

**AGENCY REPORTING REQUIREMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bradley G. Last**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**Committee Note:**

The Education Interim Committee recommended this bill.

**General Description:**

This bill amends agency reporting requirements relating to education.

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-1-403.5**, as last amended by Laws of Utah 2012, Chapter 23

**53A-17a-124.5**, as last amended by Laws of Utah 2013, Chapter 299

**53A-17a-150**, as last amended by Laws of Utah 2013, Chapter 466



- 28            **53A-17a-162**, as last amended by Laws of Utah 2015, Chapter 12
- 29            **53A-17a-171**, as enacted by Laws of Utah 2014, Chapter 375
- 30            **53A-25b-201**, as last amended by Laws of Utah 2013, Chapter 278
- 31            **53B-1-202**, as enacted by Laws of Utah 2010, Chapter 243
- 32            **53B-8-108**, as last amended by Laws of Utah 2010, Chapter 270
- 33            **53B-16-107**, as last amended by Laws of Utah 2014, Chapter 215

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

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

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

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

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

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

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

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

- 58            (i) inmate assessment;

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

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

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

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

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

82 **53A-17a-124.5. Appropriation for class size reduction.**

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

86 (2) Each district or charter school shall receive its allocation based upon prior year  
87 average daily membership in kindergarten through grade 8 plus growth as determined under  
88 Subsection **53A-17a-106(3)** as compared to the total prior year average daily membership in  
89 kindergarten through grade 8 plus growth of school districts and charter schools that qualify for

90 an allocation pursuant to Subsection (8).

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

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

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

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

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

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

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

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

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

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

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

120 (b) The plan and report required pursuant to Subsection (8)(a) shall include the

121 following information:

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

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

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

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

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

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

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

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

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

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

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

140 (iv) the amount of Title I money expended for teachers in kindergarten through grade  
141 8; and

142 (v) a comparison of actual average class size by grade in grades kindergarten through 8  
143 in the school district or charter school with what the average class size would be without the  
144 expenditure of class size reduction, K-3 Reading Improvement Program, and Title I money.

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

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

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

152 (ii) a report required under Subsection (8)(c).  
153 (f) Based on the data contained in the class size reduction plans and reports submitted  
154 by school districts and charter schools, and data on average class size, the State Board of  
155 Education shall annually report to the ~~[Education Interim Committee]~~ Public Education  
156 Appropriations Subcommittee on the impact of class size reduction, K-3 Reading Improvement  
157 Program, and Title I money on class size.

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

159 **53A-17a-150. K-3 Reading Improvement Program.**

160 (1) As used in this section:

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

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

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

165 (d) "Program money" means:

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

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

170 (2) The K-3 Reading Improvement Program consists of program money and is created  
171 to supplement other school resources to achieve the state's goal of having third graders reading  
172 at or above grade level.

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

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

177 (i) assessment;

178 (ii) intervention strategies;

179 (iii) professional development for classroom teachers in kindergarten through grade  
180 three;

181 (iv) reading performance standards; and

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

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

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

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

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

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

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

- 197 (i) the Base Level Program;
- 198 (ii) the Guarantee Program; and
- 199 (iii) the Low Income Students Program.

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

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

- 205 (a) 8% to the Base Level Program;
- 206 (b) 46% to the Guarantee Program; and
- 207 (c) 46% to the Low Income Students Program.

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

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

213 (ii) The base amount for the qualifying elementary charter schools combined shall be

214 allocated among each school in an amount proportionate to:

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

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

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

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

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

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

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

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

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

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

241 (ii) not less than \$0.

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

244 (c) The board may adjust the \$21 guarantee amount described in Subsections (9)(a) and



245 (b) to account for actual appropriations and money used by the board for computer-assisted  
246 instructional learning and assessments.

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

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

254 (12) (a) A school district or charter school shall use program money for reading  
255 proficiency improvement interventions in grades kindergarten through grade 3 that have proven  
256 to significantly increase the percentage of students reading at grade level, including:

257 (i) reading assessments; and

258 (ii) focused reading remediations that may include:

259 (A) the use of reading specialists;

260 (B) tutoring;

261 (C) before or after school programs;

262 (D) summer school programs; or

263 (E) the use of reading software; or

264 (F) the use of interactive computer software programs for literacy instruction and  
265 assessments for students.

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

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

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

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

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

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

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

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

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

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

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

298            (a) includes information on:

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

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

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

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

306            (b) may include recommendations on how to increase the percentage of third grade

307 students who read on grade level.

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

309 **53A-17a-162. Beverley Taylor Sorenson Elementary Arts Learning Program.**

310 (1) As used in this section:

311 (a) "Endowed chair" means a person who holds an endowed position or administrator  
312 of an endowed program for the purpose of arts and integrated arts instruction at an endowed  
313 university.

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

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

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

318 (iii) has created an endowed position as a result of a donation described in Subsection

319 (1)(b)(ii).

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

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

322 (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed  
323 chair.

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

325 (i) a school district;

326 (ii) a charter school; or

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

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

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

336 (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts  
337 Learning Program, and subject to Subsection (5), the State Board of Education shall, after

338 consulting with endowed chairs and the integrated arts advocate and receiving their  
339 recommendations, administer a grant program to enable LEAs to:

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

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

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

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

349 (b) An LEA may not:

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

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

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

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

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

363 (b) design and conduct research on:

364 (i) elementary integrated arts education and instruction;

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

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

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

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

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

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

376 **53A-17a-171. Intergenerational Poverty Interventions Grant Program --**

377 **Definitions -- Grant requirements -- Reporting requirements.**

378 (1) As used in this section:

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

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

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

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

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

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

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

391 (4) The board shall:

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

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

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

395 (a) the percentage of an LEA's students that are classified as children affected by  
396 intergenerational poverty;

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

399 (c) an LEA's commitment and ability to work with the Department of Workforce

400 Services, the Department of Health, the Department of Human Services, and the juvenile courts  
401 to provide services to the LEA's eligible students.

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

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

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

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

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

412 (e) the estimated cost per student.

413 (7) (a) The board shall annually report to [~~the Legislature's Education Interim~~  
414 ~~Committee and~~] the Utah Intergenerational Welfare Reform Commission, created in Section  
415 [35A-9-301](#), by November 30 of each year, on:

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

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

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

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

423 [~~(b)~~] (c) LEAs that receive grant money pursuant to this section shall provide to the  
424 board information that is necessary for the board's report [~~to the Legislature's Education Interim~~  
425 ~~Committee and the Utah Intergenerational Welfare Reform Commission as required~~] described  
426 in Subsection (7)(a).

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

428 **53A-25b-201. Authority of the State Board of Education -- Rulemaking --**  
429 **Superintendent -- Advisory Council.**

430 (1) The State Board of Education is the governing board of the Utah Schools for the

431 Deaf and the Blind.

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

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

437 (3) The superintendent shall:

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

440 (i) demonstrated competency as an expert educator of deaf persons; and

441 (ii) knowledge of school management and the instruction of deaf persons;

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

444 (i) demonstrated competency as an expert educator of blind persons; and

445 (ii) knowledge of school management and the instruction of blind persons, including an  
446 understanding of the unique needs and education of deafblind persons.

447 (4) (a) The board shall:

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

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

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

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

455 (i) two members who are blind;

456 (ii) two members who are deaf; and

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

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

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

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

465 (i) a financial report;

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

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

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

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

473 (B) graduation rates; and

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

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

478 **53B-1-202. Disclosure of foreign gifts to higher education institutions.**

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

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

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

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

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



- 493 (i) with a principal residence or principal place of business located in the United States;  
494 and
- 495 (ii) with a permanent resident status:
- 496 (A) under Section 245 of the Immigration and Nationality Act; and
- 497 (B) for 10 years or more.
- 498 (2) A disclosure report regarding all gifts described in Subsection (1) shall include:
- 499 (a) the amount of each gift described in Subsection (1);
- 500 (b) the date on which each gift described in Subsection (1) was received by the higher  
501 education institution;
- 502 (c) the name of the foreign person making each gift described in Subsection (1);
- 503 (d) the aggregate amount of all gifts described in Subsection (1) from a foreign person  
504 during the prior fiscal year of the higher education institution;
- 505 (e) for a conditional gift, a description of the conditions or restrictions related to the  
506 conditional gift;
- 507 (f) for a conditional gift:
- 508 (i) for a foreign person that is an individual, if known, the country of citizenship or  
509 principal residence of the individual; or
- 510 (ii) for a foreign person that is not an individual, if known, the country of incorporation  
511 or place of business of the foreign person; and
- 512 (g) for a conditional gift that is a contract entered into between a higher education  
513 institution and a foreign person:
- 514 (i) the amount;
- 515 (ii) the date;
- 516 (iii) a description of all conditions or restrictions; and
- 517 (iv) the name of the foreign person.
- 518 (3) A disclosure report required by this section is a public record open to inspection  
519 and review during the higher education institution's business hours.
- 520 (4) At the request of the board, the attorney general may file a civil action to compel a  
521 higher education institution to comply with the requirements of this section.
- 522 [~~5) On or before the November interim meeting of each year, the board shall report to~~  
523 ~~the Education Interim Committee and provide a summary of all gifts described in Subsection~~

524 (1) received by higher education institutions during the prior fiscal year.]

525 [(6)] (5) The board shall make rules for the administration of this section in accordance  
526 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

528 **53B-8-108. Regents' Scholarship Program -- General provisions -- Board policies.**

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

531 (2) (a) A student who is awarded the Base Regents' scholarship established in Section  
532 **53B-8-109** may also be awarded each of the supplemental awards established in Sections  
533 **53B-8-110** and **53B-8-111**.

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

536 (3) A Regents' scholarship may only be used at a:

537 (a) credit-granting higher education institution within the state system of higher  
538 education; or

539 (b) private, nonprofit college or university in the state that is accredited by the  
540 Northwest Association of Schools and Colleges.

541 (4) (a) A scholarship holder shall enroll full-time at a higher education institution  
542 described in Subsection (3) by no later than the fall term immediately following the student's  
543 high school graduation date or receive an approved deferral from the board.

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

547 (5) (a) The board shall annually report on the Regents' Scholarship Program at the  
548 beginning of each school year to [~~the Education Interim Committee and~~] the Higher Education  
549 Appropriations Subcommittee.

550 (b) The [~~report shall include~~] board shall ensure that the report includes the number of  
551 students in each school district and public high school who meet the academic criteria for the  
552 Base Regents' scholarship and for the Exemplary Academic Achievement Scholarship.

553 (c) The State Board of Education, school districts, and public high schools shall  
554 cooperate with the board to facilitate the collection and distribution of Regents' Scholarship

555 Program data.

556 (6) The State Board of Education shall annually provide the board a complete list of  
557 directory information, including student name and address, for all grade 8 students in the state.

558 (7) The board shall adopt policies establishing:

559 (a) the high school and college course requirements described in Subsection  
560 53B-8-109(1)(d)(i);

561 (b) the additional weights assigned to grades earned in certain courses described in  
562 Subsections 53B-8-109(4) and 53B-8-111(7);

563 (c) the regional accrediting bodies that may accredit a private high school described in  
564 Subsection 53B-8-109(1)(a)(ii);

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

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

569 (e) how college credits correlate to high school units for purposes of Subsection  
570 53B-8-109(1)(d)(i).

571 (8) (a) Subject to future budget constraints, the Legislature shall make an annual  
572 appropriation from the Education Fund to the board for the costs associated with the Regents'  
573 Scholarship Program authorized under this section and Sections 53B-8-109, 53B-8-110, and  
574 53B-8-111.

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

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

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

582 **53B-16-107. Credit for military service and training -- Notification --**

583 **Transferability -- Reporting.**

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

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

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

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

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

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

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**