

1 **AGENCY REPORTING REQUIREMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Bradley G. Last**

5 Senate Sponsor: Ann Millner

7 **LONG TITLE**

8 **General Description:**

9 This bill amends agency reporting requirements relating to education.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ repeals certain agency requirements for reporting to the Education Interim
- 13 Committee;
- 14 ▶ amends the way in which agencies are required to make certain reports to the
- 15 Education Interim Committee; and
- 16 ▶ amends the entities to which agencies are required to make certain reports.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

- 23 **53A-1-403.5**, as last amended by Laws of Utah 2012, Chapter 23
- 24 **53A-17a-124.5**, as last amended by Laws of Utah 2013, Chapter 299
- 25 **53A-17a-150**, as last amended by Laws of Utah 2013, Chapter 466
- 26 **53A-17a-162**, as last amended by Laws of Utah 2015, Chapter 12
- 27 **53A-17a-171**, as enacted by Laws of Utah 2014, Chapter 375
- 28 **53A-25b-201**, as last amended by Laws of Utah 2013, Chapter 278
- 29 **53B-1-202**, as enacted by Laws of Utah 2010, Chapter 243

30 **53B-8-108**, as last amended by Laws of Utah 2010, Chapter 270

31 **53B-16-107**, as last amended by Laws of Utah 2014, Chapter 215

32

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

34 Section 1. Section **53A-1-403.5** is amended to read:

35 **53A-1-403.5. Education of persons in custody of the Utah Department of**
36 **Corrections -- Contracting for services -- Recidivism reduction plan -- Collaboration**
37 **among state agencies.**

38 (1) The State Board of Education and the Utah Department of Corrections, subject to
39 legislative appropriation, are responsible for the education of persons in the custody of the Utah
40 Department of Corrections.

41 (2) (a) To fulfill the responsibility under Subsection (1), the State Board of Education
42 and the Utah Department of Corrections shall, where feasible, contract with appropriate private
43 or public agencies to provide educational and related administrative services. Contracts for
44 postsecondary education and training shall be under Subsection (2)(b).

45 (b) (i) The contract under Subsection (2)(a) to provide postsecondary education and
46 training shall be with a community college if the correctional facility is located within the
47 service region of a community college, except under Subsection (2)(b)(ii).

48 (ii) If the community college under Subsection (2)(b)(i) declines to provide the
49 education and training or cannot meet reasonable contractual terms for providing the education
50 and training as specified by the Utah Department of Corrections, postsecondary education and
51 training under Subsection (2)(a) may be procured through other appropriate private or public
52 agencies.

53 (3) (a) As its corrections education program, the State Board of Education and the Utah
54 Department of Corrections shall develop and implement a recidivism reduction plan, including
55 the following components:

- 56 (i) inmate assessment;
- 57 (ii) cognitive problem-solving skills;

- 58 (iii) basic literacy skills;
- 59 (iv) career skills;
- 60 (v) job placement;
- 61 (vi) postrelease tracking and support;
- 62 (vii) research and evaluation;
- 63 (viii) family involvement and support; and
- 64 (ix) multiagency collaboration.

65 (b) The plan shall be developed and implemented through the State Office of
 66 Education and the Utah Department of Corrections in collaboration with the following entities:

- 67 (i) the State Board of Regents;
- 68 (ii) the Utah College of Applied Technology Board of Trustees;
- 69 (iii) local boards of education;
- 70 (iv) the Department of Workforce Services;
- 71 (v) the Department of Human Services;
- 72 (vi) the Board of Pardons and Parole;
- 73 (vii) the State Office of Rehabilitation; and
- 74 (viii) the Governor's Office.

75 (4) By July 1, 2014, and every three years thereafter, the Utah Department of
 76 Corrections shall make a report to the [~~Education Interim Committee~~] State Board of Education
 77 and the [~~Judiciary,~~] Law Enforcement[;] and Criminal Justice Interim Committee evaluating
 78 the impact of corrections education programs on recidivism.

79 Section 2. Section **53A-17a-124.5** is amended to read:

80 **53A-17a-124.5. Appropriation for class size reduction.**

81 (1) Money appropriated to the State Board of Education for class size reduction shall
 82 be used to reduce the average class size in kindergarten through the eighth grade in the state's
 83 public schools.

84 (2) Each district or charter school shall receive its allocation based upon prior year
 85 average daily membership in kindergarten through grade 8 plus growth as determined under

86 Subsection 53A-17a-106(3) as compared to the total prior year average daily membership in
87 kindergarten through grade 8 plus growth of school districts and charter schools that qualify for
88 an allocation pursuant to Subsection (8).

89 (3) (a) A district may use its allocation to reduce class size in any one or all of the
90 grades referred to under this section, except as otherwise provided in Subsection (3)(b).

91 (b) (i) Each district or charter school shall use 50% of its allocation to reduce class size
92 in any one or all of grades kindergarten through grade 2, with an emphasis on improving
93 student reading skills.

94 (ii) If a district's or charter school's average class size is below 18 in grades
95 kindergarten through grade 2, it may petition the state board for, and the state board may grant,
96 a waiver to use its allocation under Subsection (3)(b)(i) for class size reduction in the other
97 grades.

98 (4) Schools may use nontraditional innovative and creative methods to reduce class
99 sizes with this appropriation and may use part of their allocation to focus on class size
100 reduction for specific groups, such as at risk students, or for specific blocks of time during the
101 school day.

102 (5) (a) A school district or charter school may use up to 20% of its allocation under
103 Subsection (1) for capital facilities projects if such projects would help to reduce class size.

104 (b) If a school district's or charter school's student population increases by 5% or 700
105 students from the previous school year, the school district or charter school may use up to 50%
106 of any allocation it receives under this section for classroom construction.

107 (6) This appropriation is to supplement any other appropriation made for class size
108 reduction.

109 (7) The Legislature shall provide for an annual adjustment in the appropriation
110 authorized under this section in proportion to the increase in the number of students in the state
111 in kindergarten through grade eight.

112 (8) (a) To qualify for class size reduction money, a school district or charter school
113 shall submit:

114 (i) a plan for the use of the school district's or charter school's allocation of class size
115 reduction money to the State Board of Education; and

116 (ii) beginning with the 2014-15 school year, a report on the school district's or charter
117 school's use of class size reduction money in the prior school year.

118 (b) The plan and report required pursuant to Subsection (8)(a) shall include the
119 following information:

120 (i) (A) the number of teachers employed using class size reduction money;

121 (B) the amount of class size reduction money expended for teachers; and

122 (C) if supplemental school district or charter school funds are expended to pay for
123 teachers employed using class size reduction money, the amount of the supplemental money;

124 (ii) (A) the number of paraprofessionals employed using class size reduction money;

125 (B) the amount of class size reduction money expended for paraprofessionals; and

126 (C) if supplemental school district or charter school funds are expended to pay for
127 paraprofessionals employed using class size reduction money, the amount of the supplemental
128 money; and

129 (iii) the amount of class size reduction money expended for capital facilities.

130 (c) In addition to submitting a plan and report on the use of class size reduction money,
131 a school district or charter school shall annually submit a report to the State Board of Education
132 that includes the following information:

133 (i) the number of teachers employed using K-3 Reading Improvement Program money
134 received pursuant to Sections 53A-17a-150 and 53A-17a-151;

135 (ii) the amount of K-3 Reading Improvement Program money expended for teachers;

136 (iii) the number of teachers employed in kindergarten through grade 8 using Title I
137 money;

138 (iv) the amount of Title I money expended for teachers in kindergarten through grade
139 8; and

140 (v) a comparison of actual average class size by grade in grades kindergarten through 8
141 in the school district or charter school with what the average class size would be without the

142 expenditure of class size reduction, K-3 Reading Improvement Program, and Title I money.

143 (d) The information required to be reported in Subsections (8)(b)(i)(A) through (C),
144 (8)(b)(ii)(A) through (C), and (8)(c) shall be categorized by a teacher's or paraprofessional's
145 teaching assignment, such as the grade level, course, or subject taught.

146 (e) The State Board of Education may make rules specifying procedures and standards
147 for the submission of:

148 (i) a plan and a report on the use of class size reduction money as required by this
149 section; and

150 (ii) a report required under Subsection (8)(c).

151 (f) Based on the data contained in the class size reduction plans and reports submitted
152 by school districts and charter schools, and data on average class size, the State Board of
153 Education shall annually report to the [~~Education Interim Committee~~] Public Education
154 Appropriations Subcommittee on the impact of class size reduction, K-3 Reading Improvement
155 Program, and Title I money on class size.

156 Section 3. Section **53A-17a-150** is amended to read:

157 **53A-17a-150. K-3 Reading Improvement Program.**

158 (1) As used in this section:

159 (a) "Board" means the State Board of Education.

160 (b) "Five domains of reading" include phonological awareness, phonics, fluency,
161 comprehension, and vocabulary.

162 (c) "Program" means the K-3 Reading Improvement Program.

163 (d) "Program money" means:

164 (i) school district revenue allocated to the program from other money available to the
165 school district, except money provided by the state, for the purpose of receiving state funds
166 under this section; and

167 (ii) money appropriated by the Legislature to the program.

168 (2) The K-3 Reading Improvement Program consists of program money and is created
169 to supplement other school resources to achieve the state's goal of having third graders reading

170 at or above grade level.

171 (3) Subject to future budget constraints, the Legislature may annually appropriate
172 money to the K-3 Reading Improvement Program.

173 (4) (a) To receive program money, a school district or charter school must submit a plan
174 to the board for reading proficiency improvement that incorporates the following components:

175 (i) assessment;

176 (ii) intervention strategies;

177 (iii) professional development for classroom teachers in kindergarten through grade
178 three;

179 (iv) reading performance standards; and

180 (v) specific measurable goals that include the following:

181 (A) a growth goal for each school within a school district and each charter school
182 based upon student learning gains as measured by benchmark assessments administered
183 pursuant to Section [53A-1-606.6](#); and

184 (B) a growth goal for each school district and charter school to increase the percentage
185 of third grade students who read on grade level from year to year as measured by the third
186 grade reading test administered pursuant to Section [53A-1-603](#).

187 (b) The board shall provide model plans which a school district or charter school may
188 use, or the school district or charter school may develop its own plan.

189 (c) Plans developed by a school district or charter school shall be approved by the
190 board.

191 (d) The board shall develop uniform standards for acceptable growth goals that a
192 school district or charter school adopts as described in this Subsection (4).

193 (5) (a) There is created within the K-3 Reading Achievement Program three funding
194 programs:

195 (i) the Base Level Program;

196 (ii) the Guarantee Program; and

197 (iii) the Low Income Students Program.

198 (b) The board may use no more than \$7,500,000 from an appropriation described in
199 Subsection (3) for computer-assisted instructional learning and assessment programs.

200 (6) Money appropriated to the board for the K-3 Reading Improvement Program and
201 not used by the board for computer-assisted instructional learning and assessments as described
202 in Subsection (5)(b), shall be allocated to the three funding programs as follows:

203 (a) 8% to the Base Level Program;

204 (b) 46% to the Guarantee Program; and

205 (c) 46% to the Low Income Students Program.

206 (7) (a) To participate in the Base Level Program, a school district or charter school
207 shall submit a reading proficiency improvement plan to the board as provided in Subsection (4)
208 and must receive approval of the plan from the board.

209 (b) (i) Each school district qualifying for Base Level Program funds and the qualifying
210 elementary charter schools combined shall receive a base amount.

211 (ii) The base amount for the qualifying elementary charter schools combined shall be
212 allocated among each school in an amount proportionate to:

213 (A) each existing charter school's prior year fall enrollment in grades kindergarten
214 through grade three; and

215 (B) each new charter school's estimated fall enrollment in grades kindergarten through
216 grade three.

217 (8) (a) A school district that applies for program money in excess of the Base Level
218 Program funds shall choose to first participate in either the Guarantee Program or the Low
219 Income Students Program.

220 (b) A school district must fully participate in either the Guarantee Program or the Low
221 Income Students Program before it may elect to either fully or partially participate in the other
222 program.

223 (c) To fully participate in the Guarantee Program, a school district shall allocate to the
224 program money available to the school district, except money provided by the state, equal to
225 the amount of revenue that would be generated by a tax rate of .000056.

226 (d) To fully participate in the Low Income Students Program, a school district shall
227 allocate to the program money available to the school district, except money provided by the
228 state, equal to the amount of revenue that would be generated by a tax rate of .000065.

229 (e) (i) The board shall verify that a school district allocates the money required in
230 accordance with Subsections (8)(c) and (d) before it distributes funds in accordance with this
231 section.

232 (ii) The State Tax Commission shall provide the board the information the board needs
233 in order to comply with Subsection (8)(e)(i).

234 (9) (a) Except as provided in Subsection (9)(c), a school district that fully participates in
235 the Guarantee Program shall receive state funds in an amount that is:

236 (i) equal to the difference between \$21 times the district's total WPU's and the revenue
237 the school district is required to allocate under Subsection (8)(c) to fully participate in the
238 Guarantee Program; and

239 (ii) not less than \$0.

240 (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive
241 under the Guarantee Program an amount equal to \$21 times the school's total WPU's.

242 (c) The board may adjust the \$21 guarantee amount described in Subsections (9)(a) and
243 (b) to account for actual appropriations and money used by the board for computer-assisted
244 instructional learning and assessments.

245 (10) The board shall distribute Low Income Students Program funds in an amount
246 proportionate to the number of students in each school district or charter school who qualify for
247 free or reduced price school lunch multiplied by two.

248 (11) A school district that partially participates in the Guarantee Program or Low
249 Income Students Program shall receive program funds based on the amount of school district
250 revenue allocated to the program as a percentage of the amount of revenue that could have been
251 allocated if the school district had fully participated in the program.

252 (12) (a) A school district or charter school shall use program money for reading
253 proficiency improvement interventions in grades kindergarten through grade 3 that have proven

254 to significantly increase the percentage of students reading at grade level, including:

255 (i) reading assessments; and

256 (ii) focused reading remediations that may include:

257 (A) the use of reading specialists;

258 (B) tutoring;

259 (C) before or after school programs;

260 (D) summer school programs; or

261 (E) the use of reading software; or

262 (F) the use of interactive computer software programs for literacy instruction and

263 assessments for students.

264 (b) A school district or charter school may use program money for portable technology
265 devices used to administer reading assessments.

266 (c) Program money may not be used to supplant funds for existing programs, but may
267 be used to augment existing programs.

268 (13) (a) Each school district and charter school shall annually submit a report to the
269 board accounting for the expenditure of program money in accordance with its plan for reading
270 proficiency improvement.

271 [~~(b) On or before the November meeting of the Education Interim Committee of each~~
272 ~~year, the board shall report a summary of the reading improvement program expenditures of~~
273 ~~each school district and charter school.]~~

274 [(~~e~~)] (b) If a school district or charter school uses program money in a manner that is
275 inconsistent with Subsection (12), the school district or charter school is liable for reimbursing
276 the board for the amount of program money improperly used, up to the amount of program
277 money received from the board.

278 (14) (a) The board shall make rules to implement the program.

279 (b) (i) The rules under Subsection (14)(a) shall require each school district or charter
280 school to annually report progress in meeting school and school district goals stated in the
281 school district's or charter school's plan for student reading proficiency.

282 (ii) If a school does not meet or exceed the school's goals, the school district or charter
283 school shall prepare a new plan which corrects deficiencies. The new plan must be approved
284 by the board before the school district or charter school receives an allocation for the next year.

285 (15) (a) If for two consecutive school years, a school district fails to meet its goal to
286 increase the percentage of third grade students who read on grade level as measured by the
287 third grade reading test administered pursuant to Section 53A-1-603, the school district shall
288 terminate any levy imposed under Section 53A-17a-151 and may not receive money
289 appropriated by the Legislature for the K-3 Reading Improvement Program.

290 (b) If for two consecutive school years, a charter school fails to meet its goal to
291 increase the percentage of third grade students who read on grade level as measured by the
292 third grade reading test administered pursuant to Section 53A-1-603, the charter school may
293 not receive money appropriated by the Legislature for the K-3 Reading Improvement Program.

294 (16) The board shall make an annual report to the Public Education Appropriations
295 Subcommittee that:

296 (a) includes information on:

297 (i) student learning gains in reading for the past school year and the five-year trend;

298 (ii) the percentage of third grade students reading on grade level in the past school year
299 and the five-year trend;

300 (iii) the progress of schools and school districts in meeting goals stated in a school
301 district's or charter school's plan for student reading proficiency; and

302 (iv) the correlation between third grade students reading on grade level and results of
303 third grade language arts scores on a criterion-referenced test or computer adaptive test; and

304 (b) may include recommendations on how to increase the percentage of third grade
305 students who read on grade level.

306 Section 4. Section 53A-17a-162 is amended to read:

307 **53A-17a-162. Beverley Taylor Sorenson Elementary Arts Learning Program.**

308 (1) As used in this section:

309 (a) "Endowed chair" means a person who holds an endowed position or administrator

310 of an endowed program for the purpose of arts and integrated arts instruction at an endowed
311 university.

312 (b) "Endowed university" means an institution of higher education in the state that:

313 (i) awards elementary education degrees in arts instruction;

314 (ii) has received a major philanthropic donation for the purpose of arts and integrated
315 arts instruction; and

316 (iii) has created an endowed position as a result of a donation described in Subsection
317 (1)(b)(ii).

318 (c) "Integrated arts advocate" means a person who:

319 (i) advocates for arts and integrated arts instruction in the state; and

320 (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed
321 chair.

322 (d) "Local education agency" or "LEA" means:

323 (i) a school district;

324 (ii) a charter school; or

325 (iii) the Utah Schools for the Deaf and the Blind.

326 (2) The Legislature finds that a strategic placement of arts in elementary education can
327 impact the critical thinking of students in other core subject areas, including mathematics,
328 reading, and science.

329 (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to
330 enhance the social, emotional, academic, and arts learning of students in kindergarten through
331 grade six by integrating arts teaching and learning into core subject areas and providing
332 professional development for positions that support elementary arts and integrated arts
333 education.

334 (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
335 Learning Program, and subject to Subsection (5), the State Board of Education shall, after
336 consulting with endowed chairs and the integrated arts advocate and receiving their
337 recommendations, administer a grant program to enable LEAs to:

338 (a) hire highly qualified arts specialists, art coordinators, and other positions that
339 support arts education and arts integration;

340 (b) provide up to \$10,000 in one-time funds for each new school arts specialist
341 described under Subsection (4)(a) to purchase supplies and equipment; and

342 (c) engage in other activities that improve the quantity and quality of integrated arts
343 education.

344 (5) (a) An LEA that receives a grant under Subsection (4) shall provide matching funds
345 of no less than 20% of the grant amount, including no less than 20% of the grant amount for
346 actual salary and benefit costs per full-time equivalent position funded under Subsection (4)(a).

347 (b) An LEA may not:

348 (i) include administrative, facility, or capital costs to provide the matching funds
349 required under Subsection (5)(a); or

350 (ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to
351 supplant funds for existing programs.

352 (6) An LEA that receives a grant under this section shall partner with an endowed chair
353 to provide professional development in integrated elementary arts education.

354 (7) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
355 Learning Program, the State Board of Education shall administer a grant program to fund
356 activities within arts and the integrated arts programs at an endowed university in the college
357 where the endowed chair resides to:

358 (a) provide high quality professional development in elementary integrated arts
359 education in accordance with the professional learning standards in Section [53A-3-701](#) to
360 LEAs that receive a grant under Subsection (4);

361 (b) design and conduct research on:

362 (i) elementary integrated arts education and instruction;

363 (ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts
364 Learning Program; and

365 (iii) effectiveness of the professional development under Subsection (7)(a); and

366 (c) provide the public with integrated elementary arts education resources.

367 (8) The State Board of Education shall~~[(a)]~~ make rules in accordance with Title 63G,
368 Chapter 3, Utah Administrative Rulemaking Act, to administer the Beverley Taylor Sorenson
369 Elementary Arts Learning Program~~[, and]~~.

370 ~~[(b) after consultation with endowed chairs and the integrated arts advocate, submit an~~
371 ~~annual written report to the Education Interim Committee describing the program's impact on~~
372 ~~students in kindergarten through grade six.]~~

373 Section 5. Section **53A-17a-171** is amended to read:

374 **53A-17a-171. Intergenerational Poverty Interventions Grant Program --**
375 **Definitions -- Grant requirements -- Reporting requirements.**

376 (1) As used in this section:

377 (a) "Board" means the State Board of Education.

378 (b) "Eligible student" means a student who is classified as a child affected by
379 intergenerational poverty.

380 (c) "Intergenerational poverty" has the same meaning as in Section [35A-9-102](#).

381 (d) "Local Education Agency" or "LEA" means a school district or charter school.

382 (e) "Program" means the Intergenerational Poverty Interventions Grant Program
383 created in Subsection (2).

384 (2) The Intergenerational Poverty Interventions Grant Program is created to provide
385 grants to eligible LEAs to fund additional educational opportunities for eligible students,
386 outside of the regular school day offerings.

387 (3) Subject to future budget constraints, the board shall distribute to LEAs money
388 appropriated for the program in accordance with this section.

389 (4) The board shall:

390 (a) solicit proposals from LEAs to receive money under the program; and

391 (b) award grants to LEAs based on criteria described in Subsection (5).

392 (5) In awarding a grant under Subsection (4), the board shall consider:

393 (a) the percentage of an LEA's students that are classified as children affected by

394 intergenerational poverty;

395 (b) the level of administrative support and leadership at an eligible LEA to effectively
396 implement, monitor, and evaluate the program; and

397 (c) an LEA's commitment and ability to work with the Department of Workforce
398 Services, the Department of Health, the Department of Human Services, and the juvenile courts
399 to provide services to the LEA's eligible students.

400 (6) To receive a grant under the program, an LEA shall submit a proposal to the board
401 detailing:

402 (a) the LEA's strategy to implement the program, including the LEA's strategy to
403 improve the academic achievement of children affected by intergenerational poverty;

404 (b) the LEA's strategy for coordinating with and engaging the Department of
405 Workforce Services to provide services for the LEA's eligible students;

406 (c) the number of students the LEA plans to serve, categorized by age and
407 intergenerational poverty status;

408 (d) the number of students, eligible students, and schools the LEA plans to fund with
409 the grant money; and

410 (e) the estimated cost per student.

411 (7) (a) The board shall annually report to [~~the Legislature's Education Interim~~
412 ~~Committee and~~] the Utah Intergenerational Welfare Reform Commission, created in Section
413 [35A-9-301](#), by November 30 of each year, on:

414 (i) the progress of LEA programs using grant money;

415 (ii) the progress of LEA programs in improving the academic achievement of children
416 affected by intergenerational poverty; and

417 (iii) the LEA's coordination efforts with the Department of Workforce Services, the
418 Department of Health, the Department of Human Services, and the juvenile courts.

419 (b) The board shall provide the report described in Subsection (7)(a) to the Education
420 Interim Committee upon request.

421 [~~(b)~~] (c) LEAs that receive grant money pursuant to this section shall provide to the

422 board information that is necessary for the board's report [~~to the Legislature's Education Interim~~
423 ~~Committee and the Utah Intergenerational Welfare Reform Commission as required~~] described
424 in Subsection (7)(a).

425 Section 6. Section **53A-25b-201** is amended to read:

426 **53A-25b-201. Authority of the State Board of Education -- Rulemaking --**
427 **Superintendent -- Advisory Council.**

428 (1) The State Board of Education is the governing board of the Utah Schools for the
429 Deaf and the Blind.

430 (2) (a) The board shall appoint a superintendent for the Utah Schools for the Deaf and
431 the Blind.

432 (b) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
433 Administrative Rulemaking Act, regarding the qualifications, terms of employment, and duties
434 of the superintendent for the Utah Schools for the Deaf and the Blind.

435 (3) The superintendent shall:

436 (a) subject to the approval of the board, appoint an associate superintendent to
437 administer the Utah School for the Deaf based on:

- 438 (i) demonstrated competency as an expert educator of deaf persons; and
- 439 (ii) knowledge of school management and the instruction of deaf persons;

440 (b) subject to the approval of the board, appoint an associate superintendent to
441 administer the Utah School for the Blind based on:

- 442 (i) demonstrated competency as an expert educator of blind persons; and
- 443 (ii) knowledge of school management and the instruction of blind persons, including an
444 understanding of the unique needs and education of deafblind persons.

445 (4) (a) The board shall:

446 (i) establish an Advisory Council for the Utah Schools for the Deaf and the Blind and
447 appoint no more than 11 members to the advisory council;

448 (ii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
449 Rulemaking Act, regarding the operation of the advisory council; and

450 (iii) receive and consider the advice and recommendations of the advisory council but
451 is not obligated to follow the recommendations of the advisory council.

452 (b) The advisory council described in Subsection (4)(a) shall include at least:

453 (i) two members who are blind;

454 (ii) two members who are deaf; and

455 (iii) two members who are deafblind or parents of a deafblind child.

456 (5) The board shall approve the annual budget and expenditures of the Utah Schools
457 for the Deaf and the Blind.

458 (6) (a) On or before the November interim meeting each year, the board shall report to
459 the Education Interim Committee on the Utah Schools for the Deaf and the Blind.

460 (b) The ~~[report shall be presented verbally and in written form to the Education Interim~~
461 ~~Committee and shall include]~~ board shall ensure that the report described in Subsection (6)(a)
462 includes:

463 (i) a financial report;

464 (ii) a report on the activities of the superintendent and associate superintendents;

465 (iii) a report on activities to involve parents and constituency and advocacy groups in
466 the governance of the school; and

467 (iv) a report on student achievement, including:

468 (A) ~~[student academic achievement data, including]~~ longitudinal student achievement
469 data for both current and previous students served by the Utah Schools for the Deaf and the
470 Blind;

471 (B) graduation rates; and

472 (C) ~~[students exiting the Utah Schools for the Deaf and the Blind and their]~~ a
473 description of the educational placement [after] of students exiting the Utah Schools for the
474 Deaf and the Blind.

475 Section 7. Section **53B-1-202** is amended to read:

476 **53B-1-202. Disclosure of foreign gifts to higher education institutions.**

477 (1) (a) Except as provided in Subsection (1)(c), on or before July 31 of each year, a

478 higher education institution shall disclose to the board, by filing a disclosure report described in
479 Subsection (2), a gift received by the higher education institution of \$50,000 or more from a
480 foreign person, considered alone or in combination with all other gifts from the foreign person,
481 during the period beginning July 1 and ending on June 30 immediately preceding the July 31
482 deadline.

483 (b) A higher education institution may rely on the following address of a foreign person
484 to determine the citizenship or nationality of the foreign person if the citizenship or nationality
485 is unknown:

486 (i) for a foreign person that is an individual, the principal residence; and

487 (ii) for a foreign person that is not an individual, the principal place of business.

488 (c) The \$50,000 amount described in Subsection (1)(a) is increased to \$250,000 if the
489 gift, considered alone or in combination with all other gifts, described in Subsection (1)(a) is
490 from a foreign person:

491 (i) with a principal residence or principal place of business located in the United States;
492 and

493 (ii) with a permanent resident status:

494 (A) under Section 245 of the Immigration and Nationality Act; and

495 (B) for 10 years or more.

496 (2) A disclosure report regarding all gifts described in Subsection (1) shall include:

497 (a) the amount of each gift described in Subsection (1);

498 (b) the date on which each gift described in Subsection (1) was received by the higher
499 education institution;

500 (c) the name of the foreign person making each gift described in Subsection (1);

501 (d) the aggregate amount of all gifts described in Subsection (1) from a foreign person
502 during the prior fiscal year of the higher education institution;

503 (e) for a conditional gift, a description of the conditions or restrictions related to the
504 conditional gift;

505 (f) for a conditional gift:

506 (i) for a foreign person that is an individual, if known, the country of citizenship or
507 principal residence of the individual; or

508 (ii) for a foreign person that is not an individual, if known, the country of incorporation
509 or place of business of the foreign person; and

510 (g) for a conditional gift that is a contract entered into between a higher education
511 institution and a foreign person:

512 (i) the amount;

513 (ii) the date;

514 (iii) a description of all conditions or restrictions; and

515 (iv) the name of the foreign person.

516 (3) A disclosure report required by this section is a public record open to inspection
517 and review during the higher education institution's business hours.

518 (4) At the request of the board, the attorney general may file a civil action to compel a
519 higher education institution to comply with the requirements of this section.

520 ~~[(5) On or before the November interim meeting of each year, the board shall report to~~
521 ~~the Education Interim Committee and provide a summary of all gifts described in Subsection~~
522 ~~(1) received by higher education institutions during the prior fiscal year.]~~

523 ~~[(6)]~~ (5) The board shall make rules for the administration of this section in accordance
524 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

525 Section 8. Section **53B-8-108** is amended to read:

526 **53B-8-108. Regents' Scholarship Program -- General provisions -- Board policies.**

527 (1) The Regents' Scholarship Program is created to award merit scholarships to
528 students who complete a rigorous core course of study in high school.

529 (2) (a) A student who is awarded the Base Regents' scholarship established in Section
530 **53B-8-109** may also be awarded each of the supplemental awards established in Sections
531 **53B-8-110** and **53B-8-111**.

532 (b) A student may not receive both a Regents' scholarship and a New Century
533 scholarship established in Section **53B-8-105**.

- 534 (3) A Regents' scholarship may only be used at a:
- 535 (a) credit-granting higher education institution within the state system of higher
536 education; or
- 537 (b) private, nonprofit college or university in the state that is accredited by the
538 Northwest Association of Schools and Colleges.
- 539 (4) (a) A scholarship holder shall enroll full-time at a higher education institution
540 described in Subsection (3) by no later than the fall term immediately following the student's
541 high school graduation date or receive an approved deferral from the board.
- 542 (b) The board may grant a deferral or leave of absence to a scholarship holder, but the
543 student may only receive scholarship money within five years of the student's high school
544 graduation date.
- 545 (5) (a) The board shall annually report on the Regents' Scholarship Program at the
546 beginning of each school year to [~~the Education Interim Committee and~~] the Higher Education
547 Appropriations Subcommittee.
- 548 (b) The [~~report shall include~~] board shall ensure that the report includes the number of
549 students in each school district and public high school who meet the academic criteria for the
550 Base Regents' scholarship and for the Exemplary Academic Achievement Scholarship.
- 551 (c) The State Board of Education, school districts, and public high schools shall
552 cooperate with the board to facilitate the collection and distribution of Regents' Scholarship
553 Program data.
- 554 (6) The State Board of Education shall annually provide the board a complete list of
555 directory information, including student name and address, for all grade 8 students in the state.
- 556 (7) The board shall adopt policies establishing:
- 557 (a) the high school and college course requirements described in Subsection
558 [53B-8-109\(1\)\(d\)\(i\)](#);
- 559 (b) the additional weights assigned to grades earned in certain courses described in
560 Subsections [53B-8-109\(4\)](#) and [53B-8-111\(7\)](#);
- 561 (c) the regional accrediting bodies that may accredit a private high school described in

562 Subsection 53B-8-109(1)(a)(ii);

563 (d) (i) the application process and an appeal process for a Regents' scholarship,
564 including procedures to allow a student to apply for the scholarship on-line; and

565 (ii) a disclosure on all applications and related materials that the amount of the awards
566 is subject to funding and may be reduced, in accordance with Subsection (8)(b); and

567 (e) how college credits correlate to high school units for purposes of Subsection
568 53B-8-109(1)(d)(i).

569 (8) (a) Subject to future budget constraints, the Legislature shall make an annual
570 appropriation from the Education Fund to the board for the costs associated with the Regents'
571 Scholarship Program authorized under this section and Sections 53B-8-109, 53B-8-110, and
572 53B-8-111.

573 (b) Notwithstanding the provisions of this section and Sections 53B-8-109, 53B-8-110,
574 and 53B-8-111, if the appropriation under Subsection (8)(a) is insufficient to cover the costs
575 associated with the Regents' Scholarship Program, the board may reduce the amount of the
576 Base Regents' scholarships and supplemental awards.

577 (9) The board may set deadlines for receiving Regents' scholarship applications and
578 supporting documentation.

579 Section 9. Section 53B-16-107 is amended to read:

580 **53B-16-107. Credit for military service and training -- Notification --**
581 **Transferability -- Reporting.**

582 (1) As used in this section, "credit" includes proof of equivalent noncredit course
583 completion awarded by the Utah College of Applied Technology.

584 (2) An institution of higher education listed in Section 53B-2-101 shall provide written
585 notification to each student applying for admission that the student is required to meet with a
586 college counselor in order to receive credit for military service and training as recommended by
587 a postsecondary accreditation agency or association designated by the State Board of Regents
588 or the Utah College of Applied Technology Board of Trustees if:

589 (a) credit for military service and training is requested by the student; and

590 (b) the student has met with an advisor at an institution of higher education listed in
591 Section 53B-2-101 at which the student intends to enroll to discuss applicability of credit to
592 program requirements, possible financial aid implications, and other factors that may impact
593 attainment of the student's educational goals.

594 (3) Upon transfer within the state system of higher education, a student may present a
595 transcript to the receiving institution for evaluation and to determine the applicability of credit
596 to the student's program of study, and the receiving institution shall evaluate the credit to be
597 transferred pursuant to Subsection (2).

598 (4) The State Board of Regents and the Utah College of Applied Technology Board of
599 Trustees shall annually report the number of credits awarded under this section by each
600 institution of higher education to [~~the Education Interim Committee and~~] the Utah Department
601 of Veterans' Affairs.