{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.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

THIGHER FREDCESET/OCK/GDITE DougHT Entroposes the following substitute bill:

REGENTS' SCHOLARSHIP PROGRAM AMENDMENTS

2012 GENERAL SESSION STATE OF UTAH

Chief Sponsor: John Dougall

Senate	Sponsor:	_		
	_			

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 <u>other requirements</u> 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;

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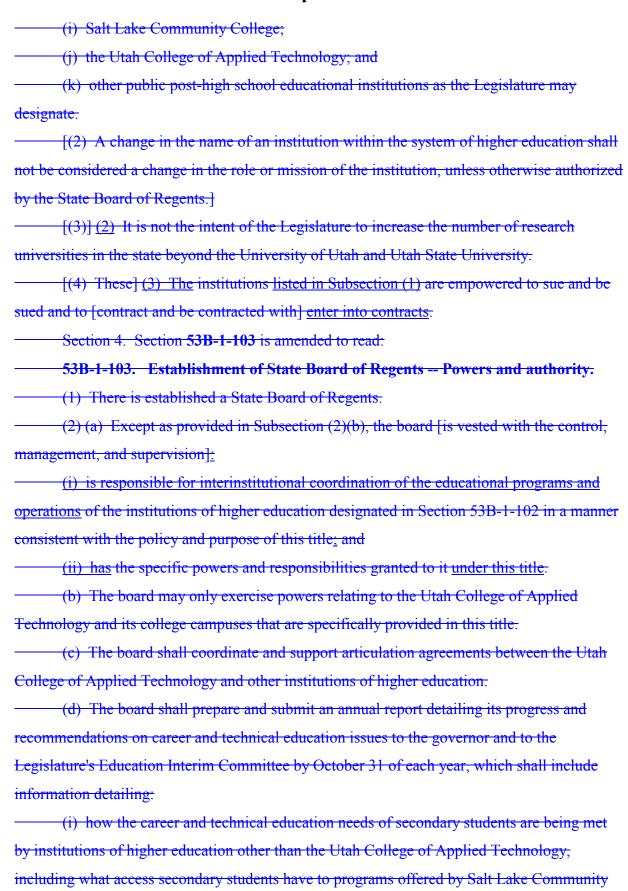
Be it enacted by the Legislature of the state of Utah:

Section 1. Section {53A-13-101.5} <u>53B-8-109</u> is amended to read:

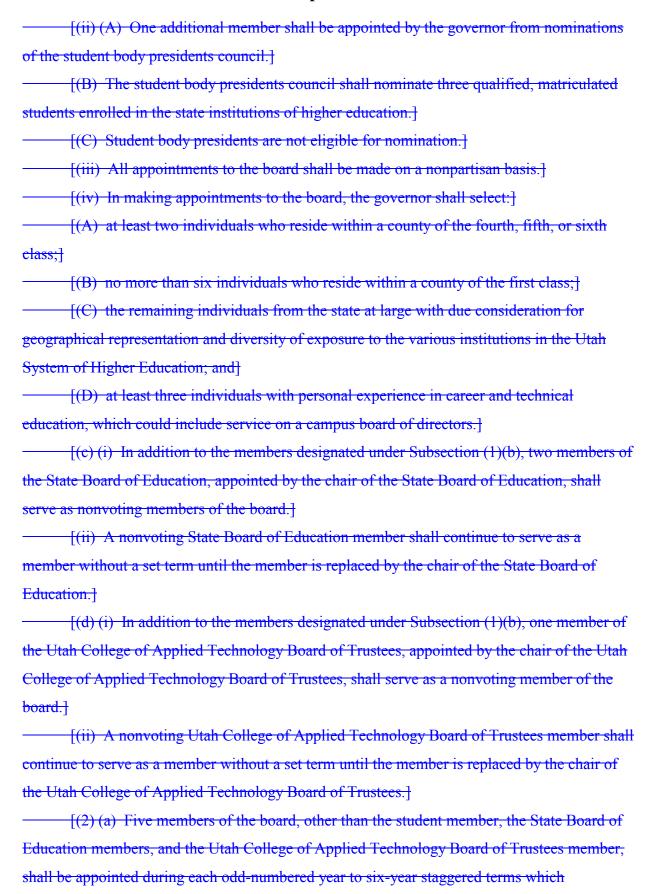
53A-13-101.5. Teaching of American sign language.

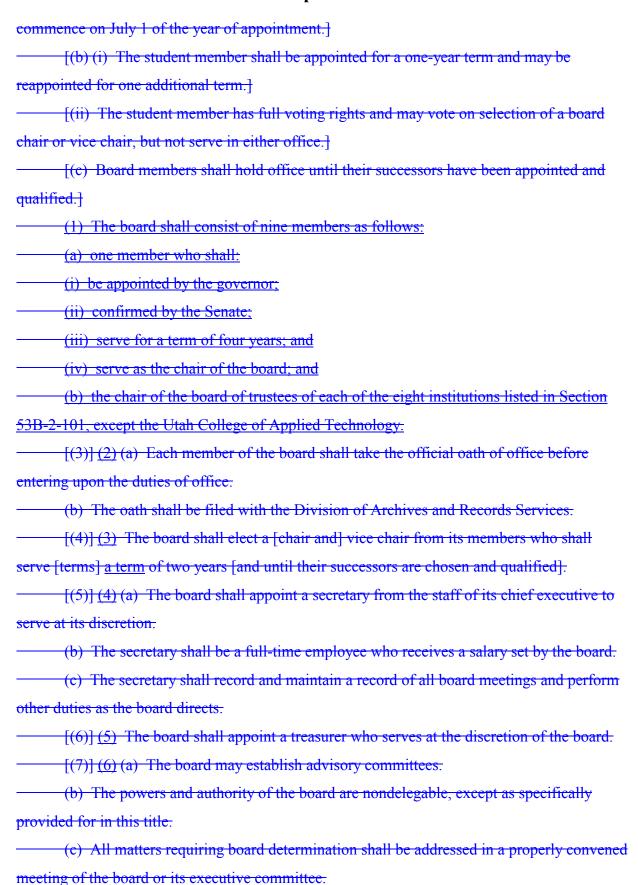
- (1) The Legislature recognizes that American sign language is a fully developed, autonomous, natural language with distinct grammar, syntax, and art forms.
- (2) American sign language shall be accorded equal status with other linguistic systems in the state's public and higher education systems.
- (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].

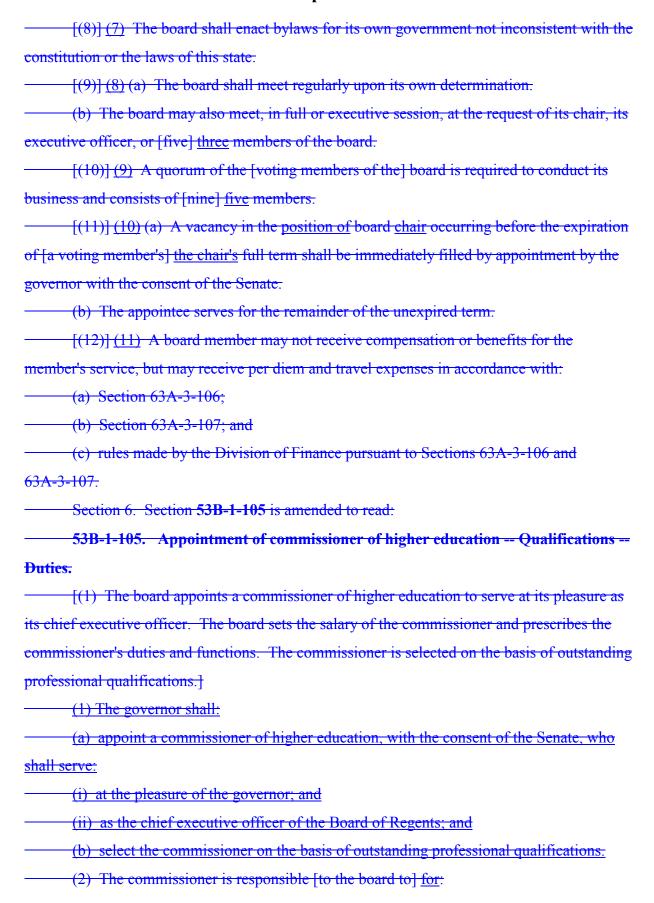
(6) The Joint Liaison Committee, in consultation with members of the state's deaf and
hard of hearing community, shall review any policies and procedures developed under this
section and make recommendations to either or both boards regarding the policies.
Section 2. Section 53B-1-101 is amended to read:
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;
——————————————————————————————————————
(g) Dixie State College of Utah;
(h) Utah Valley University;

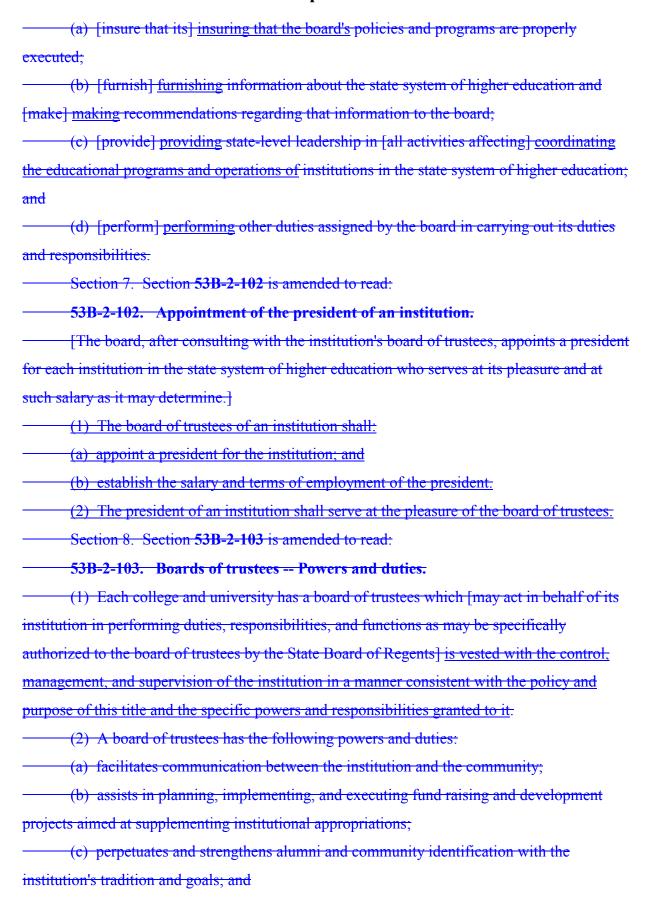


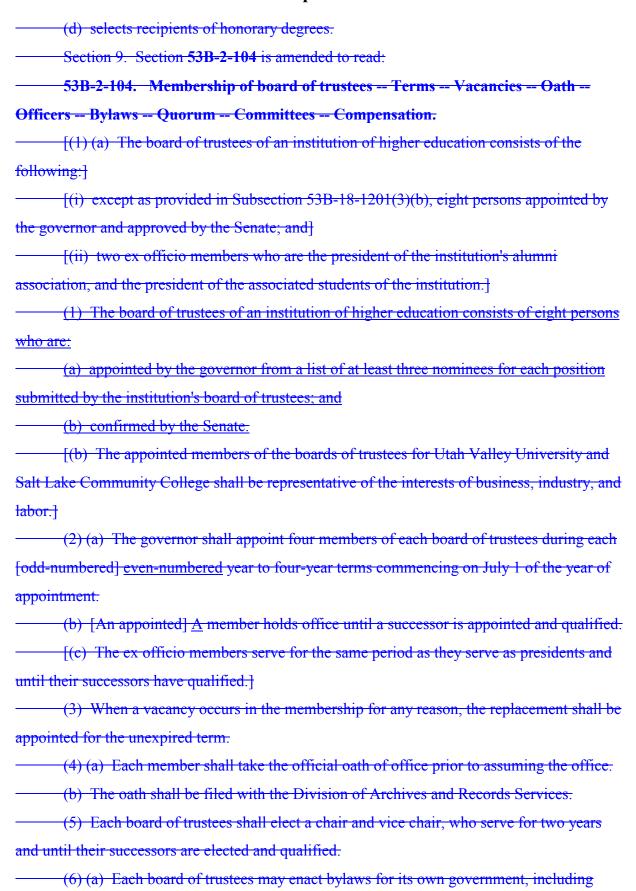
College's School of Applied Technology, Snow College, and Utah State University-College of Eastern Utah; (ii) how the emphasis on high demand, high wage, and high skill jobs in business and industry is being provided; (iii) performance outcomes, including: (A) entered employment; (B) job retention; and (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.]

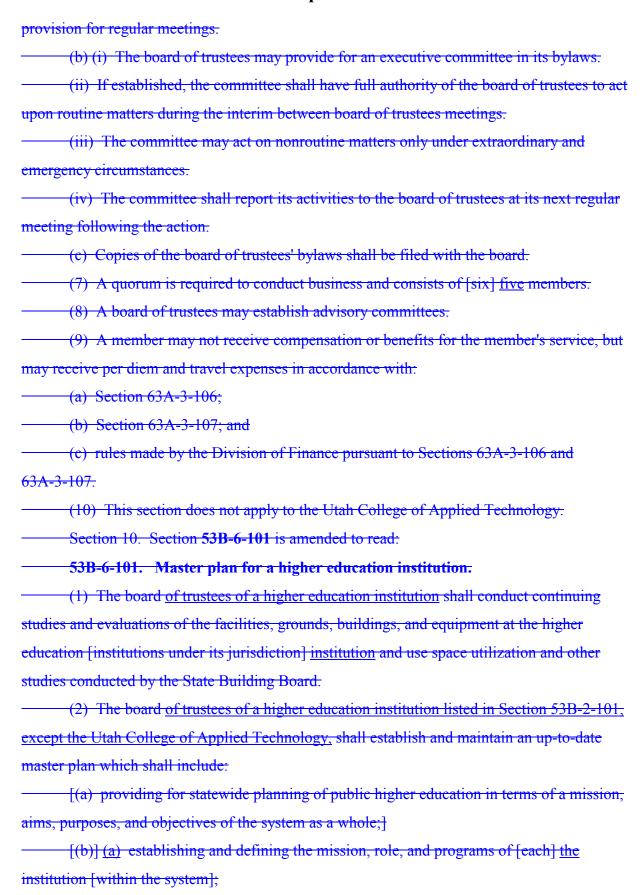




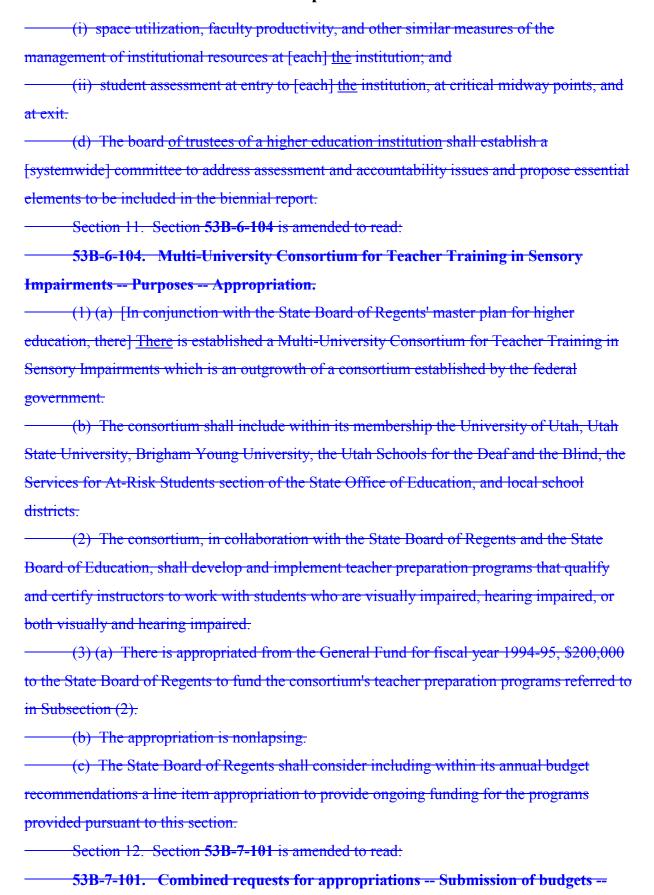








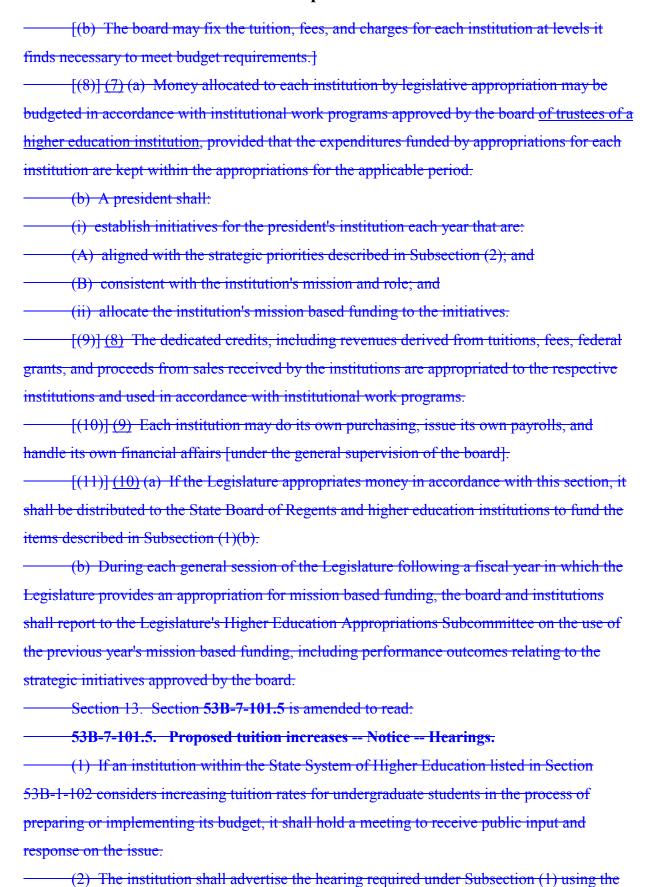




Recommendations -- Hearing request -- Appropriation formulas -- Allocations -- Dedicated credits -- Financial affairs.

(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

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



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

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 <u>or one unit of credit earned by completing a</u> college mathematics course that is at least at the general education level;
- (C) three and one-half units of credit of social science <u>or one unit of credit earned by</u> <u>completing a college social science course that is at least at the general education level;</u>
- (D) three units of credit of lab-based natural science <u>or one unit of credit earned by</u> <u>completing a college natural science course that is at least at the general education level</u>; 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

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.

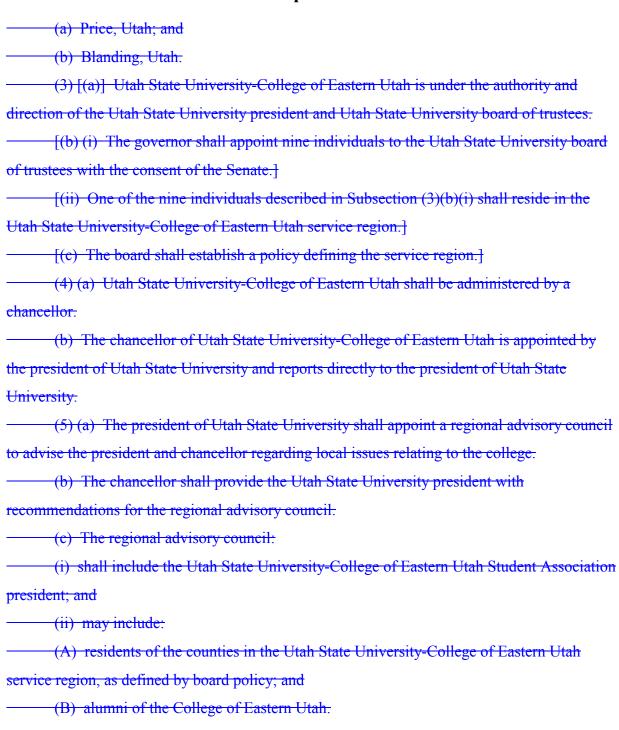
 [(1)] Except as institutional roles are specifically assigned by the Legislature, the board [may] of trustees of an institution shall establish and define the [roles of the various institutions of higher education under its control and management] role of the institution and shall prescribe the general 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

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

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:



Legislative Review Note

as of 1-19-12 12:49 PM

Office of Legislative Research and General Counsel}