

# HB0284S01 compared with HB0284

~~{deleted text}~~ shows text that was in HB0284 but was deleted in HB0284S01.

inserted text shows text that was not in HB0284 but was inserted into HB0284S01.

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~~{HIGHER EDUCATION GOVERNANCE}~~ Representative John Dougall proposes the following substitute bill:

## REGENTS' SCHOLARSHIP PROGRAM AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Dougall**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill amends provisions relating to the ~~{governance of the state system of higher education}~~ Regents' Scholarship Program.

#### Highlighted Provisions:

This bill:

- ▶ provides other requirements that ~~{the State Board of Regents is responsible for coordinating the educational programs and operations of the institutions of higher education}~~;
- ▶ ~~modifies the membership of the State Board of Regents;~~
- ▶ ~~grants authority to the governor to appoint a commissioner of higher education;~~
- ▶ ~~grants authority to the board of trustees of a higher education institution to appoint a president for the institution;~~

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- directs the governor to appoint the members of the board of trustees of a higher education institution, except the Utah College of Applied Technology, from a list of nominees submitted by the institution's board of trustees;
- directs the board of trustees of a higher education institution to establish and maintain a master plan for the institution;
- provides that the board of trustees of a higher education institution is vested with the control, management, and supervision of the institution;
- grants authority to the board of trustees of a higher education institution to:
  - establish and define the role of the institution;
  - prescribe the general course of study;
  - change the curriculum; and
  - set tuition and fees; a student may complete to qualify for a Regents' Scholarship; and
- ▶ makes technical changes.†

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

~~{53A-13-101.5}~~; 53B-8-109, as last amended by Laws of Utah ~~{1998}~~ 2010, Chapter ~~{297}~~

— ~~53B-1-101~~, as last amended by Laws of Utah 1991, Chapter 58

— ~~53B-1-102~~, as last amended by Laws of Utah 2010, Chapter 211

— ~~53B-1-103~~, as last amended by Laws of Utah 2010, Chapter 211

— ~~53B-1-104~~, as last amended by Laws of Utah 2011, Third Special Session, Chapter 5

— ~~53B-1-105~~, as enacted by Laws of Utah 1987, Chapter 167

— ~~53B-2-102~~, as last amended by Laws of Utah 1991, Chapter 58

— ~~53B-2-103~~, as last amended by Laws of Utah 1991, Chapter 58

— ~~53B-2-104~~, as last amended by Laws of Utah 2010, Chapters 211 and 286

— ~~53B-6-101~~, as last amended by Laws of Utah 2011, Chapter 73

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- ~~53B-6-104~~, as enacted by Laws of Utah 1994, Chapter 295
- ~~53B-7-101~~, as last amended by Laws of Utah 2011, Chapter 73
- ~~53B-7-101.5~~, as last amended by Laws of Utah 2010, Chapter 90
- ~~53B-16-101~~, as enacted by Laws of Utah 1987, Chapter 167
- ~~53B-16-102~~, as last amended by Laws of Utah 2009, Chapter 346
- ~~53B-16-103~~, as last amended by Laws of Utah 1988, Chapter 137
- ~~53B-16-106~~, as enacted by Laws of Utah 2010, Chapter 400
- ~~53B-16-201~~, as last amended by Laws of Utah 2010, Chapter 211
- ~~53B-18-1201~~, as enacted by Laws of Utah 2010, Chapter 211

~~§~~ 270

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

Section 1. Section ~~{53A-13-101.5}~~ 53B-8-109 is amended to read:

~~{~~ ~~53A-13-101.5. Teaching of American sign language.~~

~~(1) The Legislature recognizes that American sign language is a fully developed, autonomous, natural language with distinct grammar, syntax, and art forms.~~

~~(2) American sign language shall be accorded equal status with other linguistic systems in the state's public and higher education systems.~~

~~(3) The State Board of Education, in consultation with the state's school districts and members of the deaf and hard of hearing community, shall develop and implement policies and procedures for the teaching of American sign language in the state's public education system at least at the middle school or high school level.~~

~~(4) A student may count credit received for completion of a course in American sign language at the middle school or high school level towards the satisfaction of a foreign language requirement in the public education system under rules made by the State Board of Education.~~

~~(5) The State Board of Regents, in consultation with the state's public institutions of higher education and members of the state's deaf and hard of hearing community, shall develop and implement policies and procedures for offering instruction in American sign language in the state's system of higher education [consistent with the master plan for higher education under Section 53B-6-101].~~

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~~—— (6) The Joint Liaison Committee, in consultation with members of the state's deaf and hard of hearing community, shall review any policies and procedures developed under this section and make recommendations to either or both boards regarding the policies.~~

~~—— Section 2. Section **53B-1-101** is amended to read:~~

~~—— **53B-1-101. Purpose of title:**~~

~~—— It is the purpose of this title:~~

~~—— (1) to provide [a high quality, efficient, and economical public system of higher education through centralized direction and master planning which] for the coordination of the higher education institutions in a manner that:~~

~~—— (a) avoids unnecessary duplication; and~~

~~—— [(b) provides for the systematic and orderly development of facilities and quality programs;]~~

~~—— [(c) provides for coordination and consolidation; and]~~

~~—— [(d)] (b) provides for systematic development of the role or roles of each institution within the system of higher education consistent with the historical heritage and tradition of each institution; and~~

~~—— (2) to vest in the State Board of Regents the power to [govern] coordinate the state system of higher education consistent with state law [and delegate certain powers to institutional boards of trustees and institutional presidents, and to vest certain powers in institutional boards of trustees and institutional presidents].~~

~~—— Section 3. Section **53B-1-102** is amended to read:~~

~~—— **53B-1-102. State system of higher education:**~~

~~—— (1) The state system of higher education consists of the following institutions:~~

~~—— (a) State Board of Regents;~~

~~—— (b) the University of Utah;~~

~~—— (c) Utah State University;~~

~~—— (d) Weber State University;~~

~~—— (e) Southern Utah University;~~

~~—— (f) Snow College;~~

~~—— (g) Dixie State College of Utah;~~

~~—— (h) Utah Valley University;~~

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~~—— (i) Salt Lake Community College;~~

~~—— (j) the Utah College of Applied Technology; and~~

~~—— (k) other public post-high school educational institutions as the Legislature may designate;~~

~~—— [(2) A change in the name of an institution within the system of higher education shall not be considered a change in the role or mission of the institution, unless otherwise authorized by the State Board of Regents.]~~

~~—— [(3)] (2) 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) These] (3) The institutions listed in Subsection (1) are empowered to sue and be sued and to [contract and be contracted with] enter into contracts.~~

~~—— Section 4. Section **53B-1-103** is amended to read:~~

~~—— **53B-1-103. Establishment of State Board of Regents -- Powers and authority.**~~

~~—— (1) There is established a State Board of Regents.~~

~~—— (2) (a) Except as provided in Subsection (2)(b), the board [is vested with the control, management, and supervision];~~

~~—— (i) is responsible for interinstitutional coordination of the educational programs and operations of the institutions of higher education designated in Section 53B-1-102 in a manner consistent with the policy and purpose of this title; and~~

~~—— (ii) has the specific powers and responsibilities granted to it under this title.~~

~~—— (b) The board may only exercise powers relating to the Utah College of Applied Technology and its college campuses that are specifically provided in this title.~~

~~—— (c) The board shall coordinate and support articulation agreements between the Utah College of Applied Technology and other institutions of higher education.~~

~~—— (d) The board shall prepare and submit an annual report detailing its progress and recommendations on career and technical education issues to the governor and to the Legislature's Education Interim Committee by October 31 of each year, which shall include information detailing:~~

~~—— (i) how the career and technical education needs of secondary students are being met by institutions of higher education other than the Utah College of Applied Technology, including what access secondary students have to programs offered by Salt Lake Community~~

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~~College's School of Applied Technology, Snow College, and Utah State University-College of Eastern Utah;~~

~~—— (ii) how the emphasis on high demand, high wage, and high skill jobs in business and industry is being provided;~~

~~—— (iii) performance outcomes, including:~~

~~—— (A) entered employment;~~

~~—— (B) job retention; and~~

~~—— (C) earnings; and~~

~~—— (iv) student tuition and fees.~~

~~—— [(e) Except for the Utah College of Applied Technology, the board may modify the name of an institution under its control and management, as designated in Section 53B-1-102, to reflect the role and general course of study of the institution.]~~

~~—— [(f)] (e) The board may not conduct a feasibility study or perform another act relating to merging any of the following institutions with another institution of higher education:~~

~~—— (i) the Bridgerland Applied Technology College Campus;~~

~~—— (ii) the Ogden-Weber Applied Technology College Campus;~~

~~—— (iii) the Davis Applied Technology College Campus;~~

~~—— (iv) the Tooele Applied Technology College Campus;~~

~~—— (v) the Mountainland Applied Technology College Campus;~~

~~—— (vi) the Uintah Basin Applied Technology College Campus;~~

~~—— (vii) the Southwest Applied Technology College Campus; and~~

~~—— (viii) the Dixie Applied Technology College Campus.~~

~~—— (3) 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.~~

~~—— Section 5. Section **53B-1-104** is amended to read:~~

~~—— **53B-1-104. Membership of the board -- Oath -- Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Compensation.**~~

~~—— [(1)(a) The board shall consist of 19 residents of the state.]~~

~~—— [(b) (i) Fifteen members shall be appointed by the governor with the consent of the Senate.]~~

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~~———[(ii) (A) One additional member shall be appointed by the governor from nominations of the student body presidents council.]~~

~~———[(B) The student body presidents council shall nominate three qualified, matriculated students enrolled in the state institutions of higher education.]~~

~~———[(C) Student body presidents are not eligible for nomination.]~~

~~———[(iii) All appointments to the board shall be made on a nonpartisan basis.]~~

~~———[(iv) In making appointments to the board, the governor shall select:]~~

~~———[(A) at least two individuals who reside within a county of the fourth, fifth, or sixth class;]~~

~~———[(B) no more than six individuals who reside within a county of the first class;]~~

~~———[(C) the remaining individuals from the state at large with due consideration for geographical representation and diversity of exposure to the various institutions in the Utah System of Higher Education; and]~~

~~———[(D) at least three individuals with personal experience in career and technical education, which could include service on a campus board of directors.]~~

~~———[(c) (i) In addition to the members designated under Subsection (1)(b), two members of the State Board of Education, appointed by the chair of the State Board of Education, shall serve as nonvoting members of the board.]~~

~~———[(ii) A nonvoting State Board of Education member shall continue to serve as a member without a set term until the member is replaced by the chair of the State Board of Education.]~~

~~———[(d) (i) In addition to the members designated under Subsection (1)(b), one member of the Utah College of Applied Technology Board of Trustees, appointed by the chair of the Utah College of Applied Technology Board of Trustees, shall serve as a nonvoting member of the board.]~~

~~———[(ii) A nonvoting Utah College of Applied Technology Board of Trustees member shall continue to serve as a member without a set term until the member is replaced by the chair of the Utah College of Applied Technology Board of Trustees.]~~

~~———[(2) (a) Five members of the board, other than the student member, the State Board of Education members, and the Utah College of Applied Technology Board of Trustees member, shall be appointed during each odd-numbered year to six-year staggered terms which~~

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~~commence on July 1 of the year of appointment.]~~

~~——— [(b) (i) The student member shall be appointed for a one-year term and may be reappointed for one additional term.]~~

~~——— [(ii) The student member has full voting rights and may vote on selection of a board chair or vice chair, but not serve in either office.]~~

~~——— [(c) Board members shall hold office until their successors have been appointed and qualified.]~~

~~——— (1) The board shall consist of nine members as follows:~~

~~——— (a) one member who shall:~~

~~——— (i) be appointed by the governor;~~

~~——— (ii) confirmed by the Senate;~~

~~——— (iii) serve for a term of four years; and~~

~~——— (iv) serve as the chair of the board; and~~

~~——— (b) the chair of the board of trustees of each of the eight institutions listed in Section 53B-2-101, except the Utah College of Applied Technology.~~

~~——— [(3)] (2) (a) Each member of the board shall take the official oath of office before entering upon the duties of office.~~

~~——— (b) The oath shall be filed with the Division of Archives and Records Services.~~

~~——— [(4)] (3) The board shall elect a [chair and] vice chair from its members who shall serve [terms] a term of two years [and until their successors are chosen and qualified].~~

~~——— [(5)] (4) (a) The board shall appoint a secretary from the staff of its chief executive to serve at its discretion.~~

~~——— (b) The secretary shall be a full-time employee who receives a salary set by the board.~~

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

~~——— [(6)] (5) The board shall appoint a treasurer who serves at the discretion of the board.~~

~~——— [(7)] (6) (a) The board may establish advisory committees.~~

~~——— (b) The powers and authority of the board are nondelegable, except as specifically provided for in this title.~~

~~——— (c) All matters requiring board determination shall be addressed in a properly convened meeting of the board or its executive committee.~~



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~~— [(8)] (7) The board shall enact bylaws for its own government not inconsistent with the constitution or the laws of this state:~~

~~— [(9)] (8) (a) The board shall meet regularly upon its own determination:~~

~~— (b) The board may also meet, in full or executive session, at the request of its chair, its executive officer, or [five] three members of the board:~~

~~— [(10)] (9) A quorum of the [voting members of the] board is required to conduct its business and consists of [nine] five members:~~

~~— [(11)] (10) (a) A vacancy in the position of board chair occurring before the expiration of [a voting member's] the chair's full term shall be immediately filled by appointment by the governor with the consent of the Senate:~~

~~— (b) The appointee serves for the remainder of the unexpired term:~~

~~— [(12)] (11) A 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:~~

~~— Section 6. Section **53B-1-105** is amended to read:~~

~~— **53B-1-105. Appointment of commissioner of higher education -- Qualifications -- Duties:**~~

~~— [(1) The board appoints a commissioner of higher education to serve at its pleasure as its chief executive officer. The board sets the salary of the commissioner and prescribes the commissioner's duties and functions. The commissioner is selected on the basis of outstanding professional qualifications.]~~

~~— (1) The governor shall:~~

~~— (a) appoint a commissioner of higher education, with the consent of the Senate, who shall serve:~~

~~— (i) at the pleasure of the governor; and~~

~~— (ii) as the chief executive officer of the Board of Regents; and~~

~~— (b) select the commissioner on the basis of outstanding professional qualifications.~~

~~— (2) The commissioner is responsible [to the board to] for:~~

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—— (a) ~~[insure that its]~~ insuring that the board's policies and programs are properly executed;

—— (b) ~~[furnish]~~ furnishing information about the state system of higher education and [make] making recommendations regarding that information to the board;

—— (c) ~~[provide]~~ providing state-level leadership in [all activities affecting] coordinating the educational programs and operations of institutions in the state system of higher education;  
and

—— (d) ~~[perform]~~ performing other duties assigned by the board in carrying out its duties and responsibilities:

—— Section 7. Section ~~53B-2-102~~ is amended to read:

—— ~~53B-2-102.~~ **Appointment of the president of an institution.**

—— ~~[The board, after consulting with the institution's board of trustees, appoints a president for each institution in the state system of higher education who serves at its pleasure and at such salary as it may determine.]~~

—— ~~(1) The board of trustees of an institution shall:~~

—— ~~(a) appoint a president for the institution; and~~

—— ~~(b) establish the salary and terms of employment of the president.~~

—— ~~(2) The president of an institution shall serve at the pleasure of the board of trustees.~~

—— Section 8. Section ~~53B-2-103~~ is amended to read:

—— ~~53B-2-103.~~ **Boards of trustees -- Powers and duties.**

—— (1) Each college and university has a board of trustees which ~~[may act in behalf of its institution in performing duties, responsibilities, and functions as may be specifically authorized to the board of trustees by the State Board of Regents]~~ is vested with the control, management, and supervision of the institution in a manner consistent with the policy and purpose of this title and the specific powers and responsibilities granted to it.

—— (2) A board of trustees has the following powers and duties:

—— (a) ~~facilitates communication between the institution and the community;~~

—— (b) ~~assists in planning, implementing, and executing fund raising and development projects aimed at supplementing institutional appropriations;~~

—— (c) ~~perpetuates and strengthens alumni and community identification with the institution's tradition and goals; and~~

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~~\_\_\_\_\_ (d) selects recipients of honorary degrees.~~

~~\_\_\_\_\_ Section 9. Section 53B-2-104 is amended to read:~~

~~\_\_\_\_\_ 53B-2-104. Membership of board of trustees -- Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.~~

~~\_\_\_\_\_ [(1) (a) The board of trustees of an institution of higher education consists of the following:]~~

~~\_\_\_\_\_ [(i) except as provided in Subsection 53B-18-1201(3)(b), eight persons appointed by the governor and approved by the Senate; 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.]~~

~~\_\_\_\_\_ (1) The board of trustees of an institution of higher education consists of eight persons who are:~~

~~\_\_\_\_\_ (a) appointed by the governor from a list of at least three nominees for each position submitted by the institution's board of trustees; and~~

~~\_\_\_\_\_ (b) confirmed by the Senate.~~

~~\_\_\_\_\_ [(b) The appointed members of the boards of trustees for Utah Valley University and Salt Lake Community College shall be representative of the interests of business, industry, and labor.]~~

~~\_\_\_\_\_ (2) (a) The governor shall appoint four members of each board of trustees during each [odd-numbered] even-numbered year to four-year terms commencing on July 1 of the year of appointment.~~

~~\_\_\_\_\_ (b) [An appointed] A member holds office until a successor is appointed and qualified.~~

~~\_\_\_\_\_ [(c) The ex officio members serve for the same period as they serve as presidents and until their successors have qualified.]~~

~~\_\_\_\_\_ (3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.~~

~~\_\_\_\_\_ (4) (a) Each member 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.~~

~~\_\_\_\_\_ (5) Each board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.~~

~~\_\_\_\_\_ (6) (a) Each board of trustees may enact bylaws for its own government, including~~

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~~provision for regular meetings:~~

~~—— (b) (i) The board of trustees may provide for an executive committee in its bylaws.~~

~~—— (ii) If established, the committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.~~

~~—— (iii) The committee may act on nonroutine matters only under extraordinary and emergency circumstances.~~

~~—— (iv) The committee shall report its activities to the board of trustees at its next regular meeting following the action.~~

~~—— (c) Copies of the board of trustees' bylaws shall be filed with the board.~~

~~—— (7) A quorum is required to conduct business and consists of [six] five members.~~

~~—— (8) A board of trustees may establish advisory committees.~~

~~—— (9) 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.~~

~~—— (10) This section does not apply to the Utah College of Applied Technology.~~

~~—— Section 10. Section **53B-6-101** is amended to read:~~

~~—— **53B-6-101. Master plan for a higher education institution.**~~

~~—— (1) The board of trustees of a higher education institution shall conduct continuing studies and evaluations of the facilities, grounds, buildings, and equipment at the higher education [institutions under its jurisdiction] institution and use space utilization and other studies conducted by the State Building Board.~~

~~—— (2) The board of trustees of a higher education institution listed in Section 53B-2-101, except the Utah College of Applied Technology, shall establish and maintain an up-to-date master plan which shall include:~~

~~—— [(a) providing for statewide planning of public higher education in terms of a mission, aims, purposes, and objectives of the system as a whole;]~~

~~—— [(b)] (a) establishing and defining the mission, role, and programs of [each] the institution [within the system];~~

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~~——— [(c)] (b) establishing criteria for and determination of the future needs and requirements for new programs and new institutions and the elimination, curtailment, or consolidation of existing programs and facilities;~~

~~——— [(d)] (c) providing for the initiation and financing of projects as considered necessary to meet and satisfy the projected patterns of growth and maintenance;~~

~~——— [(e)] (d) establishing criteria for and determination of the operating and capital budgetary needs of [each] the institution [and the system as a whole];~~

~~——— [(f)] (e) recommending the methods and sources of future financial support of the [higher education system,] institution, and~~

~~——— [(g)] (f) establishing procedures for the development of maximum utilization of existing facilities as suggested by space utilization studies conducted by the State Building Board[; and];~~

~~——— [(h) securing an adequate and coordinated program for the community colleges and career and technical education programs in the institutions and departments in the state system of higher education.]~~

~~——— (3) [(a)] The board of trustees of a higher education institution may do all things necessary for the effective implementation of the [statewide] master plan as adopted and revised by the board of trustees from time to time.~~

~~——— [(b)] (4) The State Board of Education and the Utah College of Applied Technology shall provide career and technical education staff assistance to [the State Board of Regents] an institution's board of trustees in support of master planning activities related to career and technical education in higher education.~~

~~——— [(4)] (5) (a) The board of trustees of a higher education institution shall adopt rules and initiate programs to promote and increase productivity in the [state system of] higher education institution.~~

~~——— (b) The board of trustees of a higher education institution shall [require each college and university in the system to] establish multiple measures of institutional and student assessment in order to improve student instruction, academic programs, and learning opportunities.~~

~~——— (c) The board of trustees of a higher education institution shall submit a biennial accountability report to the Legislature, which shall include such factors as:~~

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~~—— (i) space utilization, faculty productivity, and other similar measures of the management of institutional resources at [each] the institution; and~~

~~—— (ii) student assessment at entry to [each] the institution, at critical midway points, and at exit.~~

~~—— (d) The board of trustees of a higher education institution shall establish a [systemwide] committee to address assessment and accountability issues and propose essential elements to be included in the biennial report.~~

~~—— Section 11. Section **53B-6-104** is amended to read:~~

~~—— **53B-6-104. Multi-University Consortium for Teacher Training in Sensory Impairments -- Purposes -- Appropriation.**~~

~~—— (1) (a) [In conjunction with the State Board of Regents' master plan for higher education, there] 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 of the State Office of Education, and local school districts.~~

~~—— (2) The consortium, in collaboration with the State Board of Regents 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, hearing impaired, or both visually and hearing impaired.~~

~~—— (3) (a) There is appropriated from the General Fund for fiscal year 1994-95, \$200,000 to the State Board of Regents to fund the consortium's teacher preparation programs referred to in Subsection (2).~~

~~—— (b) The appropriation is nonlapsing.~~

~~—— (c) The State Board of Regents shall consider including within its annual budget recommendations a line item appropriation to provide ongoing funding for the programs provided pursuant to this section.~~

~~—— Section 12. Section **53B-7-101** is amended to read:~~

~~—— **53B-7-101. Combined requests for appropriations -- Submission of budgets --**~~

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### ~~Recommendations -- Hearing request -- Appropriation formulas -- Allocations -- Dedicated credits -- Financial affairs:~~

~~—— (1) (a) The board shall [recommend] submit a combined appropriation request for the operating budgets of higher education institutions for inclusion in a state appropriations act.~~

~~—— (b) The board's combined budget [recommendation] request shall include:~~

~~—— (i) employee compensation;~~

~~—— (ii) mandatory costs, including building operations and maintenance, fuel, and power;~~

~~—— (iii) mission based funding described in Subsection (2);~~

~~—— (iv) statewide and institutional priorities, including scholarships, financial aid, and technology infrastructure; and~~

~~—— (v) unfunded historic growth.~~

~~—— (c) The board's [recommendations] request shall be available for presentation to the governor and to the Legislature at least 30 days prior to the convening of the Legislature, and shall include schedules showing the [recommended] requested amounts for each institution, including separately funded programs or divisions.~~

~~—— [(d) The recommended appropriations shall be determined by the board only after it has reviewed the proposed institutional operating budgets, and has consulted with the various institutions and board staff in order to make appropriate adjustments.]~~

~~—— (2) (a) The board of trustees of a higher education institution shall establish mission based funding:~~

~~—— (b) Mission based funding shall include:~~

~~—— (i) enrollment growth; and~~

~~—— (ii) up to three strategic priorities.~~

~~—— (c) The strategic priorities described in Subsection (2)(b)(ii) shall be: (i) approved by the board; and (ii) designed to improve the availability, effectiveness, or quality of higher education in the state.~~

~~—— [(d) When recommending an allocation of mission based funding to a doctorate-granting university, as defined by the board, or Southern Utah University, the board shall place greater emphasis on the university's fulfillment of the strategic priorities described in Subsection (2)(b)(ii).]~~

~~—— [(e) Notwithstanding Subsection (2)(d), the board may allocate funding for a modest~~

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~~amount of growth to doctorate-granting institutions and Southern Utah University.]~~

~~——— [(f) Concurrent with recommending mission based funding, the board shall also recommend to the Legislature ways to address funding any inequities for institutions as compared to institutions with similar missions.]~~

~~——— (3) (a) Institutional operating budgets shall be submitted to the board at least 90 days prior to the convening of the Legislature in accordance with procedures established by the board:~~

~~——— (b) Funding requests pertaining to capital facilities and land purchases shall be submitted in accordance with procedures prescribed by the State Building Board:~~

~~——— (4) (a) The budget [recommendations] requests of the board shall be accompanied by full explanations and supporting data:~~

~~——— (b) The appropriations [recommended by] requests of the board shall be made with the [dual] objective of: (i) justifying for higher educational institutions appropriations consistent with their 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.]~~

~~——— (5) (a) The board shall request a hearing with the governor on the [recommended] requested appropriations:~~

~~——— (b) After the governor delivers his budget message to the Legislature, the board shall request hearings on the [recommended] requested appropriations with the appropriate committees of the Legislature:~~

~~——— [(c) If either the total amount of the state appropriations or its allocation among the institutions as proposed by the Legislature or its committees is substantially different from the recommendations of the board, the board may request further hearings with the Legislature or its appropriate committees to reconsider both the total amount and the allocation.]~~

~~——— (6) The board may devise, establish, periodically review, and revise formulas for its use and for the use of the governor and the committees of the Legislature in making appropriation [recommendations] requests:~~

~~——— [(7) (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.]~~



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~~——— [(b) The board may fix the tuition, fees, and charges for each institution at levels it finds necessary to meet budget requirements.]~~

~~——— [(8)] (7) (a) Money allocated to each institution by legislative appropriation may be budgeted in accordance with institutional work programs approved by the board of trustees of a higher education institution, provided that the expenditures funded by appropriations for each institution are kept within the appropriations for the applicable period.~~

~~——— (b) A president shall:~~

~~——— (i) establish initiatives for the president's institution each year that are:~~

~~——— (A) aligned with the strategic priorities described in Subsection (2); and~~

~~——— (B) consistent with the institution's mission and role; and~~

~~——— (ii) allocate the institution's mission based funding to the initiatives.~~

~~——— [(9)] (8) 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 and used in accordance with institutional work programs.~~

~~——— [(10)] (9) Each institution may do its own purchasing, issue its own payrolls, and handle its own financial affairs [under the general supervision of the board].~~

~~——— [(11)] (10) (a) If the Legislature appropriates money in accordance with this section, it shall be distributed to the State Board of Regents and higher education institutions to fund the items described in Subsection (1)(b).~~

~~——— (b) During each general session of the Legislature following a fiscal year in which the Legislature provides an appropriation for mission based funding, the board and institutions shall report to the Legislature's Higher Education Appropriations Subcommittee on the use of the previous year's mission based funding, including performance outcomes relating to the strategic initiatives approved by the board.~~

~~——— Section 13. Section 53B-7-101.5 is amended to read:~~

~~——— **53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**~~

~~——— (1) If an institution within the State System of Higher Education listed in Section 53B-1-102 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~~

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following procedure:

~~—— (a) The institution shall advertise its intent to consider an increase in student tuition rates:~~

~~—— (i) in the institution's student newspaper twice during a period of 10 days prior to the meeting; [and]~~

~~—— (ii) on the Utah Public Notice Website created in Section 63F-1-701, for 10 days immediately before the meeting[.]; and~~

~~—— (iii) by sending an email to each student with an email address on file.~~

~~—— (b) The advertisement shall state that the institution will meet on a certain day, time, and place fixed in the advertisement, which [shall] may not be less than seven days after the day the second 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[.] the institution;~~

~~—— [(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~~

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specific:

~~\_\_\_\_\_ (c) The institution is encouraged to specify the total cost of tuition and fees to complete a bachelor's degree in four years.~~

~~\_\_\_\_\_ (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.~~

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

#### **Qualifications -- Application.**

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

(a) completes the high school graduation requirements of:

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

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

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

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

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

(A) four units of credit of English or one unit of credit earned by completing a college English course that is at least at the general education level;

(B) four units of credit of mathematics or one unit of credit earned by completing a college mathematics course that is at least at the general education level;

(C) three and one-half units of credit of social science or one unit of credit earned by completing a college social science course that is at least at the general education level;

(D) three units of credit of lab-based natural science or one unit of credit earned by completing a college natural science course that is at least at the general education level; and

(E) two units of credit of sequential world or classical language other than English or one unit of credit earned by completing a college course in world or classical language other than English that is at least at the general education level; and

(ii) except as provided in Subsection (4), earns a course grade on a transcript of "C" or above in each individual course listed in Subsection (1)(d)(i).

(2) The board shall establish policies to determine specific courses that meet the

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requirements under Subsection (1)(d)(i).

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

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

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

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

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

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

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

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

(4) For purposes of determining if a student meets the grade requirements of Subsection (1)(d)(ii), the board shall assign additional weights to grades earned in courses described in Subsection (1)(d)(i) that are advanced placement or concurrent enrollment courses.

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

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

~~{ Section 14. Section 53B-16-101 is amended to read:~~

~~———— 53B-16-101. Establishment of institutional roles and general courses of study.~~

~~———— [(1)] Except as institutional roles are specifically assigned by the Legislature, the board [may] of trustees of an institution shall establish and define the [roles of the various institutions of higher education under its control and management] role of the institution and shall prescribe the general course of study to be offered at [each] the institution.~~

~~———— [(2) In establishing and defining institutional roles, the board shall consider the traditional roles of the separate institutions.]~~

~~———— Section 15. Section 53B-16-102 is amended to read:~~

~~———— 53B-16-102. Changes in curriculum.~~

~~———— (1) [Under procedures and policies approved by the board and developed in~~

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~~consultation with each institution of higher education, each] An institution may make [such] changes in its curriculum as necessary to better effectuate the institutional role previously approved by the institution's board of trustees.~~

~~—— (2) Notice of a change in the curriculum shall [in all cases] be promptly submitted to the [board] State Board of Regents.~~

~~—— [(3) The board shall establish procedures and policies for considering institutional proposals for substantial alterations in the scope of existing institutional operations.]~~

~~—— [(4) Alterations shall not be made without prior approval of the state board.]~~

~~—— [(5) For purposes of this section, "substantial alteration" means the establishment of a branch, extension center, college, professional school, division, institute, department, or a new program in instruction, research, or public services or a new degree, diploma, or certificate.]~~

~~—— [(6) The board shall conduct periodic reviews of all programs of instruction, research, and public service at each institution, including those funded by gifts, grants, and contracts, and may require the modification or termination of any program.]~~

~~—— [(7) Prior to requiring modification or termination of a program, the board shall give the institution adequate opportunity for a hearing before the board.]~~

~~—— [(8) In making decisions related to career and technical education curriculum changes, the board shall request a review of the proposed changes by the State Board of Education and the Utah College of Applied Technology to ensure an orderly and systematic career and technical education curriculum that eliminates overlap and duplication of course work with the high schools and the Utah College of Applied Technology.]~~

~~—— Section 16. Section **53B-16-103** is amended to read:~~

~~—— **53B-16-103. Understanding of U.S. history, government, and economic system -- Prerequisite for bachelor's degree or teaching credential.**~~

~~—— [(1) (a) An institution of higher education may not issue a degree, diploma, or certificate unless it first 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 history, principles, form of government, and economic system of the United States prior to receiving a bachelor's degree or teaching credential.~~

~~—— [(2) Degrees, diplomas, and certificates issued prior to the effective date of this chapter~~

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~~do not require board approval.]~~

~~——— [(3) The board may terminate the granting of previously approved degrees, diplomas, and certificates if they are inconsistent with the role prescribed by the board for the affected institution.]~~

~~——— Section 17. Section **53B-16-106** is amended to read:~~

~~——— **53B-16-106. Electronics engineering program at Weber State University.**~~

~~——— [(1) The board shall approve a proposal submitted by Weber State University, in accordance with Section 53B-16-102 and board policy, to establish a bachelor of science degree program in electronics engineering.]~~

~~——— [(2)] Weber State University [shall establish the program described in Subsection (1)] may establish a bachelor of science degree program in electronics engineering within existing budgets and with no additional appropriation.~~

~~——— Section 18. Section **53B-16-201** is amended to read:~~

~~——— **53B-16-201. Degrees and certificates that may be conferred.**~~

~~——— (1) Utah State University, Snow College, and Salt Lake Community College may confer certificates of completion and degrees as determined by the [State Board of Regents] respective institution's board of trustees.~~

~~——— (2) The board of trustees of an institution specified in Subsection (1) shall develop evaluative criteria as a means of carefully monitoring the impact of degree programs on the vocational mission of the [colleges] institution.~~

~~——— Section 19. Section **53B-18-1201** is amended to read:~~

~~——— **53B-18-1201. Utah State University-College of Eastern Utah.**~~

~~——— (1) (a) There is established a comprehensive regional college of Utah State University called Utah State University-College of Eastern Utah:~~

~~——— (b) Utah State University shall:~~

~~——— (i) possess all rights, title, privileges, powers, immunities, franchises, endowments, property, and claims of the College of Eastern Utah; and~~

~~——— (ii) fulfill and perform all obligations of the College of Eastern Utah, including obligations relating to outstanding bonds and notes:~~

~~——— (2) Utah State University-College of Eastern Utah contains campuses in the following locations:~~

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~~—— (a) Price, Utah, and~~

~~—— (b) Blanding, Utah.~~

~~—— (3) [(a)] Utah State University-College of Eastern Utah is under the authority and direction of the Utah State University president and Utah State University board of trustees.~~

~~—— [(b) (i) The governor shall appoint nine individuals to the Utah State University board of trustees with the consent of the Senate.]~~

~~—— [(ii) One of the nine individuals described in Subsection (3)(b)(i) shall reside in the Utah State University-College of Eastern Utah service region.]~~

~~—— [(c) The board shall establish a policy defining the service region.]~~

~~—— (4) (a) Utah State University-College of Eastern Utah shall be administered by a chancellor:~~

~~—— (b) The chancellor of Utah State University-College of Eastern Utah is appointed by the president of Utah State University and reports directly to the president of Utah State University.~~

~~—— (5) (a) The president of Utah State University shall appoint a regional advisory council to advise the president and chancellor regarding local issues relating to the college.~~

~~—— (b) The chancellor shall provide the Utah State University president with recommendations for the regional advisory council.~~

~~—— (c) The regional advisory council:~~

~~—— (i) shall include the Utah State University-College of Eastern Utah Student Association president; and~~

~~—— (ii) may include:~~

~~—— (A) residents of the counties in the Utah State University-College of Eastern Utah service region, as defined by board policy; and~~

~~—— (B) alumni of the College of Eastern Utah.~~

### Legislative Review Note

~~—— as of 1-19-12 12:49 PM~~

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~~Office of Legislative Research and General Counsel~~