002 Disclosure of educational data -- Informed consent -- Access and disclosure.

(1) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, and other relevant state and federal privacy laws, a student who is currently enrolled in, or has previously been enrolled in, an institution has the right to:
(a) access the student's educational data; and

(b) authorize access to the student's educational data in accordance with this section.

(2) An institution shall:

(a) subject to Subsection (3), disclose a student's educational data;

(b) beginning July 1, 2027, offer a secure digital or electronic mechanism as the primary method for obtaining informed consent under this section;

(c) allow informed consent in written form if a digital or electronic mechanism is not reasonably available to the student;

(d) when obtaining a student's informed consent:

(i) allow the student to review all consent information before authorization;

(ii) allow the student to revoke consent at any time; and

(iii) prohibit the bundling of unrelated terms or conditions with the consent request; and

(e) regarding a limitation imposed under Subsection (5)(b):

(i) clearly disclose the limitation at the time the institution grants access; and

(ii) provide a reasonable mechanism that allows a student to re-access educational data after the expiration of a time-based or session-based limitation.

(3) Except as provided in the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, an institution shall disclose a student's educational data under this section only:

(a) with the informed consent of the student;

(b) according to the terms of the document expressing the informed consent of the student; and

(c) subject to the agreement of the third party receiving the student's educational data:

(i) to use the student's educational data only as provided in the document expressing the informed consent of the student to the disclosure; and

(ii) to not redisclose the student's educational data to any other party.

(4) A third party that receives the educational data of more than 10 students is subject to:

(a) data privacy requirements the Utah Board of Higher Education makes under Subsection 53H-14-502(5); and

(b) policies regarding the protection of student data the institution adopts under Subsection 53H-14-502(1).

(5) An institution may impose reasonable time-based or session-based limitations on a student's technical method of access to educational data.

(6) An institution may not:

(a) deny, delay, or restrict a student's ability to grant informed consent that complies with this section;

(b) require a student to waive unrelated rights or agree to unrelated terms as a condition of granting informed consent; and

(c) impose a limitation under Subsection (5)(b) that:

(i) restricts the student's underlying right to access the student's educational data;

(ii) prevents the student from requesting renewed access; or

(iii) limits the student's ability to provide informed consent for disclosure of the student's educational data.

(7) This section does not alter, limit, or supersede any right or obligation under:

(a) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; or

(b) any other applicable state or federal privacy law.

(8) The Utah Board of Higher Education may issue nonbinding guidance regarding best practices for consent mechanisms that comply with the requirements of this section.

(9)

(a) A student whose educational data is shared as a result of a violation of a third party's failure to comply with the requirements of this section has a private right of action against the third party.
(b) A student described in Subsection (9)(a) does not have a private right of action against the institution.

Enacted by Chapter 234, 2026 General Session

Chapter 8
Finance

Part 1
General Provisions

53H-8-101 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 2
Budgets and Financing

53H-8-201 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-8-202 Combined requests for appropriations -- Board review of operating budgets -- Submission of budgets -- Recommendations -- Hearing request -- Appropriation formulas -- Allocations -- Dedicated credits -- Financial affairs.
(1) As used in this section, "research university" means the University of Utah or Utah State University.
(2)
(a) Subject to Subsection (3), the board shall recommend a combined appropriation for the operating budgets of institutions and the board for inclusion in a state appropriations act.
(b) The board's combined budget recommendation shall include:
(i) employee compensation for each institution that demonstrates that the institution is meeting the board's faculty teaching and instructional workload metrics;
(ii) mandatory costs, including building operations and maintenance, fuel, and power;
(iii) performance funding described in Part 3, Performance Funding;
(iv) statewide and institutional priorities, including scholarships, financial aid, and technology infrastructure; and
(v) enrollment funding described in Section 53H-2-211.

(c) The board's recommendations shall be available for presentation to the governor and to the Legislature at least 30 days before the convening of the Legislature, and shall include schedules showing the recommended amounts for each institution and the board, including separately funded programs or divisions.

(d) The recommended appropriations shall be determined by the board only after the board has reviewed the proposed institutional operating budgets, and has consulted with the various institutions and board staff in order to make appropriate adjustments.

(3) In the combined request for appropriation, the board shall differentiate between appropriations requested for academic education and appropriations requested for technical education.

(4)

(a) Institutional operating budgets shall be submitted to the board at least 90 days before the convening of the Legislature in accordance with procedures established by the board.

(b) Except as provided in Sections 53H-9-604 and 53H-9-504, funding requests pertaining to capital facilities and land purchases shall be submitted in accordance with procedures prescribed by the Division of Facilities Construction and Management.

(5)

(a) The budget recommendations of the board shall be accompanied by full explanations and supporting data, including, regarding employee compensation:

(i) each institution's current staffing salary base, including the sources of funds for any salary base;

(ii) the total amount each institution spends on compensation; and

(iii) the method each institution and the board uses for calculating compensation.

(b) The appropriations recommended by the board shall be made with the dual objective of:

(i) justifying for institutions appropriations consistent with the institutions' needs, and consistent with the financial ability of the state; and

(ii) determining an equitable distribution of funds among the respective institutions in accordance with the aims and objectives of the statewide master plan for higher education.

(6)

(a) The board shall request a hearing with the governor on the recommended appropriations.

(b) After the governor delivers the governor's budget message to the Legislature, the board shall request hearings on the recommended appropriations with the Higher Education Appropriations Subcommittee.

(c) If either the total amount of the state appropriations or the allocation of the state appropriations among the institutions as proposed by the Legislature or the Higher Education Appropriations Subcommittee is substantially different from the recommendations of the board, the board may request further hearings with the Legislature or the Higher Education Appropriations Subcommittee to reconsider both the total amount and the allocation.

(7) The board may devise, establish, periodically review, and revise formulas for the board's use and for the use of the governor and the Higher Education Appropriations Subcommittee in making appropriation recommendations.

(8)

(a) The board shall recommend to each session of the Legislature the minimum tuitions, resident and nonresident, for each institution which it considers necessary to implement the budget recommendations.

(b) Subject to Subsection (13), the board may fix the tuition, fees, and charges for each institution at levels the board finds necessary to meet budget requirements.

(9) Money allocated to each institution by legislative appropriation may be budgeted in accordance with institutional work programs approved by the board, provided that the expenditures funded by appropriations for each institution are kept within the appropriations for the applicable period.
(10) The dedicated credits, including revenues derived from tuitions, fees, federal grants, and proceeds from sales received by the institutions are appropriated to the respective institutions to be used in accordance with institutional work programs.
(11) An institution may do the institution's own purchasing, issue the institution's own payrolls, and handle the institution's own financial affairs under the general supervision of the board.
(12)
(a) If the Legislature appropriates money in accordance with this section, the money shall be distributed to the board and institutions to fund the items described in Subsection (2)(b).
(b) An institution shall use any compensation money the Legislature appropriates under Subsection (2)(b)(i) for compensation, which may include merit- or market-based increases.
(13) The board shall create policies requiring an institution of higher education to waive transcript fees for a student who is under 26 years old and:
(a) is homeless, as defined in Section 26B-3-207;
(b) is a person who is homeless, as defined in Section 35A-5-302;
(c) is an individual whose primary nighttime residence is a location that is not designed for or ordinarily used as a sleeping accommodation for an individual;
(d) is a homeless child or youth, as defined in 42 U.S.C. Sec. 11434a;
(e) is in the custody of the Division of Child and Family Services; or
(f) was in the custody of the Division of Child and Family Services but is no longer in the custody of the Division of Child and Family Services due to the individual's age.

Amended by Chapter 229, 2026 General Session

53H-8-203 Proposed tuition increases -- Notice -- Hearings.
(1) If an institution considers increasing tuition rates for undergraduate students in the process of preparing or implementing its budget, it shall hold a meeting to receive public input and response on the issue.
(2) The institution shall advertise the hearing required under Subsection (1) using the following procedure:
(a) the institution shall advertise the institution's intent to consider an increase in student tuition rates:
(i) in the institution's student newspaper twice during a period of 10 days before the meeting; and
(ii) for each county where the institution has a campus, as a class A notice under Section 63G-30-102, for at least 10 days before the meeting; and
(b) the advertisement shall state that the institution will meet on a certain day, time, and place fixed in the advertisement, which shall not be less than seven days after the day the advertisement is published, for the purpose of hearing comments regarding the proposed increase and to explain the reasons for the proposed increase.
(3) The form and content of the notice shall be substantially as follows:

"NOTICE OF PROPOSED TUITION INCREASE

The (name of the higher education institution) is proposing to increase student tuition rates. This would be an increase of _____ %, which is an increase of $_____ per semester for a full-time resident undergraduate student. All concerned students and citizens are invited to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

(4)
(a) The institution shall provide the following information to those in attendance at the meeting required under Subsection (1):
(i) the current year's student enrollment for:
(A) the State System of Higher Education, if a systemwide increase is being considered; or
(B) the institution, if an increase is being considered for just a single institution;
(ii) total tuition revenues for the current school year;
(iii) projected student enrollment growth for the next school year and projected tuition revenue increases from that anticipated growth; and
(iv) a detailed accounting of how and where the increased tuition revenues would be spent.
(b) The enrollment and revenue data required under Subsection (4)(a) shall be broken down into majors or departments if the proposed tuition increases are department or major specific.
(5) If the institution does not make a final decision on the proposed tuition increase at the meeting, it shall announce the date, time, and place of the meeting where that determination shall be made.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-204 Higher education cost disclosure.
(1) Each institution within the Utah system of higher education shall, at the time of registration, plainly disclose to all of the institution's undergraduate resident students the following amounts, in dollar figures for a full-time equivalent student:
(a) the full cost of instruction;
(b) the amount collected from student tuition and fees; and
(c) the difference between the amounts described under Subsections (1)(a) and (b).
(2) The disclosure under Subsection (1)(c) shall also clearly indicate that this balance was paid by state tax dollars and other money.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-205 Fiscal year.
The fiscal year for each institution and for the board begins on July 1 and ends on June 30 in each year.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-206 Use of revenue for athletic gender equity.
An institution of higher education shall annually use for the purposes described in Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq., an amount of revenue equal to the total amount of sales and use tax revenue collected under Title 59, Chapter 12, Sales and Use Tax Act:
(1) during the one-year period beginning on July 1, 1997, and ending on June 30, 1998; and
(2) on amounts paid for admission to athletic events at the institution of higher education.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-207 Retention of net reimbursed overhead revenues.

(1) For each fiscal year, all budget documents for the system of higher education shall reflect retention by the institutions' net reimbursed overhead revenues for support of research and related programs under policies established by the board. These overhead revenues may not be considered a dedicated credit.
(2) The board, in conjunction with institutions within the system, shall provide the Legislature, through the Office of Legislative Fiscal Analyst, with a complete accounting of the net reimbursed overhead revenues on an annual basis. This accounting shall include actual expenditures for the prior fiscal year, budgeted expenditures for the current fiscal year, and planned expenditures for the following fiscal year.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-208 Board designated state educational agent for federal contracts and aid -- Individual research grants -- Powers of institutions or foundations under authorized programs.

(1)
(a) The board is the designated state educational agency authorized to negotiate and contract with the federal government and to accept financial or other assistance from the federal government or any of its agencies in the name of and in behalf of the state of Utah, under terms and conditions as may be prescribed by congressional enactment designed to further higher education.
(b) Nothing in this chapter alters or limits the authority of the Division of Facilities Construction and Management to act as the designated state agency to administer programs on behalf of and accept funds from federal, state, and other sources, for capital facilities for the benefit of higher education.

(2)
(a) Subject to policies and procedures established by the board, an institution of higher education and the institution of higher education's employees may apply for and receive grants or research and development contracts within the educational role of the recipient institution.
(b) A program described in Subsection (2)(a) may be conducted by and through the institution, or by and through any foundation or organization that is established for the purpose of assisting the institution in the accomplishment of the institution's purposes.

(3) An institution or the institution's foundation or organization engaged in a program authorized by the board may do the following:
(a) enter into contracts with federal, state, or local governments or the federal, state, or local governments' subsidiary agencies or departments, with private organizations, companies, firms, or industries, or with individuals for conducting the authorized programs;
(b) subject to the approval of the controlling state agency, conduct authorized programs within any of the penal, corrective, or custodial institutions of this state and engage the voluntary participation of inmates in those programs;
(c) accept contributions, grants, or gifts from, and enter into contracts and cooperative agreements with, any private organization, company, firm, industry, or individual, or any governmental agency or department, for support of authorized programs within the educational role of the recipient institution, and may agree to provide matching funds with respect to those programs from resources available to the institution; and
(d) retain, accumulate, invest, commit, and expend the funds and proceeds from programs funded under Subsection (3)(c), including the acquisition of real and personal property reasonably required for the institution or the institution's foundation or organization's

accomplishment, except that no portion of the funds and proceeds may be diverted from or used for purposes other than those authorized or undertaken under Subsection (3)(c), or may ever become a charge upon or obligation of the state of Utah or the general funds appropriated for the normal operations of the institution unless otherwise permitted by law.

(4)

(a) Except as provided in Subsection (4)(b), all contracts and research or development grants or contracts requiring the use or commitment of facilities, equipment, or personnel under the control of an institution of higher education are subject to the approval of the board.

(b)

(i) The board may delegate the approval of a contract or grant described in Subsection (4)(a) to an institution of higher education board of trustees.

(ii) If the board makes a delegation described in Subsection (4)(b)(i), the board of trustees shall annually report to the board on all approved contracts or grants.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-209 Personal use expenditures for officers and employees of institutions of higher education.

(1) As used in this section:

(a) "Employee" means a person who is not an elected or appointed officer and who is employed on a full- or part-time basis by an institution of higher education.

(b) "Officer" means a person who is elected or appointed to an office or position within an institution of higher education.

(c)

(i) "Personal use expenditure" means an expenditure made without the authority of law that:

(A) is not directly related to the performance of an activity as an officer or employee of an institution of higher education and the board;

(B) primarily furthers a personal interest of an officer or employee of an institution of higher education and the board or the family, a friend, or an associate of an officer or employee of an institution of higher education and the board; and

(C) would constitute taxable income under federal law.

(ii) "Personal use expenditure" does not include:

(A) a de minimis or incidental expenditure; or

(B) a state vehicle or a monthly stipend for a vehicle that an officer or employee uses to travel to and from the officer or employee's official duties, including a minimal allowance for a detour as provided by the institution of higher education and the board.

(d) "Public funds" means the same as that term is defined in Section 51-7-3.

(2) An officer or employee of an institution of higher education and the board may not:

(a) use public funds for a personal use expenditure; or

(b) incur indebtedness or liability on behalf of, or payable by, an institution of higher education and the board for a personal use expenditure.

(3) If the institution of higher education and the board determines that an officer or employee of an institution of higher education and the board has intentionally made a personal use expenditure in violation of Subsection (2), the institution of higher education and the board shall:

(a) require the officer or employee to deposit the amount of the personal use expenditure into the fund or account from which:

(i) the personal use expenditure was disbursed; or

(ii) payment for the indebtedness or liability for a personal use expenditure was disbursed;

(b) require the officer or employee to remit an administrative penalty in an amount equal to 50% of the personal use expenditure to the institution of higher education and the board; and
(c) deposit the money received under Subsection (3)(b) into the operating fund of the institution of higher education and the board.
(4)
(a) Any officer or employee of an institution of higher education and the board who has been found by the institution of higher education and the board to have made a personal use expenditure in violation of Subsection (2) may appeal the finding of the institution of higher education and the board.
(b) The institution of higher education and the board shall establish an appeal process for an appeal made under Subsection (4)(a).
(5)
(a) Subject to Subsection (5)(b), an institution of higher education and the board may withhold all or a portion of the wages of an officer or employee of the institution of higher education and the board who has violated Subsection (2) until the requirements of Subsection (3) have been met.
(b) If the officer or employee has requested an appeal under Subsection (4), the institution of higher education and the board may only withhold the wages of the officer or employee after the appeal process has confirmed that the officer or employee violated Subsection (2).
(6) Nothing in this chapter immunizes an officer or employee of an institution of higher education and the board from or precludes any criminal prosecution or civil or employment action for an unlawful personal use expenditure.
(7) An officer or employee of an institution of higher education who is convicted of misusing public money or public property under Section 76-8-402 may not disburse public funds or access public accounts.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-210 Higher education strategic reinvestment.
(1) As used in this section:
(a) "Reinvestment funds" means the amount of money the Legislature appropriates to the board for strategic reinvestment in accordance with this section.
(b) "Strategic reinvestment plan" means a plan described in Subsection (3) that each degree-granting institution develops to reallocate reinvestment funds to certain strategic investments.
(2) The board may transfer to a degree-granting institution the reinvestment funds dedicated to the degree-granting institution if:
(a) for the 2026 fiscal year:
(i) the respective degree-granting institution provides to the board the degree-granting institution's strategic reinvestment plan;
(ii) the board approves the degree-granting institution's strategic reinvestment plan; and
(iii) after receiving a report from the board regarding the strategic reinvestment plan in the meeting of the Executive Appropriations Committee in September 2025, the Executive Appropriations Committee makes a determination that the relevant degree-granting institution's strategic reinvestment plan satisfies the requirements of this section; and
(b) for each of the 2027 and 2028 fiscal years:
(i) the respective degree-granting institution provides to the board a report on the degree-granting institution's progress in executing the degree-granting institution's strategic reinvestment plan; and

(ii) after receiving a report from the board regarding the degree-granting institution's execution of the strategic reinvestment plan in the meeting of the Executive Appropriations Committee in September of 2026 and 2027, respectively, the Executive Appropriations Committee makes a determination that the relevant degree-granting institution has progressed in executing the degree-granting institution's strategic reinvestment plan in accordance with this section.

(3) Each degree-granting institution shall:

(a) prepare and submit the degree-granting institution's strategic reinvestment plan in accordance with Subsections (3)(b) and (c) based on:

(i) demonstrated enrollment data;

(ii) completion rate and timely completion;

(iii) discipline-related professional outcomes, including placement, employment, licensure, and wage outcomes;

(iv) current and future localized and statewide workforce demands;

(v) program-level cost; and

(vi) the degree-granting institution's mission and role within the statewide system;

(b) in consultation with the board, develop a strategic reinvestment plan that:

(i) identifies programs, courses, degrees, departments, colleges, or other divisions of the degree-granting institution, operational efficiencies, and other components of the degree-granting institution's instruction and administrative functions, including dean positions and other administration positions, that merit further investment;

(ii) identifies programs, courses, degrees, departments, colleges or other divisions of the degree-granting institution, operational inefficiencies, and other components of the degree-granting institution's instruction and administrative functions, including dean positions and other administration positions, that the degree-granting institution will reduce or eliminate to shift resources, in an amount at least equal to the amount of reinvestment funds dedicated to the degree-granting institution, to the strategic investments described in Subsection (3)(b)(i);

(iii) retains a core general education curricula that enables students to acquire critical thinking, problem solving, citizenship, communication, and other durable skills; and

(iv) includes an accounting demonstrating the reallocation of resources from the reduced or eliminated items described in Subsection (3)(b)(ii) to the strategic investments described in Subsection (3)(b)(i) in the following amounts:

(A) for fiscal year 2026, at least 30% of the total of the reinvestment funds dedicated to the degree-granting institution;

(B) for fiscal year 2027, at least 70% of the total of the amount of reinvestment funds dedicated to the degree-granting institution; and

(C) for fiscal year 2028, 100% of the total of the reinvestment funds dedicated to the degree-granting institution; and

(c) before a date that the board identifies in each of 2026 and 2027, submit to the board a report on the degree-granting institution's progress in executing the degree-granting institution's strategic reinvestment plan, which may include modifications to the plan if the modified plan meets the requirements of this section.

(4) The board shall:

(a) during the 2025 fiscal year:

(i) establish standards for the reallocations described in the strategic reinvestment plans; and

(ii) provide guidance to the degree-granting institutions of higher education on metrics and evaluative processes for the degree-granting institutions to use in analyzing programs and budgets to develop the strategic reinvestment plan;

(b) review each degree-granting institution's strategic reinvestment plan and approve plans that meet the requirements of this section; and

(c) report on each degree-granting institution's strategic reinvestment plan to:

(i) in August of 2025, 2026, and 2027, the Higher Education Appropriations Subcommittee; and

(ii) in September of 2025, 2026, and 2027, the Executive Appropriations Committee.

(5)

(a) Each year, after receiving the board report described in Subsection (4)(c)(i), the Higher Education Appropriations Subcommittee shall make a recommendation to the Executive Appropriations Committee regarding each degree-granting institution's strategic reinvestment plan and compliance with this section.

(b) Each year, after receiving the board report described in Subsection (4)(c)(ii), the Executive Appropriations Committee shall make a determination, for each degree-granting institution individually, regarding:

(i) for fiscal year 2026, whether the degree-granting institution's strategic reinvestment plan satisfies the requirements of this section; and

(ii) for each of fiscal years 2027 and 2028, whether the degree-granting institution has progressed in executing the degree-granting institution's strategic reinvestment plan in accordance with this section.

(6)

(a) A degree-granting institution may use reinvestment funds:

(i) for the strategic investments described in Subsection (3)(b)(i); and

(ii) for the reduced or eliminated items described in Subsection (3)(b)(ii) in the following amounts:

(A) for fiscal year 2026, no more than 70% of the total of the reinvestment funds dedicated to the degree-granting institution; and

(B) for fiscal year 2027, no more than 30% of the total of the reinvestment funds dedicated to the degree-granting institution.

(b) A degree-granting institution may not supplant or supplement the cost of a reduced or eliminated item described in Subsection (3)(b)(ii):

(i) through a tuition increase; or

(ii) with any state funds, except in fiscal year 2028, to the extent necessary to allow a student to complete the student's academic program as outlined in the degree-granting institution's approved strategic reinvestment plan.

(7) If a degree-granting institution fails to reallocate resources in accordance with the degree-granting institution's reinvestment plan and this section, in preparing the higher education budgets immediately following the degree-granting institution's failure, the Executive Appropriations Committee shall reduce appropriations for the degree-granting institution's instruction and administration in an amount equal to the amount the degree-granting institution failed to properly reallocate.

(8)

(a) Each degree-granting institution shall:

(i) establish policies specifically to effectuate the strategic reinvestment plan, and that address the following:

(A) reduction or elimination of positions and other personnel decisions; and

(B) internal institutional procedures regarding the reduction, elimination, creation, or modification of programs, courses, degrees, departments, colleges, or other divisions of the degree-granting institution;

(ii) ensure that the policies described in this Subsection (8)(a):

(A) create operational efficiencies in carrying out the strategic reinvestment plan;

(B) assist the degree-granting institution to meet the timeframes described in this section and the strategic reinvestment plan; and

(C) are consistent with the guidance the board provides in accordance with Subsection (4)(a); and

(iii) prepare the policies described in this Subsection (8)(a) in consultation with the board.

(b) A degree-granting institution's policies described in Subsection (8)(a) may supersede the following that are inconsistent with the strategic reinvestment plan or the goals of the plan:

(i) an existing policy, procedure, or timeframe of the degree-granting institution; and

(ii) a board policy, if the board determines that superseding the policy is necessary or appropriate.

(c) Notwithstanding any other provision of this title, a degree-granting institution may act in accordance with the policies described in this Subsection (8).

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-211 Higher Education Research Funding Pilot Program.

(1) As used in this section:

(a) "Institute board" means the same as that term is defined in Section 53H-16-201.

(b) "Nucleus Institute" means the Nucleus Institute created in Section 53H-16-202.

(c) "Program" means the pilot grant program for research funding described in this section.

(2)

(a) There is established a pilot competitive grant program known as the Higher Education Research Funding Pilot Program.

(b) The board shall distribute funding for grant applications the board approves under the prioritization and recommendation process described in Subsections (3) and (4) using the following funding allocation:

(i) for research institutions described in Subsection 53H-3-602(1)(b)(i), 75-85% of available research funding; and

(ii) for applied research projects at regional institutions described in Subsection 53H-3-602(1)(b)(ii), 15-25% of available research funding.

(3) To apply for research funding under the program, the president of an institution shall:

(a) review and prioritize prospective grant applications; and

(b) submit prioritized grant applications to the board.

(4)

(a) The board shall:

(i) develop a funding application and establish a scoring rubric to prioritize applications based on the following criteria:

(A) expected impact;

(B) connection to Utah industries;

(C) relevance to state economic development or public policy needs;

(D) potential for commercialization;

(E) the available proportion of matching funds; and

(F) opportunities for student participation;

(ii)
(A) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish eligible research areas, in consultation with industry representatives, the institute board, the Department of Workforce Services, the Governor's Office of Economic Development, and the Economic Development and Workforce Services Interim Committee;
(B) review and update the eligible research areas described in Subsection (4)(a)(ii)(A) at least once every three years; and
(C) ensure that the eligible research areas described in Subsection (4)(a)(ii)(A) reflect the state's priority industry clusters and public policy needs and include critical minerals projects that are consistent with the strategic plan of the Critical Minerals Council created under Subsection 79-10-302(1);
(iii) review all grant applications the board receives for each funding allocation described in Subsection (2)(b); and
(iv) based on the scoring described in Subsection (4)(a)(i), approve research grants.
(b) The board may delegate the board's duties of administration and review described in Subsections (4)(a)(i), (4)(a)(ii), and (4)(a)(iii) to:
(i) the institute board;
(ii) the Talent, Education, and Industry Alignment Board; or
(iii) an ad hoc committee that the board establishes for the administration of the program.
(c) The board may use up to 1% of legislative appropriations for the program to administer the program.
(5) The board shall report annually to the Higher Education Appropriations Subcommittee and the Economic Development and Workforce Services Interim Committee on:
(a) the eligible research areas described in Subsection (4)(a)(ii) and the extent to which the areas reflect the state's priority industry clusters and public policy needs, including critical minerals projects described in Subsection (4)(a)(ii)(C); and
(b) key metrics for the program, including:
(i) the number and type of approved research projects under the program, categorized by institution; and
(ii) highlights of the impact of the approved research projects.

Enacted by Chapter 138, 2026 General Session

53H-8-212 Enrollment funding.

(1) As used in this section, in alignment with Utah System of Higher Education data collection and reporting taxonomies:
(a)
(i) "Advanced graduate" means the level of a doctoral course at a degree-granting institution, including a juris doctorate degree.
(ii) "Advanced graduate" does not include a course in a medical field for which an institution receives separate funding, including medical, dental, and veterinary programs.
(b) "Basic graduate" means the level of a master's course at a degree-granting institution.
(c) "Classification of instructional program code" means a coding designation that facilitates the organization, collection, and reporting of fields of study and program completions that the National Center for Education Statistics develops.
(d) "Full-time equivalent" means a metric that measures student course load by converting course hours into a number representing a full-time student equivalent load.

(e) "High-cost upper-division" means an upper-division course in a program with a classification of instruction program code of 11, 14, 51, or 52.
(f) "Level of instruction" means the following instructional or course categories:
(i) technical certificate education;
(ii) vocational education;
(iii) lower-division;
(iv) upper-division;
(v) high-cost upper-division;
(vi) basic graduate; and
(vii) advanced graduate.
(g) "Lower-division" means the level of a course that:
(i) students typically complete within the first two years or 60 credits of education at a degree-granting institution; or
(ii) fulfills a requirement for an associate degree.
(h) "Technical certificate education" means technical education that a technical college provides to students who are seeking a certificate, continuing occupational education, or enrolled as a secondary student.
(i)
(i) "Upper-division" means the level of a course that:
(A) is an advanced undergraduate course at a degree-granting institution; and
(B) students typically complete in the last two years of a bachelor's degree.
(ii) "Upper-division" includes major-specific courses.
(j) "Vocational education" means career and technical education that a degree-granting institution provides.
(2) In accordance with this section, the Legislature shall, as part of the higher education appropriations budget process, annually determine the change in the amount of enrollment funding for each:
(a) degree-granting institution; and
(b) technical college.
(3)
(a) The Legislature shall determine the change in the amount of an institution's enrollment funding based on the positive or negative change in enrollment at the institution by:
(i) calculating the average direct instructional cost per budget-related full-time equivalent at each level of instruction on a system-wide basis;
(ii) calculating the five-year average full-time equivalent budget-related resident enrollment at each level of instruction at each institution for the five-year period ending with the previous fiscal year and the five-year period ending with the year before the previous fiscal year;
(iii) calculating the percentage change between each five-year period described in Subsection (3)(a)(ii) by each level of instruction;
(iv) if the percent change in enrollment is greater than or equal to a 1% increase or decrease, multiplying the average cost per full-time equivalent by the actual change in full-time equivalent;
(v) applying a state cost-sharing weight based on institution type in accordance with Subsection (3)(b); and
(vi) summing the amounts for the institution.
(b) The Legislature shall apply the following state cost-sharing weights in accordance with Subsection (3)(a)(v), representing the percentage of the average cost per full-time equivalent described in Subsection (3)(a) that the state funds:

(i) for a research university described in Subsection 53H-3-602(1)(b)(i), 50%;
(ii) for a regional university described in Subsection 53H-3-602(1)(b)(ii):
(A) except as provided in Subsection (3)(b)(ii)(b), 60%; or
(B) for a regional university that does not increase lower-division combined tuition and general fees from the previous year, 65%;
(iii) for a community college described in Subsection 53H-3-602(1)(b)(iii), 75%; and
(iv) for a technical college, 90%.

Enacted by Chapter 229, 2026 General Session

Part 3
Performance Funding

53H-8-301 Definitions.

As used in this part:
(1) "Account" means the Performance Funding Restricted Account created in Section 53H-8-302.
(2) "Award" means a degree or certificate that an institution grants.
(3) "Cohort" means a group of students, defined by the year in which the group enrolls in an institution.
(4) "Estimated revenue growth from targeted jobs" means the estimated increase in individual income tax revenue generated by individuals employed in targeted jobs, determined in accordance with Sections 53H-8-302 and 53H-8-306.
(5) "Full new performance funding amount" means the maximum amount of new performance funding that an institution may qualify for in a fiscal year, determined by the Legislature in accordance with Section 53H-8-303.
(6) "Full-time" means the number of credit hours the board determines is full-time enrollment for a student.
(7) "High-demand" job means:
(a) a targeted job; and
(b) a strategically important occupation that the board identifies in accordance with Subsection 53H-8-303(2).
(8) "New performance funding" means the difference between the total amount of money in the account and the amount of money appropriated from the account for performance funding in the current fiscal year.
(9) "Performance" means total performance across the metrics described in Section 53H-8-304.
(10) "Strategically important occupation" means an occupation that:
(a) is not a targeted job; and
(b) supports strategic objectives for state workforce development in core public services or emerging industries.
(11) "Targeted job" means a four- and five-star job that requires postsecondary training as designated by the Department of Workforce Services.

Amended by Chapter 229, 2026 General Session

53H-8-302 Performance Funding Restricted Account -- Creation -- Deposits into account -- Legislative review.

(1) As used in this section:
(a) "Account" means the Performance Funding Restricted Account created in Subsection (2).
(b) "Baseline amount" means the simple five-year average amount of personal income tax withholding over fiscal years 2019-2023.
(c) "Personal income tax withholding means" means income tax withholding required under Title 59, Chapter 10, Part 4, Withholding of Tax.
(2) There is created within the Income Tax Fund a restricted account known as the Performance Funding Restricted Account.
(3) The Legislature may appropriate money to the account.
(4) Money in the account shall be:
(a) used for performance funding for:
(i) degree-granting institutions; and
(ii) technical colleges; and
(b) appropriated by the Legislature in accordance with Section 53H-8-303.
(5)
(a) Money in the account shall earn interest.
(b) All interest earned on account money shall be deposited into the account.
(6)
(a) Except as provided in Subsection (6)(b) or (6)(c), before the end of each calendar year, the Executive Appropriations Committee shall appropriate to the account an amount equal to 6% of the difference between the five-year average amount from the most recent five years of personal income tax withholdings and the baseline amount.
(b)
(i) As used in this Subsection (6)(b), "total higher education appropriations" means, for the current fiscal year, the total state funded appropriations to:
(A) the board;
(B) degree-granting institutions; and
(C) technical colleges.
(ii) If an appropriation described in Subsection (6)(a) would exceed 10% of total higher education appropriations, the Executive Appropriations Committee shall appropriate to the account an amount equal to 10% of total higher education appropriations.
(c) If, after appropriating to the Public Education Economic Stabilization Restricted Account as defined in Section 53F-9-204, the remaining available revenue from the personal income tax withholdings is less than the lesser of the amounts in Subsection (6)(a) or Subsection (6)(b)(ii), the Executive Appropriations Committee shall appropriate to the account the remaining available revenue from the personal income tax withholdings.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-303 Determination of full new performance funding amount -- Role of appropriations subcommittee -- Program review.

(1) In accordance with this section, and based on money deposited into the account, the Legislature shall, as part of the higher education appropriations budget process, annually determine the full new performance funding amount for each:
(a) degree-granting institution; and
(b) technical college.
(2) The Legislature shall annually allocate:
(a) 80% of the money in the account to degree-granting institutions; and

(b) 20% of the money in the account to technical colleges.

(3)

(a) The Legislature shall determine a degree-granting institution's full new performance funding amount based on the degree-granting institution's prior year share of:

(i) full-time equivalent enrollment in all degree-granting institutions; and

(ii) the total state-funded appropriated budget for all degree-granting institutions.

(b) In determining a degree-granting institution's full new performance funding amount, the Legislature shall give equal weight to the factors described in Subsections (3)(a)(i) and (ii).

(4)

(a) The Legislature shall determine a technical college's full new performance funding amount based on the technical college's prior year share of:

(i) full-time equivalent enrollment for all technical colleges; and

(ii) the total state-funded appropriated budget for all technical colleges.

(b) In determining a technical college's full new performance funding amount, the Legislature shall give equal weight to the factors described in Subsections (4)(a)(i) and (ii).

(5) Annually, at least 30 days before the first day of the legislative general session the board shall submit a report to the Higher Education Appropriations Subcommittee on each institution's performance.

(6)

(a) In accordance with this Subsection (6), and based on the report described in Subsection (5), the Legislature shall determine for each institution:

(i) the portion of the full new performance funding amount earned; and

(ii) the amount of new performance funding to recommend that the Legislature appropriate, from the account, to theinstitution.

(b) An institution earns the full new performance funding amount if the institution meets the annual performance goals the board sets under Subsection 53H-8-304(1)(a)(ii).

(c) An institution that does not meet the goals the board sets under Subsection 53H-8-304(1)(a)(ii):

(i) is not eligible to receive the full new performance funding amount; and

(ii) is eligible to receive a prorated amount of the full new performance funding amount for performance that is greater than zero as measured by the model the board establishes under Subsection 53H-8-304(1)(a)(i).

(d) If an institution does not earn the full new performance funding amount as described in Subsection (6)(b), the Legislature:

(i) shall set aside the unearned new performance funding; and

(ii) may, at the end of an annual performance goal period within a five-year period for which the board sets goals under Subsection 53H-8-304(1)(a)(ii), reallocate the funds set aside under Subsection (6)(d)(i) to an institution that meets or exceeds the institution's:

(A) previous year's annual performance goal; and

(B) performance goal that the institution previously failed to meet which caused the funding to be set aside.

(7) An appropriation described in this section is ongoing.

(8) Notwithstanding Section 53H-8-302 and Subsections (6) and (7), the Legislature may, by majority vote, appropriate or refrain from appropriating money for performance funding as circumstances require in a particular year.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-304 Performance metrics for institutions -- Determination of performance.

(1)

(a)

(i) The board shall establish a model for determining an institution's performance.

(ii) The board shall:

(A) set a five-year goal for the Utah System of Higher Education for each metric described in Subsection (2)(a);

(B) adopt five-year goals for each institution that align with each goal described in Subsection (1)(a)(ii)(A);

(C) ensure the goals the board adopts for each institution described in Subsection (1)(a)(ii)(B) are sufficiently rigorous to meet the goals described in Subsection (1)(a)(ii)(A); and

(D) set a five-year goal for each institution for each metric described in Subsection (2)(b).

(b)

(i) The board shall submit a draft of the model described in this section to the Higher Education Appropriations Subcommittee and the governor for comments and recommendations.

(ii) Every five years, the board shall:

(A) submit the model described in Subsection (1)(a)(i) and the goals described in Subsection (1)(a)(ii) to the Higher Education Appropriations Subcommittee and to the governor for comments and recommendations; and

(B) consider the comments and recommendations described in Subsection (1)(b)(ii)(A), and make any necessary changes to the model described in Subsection (1)(a)(i) and the goals described in Subsection (1)(a)(ii).

(c) Every five years:

(i) the Higher Education Appropriations Subcommittee shall make recommendations to the Executive Appropriations Committee regarding legislation for introduction at the following general legislative session to adopt the goals described in Subsection (1)(a)(ii); and

(ii) the Executive Appropriations Committee shall approve or modify the Higher Education Appropriations Subcommittee's recommendations described in Subsection (1)(c)(i).

(d) After the release of the Department of Workforce Services' bi-annual long-term occupational projections:

(i) the board may identify up to five strategically important occupations for degree-granting institutions and five strategically important occupations for technical colleges that:

(A) the Talent, Education, and Industry Alignment Board created in Section 53H-13-302 recommends to the board; and

(B) the board approves;

(ii) if a strategically important occupation described in Subsection (1)(d)(i) becomes a targeted job, the board may identify another strategically important occupation in accordance with the limit described in Subsection (1)(d)(i); and

(iii) if a job no longer constitutes a high-demand job, either because the board de-selects a strategically important occupation in favor of a different occupation or because a job is no longer a targeted job, the job shall remain a factor for performance funding calculations in relation to the students who were enrolled in the given program at the time the job most recently constituted a high-demand job.

(2)

(a) For the five-year performance period beginning on July 1, 2022, and ending on June 30, 2027, the board shall set the goals and establish the performance model described in Subsection (1)(a)(i) for the following metrics:

(i) access;

(ii) timely completion; and
(iii) high-yield awards.
(b) For the five-year performance period beginning on July 1, 2027, and ending on June 30, 2032, the board shall establish the performance model described in Subsection (1)(a)(i) and set the goals described in Subsection (1)(a)(ii)(D) for the following metrics:
(i) for each institution:
(A) responsiveness to workforce needs, measured by degrees and certificates the institution awarded that map to high-demand jobs in the state; and
(B) institutional efficiency, measured by degrees and certificates the institution awarded per full-time equivalent student;
(ii) for each degree-granting institution:
(A) the metrics described in Subsection (2)(b)(i); and
(B) timely completion, meaning the percentage of a cohort that completes an award within 150% of the time in which a student typically completes the award at full-time status, measured by awards granted;
(iii) for each regional university and community college described in Subsections 53H-3-602(1)(b)(ii) and 53G-3-602(1)(b)(iii):
(A) the metrics described in Subsection (2)(b)(i); and
(B) the number of students achieving the student's first 30 credit hours;
(iv) for each research university described in Subsection 53H-3-602(1)(b)(iv):
(A) the metrics described in Subsection (2)(b)(i); and
(B) the total number of research dollars the university expended; and
(v) for each technical college:
(A) the metrics described in Subsection (2)(b)(i); and
(B) placement rates of graduates into employment or degree-granting programs.
(3) The board shall:
(a) determine the relative weights of the metrics described in and in accordance with Subsection (2);
(b) determine and establish in board policy, the definitions, measures, and relative weights of the metrics described in Subsection (2) based on each institution's mission; and
(c) for a definition of credit hours eligible for meeting the 30-hour threshold for the metric described in Subsection (2)(b)(iii)(B), include a student's concurrent enrollment credits and other credits for prior learning the student has earned.
(4) For each institution, the board shall annually:
(a) adopt annual performance goals for each metric described in Subsection (2) that are sufficiently rigorous to advance the institution toward achievement of the five-year goals described in Subsection (1)(a)(ii);
(b) evaluate performance in meeting the goals described in Subsection (4)(a); and
(c) include a degree-granting institution's or technical college's performance under this section in the evaluation described in Subsection 53H-1-203(2)(i).
(5) The board shall use the model described in Subsection (1)(a)(i) to make the report described in Section 53H-8-303 for determining an institution's performance funding.
(6) At the end of each five-year period for which the board sets goals under Subsection (1)(a)(ii):
(a) the board shall:
(i) review the Utah System of Higher Education's performance in meeting the goals the board sets under Subsection (1)(a)(ii)(A);
(ii) review each institution's performance in meeting the goals the board sets under Subsection (1)(a)(ii)(B) or (1)(a)(ii)(D); and

(iii) allocate any funds not allocated under Subsection 53H-8-303(6)(d) to each institution that meets or exceeds the goals the board sets under Subsection (1)(a)(ii)(B) or (1)(a)(ii)(D); and

(b) the Legislature may appropriate additional funds for the board to allocate to each institution that meets or exceeds goals as described in Subsection (6)(a)(iii).

(7) In year two or three of each five-year period for which the board sets goals under Subsection (1)(a)(ii), the following shall hold a meeting to review the goals the board sets under Subsection (1)(a)(ii):

(a) the Higher Education Appropriations Subcommittee; and

(b) after the meeting described in Subsection (7)(a), the Executive Appropriations Committee.

Amended by Chapter 229, 2026 General Session

53H-8-305 Five-year performance goals.

(1) As used in this section:

(a) "High-yield award" means the same as that term is defined in board policy under Subsection 53H-8-304(3).

(b) "System" means the Utah System of Higher Education.

(2)

(a) The goals the board establishes in accordance with Subsection 53H-8-304(1)(a)(ii) for the Utah System of Higher Education for the five-year performance period beginning on July 1, 2022, and ending on June 30, 2027, are:

(i) for the access metric described in Subsection 53H-8-304(2)(a)(i), to increase the percent of Utah high school graduates participating in the system by 3.0%;

(ii) for the timely completion metric described in Subsection 53H-8-304(2)(a)(ii), to increase the system percentage of a cohort that completes an award in up to and including 1.5 times the time in which a student typically completes an award program by 3.0%; and

(iii) for the high-yield awards metric described in Subsection 53H-8-304(2)(a)(iii), to increase the system percentage of high-yield awards by 3.0%.

(b) The board shall ensure that the goals the board establishes in accordance with Subsection 53H-8-304(1)(a)(ii)(D) for the five-year performance period beginning on July 1, 2027, and ending on June 30, 2032, are:

(i) for the workforce responsiveness metric described in Subsection 53H-8-304(2)(b)(i)(A), to:

(A) increase the number of degrees and certificates an institution awards that map to high-demand jobs in the state by at least 1.0% each year; or

(B) maintain the number described in Subsection (2)(b)(i)(A) at or above 80%;

(ii) for the institutional efficiency metric described in Subsection 53H-8-304(2)(b)(i)(B), to increase the five-year rolling average number of degrees and certificates an institution awards per full-time equivalent student by at least 1.0% each year;

(iii) for the timely completion metric for degree-granting institutions described in Subsection 53H-8-304(2)(b)(ii)(B), to:

(A) increase the percentage of timely completion at the institution by at least 1.0% each year; or

(B) maintain the percentage described in Subsection (2)(b)(iii)(A) at or above 75%;

(iv) for the regional university and community college first-year student metric described in Subsection 53H-8-304(2)(b)(iii)(B), to increase the number of students achieving the student's first 30 credit hours by at least 1.0% each year;

(v) for the research university research expenditure metric described in Subsection 53H-8-304(2)(b)(iv)(B), to increase the total number of research dollars the university

expended by at least 1.0% more than the year-over change in the Consumer Price Index that the United States Bureau of Labor Statistics reports; and

(vi) for the technical college placement metric described in Subsection 53H-8-304(2)(b)(v)(B), to increase the placement rate of graduates in jobs or degree-granting programs by at least 1.0% each year.

(3) In order to meet the system goals described in Subsection (2)(a), the goals for each institution for the five-year performance period are:

(a) for the access metric, to increase the institution's share of Utah high school graduates participating in the system by a percentage that the board determines;

(b) for the timely completion metric, to increase the percent of a cohort enrolled at the institution that completes an award in up to and including 1.5 times the standard completion time or sooner by a percentage that the board determines; and

(c) for the high-yield awards metric, to increase the percent of high-yield awards the institution grants by a percentage that the board determines.

Amended by Chapter 229, 2026 General Session

53H-8-306 Reporting of estimated revenue growth from targeted jobs.

(1) On or before October 1, 2030 and each subsequent fifth year, the Department of Workforce Services shall report to the Higher Education Appropriations Subcommittee on:

(a) the total wages in Utah according to the Quarterly Census of Employment and Wages program over the previous five years;

(b) total wages in Utah attributable to four- and five-star jobs that require postsecondary training according to the Occupational Employment and Wage Statistics program over the previous five years;

(c) total wages in Utah for all occupations according to the Occupational Employment and Wage Statistics program over the previous five years;

(d) the quotient of total wages in Subsection (1)(a) and total wages in Subsection (1)(b); and

(e) the quotient of total wages in Subsection (1)(c) and total wages in Subsection (1)(b).

(2) On or before October 1, 2030 and each subsequent fifth year, the commissioner shall report to the Higher Education Appropriations Subcommittee on:

(a) all institutions' high yield awards over the previous five years;

(b) the estimated revenue growth from targeted jobs associated with high yield awards over the previous five years;

(c) the connection between the data described in Subsections (2)(a) and (2)(b); and

(d) the estimated median effective income tax rate.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-307 Legislative audit.

(1) Subject to prioritization of the Audit Subcommittee, the Office of the Legislative Auditor General established under Section 36-12-15 shall in any fiscal year:

(a) conduct an audit of money appropriated for performance funding; and

(b) prepare and submit a written report for an audit described in this section in accordance with Section 36-12-15.

(2) An audit described in this section shall include:

(a) an evaluation of the implementation of performance funding; and

(b) the use of performance funding.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 4
Higher Education Student Success Endowment

53H-8-401 Definitions.

As used in this part, "endowment" means the Higher Education Student Success Endowment created in Section 53H-8-402.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-402 Higher Education Student Success Endowment.

(1) There is created the Higher Education Student Success Endowment.
(2) The endowment consists of:
  (a) the proceeds from divestment of the dissolved Utah Higher Education Assistance Authority's loan portfolio;
  (b) appropriations made to the endowment by the Legislature, if any;
  (c) income from the investment of the endowment; and
  (d) other revenues received from other sources.
(3) The board shall account for the receipt and expenditures of endowment money in accordance with the policies and guidance of the Division of Finance.
(4)
  (a)
    (i) The state treasurer shall invest the endowment money with the primary goal of providing for stability, income, and growth of the principal.
    (ii) The state treasurer may deduct any administrative costs incurred in managing endowment assets from earnings before distributing the earnings.
  (b) Nothing in this section requires a specific outcome in investing.
  (c) The state treasurer may employ professional asset managers to assist in the investment of assets of the endowment.
  (d) The state treasurer may only provide compensation to asset managers from earnings generated by the endowment's investments.
  (e) The state treasurer shall invest and manage the endowment assets as a prudent investor would, by:
    (i) considering the purposes, terms, distribution requirements, and other circumstances of the endowment; and
    (ii) exercising reasonable care, skill, and caution in order to meet the standard of care of a prudent investor.
  (f) In determining whether or not the state treasurer has met the standard of care of a prudent investor, the judge or finder of fact shall:
    (i) consider the state treasurer's actions in light of the facts and circumstances existing at the time of the investment decision or action, and not by hindsight; and
    (ii) evaluate the state treasurer's investment and management decisions respecting individual assets not in isolation, but in context of an endowment portfolio as a whole as a part of

an overall investment strategy that has risk and return objectives reasonably suited to the endowment.

(5)
(a) The endowment shall earn interest.
(b) The state treasurer shall deposit the interest or other revenue earned from investment of the endowment into the endowment.

(6) The board:
(a) may expend money from the endowment for programs that:
(i) advance the system priorities as established in Subsection 53H-1-203(2)(a); and
(ii) support prospective students or current students enrolled at an institution; and
(b) may not expend money from the endowment for a capital expenditure, including the construction or lease of a capital facility or operation and maintenance of a capital facility.

(7) The board shall ensure that:
(a) money deposited into the endowment is irrevocable and is expended only for programs that advance the system priorities as established in Subsection 53H-1-203(2)(a); and
(b) creditors of the board of directors may not seize, attach, or otherwise obtain assets of the endowment.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-403 Board duties.

(1) The board shall:
(a) act as trustee of the endowment and exercise the state's fiduciary responsibilities;
(b) meet at least twice a year to conduct business on behalf of the endowment;
(c) review and approve all endowment policies, projections, rules, criteria, procedures, forms, standards, and performance goals;
(d) review and approve the budget and expenditures for the endowment in accordance with Section 53H-8-402;
(e) review financial records for the endowment, including endowment receipts, expenditures, and investments; and
(f) take any other action necessary to perform the board's fiduciary obligations.

(2) The board shall annually submit a budget and expenditures to the Higher Education Appropriations Subcommittee no later than November 1.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-404 Grants and gifts to the authority.

(1) To the extent otherwise allowed, a state entity may grant money or property to the endowment.
(2) A person may make a contribution, gift, grant, bequest, devise, or loans to the endowment.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 5
Foreign Bank Accounts and Foreign Gifts

53H-8-501 General provisions -- Definitions.

As used in this part:
(1) "Conditional gift" means a gift as defined in Subsection (4) that is subject to conditions:
(a) imposed, requested, or provided by a foreign government or foreign person; and
(b) that relate to:
(i) what kinds of teachers or students may benefit from the gift; or
(ii) a description of the subject matter to be taught with the support of the gift.
(2) "Foreign government" means a government other than the government of:
(a) the United States;
(b) a state within the United States;
(c) a territory or possession of the United States; or
(d) a political subdivision of the United States.
(3) "Foreign person" means:
(a) a foreign government defined in Subsection (2);
(b) an individual who is not a citizen or national of the United States or of a territory or protectorate of the United States;
(c) a corporation, partnership, joint venture, proprietorship, trust, association, or other entity that is created or organized under the laws of a foreign government or that has its principal place of business located outside the United States;
(d) if known by the institution, a corporation, partnership, joint venture, proprietorship, trust, association, or other entity that is created or organized pursuant to the laws of the United States or a state within the United States, if a majority of the stock or other equity interest is directly or indirectly owned by, or which derives a majority of its funding from:
(i) a foreign government;
(ii) an individual described in Subsection (3)(b); or
(iii) an entity described in Subsection (3)(c) or (d); or
(e) if known by the institution, a committee or other group in which a majority of the membership is composed of:
(i) a foreign government;
(ii) an individual described in Subsection (3)(b); or
(iii) an entity described in Subsection (3)(c) or (d).
(4) "Gift" means an endowment, scholarship, gift, donation, or grant of money or property of any kind.
(5) "Restricted foreign entity" means:
(a) a company that the United States Secretary of Defense is required to list as a military company under the requirements of federal national defense authorization acts;
(b) any affiliate of a company described in Subsection (6)(a);
(c) the country with a commercial or defense industrial base of which a company described in Subsection (6)(a) is a part; or
(d) any subsidiary of a company described in Subsection (6)(a) or a country described in Subsection (6)(c).

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-502 Foreign bank accounts for higher education purposes.
(1) As used in this section, "foreign depository institution" is as defined in Section 7-1-103.
(2) In accordance with Subsection 51-7-4(1)(b)(iii), an institution may deposit funds into a foreign depository institution for purposes of conducting academic, research, or clinical activities in the foreign country, if the:

(a) laws of the foreign country require the money to be deposited in the foreign country; or
(b) terms of a grant, gift, or contract require the funds to be deposited in the foreign country.
(3) The foreign depository institution in which funds are deposited under this section shall meet the requirements of rules made by the State Money Management Council under Section 51-7-18.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-503 Disclosure of foreign gifts to institutions -- Prohibition on restricted foreign entity funds.

(1)
(a) Except as provided in Subsection (1)(c), on or before July 31 of each year, an institution shall disclose to the board, by filing a disclosure report described in Subsection (2), a gift received by the institution of $50,000 or more from a foreign person, considered alone or in combination with all other gifts from the foreign person, during the period beginning July 1 and ending on June 30 immediately preceding the July 31 deadline.
(b) An institution may rely on the following address of a foreign person to determine the citizenship or nationality of the foreign person if the citizenship or nationality is unknown:
(i) for a foreign person that is an individual, the principal residence; and
(ii) for a foreign person that is not an individual, the principal place of business.
(c) The $50,000 amount described in Subsection (1)(a) is increased to $250,000 if the gift, considered alone or in combination with all other gifts, described in Subsection (1)(a) is from a foreign person:
(i) with a principal residence or principal place of business located in the United States; and
(ii) with a permanent resident status:
(A) under Section 245 of the Immigration and Nationality Act; and
(B) for 10 years or more.
(2) A disclosure report regarding all gifts described in Subsection (1) shall include:
(a) the amount of each gift described in Subsection (1);
(b) the date on which each gift described in Subsection (1) was received by the institution;
(c) the name of the foreign person making each gift described in Subsection (1);
(d) the aggregate amount of all gifts described in Subsection (1) from a foreign person during the prior fiscal year of the institution;
(e) for a conditional gift, a description of the conditions or restrictions related to the conditional gift;
(f) for a conditional gift:
(i) for a foreign person that is an individual, if known, the country of citizenship or principal residence of the individual; or
(ii) for a foreign person that is not an individual, if known, the country of incorporation or place of business of the foreign person; and
(g) for a conditional gift that is a contract entered into between an institution and a foreign person:
(i) the amount;
(ii) the date;
(iii) a description of all conditions or restrictions; and
(iv) the name of the foreign person.
(3) A disclosure report required by this section is a public record open to inspection and review during the institution's business hours.
(4) At the request of the board, the attorney general may file a civil action to compel an institution to comply with the requirements of this section.

(5) The board shall make rules for the administration of this section in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(6) An institution may not seek or accept funding support from a restricted foreign entity or an entity that passes on funding support from a restricted foreign entity.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 6
Higher Education Loans

53H-8-601 Definitions.

As used in this part:
(1) "Bonds" means the bonds authorized to be issued by the board under this part, and may consist of bonds, notes, or debt obligations evidencing an obligation to repay borrowed money and payable solely from revenues and other money of the board pledged for repayment.
(2) "Eligible borrower" means a person, or the parent of a person, who is eligible to borrow under regulations applicable to the student loan program.
(3) "Eligible institution" means an institution which is approved by the board and the United States Secretary of Education for purposes of the guaranteed loan program.
(4) "Obligations" means student loan notes and other debt obligations reflecting loans to students which the board may take, acquire, buy, sell, or endorse under this part, and may include a direct or indirect interest in the whole or any part of the notes or obligations.
(5) "Resolution," when used in relation to the issuance of bonds, means the resolution or trust agreement securing the bonds.
(6) "Student" means a person who, under rules promulgated by the board, is enrolled or accepted for enrollment at an eligible institution and who is making suitable progress in the person's education toward obtaining a degree or other appropriate certification in accordance with standards acceptable to the board.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-602 Powers of Utah Board of Higher Education.

The board has the powers necessary to carry out the purposes of this part, including the following:
(1) to accept gifts, grants, loans, and other aids or amounts from a person, corporation, or governmental agency;
(2) to loan money to eligible borrowers to assist the eligible borrowers in obtaining a post-high school education by attending an eligible institution, including refinancing or consolidating obligations previously incurred by eligible borrowers with other lending sources for this purpose and participating in loans to eligible borrowers for this purpose with other lending sources;
(3)
  (a) to acquire, purchase, or make commitments to purchase, and take assignments from lenders of obligations;
  (b) no obligation is eligible for acquisition, purchase, or commitment to purchase by the board unless at or before the time of transfer to the board the lender certifies either:

(i) that under and to the extent required by rules and regulations of the board, the proceeds of sale or its equivalent shall be reinvested in other obligations under the student loan program; or
(ii) that the obligation was made in anticipation of its sale to the board under rules and regulations of the board promulgated under this part;
(4) to enforce its rights under a contract or agreement including the commencement of court action;
(5) to acquire, hold, and dispose of real and personal property necessary for the accomplishment of the purposes of this part;
(6) to obtain insurance against losses which may be incurred in connection with its property, assets, activities, or the exercise of the powers granted under this part;
(7) to borrow money and to issue its bonds and provide for the rights of bondholders and to secure the bonds by assignment, pledge, or granting a security interest in its property including all or a part of an obligation. The state is not liable for the repayment of bonds issued by the board. The bonds issued by the board are not a debt of the state, and each bond shall contain on its face a statement to this effect;
(8) to invest funds not required for immediate use or disbursement as provided in the State Money Management Act;
(9) subject to a contract with the holders of its bonds, an applicable bond resolution, or a contract with the recipient of a loan, to consent to the modification, with respect to security, rate of interest, time of payment of interest or principal, or other term of a bond contract or agreement between the board and a recipient of a loan, bondholder, or agency or institution guaranteeing the repayment of an obligation;
(10) to engage and employ officers, agents, employees, and other private consultants to render and perform professional and technical duties, assistance, and advice in carrying out the purposes of this part, to describe the duties, and to fix the amount and source of the compensation;
(11) to make rules and regulations governing the activities authorized under this part;
(12) to solicit grants and contributions from the public or from any government or governmental agency and to arrange for the guaranteeing of the repayment of obligations by other agencies of this state or the United States;
(13) to collect fees and charges in connection with its loans, commitments, and servicing, including reimbursement of the costs of financing, service charges, and insurance premiums which are determined as reasonable and are approved by the board;
(14) to sell obligations held by the board at such prices and at such times as it may determine, when that sale would not impair the rights or interests of holders of bonds issued by the board; and
(15) to participate in federal programs supporting loans to eligible borrowers and to agree to, and comply with, the conditions of those programs.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-603 Issuance of bonds -- Disposition of funds -- Refunding bonds -- Resolution to authorize bonds -- Contents -- Sale of bonds -- Bond debt service reserve funds -- Restoration of fund assets -- Establishment of other subfunds.

(1) The board may issue the board's bonds in the principal amounts necessary to provide funds for achieving the board's purposes under this part, including the payment of interest, the establishment of reserves to secure the bonds, and other expenditures of the board necessary to carry out its purposes and powers.

(2) The board may issue refunding bonds when it considers refunding expedient, whether the bonds to be refunded have or have not matured.
(3) The proceeds of the refunding bonds shall be applied to the purchase, redemption, or payment of the bonds refunded.
(4) Except as otherwise expressly provided in a resolution authorizing bonds, an issue of bonds is a special obligation of the board to be satisfied only out of revenue or money of the board, subject to an agreement with the holders of particular receipts or revenues of the board which have been pledged.
(5) The board shall authorize its bonds by resolution.
(6) The bonds are fully negotiable for all purposes, shall bear a date, shall be serial bonds or term bonds or both and, if serial bonds, shall be payable either semiannually or annually, and shall mature at a time or times, not exceeding 40 years after the date of issue, as provided in the resolution.
(7) The resolution shall specify the following:
  (a) either the interest rate or rates or a formula by means of which the interest rate or rates are determined during the time the bonds are outstanding;
  (b) denomination and form, either coupon or registered;
  (c) registration privileges;
  (d) manner of execution;
  (e) medium of payment; and
  (f) place and terms for the redemption of the bonds.
(8) If the resolution sets forth a formula by means of which the interest rate or rates on the bonds are determined, it shall also state the maximum rate which the bonds may bear under the formula.
(9) Pursuant to the resolution or another instrument, the board may delegate to the chair, vice-chair, or chair of the Budget and Finance Subcommittee the authority:
  (a) to approve any changes with respect to interest rate, price, amount, redemption features, and other terms of the bonds as are within reasonable parameters set forth in the resolution; and
  (b) to approve and execute all documents relating to the issuance of the bonds.
(10) The bonds are sold by the board in such manner and at such a price as the board determines.
(11)
  (a) The board may create and establish one or more bond debt service reserve funds in order to secure its bonds from the following:
    (i) any proceeds of the sale of bonds, to the extent provided in the resolution authorizing the issuance of the bonds;
    (ii) any money appropriated and made available by the state for the purpose of the funds; and
    (iii) any other money available to the board for the purpose of the funds.
  (b) All money held in any bond debt service reserve fund shall be used, as provided in the resolution establishing the fund, to pay principal of, premium, and interest on bonds of the board issued under this part.
  (c) If the assets in any bond debt service reserve fund are less than the amount currently required in the authorizing resolution to be on deposit, the chairman of the board shall, annually before the second day of December, certify to the governor and to the director of finance the amount necessary to restore the assets of the funds to the required amount.
  (d) The governor may request from the Legislature an appropriation of the certified amount in order to restore the required amount to the funds.
(12) The board may create and establish any other subfunds and accounts as may be necessary for its corporate purposes.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-604 Agreements with bondholders unalterable.

(1) Neither limitations or alterations of the rights vested in the board to fulfill the terms of an agreement made with bondholders nor impairment of the rights and remedies of those bondholders may occur until:
  (a) the bonds, together with interest on the bonds and interest on unpaid installments of interest are met and discharged; and
  (b) all costs and expenses in connection with an action or proceeding by or on behalf of those bondholders are met and discharged.
(2) The board may include provisions to this effect in an agreement with the holders of the bonds.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-605 Investments in bonds of the board.

The bonds of the board are securities, in which public officers and bodies of this state, municipalities and municipal subdivisions, insurance companies and associations, persons carrying on an insurance business, banks, trust companies, savings banks and savings associations, saving and loan associations, investment companies, administrators, guardians, executors, trustees, other fiduciaries, and all other persons who are authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in the control of or belonging to the aforementioned entities, groups, or individuals.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-606 Payment of funds -- Payment on warrants -- Contracts with bondholders -- Security.

(1) The funds of the board, except as otherwise authorized or provided in this section, are paid to the state treasurer.
(2) The money in the accounts is paid out on warrants signed by the Division of Finance on requisition of the chairman of the board or of a board authorized officer or employee.
(3) The board, subject to the approval of the state treasurer, may contract with the holders of its bonds as to the custody, collection, securing, investment, and payment of money of the board or of money held in trust or otherwise for the payment of bonds.
(4) Money held in trust or otherwise for the payment of bonds or to secure bonds and deposits of the money may be secured in the same manner as money of the board.
(5) Banks and trust companies are authorized to give such security for the deposits.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-607 Bonds and interest exempt from taxation except corporate franchise tax.

The bonds issued under this part and the interest on the bonds are exempt from all taxation in this state, except for the corporate franchise tax.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-608 Bond approval by attorney general incontestable after 30 days -- Recital of certification.

(1) The attorney general shall examine the resolutions and proceedings authorizing the issuance and confirming the sale of bonds under this part.
(2) Once examined and certified as legal obligations by the attorney general, the bonds become incontestable in any court in the state unless suit is brought in a court having jurisdiction within 30 days from the date of certification.
(3) The bonds certified under this section shall contain a recital on the bond's face as follows: "This bond is one of a series of bonds which were certified as legal obligations by the Attorney General of the state of Utah on _____."
(4) Bonds authorized, issued, and sold under resolutions and proceedings certified by the attorney general are valid and binding obligations according to the bond's terms.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-609 Board pledges -- Attachment of lien -- Recording unnecessary.

(1) A pledge made by the board is valid and binding from the time the pledge is made.
(2) The money or property pledged and subsequently received by the board is immediately subject to the lien of the pledge without physical delivery or further act.
(3) The lien of the pledge is valid and binding against all parties having a claim in tort, contract, or otherwise against the board, irrespective of whether the parties have notice of the claim.
(4) Neither the resolution nor another instrument by which a pledge is created need be recorded.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-610 Default by board -- Appointment of a trustee -- Powers of the trustee and bondholders.

(1) If the board defaults in the payment of principal of or interest on an issue of bonds after the issue becomes due, whether at maturity or upon call for redemption, and the default continues for 30 days, or if the board fails or refuses to comply with this part, or defaults in an agreement made with the holders of an issue of bonds, the holders of 25% of the aggregate principal amount of the bonds of the issue then outstanding, may appoint a trustee to represent all holders of that issue of bonds for the purposes provided in this section.
(2) The trustee may, and upon written request of the holders of 25% of the aggregate principal amount of the bonds of the issue then outstanding shall, in the trustee's own name by action or proceeding enforce all rights of the bondholders including the following:
  (a) bringing an action to require the board to collect fees, charges, interest, and amortization payments of loans made by it adequate to carry out the agreement as to, or pledge of, the fees, charges, interest, and amortization payment on the loans and other properties;
  (b) bringing an action to require the board to carry out other agreements with the holders of the bonds and to perform its duties under this part;
  (c) bringing an action upon the bonds; or
  (d) bringing an action to require the board to account as if it were the trustee of an express trust for the holders of the bonds due and payable, and if all defaults are made good, then, with the consent of the holders of 25% of the principal amount of the issue of bonds then outstanding, to annul the declaration and its consequences.
(3) The holders of bonds and the trustee authorized by this section shall have all of the rights to which the holders of bonds and the trustee authorized by this section are entitled by virtue of

provisions included in the bonds or otherwise available to the holders of bonds and the trustee authorized by this section under the law.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-611 Loans or purchase of obligations -- Rules -- Options -- Repayment of federally insured loans.

(1) The board may purchase obligations from lenders or make loans to eligible borrowers, out of money available to the board for loans. The board shall promulgate rules for determining the needs of the respective borrowers for loans and for the purpose of making loans or purchasing obligations. The amount of an obligation purchased by the board or of a loan made by the board to an eligible borrower, whether enrolled or to be enrolled in a private postsecondary educational institution or an institution, is determined by the board upon the basis of substantially similar standards and guides set forth in the board's rules. The board, in determining the needs of eligible borrowers for guaranteed loans, may consider the amount of assistance available to the students.

(2) When the board purchases an obligation or makes a loan, and again immediately before a repayment schedule on the loan or obligation is signed by the borrower, the board shall cause a written statement to be delivered to the borrower describing in detail whether an option exists and, if so, who may exercise the option, under what conditions the option may be exercised, and what options are available relating to the following:

(a) the term of the loan;

(b) the repayment period on the loan;

(c) an extension of the term or repayment period on the loan and the conditions of repayment under the extension;

(d) a deferment or forbearance on the repayment of the loan or on interest accruing on the loan, whether interest is to be paid during the deferment or forbearance, and the terms of repayment after the deferment or forbearance;

(e) the period of time between installment payments on the loan and whether graduated or unequal installment payments may be made;

(f) the minimum annual payment on the loan, and if more than one loan is taken from the board or if the borrower takes or has taken an educational loan from another source, the availability of consolidation, transfer, or assignment of the loans and the minimum annual payment on the aggregate of the loans;

(g) the granting of an interview before or at the time the borrower signs a repayment schedule; and

(h) the revision or renegotiation of the repayment schedule on the loan after repayment has commenced, or if other educational loans from the board or another source are taken after the repayment has commenced.

(3) On obligations purchased or loans made by the board which are federally insured loans, the board may establish variable repayment schedules conforming to the need and documented income levels of borrowers, if the schedules are not inconsistent with federal laws, rules, or regulations governing the insured loans. A borrower making payments on a loan may request and be granted a revised repayment term or schedule based upon the established variable repayment schedules.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-612 Separation of duties, responsibilities, funds, liabilities, and expenses -- Immunity from personal liability.

(1) The duties, responsibilities, funds, liabilities, and expenses of the board under this part shall be maintained wholly separate and apart from the board's other duties, responsibilities, funds, liabilities, and expenses.

(2) A member of the board or a person executing the notes, bonds, or other obligations of the board is not personally liable for the repayment of the note, bond, or other obligation or subject to personal liability or accountability by reason of its issuance or nonissuance.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-8-613 Mandamus in Supreme Court -- Precedence.

(1) If an official required by the proceeding authorizing bonds under this part to sign the bonds refuses to affix the official's signature to the bonds, or if the attorney general refuses to certify the bonds as legal obligations, alleging illegality of the bonds, the board may bring an original action in mandamus in the Supreme Court of Utah.

(2) The importance to the state and its inhabitants of the program of loans to eligible borrowers is such that this action brought in the Supreme Court should be given precedence over the other matters pending before the court, and the court is requested to give this action precedence and to render its decision concerning it at the earliest possible time.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Chapter 9
Property and Facilities

Part 1
General Provisions

53H-9-101 Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 2
Property Rights

53H-9-201 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-9-202 Property of institutions to vest in state board.

The Utah Board of Higher Education is the successor to, and vested with, all the powers and authority relating to all properties, real and personal, tangible and intangible, and to the control and management of the property which was held by the governing board of each institution prior to the creation of the board.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-203 Vesting of rights, claims, and causes of action in higher education institutions -- Right to sue in corporate name.

(1) All rights, claims, and causes of action to or for any property vested in an institution of higher education prior to the effective date of this chapter, or the use of or income from the property, or for any conversion, disposition, and withholding of the property, or for any damage or injury to the property vests in the institution.
(2) The institution may bring and maintain actions in the institution's corporate name to recover, protect, and preserve all property and rights of the institution and enforce any contract relating to those rights and property.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-204 Institutional right to receive and convert grants, gifts, devises, or bequests.

(1) Each institution may convert property received by gift, grant, devise, or bequest, and not suitable for its use, into other property or into money. All property received or converted under this subsection shall be held, invested, and managed and the proceeds used for the purposes and under the conditions prescribed in the grant or donation.
(2) If a condition is imposed by the terms of a grant, gift, devise, or bequest which is impracticable under the law, the grant is still valid. However, the condition must be rejected and the intent of the grantor carried out as nearly as may be possible.
(3) A grant, gift, devise, or bequest for the benefit of the institution is not defeated or prejudiced by any misnomer, misdescription, or informality, if the intent of the grantor or donor can be shown or ascertained with reasonable certainty.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-205 Property exempt from taxes and assessments.

The property of the institutions governed by the board is exempt from all taxes and assessments.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-206 Development of university property.

(1) As used in this section:
  (a) "Board of trustees" means the board of trustees of an eligible university.
  (b) "Conflict" means a situation in which a board of trustees member or a family member of a board of trustees member will or is likely to receive a direct financial benefit because of the development of eligible university property within a development area.
  (c) "Designation resolution" means a board of trustees' resolution designating eligible university property as a development area.
  (d) "Development action" means:

(i) a board of trustees' deliberations on whether to adopt a designation resolution;
(ii) a board of trustees' adoption of a designation resolution;
(iii) a board of trustees' deliberations on whether to approve a development agreement; or
(iv) a board of trustees' approval of a development agreement.
(e) "Development agreement" means an agreement between an eligible university and a development partner that governs the development of eligible university property within a development area.
(f) "Development area" means a single, contiguous area that:
(i) consists only of eligible university property;
(ii) is no larger than 75 acres; and
(iii) the board of trustees designates for development or redevelopment in a designation resolution under this section.
(g) "Development fund" means the fund described in and established under Subsection (4).
(h) "Development partner" means a person who enters into a development agreement with an eligible university to develop or redevelop eligible university property within a development area.
(i) "Direct financial benefit":
(i) means any form of financial benefit that accrues to an individual directly, including:
(A) compensation, commission, or any other form of a payment or increase of money; and
(B) an increase in the value of a business or property; and
(ii) does not include a financial benefit that accrues to the public generally.
(j) "Eligible university" means an institution of higher education listed in Subsection 53H-1-102(1)(a).
(k) "Eligible university property" means real property owned by an eligible university as of January 1, 2025.
(l) "Family member" means a parent, spouse, sibling, child, or grandchild.
(m) "Leased property" means eligible university property that:
(i) is within a development area; and
(ii) an eligible university leases to a private person.
(n) "Privilege tax" means a tax imposed under Section 59-4-101.
(2)
(a) Except as provided in Subsection (2)(f), before January 1, 2035, an eligible university may, by resolution of the eligible university's board of trustees, designate eligible university property as a development area.
(b) Before adopting a designation resolution, a board of trustees shall:
(i) obtain approval from the Utah Board of Higher Education of the geographic area proposed to be designated as a development area; and
(ii) after obtaining approval from the Utah Board of Higher Education under Subsection (2)(b)(i):
(A) provide notice of the public hearing required under Subsection (2)(b)(ii)(B), as required for a class A notice under Section 63G-30-102, for at least seven days before the day of the public hearing; and
(B) hold a public hearing on the proposed adoption of a designation resolution.
(c) A notice under Subsection (2)(b)(ii)(A) shall include a copy of the proposed designation resolution.
(d) A designation resolution, including a proposed designation resolution that accompanies a notice under Subsection (2)(b)(ii)(A), shall:
(i) accurately describe the boundary of the proposed development area;
(ii) describe the development that is proposed to occur in the proposed development area; and

(iii) estimate the amount and sources of revenue the eligible university expects to receive from the development area.

(e) Before adopting a designation resolution, a board of trustees may modify the proposed designation resolution to:

(i) address concerns raised in a public hearing held under Subsection (2)(b)(ii)(B); or

(ii) clarify or adjust provisions of the proposed designation resolution, as the board of trustees considers appropriate.

(f) A board of trustees may not adopt a designation resolution if:

(i) the board of trustees has previously adopted a designation resolution; or

(ii) the area in the proposed development area would overlap with part or all of:

(A) a community reinvestment project area created under Title 17C, Chapter 5, Part 1, Community Reinvestment Project Area Plan, as that project area exists on January 1, 2025; or

(B) a housing and transit reinvestment zone created under Title 63N, Chapter 23, Part 2, Housing and Transit Reinvestment Zone, as that zone exists on January 1, 2025.

(3) Within 30 days after a board of trustees' adoption of a designation resolution, the board of trustees or the board of trustees' delegee shall deliver a copy of the designation resolution to:

(a) the clerk of the municipality in which the development area that is the subject of the designation resolution is located; and

(b) the assessor, treasurer, and auditor of the county in which the development area that is the subject of the designation resolution is located.

(4)

(a) Upon adoption of a designation resolution, a board of trustees shall establish a separate fund related to the development area that is the subject of the designation resolution.

(b) An eligible university shall deposit into a development fund all money the eligible university receives from the development and lease of eligible university property within a development area.

(c) Money in a development fund shall be accounted for separately from any other fund of the eligible university.

(d) An eligible university may use money in a development fund for:

(i) expenses associated with the development of the development area;

(ii) capital facility projects of the eligible university;

(iii) operation and maintenance costs associated with capital facilities of the eligible university; or

(iv) any other eligible university-related purpose.

(5) An eligible university may enter into a development agreement.

(6)

(a) A board of trustees member may not participate in a development action if the board of trustees member or a family member of the board of trustees member owns an interest in, is directly affiliated with, or is an employee or officer of a private firm, private company, or other private entity that the board of trustees member reasonably believes is likely to participate in or receive a direct financial benefit from the development of land that is the subject of a development agreement.

(b) Before the board of trustees approves a development agreement, the board of trustees shall require any member with a conflict to disclose the conflict in writing to the board of trustees.

(c) Nothing in this Subsection (6) affects the application or effect of any other code provision applicable to a board of trustees member relating to ethics or conflicts of interest.

(7)

(a) Beginning January 1 of the year immediately following the execution of a development agreement, the possession or other beneficial use enjoyed by a person of leased property that is located within the development area subject to the development agreement shall be subject to Title 59, Chapter 4, Privilege Tax, if that leased property is used in connection with a business conducted for profit.

(b) The treasurer of the county in which the leased property described in Subsection (7)(a) is located shall, in the manner and at the time provided in Section 59-2-1365:

(i) collect privilege tax from a lessee of the leased property; and

(ii) distribute 80% of the privilege tax revenue to the eligible university.

(8)

(a) A board of trustees shall present a written report to the Higher Education Appropriations Subcommittee no later than September 30 of each year after the board of trustees' adoption of a designation resolution.

(b) A report under Subsection (8)(a) shall:

(i) describe the development taking place or expected to take place within the development area; and

(ii) provide a summary of money deposited into and expended from the development fund for that development area.

Amended by Chapter 94, 2026 General Session

Part 3
Revenue Bonds

53H-9-301 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-9-302 Financing of projects or buildings -- Issuance of bonds -- Sale price determined by board -- Payment of bonds -- Bonds exempt from income taxation.

(1) To pay all or part of the cost of the acquisition, purchase, construction, improvement, remodeling, addition to, extension, equipment, and furnishing of any project or building, including the acquisition of all necessary land, the board, on behalf of the institution for which this is to be done, may do the following:

(a) borrow money on the credit of the income and revenues to be derived from the operation of the building, the imposition of student building fees, land grant interest, and net profits from proprietary activities, or from sources other than by appropriations by the Legislature to issuing institutions and, in anticipation of the collection of this income and revenues, issue negotiable bonds of the institution in an amount as the board determines is necessary for these purposes; and

(b) provide for the payment of these bonds and the rights of the bond's holders as provided in this part.

(2) Bonds may:

(a) be issued in one or more series;

(b) bear any date or dates;

(c) mature at any time or times not exceeding 40 years from the bond's date;
(d) be in any denominations;
(e) be in any form, either coupon or registered;
(f) carry registration and conversion privileges;
(g) be executed in any manner;
(h) be payable in any medium of payment at any place;
(i) be subject to any terms of redemption with or without premium; and
(j) bear interest at any rate or rates as provided by resolution adopted by the board at or before the sale of the bonds.

(3)
(a) The bonds may be sold in a manner, at the lowest obtainable rate or rates of interest, and at a price or prices as determined by the board.
(b) The determinations described in Subsection (3)(a) are conclusive.

(4)
(a) The board may authorize one issue of bonds for the acquisition, purchase, construction, improvement, remodeling, adding to, extending, furnishing, or equipping of more than one building.
(b) Subsection (4)(a) includes the acquisition of all necessary land, and the board may make the bonds payable from the combined revenues of all the buildings as well as from:
(i) student building fees;
(ii) land grant interest;
(iii) net profits from proprietary activities; and
(iv) sources other than those derived from appropriations from the Legislature.

(5) The bonds issued under this part have all of the qualities and incidents of negotiable paper and are not subject to state or local income taxation.

(6) This section does not apply to a technical college.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-303 Bonds do not create state indebtedness -- Special obligations -- Discharge of bonded indebtedness -- Agreements and covenants by the board regarding bonds -- Enforcement by court action.

(1)
(a) The bonds issued under this part are not an indebtedness of the state, of the institution for which they are issued, or of the board.
(b) They are special obligations payable solely from the revenues derived from the operation of the building and student building fees, land grant interest, net profits from proprietary activities, and any other revenues pledged other than appropriations by the Legislature as provided in Sections 53H-9-302 and 53H-9-312.
(c)
(i) Notwithstanding any other provision of law, the chair of the board shall certify annually by December 1 any amount required to:
(A) restore any debt service reserve funds established by the board for bonds issued under this part to the amount required by the related authorizing proceedings; or
(B) meet projected shortfalls of payment of principal or interest or both for the following year on any bonds issued under this part.
(ii) The governor may request from the Legislature an appropriation of the amount certified under Subsection (1)(c)(i) to restore the debt service reserve funds to the debt service

reserve fund's required amounts or to meet any projected principal or interest payment deficiency.

(d)

(i) The state may not alter, impair, or limit the rights of bondholders or persons contracting with the board until the bonds, including interest and other contractual obligations, are fully met and discharged.

(ii) Nothing in this part precludes an alteration, impairment, or limitation if provision is made by law for the protection of bondholders or persons entering into contracts with the board.

(2) The board shall pledge all or any part of the revenues to the payment of principal of and interest on the bonds.

(3) In order to secure the prompt payment of principal and interest and the proper application of the revenues pledged, the board may, by appropriate provisions in the resolution authorizing the bonds:

(a) covenant as to the use and disposition of the proceeds of the sale of the bonds;

(b) covenant as to the operation of the building and the collection and disposition of the revenues derived from the operation;

(c) collect student building fees from all students, and pledge the fees to the payment of building bonds;

(d) covenant as to the rights, liabilities, powers, and duties arising from the breach of any covenant or agreement into which it may enter in authorizing and issuing the bonds;

(e) covenant and agree to carry insurance on the building, and the building's use and occupancy, and provide that the cost of any insurance is part of the expense of operating the building;

(f) vest in a trustee:

(i) the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of the bonds issued under this part, and to hold, apply, and dispose of the income and revenue; and

(ii) the right to:

(A) enforce any covenant made to secure the bonds;

(B) execute and deliver a trust agreement which sets forth the powers and duties and the remedies available to the trustee and limits the trustee's liabilities; and

(C) prescribe the terms and conditions upon which the trustee or the holders of the bonds in any specified amount or percentage may exercise such rights and enforce any or all covenants and resort to any appropriate remedies;

(g)

(i) fix rents, charges, and fees, including student building fees, to be imposed in connection with and for the use of the building and the building's facilities, which are:

(A) income and revenues derived from the operation of the building; and

(B) expressly required to be fully sufficient either by themselves or with land grant interest and net profits from proprietary activities, or from sources other than by appropriations by the Legislature to such issuing institutions to assure the prompt payment of principal of and interest on the bonds as each becomes due; and

(ii) make and enforce rules with reference to the use of the building and with reference to requiring any class or classes of students to use the building as desirable for the welfare of the institution and the institution's students or for the accomplishment of the purposes of this part;

(h) covenant to maintain a maximum percentage of occupancy of the building;

(i) covenant against the issuance of any other obligations payable from the revenues to be derived from the building, unless subordinated;

(j) make provision for refunding;
(k) covenant as to the use and disposition of sources of revenue other than those derived from appropriations by the Legislature, and pledge those sources of revenues to the payment of bonds issued under this part;
(l) make other covenants considered necessary or advisable to effect the purposes of this part; and
(m) delegate to the chair, vice-chair, or chair of the Budget and Finance Subcommittee the authority:
(i) to approve any changes with respect to interest rate, price, amount, redemption features, and other terms of the bonds as are within reasonable parameters set forth in the resolution; and
(ii) to approve and execute all documents relating to the issuance of the bonds.
(4)
(a) The agreements and covenants entered into by the board under this section are binding in all respects upon the board and the board's officials, agents, and employees, and upon the board's successors.
(b) They are enforceable by appropriate action or suit at law or in equity brought by any holder or holders of bonds issued under this part.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-304 Agreements with federal government for funds.

The board may enter into an agreement with the federal government in order to obtain funds for the following purposes:
(1) to supplement bond proceeds used to pay for the projects referred to in Section 53H-9-302; and
(2) to supplement income and revenues which, under this part, are used to pay debt service on bonds issued under this part.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-305 Deposit of bond proceeds -- Division of Facilities Construction and Management responsibilities and approval.

(1) The board treasurer or other fiscal officer, with the approval of the state treasurer, deposits the proceeds from the sale of bonds under this part into a special Construction Trust Fund Account established in compliance with Title 51, Chapter 7, State Money Management Act.
(2) The proceeds are credited to the board on behalf of the institution of higher education for which the bonds were issued.
(3) The proceeds are kept in a separate fund and used solely for the purpose for which they were authorized by the board.
(4) The Division of Facilities Construction and Management makes all contracts and executes all instruments which it considers necessary to provide for the projects referred to in Section 53H-9-302.
(5) The proceeds in the special Construction Trust Fund Account shall be disbursed only upon receipt of written statements supported by itemized estimates and claims presented to the Division of Facilities Construction and Management as provided in the resolution authorizing the issuance of the bonds.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-306 Disposition and use of income from operation of buildings -- Payment of principal and interest on bonds.

(1) Except for the revenues paid directly to a trustee under Subsection 53H-9-303(3)(f), all income and revenues from the operation of the buildings under this part are deposited as collected in a fund established in compliance withTitle 51, Chapter 7, State Money Management Act.

(2)

(a) This money is for the payment of the principal and interest on the bonds authorized under this part.

(b) The money shall also be used, to the extent provided in the resolution authorizing the bonds, to pay for the cost of maintaining and operating the building and to establish reserves for that purpose.

(3) The board treasurer or other designated fiscal officer shall, not less than 15 days prior to the date interest and principal payments are due, transmit to the paying agent sufficient money from the fund to pay the obligation.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-307 Examination and certification of bonds by attorney general -- Recital of certification -- Incontestability of bonds.

(1) The resolutions and proceedings authorizing the issuance and confirming sale of bonds under this part are submitted to the attorney general for examination.

(2) When the resolutions and proceedings have been examined and the bonds certified as legal obligations by the attorney general, the bonds are incontestable in any court in the state unless suit is brought within 30 days from the date of the approval.

(3) A bond authorized under this section shall contain a recital on the bond's face in substantially the following form: "This bond is one of a series of bonds which were certified as legal obligations by the attorney general of the state of Utah on ___."

(4) Bonds authorized, issued, and sold under resolutions and proceedings approved by the attorney general are prima facie valid and binding obligations according to the bond's terms.

(5) The only defense which may be offered in any suit instituted after the 30-day period has expired is forgery, fraud, or violation of the Utah Constitution.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-308 Investment in bonds by private and public entities -- Approval as collateral security.

(1) Any bank, savings and loan association, trust, or insurance company organized under the laws of this state or federal law may invest the bank's capital and surplus in bonds issued under this part.

(2) The officers having charge of a sinking fund or any county, city, town, or school district may invest the sinking fund in bonds issued under this part.

(3) The bonds shall also be approved as collateral security for the deposit of any public funds and for the investment of trust funds.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-309 Financing project by contract or lease agreement instead of by bond issue -- Authority of board -- Term of lease -- Terms of agreement -- Board covenants.

(1) Whenever the board, by resolution, finds and declares it preferable to acquire a project under this part by purchase or lease of the facilities constituting the project under an agreement which provides the consideration for the purchase or lease to be paid in installments during a period not exceeding 99 years, rather than through the issuance of revenue bonds by the board in the manner provided in this part, it may do so upon compliance with this section.

(2) The board may lease, to any person, any portion of the campus of the institution necessary as a site for a project which the board is authorized to acquire under Section 53H-9-403, for a term not exceeding 99 years.

(3) The agreement authorized to be entered into by the board shall provide that the person shall construct, improve, remodel, add to, or extend a project of the type and construction described in the agreement on the part of the campus to be leased to the person, or on such real property as may be acquired for that purpose by the person.

(4) The agreement shall further provide for the leasing of the project, including necessary equipment, furnishings, and land, from the person to the board executing the agreement, for a period not exceeding 99 years.

(5) Prior to the execution of the agreement, the person proposing to lease the project, including the necessary equipment, furnishings, and land, to the board shall submit to the board all plans, specifications, and estimates for the project.

(6) The plans, specifications, and estimates shall be approved by resolution of the board prior to the execution of the agreement.

(7) The board may, by appropriate provisions in the agreement:

(a) covenant as to the use which will be made of the project;

(b) covenant as to the operation, maintenance, and supervision of the project;

(c) covenant to collect fees and charges from all students and other persons availing themselves of the use of the accommodations and facilities of the project;

(d) covenant to levy and collect student building fees from all regular and part-time students enrolled in the institution for the use and availability of the project;

(e) covenant as to the collection, use, and disposition of the proceeds arising from the collection of all the revenues, fees, and charges;

(f) covenant to impose and collect fees and charges in amounts adequate to pay all costs incurred in maintaining and operating the project and to pay the amortization of the acquisition cost of the project, including necessary equipment and furnishings, and interest on the unpaid part of the acquisition cost, whether represented by rental installments or otherwise;

(g) covenant to pledge all revenues, fees, and charges, including student building fees, arising from the ownership and operation of the project to the payment of the rental installments provided for under the terms of the contract or lease agreement;

(h) covenant as to the rights, liabilities, powers, and duties arising from the breach of any covenant or agreement contained in the agreement;

(i) covenant and agree to carry any insurance on the project, and the project's use and occupancy, as the board considers desirable, and to provide that the cost of the insurance shall be included as a part of the cost of operating the project;

(j) covenant to make and enforce such parietal rules and regulations with reference to the use of the facilities comprising the project, or any part of the project, and with reference to requiring any class of students to use the project, or any part of the project, as the board determines desirable for the institution; and

(k) covenant against the pledging of the revenues, fees, and charges, including student building fees, arising from the ownership and operation of the project for any purpose other than the payment of the rental installments required to be paid under the agreement, or against the issuance of any obligations payable therefrom, unless the pledge or obligations are made subordinate to the agreement.

(8) Nothing in this section prevents the board from providing conditions and terms under which pledges may be made and obligations issued on a parity with the pledge of revenues, fees, and charges under the agreement.

(9) It shall be specifically provided in the agreement that the board is not obligated to pay the rental installments or amortization of the acquisition cost of the project, and interest on the unpaid part of the acquisition cost, from any source other than the revenues, fees, and charges arising from the ownership and operation of the project, including student building fees levied for the use and availability of the facilities of the project.

(10) Each agreement shall provide that the rental installments, or amortization of the acquisition cost of the project, including necessary equipment, furnishings, and land, and interest on the unpaid part of the acquisition cost, are not an obligation of the state, and that ad valorem taxes or appropriations from the state may not be used to pay or discharge the amounts required to be paid under the agreement.

(11) The agreement shall also provide that when the amortized acquisition cost, as represented by the rental installments, has been paid in full and when all obligations, if any, issued by the person to finance the cost of the acquisition of the project have been paid in full as to both principal and interest, the agreement terminates and title to the project, including the land upon which the project is situated, and all equipment and furnishings, vests in the board.

(12) The agreement may provide that the board may purchase the project, including the land upon which the project is situated, and all equipment and furnishings, which is subject to the agreement upon terms wherein rental installments previously made, or a portion of rental installments, are deducted from the cost of acquisition of the project, including the land upon which the project is situated, and all equipment and furnishings, as provided for in the agreement.

(13) The board may furnish without charge heat, light, water, power, and similar facilities for any project leased by the board for operation by the board under this section, and all projects acquired and constructed under this section are exempt from taxation.

(14) The agreement may provide that the board may lease the project, including the land upon which the project is situated, and all equipment and furnishings, to any person for a term not exceeding 99 years for operation by any person.

(15)

(a) A lease may not be entered into unless the rental to be paid to the board by the person is sufficient to satisfy the rental to be paid by the board to the person from which the project was originally leased.

(b) The rental paid to the board may not be less than the fair rental value of the property leased.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-310 Student building fees.

(1) The board issuing bonds under this part may impose and collect student building fees from all students in attendance at the institution in behalf of which the bonds are issued.

(2) The board may also pledge the fees in the same manner provided for the pledging of other revenues of the board or institution under this part.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-311 Refunding bonds -- Issuance -- Proceeds -- Limitations.

(1) Bonds may be issued under this part for the purpose of refunding any bonds previously issued under authority of this part, if:
  (a) the bonds to be refunded are due or callable, redeemable, or repurchasable by the bond's terms on or prior to the date that the refunding bonds are issued;
  (b) the bonds to be refunded will become due or callable, redeemable, or repurchasable by the bond's terms within 10 years thereafter; or
  (c) the bonds to be refunded, even though not becoming due, callable, redeemable, or repurchasable within this period, are voluntarily surrendered by the bondholders for cancellation at the time of the issuance of the refunding bonds.

(2)
  (a) These refunding bonds shall have such details, bear such rate of interest, and be otherwise issued and secured as provided by the board authorizing the issuance of the bonds and as otherwise provided in this part.
  (b) The board may make changes in the security and revenues pledged to the payment of the bonds, as provided in the proceedings authorizing the bonds.
  (c) The board may not secure refunding bonds with revenues that this part does not authorize for the payment of bonds issued for purposes other than issuing a refund.

(3)
  (a) Refunding bonds issued under this part may be exchanged for a like principal amount of the bonds to be refunded, may be sold in the manner provided in this part for the sale of other bonds, or may be exchanged in part and sold in part.
  (b) If sold, the proceeds of the sale not required for the payment of expenses may be invested in United States Government obligations or in obligations unconditionally guaranteed by the United States of America in a manner as may be provided in the authorizing resolution, so long as these investments will mature with interest so as to provide funds to pay when due, or called for redemption, the bonds to be refunded together with interest and redemption premiums, if any.

(4) The proceeds or obligations shall, and other funds legally available to the board for such purposes may, be deposited in trust with an FDIC insured bank doing business in Utah, or the bank's successor, to be held for the payment and redemption of bonds to be refunded.

(5) The deposit and any reinvestment shall be held in trust by the escrow agent for the payment of bonds with interest and redemption premiums, if any, on maturity or upon an available redemption date or upon an earlier voluntary surrender with the consent of the board.

(6)
  (a) No refunding bonds may be issued under this section in a principal amount in excess of the principal amount of the bonds to be refunded nor may any bonds not maturing or callable for redemption under the bond's terms as provided in this section be refunded without the consent of the holders of the bonds.
  (b) Refunding bonds authorized and issued under this section may in the discretion of the board be combined with other bonds to be authorized and issued under this part, and a single issue of bonds may be authorized, part for improvement and part for refunding purposes.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-312 Authorized loans for acquisition, construction, furnishing, and equipping of projects -- Evidence of indebtedness -- Provisions -- Agreements with lending institutions -- Satisfaction and discharge -- Exemption from taxation.

(1) For the purpose of paying all or part of the costs of a project under Section 53H-9-302, the board, on behalf of the institution of higher education for which the project is to be acquired, constructed, furnished, and equipped, may:
  (a) borrow money on the credit of:
    (i) the income and revenues to be derived from the operation of the project;
    (ii) the imposition of student building fees;
    (iii) land grant interest;
    (iv) net proceeds from proprietary activities; or
    (v) sources other than by appropriations by the Legislature to the issuing institutions; and
  (b) to evidence the indebtedness may execute any promissory note or other evidence of indebtedness appropriate, provided the note or other evidence of indebtedness specifies on its face that it does not constitute a general obligation of the state.

(2) The board may, in order to secure the payment of the loan, grant a mortgage, trust deed, or other security device covering:
  (a) all or part of the project; and
  (b) the land acquired for the project and upon which the project is situated.

(3) The rights and remedies available in the event of a default to the mortgagee, trustee, or other lender are subject to agreement as contained in the:
  (a) mortgage;
  (b) trust deed; or
  (c) other security instrument.

(4)
  (a) The agreement may provide that, in the event of a default in the payment or the violation of any agreement contained in the document, the mortgage, trust deed, or other security instrument may be foreclosed or otherwise realized in any manner permitted by law.
  (b) The state and the borrowing institution are not subject to any general obligation or liability for breach of the agreement.
  (c) A court may not enter a deficiency judgment in the event of a breach of the agreement.

(5)
  (a) The note or other evidence of indebtedness may have all the qualities and incidents of negotiable paper.
  (b) The note or other evidence of indebtedness is not subject to:
    (i) taxation by the state, except for the corporate franchise tax; or
    (ii) taxation by any county, municipality, or political subdivision of the state.

(6) The note or other evidence of indebtedness and mortgage may contain additional provisions with respect to repayment out of:
  (a) the income and revenues derived from the operation of the building;
  (b) the imposition of student building fees;
  (c) land grant interest;
  (d) net profits from proprietary activities; or
  (e) from sources other than appropriations by the Legislature to any issuing institution as the board considers necessary and proper.

(7) The board may enter into an agreement it considers necessary with the lending institution as to the:
  (a) use which will be made of any project;

(b) operation, maintenance, and supervision of the project;
(c) imposition of fees, charges, and rentals for the institution's use, including the equipment contained therein; and
(d) collection and disposition to be made of the proceeds of fees, charges, and rentals.
(8) To secure the prompt payment of principal and interest and to pay the cost of the maintenance and operation of the project, the board has the same power and authority with respect to the indebtedness created under this section as it has in respect to the issuance of bonds under the other provisions of this part.
(9) When any obligation owing to finance the cost of any project constructed or acquired under this section has been fully paid as to principal and interest, the mortgage is satisfied and discharged.
(10) All buildings and additions to existing buildings erected, and the equipment therefor, is exempt from taxation as long as the legal title remains in the borrowing agency.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-313 Financing projects and buildings -- Security instruments -- Terms.
(1) In connection with the financing of any project or building under this part, the board, on behalf of an institution of higher education, may grant a purchase money mortgage, trust deed, or other security device pledging any land, buildings, furnishings, equipment, or other facilities to be acquired or constructed and paid for from the proceeds of the financing.
(2) The rights and remedies available in the event of a default to the mortgagee, trustee, or lender shall be as agreed upon between the board and the lender and contained in the document.
(3) In making any agreements, the board does not have the power to obligate the board or the state, except with respect to:
(a) the project;
(b) the building and the application of the revenues from it;
(c) the revenues from any special fund pledged to repay it;
(d) the proceeds of any ad valorem tax; or
(e) any appropriations from the Legislature of the state.
(4)
(a) Any purchase money mortgage, trust deed, or other security device made or granted by the board to secure the loan or other method of financing may also provide that in the event of a default in payment or the violation of any agreement, the mortgage, trust deed, or security device may be foreclosed or otherwise realized in any manner permitted by law.
(b) No deficiency judgment shall lie in any event and the breach of the agreement does not impose any general obligation or liability upon:
(i) the board;
(ii) the state;
(iii) the proceeds of ad valorem taxes; or
(iv) appropriations from the Legislature.
(5) The purchase money mortgage, trust deed, or other security device may also provide that any mortgagee, trustee, lender, or the holder of any evidence of indebtedness secured by the security instrument may become the purchaser at any foreclosure sale, if the highest bidder.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-314 Limitation on issuance of bonds.

No bonds may be authorized or issued by the board or the board of any institution under this part without the prior approval of the Legislature.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-315 Revenue bond authorizations.

(1) The Utah Board of Higher Education, formerly the Board of Regents, on behalf of the institutions listed below, may issue, sell, and deliver revenue bonds or other evidences of indebtedness to borrow money on the credit of the income and revenues of each respective institution, other than appropriations of the Legislature, to finance the cost or partial cost of constructing, furnishing, and equipping the specified projects.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed the amounts for each institution and project specified below, and shall be issued in accordance with this part under such terms and conditions and in such amounts as the board, by resolution, determines are reasonable and necessary:

(a) Utah State University:

(i) student family housing project: $6,600,000; and

(ii) human Resource Research Center: $6,000,000;

(b) Weber State University, student services building: $5,800,000;

(c) Southern Utah University:

(i) student housing project: $6,000,000;

(ii) student center addition: $5,500,000; and

(iii) stadium expansion: $5,500,000;

(d) Utah Tech University, student center building: $3,100,000;

(e) Utah Valley University, student center addition: $13,500,000;

(f) Salt Lake Community College:

(i) classroom/physical education facility: $5,500,000; and

(ii) science/major industry building: $5,150,000;

(g) University of Utah:

(i) biology research building: $21,050,000; and

(ii) Robert L. Rice Stadium renovation and expansion: $12,000,000; and

(h) Utah State University Eastern, Student center: $3,300,000.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 4
Buildings and Facilities

53H-9-401 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-9-402 Buildings and facilities -- Board approval of construction and purchases -- Rules.

(1) The board shall approve all new construction, repair, or purchase of educational and general buildings and facilities financed from any source at all institutions subject to the jurisdiction of the board.
(2) An institution may not:
  (a) submit plans or specifications to the Division of Facilities Construction and Management for the construction or alteration of buildings, structures, or facilities or for the purchases of equipment or fixtures for the structure without the authorization of the board; or
  (b) request state funding for a dedicated or non-dedicated project except as provided in Part 5, General Capital Developments, and Part 6, Technical College Leasing and Capital Development.
(3) The board shall make rules establishing the conditions under which facilities may be eligible to request state funds for operations and maintenance.
(4) Before approving the purchase of a building, the board shall:
  (a) determine whether or not the building will be eligible for state funds for operations and maintenance by applying the rules adopted under Subsection (3); and
  (b) if the annual request for state funding for operations and maintenance will be greater than $100,000, notify the speaker of the House, the president of the Senate, and the cochairs of the Transportation and Infrastructure Appropriations Subcommittee.

Amended by Chapter 473, 2026 General Session

53H-9-403 Powers of state board -- Capital facilities projects -- Exceptions.
(1) As used in this section, "capital facilities projects and buildings" includes any one or more institutional projects and buildings.
(2) The board, on behalf of the institutions of higher education, may:
  (a) acquire, purchase, construct, improve, remodel, add to, and extend capital facilities projects and buildings including necessary and related utilities;
  (b) accept buildings, land, or a combination of buildings and land, donated to an eligible higher education institution without obtaining approval of the donation from the director of the Division of Facilities Construction and Management;
  (c) acquire necessary and suitable equipment, furnishings, and land for institutional projects and buildings;
  (d) set aside portions of campuses for institutional projects and buildings;
  (e) maintain and operate institutional projects and buildings; and
  (f) impose and collect rents, fees, and charges for the use of institutional projects and buildings.
(3) Notwithstanding any other provision of law, if a donor donates land to an eligible institution of higher education and commits to build a building or buildings on that land, and the institution agrees to provide funds for the operations and maintenance costs from sources other than state funds, and agrees that the building or buildings will not be eligible for state capital improvement funding, the higher education institution may:
  (a) oversee and manage the construction without involvement, oversight, or management from the Division of Facilities Construction and Management; or
  (b) arrange for management of the project by the Division of Facilities Construction and Management.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-404 Notice to local government when constructing student housing.

(1) Each institution that intends to construct student housing on property owned by the institution shall provide written notice of the intended construction, as provided in Subsection (2), before any funds are committed to the construction, if any of the proposed student housing buildings is within 300 feet of privately owned residential property.
(2) Each notice under Subsection (1) shall be provided to the legislative body and, if applicable, the mayor of:
(a) the county in whose unincorporated area the privately owned residential property is located; or
(b) the municipality in whose boundaries the privately owned residential property is located.
(3)
(a)
(i) Within 21 days after receiving the notice required by Subsection (1), a county or municipality entitled to the notice may submit a written request to the institution for a public hearing on the proposed student housing construction.
(ii) Each county or municipality that submits a written request for a hearing under Subsection (3)(a) shall deliver a copy of the request to the Division of Facilities Construction and Management.
(b) If a county or municipality requests a hearing under Subsection (3)(a), the legislative body of the affected county or municipality and the institution shall jointly hold a public hearing to provide information to the public and to allow the institution and the county or municipality to receive input from the public about the proposed student housing construction.
(c) A public hearing held under Subsection (3)(a) satisfies the public hearing requirement of Subsection 63A-5b-1104(2) for the same proposed student housing construction.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-405 Higher education student housing feasibility study.

An employee of the governor's office who is an expert or advisor on housing strategy shall, in consultation with the commissioner of higher education:
(1) complete a feasibility study that:
(a) examines the impact of higher education student populations on home ownership in communities surrounding institutions of higher education, including the magnitude and costs; and
(b) proposes opportunities for state and institutional mitigation of the impacts described in Subsection (1)(a), which may include:
(i) a uniform statewide effort to create dedicated student, faculty, and staff housing on state- or institution-owned land; or
(ii) state facilitation of negotiated development agreements with third-party developers for student housing;
(2) ensure the involvement of presidents of institutions of higher education, the Utah Board of Higher Education, developers, municipalities in which an institution of higher education is located, and other interested parties in the process of completing the feasibility study; and
(3) report to the Higher Education Appropriations Subcommittee before November 1, 2026, regarding the outcome of the feasibility study described in Subsection (1).

Enacted by Chapter 375, 2026 General Session

Part 5
General Capital Developments

53H-9-501 General provisions -- Definitions.

As used in this part:

(1) "Capital development" means the same as capital development project, as defined in Section 63A-5b-401.

(2) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.

(3) "Dedicated project" means a capital development project for which state funds from an institution's allocation are requested or used.

(4) "Fund" means the Higher Education Capital Projects Fund created in Section 53H-9-502.

(5) "Institution's allocation" means the total amount of money in the fund that an institution has been allocated in accordance with Section 53H-9-503.

(6) "Nondedicated project" means a capital development project for which state funds from a source other than an institution's allocation are requested or used.

(7) "State funds" means the same as that term is defined in Section 63A-5b-401.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-502 Higher Education Capital Projects Fund -- Use of money in fund -- Appropriations to fund -- Administration of fund.

(1) There is created a capital projects fund known as the Higher Education Capital Projects Fund.

(2) Subject to appropriation, money in the fund shall be used:

(a) for a dedicated project approved in accordance with Section 53H-9-504; or

(b) to pay debt service in accordance with Subsection (3).

(3) Money in the fund may be used to pay debt service:

(a) on a general obligation bond issued for a capital development project in accordance with Title 63B, Chapter 1a, Master General Obligation Bond Act; and

(b) if the Legislature approves the use by a vote of two-thirds of all members elected to each house.

(4) The fund shall be funded by appropriations.

(5) The fund shall accrue interest, which shall be deposited into the fund.

(6) The Division of Finance shall administer the fund in accordance with this part.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-503 Fund money -- Degree-granting institution allocations.

(1)

(a) Based on appropriations to the fund, the board shall annually determine how to allocate among all degree-granting institutions money that has not been previously allocated to a degree-granting institution.

(b) The board shall make the determination described in Subsection (1)(a) based on each degree-granting institution's:

(i) enrollment;

(ii) total performance across the metrics described in Section 53H-8-304;

(iii) projected growth in student population;

(iv) existing square feet per student full-time equivalent;
(v) facility age and condition; and
(vi) utilization of academic space, including off-campus facilities.
(c) The board shall establish how the board will determine the amount of money to allocate to a degree-granting institution, including, for each factor described in Subsection (1)(b):
(i) how the board will measure a degree-granting institution's fulfillment of the factor; and
(ii) the relative weight assigned to the factor.
(2) On or before May 31 each year, the board shall notify the Division of Finance of the board's determination described in Subsection (1).
(3) The Division of Finance shall:
(a) maintain within the fund separate accounting for each degree-granting institution's allocation; and
(b) based on the notification described in Subsection (2), add to each degree-granting institution's allocation the amount of money determined by the board.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-504 Funding request for capital development project -- Legislative approval -- Board prioritization, approval, and review.
(1) In accordance with this section, a degree-granting institution is required to receive legislative approval in an appropriations act for a dedicated project or a nondedicated project.
(2) A degree-granting institution shall:
(a) submit to the board a proposal for a funding request for each dedicated project or nondedicated project for which the institution seeks legislative approval; and
(b) ensure that the proposal described in Subsection (2)(a) includes:
(i) the name of the project;
(ii) a specification of the intent of the project as a dedicated project or a non-dedicated project;
(iii) the projected cost of the project and the sources of funding, including internal funds, requested legislative appropriations, matching funds, or debt;
(iv) a budget for the project, including:
(A) any land cost;
(B) architecture and engineering costs;
(C) any impact fees;
(D) horizontal development costs, including infrastructure and site work;
(E) vertical construction costs;
(F) furniture costs;
(G) any plan to fund future operations, maintenance, and staffing costs;
(H) financing costs;
(I) construction management, project management, or other administrative costs; and
(J) costs associated with the demolition or remodeling of existing space;
(v) a rendering of the project;
(vi) a narrative explaining the use of the facility, including the facility's expected life span;
(vii) a facility utilization analysis demonstrating that the existing facilities are inadequate to serve the program or function for which the institution is seeking funding; and
(viii) the amount of square feet of the project, including a breakdown of the uses of the space by square footage, including any:
(A) classroom space;
(B) lab space;

(C) office space;
(D) meeting room space;
(E) entertainment space;
(F) residential space;
(G) garage or storage space;
(H) mechanical space; and
(I) common areas, including any atrium, stairway, restroom, or commons.

(3) The board shall:

(a) review each proposal submitted under Subsection (2) to ensure the proposal:
(i) is cost effective and an efficient use of resources;
(ii) is consistent with the degree-granting institution's mission and master plan; and
(iii) fulfills a critical institutional facility need;

(b) based on the results of the board's review under Subsection (3)(a), create:
(i) a list of approved dedicated projects; and
(ii) a list of approved nondedicated projects, prioritized in accordance with Subsection (5); and

(c) submit the lists described in Subsection (3)(b), including the relevant proposals, to:
(i) the governor;
(ii) the Higher Education Appropriations Subcommittee; and
(iii) the Division of Facilities Construction and Management for a:
(A) recommendation, for the list described in Subsection (3)(b)(i); or
(B) recommendation and prioritization, for the list described in Subsection (3)(b)(ii).

(4) A dedicated project:

(a) is subject to the recommendation of the Division of Facilities Construction and Management as described in Section 63A-5b-403; and

(b) is not subject to the prioritization of the Division of Facilities Construction and Management as described in Section 63A-5b-403.

(5)

(a) Subject to Subsection (6), the board shall prioritize institution requests for funding for nondedicated projects based on:
(i) capital facility need;
(ii) utilization of facilities;
(iii) maintenance and condition of facilities; and
(iv) any other factor determined by the board.

(b) The board shall establish how the board will prioritize institution requests for funding for nondedicated projects, including:
(i) how the board will measure each factor described in Subsection (5)(a); and
(ii) procedures for prioritizing requests.

(6)

(a) Subject to Subsection (6)(b), and in accordance with Subsection (5), the board may annually prioritize:
(i) up to three nondedicated projects if the ongoing appropriation to the fund is less than $50,000,000;
(ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least $50,000,000 but less than $100,000,000; or
(iii) one nondedicated project if the ongoing appropriation to the fund is at least $100,000,000.

(b) For each calendar year, the dollar amounts described in Subsection (6)(a) shall be adjusted by an amount equal to the percentage difference between:
(i) the Consumer Price Index for the 2019 calendar year; and

(ii) the Consumer Price Index for the previous calendar year.

(7)

(a) A degree-granting institution may request operations and maintenance funds for a capital development project approved under this section.

(b) A degree-granting institution shall make the request described in Subsection (7)(a) at the same time the degree-granting institution submits the proposal described in Subsection (2).

(c) The Legislature shall consider a degree-granting institution's request described in Subsection (7)(a).

(8) After a degree-granting institution completes a capital development project described in this section, the board shall review the capital development project, including the costs and design of the capital development project.

Amended by Chapter 473, 2026 General Session

Part 6
Technical College Leasing and Capital Development

53H-9-601 General provisions -- Definitions.

As used in this part:

(1) "Capital development" means the same as capital development project, as defined in Section 63A-5b-401.

(2) "Competency-based" means mastery of subject matter or skill level, as demonstrated through business and industry approved standards and assessments, achieved through participation in a hands-on learning environment, and which is tied to observable, measurable performance objectives.

(3) "Dedicated project" means a capital development project for which state funds from the Technical Colleges Capital Projects Fund created in Section 53H-9-605 are requested or used.

(4) "Nondedicated project" means a capital development project for which state funds from a source other than the Technical Colleges Capital Projects Fund created in Section 53H-9-605 are requested or used.

(5) "State funds" means the same as that term is defined in Section 63A-5b-401.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-602 Leasing authority -- Lease-purchase agreements -- Report.

(1) A technical college may enter into a lease with other higher education institutions, school districts, charter schools, state agencies, or business and industry for a term of:

(a) one year or less with the approval of the technical college board of trustees; or

(b) more than one year with the approval of the board if:

(i) the Legislature approves funding for the lease prior to a technical college entering into the lease; or

(ii) the lease agreement includes language that allows termination of the lease without penalty.

(2)

(a) A technical college may enter into a lease-purchase agreement if:

(i) there is a long-term benefit to the state;

(ii) the project is included in the technical college master plan;

(iii) the lease-purchase agreement includes language that allows termination of the lease;
(iv) the lease-purchase agreement is approved by the technical college board of trustees and the board; and
(v) the lease-purchase agreement is:
(A) reviewed by the Division of Facilities Construction and Management; and
(B) approved by the Legislature.
(b) An approval under Subsection (2)(a) shall include a recognition of:
(i) all parties, dates, and elements of the agreement;
(ii) the equity or collateral component that creates the benefit; and
(iii) the options dealing with the sale and division of equity.
(3)
(a) Each technical college shall provide an annual lease report to the board that details each of the technical college's leases, annual costs, location, square footage, and recommendations for lease continuation.
(b) The board shall compile and distribute an annual combined lease report for all technical colleges to the Division of Facilities Construction and Management and to others upon request.
(4) The board shall use the annual combined lease report in determining planning, utilization, and budget requests.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-9-603 Technical colleges -- Relationships with other public and higher education institutions -- Agreements -- Priorities -- New capital facilities.
(1) As used in this section, "higher education institution" means:
(a) Utah State University for:
(i) Bridgerland Technical College;
(ii) Tooele Technical College; and
(iii) Uintah Basin Technical College;
(b) Weber State University for:
(i) Ogden-Weber Technical College; and
(ii) Davis Technical College;
(c) Utah Valley University for Mountainland Technical College;
(d) Southern Utah University for Southwest Technical College; and
(e) Utah Tech University for Dixie Technical College.
(2) A technical college may enter into agreements:
(a) with other higher education institutions to cultivate cooperative relationships; or
(b) with other public and higher education institutions to enhance career and technical education within the technical college's region.
(3) Before a technical college develops new instructional facilities, the technical college shall give priority to:
(a) maintaining the technical college's existing instructional facilities for both secondary and adult students;
(b) coordinating with the president of the technical college's degree-granting partner and entering into any necessary agreements to provide career and technical education to secondary and adult students that:
(i) maintain and support existing higher education career and technical education programs; and

(ii) maximize the use of existing higher education facilities; and
(c) developing cooperative agreements with school districts, charter schools, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of career and technical education instructional facilities for both secondary and adult students.
(4)
(a) Before submitting a funding request pertaining to new capital facilities and land purchases to the board, a technical college shall:
(i) ensure that all available instructional facilities are maximized in accordance with Subsections (3)(a) through (c); and
(ii) coordinate the request with the president of the technical college's degree-granting partner, if applicable.
(b) The Division of Facilities Construction and Management shall make a finding that the requirements of this section are met before the Division of Facilities Construction and Management may consider a funding request from the board pertaining to new capital facilities and land purchases for a technical college.
(c) A technical college may not construct, approve the construction of, or consent to the construction of a career and technical education facility without approval of the Legislature.
(5) Before acquiring new fiscal and administrative support structures, a technical college shall:
(a) review the use of existing public or higher education administrative and accounting systems, financial record systems, and student and financial aid systems for the delivery of education in the region;
(b) determine the feasibility of using existing systems; and
(c) consult the technical college board of trustees and the board regarding the use of the existing systems.

Amended by Chapter 231, 2026 General Session

53H-9-604 Legislative approval -- Capital development projects -- Prioritization.
(1) As used in this section:
(a) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.
(b) "Fund" means the Technical Colleges Capital Projects Fund created in Section 53H-9-605.
(2) In accordance with this section, a technical college is required to receive legislative approval in an appropriations act for a dedicated project or a nondedicated project.
(3) In accordance with Section 53H-9-603, a technical college shall:
(a) submit to the board a proposal for a funding request for each dedicated project or nondedicated project for which the technical college seeks legislative approval; and
(b) ensure that the proposal described in Subsection (3)(a) includes:
(i) the name of the project;
(ii) a specification of the intent of the project as a dedicated project or a non-dedicated project;
(iii) the projected cost of the project and the sources of funding, including internal funds, requested legislative appropriations, matching funds, or debt;
(iv) a budget for the project, including:
(A) any land cost;
(B) architecture and engineering costs;
(C) any impact fees;
(D) horizontal development costs, including infrastructure and site work;

(E) vertical construction costs;
(F) furniture costs;
(G) any plan to fund future operations, maintenance, and staffing costs;
(H) financing costs;
(I) construction management, project management, or other administrative costs; and
(J) costs associated with the demolition or remodeling of existing space;
(v) a rendering of the project;
(vi) a narrative explaining the use of the facility, including the facility's expected life span;
(vii) a facility utilization analysis demonstrating that the existing facilities are inadequate to serve the program or function for which the institution is seeking funding; and
(viii) the amount of square feet of the project, including a breakdown of the uses of the space by square footage, including any:
(A) classroom space;
(B) lab space;
(C) office space;
(D) meeting room space;
(E) entertainment space;
(F) residential space;
(G) garage or storage space;
(H) mechanical space; and
(I) common areas, including any atrium, stairway, restroom, or commons.

(4) The board shall:
(a) review each proposal submitted under Subsection (3) to ensure that the proposal complies with Section 53H-9-603;
(b) based on the results of the board's review under Subsection (4)(a), create:
(i) a list of approved dedicated projects, prioritized in accordance with Subsection (6); and
(ii) a list of approved nondedicated projects, prioritized in accordance with Subsection (6); and
(c) submit the lists described in Subsection (4)(b), including the relevant proposals, to:
(i) the governor;
(ii) the Higher Education Appropriations Subcommittee; and
(iii) the Division of Facilities Construction and Management for a:
(A) recommendation, for the list described in Subsection (4)(b)(i); or
(B) recommendation and prioritization, for the list described in Subsection (4)(b)(ii).

(5) A dedicated project:
(a) is subject to the recommendation of the Division of Facilities Construction and Management as described in Section 63A-5b-403; and
(b) is not subject to the prioritization of the Division of Facilities Construction and Management as described in Section 63A-5b-403.

(6)
(a) Subject to Subsection (7), the board shall prioritize funding requests for capital development projects described in this section based on:
(i) growth and capacity;
(ii) effectiveness and support of critical programs;
(iii) cost effectiveness;
(iv) building deficiencies and life safety concerns; and
(v) alternative funding sources.
(b) The board shall establish:
(i) how the board will measure each factor described in Subsection (6)(a); and

(ii) procedures for prioritizing funding requests for capital development projects described in this section.

(7)

(a) Subject to Subsection (7)(b), and in accordance with Subsection (6), the board may annually prioritize:

(i) up to three nondedicated projects if the ongoing appropriation to the fund is less than $7,000,000;

(ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least $7,000,000 but less than $14,000,000; or

(iii) one nondedicated project if the ongoing appropriation to the fund is at least $14,000,000.

(b) For each calendar year, the dollar amounts described in Subsection (7)(a) shall be adjusted by an amount equal to the percentage difference between:

(i) the Consumer Price Index for the 2019 calendar year; and

(ii) the Consumer Price Index for the previous calendar year.

(8)

(a) A technical college may request operations and maintenance funds for a capital development project approved under this section.

(b) A technical college shall make the request described in Subsection (8)(a) at the same time the technical college submits the proposal described in Subsection (3).

(c) The Legislature shall consider a technical college's request described in Subsection (8)(a).

Amended by Chapter 473, 2026 General Session

53H-9-605 Technical Colleges Capital Projects Fund -- Use of money in fund -- Appropriations to fund -- Administration of fund.

(1) As used in this section, "fund" means the Technical Colleges Capital Projects Fund created in this section.

(2) There is created a capital projects fund known as the Technical Colleges Capital Projects Fund.

(3) Subject to appropriation, money in the fund shall be used:

(a) for a dedicated project approved in accordance with Section 53H-9-604; or

(b) to pay debt service in accordance with Subsection (4).

(4) Money in the fund may be used to pay debt service:

(a) on a general obligation bond issued for a capital development project in accordance with Title 63B, Chapter 1a, Master General Obligation Bond Act; and

(b) if the Legislature approves the use by a vote of two-thirds of all members elected to each house.

(5) The fund shall be funded by appropriations.

(6) The fund shall accrue interest, which shall be deposited into the fund.

(7) The Division of Finance shall administer the fund in accordance with this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Chapter 10
Utah Education Savings

Part 1
General Provisions

53H-10-101 General provisions -- Definitions.

(1) As used in this chapter:

(a) "Account agreement" means an agreement between an account owner and the Utah Educational Savings Plan entered into under this chapter.

(b) "Account owner" means a person, estate, or trust, if that person, estate, or trust has entered into an account agreement under this chapter to save for the higher education costs on behalf of a beneficiary.

(c) "Beneficiary" means the individual designated in an account agreement to benefit from the amount saved for higher education costs.

(d) "Plan" means the Utah Educational Savings Plan created in Section 53H-10-202.

(2)

(a) The Legislature finds that the general welfare and well-being of the state are directly related to educational levels and skills of the citizens of the state.

(b) Therefore, a vital and valid public purpose is served by the creation and implementation of programs which encourage and make possible the attainment of higher education by the greatest number of citizens of the state.

(3)

(a) The Legislature finds that the state has limited resources to provide additional programs for higher education funding and that the continued operation and maintenance of the state's public institutions of higher education and the general welfare of the citizens of the state will be enhanced by establishing a plan which allows citizens of the state to invest money in a public trust for future application to the payment of higher education costs.

(b) The Legislature further finds that the plan described in Subsection (3)(a) serves a vital and valid public purpose.

(4)

(a) In order to make available to the citizens of the state an opportunity to fund future higher education needs, it is necessary that a public trust be established in which money may be invested for future educational use.

(b) It may also be necessary to establish and create an endowment fund, which may be funded with public funds, among other sources, the income from which may be made available to account owners to enhance or encourage their savings invested for future higher education costs or for use in scholarship or other college savings incentive programs.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 2
Utah Educational Savings Plan

53H-10-201 General provisions -- Definitions.

As used in this part:

(1) "Administrative fund" means the money used to administer the Utah Educational Savings Plan.

(2) "Board" means the Utah Education Savings Board of Trustees created in Section 53H-10-204.

(3) "Eligible educational institution" means the same as that term is defined in Section 529(e)(5), Internal Revenue Code.
(4) "Endowment fund" means the endowment fund established under Section 53H-10-206, which is held as a separate fund within the Utah Educational Savings Plan.
(5) "Executive director" means the administrator appointed to administer and manage the Utah Educational Savings Plan.
(6) "Federally insured depository institution" means an institution whose deposits and accounts are to any extent insured by a federal deposit insurance agency, including the Federal Deposit Insurance Corporation and the National Credit Union Administration.
(7) "Grantor trust" means a trust, the income of which is for the benefit of the grantor under Section 677, Internal Revenue Code.
(8) "Higher education costs" means qualified higher education expenses as defined in Section 529(e)(3), Internal Revenue Code.
(9) "Owner of the grantor trust" means one or more individuals who are treated as an owner of a trust under Section 677, Internal Revenue Code, if that trust is a grantor trust.
(10) "Program fund" means the program fund created under Section 53H-10-206, which is held as a separate fund within the Utah Educational Savings Plan.
(11) "Qualified investment" means an amount invested in accordance with an account agreement established under this part.
(12) "Tuition and fees" means the quarterly or semester charges imposed to attend an institution of higher education and required as a condition of enrollment.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-202 Creation of Utah Educational Savings Plan -- Powers and duties of plan -- Certain exemptions.

(1) There is created the Utah Educational Savings Plan, which may also be known and do business as:
  (a) the Utah Educational Savings Plan Trust; or
  (b) another related name.
(2) The plan:
  (a) is a non-profit, self-supporting agency that administers a public trust;
  (b) shall administer the various programs, funds, trusts, plans, functions, duties, and obligations assigned to the plan:
    (i) consistent with sound fiduciary principles; and
    (ii) subject to review of the board; and
  (c) shall be known as and managed as a qualified tuition program in compliance with Section 529, Internal Revenue Code, that is sponsored by the state.
(3) The plan may:
  (a) make and enter into contracts necessary for the administration of the plan payable from plan money, including:
    (i) contracts for goods and services; and
    (ii) contracts to engage personnel, with demonstrated ability or expertise, including consultants, actuaries, managers, counsel, and auditors for the purpose of rendering professional, managerial, and technical assistance and advice;
  (b) adopt a corporate seal and change and amend the corporate seal;
  (c) invest money within the program, administrative, and endowment funds in accordance with the provisions under Section 53H-10-206;

(d) enter into agreements with account owners, any eligible educational institution, any federal or state agency, or other entity as required to implement this chapter;
(e) solicit and accept any grants, gifts, legislative appropriations, and other money from the state, any unit of federal, state, or local government, or any other person, firm, partnership, or corporation for deposit to the administrative fund, endowment fund, or the program fund;
(f) make provision for the payment of costs of administration and operation of the plan;
(g) carry out studies and projections to advise account owners regarding:
(i) present and estimated future higher education costs; and
(ii) levels of financial participation in the plan required to enable account owners to achieve the account owner's educational funding objective;
(h) participate in federal, state, local governmental, or private programs;
(i) create public and private partnerships, including investment or management relationships with other 529 plans or entities;
(j) promulgate, impose, and collect administrative fees and charges in connection with transactions of the plan, and provide for reasonable service charges;
(k) procure insurance:
(i) against any loss in connection with the property, assets, or activities of the plan; and
(ii) indemnifying any member of the board from personal loss or accountability arising from liability resulting from a member's action or inaction as a member of the plan's board;
(l) administer outreach efforts to:
(i) market and publicize the plan and the plan's products to existing and prospective account owners; and
(ii) encourage economically challenged populations to save for post-secondary education;
(m) adopt, trademark, and copyright names and materials for use in marketing and publicizing the plan and the plan's products;
(n) administer the funds of the plan;
(o) sue and be sued in the plan's own name;
(p) own institutional accounts in the plan to establish and administer:
(i) scholarship programs; or
(ii) other college savings incentive programs, including programs designed to enhance the savings of low income account owners investing in the plan; and
(q) have and exercise any other powers or duties that are necessary or appropriate to carry out and effectuate the purposes of this chapter.

(4)
(a) Except as provided in Subsection (4)(b), the plan is exempt from the provisions of Title 63G, Chapter 2, Government Records Access and Management Act.
(b)
(i) The annual audited financial statements of the plan described in Section 53H-10-210 are public records.
(ii) Financial information that is provided by the plan to the state auditor and posted on the public finance website established by the state auditor in accordance with Section 67-3-12 is a public record.

(5) The plan is subject to:
(a) Title 52, Chapter 4, Open and Public Meetings Act; and
(b) Title 63G, Chapter 6a, Utah Procurement Code.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-203 Office facilities, clerical, and administrative support for the Utah Educational Savings Plan.

(1) The Utah Board of Higher Education shall provide to the plan, by agreement, administrative support and office facilities and space.

(2) Reasonable charges or fees may be levied against the plan pursuant to the agreement for the services provided by the Utah Board of Higher Education.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-204 Powers and duties of board.

(1) There is created the Utah Education Savings Board of Trustees.

(2) The Utah Board of Higher Education shall:

(a) appoint the members of the board as follows:

(i) not more than three members from the Utah Board of Higher Education; and

(ii) at least four public members, each of whom possesses skills in one or more of the following:

(A) investments;

(B) accounting;

(C) finance;

(D) banking;

(E) education;

(F) technology; or

(G) financial operations; and

(b) designate a member appointed under Subsection (2)(a) as chair.

(3) Each board member serves at the pleasure of the Utah Board of Higher Education.

(4) The board has all powers necessary to carry out and effectuate the purposes, objectives, and provisions of this chapter pertaining to the plan.

(5) The board shall act as a fiduciary of the plan with:

(a) a duty of care to act solely in the best interest of the plan's account owners and beneficiaries;

(b) a duty of loyalty putting the plan's interest ahead of other interests; and

(c) a duty to invest with care, skill, prudence, and diligence.

(6) The duties, responsibilities, funds, liabilities, and expenses of the board in oversight and governance of the plan shall be maintained separate and apart from the Utah Board of Higher Education's other duties, responsibilities, funds, liabilities, and expenses.

(7) The board shall:

(a) make policies governing the administration of the plan; and

(b) amend policies related to board governance.

(8)

(a) The board may appoint advisory committees to aid the board in fulfilling the board's duties and responsibilities.

(b) An advisory committee member may receive compensation and be reimbursed for reasonable expenses incurred in the performance of the member's official duties as determined by the board.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-205 Account agreements.

The plan may enter into account agreements with account owners on behalf of beneficiaries under the following terms and agreements:

(1)
(a) An account agreement may require an account owner to agree to invest a specific amount of money in the plan for a specific period of time for the benefit of a specific beneficiary, not to exceed an amount determined by the executive director.
(b) Account agreements may be amended to provide for adjusted levels of payments based upon changed circumstances or changes in educational plans.
(c) An account owner may make additional optional payments as long as the total payments for a specific beneficiary do not exceed the total estimated higher education costs as determined by the executive director.
(d) Subject to Subsections (1)(f) and (g), the maximum amount of a qualified investment that a corporation that is an account owner may subtract from unadjusted income for a taxable year in accordance with Title 59, Chapter 7, Corporate Franchise and Income Taxes, is $1,710 for each individual beneficiary for the taxable year.
(e) Subject to Subsections (1)(f) and (g), the maximum amount of a qualified investment that may be used as the basis for claiming a tax credit in accordance with Section 59-10-1017, is:
(i) subject to Subsection (1)(e)(iv), for a resident or nonresident estate or trust that is an account owner, $1,710 for each individual beneficiary for the taxable year;
(ii) subject to Subsection (1)(e)(iv), for a resident or nonresident individual that is an account owner, other than a husband and wife who are account owners and file a single return jointly under Title 59, Chapter 10, Individual Income Tax Act, $1,710 for each individual beneficiary for the taxable year;
(iii) subject to Subsection (1)(e)(iv), for a husband and wife who are account owners and file a single return jointly under Title 59, Chapter 10, Individual Income Tax Act, $3,420 for each individual beneficiary:
(A) for the taxable year; and
(B) regardless of whether the plan has entered into:
(I) a separate account agreement with each spouse; or
(II) a single account agreement with both spouses jointly; or
(iv) for a grantor trust:
(A) if the owner of the grantor trust has a single filing status or head of household filing status as defined in Section 59-10-1018, the amount described in Subsection (1)(e)(ii); or
(B) if the owner of the grantor trust has a joint filing status as defined in Section 59-10-1018, the amount described in Subsection (1)(e)(iii).
(f)
(i) For each taxable year, the executive director shall annually increase the maximum amount of a qualified investment described in Subsections (1)(d) and (1)(e)(i) and (ii), by a percentage equal to the increase in the consumer price index for the preceding calendar year.
(ii) After making an increase required by Subsection (1)(f)(i), the executive director shall:
(A) round the maximum amount of the qualified investments described in Subsections (1)(d) and (1)(e)(i) and (ii) increased under Subsection (1)(f)(i) to the nearest 10 dollar increment; and
(B) increase the maximum amount of the qualified investment described in Subsection (1)(e)(iii) so that the maximum amount of the qualified investment described in Subsection (1)(e)(iii) is equal to the product of:
(I) the maximum amount of the qualified investment described in Subsection (1)(e)(ii) as rounded under Subsection (1)(f)(ii)(A); and
(II) two.

(iii) For purposes of Subsections (1)(f)(i) and (ii), the executive director shall calculate the consumer price index as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue Code.

(g) For each taxable year, the executive director shall keep the previous year's maximum amount of a qualified investment described in Subsections (1)(d) and (1)(e)(i) and (ii) if the consumer price index for the preceding calendar year decreases.

(2)

(a) Beneficiaries designated in account agreements must be designated after birth and before age 19 for an account owner to:

(i) subtract a qualified investment from income under Title 59, Chapter 7, Corporate Franchise and Income Taxes; or

(ii) use a qualified investment as the basis for claiming a tax credit in accordance with Section 59-10-1017.

(b) Account owners may designate a beneficiary age 19 or older, but investments for that beneficiary are not eligible to be:

(i) subtracted from income under Title 59, Chapter 7, Corporate Franchise and Income Taxes; or

(ii) used as the basis for claiming a tax credit in accordance with Section 59-10-1017.

(3) Each account agreement shall state clearly that there are no guarantees regarding money in the plan as to the return of principal and that losses could occur.

(4) Each account agreement shall provide that:

(a) a contributor to, or designated beneficiary under, an account agreement may not direct the investment of any contributions or earnings on contributions;

(b) any part of the money in any account may not be used as security for a loan; and

(c) an account owner may not borrow from the plan.

(5) The execution of an account agreement by the plan may not guarantee in any way that higher education costs will be equal to projections and estimates provided by the plan or that the beneficiary named in any account agreement will:

(a) be admitted to an eligible educational institution;

(b) if admitted, be determined a resident for tuition purposes by the eligible educational institution;

(c) be allowed to continue attendance at the eligible educational institution following admission; or

(d) graduate from the eligible educational institution.

(6) A beneficiary may be changed as permitted by the rules and regulations of the board upon written request of the account owner prior to the date of admission of any beneficiary under an account agreement by an eligible educational institution so long as the substitute beneficiary is eligible for participation.

(7) An account agreement may be freely amended throughout the term of the account agreement in order to enable an account owner to increase or decrease the level of participation, change the designation of beneficiaries, and carry out similar matters as authorized by rule.

(8) Each account agreement shall provide that:

(a) the account agreement may be canceled upon the terms and conditions, and upon payment of the fees and costs set forth and contained in the board's rules and regulations; and

(b) the executive director may amend the agreement unilaterally and retroactively, if necessary, to maintain the plan as a qualified tuition program under Section 529, Internal Revenue Code.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-206 Program, administrative, and endowment funds -- Investment and payments from funds -- Proxy voting -- State treasurer access.

(1) The plan shall segregate money received by the plan into three funds, the program fund, the administrative fund, and the endowment fund.

(2) The board shall:

(a) invest the plan in a manner that is consistent with the prudent investor rule for trustees established in Title 75B, Chapter 2, Part 9, Uniform Prudent Investor Act;

(b) in accordance with the board's fiduciary responsibilities, make investment decisions with the sole purpose of maximizing the risk-adjusted return on the investments; and

(c) to the extent practicable:

(i)

(A) retain the right to vote investor proxies; or

(B) if the investments are commingled with another investor's funds, request the right to vote investor proxies; and

(ii) ensure proxy voting is exercised to maximize risk-adjusted returns for the exclusive benefit of beneficiaries.

(3) Transfers may be made from the program fund to the administrative fund to pay operating costs:

(a) associated with administering the plan and as required under Sections 53H-10-202 through 53H-10-204; and

(b) as included in the budget approved by the board.

(4)

(a) All money paid by account owners in connection with account agreements shall be deposited as received into separate accounts within the program fund which shall be invested and accounted for separately.

(b) Money accrued by account owners in the program fund may be used for:

(i) payments to any eligible educational institution;

(ii) payments to the account owner or beneficiary;

(iii) transfers to another 529 plan; or

(iv) other expenditures or transfers made in accordance with the account agreement.

(5)

(a) All money received by the plan from the proceeds of gifts and other endowments for the purposes of the plan shall be:

(i) deposited, according to the nature of the donation, as received into the endowment fund or the administrative fund; and

(ii) invested and accounted for separately.

(b) Any gifts, grants, or donations made by any governmental unit or any person, firm, partnership, or corporation to the plan for deposit to the endowment fund or the administrative fund is a grant, gift, or donation to the state for the accomplishment of a valid public eleemosynary, charitable, and educational purpose and is not included in the income of the donor for Utah tax purposes.

(c) The endowment fund or the administrative fund may be used to enhance the savings of low income account owners investing in the plan, for scholarships, or for other college savings incentive programs as approved by the board.

(d) Transfers may be made between the endowment fund and the administrative fund upon approval by the board.

(e) Endowment fund earnings not accruing to a beneficiary under an account agreement, not transferred to the administrative fund, or not otherwise approved by the board for expenditure, shall be reinvested in the endowment fund.

(6) Subsection (2) does not prohibit the board from offering individual account owners a variety of voluntary investment options that have different risk profiles and investment objectives.

(7)

(a) The board shall make proxy voting records available to the state treasurer upon the state treasurer's request.

(b) The state treasurer is subject to the same restrictions on disclosure of the proxy voting records as the board.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-207 Cancellation of agreements.

(1) Any account owner may cancel an account agreement at will.

(2) If an account agreement is cancelled by the account owner, the current account balance shall be disbursed to the account owner less:

(a) an administrative refund fee, which may be charged by the plan, except as provided in Subsection (3); and

(b) any penalty or tax required to be withheld by the Internal Revenue Code.

(3) An administration refund fee may not be levied by the plan if the account agreement is cancelled due to:

(a) the death of the beneficiary; or

(b) the permanent disability or mental incapacity of the beneficiary.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-208 Repayment and ownership of funds in the account -- Transfer of ownership rights.

(1)

(a) The account owner retains ownership of funds in the account until:

(i) funds are used to pay higher education costs for the beneficiary;

(ii) funds are otherwise disbursed;

(iii) funds are transferred for administrative costs; or

(iv) the account is closed.

(b) Funds in the account shall be considered to be held in trust for the benefit of the beneficiary.

(2) Any amounts that may be paid pursuant to the plan that are not listed in this section are owned by the plan.

(3)

(a) An account owner may transfer ownership rights to another eligible person.

(b) The transfer shall be affected and the property distributed in accordance with administrative regulations promulgated by the board or the terms of the account agreement.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-209 Effect of payments on determination of need and eligibility for student aid.

No student loan program, student grant program, or other program administered by any agency of the state, except as may be otherwise provided by federal law or the provisions of any

specific grant applicable to that law, shall take into account and consider amounts available for the payment of higher education costs pursuant to the plan in determining need and eligibility for student aid.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-210 Annual audit of financial statements.

The financial statements of the plan shall be audited annually by the state auditor or the state auditor's designee and reported in accordance with generally accepted accounting principles.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-211 Tax considerations.

(1) For tax purposes the property of the plan and the plan's income are governed by Section 59-10-201.
(2) The tax commission, in consultation with the board and the plan, may adopt rules necessary to monitor and implement the tax provisions referred to in Subsection (1) as related to the property of the plan and the plan's income.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-212 Property rights to plan assets.

(1) The assets of the plan, including the program fund and the endowment fund, shall at all times be preserved, invested, and expended solely and only for the purposes of the plan and shall be held in trust for the account owners and beneficiaries.
(2) No property rights in the plan shall exist in favor of the state.
(3) The assets may not be transferred or used by the state for any purposes other than the purposes of the plan.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 3
Student Prosperity Savings Program

53H-10-301 General provisions -- Definitions.

As used in this part:

(1) "529 savings account" means a tax-advantaged method of saving for higher education costs on behalf of a particular individual that:
  (a) meets the requirements of Section 529, Internal Revenue Code; and
  (b) is managed by the plan.
(2) "Child" means an individual less than 20 years of age.
(3) "Community partner" means a nonprofit organization that provide services to a child who is economically disadvantaged or a family member, legal guardian, or legal custodian of a child who is economically disadvantaged.

(4) "Donation" means a gift, grant, donation, or any other conveyance of money by a person other than the Legislature that is not made directly for the benefit or on behalf of a particular individual.
(5) "Economically disadvantaged" means that a child is:
(a) experiencing intergenerational poverty;
(b) a member or foster child of a family with an annual income at or below 185% of the federal poverty level;
(c) living with a legal custodian or legal guardian with an annual family income at or below 185% of the federal poverty level; or
(d) living with a legal custodian or legal guardian who can attest that the child or the child's household is receiving services benefitting low-income households or individuals.
(6) "Eligible individual" means an individual who:
(a) is under 20 years of age and is a resident of Utah;
(b) is economically disadvantaged; and
(c) receives, or has a family member, a foster family member, or a legal custodian or legal guardian who receives, services from a community partner.
(7) "Federal poverty level" means the poverty level as defined by the most recently revised poverty income guidelines published by the United States Department of Health and Human Services in the Federal Register.
(8) "Higher education costs" means the same as that term is defined in Section 53H-10-201, except that the expenses must be incurred at:
(a) a credit-granting eligible educational institution within the state system of higher education;
(b) a private postsecondary educational institution; or
(c) a technical college.
(9) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.
(10) "Program" means the Student Prosperity Savings Program created in Section 53H-10-302.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-302 Student Prosperity Savings Program.
(1) There is created the Student Prosperity Savings Program.
(2) The program is funded by:
(a) appropriations from the Legislature; and
(b) donations made in accordance with Section 53H-10-303.
(3)
(a) The plan shall administer the program.
(b) The plan shall use the program to create 529 savings accounts in accordance with this part.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-303 Donations to the program.
(1)
(a) A person may make a donation to the program by:
(i) sending the donation to the plan; and
(ii) including with the donation, direction that the donation benefit the program.
(b) A person making a donation shall include the person's name and mailing address with the donation.
(2)

(a) The plan shall mail a receipt to the person that makes the donation.
(b) The receipt described in Subsection (2)(a) shall state:
(i) the name of the person that made the donation;
(ii) the amount of the donation; and
(iii) the date on which the person makes the donation.
(c) The date on which the person makes a donation to the program is the date on which the plan receives the donation, unless the plan receives the donation on a Saturday, a Sunday, or a holiday, in which case the date on which the person makes the donation shall be the first business day after the day on which the plan receives the donation.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-304 Distribution of program money -- Application process -- Prioritization -- Account agreements.

(1) The plan shall distribute money in the program by creating a 529 savings account for an eligible individual identified by a community partner.
(2)
(a)
(i) The plan shall carry out the responsibility described in Subsection (1) by establishing a process in which a community partner may apply for an allocation of program money to designate for eligible individuals.
(ii) The Utah Board of Higher Education shall establish the application process for a community partner to apply for an allocation of program money.
(iii) The application process described in Subsection (2)(a)(ii) shall include:
(A) the criteria for a community partner to apply for an allocation of program money;
(B) the criteria that the plan will use to prioritize applications if the dollar amounts requested in the applications exceed the dollar amount available;
(C) the requirements for establishing a 529 savings account in the name of an eligible individual; and
(D) the roles and responsibilities of a community partner that makes a successful application for an allocation of program money.
(b)
(i) A community partner that receives an allocation of program money shall enter into a contract with the plan.
(ii) The contract described in Subsection (2)(b)(i) shall:
(A) define the roles and responsibilities of the community partner and the plan with regard to the community partner's allocation of program money; and
(B) specify that the individual the community partner identifies to receive a portion of the community partner's allocation is an eligible individual.
(3) If the plan approves a community partner's application for an allocation of program money, the plan may not promise or otherwise encumber the allocation to any other person unless the allocation is forfeited under Subsection (5)(b)(ii).
(4)
(a) A community partner shall identify each eligible individual who will receive a portion of the community partner's allocation of program money.
(b) After a community partner identifies an eligible individual to receive a portion of the community partner's allocation, the community partner shall notify the plan of:

(i) the amount of the community partner's allocation that shall transfer to a 529 savings account in the name of the identified eligible individual; and
(ii) the amount, if any, that the community partner will be contributing in accordance with Part 2, Utah Educational Savings Plan, to the 529 savings account on behalf of the identified eligible individual.

(5)
(a) Upon receiving the information described in Subsection (4)(b), the plan shall establish a 529 savings account for the identified eligible individual, with the community partner as the account owner.
(b) The community partner shall inform the beneficiary that:
(i) within three years after the day on which the beneficiary graduates from high school, the beneficiary shall enroll in:
(A) a credit-granting eligible educational institution within the state system of higher education;
(B) a private postsecondary educational institution; or
(C) a technical college; and
(ii) if the beneficiary fails to enroll within three years after the day on which the beneficiary graduates from high school, any money that remains in the 529 savings account shall be returned to the program.
(c) After entering into the account agreement described in Subsection (5)(a), the plan shall deposit into the beneficiary's 529 savings account the amount of the allocation described in Subsection (4)(b)(i).

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-305 Application of other provisions of this chapter.

The provisions of Part 2, Utah Educational Savings Plan, except Subsection 53H-10-208(3), govern the 529 savings accounts established under the Student Prosperity Savings Program.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 4
Education Savings Incentive Program

53H-10-401 General provisions -- Definitions.

As used in this part:
(1) "529 savings account" means the same as that term is defined in Section 35A-9-601.
(2) "Department" means the Department of Workforce Services created in Section 35A-1-103.
(3) "Match" means the same as that term is defined in Section 35A-9-601.
(4) "Qualifying individual" means the same as that term is defined in Section 35A-9-601, except that the term is limited to individuals for whom the department sends information in accordance with Subsection 35A-9-604(3).

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-402 Report of information to Department of Workforce Services.

Within 30 days of receiving the report described in Subsection 35A-9-604(3), the plan shall provide an electronic report to the department that lists:
(1) the total amount of deposits:
(a) during the calendar year for which the department makes the request; and
(b) for each 529 savings account of which a qualifying individual is an account owner; and
(2) the account number and the name of the beneficiary for each 529 savings account:
(a) into which a deposit was made; and
(b) for which a qualifying individual is an account owner.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-10-403 Deposit of match.
(1) The plan shall deposit a match from the Education Savings Incentive Restricted Account, created in Section 35A-9-602, into a 529 savings account in accordance with the provisions of Section 35A-9-605.
(2) If, upon receiving a transfer described in Subsection (1), the plan determines that the 529 savings account into which the plan is to deposit the match has been closed, the plan shall return the match to the department.
(3) The plan shall send the department an electronic receipt of the match deposits.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Chapter 11
Student Financial Assistance

Part 1
General Provisions

53H-11-101 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 2
Resident Student Status and Tuition

53H-11-201 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-11-202 Resident student status -- Definitions -- Exceptions.
(1) As used in this section:

(a) "DOD civilian" means an employee of the United States Department of Defense who is assigned to perform the employee's duties at a military organization based in Utah.
(b) "Eligible person" means an individual who is entitled to post-secondary educational benefits under Veterans' Benefits, 38 U.S.C. Sec. 101 et seq.
(c) "Immediate family member" means an individual's spouse or dependent child.
(d) "Inmate" means the same as that term is defined in Section 64-13-1.
(e) "Military service member" means an individual who:
(i) is serving on active duty in the United States Armed Forces;
(ii) is a member of a reserve component of the United States Armed Forces; or
(iii) is a member of the National Guard.
(f) "Military veteran" means a veteran as that term is defined in Section 68-3-12.5.
(g) "National Guard" means the same as that term is defined in Section 39A-1-102.
(h) "Parent" means, with respect to a student, an individual who has a parent-child relationship, as defined in Section 81-5-102, with the student.
(i) "ROTC participant" means a student who is:
(i) enrolled at an institution;
(ii) participates in the Reserve Officers' Training Corps at an institution; and
(iii) eligible to enlist in a branch of the United States military.
(2) The meaning of "resident student" is determined by reference to the general law on the subject of domicile, except as provided in this section.
(3)
(a) Institutions may grant resident student status to any student who has come to Utah and established residency for the purpose of attending an institution of higher education, and who, prior to registration as a resident student:
(i) has maintained continuous Utah residency status for one full year;
(ii) has signed a written declaration that the student has relinquished residency in any other state; and
(iii) has submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere.
(b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
(i) a Utah high school transcript issued in the past year confirming attendance at a Utah high school in the past 12 months;
(ii) a Utah voter registration dated a reasonable period prior to application;
(iii) a Utah driver license or identification card with an original date of issue or a renewal date several months prior to application;
(iv) a Utah vehicle registration dated a reasonable period prior to application;
(v) evidence of employment in Utah for a reasonable period prior to application;
(vi) proof of payment of Utah resident income taxes for the previous year;
(vii) a rental agreement showing the student's name and Utah address for at least 12 months prior to application; and
(viii) utility bills showing the student's name and Utah address for at least 12 months prior to application.
(c) A student who is claimed as a dependent on the tax returns of a person who is not a resident of Utah is not eligible to apply for resident student status.
(4) Except as provided in Subsection (8), an institution within the state system of higher education may establish stricter criteria for determining resident student status.

(5) If an institution does not have a minimum credit-hour requirement, that institution shall honor the decision of another institution within the state system of higher education to grant a student resident student status, unless:
(a) the student obtained resident student status under false pretenses; or
(b) the facts existing at the time of the granting of resident student status have changed.
(6) Within the limits established in this chapter, each institution within the state system of higher education may, regardless of its policy on obtaining resident student status, waive nonresident tuition either in whole or in part, but not other fees.
(7) In addition to the waivers of nonresident tuition under Subsection (6), each institution may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference as recommended by the president of each institution.
(8) Notwithstanding Subsection (3), an institution shall grant resident student status for tuition purposes to:
(a) a military service member, if the military service member provides:
(i) the military service member's current United States military identification card;
(ii) a leave and earning statement of the military service member;
(iii) the military service member's military orders;
(iv) documentation of enlistment by the military service member; or
(v) a statement from the military service member's current commander stating that the military service member is currently serving in the military;
(b) a military service member's immediate family member, if the military service member's immediate family member provides:
(i) any of the documentation described in Subsection (8)(a); or
(ii) the immediate family member's current United States military identification card;
(c) a military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides evidence of an honorable or general discharge;
(d) a military veteran's immediate family member, regardless of whether the military veteran served in Utah, if the military veteran's immediate family member provides evidence of the military veteran's honorable or general discharge;
(e) a foreign service member as defined in the Foreign Service Family Act of 2021 who is either:
(i) domiciled in Utah, recognizing the individual may not be physically present in the state due to an assignment; or
(ii) assigned to a duty station in Utah if the foreign service member provides:
(A) evidence of the foreign service member's status;
(B) a statement from the foreign service member's current commander, or equivalent, stating that the foreign service member is assigned in Utah; or
(C) evidence that the foreign service member is domiciled in Utah;
(f) a foreign service member's immediate family member if the foreign service member is either:
(i) domiciled in Utah, recognizing the individual may not be physically present in the state due to an assignment; or
(ii) assigned to a duty station in Utah if the foreign service member provides:
(A) evidence of the foreign service member's status;
(B) a statement from the foreign service member's current commander, or equivalent, stating that the foreign service member is assigned in Utah; or
(C) evidence that the foreign service member is domiciled in Utah;
(g) an eligible person who provides:
(i) evidence of eligibility under Veterans' Benefits, 38 U.S.C. Sec. 101 et seq; and

(ii) a signed written declaration that the eligible person will use the veteran benefits under Veterans' Benefits, 38 U.S.C. Sec. 101 et seq;

(h) an ROTC participant;

(i) an alien who provides:

(i) evidence that the alien is a special immigrant visa recipient;

(ii) evidence that the alien has been granted refugee status, humanitarian parole, temporary protected status, or asylum; or

(iii) evidence that the alien has submitted in good faith an application for refugee status, humanitarian parole, temporary protected status, or asylum under United States immigration law;

(j) an inmate:

(i) during the time the inmate is enrolled in the course; and

(ii) for one year after the day on which the inmate is released from a correctional facility as defined in Section 64-13-1;

(k) a DOD civilian, if the DOD civilian provides:

(i) the DOD civilian's current United States Department of Defense identification card; and

(ii)

(A) a statement from the DOD civilian's current commander, or equivalent, stating that the DOD civilian is assigned in Utah; or

(B) evidence that the DOD civilian is domiciled in Utah, as described in Subsection (9)(a); or

(l) a DOD civilian's immediate family member, if the DOD civilian's immediate family member provides:

(i) the DOD civilian's current United States Department of Defense identification card; and

(ii)

(A) a statement from the DOD civilian's current commander, or equivalent, stating that the DOD civilian is assigned in Utah; or

(B) evidence that the DOD civilian is domiciled in Utah, as described in Subsection (9)(a).

(9)

(a) The evidence described in Subsection (8)(k)(ii)(B) or (8)(l)(ii)(B) includes:

(i) a current Utah voter registration card;

(ii) a valid Utah driver license or identification card;

(iii) a current Utah vehicle registration;

(iv) a copy of a Utah income tax return, in the name of the DOD civilian or DOD civilian's spouse, filed as a resident in accordance with Section 59-10-502; or

(v) proof that the DOD civilian or DOD civilian's spouse owns a home in Utah, including a property tax notice for property owned in Utah.

(b) Aliens who are present in the United States on visitor, student, or other visas not listed in Subsection (8)(i) or (9)(c), which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore are classified as nonresidents.

(c) Aliens who have been granted or have applied for permanent resident status in the United States are classified for purposes of resident student status according to the same criteria applicable to citizens.

(10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah, and any American Indian who is a member of a federally recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled to resident student status.

(11) A Job Corps student is entitled to resident student status if the student:

(a) is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and
(b) submits verification that the student is a current Job Corps student.
(12) A person is entitled to resident student status and may immediately apply for resident student status if the person:
(a) marries a Utah resident eligible to be a resident student under this section; and
(b) establishes the person's domicile in Utah as demonstrated by objective evidence as provided in Subsection (3).
(13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent who has been domiciled in Utah for at least 12 months prior to the student's application is entitled to resident student status.
(14)
(a) A person who has established domicile in Utah for full-time permanent employment may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on an employer requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.
(b) All relevant evidence concerning the motivation for the move shall be considered, including:
(i) the person's employment and educational history;
(ii) the dates when Utah employment was first considered, offered, and accepted;
(iii) when the person moved to Utah;
(iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
(v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;
(vi) evidence that the person is an independent person who is:
(A) at least 24 years old; or
(B) not claimed as a dependent on someone else's tax returns; and
(vii) any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.
(15)
(a) A person who is in residence in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall be entitled to resident status for tuition purposes.
(b) Upon the termination of the athlete's participation in the training program, the athlete shall be subject to the same residency standards applicable to other persons under this section.
(c) Time spent domiciled in Utah during the Olympic athlete training program in Utah counts for Utah residency for tuition purposes upon termination of the athlete's participation in a Utah Olympic athlete training program.
(16)
(a) A person who has established domicile in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for an immediate family member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on the long-term health care responsibilities.
(b) All relevant evidence concerning the motivation for the move shall be considered, including:
(i) the person's employment and educational history;

(ii) the dates when the long-term health care responsibilities in Utah were first considered, offered, and accepted;
(iii) when the person moved to Utah;
(iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
(v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;
(vi) evidence that the person is an independent person who is:
(A) at least 24 years old; or
(B) not claimed as a dependent on someone else's tax returns; and
(vii) any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

(17) A foreign service member or the foreign service member's immediate family member deemed eligible for resident student status under Subsection (8)(e) or (8)(f) shall retain the eligibility for resident student status if the foreign service member or immediate family member maintains continuous enrollment even in the case of a change in domicile or duty station.

(18) A DOD civilian or the DOD civilian's immediate family member deemed eligible for resident student status under Subsection (8)(k) or (8)(l) shall retain the eligibility for resident student status if the DOD civilian or the DOD civilian's immediate family member maintains continuous enrollment even in the case of a change in domicile or duty station.

(19) The board, after consultation with the institutions, shall make rules not inconsistent with this section:
(a) concerning the definition of resident and nonresident students;
(b) establishing procedures for classifying and reclassifying students;
(c) establishing criteria for determining and judging claims of residency or domicile;
(d) establishing appeals procedures; and
(e) other matters related to this section.

(20) A student shall be exempt from paying the nonresident portion of total tuition if the student:
(a) is a foreign national legally admitted to the United States;
(b) attended high school in this state for three or more years; and
(c) graduated from a high school in this state or received the equivalent of a high school diploma in this state.

Amended by Chapter 180, 2026 General Session

53H-11-203 Resident tuition -- Requirements -- Rules.

(1) If allowed under federal law, a student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, shall be exempt from paying the nonresident portion of total tuition if the student:
(a) attended high school in this state for three or more years;
(b) graduated from a high school in this state or received the equivalent of a high school diploma in this state; and
(c) registers as an entering student at an institution of higher education.

(2) In addition to the requirements under Subsection (1), a student without lawful immigration status shall file an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status, or will file an application as soon as he is eligible to do so.

(3) The board shall make rules for the implementation of this section.

(4) Nothing in this section limits the ability of institutions of higher education to assess nonresident tuition on students who do not meet the requirements under this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 3
Tuition Waivers and Exemptions

53H-11-301 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-11-302 Tuition waivers for wards of the state.

(1) As used in this section:
(a) "Division" means the Division of Child and Family Services.
(b) "Long-term foster care" means an individual who remains in the custody of the division, whether or not the individual resides:
(i) with licensed foster parents; or
(ii) in independent living arrangements under the supervision of the division.
(c) "Tuition" means tuition at the rate for residents of the state.
(d) "Ward of the state" means an individual:
(i) who is:
(A) at least 17 years old; and
(B) not older than 26 years old;
(ii) who had a permanency goal in the individual's child and family plan, as described in Sections 80-3-307 and 80-3-409, of long-term foster care while in the custody of the division; and
(iii) for whom the custody of the division was not terminated as a result of adoption.
(2) Subject to the limitations in Subsections (3), (4), and (5), an institution of higher education shall waive tuition for each ward of the state who meets the following requirements:
(a) applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;
(b) is a resident student of the state as determined under Section 53H-11-202;
(c) applies to the division for a waiver of tuition under this section and provides evidence satisfactory to the division that:
(i) the applicant was in the custody of the division for an aggregate period of not less than 24 months; and
(ii) the course or courses for which the applicant is seeking a tuition waiver meet the requirements of Subsection (3);
(d) applies under Subsection (2)(c) for the first time before the age of 22;
(e) is certified by the financial aid officer at the higher education institution as needing the tuition waiver in order to meet recognized educational expenses;
(f) maintains satisfactory academic progress, as defined by the institution of higher education, for each term or semester in which the individual is enrolled, which may be measured by the

definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; and

(g) has not achieved a bachelor's degree and has received tuition reimbursement under this section for less than 124 semester credits or 180 quarter credits at an institution of higher education.

(3) A ward of the state is eligible for a tuition waiver under this section of not more than nine semesters.

(4) Tuition shall be waived:

(a) after the individual has applied for financial assistance, including scholarships and Pell Grants; and

(b) only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, Pell Grant, or any other source of tuition coverage available for a waiver under this section.

(5) An institution of higher education shall waive tuition under this section only for courses that are applicable toward the degree or certificate requirements of the program in which the student is enrolled.

(6) Upon receiving an application under this section, the division shall determine whether the applicant and the courses for which tuition waiver is sought meet the requirements of this section and, if so, shall approve the application and notify the institution that the application has been approved.

(7) The division shall provide the necessary forms and applications and cooperate with the state's institutions of higher education in developing efficient procedures for the implementation of this section.

(8) The division shall reimburse the state's institutions of higher education for any tuition waived under this section.

(9) The Legislature may annually appropriate the funds necessary to implement this section, including money to offset the reimbursement of tuition waivers.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-303 Tuition waivers for Purple Heart recipients.

(1) As used in this section:

(a) "Purple Heart recipient" means any Utah resident who is a military veteran and who has earned a Purple Heart award as a result of military service.

(b)

(i) "Tuition" means tuition at the rate for residents of the state.

(ii) "Tuition" excludes fees.

(2) An institution of higher education shall waive undergraduate tuition for each Purple Heart recipient who:

(a) is admitted as a full-time, part-time, or summer school student in an undergraduate program of study leading to a degree or certificate;

(b) is a resident student of the state as determined under Section 53H-11-202; and

(c) submits verification as provided in Subsection (4) that the student is a Purple Heart recipient.

(3)

(a) An institution of higher education shall waive graduate tuition as provided in this Subsection (3) for each Purple Heart recipient who:

(i) is admitted as a full-time, part-time, or summer school student in a graduate program of study leading to a degree;

(ii) is a resident student of the state as determined under Section 53H-11-202; and
(iii) submits verification as provided in Subsection (4) that the student is a Purple Heart recipient.
(b) The total amount of all graduate tuition waived for a Purple Heart recipient may not exceed $15,000.
(c) A Purple Heart recipient may receive a graduate tuition waiver for a period of time that does not exceed the lesser of:
(i) the time it takes for the Purple Heart recipient to complete a graduate degree; or
(ii) five years after the day on which the Purple Heart recipient is accepted to a graduate program.
(4)
(a) A Purple Heart recipient seeking a tuition waiver shall request the Department of Veterans and Military Affairs to provide the verification required by Subsection (2)(c).
(b) The Department of Veterans and Military Affairs shall provide the verification upon obtaining evidence satisfactory to the division that the student is a Purple Heart recipient.
(5) The waiver in this section does not apply to fees.
(6) The board may request reimbursement from the Legislature for costs incurred in providing the tuition waiver under this section.

Amended by Chapter 230, 2026 General Session

53H-11-304 Higher education for senior citizens and veterans.
(1) The Legislature finds that substantial benefits would accrue to the state, as well as those directly involved, through making higher education more accessible to senior citizens and veterans who possess more time for learning but with less funds for such purposes.
(2)
(a) An institution of higher education shall allow Utah residents who have reached 62 years old or are veterans as defined in Section 68-3-12.5 to enroll at the institution, in classes for which the Utah residents may be qualified, on the basis of surplus space in regularly scheduled classes and in accordance with this section and implementing rules.
(b) These persons are exempt from tuition and other charges, except for a quarterly registration fee established by the board.
(3) Enrollment of senior citizens under this section is permissible after regularly enrolled students have been assigned and admitted to available classroom space in accordance with regular procedures and normal teaching loads in that space within the approved budget.
(4) Enrollments are determined by each institution under rules and guidelines made by the board in accordance with findings of fact that space is available for the enrollments without increased instructional cost.
(5) Institutional enrollment reports shall show senior citizens separately, and the senior citizens are not counted as full-time students.
(6) The board may promulgate reasonable rules to carry out the purpose of this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-305 Presidential waivers of tuition.
(1)
(a) The president of an institution of higher education may waive all or part of the tuition on behalf of meritorious or impecunious resident students to an amount not exceeding 10% of

the total amount of tuition which, in the absence of the waivers, would have been collected from all Utah resident students at the institution of higher education.

(b)

(i) Two and a half percent of the waivers designated in Subsection (1)(a) shall be set aside for members of the Utah National Guard.

(ii) A waiver described in Subsection (1)(b)(i) shall be preserved by the student at least 60 days before the beginning of an academic term.

(2)

(a) A president of a degree-granting institution may waive all or part of the nonresident portion of tuition for a meritorious nonresident undergraduate student.

(b) In determining which students are meritorious for purposes of granting a tuition waiver under Subsection (2)(a), a president shall consider students who are performing above the average at the institution of higher education, including having an admissions index higher than the average for the institution, if an admissions index is used.

(c) A president of an institution of higher education may continue to waive the nonresident portion of tuition for a student described in Subsection (2)(a) for as long as the student is enrolled at the institution of higher education.

(d) In addition to waiving the nonresident portion of tuition for a meritorious nonresident student under Subsection (2)(a), a president of an institution of higher education may waive the resident portion of tuition after the meritorious nonresident student completes a year of full-time study at the institution of higher education.

(3) To encourage students to enroll for instruction in occupations critical to the state for which trained personnel are in short supply, a president of an institution of higher education shall grant additional full or partial tuition waivers upon recommendation of the board.

(4) A president of an institution of higher education may waive all or part of the difference between resident and nonresident tuition for:

(a) meritorious graduate students; or

(b) nonresident summer school students.

(5) The board may establish policies that:

(a) require a degree-granting institution to regularly assess and report whether the institution of higher education's use of tuition waivers supports the goals established by the board in accordance with Section 53H-1-203 for the institution of higher education;

(b) subject to the provisions of this section, establish the amount or percentage of tuition that an institution of higher education may waive;

(c) define the terms "meritorious" and "impecunious," as the terms apply to tuition waivers for resident students described in Subsection (1)(a); and

(d) establish limitations on an institution of higher education's allocation of waivers described in Subsection (1)(a) for resident students who are meritorious or resident students who are impecunious.

(6)

(a) The board shall submit an annual budget appropriation request for each institution of higher education.

(b) A request described in Subsection (6)(a) shall include requests for funds sufficient in amount to equal the estimated loss of dedicated credits that would be realized if all of the tuition waivers authorized by Subsection (2) were granted.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-306 Police officer's and firefighter's survivor tuition waiver.

(1) As used in this section:

(a) "Child" means an individual who:

(i) is a natural or adopted child of a deceased peace officer or deceased firefighter; and

(ii) was under the age of 25 at the time of the peace officer's or firefighter's death.

(b) "Department" means the Department of Public Safety.

(c)

(i) "Fees" means general course fees, in addition to tuition, that are:

(A) imposed by an institution of higher education; and

(B) required to be paid by a student to engage in a course of study at the institution of higher education.

(ii) "Fees" does not include a special course fee.

(d) "Killed" means that the peace officer's or firefighter's death is the direct and proximate result of a traumatic injury incurred in the line of duty.

(e) "Line of duty" means an action that a peace officer or firefighter is obligated or authorized to perform by rule, regulation, condition of employment or service, or law, including a social, ceremonial, or athletic function that the peace officer or firefighter is assigned to or compensated for by the public agency being served.

(f) "Occupational disease" means a disease that routinely constitutes a special hazard in, or is commonly regarded as concomitant of, the peace officer's or firefighter's occupation.

(g) "Traumatic injury" means a wound or the condition of the body caused by external force, including an injury inflicted by bullet, explosive, sharp instrument, blunt object, or other physical blow, fire, smoke, chemical, electricity, climatic condition, infectious disease, radiation, or bacteria, but excluding an occupational disease.

(h) "Tuition" means tuition and fees at the rate charged for residents of the state.

(i)

(i) "Utah firefighter" or "firefighter" means a member, including volunteer members and members paid on call, of a fire department or other organization that provides fire suppression and other fire-related services, of a political subdivision who is responsible for or is in a capacity that includes responsibility for the extinguishment of fires.

(ii) "Utah firefighter" or "firefighter" does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.

(j) "Utah peace officer" or "peace officer" means an employee of a law enforcement agency that is part of or administered by a private postsecondary educational institution, the state, or any of its political subdivisions, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.

(2) Subject to the limitations in Subsections (3), (4), and (5), an institution of higher education shall waive tuition for each child and surviving spouse of a Utah peace officer or Utah firefighter who has been killed or is killed in the line of duty if the individual meets the following requirements:

(a) applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;

(b) is a resident student of the state as determined under Section 53H-11-202;

(c) applies to the department for a waiver of tuition under this section and provides evidence satisfactory to the department that:

(i) the applicant is the surviving spouse or child of a peace officer or firefighter who was killed in the line of duty;

(ii) the course or courses for which the applicant is seeking a tuition waiver meet the requirements of Subsection (3); and
(iii) the applicant meets the other requirements of this section;
(d) for a child of a peace officer or firefighter killed in the line of duty, applies under Subsection (2)(c) for the first time before turning 25 years old;
(e) maintains satisfactory academic progress, as defined by the institution of higher education, for each term or semester in which the individual is enrolled, which may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; and
(f) has not achieved a bachelor's degree and has received tuition reimbursement under this section for less than 124 semester credits or 180 quarter credits at an institution of higher education.
(3) A child or surviving spouse of a peace officer or firefighter who was killed in the line of duty is eligible for a tuition waiver under this section of not more than nine semesters or the equivalent number of quarters.
(4) Tuition shall be waived only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, or any other source of tuition coverage available for a waiver under this section.
(5) An institution of higher education shall waive tuition under this section only for courses that are applicable toward the degree or certificate requirements of the program in which the child or surviving spouse is enrolled.
(6) Upon receiving an application under Subsection (2)(c), the department shall determine whether the applicant and the courses for which tuition waiver is sought meet the requirements of this section and, if so, shall approve the application and notify the institution that the application has been approved.
(7) The department shall provide the necessary forms and applications and cooperate with the institution of higher education in developing efficient procedures for the implementation of this section.
(8) The Legislature may annually appropriate the funds necessary to implement this section, including money to offset the tuition waivers at each institution.

Amended by Chapter 183, 2026 General Session

53H-11-307 Waiver of nonresident differential in tuition rates -- Utah Tech University good neighbor tuition waivers.

(1) Notwithstanding any other provision of law:
(a)
(i) The board may determine when to grant a full or partial waiver of the nonresident differential in tuition rates charged to undergraduate students pursuant to reciprocal agreements with other states.
(ii) In making the determination described under Subsection (1)(a)(i), the board shall consider the potential of the waiver to:
(A) enhance educational opportunities for Utah residents;
(B) promote mutually beneficial cooperation and development of Utah communities and nearby communities in neighboring states;
(C) contribute to the quality of educational programs; and
(D) assist in maintaining the cost effectiveness of auxiliary operations in institutions of higher education.

(b)
(i) Consistent with its determinations made pursuant to Subsection (1)(a), the board may enter into agreements with other states to provide for a full or partial reciprocal waiver of the nonresident tuition differential charged to undergraduate students.
(ii) An agreement shall provide for the numbers and identifying criteria of undergraduate students, and shall specify the institutions of higher education that will be affected by the agreement.
(c) The board shall establish policy guidelines for the administration by the affected institutions of any tuition waivers authorized under this section, for evaluating applicants for such waivers, and for reporting the results of the reciprocal waiver programs authorized by this section.
(d) A report and financial analysis of any waivers of tuition authorized under this section shall be submitted annually to the general session of the Legislature as part of the budget recommendations of the board for the system of higher education.
(2)
(a) Utah Tech University may offer a good neighbor full waiver of the nonresident differential in tuition rates charged to undergraduate students:
(i) pursuant to reciprocal agreements with other states; or
(ii) to a resident of a county that has a portion of the county located within 70 miles of the main campus of Utah Tech University.
(b)
(i) A student who attends Utah Tech University under a good neighbor tuition waiver shall pay a surcharge per credit hour in addition to the regular resident tuition and fees of Utah Tech University.
(ii) The surcharge per credit hour shall be based on a percentage of the approved resident tuition per credit hour each academic year.
(iii) The percentage assessed as a surcharge per credit hour shall be set by the board.
(c) Utah Tech University may restrict the number of good neighbor tuition waivers awarded.
(d) A student who attends Utah Tech University on a good neighbor tuition waiver may not count the time during which the waiver is received towards establishing resident student status in Utah.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-308 Scott B. Lundell Military Survivors' tuition waiver.
(1) As used in this section:
(a) "Federal active duty" means serving under orders in accordance with 10 U.S.C. or 32 U.S.C. on or after September 11, 2001.
(b) "Qualifying deceased military member" means a person who:
(i) was killed while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; or
(ii) dies of wounds or injuries received while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; and
(iii) was a member of the armed forces of the United States and a Utah resident;
(iv) was a member of the reserve component of the armed forces on or after September 11, 2001, and a Utah resident; or
(v) was a member of the Utah National Guard on or after September 11, 2001.
(c) "State active duty" means serving in the Utah National Guard in any duty status authorized by the governor under Title 39A, National Guard and Militia Act.

(2) An institution of higher education shall waive undergraduate tuition for a dependent of a qualifying deceased military member under the following conditions:
(a) the dependent has been accepted by the institution in accordance with the institution's admissions guidelines;
(b) except as provided in Subsection (3), the dependent is a resident student as determined under Section 53H-11-202;
(c) the dependent may not have already completed a course of studies leading to an undergraduate degree;
(d) the dependent may only utilize the waiver for courses that are applicable toward the degree or certificate requirements of the program in which the dependent is enrolled; and
(e) the dependent may not be excluded from the waiver if the dependent has previously taken courses at or has been awarded credit by an institution of higher education.
(3) Notwithstanding Subsection (2)(b), a dependent of a qualifying deceased military member that was a member of the Utah National Guard is not required to be a resident student as determined under Section53H-11-202.
(4) The tuition waiver in this section is applicable for undergraduate study only.
(5) The Department of Veterans and Military Affairs, after consultation with the adjutant general if necessary, shall certify to the institution that the dependent is a surviving dependent eligible for the tuition waiver in accordance with this section.
(6) The waiver in this section does not apply to fees, books, or housing expenses.
(7) The board may request reimbursement from the Legislature for costs incurred in providing the tuition waiver under this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 4
Scholarships, Grants, Awards, and Incentive Loans

53H-11-401 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-11-402 Opportunity Scholarship Program.

(1) As used in this section:
(a) "Eligible institution" means:
(i) an institution; or
(ii) a private, nonprofit institution of higher education in the state.
(b) "Eligible student" means a student who:
(i) applies to the board in accordance with the rules described in Subsection (5);
(ii) is enrolled in an eligible institution; and
(iii) meets the criteria established by the board in rules described in Subsection (5).
(c) "Fee" means:
(i) for an eligible institution that is a degree-granting institution, a fee approved by the board; or

(ii) for an eligible institution that is a technical college or a degree-granting institution acting in the degree-granting institution's technical education role described in Section 53H-3-608, a fee approved by the eligible institution.

(d) "Program" means the Opportunity Scholarship Program described in this section.

(2)

(a) Subject to legislative appropriations, the board shall annually distribute money for the Opportunity Scholarship Program described in this section to each eligible institution to award as Opportunity scholarships to eligible students.

(b) The commissioner, in consultation with the board, shall annually determine the amount of an Opportunity scholarship based on:

(i) the number of eligible students in the state; and

(ii) money available for the program.

(c) The board may not use more than 3% of the money appropriated to the program for administrative costs and overhead.

(3)

(a) Except as provided in this Subsection (3), an eligible institution shall provide to an eligible student an Opportunity scholarship in the amount determined by the board described in Subsection (2)(b).

(b) For an Opportunity scholarship for which an eligible student applies on or before July 1, 2019, an eligible institution may reduce the amount of the Opportunity scholarship based on other state aid awarded to the eligible student for tuition and fees.

(c) For an Opportunity scholarship for which an eligible student applies after July 1, 2019:

(i) an eligible institution shall reduce the amount of the Opportunity scholarship so that the total amount of state aid awarded to the eligible student, including tuition or fee waivers and the Opportunity scholarship, does not exceed the cost of the eligible student's tuition and fees; and

(ii) the eligible student may only use the Opportunity scholarship for tuition and fees.

(d) An institution described in Subsection (1)(a)(ii) may not award an Opportunity scholarship to an eligible student in an amount that exceeds the average total cost of tuition and fees among the eligible institutions described in Subsection (1)(a)(i).

(e) If the allocation for an eligible institution described in Subsection (1)(a)(ii) is insufficient to provide the amount described in Subsection (2)(b) to each eligible student, the eligible institution may reduce the amount of an Opportunity scholarship.

(4) The board may:

(a) audit an eligible institution's administration of Opportunity scholarships;

(b) require an eligible institution to repay to the board money distributed to the eligible institution under this section that is not provided to an eligible student as an Opportunity scholarship; and

(c) require an eligible institution to enter into a written agreement with the board in which the eligible institution agrees to provide the board with access to information and data necessary for the purposes of the program.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules that establish:

(a) requirements related to an eligible institution's administration of Opportunity scholarships;

(b) a process for a student to apply to the board to determine the student's eligibility for an Opportunity scholarship;

(c) criteria to determine a student's eligibility for an Opportunity scholarship, including:

(i) minimum secondary education academic performance standards; and

(ii) the completion of a Free Application for Federal Student Aid or a process approved by the board in lieu of the Free Application for Federal Student Aid;
(d) a requirement for each eligible institution to annually report to the board on all Opportunity scholarships awarded by the eligible institution; and
(e) a process for a student to apply to the board for an Opportunity scholarship who would have likely received the scholarship but for an irreconcilable error in the application process described in Subsection (5)(b).
(6) The board shall annually report on the program to the Higher Education Appropriations Subcommittee.
(7) The State Board of Education, a school district, or a public high school shall cooperate with the board and eligible institutions to facilitate the program, including by exchanging relevant data where allowed by law.

Amended by Chapter 138, 2026 General Session

53H-11-403 Karen Mayne Public Safety Officer Scholarship Program.
(1) As used in this section:
(a) "Peace officer" means the same as that term is defined in Section 53H-11-306.
(b) "POST" means the Peace Officer Standards and Training Division created in Section 53-6-103.
(c) "Program" means the Karen Mayne Public Safety Officer Scholarship Program that this section creates.
(2) This section creates the Karen Mayne Public Safety Officer Scholarship Program.
(3)
(a) Subject to legislative appropriations, the board shall award a scholarship to a qualified applicant who:
(i) is a high school graduate;
(ii) submits an application to the board with a copy of the student's high school diploma;
(iii) when eligible, enrolls in a basic training course at a state certified academy as defined in Section 53-6-202;
(iv) subject to Subsection (3)(b), is enrolled in a qualifying post-secondary program from:
(A) an institution of higher education listed in Section 53H-1-102; or
(B) a private postsecondary educational institution; and
(v) commits to working as a peace officer for no less than five years after the day on which POST certifies the scholarship recipient.
(b) For purposes of Subsection (3)(a)(iv), the board shall determine the programs that qualify for a scholarship award, including criminal justice, police administration, criminology, social sciences, and other disciplines.
(4)
(a) The commissioner, in consultation with the board, shall determine the amount of a scholarship award, ensuring that the amount does not exceed the combined cost of tuition, fees, and required textbooks.
(b) A scholarship award described in Subsection (4)(a) is limited to:
(i) POST training and certification in accordance with Title 53, Chapter 6, Peace Officer Standards and Training Act; and
(ii) a maximum of four academic years in a post-secondary program.

(5) The board shall design the scholarship program to ensure that participating institutions combine state or federal loans or grants, internships, student employment, and family and individual contributions toward financing the cost of attendance.

(6) A scholarship recipient shall:

(a) notify the board of the scholarship recipient's POST certification within 15 days after the day on which POST certifies the scholarship recipient;

(b) submit verification of the scholarship recipient's employment to the board within 15 days after the day on which the scholarship recipient is employed as a peace officer, including:

(i) the employer's name, address, and telephone number;

(ii) the date of the scholarship recipient's hiring; and

(iii) the scholarship recipient's job title; and

(c) notify the board within 15 days after the day on which the employer terminates the scholarship recipient.

(7)

(a) The board may require a scholarship recipient to repay the full amount of the scholarship award that the scholarship recipient received under the program, including money paid for tuition, fees, and required textbooks, if the scholarship recipient fails to:

(i) meet the requirements for POST certification as described in Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act;

(ii) work as a peace officer for five years after the day on which POST certifies the scholarship recipient; or

(iii) subject to Subsection (3), earn a degree in a post-secondary program.

(b) Notwithstanding Subsection (7)(a), a scholarship recipient is not required to repay any amount of the scholarship award if the scholarship recipient:

(i) is unable to secure employment as a peace officer within 12 months after the day on which the scholarship recipient is POST certified; and

(ii) provides documentation from a prospective employer that the scholarship recipient was not extended an offer of employment.

(8) The board may use up to 2% of the money appropriated for the scholarship program for administrative costs.

(9)

(a) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(i) set deadlines for receiving scholarship applications and supporting documentation;

(ii) establish an application process and appeal process for the program;

(iii) establish policies and procedures for cancellation or repayment of scholarship awards if the scholarship recipient fails to meet the requirements under this section;

(iv) collaborate with POST and other law enforcement and correction agencies to provide high school students information on law enforcement careers; and

(v) notify POST when a student receives a scholarship under the program.

(b) The board shall include a disclosure on all applications and materials related to the program that the amount of the awarded scholarship may be subject to funding availability or reduction in accordance with Subsection (10).

(10) If an appropriation under this section is insufficient to cover the costs associated with the program, the board may:

(a) reduce the amount of a scholarship award; and

(b) distribute scholarship awards on a pro rata basis to all eligible applicants who submitted a complete application before the application deadline.

Amended by Chapter 138, 2026 General Session

53H-11-404 Alumni legacy nonresident scholarships.

(1)

(a) In addition to other nonresident tuition scholarships, the president of an institution may waive an amount up to one academic school year's equivalent of the nonresident portion of tuition for alumni legacy nonresident scholarships.

(b) The tuition waiver described in Subsection (1)(a) may only be given once and applied to a student's:

(i) first full school year of non-residency status;

(ii) first two semesters of non-residency status; or

(iii) first four quarters of non-residency status.

(2) The purposes of alumni legacy nonresident scholarships are to:

(a) assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in institutions of higher education;

(b) promote enrollment of nonresident students with high academic aptitudes; and

(c) recognize the legacy of past graduates and promote a continued connection to the past graduates' alma mater.

(3) To qualify for an alumni legacy scholarship, a student shall:

(a) enroll at an institution for the first time; and

(b) have at least one parent who graduated with an associate's degree or higher from the same institution in which the student is enrolling.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-405 Nonresident tuition scholarships.

(1) In addition to the scholarships authorized under Section 53H-11-406, the board may grant scholarships for a waiver of the nonresident portion of total tuition charged by institutions of higher education to nonresident students, subject to the limitations provided in this section, if the board determines that the scholarships will:

(a) assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in institutions of higher education;

(b) promote enrollment of nonresident students with high academic aptitudes; and

(c) provide for an effective transition to meet the requirements of Section 53H-11-202.

(2) The board shall establish policy guidelines for the administration by institutions of higher education of scholarships authorized under Subsection (1), for evaluating applicants for those scholarships, and for reporting the results of the scholarship program authorized under Subsection (1).

(3) The policy guidelines promulgated by the board under Subsection (2) shall include the following provisions:

(a) a maximum of 675 of the approved scholarships may be up to 100% of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

(b) 225 of the approved scholarships may not be at a level of more than 50% of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

(c) a nonresident scholarship may be awarded initially only to a nonresident student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for 10 or more credit hours;

(d) the total number of nonresident scholarships granted under Subsection (1) may not exceed a total of 900 such scholarships in effect at any one time;
(e) the board shall determine eligibility for nonresident scholarships on the basis of program availability at an institution and appropriate academic credentials, using quantifiable measurements such as grade point averages and results of test scores; and
(f) a nonresident student who receives a scholarship of greater than 50% of the differential tuition charged to nonresident students for an equal number of credit hours of instruction may not be counted against the funded target for the institution attended.
(4) The board shall submit an annual report and financial analysis of the effects of offering nonresident tuition scholarships authorized under this section to the Legislature as part of its budget recommendations for the system of higher education.
(5) This section applies to tuition scholarships and not the individual admission standards of higher education.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-406 Nonresident partial tuition scholarships.
(1) The board may grant a scholarship for partial waiver of the nonresident portion of total tuition charged by institutions of higher education to nonresident undergraduate students, subject to the limitations provided in this section, if the board determines that the scholarship will:
(a) promote mutually beneficial cooperation between Utah communities and nearby communities in states adjacent to Utah;
(b) contribute to the quality and desirable cultural diversity of educational programs in institutions;
(c) assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in institutions of higher education; and
(d) promote enrollment of nonresident students with high academic aptitudes.
(2) The board shall establish policy guidelines for the administration by institutions of higher education of any partial tuition scholarships authorized under this section, for evaluating applicants for those scholarships, and for reporting the results of the scholarship program authorized by this section.
(3) The policy guidelines made by the board under Subsection (2) shall include the following provisions:
(a) the amount of the approved scholarship may not be more than 1/2 of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;
(b) a nonresident partial tuition scholarship may be awarded initially only to a nonresident undergraduate student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for 10 or more credit hours, whose legal domicile is within approximately 100 highway miles of the institution at which the recipient wishes to enroll or such distance that the board may establish for any institution;
(c) the total number of nonresident partial tuition scholarships granted may not exceed a total of 600 such scholarships in effect at any one time; and
(d) the board shall determine eligibility for nonresident partial tuition scholarships on the basis of program availability at an institution and on a competitive basis, using quantifiable measurements such as grade point averages and results of test scores.
(4) The board shall submit an annual report and financial analysis of the effects of offering nonresident partial tuition scholarships authorized under this section to the Higher Education Appropriations Subcommittee as part of the board's budget recommendations for the system of higher education.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-407 New Century Scholarship Program.

(1) Notwithstanding the provisions of this section, the board may not accept a new application for a scholarship described in this section on or after August 15, 2021.

(2) As used in this section:

(a) "Complete the requirements for an associate degree" means that a student:

(i)

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

(B) applies for the associate degree from the institution; or

(ii) completes equivalent requirements described in Subsection (2)(a)(i)(A) from an institution that offers baccalaureate degrees but does not offer associate degrees.

(b) "Fee" means a fee approved by the board.

(3)

(a) The board shall award New Century scholarships.

(b) The board shall develop and approve the math and science curriculum described under Subsection (4)(a)(ii).

(4)

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

(i) associate degree; or

(ii) approved math and science curriculum.

(b) The requirements under Subsection (4)(a) shall be completed:

(i) by the day on which the student's class graduates from high school; and

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

(c) In addition to the requirements in Subsection (4)(a), a student in Utah shall:

(i) complete the high school graduation requirements of:

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

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

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

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

(a) complete the requirements for an associate degree:

(i) by June 15 of the year the student completes high school; and

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

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

(6)

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

(i) shall submit an application to the board with:

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

(B) if applicable, an official high school transcript or, if applicable, a copy of the student's ACT scores;

(ii) shall be a citizen of the United States or a noncitizen who is eligible to receive federal student aid;
(iii) if applicable, shall meet the application deadlines as established by the board under Subsection (11); and
(iv) shall demonstrate, in accordance with rules described in Subsection (6)(b), the completion of a Free Application for Federal Student Aid.
(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules regarding the completion of the Free Application for Federal Student Aid described in Subsection (6)(a)(iv), including:
(i) provisions for students or parents to opt out of the requirement due to:
(A) financial ineligibility for any potential grant or other financial aid;
(B) personal privacy concerns; or
(C) other reasons the board specifies; and
(ii) direction for applicants to financial aid advisors.
(7)
(a) The scholarship may be used at:
(i) institution that offers baccalaureate programs; or
(ii) if the scholarship holder applies for the scholarship on or before October 1, 2019, a private postsecondary educational institution that offers baccalaureate programs.
(b)
(i) Subject to Subsection (7)(e), the total value of the scholarship is up to $5,000, allocated over a time period described in Subsection (7)(c), as prescribed by the board.
(ii) The board may increase the scholarship amount described in Subsection (7)(b)(i) by an amount not to exceed the average percentage tuition increase approved by the board for institutions.
(c) The scholarship is valid for the shortest of the following time periods:
(i) two years of full-time equivalent enrollment;
(ii) 60 credit hours; or
(iii) until the student meets the requirements for a baccalaureate degree.
(d)
(i) A scholarship holder shall enroll full-time at an institution by no later than the fall term immediately following the student's high school graduation date or receive an approved deferral from the board.
(ii) The board may grant a deferral or leave of absence to a scholarship holder, but the scholarship holder may only receive scholarship money within five years of the student's high school graduation date.
(e) For a scholarship for which a student applies after October 1, 2019:
(i) the board shall reduce the amount of the scholarship holder's scholarship so that the total amount of state aid awarded to the scholarship holder, including tuition or fee waivers or the scholarship, does not exceed the cost of the scholarship holder's tuition and fees; and
(ii) the scholarship holder may only use the scholarship for tuition and fees.
(8) The board may cancel a New Century scholarship at any time if the student fails to:
(a) register for at least 15 credit hours per semester;
(b) maintain a 3.3 grade point average for two consecutive semesters; or
(c) make reasonable progress toward the completion of a baccalaureate degree.
(9)

(a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the General Fund to the board for the costs associated with the New Century Scholarship Program authorized under this section.
(b) It is understood that the appropriation is offset in part by the state money that would otherwise be required and appropriated for these students if these students were enrolled in a four-year postsecondary program at an institution.
(c) Notwithstanding Subsections (3)(a) and (7), if the appropriation under Subsection (9)(a) is insufficient to cover the costs associated with the New Century Scholarship Program, the board may reduce the scholarship amount.
(d) If money appropriated under this section is available after New Century scholarships are awarded, the board shall use the money for the Utah Promise Program created in Section 53H-11-414.

(10)
(a) The board shall adopt policies establishing an application process and an appeal process for a New Century scholarship.
(b) The board shall disclose on all applications and related materials that the amount of the scholarship is subject to funding and may be reduced, in accordance with Subsection (9)(c).
(c) The board shall require an applicant for a New Century scholarship to certify under penalty of perjury that:
(i) the applicant is a United States citizen; or
(ii) the applicant is a noncitizen who is eligible to receive federal student aid.
(d) The certification under this Subsection (10) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.

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

(12) A student may not receive both a New Century scholarship and an Opportunity scholarship established in Section 53H-11-402.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-408 Technical education scholarships.

(1) As used in this section:
(a) "Eligible institution" means:
(i) a degree-granting institution that provides technical education described in Section 53H-3-608; or
(ii) a technical college.
(b) "High demand program" means a technical education program that:
(i) is offered by an eligible institution;
(ii) leads to a certificate; and
(iii) is designated by the board in accordance with Subsection (6).
(c) "Scholarship" means a technical education scholarship described in this section.

(2) Subject to future budget constraints, the Legislature shall annually appropriate money to the board to be distributed to eligible institutions to award technical education scholarships.

(3) In accordance with the rules described in Subsection (5), an eligible institution may award a scholarship to an individual who:
(a) is enrolled in, or intends to enroll in, a high demand program; and
(b) demonstrates, in accordance with rules described in Subsection (5)(b), the completion of a Free Application for Federal Student Aid.

(4)
(a) An eligible institution may award a scholarship for an amount of money up to the total cost of tuition, fees, and required textbooks for the high demand program in which the scholarship recipient is enrolled or intends to enroll.
(b) An eligible institution may award a scholarship to a scholarship recipient for up to three academic years.
(c) An eligible institution may cancel a scholarship if the scholarship recipient does not:
(i) maintain enrollment in the eligible institution on at least a half time basis, as determined by the eligible institution; or
(ii) make satisfactory progress toward the completion of a certificate.
(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules:
(a) that establish:
(i) how state funding available for scholarships is divided among eligible institutions;
(ii) requirements related to an eligible institution's administration of a scholarship;
(iii) requirements related to eligibility for a scholarship, including requiring eligible institutions to prioritize scholarships for underserved populations;
(iv) a process for an individual to apply to an eligible institution to receive a scholarship; and
(v) how to determine satisfactory progress described in Subsection (4)(c)(ii); and
(b) regarding the completion of the Free Application for Federal Student Aid described in Subsection (3)(b), including:
(i) provisions for students or parents to opt out of the requirement due to:
(A) financial ineligibility for any potential grant or other financial aid;
(B) personal privacy concerns; or
(C) other reasons the board specifies; and
(ii) direction for applicants to financial aid advisors.
(6) Every other year, after consulting with the Department of Workforce Services, the board shall designate, as a high demand program, a technical education program that prepares an individual to work in a job that has, in Utah:
(a) high employer demand and high median hourly wages; or
(b) significant industry importance.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-409 Terrel H. Bell Education Scholarship Program.
(1) As used in this section:
(a) "Approved program" means a program that:
(i) is a teacher preparation program that:
(A) meets the standards described in Section 53E-6-302; and
(B) provides enhanced clinical experiences; or
(ii) prepares an individual to become:
(A) a speech-language pathologist; or
(B) another licensed professional providing services in a public school to students with disabilities.
(b) "Eligible institution" means an institution that offers an approved program and is:
(i) an institution; or
(ii) a private postsecondary educational institution.

(c) "High needs area" means a subject area or field in public education that has a high need for teachers or other employees, as determined in accordance with Subsections (6) and (7).
(d) "Scholarship" means a scholarship described in this section.
(2) Subject to future budget constraints, the Legislature shall annually appropriate money to the board for the Terrel H. Bell Education Scholarship Program to be distributed to eligible institutions to award scholarships to incentivize students to work in public education in Utah.
(3)
(a) Subject to the prioritization described in Subsection (3)(b), an eligible institution may award a scholarship to an individual who:
(i) meets the academic standards described in Subsection (6);
(ii) is enrolled in at least six credit hours at the eligible institution;
(iii) declares an intent to:
(A) apply to and complete an approved program at the eligible institution; and
(B) work in a Utah public school; and
(iv) demonstrates, in accordance with rules described in Subsection (6)(b), the completion of a Free Application for Federal Student Aid.
(b) An eligible institution shall prioritize awarding of scholarships:
(i) first, to first generation students who intend to work in any area in a Utah public school;
(ii) second, to students who:
(A) are not first generation students; and
(B) intend to work in a high needs area in a Utah public school; and
(iii) last, to other students who meet the requirements described in Subsection (3)(a).
(4)
(a) Except as provided in Subsection (4)(b), an eligible institution may award a scholarship to an individual for an amount up to the cost of resident tuition, fees, and books for the number of credit hours in which the individual is enrolled each semester.
(b) An eligible institution that is a private postsecondary educational institution may not award a scholarship for an amount of money that exceeds the average scholarship amount granted by an institution.
(5)
(a) Except as provided in Subsection (5)(b), an eligible institution may award a scholarship to an individual for up to four consecutive years.
(b) An eligible institution may grant a scholarship recipient a leave of absence.
(c) An eligible institution may cancel a scholarship if:
(i) the scholarship recipient fails to make reasonable progress toward completion of the approved program, as determined by the eligible institution; or
(ii) the eligible institution determines with reasonable certainty that the scholarship recipient does not intend to work in a Utah public school.
(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules:
(a) that establish:
(i) requirements related to an eligible institution's administration of a scholarship;
(ii) a process for an individual to apply to an eligible institution to receive a scholarship;
(iii) in accordance with Subsection (3)(a), requirements related to eligibility for a scholarship, including required academic standards;
(iv) in accordance with Subsection (3)(b), requirements related to prioritization of scholarships, including determination of:
(A) whether a student is a first generation student; and

(B) high needs areas; and
(v) criteria to determine whether an individual intends to work in a Utah public school; and
(b) regarding the completion of the Free Application for Federal Student Aid described in Subsection (3)(a)(iv), including:
(i) provisions for students or parents to opt out of the requirement due to:
(A) financial ineligibility for any potential grant or other financial aid;
(B) personal privacy concerns; or
(C) other reasons the board specifies; and
(ii) direction for applicants to financial aid advisors.
(7) The board shall consult with the State Board of Education to determine:
(a) whether a teacher preparation program provides enhanced clinical experiences; and
(b) which subject areas and fields are high needs areas.
(8) The board may use up to 5% of money appropriated for the purposes described in this section to promote the scholarships described in this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-410 Public Safety Officer Career Advancement Grant Program.
(1) This section creates the Public Safety Officer Career Advancement Grant Program.
(2) Subject to legislative appropriations and Subsection (7), the board shall award a grant to an applicant who:
(a) is a certified peace officer, currently employed by a law enforcement agency within the state; and
(b) is seeking a post-secondary degree in the area of criminal justice from a degree-granting institution described in Section 53H-1-102.
(3)
(a) Subject to Subsection (3)(b), the board may award a qualified applicant up to the cost of tuition and fees.
(b) A grant award under Subsection (3)(a) is limited to:
(i) a maximum of $5,000 each academic year; and
(ii) a maximum of four academic years.
(4) The board shall design the program to ensure that degree-granting institutions combine loans, grants, employment, and family and individual contributions toward financing the cost of attendance.
(5) Notwithstanding Subsection (4), the board may not award a scholarship described in Section 53H-11-403 to an applicant receiving a grant under this section.
(6)
(a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(i) set deadlines for receiving grant applications and supporting documentation; and
(ii) establish the application process and an appeal process for the Public Safety Officer Career Advancement Grant Program.
(b) The board shall include a disclosure on all applications and related materials that the amount of the awarded grants may be subject to funding or be reduced, in accordance with Subsection (7).
(7)

(a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the Income Tax Fund to the board for the costs associated with the Public Safety Officer Career Advancement Grant Program authorized under this section.
(b) Notwithstanding the provisions of this section, if the appropriation under this section is insufficient to cover the costs associated with the Public Safety Officer Career Advancement Grant Program, the board may:
(i) reduce the amount of a grant; or
(ii) distribute grants on a pro rata basis to all eligible applicants who submitted a complete application before the application deadline.
(8) Notwithstanding Subsection 53H-11-403(5), the board may not award a grant under this section to an applicant receiving a scholarship under the Karen Mayne Public Safety Officer Scholarship Program described in Section 53H-11-403.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-411 First Responder Mental Health Services Grant Program.
(1) As used in this section:
(a) "First responder" means an individual who works in Utah as:
(i) a law enforcement officer, as defined in Section 53-13-103;
(ii) an emergency medical technician, as defined in Section 53-2e-101;
(iii) an advanced emergency medical technician, as defined in Section 53-2e-101;
(iv) a paramedic, as defined in Section 53-2e-101;
(v) a firefighter, as defined in Section 53H-11-306;
(vi) a dispatcher, as defined in Section 53-6-102;
(vii) a correctional officer, as defined in Section 53-13-104;
(viii) a special function officer, as defined in Section 53-13-105, employed by a local sheriff;
(ix) a search and rescue worker under the supervision of a local sheriff;
(x) a forensic interviewer or victim advocate employed by a children's justice center established in accordance with Section 67-5b-102;
(xi) a credentialed criminal justice system victim advocate as defined in Section 77-38-403 who responds to incidents with a law enforcement officer;
(xii) a crime scene investigator technician;
(xiii) a wildland firefighter;
(xiv) an investigator or prosecutor of cases involving sexual crimes against children; or
(xv) a civilian employee of a first responder agency who has been authorized to view or otherwise access information concerning crimes, accidents, or other traumatic events.
(b) "First responder agency" means the same as that term is defined in Section 53-21-101.
(c) "First responder volunteer" means:
(i) an individual who donates services as a first responder to a first responder agency located in Utah without pay or other compensation except:
(A) expenses that the individual actually and reasonably incurs as the supervising first responder agency approves; and
(B) health insurance that a participant in the Volunteer Emergency Medical Service Personnel Health Insurance Program described in Section 53-2d-703 receives; or
(ii) a volunteer firefighter who is not regularly employed as a firefighter service employee, but who:
(A) has received training in firefighter techniques and skills;
(B) continues to receive regular firefighter training; and

(C) is on the rolls of a legally organized volunteer fire department that provides ongoing training and serves a political subdivision of the state.

(d) "Retiree" means the same as that term is defined in Section 49-11-102.

(2) This section creates the First Responder Mental Health Services Grant Program.

(3) Subject to legislative appropriations and Subsection (8), the board shall award a grant to an applicant who:

(a) is a first responder, a first responder volunteer, or a retiree who worked as a first responder in the state; and

(b) is seeking a post-secondary degree or certification to become a mental health therapist, as that term is defined in Section 58-60-102, from:

(i) an institution of higher education described in Section 53H-1-102; or

(ii) a private postsecondary educational institution.

(4)

(a) Subject to Subsection (4)(b), the board may award a qualified applicant a grant in an amount that is equal to the difference between:

(i) the total cost of tuition and fees for the program in which the recipient is enrolled; and

(ii) the total value of all other grants, tuition waivers, fee waivers, and scholarships that the recipient receives to attend the institution.

(b) A grant award under Subsection (4)(a) is limited to:

(i) a maximum of $6,000 each academic year; and

(ii) a maximum of four academic years.

(5) The board shall design the program to ensure that institutions combine loans, grants, employment, and family and individual contributions toward financing the cost of attendance.

(6) The board shall:

(a) select two periods during each calendar year to accept applications for the program; and

(b) accept applications for no fewer than 30 days during each period described in Subsection (6)(a).

(7)

(a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(i) set deadlines for receiving grant applications and supporting documentation; and

(ii) establish the application process and an appeal process for the First Responder Mental Health Services Grant Program.

(b) The board shall include a disclosure on all applications and related materials that the amount of the awarded grants may be subject to funding or be reduced, in accordance with Subsection (8).

(8)

(a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the Income Tax Fund to the board for the costs associated with the First Responder Mental Health Services Grant Program authorized under this section.

(b) Notwithstanding the provisions of this section, if the appropriation under this section is insufficient to cover the costs associated with the First Responder Mental Health Services Grant Program, the board may:

(i) reduce the amount of a grant; or

(ii) distribute grants on a pro rata basis to all eligible applicants who submitted a complete application before the application deadline.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-412 Adult Learners Grant Program.

(1) As used in this section:

(a)

(i) "Cost of attendance" means the estimated costs associated with taking an online course, as established by an eligible institution in accordance with board policies.

(ii) "Cost of attendance" includes tuition, costs payable to the eligible institution, and other direct educational expenses related to taking an online course.

(b) "Eligible institution" means an institution that offers a postsecondary level course of instruction using digital technology, including a private postsecondary educational institution.

(c) "Eligible student" means a financially needy student who is:

(i) an independent student on the Free Application for Federal Student Aid;

(ii) enrolled in an online course at an eligible institution;

(iii) pursuing:

(A) an online postsecondary degree program in a field where there is a demonstrated industry need; or

(B) an online non-degree program that is designed to meet industry needs and leads to a certificate or another recognized educational credential; and

(iv) a resident student under Section 53H-11-202 and rules the board establishes.

(d) "Financially needy student" means a student who demonstrates the financial inability to meet all or a portion of the cost of attendance at an eligible institution as defined by the board, after utilizing family and personal resources, federal assistance, and scholarships.

(e) "Fiscal year" means the fiscal year of the state.

(f) "Online course" means a postsecondary level course of instruction offered by an eligible institution using digital technology.

(g) "Program" means the Adult Learners Grant Program established in this section.

(h) "Tuition" means tuition and fees at the rate charged for residents of the state.

(2) There is created the Adult Learners Grant Program to provide financial assistance to eligible students.

(3)

(a) The board shall, in accordance with the guidelines in this section, develop and administer the program.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to establish:

(i) how an individual establishes financial need for purposes of receiving a grant under the program;

(ii) a requirement that an applicant complete the Free Application for Federal Student Aid;

(iii) how to determine whether an individual is a Utah resident;

(iv) a process and requirements for an individual to apply for a grant under the program;

(v) a formula to allocate money appropriated for the program to eligible students, prioritizing:

(A) students from rural areas;

(B) minority students;

(C) low income students;

(D) first generation students; and

(E) students pursuing education that aligns with industry needs; and

(vi) a method of identifying industry needs for purposes of determining student eligibility to receive a grant under this section.

(c) The board may not use more than 3% of money appropriated for the program for administrative costs or overhead.

(4) To be eligible for a grant under this section, a student shall demonstrate, in accordance with rules the board makes under Subsection (3)(b):

(a) that the student has completed the Free Application for Federal Student Aid; and

(b) that the student is financially needy.

(5) The board shall:

(a) annually establish the minimum and maximum amount for a grant;

(b)

(i) award grants to eligible students on an annual basis; and

(ii) distribute grant money on a quarter or semester basis; and

(c) except as provided in Subsection (3)(b)(v), award all money appropriated for the program without regard to an applicant's race, creed, color, religion, sex, or ancestry.

(6) The total sum of program grant money, financial aid from any source, and family or personal contribution may not exceed the cost of attendance for an eligible student at an eligible institution for a fiscal year.

(7) An eligible student that receives a grant under the program shall apply the grant money to the cost of attendance.

(8) The board shall annually report program outcomes to the Higher Education Appropriations Subcommittee, including:

(a) number of grant recipients at each eligible institution;

(b) average amount of grant money provided per grant recipient;

(c) benefits in fulfillment of the purposes for the program described in this section; and

(d) recommendations for program modification, including recommended funding levels.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-413 Establishment of the Veterans Tuition Gap Program.

(1) As used in this section:

(a) "Federal program" means a veterans educational assistance program established in:

(i) 10 U.S.C., Chapter 1606, Educational Assistance for Members of the Selected Reserve;

(ii) 38 U.S.C., Chapter 30, All-Volunteer Force Educational Assistance Program;

(iii) 38 U.S.C., Chapter 31, Training and Rehabilitation for Veterans with Service-Connected Disabilities;

(iv) 38 U.S.C., Chapter 31, Post-Vietnam Era Veterans' Educational Assistance; or

(v) 38 U.S.C., Chapter 33, Post-9/11 Educational Assistance.

(b) "Program" means the Veterans Tuition Gap Program created in this section.

(c) "Qualifying military veteran" means a veteran, as defined in Section 68-3-12.5, who:

(i) is a resident student under:

(A) Section 53H-11-202; and

(B) rules of the board;

(ii) is accepted into an institution and enrolled in a program leading to a bachelor's degree;

(iii)

(A) has exhausted the federal benefit under a federal program; or

(B) demonstrates that the veteran no longer qualifies to receive federal benefits under any federal program;

(iv) has not completed a bachelor's degree; and

(v) is not a family member.

(d) There is established a Veterans Tuition Gap Program to serve qualifying military veterans with tuition assistance at an institution or private postsecondary educational institution when:
(i) federal benefits under the federal program have been exhausted or are not available; and
(ii) a qualifying military veteran has not finished a bachelor's degree and is in the final year of a bachelor's degree program.
(2) The board shall use the guidelines in this section to develop policies to implement and administer the program.
(3)
(a) The board shall allocate money appropriated for the program to institutions or private postsecondary educational institutions to provide grants for qualifying military veterans.
(b) The board may not use program money for administrative costs or overhead.
(c) An institution or private postsecondary educational institution may not use more than 3% of the institution's program money for administrative costs or overhead.
(d) Money returned to the board under Subsection (8)(b) shall be used for future allocations to institutions or private postsecondary educational institutions.
(4)
(a) An institution or private postsecondary educational institution shall award a program grant to a qualifying military veteran on an annual basis but distribute the money one quarter or semester at a time, with continuing awards contingent upon the qualifying military veteran maintaining satisfactory academic progress as defined by the institution or private postsecondary educational institution in published policies or rules.
(b) At the conclusion of the academic year, money distributed to an institution or private postsecondary educational institution that was not awarded to a qualifying military veteran or used for allowed administrative purposes shall be returned to the board.
(c)
(i) To qualify for a program grant under this section, a military veteran shall demonstrate, in accordance with rules described in Subsection (4)(c)(ii), the completion of a Free Application for Federal Student Aid.
(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules regarding the completion of the Free Application for Federal Student Aid described in Subsection (4)(c)(i), including:
(A) provisions for students or parents to opt out of the requirement due to financial ineligibility for any potential grant or other financial aid, personal privacy concerns, or other reasons the board specifies; and
(B) direction for applicants to financial aid advisors.
(5) A qualifying military veteran may receive a program grant until:
(a) the qualifying military veteran completes the requirements for a bachelor's degree; or
(b) the qualifying military veteran receives the maximum award that the board sets.
(6) A qualifying military veteran who receives a program grant may use the grant toward tuition, fees, books, education-related supplies, and a housing allowance at an institution or private postsecondary educational institution.
(7) The board may accept grants, gifts, bequests, and devises of real and personal property from any source for the purpose of awarding grants to qualifying military veterans in addition to those funded by the state.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-414 Utah Promise Program.

(1) As used in this section:
(a)
(i) "Cost of attendance" means the estimated costs associated with attending a Utah postsecondary institution, as established by the Utah postsecondary institution in accordance with board policies.
(ii) "Cost of attendance" includes costs payable to the Utah postsecondary institution, other direct educational expenses, transportation, and living expenses while attending the Utah postsecondary institution.
(b) "Eligible student" means a financially needy student who is:
(i) unconditionally admitted to and enrolled at a Utah postsecondary institution on at least a half-time basis, as defined by the board, in an eligible postsecondary program leading to a defined education or training objective, as defined by the board;
(ii) making satisfactory academic progress, as defined by the Utah postsecondary institution in published policies or rules, toward an education or training objective;
(iii)
(A) a resident student under Section 53H-11-202 and rules of the board; or
(B) exempt from paying the nonresident portion of total tuition under Section 53H-11-203; and
(iv) not a graduate student.
(c) "Financially needy student" means a student who demonstrates the financial inability to meet all or a portion of the cost of attendance at a Utah postsecondary institution for any period of attendance as defined by the board, after considering the student's expected family contribution.
(d) "Fiscal year" means the fiscal year of the state.
(e) "Partner award" means a financial award described in this section.
(f) "Program" means the Utah Promise Program.
(g) "Promise partner" means an employer that participates in the program described in this section.
(h) "Utah postsecondary institution" means:
(i) an institution of higher education; or
(ii) a Utah private, nonprofit postsecondary educational institution.
(2) The Legislature finds that:
(a) the prosperity, economic success, and general welfare of the people of Utah and of the state are directly related to the educational levels and skills of the citizens of the state; and
(b) financial assistance, to bridge the gap between a financially needy student's resources and the cost of attendance at a Utah postsecondary institution, is a necessary component for ensuring access to postsecondary education and training.
(3) There is created the Utah Promise Program to provide financial assistance to students.
(4) The board shall annually submit an electronic report to the Higher Education Appropriations Subcommittee regarding the Utah Promise Program.
(5)
(a) As part of the Utah Promise Program and in accordance with this section, the board shall allocate available money to each Utah postsecondary institution to use to award promise grants to eligible students to pay the eligible student's cost of attendance.
(b) An eligible student may apply for a promise grant in accordance with procedures established by board rule.
(c) The amount of a promise grant to an eligible student may not exceed the amount equal to the difference between:
(i) the eligible student's cost of attendance; and

(ii) the total value of other financial aid that the eligible student receives toward the eligible student's cost of attendance.

(d) An eligible student may transfer a promise grant to one or more other Utah postsecondary institutions.

(6) In administering this section, the board shall use a packaging approach that ensures that Utah postsecondary institutions combine loans, grants, employment, and family and individual contributions toward financing the cost of attendance.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules establishing:

(a) an application process;

(b) eligibility criteria, including:

(i) criteria related to academic achievement and enrollment status; and

(ii) a requirement that an applicant demonstrate completion of the Free Application for Federal Student Aid, unless the student or the student's parent opts out in accordance with board rule;

(c) how a student demonstrates financial need;

(d) a formula to determine the allocation of money to Utah postsecondary institutions in accordance with Subsection (5), taking into account:

(i) the cost of attendance for programs offered by Utah postsecondary institutions; and

(ii) the number of eligible students who attend each Utah postsecondary institution; and

(e) a methodology for prioritizing award of promise grants based primarily on financial need.

(8) A student is eligible for a promise grant until the student:

(a) earns a first bachelor's degree; or

(b) completes 120 credit hours.

(9) The board or a Utah postsecondary institution may not represent to a recipient or a potential recipient of a promise grant that promise grants will remain available in perpetuity.

(10)

(a) The board may require a Utah postsecondary institution to enter into a participation agreement before the Utah postsecondary institution may award promise grants.

(b) In a participation agreement, the board shall include a requirement that the Utah postsecondary institution:

(i) provide to the board information necessary to administer the promise grants;

(ii) comply with this section and board rules related to the promise grants;

(iii) submit reports related to the promise grants as required by board rule; and

(iv) cooperate in any review or financial audit related to the promise grants that the board determines necessary.

(11)

(a) The board may use up to 2% of the money appropriated for promise grants for costs related to administering the promise grants.

(b) A Utah postsecondary institution may use up to 3% of the money the Utah postsecondary institution receives for promise grants for costs related to administering the promise grants.

(12) The board may supplement state appropriations for the program with private contributions.

(13) As part of the Utah Promise Program, the board may select employers to be promise partners.

(14) The board may select an employer as a promise partner if the employer:

(a) applies to the board to be a promise partner; and

(b) meets other requirements established by the board in the rules described in Subsection (18).

(15) An individual employed by, or who is a dependent of an employee of, a promise partner is eligible to receive a partner award if the individual:

(a) applies for a partner award;
(b) is admitted to and enrolled in a Utah postsecondary institution; and
(c) maintains the eligibility requirements described in this Subsection (15) for the full length of time the individual receives the partner award.

(16)
(a) Subject to legislative appropriations and Subsection (16)(b), the board shall award a partner award to an individual who meets the requirements described in Subsection (15).
(b) The board may:
(i) award a partner award for up to the portion of tuition and fees for a program at a Utah postsecondary institution that is not covered by a promise partnership described in Subsection (18)(a); and
(ii) prioritize awarding partner awards if an appropriation for partner awards is not sufficient to provide a partner award to each individual who is eligible under Subsection (15).
(c) The board may continue to award a partner award to a recipient who meets the requirements described in Subsection (15) until the earlier of:
(i) four years after the day on which the individual initially receives a partner award;
(ii) when the recipient uses a partner award to attend a Utah postsecondary institution for eight semesters; or
(iii) when the recipient completes an approved program.

(17) The board may name a specific promise grant after the donating business.

(18) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules that establish:
(a) a process for a business to seek and receive approval from the board to become a promise partner, including providing funds for tuition and fees to be distributed under the Utah Promise Program;
(b) a process for an individual to apply for a partner award; and
(c) criteria for the board to prioritize awarding partner awards to individuals.

(19) The board may allow an individual to apply directly to the board for a partner award.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-11-415 Talent Development Award Program.

(1) As used in this section:
(a) "Award" means a monetary grant awarded in accordance with this section.
(b) "Full-time" means the number of credit hours the board determines is full-time enrollment for a student for purposes of the program.
(c) "GOED" means the Governor's Office of Economic Development created in Section 63N-1a-301.
(d) "Program" means the Talent Development Award Program created in this section.
(e) "Qualifying degree" means an associate's or a bachelor's degree that qualifies an individual to work in a qualifying job, as determined by GOED under this section.
(f) "Qualifying job" means a job:
(i) described in this section for which an individual may receive an award for the current two-year period; or
(ii)
(A) that was identified in accordance with this section at the time a recipient received an award; and

(B) for which the recipient is pursuing a qualifying degree, for which the recipient completed a qualifying degree, or in which the recipient is working.

(g) "Recipient" means an individual who receives an award.

(2) There is created the Talent Development Award Program to recruit and train individuals to work in certain jobs that have a high demand for new employees and offer high wages.

(3) Subject to available funds, an institution shall award an individual who:

(a) is pursuing or declares an intent to pursue a qualifying degree;

(b) declares an intent to work in a qualifying job described in this section in Utah following graduation;

(c) applies to the institution to receive an award; and

(d) meets other criteria determined by the board in the rules described in this section.

(4)

(a) An institution may award a recipient in an amount up to the cost of resident tuition, fees, and books for the number of credit hours in which the recipient is enrolled each semester.

(b) An institution may award a recipient for up to the expected amount of time for the recipient to complete the qualifying degree, as determined by the institution.

(c) An institution may cancel an award in accordance with the rules described in this section.

(5) An institution may use money from a partnership with an industry or business for funding or repaying an award.

(6) The board may use up to 5% of money appropriated for the program for administration.

(7) Every other year, GOED shall identify:

(a) five qualifying jobs that:

(i) have the highest demand for new employees; and

(ii) offer high wages; and

(b) the qualifying degrees for each qualifying job.

(8) GOED shall:

(a) ensure that each qualifying job:

(i) ranks in the top 40% of jobs based on an employment index that considers the job's growth rate and total openings;

(ii) ranks in the top 40% of jobs for wages; and

(iii) requires an associate's degree or a bachelor's degree; and

(b) report the five qualifying jobs and qualifying degrees to the board.

(9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to:

(a) establish an application process for an individual to apply for an award;

(b) subject to this section, establish qualifying criteria for an individual to receive an award, including enrollment status;

(c) establish a process to evaluate applications that prioritizes awards to students who demonstrate financial need;

(d) establish how state funding available for awards is divided among institutions;

(e) establish how to determine an amount of money for an award;

(f) establish the circumstances under which an institution may cancel an award; and

(g) require an institution to provide specified information to the board relevant to administering the program.

(10) In administering the program, the board shall use a packaging approach that ensures that institutions combine loans, grants, employment, and family and individual contributions toward financing the cost of attendance.

Amended by Chapter 343, 2026 General Session

53H-11-416 Citizenship scholarship program.

(1) As used in this section:
  (a) "Citizenship grade" means the same as that term is defined in Section 53E-4-208.
  (b) "Fund" means the Citizenship Scholarship Fund created in Section 59-10-1325.
(2) The board shall:
  (a) collect citizenship grade and attendance data from an LEA as necessary to administer this section;
  (b) establish scholarship eligibility criteria that:
    (i) includes demonstrated exemplary citizenship as reflected in citizenship grades awarded under Section 53E-4-208;
    (ii) includes student attendance records as a component of eligibility; and
    (iii) prioritizes students who have demonstrated sustained exemplary citizenship throughout high school;
  (c) distribute scholarship funds to eligible students attending an institution within the state system of higher education; and
  (d) upon request, report to the Higher Education Appropriations Subcommittee on the program's administration and outcomes.
(3) Upon receiving funds from the State Tax Commission in accordance with Section 59-10-1325, the board shall distribute scholarships in accordance with the eligibility criteria and procedures established under this section.
(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to:
  (a) establish detailed scholarship eligibility criteria;
  (b) define the weight and consideration given to citizenship grades and attendance records;
  (c) establish application procedures and deadlines;
  (d) determine scholarship award amounts; and
  (e) establish any other provisions necessary to administer this section.

Enacted by Chapter 206, 2026 General Session

53H-11-417 Workforce Pell Grant program -- State participation authorized.

(1) As used in this section:
  (a) "Eligible workforce program" means an educational program that:
    (i) an institution of higher education offers; and
    (ii) the board approves for submission to the United States Secretary of Education for consideration regarding participation in the federal Workforce Pell Grant program.
  (b) "Federal Workforce Pell Grant program" means the program that Section 401 of the Higher Education Act of 1965, 20 U.S.C. Sec. 1070a, as amended, establishes to provide federal Pell Grant assistance to students the federal government determines are eligible and who enroll in eligible workforce programs.
  (c) "Secretary" means the United States Secretary of Education.
  (d) "Title IV programs" means federal student financial aid programs authorized under Title IV of the Higher Education Act of 1965, 20 U.S.C. Sec. 1070 et seq., including the federal Pell Grant program and the federal Workforce Pell Grant program.
(2) The governor may delegate to the board, in consultation with the State Workforce Development Board, the authority that federal law grants to the governor to approve eligible workforce

programs to submit to the secretary for consideration regarding participation in the federal Workforce Pell Grant program.

(3) The board shall:

(a) receive applications from institutions of higher education that seek approval of eligible workforce programs;

(b) determine whether a program meets the requirements that federal law and regulations establish for eligible workforce programs;

(c) create an approved list of eligible programs to submit to the secretary for consideration regarding participation in the federal Workforce Pell Grant program;

(d) certify the eligibility of approved programs to the United States Secretary of Education;

(e) monitor programs that the board approves;

(f) reapprove programs as federal regulations require; and

(g) withdraw approval from programs that fail to meet federal or state requirements.

(4)

(a) The board may limit the number of programs the board approves or the number of institutions that may participate during any award year to ensure effective program administration and quality control.

(b) The commissioner of higher education acts as the board's designee to execute certifications, agreements, and other documents that federal regulations require.

(c) The board may contract with third-party vendors for data analysis, labor market information, outcome tracking, or technical assistance necessary to perform the board's duties under this section.

(5)

(a)

(i) The Department of Workforce Services shall provide to the board, upon the board's request, unemployment insurance wage record data that the board needs to:

(A) calculate completion rates and job placement rates for eligible workforce programs;

(B) certify completion rates and job placement rates to the United States Secretary of Education; and

(C) verify student enrollment, completion, employment, and earnings for purposes of administering Title IV programs.

(ii) The Department of Workforce Services may contract with third-party vendors for data analysis, technical assistance, or services necessary to perform the department's duties under this section.

(b) The board may request and a state agency may provide to the board administrative data, including personally identifiable information, that the board needs to perform the board's duties under this section.

(c) The board shall:

(i) use data the board receives under this Subsection (5) only for purposes this section authorizes;

(ii) maintain the confidentiality and security of personally identifiable information the board receives;

(iii) comply with federal and state privacy laws; and

(iv) enter into data sharing agreements with state agencies that provide data under this Subsection (5).

(d) The board may share data with the United States Secretary of Education, the United States Secretary of Labor, or another state as federal law or an interstate agreement requires, subject to applicable privacy protections.

(e) An individual commits a class B misdemeanor if the individual knowingly or intentionally:
(i) discloses personally identifiable information the individual obtains under this Subsection (5) for a purpose this section does not authorize;
(ii) uses personally identifiable information the individual obtains under this Subsection (5) for a purpose this section does not authorize; or
(iii) accesses personally identifiable information the individual obtains under this Subsection (5) without authorization.
(6) The board may enter into agreements with another state to allow:
(a) students who reside in the state to enroll in eligible workforce programs that the other state approves; or
(b) students who reside in the other state to enroll in eligible workforce programs that the board approves.
(7) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(a) establish procedures for institutions of higher education to apply for approval of eligible workforce programs;
(b) establish criteria the board will use to determine whether a program meets federal requirements for eligible workforce programs;
(c) establish procedures for the board to consult with the State Workforce Development Board before the board approves a program;
(d) establish procedures for the board to calculate and certify completion rates and job placement rates;
(e) establish procedures for the board to monitor, reapprove, and withdraw approval of programs;
(f) require institutions that offer eligible workforce programs to disclose program information to students; and
(g) implement this section and comply with federal requirements.
(8)
(a) The board, the commissioner of higher education, and employees of the board acting within the scope of employment have immunity from suit for a decision the board, the commissioner, or an employee makes or an action the board, the commissioner, or an employee takes regarding:
(i) approval or denial of an eligible workforce program;
(ii) withdrawal of approval of an eligible workforce program;
(iii) calculation or certification of completion rates or job placement rates; or
(iv) any other discretionary function this section authorizes.
(b) Subsection (8)(a) does not limit the immunity that Title 63G, Chapter 7, Governmental Immunity Act of Utah, provides.

Enacted by Chapter 355, 2026 General Session

Chapter 12
Student Loan Collection

Part 1
General Provisions

53H-12-101 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 2
Collection of Student Loans

53H-12-201 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-12-202 Student loan delinquent or in default -- Authority to collect.
If a National Direct Student Loan or a student loan made under this title, is delinquent or in default, the state college, university, or board of regents responsible for collection of the loan may proceed under this part to collect the loan.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-12-203 Mailing of notice of default -- Contents of notice.
(1) Upon default in payment of a student loan or an installment payment on a student loan, the entity responsible for collecting the loan may send a notice, by certified mail, to the borrower at the borrower's last known address.
(2) The notice shall state the following:
(a) the date and amount of the loan;
(b) the balance of the loan;
(c) the amount of delinquent installments and the dates the installments were due;
(d) a demand for immediate payment of delinquent installments;
(e) the right of the borrower to file a written response to the notice, to have a hearing, to be represented at the hearing, and to appeal any decision of the hearing examiner;
(f) the time within which a written response must be filed; and
(g) the power of the college, university, or board upon the failure of the borrower to respond or upon a decision of the hearing examiner adverse to the borrower, to obtain an order under this part and to execute upon income tax overpayments or refunds of the borrower.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-12-204 Failure to receive response or payment after notice -- Authority to collect balance.
If a written response or payment of delinquent installments is not received by the college, university, or board within 15 days from the date of receipt of the notice by the borrower, the college, university, or board may determine the balance due and proceed to collect the balance as provided in Section 53H-12-207.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-12-205 Hearing set after receipt of written notice -- Notice of hearing.

If a written response to the notice sent under Section 53H-12-203 is received by the college, university, or board, a hearing is set within 30 days of the receipt of the response, and written notice of the hearing is mailed to the borrower at least 15 days before the date for the hearing.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-12-206 Designation of hearing examiner -- Representation at hearing -- Findings and order of examiner -- Continuance of hearing.

(1) The hearing under Section 53H-12-205 is held before a hearing examiner designated by the college, university, or board.
(2) The examiner may not be an officer or employee of the division or office of the college, university, or board responsible for collecting or administering student loans.
(3) The borrower and college, university, or board may be represented at the hearing by an attorney or other person, and may present evidence, exhibits, testimony, witnesses, and other material regarding the student loan, payments, and default as are relevant.
(4) The hearing examiner shall make specific written findings on the student loan, payments, default, and the balance due and shall enter a written order.
(5) If the hearing examiner finds the borrower has defaulted, the order shall state the fact of default and the balance due on the loan including interest. If the examiner finds no default, the order shall dismiss the claim.
(6) The findings and order of the hearing examiner are filed with the college, university, or board and copies mailed to the borrower within 10 days after conclusion of the hearing.
(7) The hearing may be continued by agreement of the parties and approval of the hearing examiner or upon order of the hearing examiner.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-12-207 Order stating default -- Filing with State Tax Commission -- Lien of order.

(1) An abstract of an order of a hearing examiner stating a default under Section 53H-12-206 may be filed with the State Tax Commission and, when filed, constitutes a lien to the extent of the balance due plus interest against any state income tax refund or overpayment due or to become due to the borrower for a period of eight years from the date of the order unless satisfied or otherwise released in writing by the college, university, or board.
(2) The lien created by this section is, for the purposes of Section 59-10-529 only, a judgment, but no credit of a tax refund or overpayment shall be made on account of the lien until 20 days after the date of the hearing examiner's order.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-12-208 Judicial review of order -- Filing complaint -- Hearing de novo -- Stay of action on lien by State Tax Commission.

(1) Judicial review of an order of a hearing examiner issued under Section 53H-12-206 is obtained by any party by filing a complaint with the district court within 20 days after the date of the order.
(2) If a complaint is filed, the matter is heard by the district court de novo.

(3) A notice of the filing of a complaint may be filed with the State Tax Commission and, if filed, the tax commission shall take no action with respect to the lien created under Section 53H-12-207 until the matter is finally disposed of by the district court or on appeal from the district court, except as provided in this part.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-12-209 Complaint filed -- Bond furnished by borrower -- Terms of bond.

(1) If a complaint is filed under Section 53H-12-208, the borrower may furnish to the tax commission a bond, with good and sufficient sureties, in the amount of the balance of the loan or the amount of any overpayment or refund due, whichever is less.
(2) The lien created under Section 53H-12-207 is then dissolved as to that overpayment or refund and the overpayment or refund released to the borrower.
(3) The bond shall provide that the surety will pay, upon a final determination adverse to the borrower, the amount of the bond, or a lesser amount as the court may determine, to the tax commission for the use and benefit of the college, university, or board obtaining the order.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-12-210 Rules for hearings.

The board may adopt rules for the implementation of Sections 53H-12-205 and 53H-12-206, including rules for the conduct of hearings and appointment of hearing examiners.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 3
Collection of Student Loans from Public Employees

53H-12-301 Definitions.

As used in thispart:

(1) "Disposable earnings" means the part of an employee's earnings remaining after the deduction of all amounts required by law to be withheld.
(2) "Earnings" or "earnings from personal services" means compensation paid or payable for personal services, whether designated as wages, salary, commission, bonus, or otherwise, and includes periodic payments under a pension or retirement program.
(3) "Public employee" means any employee, officer, or servant of the state of Utah, or any office, department, agency, authority, commission, board, institution, hospital, college, university, or other instrumentality of the state, or of any county, city, town, school district, special improvement or taxing district, or any other political subdivision or public corporation of or within the state.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-12-302 Collection of defaulted student loan from public employee.

If a National Direct Student Loan or a student loan made to a public employee under this title, is delinquent or in default, the state college, university, or board responsible for collection of the loan may proceed under this part to collect the loan.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-12-303 Proceedings -- Notice -- Inspection of records -- Repayment -- Hearing.

When a state college, university, or board determines that a public employee is indebted to the state for debts arising from a defaulted student loan, it may initiate proceedings to collect the debt through deductions from earnings by providing the public employee with the following:

(1) a minimum of 30 days' written notice as provided in Section 53H-12-203;

(2) an opportunity to inspect and copy college, university, or board records relating to the debt;

(3) an opportunity to enter into a written agreement with the college, university, or board, under terms agreeable to the college, university, or board, to establish a schedule for the repayment of the debt; and

(4) an opportunity for a hearing on the determination of the college, university, or board concerning the existence or the amount of the debt in accordance with Sections 53H-12-205 and 53H-12-206 and judicial review of an order of a hearing examiner under Sections 53H-12-208 and 53H-12-209.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-12-304 Lack of response.

If a written response or payment of delinquent installments is not received by the college, university, or board within 15 days from the date of receipt of the notice by the public employee, the college, university, or board may determine the balance due and proceed to collect the balance as provided in Section 53H-12-305.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-12-305 Filing of abstract of order of default -- Lien -- Deduction from wages.

An abstract of an order of a hearing examiner stating a default may be filed with the financial officer responsible for payment of the public employee's wages. When filed, the abstract constitutes a lien against 15% of the disposable earnings due, or to become due, to the public employee to the extent of the balance due plus interest. The financial officer shall deduct the amount subject to this lien from the public employee's disposable earnings, and remit the deducted amount to the college, university, or board, but no such amount shall be remitted to the college, university, or board until 20 days after the date of the hearing examiner's order.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-12-306 Personnel information.

Upon written request of the state college, university, or board, persons with access to personnel information regarding public employees shall disclose the mailing address of individuals who have defaulted under Section 53H-12-302 and who are current public employees for use by the college, university, or board in locating those individuals to collect student loan obligations.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-12-307 Reimbursed costs.

The public employer may obtain reimbursement for costs incurred in providing the information requested under Section 53H-12-306 through the state college, university, or board, which costs are the responsibility of and collectible from the public employee.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Chapter 13
Workforce Development

Part 1
General Provisions

53H-13-101 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 2
Career Readiness

53H-13-201 General provisions -- Definitions.

As used in this part:

(1) "Education provider" means:
  (a) an institution of higher education; or
  (b) a nonprofit Utah provider of postsecondary education.
(2) "Student user" means:
  (a) a Utah student in kindergarten through grade 12;
  (b) a Utah postsecondary education student;
  (c) a parent or guardian of a Utah public education student; or
  (d) a Utah potential postsecondary education student.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-13-202 State online career counseling program.

(1) The board shall develop and administer a state online career counseling program in accordance with this section.
(2) The board shall ensure, as funding allows and is feasible, that the program:
  (a) allows a student user to:
    (i) access, subject to Subsection (3), information about an education provider or a scholarship provider;
    (ii) access information about different career opportunities and understand the related educational requirements to enter that career;

(iii) access information about education providers;
(iv) access up to date information about entrance requirements to education providers; and
(v) research open jobs from different companies within the user's career interest and apply for those jobs without having to leave the website to do so;
(b) allows all users to:
(i) access information about different career opportunities and understand the related educational requirements to enter that career;
(ii) access information about education providers; and
(iii) access up-to-date information about entrance requirements to education providers;
(c) allows an education provider to:
(i) request that the program send information to student users who are interested in various educational opportunities;
(ii) promote the education provider's programs and schools to student users; and
(iii) connect with student users within the program's website;
(d) allows a Utah business to:
(i) request that the program send information to student users who are pursuing educational opportunities that are consistent with jobs the Utah business is trying to fill now or in the future; and
(ii) market jobs and communicate with student users through the program's website as allowed by law; and
(e) provide analysis and reporting on student user interests and education paths within the education system.
(3) A student may access information described in Subsection (2)(a)(i) only if the program obtains written consent:
(a) of a student's parent or legal guardian through the student's school or LEA; or
(b) for a student who is 18 years old or older or an emancipated minor, from the student.
(4) The board:
(a) may charge a fee to a Utah business for services provided by the program under this section; and
(b) shall establish a fee described in Subsection (4)(a) in accordance with Section 63J-1-504.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 3
Talent Ready Utah and Talent, Education, and Industry Alignment

53H-13-301 General provisions -- Definitions.

As used in this part:
(1) "Apprenticeship program" means a program that:
(a) combines paid on-the-job learning with formal classroom instruction to prepare students for careers; and
(b) includes:
(i) structured on-the-job learning for students under the supervision of a skilled employee;
(ii) classroom instruction for students related to the on-the-job learning;
(iii) ongoing student assessments using established competency and skills standards; and

(iv) the student receiving an industry-recognized credential or degree upon completion of the program.

(2) "Career and technical education region" means an economic service area created in Section 35A-2-101.

(3) "GOED" means the Governor's Office of Economic Development created in Section 63N-1a-301.

(4) "High quality professional learning" means the professional learning standards for teachers and principals described in Section 53G-11-303.

(5) "Institution of higher education" means the University of Utah, Utah State University, Southern Utah University, Weber State University, Snow College, Utah Tech University, Utah Valley University, or Salt Lake Community College.

(6) "Local education agency" means a school district, a charter school, or the Utah Schools for the Deaf and the Blind.

(7) "Master plan" means the computer science education master plan described in Section 53H-13-305.

(8) "Participating employer" means an employer that:

(a) partners with an educational institution on a curriculum for an apprenticeship program or work-based learning program; and

(b) provides an apprenticeship or work-based learning program for students.

(9) "State board" means the State Board of Education.

(10) "Talent board" means the Talent, Education, and Industry Alignment Board created in Section 53H-13-302.

(11) "Talent program" means the Talent Ready Utah Program created in Section 53H-13-303.

(12) "Targeted industry" means an industry or group of industries targeted by GOED for economic development in the state.

(13) "Technical college" means:

(a) the same as that term is defined in Section 53H-1-101; and

(b) a degree-granting institution acting in the degree-granting institution's technical education role described in Section 53H-3-608.

(14)

(a) "Work-based learning program" means a program that combines structured and supervised learning activities with authentic work experiences and that is implemented through industry and education partnerships.

(b) "Work-based learning program" includes the following objectives:

(i) providing students an applied workplace experience using knowledge and skills attained in a program of study that includes an internship, externship, or work experience;

(ii) providing an educational institution with objective input from a participating employer regarding the education requirements of the current workforce; and

(iii) providing funding for programs that are associated with high-wage, in-demand, or emerging occupations.

(15) "Workforce programs" means education or industry programs that facilitate training the state's workforce to meet industry demand.

Amended by Chapter 343, 2026 General Session

53H-13-302 Talent, Education, and Industry Alignment Board -- Creation -- Membership -- Expenses -- Duties.

(1) There is created the Talent, Education, and Industry Alignment Board composed of the following members:
(a) the state superintendent of public instruction or the superintendent's designee;
(b) the commissioner or the commissioner's designee;
(c) the chair of the State Board of Education or the chair's designee;
(d) the executive director of the Department of Workforce Services or the executive director's designee;
(e) the executive director of the Governor's Office of Economic Development or the executive director's designee;
(f) the director of the Division of Professional Licensing or the director's designee;
(g) the governor's education advisor or the advisor's designee;
(h) one member of the Senate, appointed by the president of the Senate;
(i) one member of the House of Representatives, appointed by the speaker of the House of Representatives;
(j) the president of the Salt Lake Chamber or the president's designee;
(k) six representatives of private industry chosen to represent targeted industries, appointed by GOED;
(l) the lieutenant governor or the lieutenant governor's designee; and
(m) any additional individuals appointed by GOED who represent:
(i) one or more individual educational institutions; or
(ii) education or industry professionals.
(2) The talent board shall select a chair and vice chair from among the members of the talent board.
(3) The talent board shall meet at least quarterly.
(4) Attendance of a majority of the members of the talent board constitutes a quorum for the transaction of official talent board business.
(5) Formal action by the talent board requires the majority vote of a quorum.
(6) A member of the talent board:
(a) may not receive compensation or benefits for the member's service; and
(b) who is not a legislator may receive per diem and travel expenses in accordance with:
(i) Section 63A-3-106;
(ii) Section 63A-3-107; and
(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
(7) The talent board shall:
(a)
(i) review and develop metrics to measure the progress, performance, effectiveness, and scope of any state operation, activity, program, or service that primarily involves employment training or placement; and
(ii) ensure that the metrics described in Subsection (7)(a) are consistent and comparable for each state operation, activity, program, or service that primarily involves employment training or placement;
(b) make recommendations to the board and GOED regarding how to better align training and education in the state with industry demand;
(c) make recommendations to the board and GOED regarding how to better align technical education with current and future workforce needs;
(d) coordinate with the talent program to meet the responsibilities described in Section 53H-13-303;
(e) develop a computer science education master plan in accordance with Section 53H-13-305;

(f) coordinate with the talent program to meet the responsibilities described in Section 53H-13-310; and
(g) administer the Utah Works Program in accordance with Section 53H-13-307.
(8) Nothing in this section prohibits an individual who, on June 30, 2022, is a member of a subcommittee within the Governor's Office of Economic Development known as the Talent, Education, and Industry Alignment Subcommittee from serving as a member of the talent board.

Amended by Chapter 343, 2026 General Session

53H-13-303 Talent Ready Utah Program.
(1) There is created the Talent Ready Utah Program administered by the commissioner.
(2) The commissioner, with the approval of the board, shall appoint a director of the talent program.
(3) The director of the talent program:
(a) shall appoint, with the approval of the commissioner, an apprenticeship intermediary, to carry out the duties described in Subsection (5); and
(b) may appoint other staff with the approval of the commissioner.
(4) The talent program shall coordinate with the talent board to:
(a) further education and industry alignment in the state;
(b) coordinate the development of new education programs that align with industry demand;
(c) coordinate or partner with other state agencies to administer grant programs;
(d) promote the inclusion of industry partners in education;
(e) provide outreach and information to employers regarding workforce programs and initiatives;
(f) develop and analyze stackable credential programs;
(g) determine efficiencies among workforce providers;
(h) map available workforce programs focusing on programs that successfully create high-paying jobs; and
(i) support initiatives of the talent board.
(5) The apprenticeship intermediary appointed by the director under Subsection (3) shall, in coordination with the talent program and at the direction of the talent board, foster relationships between industry partners, local education agencies, and the talent program, including by:
(a) increasing awareness for the talent program;
(b) recruiting industry partners;
(c) connecting high school students to participating employers, apprenticeship opportunities, and work-based learning opportunities;
(d) working with local education agencies to:
(i) integrate talent program apprenticeship opportunities and work-based learning opportunities;
(ii) connect high school students with higher education opportunities;
(e) training mentors at participating employers in vocational education practices for youth;
(f) holding meetings with education partners and industry partners to discuss curriculum needs and industry needs;
(g) working with institutions of higher education and local education agencies to ensure industry-recognized credential programs are fully stackable; and
(h) performing other duties as directed by the talent board.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-13-304 Talent program report to board.

The talent program shall annually report to the board on the talent program's operations and recommendations, including the results of the apprenticeship pilot program described in Section 53H-13-310.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-13-305 Computer science education master plan.

The talent board, in consultation with the state board and the talent program, shall develop a computer science education master plan that:

(1) includes a statement of the objectives and goals of the master plan;

(2) describes how the talent board and the state board will administer the Computer Science for Utah Grant Program created in Section 53H-13-306;

(3) provides guidance for local education agencies in implementing computer science education opportunities for students in high school, middle school, and elementary school;

(4) integrates recommendations and best practices from private and public entities that are seeking to improve and expand the opportunities for computer science education, including the Expanding Computer Education Pathways Alliance; and

(5) makes recommendations to assist a local education agency in creating a local education agency computer science plan described in Subsection 53H-13-306(6), including:

(a) providing recommendations regarding course offerings in computer science;

(b) providing recommendations regarding professional development opportunities in computer science for licensed teachers;

(c) providing recommendations regarding curriculum software for computer science courses;

(d) providing recommendations regarding assessment solutions to measure the learning outcomes of students in computer science courses; and

(e) providing information regarding how a local education agency can receive technical support from the talent board in providing computer science education opportunities for students.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-13-306 Computer Science for Utah Grant Program.

(1) As used in this section, "grant program" means the Computer Science for Utah Grant Program created in Subsection (2).

(2) The Computer Science for Utah Grant Program is created to provide grants to eligible local education agencies for improving computer science learning outcomes and course offerings as demonstrated by:

(a) the creation and implementation of a local education agency computer science plan as described in Subsection (6); and

(b) the effective implementation of approved courses and the provision of effective training opportunities for licensed teachers.

(3) Subject to appropriations from the Legislature, the state board, in consultation with the talent board, shall distribute to local education agencies money appropriated for the grant program in accordance with this section.

(4) In administering the Computer Science for Utah Grant Program, the state board, in consultation with the talent board, may make rules, in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(a) describe the form and deadlines for a grant application by a local education agency under this section; and

(b) describe the reporting requirements required by a local education agency after receiving a grant under this section.

(5) In awarding a grant under Subsection (3), the state board shall consider the effectiveness of the local education agency in creating and implementing a local education agency computer science plan as described in Subsection (6).

(6) Each local education agency that seeks a grant as described in this section shall submit a written computer science plan, in a form approved by the state board, that:

(a) covers at least four years;

(b) addresses the recommendations of the talent board's computer science education master plan described in Section 53H-13-305;

(c) identifies targets for improved computer science offerings, student learning, and licensed teacher training;

(d) describes a computer science professional development program and other opportunities for high quality professional learning for licensed teachers or individuals training to become licensed teachers;

(e) provides a detailed budget, communications, and reporting structure for implementing the computer science plan;

(f) commits to provide one computer science course offering, approved by the talent board, in every middle and high school within the local education agency;

(g) commits to integrate computer science education into the curriculum of each elementary school within the local education agency; and

(h) includes any other requirement established by the state board by rule, in consultation with the talent board, in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(7) Each local education agency that receives a grant as described in this section shall provide an annual written assessment to the state board and the talent board for each year that the local education agency receives a grant or expends grant money that includes:

(a) how the grant money was used;

(b) any improvements in the number and quality of computer science offerings provided by the local education agency and any increase in the number of licensed teachers providing computer science teaching to students;

(c) any difficulties encountered during implementation of the local education agency's written computer science plan and steps that will be taken to address the difficulties; and

(d) any other requirement established by the state board by rule, in consultation with the talent board, in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(8)

(a) The state board and the talent board shall review each annual written assessment described in Subsection (7).

(b) As a result of the review described in Subsection (8)(a):

(i) the state board or the talent board may provide recommendations to improve the progress of the local education agency in meeting the objectives of the written computer science plan;

(ii) the state board may determine not to renew or extend a grant under this section; or

(iii) the state board or the talent board may take other action to assist the local education agency.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-13-307 Utah Works Program.

(1) There is created the Utah Works Program.

(2) The Utah Works Program, under the direction of the talent board, shall partner with the following entities to develop short-term pre-employment training and short-term early employment training for student and workforce participants that meet the needs of businesses that are creating jobs and economic growth in the state:

(a) the Department of Workforce Services;

(b) the Governor's Office of Economic Development; and

(c) businesses that have significant hiring demands for primarily newly created jobs in the state.

(3) In addition to the duties described in Subsection (2), the Utah Works Program may:

(a) coordinate with the Department of Workforce Services, education agencies, and employers to create effective recruitment initiatives to attract student and workforce participants and business participants to the program;

(b) coordinate with the board to develop educational and training resources to provide student participants in the program qualifications to be hired by business participants in the program; and

(c) coordinate with the state board and local education agencies when appropriate to develop educational and training resources to provide student participants in the program qualifications to be hired by business participants in the program.

(4) The board, in consultation with the talent board, may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules regarding the development and administration of the Utah Works Program.

(5) The Utah Works Program shall annually report the following metrics to the board:

(a) the number of participants in the program;

(b) how program participants learned about or were referred to the program;

(c) the number of participants who have completed training offered by the program; and

(d) the number of participants who have been hired by a business participating in the program.

Amended by Chapter 343, 2026 General Session

53H-13-308 Grants for business entities offering employee return to work programs.

(1) As used in this section, "business entity" means a for-profit or nonprofit entity.

(2) Subject to appropriations from the Legislature, the talent program, in consultation with the talent board, may award grants to business entities to offer innovative return to work programs for employees.

(3) A business entity that receives grant funds under this section may only use grant funds for:

(a) costs associated with developing a new return to work program; or

(b) costs associated with expanding an existing return to work program.

(4) The talent program shall include the following information in the report described in Section 53H-13-304:

(a) the process by which the talent program determines which business entities shall receive grants; and

(b) the formula for awarding grants.

(5) The talent program shall award grant funds on a rolling basis, until the earlier of funds being exhausted or June 30, 2025.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-13-309 Talent advisory councils.

(1) As used in this section:

(a) "Advisory council" means an advisory council the talent board creates under Subsection (10).

(b) "Talent initiative" means an initiative the board creates under Subsection (2).

(2)

(a) Subject to legislative appropriations and in accordance with the proposal process and other provisions of this section, the board shall develop and oversee one or more talent initiatives that include providing funding for expanded programs at an institution of higher education related to the talent initiative.

(b) The board shall ensure that a talent initiative the board creates:

(i) uses a name for the talent initiative that reflects the area the initiative is targeting;

(ii) contains an outline of the disciplines, industries, degrees, certifications, credentials, and types of skills the talent initiative will target; and

(iii) uses a corresponding advisory council created in Subsection (10).

(3) In creating a talent initiative, the board shall facilitate collaborations between an institution of higher education and participating employers that:

(a) create expanded, multidisciplinary programs or stackable credential programs offered at a technical college, undergraduate, or graduate level of study; and

(b) prepare students to be workforce participants in jobs requiring skills related to a talent initiative.

(4)

(a) An institution of higher education seeking to partner with one or more participating employers to create a program related to a talent initiative shall submit a proposal to the talent board through a process the talent board creates.

(b) An institution of higher education shall submit a proposal that contains:

(i) a description of the proposed program, including:

(A) implementation timelines for the program;

(B) a demonstration of how the program will be responsive to the talent needs related to the talent initiative;

(C) an outline of relevant industry involvement that includes at least one participating employer that partners with the institution of higher education; and

(D) an explanation of how the program addresses an unmet regional workforce need related to a talent initiative;

(ii) an estimate of:

(A) projected student enrollment and completion rates for a program;

(B) the academic credit or credentials that a program will provide; and

(C) occupations for which a graduate will qualify;

(iii) evidence that each participating employer is committed to participating and contributing to the program by providing any combination of:

(A) instruction;

(B) curriculum review;

(C) feedback regarding effectiveness of program graduates as employees;

(D) work-based learning opportunities; or

(E) mentoring;

(iv) a description of any resources a participating employer will provide within the program; and

(v) the amount of funding requested for the program, including:

(A) the justification for the funding; and

(B) the cost per student served as estimated under Subsection (4)(b)(ii).

(5) In reviewing a proposal, the talent board shall provide a proposal to the relevant advisory council described in Subsections (10) and (11).
(6) The relevant advisory council shall:
(a) review and prioritize each proposal the advisory council receives; and
(b) recommend to the talent board whether the proposal should be funded and the funding amount based on:
(i) the quality and completeness of the elements of the proposal described in Subsection (4)(b);
(ii) to what extent the proposed program:
(A) would expand the capacity to meet state or regional workforce needs related to the talent initiative;
(B) would integrate industry-relevant competencies with disciplinary expertise;
(C) would incorporate internships or significant project experiences, including team-based experiences;
(D) identifies how industry professionals would participate in elements described in Subsection (4)(b)(iii); and
(E) would be cost effective; and
(iii) other relevant criteria as the relevant advisory council and the talent board determines.
(7) The board shall review the recommendations of an advisory council and may provide funding for a program related to a talent initiative using the criteria described in Subsection (6)(b).
(8) In a form that the board approves, each institution of higher education that receives funding shall annually provide written information to the board regarding the activities, successes, and challenges related to administering the program related to the talent initiative, including:
(a) specific entities that received funding under this section;
(b) the amount of funding provided to each entity;
(c) the number of participating students in each program;
(d) the number of graduates of the program;
(e) the number of graduates of the program employed in jobs requiring skills related to the talent initiative; and
(f) progress and achievements relevant to the implementation timeline submitted under Subsection (4)(b)(i)(A).
(9) On or before October 1 of each year, the board shall provide an annual written report containing the information described in Subsection (8) to the:
(a) Education Interim Committee; and
(b) Higher Education Appropriations Subcommittee.
(10) The talent board shall create a talent advisory council for each talent initiative created under Subsection (2) to make recommendations to the board regarding the administration of a talent initiative including:
(a) a deep technology initiative;
(b) a life sciences workforce initiative;
(c) engineering and computer technology; and
(d) health professions initiatives including a nursing initiative.
(11) An advisory council shall consist of the following members:
(a) a minimum of four members who have extensive experience in the talent initiative's subject matter from the private sector whom the chair of the talent board appoints and the board approves;
(b) a representative of the board described in Section 53H-1-203 whom the chair of the board appoints;

(c) a representative of the Governor's Office of Economic Development whom the executive director of the Governor's Office of Economic Development appoints;
(d) a representative from Talent Ready Utah; and
(e) any other specialized industry experts whom a majority of the advisory council may invite to participate as needed as nonvoting members.
(12) Talent Ready Utah shall provide staff support for an advisory council.
(13)
(a) Two advisory council members appointed under Subsection (11)(a) shall serve an initial term of two years.
(b) Except as described in Subsection (13)(a), all other advisory council members shall serve an initial term of four years.
(c) Successor advisory council members upon appointment or reappointment shall each serve a term of four years.
(d) When a vacancy occurs in the membership for any reason, the initial appointing authority shall appoint a replacement for the unexpired term.
(e) An advisory council member may not serve more than two consecutive terms.
(14) A vote of a majority of the advisory council members constitutes an action of the advisory council.
(15) The duties of the advisory council include reviewing, prioritizing, and making recommendations to the board regarding proposals for funding under the talent initiative created in accordance with Subsection (2) for which the council was created.
(16) An advisory council member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
(a) Sections 63A-3-106 and 63A-3-107; and
(b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
(17) The board may discontinue a talent initiative and the related talent advisory council by majority vote.

Amended by Chapter 343, 2026 General Session

53H-13-310 Apprenticeships and work-based learning.
(1) The talent program, in collaboration with the talent board, may partner with one or more of the following to facilitate and encourage apprenticeship opportunities and work-based learning opportunities for Utah students:
(a) the State Board of Education;
(b) the Utah system of higher education; or
(c) a participating employer in the state.
(2) Subject to appropriations from the Legislature and in accordance with the proposal process and other provisions of this section, the talent board, in coordination with the talent program, may provide funding for approved apprenticeship opportunities and work-based learning opportunities.
(3) To receive funding under this section, an entity described in Subsection (1) seeking to partner with the talent program shall submit a proposal through the talent program, in a form approved by the talent program and in accordance with deadlines determined by the talent program, that contains the following elements:
(a) the proposal shall include:
(i) a description of the proposed apprenticeship program or work-based learning program that demonstrates the program will be:

(A) responsive to the workforce needs of a high demand industry or occupation; and
(B) a partnership between at least one participating employer and at least one public high school, technical college, or institution of higher education;
(ii) an estimate of:
(A) student enrollment in the program;
(B) what school credit, credentials, certifications, or other workforce attainments will be provided by the program; and
(C) job-placement rates for students who complete the program;
(iii) a description of any financial contributions or in-kind contributions that will be provided by each participating employer in the program;
(iv) if the program would require state board approval under the provisions of Section 53H-3-603, evidence that the state board has approved the program; and
(v) the amount of funding requested for the program, including justification for the funding; and
(b) while not required, a preference may be given to a proposal that includes:
(i) a description of a stackable credentialing pathway for participating students that will be created by the program between at least two of the following:
(A) a public high school;
(B) a technical college; and
(C) an institution of higher education; or
(ii) the potential for participating students to obtain full-time employment with the participating employer upon completion of the program.
(4) The talent board shall review and prioritize each proposal received and determine whether the proposal should be funded, using the following criteria:
(a) the quality and completeness of the elements of the proposal described in Subsection (3)(a);
(b) the quality of the optional elements of the proposal described in Subsection (3)(b);
(c) to what extent the proposal would expand the capacity to meet state or regional workforce needs; and
(d) other relevant criteria as determined by the talent board.
(5) A partnership that receives funding under this section:
(a) shall use the money to accomplish the proposed apprenticeship program or work-based learning program;
(b) may use the money to offset a participating employer's direct operational costs associated with employing students as part of an approved apprenticeship program or work-based learning program;
(c) except as provided in Subsection (5)(d), may not use the money for educational administration; and
(d) may use the money to support one full-time employee within a career and technical education region if:
(i) each participating local education agency, public high school, technical college, and institution of higher education agree on which entity will house the full-time employee;
(ii) the full-time employee spends all of the employee's time working exclusively to develop apprentice programs or work-based learning programs; and
(iii) the full-time employee is responsible for regular reporting to and receiving training from the director of the talent program.
(6) The talent program shall be responsible for the administration of apprenticeship programs and work-based learning programs described in this section, including:

(a) working with and providing technical assistance to the participating partners that establish apprentice programs and work-based learning programs and that receive funding under the provisions of this section;
(b) establishing reporting requirements for participating partners that establish apprentice programs and work-based learning programs and that receive funding under the provisions of this section;
(c) providing outreach and marketing to encourage more employers to participate; and
(d) annually reporting on the activities, successes, and challenges of the talent program related to administering apprentice programs and work-based learning programs for inclusion in the report described in Section 53H-13-304, including:
(i) specific entities that received funding under this section;
(ii) the amount of funding provided to each entity; and
(iii) the number of participating students in each apprentice program and work-based learning program.
(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the talent program may make rules regarding:
(a) the method and deadlines for applying for funding under this section;
(b) the distribution of funding under this section; and
(c) the reporting requirements of each entity receiving funding under this section.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-13-311 Youth apprenticeship governance study.
(1) As used in this section:
(a) "Apprenticeship" means the same as the term is defined in Section 35A-6-102.
(b) "Study" means the study created in Subsection (2).
(2) There is created a study to design a framework and system for maximizing efficiencies and expanding youth apprenticeship opportunities for students.
(3) The study shall be conducted collaboratively by the following entities:
(a) the governor's office;
(b) the State Board of Education;
(c) the Department of Workforce Services;
(d) the Talent Ready Utah Program; and
(e) relevant participating employers as determined by the entities described in Subsections (3)(a) through (d).
(4) The study shall examine framework and system design recommendations regarding:
(a) ways to increase youth apprenticeship offerings;
(b) increasing student and employer participation in youth apprenticeships;
(c) formalizing roles and streamlining use of existing infrastructure described in:
(i) Title 35A, Chapter 6, Apprenticeship Act;
(ii) this part, including the role of the state apprenticeship intermediary described in Section 53H-13-303; and
(iii) Section 53G-7-902;
(d) aligning youth apprenticeship efforts to meet the definition of youth apprenticeship defined in Section 35A-6-102;
(e) identifying metrics to assess the success of youth apprenticeship programs;
(f) opportunities to leverage secondary and post-secondary educational programs in conjunction with youth apprenticeships, including:

(i) career and technical education;
(ii) concurrent enrollment; and
(iii) stackable credentials; and
(g) the creation of career competencies to prepare a qualified workforce.
(5) The staff of the Talent Ready Utah Program shall staff the study.
(6) No later than May 1, 2025, the entities described in Subsection (3) shall report the recommendations described in Subsection (4) to the talent board.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-13-312 Statewide Youth Apprenticeship Governance Council -- Creation -- Membership -- Duties -- Reporting.

(1) There is created the Statewide Youth Apprenticeship Governance Council to strengthen collaboration across agencies, create system alignment, and ensure shared accountability for developing and sustaining youth apprenticeship programs in the state.
(2) The youth apprenticeship council is composed of the following members:
(a) the director of the talent program or the director's designee;
(b) the state superintendent of public instruction or the superintendent's designee;
(c) the commissioner or the commissioner's designee;
(d) the executive director of the Department of Workforce Services or the executive director's designee;
(e) the executive director of the Governor's Office of Economic Development or the executive director's designee;
(f) three representatives from industry who have experience in apprenticeship or work-based learning programs, appointed by the talent board;
(g) one representative from a local education agency, appointed by the State Board of Education;
(h) one representative from an institution of higher education, appointed by the board; and
(i) any additional individuals the youth apprenticeship council determines necessary to fulfill the council's duties.
(3) The youth apprenticeship council shall select a chair and vice chair from among the members of the youth apprenticeship council.
(4) The youth apprenticeship council shall meet at least quarterly.
(5) Attendance of a majority of the members of the youth apprenticeship council constitutes a quorum for the transaction of official youth apprenticeship council business.
(6) Formal action by the youth apprenticeship council requires the majority vote of a quorum.
(7) A member of the youth apprenticeship council:
(a) may not receive compensation or benefits for the member's service; and
(b) who is not employed by the state may receive per diem and travel expenses in accordance with:
(i) Section 63A-3-106;
(ii) Section 63A-3-107; and
(iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
(8) The youth apprenticeship council shall:
(a) clarify and define the roles and responsibilities of state agencies involved in youth apprenticeship programs to:
(i) minimize duplication of efforts; and

(ii) ensure aligned action across the talent program, the State Board of Education, the board, and the Department of Workforce Services;

(b) develop and maintain:

(i) a statewide operational definition of youth apprenticeship; and

(ii) shared program quality standards to ensure local education agencies, institutions of higher education, and participating employers are aligned on a consistent program model;

(c) coordinate cross-agency implementation structures by:

(i) establishing regular cross-agency meetings;

(ii) creating operational team structures; and

(iii) developing decision-making processes to support consistent and coordinated implementation statewide;

(d) establish communication roles and protocols to:

(i) define how agencies coordinate communication efforts;

(ii) assign messaging responsibilities;

(iii) identify appropriate communication channels and processes; and

(iv) ensure consistency and avoid conflicting or duplicative outreach to students, families, local education agencies, and employers;

(e) develop and recommend statewide strategies for:

(i) student incentives to support participation in youth apprenticeship programs; and

(ii) employer incentives to encourage engagement in youth apprenticeship programs;

(f) implement unified performance monitoring and integrated data systems by:

(i) developing shared performance measures; and

(ii) coordinating a data strategy to track participation, outcomes, and long-term system impact;

(g) develop coordinated communication and phased statewide implementation plans that:

(i) establish consistent messaging across agencies;

(ii) establish statewide priorities for which industry sectors to prioritize; and

(iii) use workforce data and analysis of high-wage, in-demand careers to inform prioritization; and

(h) perform other duties as directed by the talent board to support the development and sustainability of youth apprenticeship programs in the state.

(9) The talent program shall provide staff support to the youth apprenticeship council.

(10) The youth apprenticeship council shall report to the talent board:

(a) on the activities and progress of the youth apprenticeship council; and

(b) no less than twice each calendar year.

(11) No later than November 1, 2027, the youth apprenticeship council shall submit a written report to the Education Interim Committee and the Economic Development and Workforce Services Interim Committee that includes:

(a) recommendations on statewide funding needs for youth apprenticeship programs;

(b) recommendations on employer incentive structures; and

(c) a comprehensive statewide action plan for expanding youth apprenticeship opportunities.

Enacted by Chapter 355, 2026 General Session

Part 4
Talent Connect

53H-13-401 General provisions -- Definitions.

As used in this part:

(1) "Co-op employee" means a student who participates in a cooperative education program and is employed by a participating cooperative education employer.

(2) "Cooperative education employer" means a business or organization participating in the cooperative education program that provides structured work opportunities for students.

(3) "Cooperative education program" or "co-op" means a structured educational pilot program that integrates academic learning with full-time paid work experience aligned with the student's academic discipline and career goals.

(4) "High-demand job" means an occupation or position that:

(a) has a higher than average projected growth rate in Utah;

(b) offers wages at or above the state median wage;

(c) follows star ranking criteria established by the Department of Workforce Services; and

(d) considers occupations that have a high societal demand and impact.

(5) "Participating institution" means the following institutions of higher education:

(a) Weber State University;

(b) University of Utah;

(c) Southern Utah University;

(d) Utah State University;

(e) Utah Tech University; and

(f) Utah Valley University.

(6) "Recent graduate" means a graduate of a program or degree within a year of completion.

(7) "Talent portal" means the Utah High-Demand Talent Portal created in Section 53H-13-402.

(8) "Talent portal administrator" means the Talent, Education, and Industry Alignment Board created in Section 53H-13-302.

(9) "Talent Ready Utah" means the program within the Utah System of Higher Education established in Section 53H-13-303.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-13-402 Utah High-Demand Talent Portal -- Creation -- Purpose.

(1) There is created the Utah High-Demand Talent Portal within Talent Ready Utah.

(2) The purpose of the talent portal is to:

(a) connect Utah employers with qualified, trained, and educated talent from higher education institutions;

(b) provide students within the Utah System of Higher Education with high-demand and high-wage employment opportunities;

(c) connect recent graduate job seekers with high-demand employment opportunities in Utah;

(d) provide a platform to post high-demand job openings;

(e) highlight skills and qualifications needed for high-demand jobs;

(f) integrate with workforce development, work-based learning;

(g) support career pathway development and promote long-term workforce alignment; and

(h) utilize matchmaking software strategies to intuitively match employers with students across the Utah System of Higher Education.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-13-403 Talent portal requirements -- Administration -- Labor market data integration.

(1) The talent portal shall:
(a) focus on industries and occupations identified as high-demand in collaboration with Talent Ready Utah, the Governor's Office of Economic Development, and the Department of Workforce Services and in coordination with state labor market data;
(b) provide an intuitive, user-friendly interface for job seekers and employers;
(c) include robust search, filtering, and geolocation options;
(d) offer mobile-optimized access;
(e) allow users to create profiles and upload resumes;
(f) integrate with relevant training, credentialing, and educational resources;
(g) connect prospective talent to industry requirements for posted high-demand jobs;
(h) highlight internships, apprenticeships, and career pathway opportunities;
(i) provide data analytics to employers on job listing performance;
(j) implement security measures to protect user data and verify employer listings; and
(k) be accessible to users with disabilities in compliance with the Americans with Disabilities Act.
(2) In accordance with Subsection (3), the talent portal administrator shall:
(a) partner with:
(i) Talent Ready Utah;
(ii) the Governor's Office of Economic Development;
(iii) the Department of Workforce Services;
(iv) industry associations; and
(v) employers to enhance talent portal offerings;
(b) partner with the State Tax Commission to reconcile that employers registering to utilize the talent portal are businesses registered to do business in the state of Utah and are in good standing;
(c) conduct targeted outreach to promote the talent portal to:
(i) institutions of higher education within the Utah System of Higher Education;
(ii) students; and
(iii) Utah employers;
(d) regularly collect and analyze user feedback to improve the talent portal; and
(e) provide annual reports on talent portal performance metrics, including:
(i) usage statistics;
(ii) placement rates; and
(iii) user demographics.
(3) The talent portal administrator shall:
(a) utilize current labor market data to inform job listings, industry focus, and emerging opportunities;
(b) update high-demand job categories at least annually based on projected growth, wage data, and workforce needs; and
(c) provide labor market insights to users, including salary ranges, career growth trends, and skill requirements.
(4) The talent portal administrator shall ensure that the talent portal has the ability to dynamically adjust to reflect changes in labor market trends and high-demand occupations.

Amended by Chapter 343, 2026 General Session

53H-13-404 Cooperative Education Program -- Creation -- Purpose.

(1) A cooperative education program is established within the Utah System of Higher Education beginning July 1, 2025 and ending December 31, 2027.

(2) The purpose of the co-op is to:
(a) provide students with structured, credit-bearing cooperative education opportunities that align with academic disciplines, program accreditation requirements, and career outcomes while maintaining full-time student status;
(b) foster partnerships between higher education institutions and employers to offer valuable employment opportunities;
(c) establish clear roles and responsibilities for participating institutions and employers; and
(d) maintain accountability and program effectiveness through regular evaluation.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-13-405 Cooperative education program -- Requirements -- Administration and oversight.

(1) The following entities shall collaborate to create and implement the co-op:
(a) the Office of the Commissioner of Higher Education;
(b) an engineering focused trade association that the Talent, Education, and Industry Alignment Board created in Section 53H-13-302 selects;
(c) Weber State University;
(d) University of Utah;
(e) Utah State University;
(f) Utah Tech University;
(g) Southern Utah University;
(h) Utah Valley University; and
(i) Talent Ready Utah established in Section 53H-13-303.
(2) The entities listed in Subsection (1) shall collaborate to:
(a) establish program requirements and standards for cooperative education experiences that:
(i) occur during a student's third or fourth academic year;
(ii) are equivalent to two continuous academic terms; and
(iii) align with degree requirements and career pathways;
(b) develop the policies for academic credit recognition;
(c) create program evaluation metrics;
(d) maintain oversight of program implementation; and
(e) focus the program's initial efforts on high-demand jobs in fields that require an engineering degree, including the life-sciences sector.
(3) In accordance with the program components described under Subsection (2), a participating institution shall:
(a) establish admission criteria for the cooperative education program;
(b) create preparatory workshops that address:
(i) career development;
(ii) professional skill building;
(iii) workplace communication; and
(iv) employment preparation;
(c) develop procedures for:
(i) program orientation;
(ii) academic progress monitoring;
(iii) experience documentation; and
(iv) performance evaluation;
(d) assign a cooperative education advisor who will:

(i) provide regular guidance;
(ii) monitor academic alignment;
(iii) coordinate with workplace mentors; and
(iv) assess learning outcomes; and
(e) maintain records of:
(i) placement details;
(ii) student progress;
(iii) completed evaluations; and
(iv) program outcomes.
(4) The engineering focused trade association described in Subsection (1) shall:
(a) identify and recruit qualified employers from the engineering focused trade association's membership;
(b) communicate industry needs to participating institutions;
(c) facilitate employer participation in co-op development; and
(d) promote co-op opportunities within engineering sectors, including the life sciences sector.
(5) The Office of the Commissioner of Higher Education shall establish employment standards that require participating employers to:
(a) provide compensation that:
(i) meets or exceeds minimum wage requirements; and
(ii) reflects industry standards for the position;
(b) schedule work hours that:
(i) total at least 32 hours per week; and
(ii) accommodate academic requirements; and
(c) maintain compliance with:
(i) federal employment laws;
(ii) state employment laws; and
(iii) program participation requirements.
(6) A cooperative education employer shall:
(a) submit to the relevant participating institution:
(i) detailed position descriptions;
(ii) work location information;
(iii) scheduling requirements; and
(iv) supervisor contact details;
(b) provide structured workplace experiences for a cooperative education employee that:
(i) align with academic programs;
(ii) develop professional skills;
(iii) include regular supervision; and
(iv) offer meaningful work assignments;
(c) assign qualified workplace mentors for a cooperative education employee who will:
(i) provide professional guidance;
(ii) monitor work performance;
(iii) coordinate with academic advisors; and
(iv) complete required evaluations; and
(d) conduct regular evaluations and monitoring as directed by the participating institution in consultation with the Office of the Commissioner of Higher Education.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-13-406 Cooperative education program -- Liability and risk management.

(1)
(a) The Utah System of Higher Education and participating institutions are not liable for any act, omission, or conduct of cooperative education employees or cooperative education employers.
(b) A cooperative education employer shall indemnify and hold harmless all participating institutions against claims arising from co-op placements.

(2) The Office of the Commissioner of Higher Education shall:
(a) establish procedures for:
(i) program administration;
(ii) risk management;
(iii) issue resolution; and
(iv) early termination protocols; and
(b) develop policies regarding:
(i) liability coverage;
(ii) workplace safety;
(iii) co-op performance standards; and
(iv) professional conduct requirements for a cooperative education employee.

(3) A participating institution shall:
(a) maintain documentation systems for:
(i) placement agreements;
(ii) performance reports;
(iii) incident records; and
(iv) program evaluations; and
(b) implement procedures for:
(i) issue resolution;
(ii) performance intervention;
(iii) placement modification; and
(iv) program termination.

(4) A cooperative education employer shall:
(a) maintain appropriate insurance coverage;
(b) in accordance with Subsection (1), indemnify participating institutions against claims arising from cooperative education placements;
(c) regarding a cooperative education employee, notify the relevant participating institution of:
(i) performance concerns;
(ii) policy violations;
(iii) workplace incidents; and
(iv) proposed terminations; and
(d) regarding a cooperative education employee, document and report to the relevant participating institution:
(i) workplace injuries;
(ii) safety incidents;
(iii) policy violations; and
(iv) program departures.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-13-407 Cooperative education program -- Evaluation and reporting.

(1) No later than September 15 of each year, the Office of the Commissioner of Higher Education, in collaboration with the entities described in Subsection 53H-13-405(1), shall prepare an annual report for submission to:
(a) the Talent, Education, and Industry Alignment Board created in Section 53H-13-302;
(b) the Utah Board of Higher Education; and
(c) the Education Interim Committee and the Economic Development and Workforce Services Interim Committee.
(2) The annual report described in Subsection (1) shall:
(a) include:
(i) the number of student placements and cooperative education employers;
(ii) student and cooperative education employer feedback;
(iii) key workforce impact metrics; and
(iv) recommendations for additional on-going resources to scale cooperative education program offerings; and
(b) provide analysis on the co-op's effectiveness in:
(i) enhancing student career readiness;
(ii) addressing Utah workforce needs and retention; and
(iii) improving competency validation practices based on cooperative education employers' input.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Chapter 14
Data, Records, and Privacy

Part 1
General Provisions

53H-14-101 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 2
Restricted Records

53H-14-201 General provisions -- Definitions.
As used in this part:
(1) "Person" means:
(a) a federal, state, or local governmental entity:
(i) that sponsors sponsored research; or
(ii) participates in a technology transfer;
(b) an individual;
(c) a nonprofit or profit corporation;

(d) a partnership;
(e) a sole proprietorship; or
(f) other type of business organization.
(2) "Restricted record" means a record that is restricted as provided by Section 53H-14-203.
(3) "Sponsored research" refers to research, training, and other sponsored activities as defined by the federal Executive Office of the President, Office of Management and Budget:
(a) conducted by an institution through an office responsible for sponsored projects or programs; and
(b) funded or otherwise supported by an external person that is not created or controlled by the institution.
(4) "Technology transfer" refers to transferring information, commercializing research, or providing technical assistance between an institution and external persons for the purpose of economic development.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-14-202 Records that may be classified as restricted.

An institution may classify only the following records as restricted:
(1) that portion of a technology transfer record or sponsored research record to which access must be restricted for the purpose of securing and maintaining proprietary protection of intellectual property rights, including but not limited to patents, copyrights, trademarks, and trade secrets; or
(2) that portion of a technology transfer record or sponsored research record to which access is restricted for competitive or proprietary purposes, as a condition of actual or potential participation in a sponsored research or technology transfer agreement; provided, however, that upon receipt of a written request for a reasonably identifiable record, the institution shall disclose:
(a) prior to a memorandum of intent to contract or an agreement in principle between the parties:
(i) the names of the parties, or, if the disclosure of names would cause competitive harm, a general description of the type of parties negotiating the technology transfer or sponsored research agreement; and
(ii) a general description of the nature of the technology transfer or sponsored research under consideration, excluding proprietary or competitive information; or
(b) after a memorandum of intent to contract or an agreement in principle between the parties:
(i) the names of the parties involved in the technology transfer or sponsored research;
(ii) a general description of the nature of the technology transfer or sponsored research to be conducted, excluding proprietary or competitive information; and
(iii) records of the technology transfer or sponsored research to be conducted, excluding those portions of records to which access is limited under this part or Title 63G, Chapter 2, Government Records Access and Management Act.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-14-203 Access to restricted records.

(1) Notwithstanding any other provision of Title 63G, Chapter 2, Government Records Access and Management Act, access to records restricted by this part shall only be permitted upon:
(a) written consent of the institution originating, receiving, or maintaining the records; or

(b) a finding by the director of the Government Records Office or a court that the record has not been properly classified as restricted under Section 63G-2-302, provided that the review of a restricted classification of a record shall not include considerations of weighing public and private interests regarding access to a properly classified record as contained in Subsection 63G-2-403(11)(b) or 63G-2-404(7) or Section 63G-2-309.

(2) Subsection (1)(b) does not limit the authority of the board to reclassify and disclose a record of an institution.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-14-204 Business confidentiality claims.

(1)

(a) Any person who provides to an institution a record that the person believes should be protected under a provision listed in Subsection 63G-2-309(1)(b)(i), restricted under Section 53H-14-202, or both protected under a provision listed in Subsection 63G-2-309(1)(b)(i) and restricted under Section 53H-14-202, shall provide the institution:

(i) a written claim of business confidentiality; and

(ii) a concise statement of reasons supporting the claim of business confidentiality.

(b) The person described in Subsection (1)(a) shall make the filing at the commencement of:

(i) the sponsored research project; or

(ii) the technology transfer process.

(c) A claim of business confidentiality submitted under this Subsection (1) shall cover all protected and restricted records exchanged during the:

(i) sponsored research project; or

(ii) technology transfer process.

(2) The inadvertent failure to make a legally adequate claim of business confidentiality at the time required by Subsection (1) does not prejudice the claimant's right to make a legally adequate claim at a different time before disclosure of the record.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-14-205 Applicability of the Government Records Access and Management Act.

Except as otherwise provided by this part, the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, will apply to restricted technology transfer or sponsored research records as defined in this part, as if the records were protected records as defined by Title 63G, Chapter 2, Government Records Access and Management Act.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 3
Internet Postsecondary Institution Privacy

53H-14-301 General provisions -- Definitions.

As used in this part:

(1) "Personal Internet account" means an online account that is used by a student or prospective student exclusively for personal communications unrelated to any purpose of an institution.

(2) "Personal Internet account" does not include an account created, maintained, used, or accessed by a student or prospective student for education related communications or for an educational purpose of the institution.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-14-302 Prohibited activities.

An institution may not do any of the following:

(1) request a student or prospective student to disclose a username and password, or a password that allows access to the student's or prospective student's personal Internet account; or

(2) expel, discipline, fail to admit, or otherwise penalize a student or prospective student for failure to disclose information specified in Subsection (1).

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-14-303 Permitted activities.

(1) This part does not prohibit an institution from requesting or requiring a student to disclose a username or password to gain access to or operate the following:

(a) an electronic communications device supplied by or paid for in whole or in part by the institution; or

(b) an account or service provided by the institution that is either obtained by virtue of the student's admission to the institution or used by the student for educational purposes.

(2) This part does not prohibit or restrict an institution from viewing, accessing, or using information about a student or prospective student that can be obtained without the information described in Subsection 53H-14-302(1) or that is available in the public domain.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-14-304 Duties not created.

(1) This part does not create a duty for an institution to search or monitor the activity of a personal Internet account.

(2) An institution is not liable under this part for failure to request or require that a student or prospective student grant access to, allow observation of, or disclose information that allows access to or observation of the student's or prospective student's personal Internet account.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-14-305 Private right of action.

(1) A person aggrieved by a violation of this part may bring a civil cause of action against an institution in a court of competent jurisdiction.

(2) In an action brought under Subsection (1), if the court finds a violation of this part, the court shall award the aggrieved person not more than $500.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 4

Confidential Communications for Institutional Advocacy Services

53H-14-401 General provisions -- Definitions.

As used in this part:

(1) "Certified advocate" means an individual who:

(a) is employed by or volunteers at a qualified institutional victim services provider;

(b) has completed at least 40 hours of training in counseling and assisting victims of sexual harassment, sexual assault, rape, dating violence, domestic violence, or stalking; and

(c) acts under the supervision of the director or director's designee of a qualified institutional victim services provider.

(2)

(a) "Confidential communication" means information that is communicated by a victim, in the course of the victim seeking an institutional advocacy service, to:

(i) a certified advocate;

(ii) a qualified institutional victim services provider;

(iii) a person reasonably necessary for the transmission of the information;

(iv) an individual who is present at the time the information is transmitted for the purpose of furthering the victim's interests; or

(v) another individual, in the context of group counseling at a qualified institutional victim services provider.

(b) "Confidential communication" includes a record that is created or maintained as a result of the communication described in Subsection (2)(a).

(3) "Institution" means a Utah institution that is a private postsecondary educational institution or a public institution, including an institution of higher education listed in Section 53H-1-102.

(4) "Institutional advocacy service" means a safety planning, counseling, psychological, support, advocacy, medical, or legal service that:

(a) addresses issues involving:

(i) sexual harassment;

(ii) sexual assault;

(iii) rape;

(iv) domestic violence;

(v) dating violence; or

(vi) stalking; and

(b) is provided by a qualified institutional victim services provider.

(5)

(a) "Qualified institutional victim services provider" means an organization that:

(i) is affiliated with an institution;

(ii) employs or provides volunteer opportunities for certified advocates;

(iii) provides an institutional advocacy service to victims or families of victims; and

(iv) is designated by the affiliated institution as a qualified institutional victim services provider.

(b) "Qualified institutional victim services provider" may include an institution's:

(i) sexual assault center;

(ii) victim advocacy center;

(iii) women's center;

(iv) health center; or

(v) counseling service center.

(6) "Record" means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics.
(7) "Victim" means an individual who seeks an institutional advocacy service.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-14-402 Confidentiality of information -- Disclosure of confidential communication.
(1) Except as provided in Subsection (2), and notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, a person may not disclose a confidential communication.
(2) A person may disclose a confidential communication if:
(a) the victim gives written and informed consent to the disclosure;
(b) the person has an obligation to disclose the confidential communication under Section 26B-6-205, 80-2-602, or 78B-3-502;
(c) the disclosure is required by federal law; or
(d) a court of competent jurisdiction orders the disclosure.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 5
Higher Education Student Data Protection

53H-14-501 General provisions -- Definitions.
As used in this part:
(1) "Advisory group" means the institution of higher education privacy advisory group established by the chief privacy officer under Section 53H-14-502.
(2) "Aggregate data" means data that:
(a) are totaled and reported at the group, cohort, class, course, institution, region, or state level, with at least 10 individuals in the level; and
(b) do not reveal personally identifiable student data.
(3) "Chief privacy officer" means the individual appointed under Section 63A-19-302.
(4) "Data breach" means an unauthorized release of or unauthorized access to personally identifiable student data that an education entity maintains.
(5) "Data governance plan" means an education entity's comprehensive plan for managing education data that:
(a) incorporates reasonable data industry best practices to maintain and protect student data and other education-related data;
(b) describes the role, responsibility, and authority of the board or an institution privacy officer;
(c) provides for necessary technical assistance, training, support, and auditing;
(d) describes the process for sharing student data between the education entity and another person;
(e) describes the education entity's data expungement process, including how to respond to requests for expungement;
(f) describes the data breach response process; and

(g) is published annually and available on the institution's website or the Utah System of Higher Education's website.
(6) "Education entity" means the Utah Board of Higher Education or an institution.
(7) "Higher education privacy officer" means a privacy officer that the board designates under Section 53H-14-503.
(8) "Minor" means a person younger than 18 years old.
(9)
(a) "Personally identifiable student data" means student data that identifies or is used by the holder to identify a student.
(b) "Personally identifiable student data" includes:
(i) a student's first and last name;
(ii) the first and last name of a student's family member;
(iii) a student's or a student's family's home or physical address;
(iv) a student's email address or other online contact information;
(v) a student's telephone number;
(vi) a student's social security number;
(vii) a student's biometric identifier;
(viii) a student's health or disability data;
(ix) a student's education entity student identification number;
(x) a student's social media user name and password or alias;
(xi) if associated with personally identifiable student data, the student's persistent identifier, including:
(A) a customer number held in a cookie; or
(B) a processor serial number;
(xii) a combination of a student's last name or photograph with other information that together permits a person to contact the student online;
(xiii) information about a student or a student's family that a person collects online and combines with other personally identifiable student data to identify the student; and
(xiv) information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
(10) "Student" means an individual enrolled in an institution.
(11)
(a) "Student data" means information about a student at the individual student level.
(b) "Student data" does not include aggregate or de-identified data.
(12) "Third-party contractor" means a person who:
(a) is not an institution or an employee of an institution; and
(b) pursuant to a contract with an education entity, collects or receives student data in order to provide a product or service, as described in the contract, if the product or service is not related to school photography, yearbooks, graduation announcements, or a similar product or service.

Amended by Chapter 202, 2026 General Session

53H-14-502 State student data protection governance.
(1) The chief privacy officer shall establish a higher education privacy advisory group to advise institutions and institution boards of trustees on student data protection.
(2) The advisory group shall consist of:

(a) the chief privacy officer;
(b) the higher education privacy officer; and
(c) the following members, appointed by the commissioner:
(i) at least one Utah System of Higher Education employee; and
(ii) at least one representative of the Utah Board of Higher Education.
(3) The advisory group shall:
(a) discuss and make recommendations to the board and institutions regarding:
(i) existing and proposed:
(A) board rules; or
(B) board policies of the Utah Board of Higher Education or institutions; and
(ii) training on protecting student data privacy; and
(b) perform other tasks related to student data protection as designated by the Utah Board of Higher Education.
(4) The higher education privacy officer shall:
(a) provide training and support to institution boards and employees; and
(b) produce:
(i) resource materials;
(ii) model data governance plans;
(iii) model forms for institution student data protection governance; and
(iv) a model data collection notice.
(5) The board shall:
(a)
(i) create and maintain a data governance plan; and
(ii) annually publish the data governance plan on the Utah System of Higher Education website; and
(b) establish standards for:
(i) institution policies to protect student data;
(ii) institution data governance plans; and
(iii) a third-party contractor's use of student data.

Amended by Chapter 202, 2026 General Session

53H-14-503 Institution student data protection governance.
(1)
(a) An institution shall adopt policies to protect student data in accordance with this part and board rule, including the standards the board establishes under Subsection 53H-14-502(5).
(b) The policies described in Subsection (1)(a) shall take into account the specific needs and priorities of the institution.
(2) The board shall designate a higher education privacy officer.
(3) The higher education privacy officer shall:
(a) verify compliance with student privacy laws, rules, and policies throughout the Utah System of Higher Education;
(b) support institutions in developing data governance plans and student data privacy training; and
(c) act as the primary point of contact for the state privacy auditor.
(4) An institution shall:
(a) designate an individual to act as the primary contact for the higher education privacy officer;
(b) create and maintain an institution:

(i) data governance plan that complies with the standards the board establishes under Subsection 53H-14-502(5); and
(ii) record of student data privacy training; and
(c) annually publish the institution's data governance plan on the institution's website.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-14-504 Notification of significant data breach.
(1) If a significant data breach occurs at an institution, the institution shall notify each student whose personally-identifiable student data was disclosed.
(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to define a significant data breach described in Subsection (1).

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-14-505 Third-party contractors.
(1) A third-party contractor shall use personally identifiable student data received under a contract with an education entity strictly for the purpose of providing the contracted product or service within the negotiated contract terms.
(2) When contracting with a third-party contractor, an education entity, or a government agency contracting on behalf of an education entity, shall:
(a) ensure that the contract terms comply with the standards the board establishes under Subsection 53H-14-502(5); and
(b) require the following provisions in the contract:
(i) requirements and restrictions related to the collection, use, storage, or sharing of student data by the third-party contractor that are necessary for the education entity to ensure compliance with the provisions of this part and board rule;
(ii) a description of a person, or type of person, including an affiliate of the third-party contractor, with whom the third-party contractor may share student data;
(iii) provisions that, at the request of the education entity, govern the deletion of the student data received by the third-party contractor;
(iv) except as provided in Subsection (4) and if required by the education entity, provisions that prohibit the secondary use of personally identifiable student data by the third-party contractor; and
(v) an agreement by the third-party contractor that, at the request of the education entity that is a party to the contract, the education entity or the education entity's designee may audit the third-party contractor to verify compliance with the contract.
(3) As authorized by law or court order, a third-party contractor shall share student data as requested by law enforcement.
(4) A third-party contractor may:
(a) use student data for adaptive learning or customized student learning purposes;
(b) market an educational application or product to a student if the third-party contractor does not use student data, shared by or collected on behalf of an education entity, to market the educational application or product;
(c) use a recommendation engine to recommend to a student:
(i) content that relates to learning or employment, within the third-party contractor's application, if the recommendation is not motivated by payment or other consideration from another party; or

(ii) services that relate to learning or employment, within the third-party contractor's application, if the recommendation is not motivated by payment or other consideration from another party;

(d) respond to a student request for information or feedback, if the content of the response is not motivated by payment or other consideration from another party;

(e) use student data to allow or improve operability and functionality of the third-party contractor's application; or

(f) identify for a student nonprofit institutions of higher education or scholarship providers that are seeking students who meet specific criteria:

(i) regardless of whether the identified nonprofit institutions of higher education or scholarship providers provide payment or other consideration to the third-party contractor; and

(ii) only if the third-party contractor obtains authorization in writing from:

(A) the student's parent, if the student is a minor; or

(B) the student.

(5) At the completion of a contract with an education entity, if the contract has not been renewed, a third-party contractor shall return or delete upon the education entity's request all personally identifiable student data under the control of the education entity unless a student or a minor student's parent consents to the maintenance of the personally identifiable student data.

(6)

(a) A third-party contractor may not:

(i) except as provided in Subsection (6)(b), sell student data;

(ii) collect, use, or share student data, if the collection, use, or sharing of the student data is inconsistent with the third-party contractor's contract with the education entity; or

(iii) use student data for targeted advertising.

(b) A person may obtain student data through the purchase of, merger with, or otherwise acquiring a third-party contractor if the third-party contractor remains in compliance with this section.

(7) The provisions of this section do not:

(a) apply to the use of a general audience application, including the access of a general audience application with login credentials created by a third-party contractor's application;

(b) apply if the student data is shared in accordance with the education entity's directory information policy, as described in 34 C.F.R. Sec. 99.37;

(c) apply to the providing of Internet service; or

(d) impose a duty on a provider of an interactive computer service, as defined in 47 U.S.C. Sec. 230, to review or enforce compliance with this section.

(8) A provision of this section that relates to a student's student data does not apply to a third-party contractor if the education entity or third-party contractor obtains authorization from the following individual, in writing, to waive that provision:

(a) the student's parent, if the student is a minor; or

(b) the student.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-14-506 Penalties.

(1) A third-party contractor that knowingly or recklessly permits unauthorized collecting, sharing, or use of student data under this part:

(a) except as provided in Subsection (2), may not enter into a future contract with an institution;

(b) may be required by the board to pay a civil penalty of up to $25,000; and

(c) may be required to pay:
(i) an institution's cost of notifying parents and students of the unauthorized sharing or use of student data; and
(ii) any expense incurred by the institution as result of the unauthorized sharing or use of student data.
(2) An education entity may enter into a contract with a third-party contractor that knowingly or recklessly permitted unauthorized collecting, sharing, or use of student data if:
(a) the education entity determines that the third-party contractor has corrected the errors that caused the unauthorized collecting, sharing, or use of student data; and
(b) the third-party contractor demonstrates:
(i) if the third-party contractor is under contract with the education entity, current compliance with this part; or
(ii) an ability to comply with the requirements of this part.
(3)
(a) If necessary, the board may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce payment of the civil penalty described in Subsection (1)(b).
(b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the board shall bring an action described in Subsection (3)(a) in the county in which the office of the education entity is located if the action is brought in the district court.
(4) An individual who knowingly or intentionally permits unauthorized collecting, sharing, or use of student data may be found guilty of a class A misdemeanor.
(5)
(a) A student or a minor student's parent may bring an action against a third-party contractor in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, for damages caused by a knowing or reckless violation of Section 53H-14-505 by a third-party contractor.
(b) If the court finds that a third-party contractor has violated Section 53H-14-505, the court may award to the parent or student:
(i) damages; and
(ii) costs.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 6
K-12 Student Data Sharing

53H-14-601 General provisions -- Definitions.

As used in this part, "education entity" means the same as that term is defined in Section 53E-9-301.

Enacted by Chapter 224, 2026 General Session

53H-14-602 Training requirements for higher education personnel.

(1) The board shall ensure that higher education employees, student aides, and volunteers who have access to student data received under Title 53E, Chapter 9, Part 4, Data Sharing with Higher Education, shall receive training at least once every two years.

(2) The board shall consult with the State Board of Education to ensure the training required under this section covers:
(a) federal and state student data privacy laws;
(b) proper handling and protection of student data;
(c) data breach prevention and response procedures; and
(d) authorized uses and disclosure limitations for student data received under this part.

Enacted by Chapter 224, 2026 General Session

53H-14-603 Authorization for K-12 student data sharing -- Rulemaking.
(1) The board may receive and use student data from grades 7 through 12 as provided in Title 53E, Chapter 9, Part 4, Data Sharing with Higher Education, to support the purposes described in Section 53E-9-402.
(2) The board, in collaboration with the State Board of Education, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in compliance with state and federal laws for sharing student data between the board, the State Board of Education, and education entities under Title 53E, Chapter 9, Part 4, Data Sharing with Higher Education.
(3) Institution of higher education employees, student aides, and volunteers who have access to student data received under this section shall receive the training described in Section 53H-14-602.

Enacted by Chapter 224, 2026 General Session

Chapter 15
Utah Data Research Center

Part 1
General Provisions

53H-15-101 General provisions -- Definitions.
As used in this chapter:
(1) "Advisory board" means the Utah Data Research Advisory Board created in Section 53H-15-203.
(2) "Center" means the Utah Data Research Center created in Section 53H-15-202.
(3) "Data" means any information about a person stored in a physical or electronic record.
(4) "Data research program" means the data maintained by the center in accordance with Section 53H-15-302.
(5) "De-identified data" means data about a person that cannot, without additional information, identify the person to another person or machine.
(6) "Director" means the director of the Utah Data Research Center created in Section 53H-15-202.
(7) "Office" means the Office of the Legislative Auditor General created in Section 36-12-15.
(8) "Participating entity" means:
(a) the State Board of Education, which includes the director as defined in Section 53E-10-701;
(b) the board;
(c) the Department of Workforce Services;

(d) the Department of Health and Human Services; and
(e) the Department of Commerce.
(9) "Participating state agency" means a department, division, office, entity, agency, or other unit of state government that provides data to the program described under Section 53H-15-305.
(10) "Personal data" means data as defined in Subsection 63A-19-101(24).
(11) "Unique student identifier" means the same as that term is defined in Section 53E-4-308.

Amended by Chapter 355, 2026 General Session

Part 2
Council Duties

53H-15-201 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-15-202 Utah Data Research Center -- Creation.
The Utah Data Research Center is created within the Utah system of higher education.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-15-203 Utah Data Research Advisory Board -- Composition -- Appointment.
(1) There is created the Utah Data Research Advisory Board.
(2) The advisory board is composed of the following members:
(a) the state superintendent of the State Board of Education or the state superintendent's designee;
(b) the commissioner or the commissioner's designee;
(c) the executive director of the Department of Workforce Services or the executive director's designee;
(d) the executive director of the Department of Health and Human Services or the executive director's designee; and
(e) the executive director of the Department of Commerce or the executive director's designee.
(3) The commissioner or the commissioner's designee shall serve as chair.
(4) A member of the advisory board:
(a) except to the extent a member's service on the advisory board is related to the member's duties outside of the advisory board, may not receive compensation or benefits for the member's service; and
(b) may receive per diem and travel expenses in accordance with:
(i) Section 63A-3-106;
(ii) Section 63A-3-107; and
(iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-15-204 Director -- Additional staff -- Administrative support.

(1) The commissioner shall appoint a director to manage the day-to-day operations of the center.
(2) The director may, with the commissioner's approval, hire staff, including:
(a) data scientists;
(b) data technology experts; and
(c) data security experts.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 3
Data Research Program

53H-15-301 General Provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-15-302 Data research program.
(1) The center shall establish a data research program for the purpose of analyzing data that is:
(a) collected over time;
(b) aggregated from multiple sources; and
(c) connected and de-identified.
(2) The center may, in order to establish the data research program described in Subsection (1):
(a) acquire property or equipment in order to store aggregated, connected, and de-identified data derived from data contributed by the participating entities; or
(b) contract with a private entity in accordance with Title 63G, Chapter 6a, Utah Procurement Code, or with a state government entity to:
(i) store aggregated, connected, and de-identified data derived from data contributed by the participating entities; or
(ii) utilize existing aggregated, connected, and de-identified data maintained by a state government entity.
(3) A participating entity shall contribute data to the data research program described in Subsection (1) within guidelines established by the center.
(4) The center may only release data maintained by the center in accordance with the procedures described in this chapter.
(5) The center shall:
(a) as directed by the board, serve as a repository in the state of data from institutions of higher education;
(b) collaborate with the board and the State Board of Education to coordinate access to the unique student identifier of a public education student who later attends an institution of higher education in accordance with Sections 53H-1-207 and 53E-4-308;
(c) develop, establish, and maintain programs that promote access to data from institutions of higher education;
(d) identify initiatives that leverage education data that will improve a state citizen's ability to:
(i) access services at an institution of higher education; or
(ii) graduate with a postsecondary certificate or degree; and
(e) perform all other duties provided in this chapter.

(6) The director shall identify the resources necessary to successfully implement initiatives described in Subsection (5)(d), in accordance with Section 53H-8-202.
(7) The center may:
(a) employ staff necessary to carry out the center's duties;
(b) purchase, own, create, or maintain equipment necessary to:
(i) collect data from the participating entities;
(ii) connect and de-identify data collected by the center;
(iii) store connected and de-identified data; or
(iv) conduct research on data stored or obtained by the center; or
(c) contract with a private entity, another state or federal entity, or a political subdivision of the state to carry out the center's duties as provided in this chapter.
(8) The data research program is not subject to Title 63G, Chapter 2, Government Records Access and Management Act.
(9)
(a) The center:
(i) shall, in connection with the office's audit of an entity, provide the office, at the office's request, with access to all records, data, and other materials in possession of the center; and
(ii) is otherwise subject to the authority of the legislative auditor general in accordance with Utah Constitution, Article VI, Section 33, and Section 36-12-15.
(b) The office's request for access to records, data, and other materials under Subsection (9)(a)(i) is not:
(i) a data research request under Subsection 53H-15-303(3)(a) or (4); or
(ii) a request for a data set under Subsection 53H-15-303(10).
(c) The center, in complying with Subsection (9)(a)(i):
(i) shall, upon the office's request, provide the office with records, data, and other materials that are not de-identified; and
(ii) may not charge the office a fee for completing the request.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-15-303 Data research requests.
(1) The center shall use data that the center maintains or that a participating entity contributes to the data research program under Section 53H-15-302 to conduct research for the purpose of developing public policy for the state.
(2) The director, with consultation by the advisory board, shall create a prioritized list of data research for the center to conduct using the data research program each year.
(3)
(a) In developing the list described in Subsection (2), the center shall accept data research requests from:
(i) a legislative committee or a legislative staff office;
(ii) the governor or an executive branch agency;
(iii) the State Board of Education; and
(iv) the board.
(b) The center shall report the list described in Subsection (2) to the Education Interim Committee before December 1 of each year.

(4) In addition to conducting data research in accordance with the prioritized list described in Subsection (2), the center may use additional resources to prepare data research at the request of:
  (a) a state government entity;
  (b) a political subdivision of the state;
  (c) a private entity; or
  (d) a member of the public.
(5) The director, with approval by the advisory board, shall determine, for a data research request described in Subsection (4):
  (a) whether the center has the resources to complete the data research request;
  (b) the order in which the center shall complete the data research request, if at all; and
  (c) a reasonable estimated cost for the request.
(6) The center, after evaluating a request under Subsection (5), shall:
  (a) provide the person that requested the data research with a cost estimate; and
  (b) require, before accepting a data research request, that the person that submitted the data research request agree to pay, once the data research is complete, the full cost of completing the data research request as determined by the center under Subsection (5).
(7) The center shall make available to the public, on a website maintained by the center, any data research request that the center completes under this section.
(8) The center shall ensure that any data contained in a completed data research request is de-identified.
(9) The center shall:
  (a) establish, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
    (i) procedures for submitting a data research request under this section;
    (ii) criteria to determine how to prioritize data research requests; and
    (iii) minimum standards for information a person is required to include in a data research request; and
  (b) create a fee schedule in accordance with Section 63J-1-504 for completing a data research request.
(10) In addition to submitting a data research request under Subsection (4), a participating entity, executive branch agency, or legislative staff office may request, and the center may release, a data set from the data research program if the data set is:
  (a) connected;
  (b) aggregated; and
  (c) de-identified.
(11)
  (a) The center shall use any fee the center collects under this section to cover the center's costs to administer this chapter.
  (b) The center shall deposit any fee the center collects under this section not used to cover the center's costs into the General Fund.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-15-304 Data visualization access.

(1) In addition to performing data research and responding to data research requests under Section 53H-15-303, the center shall create an online data visualization portal that provides access to the public to connected, aggregated, and de-identified data in the program.

(2) The data visualization portal described in Subsection (1) shall include role-based dashboards that:
  (a) allow a user to query data in the program;
  (b) integrate real-time data; and
  (c) allow a user to view queried data in a customizable environment.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-15-305 Participating state agency access.

(1) In addition to performing data research and responding to data research requests under Section 53H-15-303, the center shall maintain a program to support data collection, analysis, exchange, and for operational transactional purposes among participating state agencies to provide access to data to promote the improvement of public health, education, safety, and well-being of the state's citizenry and improvement of the overall efficiency of state agencies.
(2) The director shall provide bi-annual updates to the advisory board about the program in Subsection (1).
(3) The program described in Subsection (1):
  (a) may collect, store, and process personal data as allowed under state and federal law;
  (b) shall include protections to prevent the unauthorized access, use, or redisclosure of personal data; and
  (c) shall be considered a high-risk processing activity under Subsection 63A-19-101(17).
(4) A participating state agency and the center shall include any contribution of personal data to the program described in Subsection (1) in the applicable personal data collection notice required under Section 63A-19-402.
(5) A participating state agency that chooses to contribute personal data to the program described in Subsection (1) shall comply with:
  (a) guidelines established by the center; and
  (b) applicable state and federal data privacy laws.
(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the center may create rules to establish:
  (a) procedures for submitting personal data under this section;
  (b) procedures consistent with applicable federal and state data confidentiality and privacy provisions to prevent the unauthorized access, use, or redisclosure of personal data; and
  (c) any additional requirements needed to administer this section.
(7) Before contributing personal data to the program described in Subsection (1), a participating state agency and the center shall enter into a written agreement that:
  (a) specifies the personal data that the participating state agency will share with the center;
  (b) defines the purposes for which the center may use the personal data contributed by the participating state agency; and
  (c) establishes timelines for disposing of personal data the participating state agency discloses when:
    (i) the personal data is no longer needed for the program described in Subsection (1); or
    (ii) required by state or federal law.
(8) The center may create a fee schedule in accordance with Section 63J-1-504 for completing an operational transactional service.
(9) Nothing in this section shall be construed as requiring an entity to provide personal data to the program described in Subsection (1).

(10) The program described in Subsection (1) is not subject to Title 63G, Chapter 2, Government Records Access and Management Act.

Repealed and Re-enacted by Chapter 355, 2026 General Session

53H-15-306 Reporting.

(1) The center shall report to the Education Interim Committee and Business and Labor Interim Committee:
  (a) before July 1 of each year regarding the center's:
    (i) research and service priorities for the year;
    (ii) completed research from the previous year; and
    (iii) activities and accomplishments in the previous year; and
  (b) before December 1 of each year, the center's ongoing data research and service priority list described in Subsection 53H-15-303(2).
(2) The Education Interim Committee shall provide the center ongoing input regarding the center's activities and data research priorities.

Enacted by Chapter 355, 2026 General Session

Chapter 16
Nucleus Institute

Part 1
General Provisions

53H-16-101 General provisions -- Definitions.

Reserved.

Enacted by Chapter 8, 2025 Special Session 1

Part 2
Nucleus Institute

53H-16-201 General provisions -- Definitions.

As used in this part:

(1) "Executive director" means the executive director of the institute appointed under Section 53H-16-304.
(2) "Institute board" means the board of directors of the Nucleus Institute as described in Section 53H-16-302.
(3) "Investment committee" means the investment committee of the Nucleus Fund created in Section 53H-16-403.
(4) "Nucleus Fund" means a limited liability company organized under Section 53H-16-402.
(5) "Nucleus Institute" or "institute" means the Nucleus Institute created in Section 53H-16-202.
(6) "Qualified business" means a business entity that:

(a) is established to commercialize a technology, product, or service developed in partnership with a technology commercialization program at a public institution or private postsecondary educational institution in the state; and
(b) maintains the business's principal business operations in the state.
(7) "Qualified investment" means any distribution or payment of funds to a qualified business from the Nucleus Fund, including:
(a) a direct investment of capital in a qualified business for the purchase of shares of stock;
(b) a secured loan or revolving line of credit to a qualified business; or
(c) a financial grant to a qualified business.

Amended by Chapter 138, 2026 General Session

53H-16-202 Creation of Nucleus Institute -- Status and applicability of other law -- Powers and purposes.
(1) There is created the Nucleus Institute.
(2) The institute is:
(a) an independent, nonprofit, quasi-public corporation as defined in Section 63E-1-102; and
(b) subject to and governed by Sections 63E-2-106, 63E-2-108, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed by Title 63E, Independent Entities Code.
(3) The institute and the Nucleus Fund are not subject to:
(a) Title 52, Chapter 4, Open and Public Meetings Act; or
(b) Title 63G, Chapter 2, Government Records Access and Management Act.
(4) In accordance with Subsection 53H-1-203(2)(p)(i), in coordination with the board and the commissioner, the institute shall promote efficiency and support of the Utah System of Higher Education on commercialization efforts as provided in this chapter.
(5) The institute shall:
(a) organize and administer the Nucleus Fund;
(b)
(i) coordinate and support innovation districts that have a connection with higher education; and
(ii) oversee and manage the development, programming, and operations of a facility on point of the mountain state land, as that term is defined in Section 11-59-102, that provides collaborative co-working space, classrooms, offices for institutions of higher education, public education opportunities, and retail space; and
(c) support state- and corporate-sponsored research to help develop solutions for state initiatives and commercialization opportunities.
(6) The institute may:
(a) engage consultants and legal counsel;
(b) invest and expend funds;
(c) apply for grants;
(d) enter into contracts;
(e) insure against loss;
(f) receive private donations;
(g) hire employees;
(h) sue and be sued in the institute's own name; and
(i) perform any other act necessary to carry out the purposes of the institute.
(7) The institute may not:
(a) issue debt or borrow funds;
(b) exercise governmental functions;

(c) have members; or
(d) pledge the credit or taxing power of the state or any political subdivision of the state.

Amended by Chapter 138, 2026 General Session

53H-16-203 Office facilities, clerical, and administrative support for the Nucleus Institute.
(1) The Utah Board of Higher Education shall provide to the institute, by agreement, administrative support, office facilities, and space.
(2) The Utah Board of Higher Education may levy reasonable charges or fees against the institute pursuant to the agreement for the services provided by the Utah Board of Higher Education.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

Part 3
Nucleus Institute Governance

53H-16-301 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-16-302 Board of directors -- Membership -- Limitations.
(1) The institute shall be governed by a board of directors which shall manage and conduct the business and affairs of the institute.
(2) The institute board shall consist of seven voting members as follows:
(a) the executive director, appointed as described in Section 53H-16-304;
(b) the director of the Talent Ready Utah Program, described in Section 53H-13-303; and
(c) five individuals with relevant experience, whom the commissioner and the executive director jointly appoint.
(3)
(a) A member described in Subsection (2)(c):
(i) shall serve a term of two years; and
(ii) may serve more than one term.
(b) The commissioner, jointly with the executive director, may remove a member from the institute board.
(c) If a vacancy occurs for a member described in Subsection (2)(c), the commissioner, jointly with the executive director and the director of the Talent Ready Utah Program described in Section 53H-13-303, shall appoint a replacement to serve the remainder of the member's term.
(4) The commissioner, jointly with the executive director, shall appoint the chair of the institute board.
(5)
(a) A majority of the members of the institute board constitutes a quorum of the institute board.
(b) The action by a majority of the members of a quorum constitutes the action of the institute board.
(6) A member of the institute board:

(a) is subject to any restrictions on conflicts of interest specified in the organizational documents of the institute;
(b) may not influence a vote by the investment committee related to a qualified investment by the Nucleus Fund, if the member has an interest in the qualified investment; and
(c) may not receive compensation or benefits for the member's service.

Amended by Chapter 138, 2026 General Session

53H-16-303 Institute board duties and powers.

(1) The institute board shall:
(a) manage and conduct the business and affairs of the institute and determine all questions of institute and Nucleus Fund policy;
(b) provide strategic oversight for all institute initiatives;
(c) support and guide workforce development, innovation, and policy integration across institutions and industry;
(d) consistent with this chapter, oversee the Nucleus Fund and investment committee;
(e) coordinate efforts and collaborations across innovation districts;
(f) create opportunities for students through projects and partnerships;
(g) advance the purposes of the Nucleus Fund as described in Section 53H-16-402; and
(h) consider investment proposals and determine whether a proposal furthers the objectives of the fund.
(2) The institute board may establish independent committees for the purpose of assisting the institute board in an advisory role.
(3) In coordination with the Governor's Office of Economic Development created in Section 63N-1a-301, the institute board shall convene and facilitate discussions with industry, education, and policy makers to promote regulatory innovation.

Amended by Chapter 138, 2026 General Session

53H-16-304 Executive director appointment -- Duties and powers.

(1) The commissioner shall appoint and determine compensation for an executive director for the institute.
(2) The executive director shall:
(a) manage the day-to-day operations of the institute and the Nucleus Fund;
(b) execute the policies of the institute board;
(c) oversee the investment and expenditure of funds;
(d) oversee qualified investments made by the Nucleus Fund;
(e) assess reasonable fees for management of assets in the Nucleus Fund for reasonable costs of the Nucleus Fund;
(f) consult with the institute board regarding policies and direction of the institute;
(g) prepare an operating budget for the institute and submit the operating budget to the Utah Board of Higher Education for approval;
(h) adopt a budget submitted by the chair of the investment committee;
(i) establish job descriptions and, within budgetary constraints, employ staff necessary to accomplish the purposes of the institute and the Nucleus Fund; and
(j) execute other duties as assigned by the institute board.
(3) The executive director may:
(a) hire and supervise necessary staff for the institute;

(b) manage contracts and collaborations with consultants; and
(c) enter into contracts on behalf of the institute.

Amended by Chapter 138, 2026 General Session

Part 4
Utah Innovation Fund

53H-16-401 General provisions -- Definitions.
Reserved.

Enacted by Chapter 8, 2025 Special Session 1

53H-16-402 Organization of Nucleus Fund -- Powers and purposes -- Use of investment proceeds.
(1)
(a) The institute shall organize, and be the sole member and manager of, the Nucleus Fund.
(b) The Nucleus Fund shall be organized as a limited liability company.
(c) The Nucleus Fund may:
(i) engage consultants and legal counsel;
(ii) invest and expend funds;
(iii) use funds for operations of the Nucleus Fund;
(iv) enter into contracts;
(v) insure against loss;
(vi) hire employees; and
(vii) perform any other act necessary to carry out the purposes of the Nucleus Fund.
(2) The Nucleus Fund shall, subject to investment committee approval, make qualified investments in a manner and for the following purposes:
(a) to advance innovative technologies developed in Utah;
(b) to strengthen Utah's economy and facilitate job creation;
(c) to help qualified businesses gain access to capital;
(d) to attract entrepreneurs and innovation to Utah;
(e) to facilitate the commercialization of technologies discovered, advanced, or developed at institutions of higher education;
(f) to advance the competitiveness of Utah businesses in the global economy;
(g) to ensure that the Nucleus Fund remains financially self-sustaining; and
(h) to encourage other investors to invest in qualified businesses alongside the Nucleus Fund.
(3) The Nucleus Fund shall hold and manage qualified investments made by the Nucleus Fund and the proceeds of those qualified investments.
(4) The Nucleus Fund may charge a fee on assets under management in the Nucleus Fund to pay for reasonable and necessary costs of the Nucleus Fund, including the costs of the annual audit required under Section 53H-16-407, and compensation incentives based on performance.

Amended by Chapter 138, 2026 General Session

53H-16-403 Nucleus Fund investment committee.

(1) The Nucleus Fund shall be governed by an investment committee.
(2) The investment committee shall consist of five members appointed by the institute board.
(3)
  (a) A member of the investment committee:
    (i) shall serve a term of two years; and
    (ii) may serve more than one term.
  (b) If a vacancy occurs for a member of the investment committee, the institute board shall appoint a replacement to serve the remainder of the member's term.
  (c) The commissioner may remove a member of the investment committee for cause.
(4) The commissioner and executive director shall jointly appoint a chair of the investment committee.
(5) The investment committee may appoint up to two additional nonvoting members to provide industry and technical expertise.
(6) A member of the investment committee:
  (a) shall have significant experience in venture capital or entrepreneurship;
  (b) is subject to any restrictions on conflicts of interest specified in the organizational documents of the institute;
  (c) may not participate in a vote by the investment committee related to a qualified investment by the Nucleus Fund if the member has an interest in the qualified investment; and
  (d) except as provided in Subsection (6)(b), may not receive compensation or benefits for the member's service.
(7)
  (a) A majority of the members of the investment committee constitutes a quorum of the investment committee.
  (b) The action by a majority of the members of a quorum constitutes the action of the investment committee.

Amended by Chapter 138, 2026 General Session

53H-16-404 Nucleus Fund investment committee duties.
(1) The investment committee shall:
  (a) comply with guidelines and directives from the institute board;
  (b) manage and conduct business affairs of the Nucleus Fund;
  (c) establish policies for the management of the Nucleus Fund, including:
    (i) an investment management code of conduct and associated compliance policy;
    (ii) a policy for the strategic allocation of Nucleus Fund assets; and
    (iii) a policy articulating the investment committee's investment philosophy for Nucleus Fund assets; and
  (d) ensure that policies adopted by the investment committee are:
    (i) consistent with this chapter, the Utah Constitution, and other applicable law;
    (ii) consistent with sound fiduciary principles; and
    (iii) designed to maintain the integrity of the Nucleus Fund and prevent the misapplication of money in the Nucleus Fund.
(2) The investment committee shall engage a third-party to audit the Nucleus Fund at least annually.

Amended by Chapter 138, 2026 General Session

53H-16-405 Nucleus Fund investment committee chair -- Duties.

(1) The institute board shall appoint a chair of the investment committee.

(2) The committee chair shall:

(a) manage and execute the policies established by the institute board and the investment committee;

(b) in consultation with the investment committee, manage qualified investments made by the Nucleus Fund;

(c) annually submit to the institute:

(i) a budget for the Nucleus Fund; and

(ii) a financial plan for operations of the Nucleus Fund;

(d) in accordance with generally accepted principles of fund accounting, establish a system to identify and account for Nucleus Fund assets;

(e) maintain appropriate records of Nucleus Fund activities to enable auditors to conduct periodic audits as described in Section 53H-16-407; and

(f) fulfill other duties as provided by the investment committee.

Amended by Chapter 138, 2026 General Session

53H-16-406 Annual report.

(1) On or before October 1 of each year, the institute shall publish an annual report of the activities conducted by the Nucleus Fund and submit, in accordance with Section 68-3-14, the written report to:

(a) the governor;

(b) the Economic Development and Workforce Services Interim Committee; and

(c) the Executive Appropriations Committee.

(2) The annual report shall:

(a) be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature;

(b) include a copy of the annual audit required under Section 53H-16-407;

(c) describe the policies adopted by the institute board under Subsection 53H-16-404(1)(c);

(d) include detailed information regarding:

(i) the name and location of each qualified business that received capital from the Nucleus Fund;

(ii) the amount of each qualified investment made by the Nucleus Fund;

(iii) the aggregate amount of capital provided to qualified businesses; and

(iv) realized gains from qualified investments and any realized losses;

(e) include detailed information regarding the institute's yearly expenditures, including:

(i) administrative, operating, and financing expenses; and

(ii) aggregate compensation information for full-time and part-time employees, including benefit and travel expenses;

(f) include detailed information regarding all funding sources for administrative, operating, and financing expenses, including any fees charged by the institute to the Nucleus Fund under Subsection 53H-16-304(2)(e); and

(g) include an explanation of the Nucleus Fund's progress in achieving the purposes described in Subsection 53H-16-402(2).

Amended by Chapter 138, 2026 General Session

53H-16-407 Annual audit.

(1) Each calendar year, an audit of the activities of the Nucleus Fund shall be conducted by:
  (a) the state auditor; or
  (b) the state auditor's designee.
(2) A designee described in Subsection (1)(b) may not have a business, contractual, or other connection to the institute or the Nucleus Fund.
(3) The annual audit shall:
  (a) include a valuation of the assets owned by the Nucleus Fund as of the end of the reporting year, using market-standard techniques for assets typically held by early stage private investment and venture capital funds;
  (b) include an opinion regarding the accuracy of the information provided in the annual report described in Section 53H-16-406; and
  (c) on or before September 1, be delivered to:
    (i) the institute; and
    (ii) the state treasurer.
(4) The institute shall pay the costs associated with the annual audit.

Amended by Chapter 138, 2026 General Session