

## SB0192S03 compared with SB0192S02

~~deleted text~~ shows text that was in SB0192S02 but was deleted in SB0192S03.

inserted text shows text that was not in SB0192S02 but was inserted into SB0192S03.

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Senator Ann Millner proposes the following substitute bill:

### HIGHER EDUCATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor:** ~~Ann Millner~~

House Sponsor: ~~\_\_\_\_\_~~ Karen M. Peterson

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#### LONG TITLE

##### General Description:

This bill amends higher education funding metrics, requirements and governance, and updates general code language.

##### Highlighted Provisions:

This bill:

- ▶ amends provisions related to the selection of Utah Board of Higher Education (board) designees on certain boards and commissions;
- ▶ moves certain duties and responsibilities between boards of institutions and the board;
- ▶ combines related provisions of presidential powers between technical colleges and degree granting institutions;
- ▶ amends the statutes governing performance metrics and performance funding for

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institutions of higher education;

- ▶ allows Talent Ready Utah to create talent advisory councils for talent initiatives;
- ▶ amends requirements related to operations and maintenance funding requests; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides ~~{a}~~ coordination ~~{clause}~~ clauses.

### Utah Code Sections Affected:

AMENDS:

**35A-13-603**, as last amended by Laws of Utah 2020, Chapter 365

**36-28-102**, as last amended by Laws of Utah 2021, Chapter 78

**49-12-204**, as last amended by Laws of Utah 2020, Chapters 24, 365

**49-13-204**, as last amended by Laws of Utah 2020, Chapters 24, 365

**49-22-204**, as last amended by Laws of Utah 2022, Chapter 171

**51-8-303**, as last amended by Laws of Utah 2020, Chapter 365

**53B-1-110**, as enacted by Laws of Utah 2007, Chapter 248

**53B-1-112**, as last amended by Laws of Utah 2021, Chapter 187

**53B-1-401**, as last amended by Laws of Utah 2023, Chapter 254

**53B-1-402**, as last amended by Laws of Utah 2023, Chapter 254

**53B-1-408**, as last amended by Laws of Utah 2023, Chapter 254

**53B-2a-107**, as last amended by Laws of Utah 2021, Chapter 187

**53B-2a-117**, as last amended by Laws of Utah 2022, Chapter 421

**53B-3-103**, as last amended by Laws of Utah 2021, First Special Session, Chapter 7

**53B-3-104**, as enacted by Laws of Utah 1987, Chapter 167

**53B-3-105**, as enacted by Laws of Utah 1987, Chapter 167

**53B-6-105**, as last amended by Laws of Utah 2021, Chapter 187

**53B-6-105.9**, as last amended by Laws of Utah 2020, Chapter 365

**53B-7-702**, as last amended by Laws of Utah 2021, Chapters 282, 351 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 187

~~**53B-7-703**, as last amended by Laws of Utah 2022, Chapter 456~~

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**53B-7-705**, as last amended by Laws of Utah 2023, Chapter 254  
**53B-7-706**, as last amended by Laws of Utah 2023, Chapter 254  
**53B-8-102**, as last amended by Laws of Utah 2023, Chapters 44, 50  
**53B-8-201**, as last amended by Laws of Utah 2022, Chapter 370  
**53B-8a-105**, as last amended by Laws of Utah 2023, Chapter 374  
**53B-13-103**, as enacted by Laws of Utah 1987, Chapter 167  
**53B-16-102**, as last amended by Laws of Utah 2023, Chapter 254  
**53B-17-1203**, as last amended by Laws of Utah 2023, Chapter 328  
**53B-22-102**, as last amended by Laws of Utah 1995, Chapter 332  
**53B-22-103**, as enacted by Laws of Utah 1991, Chapter 32  
**53B-22-104**, as last amended by Laws of Utah 1992, Chapter 177  
**53B-22-105**, as enacted by Laws of Utah 1991, Chapter 32  
**53B-22-106**, as last amended by Laws of Utah 2000, Chapter 143  
**53B-22-107**, as enacted by Laws of Utah 1991, Chapter 32  
**53B-22-109**, as last amended by Laws of Utah 1994, Chapter 209  
**53B-22-111**, as enacted by Laws of Utah 1994, Chapter 209  
**53B-22-112**, as enacted by Laws of Utah 1995, Chapter 332  
**53B-22-113**, as enacted by Laws of Utah 1995, Chapter 332  
**53B-22-114**, as enacted by Laws of Utah 1995, Chapter 332  
**53B-22-204**, as last amended by Laws of Utah 2022, Chapter 421  
**53B-23-106**, as last amended by Laws of Utah 2020, Chapter 365  
**53B-27-405**, as enacted by Laws of Utah 2021, Chapter 364  
**53B-28-401**, as last amended by Laws of Utah 2021, Chapter 332  
**53B-28-502**, as enacted by Laws of Utah 2022, Chapter 461  
**53B-33-202**, as last amended by Laws of Utah 2023, Chapter 84  
**53E-3-505**, as last amended by Laws of Utah 2020, Chapters 365, 408  
**63G-6a-202**, as last amended by Laws of Utah 2023, Chapter 16

### ENACTS:

**53B-1-116**, Utah Code Annotated 1953  
**53B-1-117**, Utah Code Annotated 1953  
**53B-2-114**, Utah Code Annotated 1953

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53B-34-110, Utah Code Annotated 1953

REPEALS AND REENACTS:

53B-2-106, as last amended by Laws of Utah 2021, Chapter 187

53B-7-703, as last amended by Laws of Utah 2022, Chapter 456

53B-7-704, as last amended by Laws of Utah 2021, Chapter 282

REPEALS:

53B-6-105.7, as last amended by Laws of Utah 2019, Chapter 444

53B-26-201, as enacted by Laws of Utah 2018, Chapter 354

53B-26-202, as last amended by Laws of Utah 2023, Chapter 328

53B-26-301, as last amended by Laws of Utah 2021, Second Special Session, Chapter 1

53B-26-302, as enacted by Laws of Utah 2020, Chapter 361

53B-26-303, as last amended by Laws of Utah 2021, Chapter 282

**Utah Code Sections Affected By Coordination Clause:**

53B-2-106, as last amended by Laws of Utah 2021, Chapter 187

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

Section 1. Section **35A-13-603** is amended to read:

**35A-13-603. Board.**

(1) There is created to assist the director of the office the Interpreter Certification Board consisting of the following 11 members:

(a) a designee of the assistant director;

(b) a designee of the Utah Board of Higher Education, ~~selected by~~ whom the commissioner of higher education, selects under the direction of the ~~board~~ Utah Board of Higher Education;

(c) a designee of the State Board of Education;

(d) four professional interpreters, ~~recommended by~~ the assistant director recommends; and

(e) four individuals who are deaf or hard of hearing, ~~recommended by~~ the assistant director recommends.

(2) (a) The director shall make all appointments to the board.

(b) In making appointments under Subsections (1)(d) and (e), the director shall give

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consideration to recommendations by certified interpreters and members of the deaf and hard of hearing community.

(3) (a) Board members shall serve three-year terms, except that for the initial terms of board members, three shall serve one-year terms, four shall serve two-year terms, and four shall serve three-year terms.

(b) An individual may not serve more than two three-year consecutive terms.

(c) If a vacancy occurs on the board for a reason other than the expiration of a term, the director shall appoint a replacement for the remainder of the term in accordance with Subsections (1) and (2).

(4) The director may remove a board member for cause, which may include misconduct, incompetence, or neglect of duty.

(5) The board shall annually elect a chair and vice chair from among its members.

(6) The board shall meet as often as necessary to accomplish the purposes of this part, but not less than quarterly.

(7) A member of the board may not receive compensation or benefits for the member's service, but may receive travel expenses in accordance with:

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

(b) rules made by the Division of Finance in accordance with Section 63A-3-107.

Section 2. Section **36-28-102** is amended to read:

**36-28-102. Veterans and Military Affairs Commission -- Creation -- Membership -- Chairs -- Terms -- Per diem and expenses.**

(1) There is created the Veterans and Military Affairs Commission.

(2) The commission membership is composed of 19 permanent members, but may not exceed 24 members, and is as follows:

(a) five legislative members to be appointed as follows:

(i) three members from the House of Representatives, ~~appointed by~~ whom the speaker of the House of Representatives appoints, no more than two of whom may be from the same political party; and

(ii) two members from the Senate, ~~appointed by~~ whom the president of the Senate appoints, no more than one of whom may be from the same political party;

(b) the executive director of the Department of Veterans and Military Affairs or the

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director's designee;

(c) the chair of the Utah Veterans Advisory Council;

(d) the executive director of the Department of Workforce Services or the director's designee;

(e) the executive director of the Department of Health or the director's designee;

(f) the executive director of the Department of Human Services or the director's designee;

(g) the adjutant general of the Utah National Guard or the adjutant general's designee;

(h) the Guard and Reserve Transition Assistance Advisor;

(i) a ~~[member]~~ designee of the Utah Board of Higher Education ~~[or that member's designee]~~, ~~{selected by}~~ whom the commissioner of higher education selects, under the direction of the board;

(j) three representatives of veteran service organizations ~~[recommended by]~~ whom the Veterans Advisory Council recommends and ~~[confirmed by]~~ the commission confirms;

(k) one member of the Executive Committee of the Utah Defense Alliance;

(l) one military affairs representative from a chamber of commerce member, ~~[appointed by]~~ the Utah State Chamber of Commerce appoints; and

(m) a representative from the Veterans Health Administration.

(3) The commission may appoint by majority vote of the entire commission up to five pro tempore members, representing:

(a) state or local government agencies;

(b) interest groups concerned with veterans issues; or

(c) the general public.

(4) (a) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)(a) as a cochair of the commission.

(b) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (2)(a) as a cochair of the commission.

(5) A majority of the members of the commission shall constitute a quorum. The action of a majority of a quorum constitutes the action of the commission.

(6) The term for each pro tempore member appointed in accordance with Subsection (3) shall be two years from July 1 of the year of appointment. A pro tempore member may not

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serve more than three terms.

(7) If a member leaves office or is unable to serve, the vacancy shall be filled as it was originally appointed. A person appointed to fill a vacancy under Subsection (6) serves the remaining unexpired term of the member being replaced. If the remaining unexpired term is less than six months, the newly appointed member shall be reappointed on July 1. The time served until July 1 is not counted in the restriction set forth in Subsection (6).

(8) A member may not receive compensation or benefits for the member's service but may receive per diem and travel expenses in accordance with:

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

(9) Salaries and expenses of the members of the commission who are legislators shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

Section 3. Section **49-12-204** is amended to read:

**49-12-204. Higher education employees' eligibility requirements -- Election between different retirement plans -- Classification requirements -- Transfer between systems -- One-time election window -- Rulemaking.**

(1) (a) A regular full-time employee of an institution of higher education who is eligible to participate in either this system or a public or private retirement system, organization, or company, designated as described in Subsection (1)(c) [~~or (d)~~], shall, not later than January 1, 1979, elect to participate exclusively in this system or in an annuity contract allowed under this Subsection (1).

(b) The election is final, and no right exists to make any further election.

(c) [~~Except as provided in Subsection (1)(d), the~~] The Utah Board of Higher Education shall designate the public or private retirement systems, organizations, or companies that a regular full-time employee of an institution of higher education is eligible to participate in under Subsection (1)(a).

~~[(d) The technical college board of trustees of each technical college shall designate the public or private retirement systems, organizations, or companies that a regular full-time~~

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~~employee of each technical college is eligible to participate in under Subsection (1)(a).]~~

(2) (a) Except as provided under Subsection (2)(c), a regular full-time employee hired by an institution of higher education after January 1, 1979, may participate only in the retirement plan which attaches to the person's employment classification.

(b) Each institution of higher education shall prepare or amend existing employment classifications, under the direction of the Utah Board of Higher Education, [~~or the technical college board of trustees of each technical college for each technical college,~~] so that each classification is assigned with either:

(i) this system; or

(ii) a public or private system, organization, or company designated by ~~[~~ ~~]~~

~~[~~ ~~]~~ (A) ~~{~~ ~~}~~ except as provided in Subsection (2)(b)(ii)(B);] the Utah Board of Higher Education ~~[~~ ~~or~~ ~~]~~.

~~[(B) the technical college board of trustees of each technical college for regular full-time employees of each technical college.]~~

(c) Notwithstanding a person's employment classification assignment under Subsection (2)(b), a regular full-time employee who begins employment with an institution of higher education on or after May 11, 2010, has a one-time irrevocable election to continue participation in this system, if the employee has service credit in this system before the date of employment.

(3) Notwithstanding an employment classification assignment change made under Subsection (2)(b), a regular full-time employee hired by an institution of higher education after January 1, 1979, whose employment classification requires participation in this system may elect to continue participation in this system.

(4) A regular full-time employee hired by an institution of higher education after January 1, 1979, whose employment classification requires participation in this system shall participate in this system.

(5) (a) Notwithstanding any other provision of this section, a regular full-time employee of an institution of higher education shall have a one-time irrevocable election to participate in this system if the employee:

(i) was hired after January 1, 1979;

(ii) whose employment classification assignment under Subsection (2)(b) required



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participation in a retirement program other than this system; and

(iii) has service credit in a system under this title.

(b) The election under Subsection (5)(a) shall be made before June 30, 2010.

(c) All forms required by the office must be completed and received by the office no later than June 30, 2010, for the election to participate in this system to be effective.

(d) Beginning July 1, 2010, a regular full-time employee of an institution of higher education who elects to be covered by this system under Subsection (5)(a) may begin to accrue service credit in this system.

(6) A regular full-time employee of an institution of higher education who elects to be covered by this system under Subsection (2)(c) or (5)(a), may purchase periods of employment while covered under another retirement program sponsored by the institution of higher education by complying with the requirements of Section 49-11-403.

(7) The board shall make rules to implement this section.

(8) An employee's participation or election described in this section:

(a) shall be made in accordance with this section; and

(b) is subject to requirements under federal law and rules made by the board.

Section 4. Section **49-13-204** is amended to read:

**49-13-204. Higher education employees' eligibility requirements -- Election between different retirement plans -- Classification requirements -- Transfer between systems -- One-time election window -- Rulemaking.**

(1) (a) A regular full-time employee of an institution of higher education who is eligible to participate in either this system or in a retirement system with a public or private retirement system, organization, or company, designated as described in Subsection (1)(c) [~~or (d)~~], shall, not later than January 1, 1979, elect to participate exclusively in this system or in an annuity contract allowed under this Subsection (1)(a).

(b) The election is final, and no right exists to make any further election.

(c) [~~Except as provided in Subsection (1)(d), the~~] The Utah Board of Higher Education shall designate the public or private retirement systems, organizations, or companies that a regular full-time employee of an institution of higher education is eligible to participate in under Subsection (1)(a).

[~~(d) The technical college board of trustees of each technical college shall designate the~~

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~~public or private retirement systems, organizations, or companies that a regular full-time employee of each technical college is eligible to participate in under Subsection (1)(a).]~~

(2) (a) Except as provided under Subsection (2)(c), a regular full-time employee hired by an institution of higher education after January 1, 1979, may participate only in the retirement plan which attaches to the person's employment classification.

(b) Each institution of higher education shall prepare or amend existing employment classifications, under the direction of the Utah Board of Higher Education, ~~[or the technical college board of trustees of each technical college for regular full-time employees of each technical college;]~~ so that each classification is assigned with either:

(i) this system; or

(ii) a public or private system, organization, or company designated by ~~[(A)]~~ except as provided in Subsection (2)(b)(ii)(B), the Utah Board of Higher Education ~~[; or]~~.

~~[(B) the technical college board of trustees of each technical college for regular full-time employees of each technical college.]~~

(c) Notwithstanding a person's employment classification assignment under Subsection (2)(b), a regular full-time employee who begins employment with an institution of higher education on or after May 11, 2010, has a one-time irrevocable election to continue participation in this system, if the employee has service credit in this system before the date of employment.

(3) Notwithstanding an employment classification assignment change made under Subsection (2)(b), a regular full-time employee hired by an institution of higher education after January 1, 1979, whose employment classification requires participation in this system may elect to continue participation in this system.

(4) A regular full-time employee hired by an institution of higher education after January 1, 1979, whose employment classification requires participation in this system shall participate in this system.

(5) (a) Notwithstanding any other provision of this section, a regular full-time employee of an institution of higher education whose employment classification assignment under Subsection (2)(b) required participation in a retirement program other than this system shall have a one-time irrevocable election to participate in this system.

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(b) The election under Subsection (5)(a) shall be made before June 30, 2010.

(c) All forms required by the office must be completed and received by the office no later than June 30, 2010, for the election to participate in this system to be effective.

(d) Beginning July 1, 2010, a regular full-time employee of an institution of higher education who elects to be covered by this system under Subsection (5)(a) may begin to accrue service credit in this system.

(6) A regular full-time employee of an institution of higher education who elects to be covered by this system under Subsection (2)(c) or (5)(a) may purchase periods of employment while covered under another retirement program by complying with the requirements of Section 49-11-403.

(7) The board shall make rules to implement this section.

(8) An employee's participation or election described in this section:

(a) shall be made in accordance with this section; and

(b) is subject to requirements under federal law and rules made by the board.

Section 5. Section **49-22-204** is amended to read:

**49-22-204. Higher education employees' eligibility requirements -- Election between different retirement plans -- Classification requirements -- Transfer between systems.**

(1) (a) A regular full-time employee of an institution of higher education who is eligible to participate in either this system or in a retirement annuity contract with a public or private system, organization, or company, designated as described in Subsection (1)(c) [~~or (d)~~], shall, not later than January 1, 1979, elect to participate exclusively in this system or in an annuity contract allowed under this Subsection (1).

(b) The election is final, and no right exists to make any further election.

(c) [~~Except as provided in Subsection (1)(d), the~~] The Utah Board of Higher Education shall designate the public or private retirement systems, organizations, or companies that a regular full-time employee of an institution of higher education is eligible to participate in under Subsection (1)(a).

~~[(d) The technical college board of trustees of each technical college shall designate the public or private retirement systems, organizations, or companies that a regular full-time employee of each technical college is eligible to participate in under Subsection (1)(a).]~~

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(2) (a) A regular full-time employee hired by an institution of higher education after January 1, 1979, may participate only in the retirement plan designated for the person's employment classification.

(b) Each institution of higher education shall prepare or amend existing employment classifications, under the direction of the Utah Board of Higher Education, [~~or the technical college board of trustees of each technical college for each technical college,~~] so that each classification is assigned with either:

(i) this system; or

(ii) a public or private system, organization, or company designated by [~~;~~]

~~[(A) (B)] except as provided under Subsection (2)(b)(ii)(B);~~ the Utah Board of Higher Education [~~;~~ or].

~~[(B) the technical college board of trustees of each technical college for regular full-time employees of each technical college.]~~

(c) Notwithstanding a person's employment classification assignment under Subsection (2)(b), a regular full-time employee who begins employment with an institution of higher education has a one-time irrevocable election to continue participation in this system if the employee:

(i) has service credit in this system before the date of employment with the institution of higher education; and

(ii) makes the election before participating in the system described in Subsection (2)(b)(ii).

(3) A regular full-time employee hired by an institution of higher education on or after July 1, 2011, whose employment classification requires participation in this system may elect to continue participation in this system upon change to an employment classification that requires participation in a public or private system, organization, or company designated by:

(a) except as provided in Subsection (3)(b), the Utah Board of Higher Education; or

(b) the technical college board of trustees of each technical college for regular full-time employees of each technical college.

(4) A regular full-time employee hired by an institution of higher education on or after July 1, 2011, whose employment classification requires participation in this system shall participate in this system.

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(5) An employee's participation or election described in this section:

(a) shall be made in accordance with this section; and

(b) is subject to requirements under federal law and rules made by the board.

Section 6. Section **51-8-303** is amended to read:

### **51-8-303. Requirements of member institutions of the state system of higher education.**

(1) The Utah Board of Higher Education shall:

(a) establish asset allocations for the institutional funds;

(b) in consultation with the commissioner of higher education, establish guidelines for investing the funds; and

(c) establish a written policy governing conflicts of interest.

(2) (a) A higher education institution may not invest its institutional funds in violation of the Utah Board of Higher Education's guidelines unless the Utah Board of Higher Education approves an investment policy that has been adopted by the higher education institution's board of trustees.

(b) A higher education institution [~~and its employees shall comply with the Utah Board of Higher Education's conflict of interest requirements unless the Utah Board of Higher Education approves the conflict~~] shall establish a written policy governing conflicts of interest [policy that has been adopted by the higher education institution's board of trustees] that complies with Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act~~(1)~~.

(3) (a) The board of trustees of a higher education institution may adopt:

(i) an investment policy to govern the investment of the higher education institution's institutional funds; and

(ii) a conflict of interest policy.

(b) The investment policy shall:

(i) define the groups, and the responsibilities of those groups, that must be involved with investing the institutional funds;

(ii) ensure that the groups defined under Subsection (3)(b)(i) at least include the board of trustees, an investment committee, institutional staff, and a custodian bank;

(iii) create an investment committee that includes not more than two members of the board of trustees and no less than two independent investment management professionals;

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- (iv) determine an appropriate risk level for the institutional funds;
- (v) establish allocation ranges for asset classes considered suitable for the institutional funds;
- (vi) determine prudent diversification of the institutional funds; and
- (vii) establish performance objectives and a regular review process.

~~[(c) Each higher education institution that adopts an investment policy, a conflict of interest policy, or both, shall submit the policy, and any subsequent amendments, to the Utah Board of Higher Education for approval.]~~

(4) Each higher education institution shall make monthly reports detailing the deposit and investment of funds in the institution's custody or control to:

- (a) the institution of higher education board of trustees; and
- (b) the Utah Board of Higher Education.

(5) The state auditor may conduct or cause to be conducted an annual audit of the investment program of each higher education institution.

(6) The Utah Board of Higher Education shall submit an annual report to the governor and the Legislature summarizing all investments by higher education institutions under its jurisdiction.

Section 7. Section **53B-1-110** is amended to read:

**53B-1-110. Criminal background checks of prospective and existing employees of higher education institutions -- Institutions to adopt policy.**

- (1) As used in this section:
  - (a) "Institution" means an institution listed in Section 53B-1-102.
  - (b) "Minor" means a person younger than 21 years ~~[of age]~~ old.
- (2) ~~[The board]~~ An institution shall adopt a policy providing for criminal background checks of:
  - (a) prospective employees of institutions; and
  - (b) existing employees of institutions, where reasonable cause exists.
- (3) (a) The policy shall require that:
  - (i) an applicant for any position that involves significant contact with minors or any position considered to be security sensitive by ~~[the board]~~ an institution or its designee shall submit to a criminal background check as a condition of employment; and

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

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

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

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

(4) The applicant or employee shall receive written notice that the background check has been requested.

(5) Each applicant or employee subject to a criminal background check under this section shall, if required by the institution:

(a) be fingerprinted; and

(b) consent to a fingerprint background check by:

(i) the Utah Bureau of Criminal Identification; and

(ii) the Federal Bureau of Investigation.

(6) (a) Institutions may request the Utah Bureau of Criminal Identification to conduct criminal background checks of prospective employees and, where reasonable cause exists, existing employees pursuant to [~~board~~] an institution's policy.

(b) At the request of an institution, the Utah Bureau of Criminal Identification shall:

(i) release the individual's full record of criminal convictions to the administrator requesting the information; and

(ii) seek additional information from regional or national criminal data files in responding to inquiries under this section.

(c) Information received by the Utah Bureau of Criminal Identification from entities other than agencies or political subdivisions of the state may not be released to a private entity unless the release is permissible under applicable laws or regulations of the entity providing the information.

(d) Except as provided in Subsection (7), the institution shall pay the cost of background checks conducted by the Utah Bureau of Criminal Identification, and the money collected shall be credited to the Utah Bureau of Criminal Identification to offset its expenses.

(7) [~~The board~~] An institution may by policy require an applicant to pay the costs of a

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criminal background check as a condition of employment.

(8) The applicant or employee shall have an opportunity to respond to any information received as a result of the criminal background check.

(9) If a person is denied employment or is dismissed from employment because of information obtained through a criminal background check, the person shall receive written notice of the reasons for denial or dismissal and have an opportunity to respond to the reasons under procedures established by [~~the board~~] an institution in policy.

Section 8. Section **53B-1-112** is amended to read:

### **53B-1-112. Disclosure requirements for institution programs.**

(1) As used in this section:

(a) "Department" means the Department of Workforce Services.

(b) "Institution" means an institution of higher education described in Section 53B-1-102.

(c) "Job placement data" means information collected by the board, and based on information from the department, that reflects the job placement rate and industry employment information for a student who graduates from a program.

(d) (i) "Program" means a program of organized instruction or study at an institution that leads to:

(A) an academic degree;

(B) a professional degree;

(C) a vocational degree;

(D) a certificate of one year or greater or the direct assessment equivalent; or

(E) another recognized educational credential.

(ii) "Program" includes instruction or study that, in lieu of time as a measurement for student learning, utilizes direct assessment of student learning, or recognizes the direct assessment of student learning by others, if the assessment is consistent with the accreditation of the institution or program utilizing the results of the assessment.

(e) "Student loan information" means the percentage of students at an institution who:

(i) received a Title IV loan authorized under:

(A) the Federal Perkins Loan Program;

(B) the Federal Family Education Loan Program; or



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(C) the William D. Ford Direct Loan Program; and

(ii) fail to pay a loan described in Subsection (1)(e)(i)(A), (B), or (C).

(f) "Total costs" means:

(i) the estimated costs a student would incur while completing a program, including:

(A) tuition and fees; and

(B) books, supplies, and equipment; and

(ii) calculated based on a student's degree, the institution's average costs that would be incurred while a student completes a program and are subsidized by taxpayer contribution, including:

(A) tuition and fees; and

(B) other applicable expenses subsidized by taxpayer contribution for program completion.

(g) "Wage data" means information collected by the board, and based on information from the department, that reflects a student's wage the first year and fifth year after a student has successfully completed a program.

(2) (a) Except as provided in Subsection (4), for each program listed in an institution's course catalog or each program otherwise offered by the institution, the institution shall provide a conspicuous and direct link on the institution's website, subject to Subsection (2)(b), to the following information maintained by the board in accordance with Subsection (3):

(i) job placement data;

(ii) to the extent supporting data is available, student loan information;

(iii) total costs; and

(iv) wage data.

(b) An institution shall include the information described in Subsection (2)(a) on each institutional website that includes academic, cost, financial aid, or admissions information for a program.

(3) [~~The board or the board's designee~~] The commissioner, under the board's direction, shall:

(a) collect the information described in Subsection (2)(a);

(b) develop through user testing a format for the display of information described in Subsection (2)(a) that is easily accessible and informative; and

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(c) maintain the information described in Subsection (2)(a) so that it is current.

(4) An institution is not subject to Subsection (2) for a program that the institution is required to report on under 34 C.F.R. Sec. 668.412.

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

Section 9. Section **53B-1-116** is enacted to read:

### **53B-1-116. Bereavement leave for miscarriage and stillbirth.**

(1) As used in this section "miscarriage" means the spontaneous or accidental loss of a fetus, regardless of gestational age or the duration of the pregnancy.

(2) An institution shall adopt policies providing at least three work days of paid bereavement leave for an employee following the end of the employee's pregnancy by way of miscarriage or stillbirth or following the end of another individual's pregnancy by way of a miscarriage or stillbirth, if:

(a) the employee is the individual's spouse or partner;

(b) the employee is the individual's former spouse or partner and the employee would have been a biological parent of a child born as a result of the pregnancy;

(c) the employee provides documentation to show that the individual intended for the employee to be an adoptive parent, as that term is defined in Section 78B-6-103, of a child born as a result of the pregnancy; or

(d) under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part 8, Gestational Agreement, the employee would have been a parent of a child born as a result of the pregnancy.

Section 10. Section **53B-1-117** is enacted to read:

### **53B-1-117. Oaths of office.**

Notwithstanding Section 52-1-2, except as otherwise provided in this title, an individual ~~who is appointed or employed by~~ whom one of the following appoints or employs is not required to take an official oath of office:

(1) the board;

(2) the commissioner;

(3) a degree-granting institution or a technical college;

(4) an institution board of trustees; or

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(5) the president of a degree-granting institution or a technical college.

Section 11. Section **53B-1-401** is amended to read:

### **53B-1-401. Definitions.**

As used in this part:

(1) "Board" means the Utah Board of Higher Education described in Section 53B-1-402.

(2) "Institution of higher education" or "institution" means an institution of higher education described in Section 53B-1-102.

~~[(3) "Miscarriage" means the spontaneous or accidental loss of a fetus, regardless of gestational age or the duration of the pregnancy.]~~

Section 12. Section **53B-1-402** is amended to read:

### **53B-1-402. Establishment of board -- Powers, duties, and authority -- Reports.**

(1) (a) There is established the Utah Board of Higher Education, which:

(i) is the governing board for the institutions of higher education;

(ii) controls, oversees, and regulates the Utah [~~system of higher education~~] System of Higher Education in a manner consistent with the purpose of this title and the specific powers and responsibilities granted to the board~~[-and]~~.

(b) (i) The University of Utah shall provide administrative support for the board.

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

(2) The board shall:

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

(i) quality;

(ii) affordability;

(iii) access and equity;

(iv) completion;

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

(vi) economic growth;

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

(c) establish metrics to demonstrate and monitor:

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- (i) performance related to the goals; and
- (ii) performance on measures of operational efficiency;
- (d) collect and analyze data including economic data, demographic data, and data related to the metrics;
- (e) govern data quality and collection across institutions;
- (f) establish, approve, and oversee each institution's mission and role in accordance with Section 53B-16-101;
- (g) assess an institution's performance in accomplishing the institution's mission and role;
- (h) participate in the establishment and review of programs of instruction in accordance with Section 53B-16-102;
- (i) perform the following duties related to an institution of higher education president, including:
  - (i) [~~appointing~~] hiring an institution of higher education president in accordance with Section 53B-2-102;
  - (ii) through the commissioner and the board's executive committee:
    - (A) providing support and guidance to an institution of higher education president; and
    - (B) evaluating an institution of higher education president based on institution performance and progress toward systemwide priorities;
  - (iii) setting the terms of employment for an institution of higher education president, including performance-based compensation, through an employment contract or another method of establishing employment; and
  - (iv) establishing, through a public process, a statewide succession plan to develop potential institution presidents from within the system;
- (j) create and implement a strategic finance plan for higher education, including by:
  - (i) establishing comprehensive budget and finance priorities for academic education and technical education;
  - (ii) allocating statewide resources to institutions;
  - (iii) setting tuition for each institution;
  - (iv) administering state financial aid programs;
  - (v) administering performance funding in accordance with Chapter 7, Part 7,

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Performance Funding; and

(vi) developing a strategic capital facility plan and prioritization process in accordance with Chapter 22, Part 2, Capital Developments, and Sections 53B-2a-117 and 53B-2a-118;

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

(i) providing for statewide prior learning assessment, in accordance with Section 53B-16-110;

(ii) establishing and maintaining clear pathways for articulation and transfer, in accordance with Section 53B-16-105;

(iii) establishing degree program requirement guidelines, including credit hour limits;

(iv) aligning general education requirements across degree-granting institutions;

(v) coordinating and incentivizing collaboration and partnerships between institutions in delivering programs;

(vi) coordinating distance delivery of programs;

(vii) coordinating work-based learning; and

(viii) emphasizing the system priorities and metrics described in Subsections (2)(a) and

(c);

(l) coordinate with the public education system:

(i) regarding public education programs that provide postsecondary credit or certificates; and

(ii) to ensure that an institution of higher education providing technical education serves secondary students in the public education system;

(m) delegate to an institution board of trustees certain duties related to institution governance including:

(i) guidance and support for the institution president;

(ii) effective administration;

(iii) the institution's responsibility for contributing to progress toward achieving systemwide goals; and

(iv) other responsibilities determined by the board;

(n) delegate to an institution of higher education president management of the

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institution of higher education;

(o) consult with an institution of higher education board of trustees or institution of higher education president before acting on matters pertaining to the institution of higher education;

(p) maximize efficiency throughout the Utah [~~system of higher education~~] System of Higher Education by identifying and establishing shared administrative services, beginning with:

(i) commercialization;

(ii) services for compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;

(iii) information technology services; and

(iv) human resources, payroll, and benefits administration;

(q) develop strategies for providing higher education, including career and technical education, in rural areas;

(r) manage and facilitate a process for initiating, prioritizing, and implementing education reform initiatives, beginning with common applications and direct admissions;

(s) provide ongoing quality review of programs; and

(t) before each annual legislative general session, provide to the Higher Education Appropriations Subcommittee a prioritization of all projects and proposals for which the board or an institution of higher education seeks an appropriation.

(3) The board shall submit an annual report of the board's activities and performance against the board's goals and metrics to:

(a) the Education Interim Committee;

(b) the Higher Education Appropriations Subcommittee;

(c) the governor; and

(d) each institution of higher education.

(4) The board shall prepare and submit an annual report detailing the board's progress and recommendations on workforce related issues, including career and technical education, to the governor and to the Legislature's Education Interim Committee by October 31 of each year, including information detailing:

(a) how institutions of higher education are meeting the career and technical education

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needs of secondary students;

(b) how the system emphasized high demand, high wage, and high skill jobs in business and industry;

(c) performance outcomes, including:

(i) entered employment;

(ii) job retention; and

(iii) earnings;

(d) an analysis of workforce needs and efforts to meet workforce needs; and

(e) student tuition and fees.

(5) The board may modify the name of an institution of higher education to reflect the role and general course of study of the institution.

(6) The board may not take action relating to merging a technical college with another institution of higher education without legislative approval.

(7) This section does not affect the power and authority vested in the State Board of Education to apply for, accept, and manage federal appropriations for the establishment and maintenance of career and technical education.

(8) The board shall ensure that any training or certification that an employee of the higher education system is required to complete under this title or by board rule complies with Title 63G, Chapter 22, State Training and Certification Requirements.

(9) The board shall demonstrate compliance with Subsection (2)(p) by providing to the Higher Education Appropriations Subcommittee:

(a) on or before October 1, 2024, evidence of implementation of at least one shared administrative service;

(b) on or before October 1, 2025, evidence of implementation of at least two shared administrative services; and

(c) on or before October 1, 2026, evidence of implementation of at least three shared administrative services.

(10) If the ~~{board is found by the }~~Higher Education Appropriations Subcommittee ~~finds the board~~ to be out of compliance with Subsection (9), the Legislature shall:

(a) deduct 10% of the appropriation described in Section 53B-7-703 for the following fiscal year; and

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(b) deduct an additional 10% of the appropriation described in Section 53B-7-703 for each subsequent year of noncompliance up to a maximum deduction of 30%.

~~[(9) The board shall adopt a policy requiring institutions to provide at least three work days of paid bereavement leave for an employee:]~~

~~[(a) following the end of the employee's pregnancy by way of miscarriage or stillbirth; or]~~

~~[(b) following the end of another individual's pregnancy by way of a miscarriage or stillbirth, if:]~~

~~[(i) the employee is the individual's spouse or partner;]~~

~~[(ii) (A) the employee is the individual's former spouse or partner, and]~~

~~[(B) the employee would have been a biological parent of a child born as a result of the pregnancy;]~~

~~[(iii) the employee provides documentation to show that the individual intended for the employee to be an adoptive parent, as that term is defined in Section 78B-6-103, of a child born as a result of the pregnancy; or]~~

~~[(iv) under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part 8, Gestational Agreement, the employee would have been a parent of a child born as a result of the pregnancy:]~~

Section 13. Section **53B-1-408** is amended to read:

**53B-1-408. Appointment of commissioner of higher education -- Qualifications -- Associate commissioners -- Duties -- Office.**

(1) (a) The board, upon approval from the governor and with the advice and consent of the Senate, shall appoint a commissioner of higher education to serve at the board's pleasure as the board's chief executive officer.

(b) The following may terminate the commissioner:

(i) the board; or

(ii) the governor, after consultation with the board.

(c) The board shall:

(i) set the salary of the commissioner;

(ii) subject to Subsection (3), prescribe the duties and functions of the commissioner;

and



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(iii) select a commissioner on the basis of outstanding professional qualifications.

(2) (a) The commissioner may appoint associate commissioners.

(b) An associate commissioner described in Subsection (2)(a) is not subject to the approval of the board.

(3) The commissioner is responsible to the board to:

(a) ensure the proper execution of the policies, programs, and strategic plan of the board;

(b) furnish information about the Utah [~~system of higher education~~] System of Higher Education and make recommendations regarding that information to the board;

(c) provide state-level leadership in any activity affecting an institution of higher education;

(d) in consultation with the board's executive committee and in accordance with Subsection 53B-1-402(2), evaluate and provide support and guidance to an institution of higher education president; and

(e) perform other duties the board assigns in carrying out the board's duties and responsibilities.

(4) The commissioner is responsible to the governor to:

(a) inform the governor about the board's strategic plan and progress on accomplishing the strategic plan;

(b) inform the governor of significant issues impacting the Utah System of Higher Education; and

(c) provide other information and updates as requested by the governor.

*The following section is affected by a coordination clause at the end of this bill.*

Section 14. Section **53B-2-106** is repealed and reenacted to read:

**53B-2-106. Duties and responsibilities of the president of an institution of higher education -- Approval by board of trustees.**

(1) As used in this section:

(a) "Institution" means:

(i) a degree-granting institution; or

(ii) a technical college.

(b) "President" means the president of an institution.

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

(3) A president may:

(a) appoint or employ administrative officers, deans, faculty members, professional personnel, and support personnel;

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

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

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

(i) policies governing personnel;

(ii) furloughs;

(iii) reductions in force;

(iv) program reductions or discontinuance;

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

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

(5) A president shall:

(a) control and manage the budget and finances of the institution, including by, as determined by the president:

(i) establishing the institution's budget; and

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

(b) subject to Section 53B-7-101, establish:

(i) tuition for the institution, including both resident and nonresident tuition if the institution is ~~{degree granting}~~ a ~~degree-granting institution~~, subject to the approval of the board as described in Section 53B-1-402; and

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

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

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

(a) shall establish a budgetary policy, such as policy regarding benefits and endowment investments;

(b) shall provide for the constitution, government, and organization of the faculty and administration, ~~and may enact~~ including by, as determined by the president, enacting and implementing rules, including the establishment of a prescribed system of tenure if the institution is ~~degree granting~~ a degree-granting institution; and

(c) may authorize the faculty to determine the general initiation and direction of instruction and of the examination, admission, and classification of students.

(7) A president may establish policies for the administration and operation of the institution that:

(a) are consistent with the institution's role ~~established by~~ that the board establishes, rules which the board ~~rules enacted by the board~~ enacts, ~~for~~ and the laws of the state; and

(b) may provide for:

(i) administrative, faculty, student, and joint committees with jurisdiction over specified institutional matters;

(ii) student government and student affairs organizations;

(iii) the establishment of institutional standards in furtherance of the ideals of higher education ~~fostered and subscribed~~ to ~~by~~ which the institution and the institution's administration, faculty, and students ~~subscribe and foster~~; and

(iv) the holding of classes on legal holidays, other than Sunday.

(8) A president shall manage the president's institution as a part of the Utah System of Higher Education.

(9) In performing any of the acts described in this section, a president may, in the president's sole discretion, seek input from the institution's faculty, staff, or students.

(10) The board shall establish guidelines relating to the roles and relationships between presidents and boards of trustees, including those matters ~~for~~ which ~~by~~ law ~~must be approved by~~ requires the approval of a board of trustees before implementation by the

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president.

(11) (a) A president is subject to regular review and evaluation ~~{administered by the board}~~that the board administers, in consultation with the institution's board of trustees, through a process ~~{approved by }~~the board approves.

(b) Only the board may formally assess a president's performance, formally declare a president's standing, or take other formal action to evaluate a president.

Section 15. Section **53B-2-114** is enacted to read:

### **53B-2-114. Degree-granting institution attorneys -- Appointment -- Duties.**

(1) Recognizing the status of institutions within the Utah System of Higher Education as bodies politic and corporate, the president of a degree-granting institution may appoint attorneys to:

(a) provide legal advice to the degree-granting institution's administration; and

(b) coordinate legal affairs within the degree-granting institution.

(2) ~~{Compensation}~~An institution shall fund compensation costs and related office expenses for an attorney described in Subsection (1) ~~{shall be funded}~~ within existing budgets.

(3) The board shall coordinate the activities of attorneys described in Subsection (1).

(4) An attorney described in Subsection (1):

(a) may not:

(i) conduct litigation;

(ii) settle a claim covered by the State Risk Management Fund; or

(iii) issue a formal legal opinion; and

(b) shall cooperate with the Office of the Attorney General in providing legal representation to a degree-granting institution.

Section 16. Section **53B-2a-107** is amended to read:

### **53B-2a-107. Technical college presidents.**

(1) The board shall appoint a president for each technical college in accordance with Section 53B-2-102.

(2) ~~{(a)}~~ A technical college president is the chief executive officer of the technical college.

~~{(b)}~~ (3) A technical college president:

~~{(i)}~~ (a) does not need to have a doctorate degree; and

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~~[(ii)]~~ (b) shall have extensive experience in career and technical education.

~~[(3) A]~~ (4) ~~[[A]]~~ In addition to the duties described in Section 53B-2-106, a technical college president shall:

~~[(a) exercise grants of power and authority as delegated by the board, as well as the necessary and proper exercise of powers and authority not specifically denied to the technical college's administration, faculty, or students, by the board or by law, to ensure the effective and efficient administration and operation of the technical college consistent with the statewide strategic plan for higher education;]~~

~~[(b) administer the day-to-day operations of the technical college;]~~

~~[(c) consult with the technical college board of trustees;]~~

~~[(d) administer human resource policies and employee compensation plans in accordance with the requirements of the board;]~~

~~[(e) prepare a budget request for the technical college's annual operations to the board;]~~

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

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

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

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

~~[(j) manage the technical college president's institution as part of the Utah system of higher education].~~

Section 17. Section **53B-2a-117** is amended to read:

**53B-2a-117. Legislative approval -- Capital development projects --**

### **Prioritization.**

(1) As used in this section:

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(a) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.

(b) "Fund" means the Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

(2) In accordance with this section, a technical college is required to receive legislative approval in an appropriations act for a dedicated project or a nondedicated project.

(3) In accordance with Section 53B-2a-112, a technical college shall submit to the board a proposal for a funding request for each dedicated project or nondedicated project for which the technical college seeks legislative approval.

(4) The board shall:

(a) review each proposal submitted under Subsection (3) to ensure that the proposal complies with Section 53B-2a-112;

(b) based on the results of the board's review under Subsection (4)(a), create:

(i) a list of approved dedicated projects, prioritized in accordance with Subsection (6);  
and

(ii) a list of approved nondedicated projects, prioritized in accordance with Subsection (6); and

(c) submit the lists described in Subsection (4)(b) to:

(i) the governor;

(ii) the Infrastructure and General Government Appropriations Subcommittee;

(iii) the Higher Education Appropriations Subcommittee; and

(iv) the Division of Facilities Construction and Management for a:

(A) recommendation, for the list described in Subsection (4)(b)(i); or

(B) recommendation and prioritization, for the list described in Subsection (4)(b)(ii).

(5) A dedicated project:

(a) is subject to the recommendation of the Division of Facilities Construction and Management as described in Section 63A-5b-403; and

(b) is not subject to the prioritization of the Division of Facilities Construction and Management as described in Section 63A-5b-403.

(6) (a) Subject to Subsection (7), the board shall prioritize funding requests for capital development projects described in this section based on:

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- (i) growth and capacity;
  - (ii) effectiveness and support of critical programs;
  - (iii) cost effectiveness;
  - (iv) building deficiencies and life safety concerns; and
  - (v) alternative funding sources.
- (b) The board shall establish:
- (i) how the board will measure each factor described in Subsection (6)(a); and
  - (ii) procedures for prioritizing funding requests for capital development projects

described in this section.

(7) (a) Subject to Subsection (7)(b), and in accordance with Subsection (6), the board may annually prioritize:

(i) up to three nondedicated projects if the ongoing appropriation to the fund is less than \$7,000,000;

(ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least \$7,000,000 but less than \$14,000,000; or

(iii) one nondedicated project if the ongoing appropriation to the fund is at least \$14,000,000.

(b) For each calendar year beginning on or after January 1, 2020, the dollar amounts described in Subsection (7)(a) shall be adjusted by an amount equal to the percentage difference between:

- (i) the Consumer Price Index for the 2019 calendar year; and
- (ii) the Consumer Price Index for the previous calendar year.

(8) (a) A technical college may request operations and maintenance funds for a capital development project approved under this section.

(b) A technical college shall make the request described in Subsection (8)(a) at the same time ~~as~~ the technical college submits the proposal described in Subsection (3).

(c) The Legislature shall consider a technical college's request described in Subsection (8)(a).

Section 18. Section **53B-3-103** is amended to read:

**53B-3-103. Power of board and institutions to adopt rules and enact regulations.**

(1) As used in this section, "institution" means an institution listed in Section

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### 53B-1-102.

~~[(†)]~~ ~~(2)~~ (a) The board may enact regulations governing the conduct of university and college students, faculty, and employees.

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

~~[(2)]~~ ~~(3)~~ (a) ~~[The board]~~ An institution may~~[:†]~~  
~~—~~ ~~[(i)]~~ ~~{ }~~ ~~enact and authorize higher education institutions to]~~ enact traffic, parking, and related ~~[regulations]~~ policies governing all individuals ~~{ }~~ on campuses at the individual's institution campus and ~~[other]~~ facilities owned or controlled by the ~~[institutions or the board; and]~~ institution.

~~[(ii)]~~ ~~acknowledging that the Legislature has the authority to regulate, by law, firearms at higher education institutions:]~~

~~[(A)]~~ ~~authorize higher education institutions to establish no more than one secure area at each institution as a hearing room as prescribed in Section 76-8-311.1, but not otherwise restrict the lawful possession or carrying of firearms; and]~~

~~[(B)]~~ ~~authorize a higher education institution to make a rule that allows a resident of a dormitory located at the institution to request only roommates who are not licensed to carry a concealed firearm under Section 53-5-704 or 53-5-705.]~~

~~[(b)]~~ ~~In addition to the requirements and penalty prescribed in Subsections 76-8-311.1(3), (4), (5), and (6), the board shall make rules to ensure that:]~~

~~[(i)]~~ ~~reasonable means such as mechanical, electronic, x-ray, or similar devices are used to detect firearms, ammunition, or dangerous weapons contained in the personal property of or on the person of any individual attempting to enter a secure area hearing room;]~~

~~[(ii)]~~ ~~an individual required or requested to attend a hearing in a secure area hearing room is notified in writing of the requirements related to entering a secured area hearing room under this Subsection (2)(b) and Section 76-8-311.1;]~~

~~[(iii)]~~ ~~the restriction of firearms, ammunition, or dangerous weapons in the secure area hearing room is in effect only during the time the secure area hearing room is in use for hearings and for a reasonable time before and after its use; and]~~

~~[(iv)]~~ ~~reasonable space limitations are applied to the secure area hearing room as warranted by the number of individuals involved in a typical hearing.]~~



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

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

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

(ii) An institution that offers both remote and in-person learning options may not deny a student who is exempt from a requirement to receive a vaccine under Subsection ~~[(2)(c)(i)]~~ (2)(b)(i) to participate in an in-person learning option based upon the student's vaccination status.

(iii) Subsections ~~[(2)(c)(i)]~~ (2)(b)(i) and (ii) do not apply to a student studying in a medical setting at an institution of higher education.

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

~~[(d)]~~ (c) (i) For purposes of this Subsection ~~[(2)(d)]~~ (2)(c), "face covering" means the same as that term is defined in Section 53G-9-210.

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

(iii) Subsection ~~[(2)(d)(ii)]~~ (2)(c)(ii) does not apply to an individual in a medical setting at an institution of higher education.

~~[(3)]~~ (4) The board shall enact regulations that require all testimony be given under oath during an employee grievance hearing for a non-faculty employee of an institution of higher education if the grievance hearing relates to the non-faculty employee's:

(a) demotion; or

(b) termination.

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

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(a) authorize higher education institutions to establish no more than one secure area at each institution as a hearing room {as prescribed }in accordance with Section 76-8-311.1, but not otherwise restrict the lawful possession or carrying of firearms; and

(b) authorize a higher education institution to make a policy that allows a resident of a dormitory located at the institution to request only roommates who are not licensed to carry a concealed firearm under Section 53-5-704 or 53-5-705.

(6) In addition to the requirements and penalty prescribed in Subsections 76-8-311.1(3){, (4), (5), and} through (6), the board shall make rules to ensure{ that}:

(a) the use of reasonable means such as mechanical, electronic, x-ray, or similar devices{are used}, to detect firearms, ammunition, or dangerous weapons contained in the personal property of or on the person of any individual attempting to enter a secure area hearing room;

(b) that an individual required or requested to attend a hearing in a secure area hearing room is notified in writing of the requirements related to entering a secure area hearing room under this Subsection (6)(b) and Section 76-8-311.1;

(c) that the restriction of firearms, ammunition, or dangerous weapons in the secure area hearing room is in effect only during the time the secure area hearing room is in use for hearings and for a reasonable time before and after {its use}the hearing; and

(d) the application of reasonable space limitations{are applied} to the secure area hearing room as{ warranted by} the number of individuals involved in a typical hearing warrants.

{(4)} (7) The board and institutions may enforce [~~these rules~~ ~~{}~~] and] the rules, regulations, and policies described in this section in any reasonable manner, including the assessment of fees, fines, and forfeitures, [~~the collection of which may be by~~] through:

(a) withholding from money owed the violator[-];

(b) the imposition of probation, suspension, or expulsion from the institution[-];

(c) the revocation of privileges[-];

(d) the refusal to issue certificates, degrees, and diplomas[-];

(e) [~~through~~] judicial process; or

(f) any reasonable combination of [~~these~~] the alternatives described in this Subsection

(7).

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Section 19. Section **53B-3-104** is amended to read:

### **53B-3-104. Establishment of police or security departments.**

(1) As used in this section, "institution" means an institution listed in Section 53B-1-102.

(2) [~~The board~~] An institution's president may establish and maintain police or security departments for the purpose of enforcing the regulations of each institution of higher education and the laws of the state.

Section 20. Section **53B-3-105** is amended to read:

### **53B-3-105. Appointment of police or security personnel -- Powers.**

(1) As used in this section, "institution" means an institution listed in Section 53B-1-102.

(2) [~~Members~~] An institution shall appoint members of the police or security department of [~~any {} college or university {} institution~~] are appointed by the [~~{} board~~] {president} the institution.

[~~(2)~~] (3) Upon appointment, [~~they~~] members described in Subsection (2) are peace officers and have all the powers [~~possessed by policemen~~] of police in cities and [~~by~~] of sheriffs, including the power to make arrests on view or on warrant of violation of state statutes and city or county ordinances.

[~~(3)~~] (4) Members of the police or security department of any [~~college or university~~] institution also have the power to enforce all rules and regulations [~~promulgated by~~] that the institution or the board {or institution} promulgates as related to the institution.

Section 21. Section **53B-6-105** is amended to read:

### **53B-6-105. Engineering and Computer Technology Initiative.**

(1) (a) (i) The commissioner of higher education, under the direction of the board shall develop, establish, and maintain an Engineering and Computer Science Initiative within the state system of higher education to increase the number of graduates in engineering, computer science, and related technology.

(ii) The commissioner of higher education, under the direction of the board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing the criteria for those fields of study that qualify as "related technology" under this section and Section 53B-6-105.9.

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(b) The initiative shall include components that:

(i) improve the quality of instructional programs in engineering, computer science, and related technology by providing supplemental money for equipment purchases; and

(ii) provide incentives to institutions to hire and retain faculty under Section 53B-6-105.9.

(2) The increase in program capacity under Subsection (1)(a) shall include funding for new and renovated capital facilities and funding for new engineering and computer science programs.

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

Section 22. Section **53B-6-105.9** is amended to read:

**53B-6-105.9. Incentive program for engineering, computer science, and related technology faculty.**

(1) The Legislature shall provide an annual appropriation to help fund the faculty incentive component of the Engineering and Computer Science Initiative established under Section 53B-6-105.

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

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

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

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

(iii) The annual report of the Technology Initiative Advisory Board required by Section 53B-6-105.5 shall include the summary report of the institutional matches.

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

Section 23. Section **53B-7-702** is amended to read:

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### 53B-7-702. Definitions.

As used in this part:

(1) "Account" means the Performance Funding Restricted Account created in Section 53B-7-703.

(2) "Estimated revenue growth from targeted jobs" means the estimated increase in individual income tax revenue generated by individuals employed in targeted jobs, determined ~~[by the Department of Workforce Services]~~ in accordance with ~~[Section]~~ Sections 53B-7-703 and 53B-7-704.

(3) "Full new performance funding amount" means the maximum amount of new performance funding that a degree-granting institution or technical college may qualify for in a fiscal year, determined by the Legislature in accordance with Section 53B-7-705.

(4) "Full-time" means the number of credit hours the board determines is full-time enrollment for a student.

~~[(5) "GO Utah office" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.]~~

~~[(6) "Job" means an occupation determined by the Department of Workforce Services.]~~

~~[(7) "Membership hour" means 60 minutes of scheduled instruction provided by a technical college to a student enrolled in the technical college.]~~

~~[(8)]~~ (5) "New performance funding" means the difference between the total amount of money in the account and the amount of money appropriated from the account for performance funding in the current fiscal year.

~~[(9)]~~ (6) "Performance" means total performance across the metrics described in Sections 53B-7-706 and 53B-7-707.

~~[(10) "Research university" means the University of Utah or Utah State University.]~~

~~[(11)]~~ (7) "Targeted job" means a four- and five-star job that requires postsecondary training as designated by the Department of Workforce Services ~~[or the GO Utah office in accordance with Section 53B-7-704].~~

~~[(12)]~~ (8) "Technical college" means:

(a) the same as that term is defined in Section 53B-1-101.5; and

(b) a degree-granting institution acting in the degree-granting institution's technical education role described in Section 53B-2a-201.

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~~[(13) "Technical college graduate" means an individual who:]~~

~~[(a) has earned a certificate from an accredited program at a technical college; and]~~

~~[(b) is no longer enrolled in the technical college.]~~

Section 24. Section 53B-7-703 is ~~{amended}~~ repealed and reenacted to read:

**53B-7-703.** ~~{Performance}~~ Performance Funding Restricted Account -- Creation

-- Deposits into account -- Legislative review.

~~{(1)}~~ (1) As used in this section:

(a) "Account" means the Performance Funding Restricted Account created in

Subsection (2).

(b) "Baseline amount" means the simple five-year average amount of personal income tax withholding over fiscal years 2018-2022.

(c) "Personal income tax withholding means" means income tax withholding required under Title 59, Chapter 10, Part 4, Withholding of Tax.

(2) There is created within the Income Tax Fund a restricted account known as the ~~{"~~Performance Funding Restricted Account.~~"}~~

~~\_\_\_\_\_ (2) Money in the account shall be:~~

~~\_\_\_\_\_ (a) used for performance funding for:~~

~~\_\_\_\_\_ (i) degree-granting institutions; and~~

~~\_\_\_\_\_ (ii) technical colleges; and~~

~~\_\_\_\_\_ (b) appropriated by the Legislature in accordance with Section 53B-7-705;~~

~~\_\_\_\_\_ (3) (a) Money in the account shall earn interest.~~

~~\_\_\_\_\_ (b) All interest earned on account money shall be deposited into the account.}~~

~~{(c)}~~ (3) The Legislature may appropriate money to the account.

~~{(4) (a) Except as provided in Subsection (4)(b), the Division of Finance shall deposit into the account an amount equal to 20% of the estimated revenue growth from targeted jobs upon appropriation by the Legislature for a fiscal year beginning on or after July 1, 2019.}~~

~~\_\_\_\_\_ [(b) (i) As used in this Subsection (4)(b), "total higher education appropriations" means, for the current fiscal year, the total state-funded appropriations to:]~~

~~\_\_\_\_\_ [(A) the board;]~~

~~\_\_\_\_\_ [(B)}~~ (4) Money in the account shall be:

(a) used for performance funding for:

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(i) degree-granting institutions; and

(ii) technical colleges.

— [(ii) If a deposit described in Subsection (4)(a) would exceed 10% of total higher education appropriations, upon appropriation]; and

(b) appropriated by the Legislature; the Division of Finance shall deposit into the account an amount equal to 10% of total higher education appropriations.]

— [(c) The Legislature may appropriate money to the account.]

— [(5)] (4) (a) As used in this Subsection [(5)] (4):

(i) "Base budget" means the same as that term is defined in legislative rule.

(ii) "Remaining available ongoing Income Tax Fund revenue" means the difference between:

(A) the estimated ongoing Income Tax Fund and Uniform School Fund revenue available for the Legislature to appropriate in the next fiscal year; and

(B) the amount of ongoing appropriations from the Income Tax Fund and Uniform School Fund for the current year plus ongoing appropriations required under Sections 53F-9-201 and 53F-9-204 for the next fiscal year.

(b) Except as described in Subsection [(5)(c)] (4)(c), for a fiscal year beginning on or after July 1, 2023, when preparing the Higher Education Base Budget, the Office of the Legislative Fiscal Analyst shall:

(i) include in the base budget the lesser of the amount described in Subsection [(4)] (6) or the remaining available ongoing Income Tax Fund revenue; and

(ii) appropriate the funds described in Subsection [(5)(b)(i)] (4)(b)(i) to the [Utah Board of Higher Education to distribute] account for distribution to institutions as described in; in accordance with Section 53B-7-705.

(c) In a fiscal year beginning on or after July 1, 2023, in which the remaining available ongoing Income Tax Fund revenue is less than zero, when preparing the base budget, the Office of the Legislative Fiscal Analyst shall include in the base budget an amount equal to the difference in the amount described in Subsection [(4)] (6) for the current year and the amount described in Subsection [(4)] (6) for the prior year, adjusted for any base budget reductions as directed by the Executive Appropriations Committee.

— [(6)] (5) During the interim following a legislative general session in which an amount

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~~described in Subsection (4)(b) (6)(c) is:~~

(5) (a) Money in the account shall earn interest.

(b) All interest earned on account money shall be deposited into the account, the Higher Education Appropriations Subcommittee shall review performance funding described in this part and make recommendations to the Legislature about:

~~—— (a) the performance levels required for degree-granting institutions and technical colleges to receive performance funding as described in Section 53B-7-705;~~

~~—— (b) the performance metrics described in Sections 53B-7-706 and 53B-7-707; and~~

~~—— (c) the amount of individual income tax revenue dedicated to higher education performance funding;~~

~~—— (6) (a) In or before December each;~~

(6) (a) Except as provided in Subsection (6)(b) or (6)(c), before the end of each calendar year, the Executive Appropriations Committee shall determine estimated revenue growth from targeted jobs:

~~—— (b) Except as provided in Subsection (6)(d), the Executive Appropriations Committee shall allocate} appropriate to the account an amount equal to {20% of the amount described in Subsection (6)(a):~~

~~—— (c) 6% of the difference between the five-year average amount from the most recent five years of personal income tax withholdings and the baseline amount.~~

(b) (i) As used in this Subsection (6)(b), "total higher education appropriations" means, for the current fiscal year, the total state funded appropriations to:

(i) A) the board;

(ii) B) degree-granting institutions; and

(iii) C) technical colleges.

(d) ii) If a deposit} an appropriation described in Subsection (6)(b) a) would exceed 10% of total higher education appropriations, } upon appropriation by the Legislature, the Legislature} the Executive Appropriations Committee shall appropriate } into} to the account an amount equal to 10% of total higher education appropriations.

~~(7) On or before December 31, 2030, and every subsequent five years, the Office of Legislative Fiscal Analyst shall:~~

~~—— (a) review the data reported by the commission described in Subsection 53B-7-704(5);~~



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and

~~\_\_\_\_\_ (b) recommend to;~~ c) If, after appropriating to the Public Education Economic Stabilization Restricted Account as defined in Section 53F-9-204, the remaining available revenue from the personal income tax withholdings is less than the lesser of the amounts in Subsection (6)(a) or Subsection (6)(b)(ii), the Executive Appropriations  ~~{Subcommittee any changes based on the review described in Subsection (7)(a)} Committee shall appropriate to the account the remaining available revenue from the personal income tax withholdings.~~

Section 25. Section 53B-7-704 is repealed and reenacted to read:

**53B-7-704.** ~~{ Determination}~~ **Reporting** of estimated revenue growth from targeted jobs ~~{ -- Reporting.~~

~~\_\_\_\_\_ (1) As used in this section, "baseline amount" means the simple five-year average of total wages in Utah as captured by the Quarterly Census of Employment and Wages program and reported by the Department of Workforce Services over calendar years 2018-2022 multiplied by 44.5%.~~

~~\_\_\_\_\_ (2) The Department of Workforce Services shall annually determine the estimated revenue growth from targeted jobs by:~~

~~\_\_\_\_\_ (a) determining the total estimated wages for targeted jobs by:~~

~~\_\_\_\_\_ (i) calculating the simple five-year moving average of total wages in Utah as captured by the Quarterly Census of Employment and Wages program using the most recent calendar year for which data is available; and~~

~~\_\_\_\_\_ (ii) multiplying the results of the calculation in Subsection (2)(a)(i) by 44.5%;~~

~~\_\_\_\_\_ (b) determining the change in estimated wages for targeted jobs for the year by subtracting the baseline amount from the total wages for targeted jobs as described in Subsection (2)(a); and~~

~~\_\_\_\_\_ (c) multiplying the change in estimated wages for targeted jobs described in Subsection (2)(b) by 3.3%.~~

~~\_\_\_\_\_ (3) Annually, by October 31, the Department of Workforce Services shall report the estimated revenue growth from targeted jobs to:~~

~~\_\_\_\_\_ (a) The Office of the Legislative Fiscal Analyst;~~

~~\_\_\_\_\_ (b) The Governor's Office of Planning and Budget;~~

~~\_\_\_\_\_ (c) The Division of Finance; and~~

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~~(d) the commissioner.~~

~~(4) By~~;

(1) On or before October 1, 2030 and each subsequent fifth year, the Department of Workforce Services shall report to the Higher Education Appropriations Subcommittee on:

(a) the total wages in Utah ~~as captured by~~ according to the Quarterly Census of Employment and Wages program over the previous five years;

(b) total wages in Utah attributable to four- and five-star jobs that require postsecondary training ~~as captured by~~ according to the Occupational Employment and Wage Statistics program over the previous five years;

(c) total wages in Utah for all occupations ~~as captured by~~ according to the Occupational Employment and Wage Statistics program over the previous five years;

(d) the quotient of total wages in Subsection ~~(4)1~~(a) and total wages in Subsection ~~(4)1~~(b); and

(e) the quotient of total wages in Subsection ~~(4)1~~(c) and total wages in Subsection ~~(4)1~~(b).

~~(5)2~~ ~~By~~ On or before October 1, 2030 and each subsequent fifth year, the commissioner shall report to the Higher Education Appropriations Subcommittee on:

(a) all institutions' high yield awards over the previous five years;

(b) the estimated revenue growth from targeted jobs associated with high yield awards over the previous five years;

(c) the connection between the data described in Subsections ~~(5)2~~(a) and ~~(5)2~~(b);  
and

(d) the estimated median effective income tax rate.

Section 26. Section **53B-7-705** is amended to read:

**53B-7-705. Determination of full new performance funding amount -- Role of appropriations subcommittee -- Program review.**

(1) In accordance with this section, and based on money deposited into the account, the Legislature shall, as part of the higher education appropriations budget process, annually determine the full new performance funding amount for each:

(a) degree-granting institution; and

(b) technical college.

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~~[(2) (f)] (a) Before January 1, 2024, the Legislature shall annually allocate:]~~

~~[(i) 90% of the money in the account to degree-granting institutions; and]~~

~~[(ii) 10% of the money in the account to technical colleges.]~~

~~[(b) After January 1, 2024, the] (c)~~

(2) The Legislature shall annually allocate:

~~[(i)]~~ (a) 80% of the money in the account to degree-granting institutions; and

~~[(ii)]~~ (b) 20% of the money in the account to technical colleges.

(3) (a) The Legislature shall determine a degree-granting institution's full new performance funding amount based on the degree-granting institution's prior year share of:

(i) full-time equivalent enrollment in all degree-granting institutions; and

(ii) the total state-funded appropriated budget for all degree-granting institutions.

(b) In determining a degree-granting institution's full new performance funding amount, the Legislature shall give equal weight to the factors described in Subsections (3)(a)(i) and (ii).

(4) (a) The Legislature shall determine a technical college's full new performance funding amount based on the technical college's prior year share of:

~~[(i) (A) before January 1, 2024, membership hours for all technical colleges; and]~~

~~[(B) after January 1, 2024,]~~

(i) full-time equivalent enrollment for all technical colleges; and

(ii) the total state-funded appropriated budget for all technical colleges.

(b) In determining a technical college's full new performance funding amount, the Legislature shall give equal weight to the factors described in Subsections (4)(a)(i) and (ii).

(5) Annually, at least 30 days before the first day of the legislative general session the board shall submit a report to the Higher Education Appropriations Subcommittee on each degree-granting institution's and each technical college's performance.

(6) (a) In accordance with this Subsection (6), and based on the report described in Subsection (5), the Legislature shall determine for each degree-granting institution and each technical college:

(i) the portion of the full new performance funding amount earned; and

(ii) the amount of new performance funding to recommend that the Legislature appropriate, from the account, to the degree-granting institution or technical college.

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~~[(b) (i) This Subsection (6)(b) applies before January 1, 2024.]~~

~~[(ii) A degree-granting institution earns the full new performance funding amount if the degree-granting institution has a positive change in performance of at least 1% compared to the degree-granting institution's average performance over the previous five years.]~~

~~[(iii) A technical college earns the full new performance funding amount if the technical college has a positive change in the technical college's performance of at least 5% compared to the technical college's average performance over the previous five years.]~~

~~[(c) After January 1, 2024, a~~

~~(b) After January 1, 2024, a] A degree-granting institution or technical college earns the full new performance funding amount if the degree-granting institution or technical college meets the annual performance goals the board sets under Subsection 53B-7-706(1)(a)(ii).~~

~~[(d) Before January 1, 2024, a degree-granting institution or technical college that has a positive change in performance that is less than a change described in Subsection (6)(b) is eligible to receive a prorated amount of the full new performance funding amount.]~~

~~[(e) Before January 1, 2024, a degree-granting or technical college that has a negative change, or no change, in performance over a time period described in Subsection (6)(b) is not eligible to receive new performance funding.]~~

~~[(f) ~~(c)~~ ~~After January 1, 2024, a~~]~~

(c) A degree-granting institution or technical college that does not meet the goals the board sets under Subsection 53B-7-706(1)(a)(ii):

(i) is not eligible to receive the full new performance funding amount; and

(ii) is eligible to receive a prorated amount of the full new performance funding amount for performance that is greater than zero as measured by the model the board establishes under Subsection 53B-7-706(1)(a)(i)(B).

~~[(g) After January 1, 2024, if~~

~~(d) After January 1, 2024, if] If a degree-granting institution or technical college does not earn the full new performance funding amount as described in Subsection ~~[(6)(c)]~~ (6)(b), the ~~[board]~~ Legislature:~~

(i) shall set aside the unearned new performance funding; and

(ii) may, at the end of an annual performance goal period within a five-year period for which the board sets goals under Subsection 53B-7-706(1)(a)(ii), reallocate the funds set aside

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under Subsection ~~[(6)(g)(i)]~~ (6)(d)(i) to a degree-granting institution or technical college that meets or exceeds the degree-granting institution's or technical college's:

(A) previous year's annual performance goal; and

(B) performance goal that the institution previously failed to meet which caused the funding to be set aside.

(7) An appropriation described in this section is ongoing.

(8) Notwithstanding Section 53B-7-703 and Subsections (6) and (7), the Legislature may, by majority vote, appropriate or refrain from appropriating money for performance funding as circumstances require in a particular year.

Section 27. Section **53B-7-706** is amended to read:

### **53B-7-706. Performance metrics for institutions -- Determination of performance.**

(1) (a) (i) ~~[(A) {}] The board shall establish a model for determining a degree-granting institution's performance. {}~~

~~{} (B) {} Beginning in March 2021, the]~~ The board shall establish a model for determining a degree-granting institution's or technical college's performance.

(ii) ~~[Beginning in May 2021, the]~~ The board shall:

(A) set a five-year goal for the Utah System of Higher Education for each metric described in Subsection ~~[(2)(a)(ii)]~~ (2)(a);

(B) adopt five-year goals for each degree-granting institution and technical college that align with each goal described in Subsection (1)(a)(ii)(A)~~[; and]~~.

(C) ensure the goals the board adopts for each degree-granting institution and technical college described in Subsection (1)(a)(ii)(B) are sufficiently rigorous to meet the goals described in Subsection (1)(a)(ii)(A); and

(b) (i) The board shall submit a draft of the model described in this section to the Higher Education Appropriations Subcommittee and the governor for comments and recommendations.

(ii) ~~[Beginning in 2021, and every]~~ Every five years ~~[thereafter]~~, the board shall:

(A) submit the model described in Subsection (1)(a)(i) and the goals described in Subsection (1)(a)(ii) to the Higher Education Appropriations Subcommittee and to the governor for comments and recommendations; and

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(B) consider the comments and recommendations described in Subsection (1)(b)(ii)(A), and make any necessary changes to the model described in Subsection (1)(a)(i) and the goals described in Subsection (1)(a)(ii).

(c) [~~Beginning in 2021, and every~~] Every five years [~~thereafter~~], the Executive Appropriations Committee, the Higher Education Appropriations Subcommittee, and the Education Interim Committee shall prepare and jointly meet to consider legislation for introduction at the following general legislative session to adopt the goals described in Subsection (1)(a)(ii).

~~[(2)(a) (i) The model described in Subsection (1)(a)(i)(A) shall include metrics, including:]~~

~~[(A) completion, measured by degrees and certificates awarded;]~~

~~[(B) completion by underserved students, measured by degrees and certificates awarded to underserved students;]~~

~~[(C) responsiveness to workforce needs, measured by degrees and certificates awarded in high market demand fields;]~~

~~[(D) institutional efficiency, measured by degrees and certificates awarded per full-time equivalent student, and]~~

~~[(E) for a research university, research, measured by total research expenditures.]~~

~~[(ii) Beginning in 2021, the] {}~~

(2)(a) The board shall set the goals and establish the performance model described in Subsection ~~[(1)(a)(i)(B)]~~ (1)(a)(i) for the following metrics:

~~[(A)]~~ (i) access;

~~[(B)]~~ (ii) timely completion; and

~~[(C)]~~ (iii) high-yield awards.

(b) ~~[(i) Subject to Subsection (2)(b)(ii), the]~~ The board shall determine the relative weights of the metrics described in Subsection ~~[(2)(a)(i)]~~ (2)(a).

~~[(ii) The board shall assign the responsiveness to workforce needs metric described in Subsection (2)(a)(i)(C) a weight of at least 25% when determining a degree-granting institution's performance.]~~

(c) [~~Beginning in 2021, the]~~ The board shall determine and establish in board policy, the definitions, measures, and relative weights of the metrics described in Subsection

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~~[(2)(a)(i)] (2)(a)~~ based on each degree-granting institution's and each technical college's mission.

(3) (a) For each degree-granting institution, the board shall annually determine the degree-granting institution's:

(i) performance; and

(ii) change in performance compared to the degree-granting institution's average performance over the previous five years.

(b) For each degree-granting institution and technical college, the board shall annually:

(i) adopt annual performance goals for each metric described in Subsection (2)(a)(ii) that will advance the degree-granting institution or technical college toward achievement of the five-year goals described in Subsection (1)(a)(ii);

(ii) evaluate performance in meeting the goals described in Subsection (3)(b)(i); and

(iii) include a degree-granting institution's or technical college's performance under this section in the evaluation described in Subsection 53B-1-402(2)(i).

~~[(4) (a)] (a) The board shall use the model described in Subsection (1)(a)(i)(A) to make the report described in Section 53B-7-705 for determining a degree-granting institution's performance funding for a fiscal year beginning on or after July 1, 2018, but before July 1, 2024.]~~

~~[(b) For a fiscal year beginning on or after July 1, 2024, the]~~

(4) The board shall use the model described in Subsection ~~[(1)(a)(i)(B)]~~ (1)(a)(i) to make the report described in Section 53B-7-705 for determining a degree-granting institution's or technical college's performance funding.

(5) At the end of each five-year period for which the board sets goals under Subsection (1)(a)(ii):

(a) the board shall:

(i) review the Utah System of Higher Education's performance in meeting the goals the board sets under Subsection (1)(a)(ii)(A);

(ii) review each degree-granting institution's and each technical college's performance in meeting the goals the board sets under Subsection (1)(a)(ii)(B); and

(iii) allocate any funds not allocated under Subsection 53B-7-705(6)(g) to each degree-granting institution and each technical college that meets or exceeds the goals the board

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sets under Subsection (1)(a)(ii)(B); and

(b) the Legislature may appropriate additional funds for the board to allocate to each degree-granting institution and each technical college that meets or exceeds goals as described in Subsection (5)(a)(iii).

(6) In year two or three of each five-year period for which the board sets goals under Subsection (1)(a)(ii), the following committees and the governor shall hold a joint open meeting to review the goals the board sets under Subsection (1)(a)(ii):

- (a) the Executive Appropriations Committee;
- (b) the Higher Education Appropriations Subcommittee; and
- (c) the Education Interim Committee.

Section 28. Section **53B-8-102** is amended to read:

### **53B-8-102. Definitions -- Resident student status -- Exceptions.**

(1) As used in this section:

(a) "Eligible person" means an individual who is entitled to post-secondary educational benefits under Title 38 U.S.C., Veterans' Benefits.

(b) "Immediate family member" means an individual's spouse or dependent child.

(c) "Military service member" means an individual who:

(i) is serving on active duty in the United States Armed Forces within the state of Utah;

(ii) is a member of a reserve component of the United States Armed Forces assigned in

Utah;

(iii) is a member of the Utah National Guard; or

(iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned outside of Utah pursuant to federal permanent change of station orders.

(d) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.

(e) "Parent" means a student's biological or adoptive parent.

(2) The meaning of "resident student" is determined by reference to the general law on the subject of domicile, except as provided in this section.

(3) (a) Institutions within the state system of higher education may grant resident student status to any student who has come to Utah and established residency for the purpose of attending an institution of higher education, and who, prior to registration as a resident student:

(i) has maintained continuous Utah residency status for one full year;



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(ii) has signed a written declaration that the student has relinquished residency in any other state; and

(iii) has submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere.

(b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:

(i) a Utah high school transcript issued in the past year confirming attendance at a Utah high school in the past 12 months;

(ii) a Utah voter registration dated a reasonable period prior to application;

(iii) a Utah driver license or identification card with an original date of issue or a renewal date several months prior to application;

(iv) a Utah vehicle registration dated a reasonable period prior to application;

(v) evidence of employment in Utah for a reasonable period prior to application;

(vi) proof of payment of Utah resident income taxes for the previous year;

(vii) a rental agreement showing the student's name and Utah address for at least 12 months prior to application; and

(viii) utility bills showing the student's name and Utah address for at least 12 months prior to application.

(c) A student who is claimed as a dependent on the tax returns of a person who is not a resident of Utah is not eligible to apply for resident student status.

(4) Except as provided in Subsection (8), an institution within the state system of higher education may establish stricter criteria for determining resident student status.

(5) If an institution does not have a minimum credit-hour requirement, that institution shall honor the decision of another institution within the state system of higher education to grant a student resident student status, unless:

(a) the student obtained resident student status under false pretenses; or

(b) the facts existing at the time of the granting of resident student status have changed.

(6) Within the limits established in Title 53B, Chapter 8, Tuition Waiver and Scholarships, each institution within the state system of higher education may, regardless of its policy on obtaining resident student status, waive nonresident tuition either in whole or in part, but not other fees.

(7) In addition to the waivers of nonresident tuition under Subsection (6), each

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institution may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference as recommended by the president of each institution.

(8) Notwithstanding Subsection (3), an institution within the state system of higher education shall grant resident student status for tuition purposes to:

(a) a military service member, if the military service member provides:

(i) the military service member's current United States military identification card; and

(ii) (A) a statement from the military service member's current commander, or

equivalent, stating that the military service member is assigned in Utah; or

(B) evidence that the military service member is domiciled in Utah, as described in Subsection (9)(a);

(b) a military service member's immediate family member, if the military service member's immediate family member provides:

(i) (A) the military service member's current United States military identification card;

or

(B) the immediate family member's current United States military identification card;

and

(ii) (A) a statement from the military service member's current commander, or

equivalent, stating that the military service member is assigned in Utah; or

(B) evidence that the military service member is domiciled in Utah, as described in Subsection (9)(a);

(c) a military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides:

(i) evidence of an honorable or general discharge;

(ii) a signed written declaration that the military veteran has relinquished residency in any other state and does not maintain a residence elsewhere;

(iii) objective evidence that the military veteran has demonstrated an intent to establish residency in Utah, which may include any one of the following:

(A) a Utah voter registration card;

(B) a Utah driver license or identification card;

(C) a Utah vehicle registration;

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(D) evidence of employment in Utah;

(E) a rental agreement showing the military veteran's name and Utah address; or

(F) utility bills showing the military veteran's name and Utah address;

(d) a military veteran's immediate family member, regardless of whether the military veteran served in Utah, if the military veteran's immediate family member provides:

(i) evidence of the military veteran's honorable or general discharge;

(ii) a signed written declaration that the military veteran's immediate family member has relinquished residency in any other state and does not maintain a residence elsewhere; and

(iii) objective evidence that the military veteran's immediate family member has demonstrated an intent to establish residency in Utah, which may include any one of the items described in Subsection (8)(c)(iii); [~~or~~]

(e) a foreign service member as defined in the Foreign Service Family Act of 2021 who is either:

(i) domiciled in Utah, recognizing the individual may not be physically present in the state due to an assignment; or

(ii) assigned to a duty station in Utah if the foreign service member provides:

(A) evidence of the foreign service member's status;

(B) a statement from the foreign service member's current commander, or equivalent, stating that the foreign service member is assigned in Utah; or

(C) evidence that the foreign service member is domiciled in Utah;

(f) a foreign service member's immediate family member if the foreign service member is either:

(i) domiciled in Utah, recognizing the individual may not be physically present in the state due to an assignment; or

(ii) assigned to a duty station in Utah if the foreign service member provides:

(A) evidence of the foreign service member's status;

(B) a statement from the foreign service member's current commander, or equivalent, stating that the foreign service member is assigned in Utah; or

(C) evidence that the foreign service member is domiciled in Utah;

~~(e)~~ (g) an eligible person who provides:

(i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits;

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(ii) a signed written declaration that the eligible person will use the [~~G.I. Bill benefits~~]  
Veteran Benefits under Title 38 U.S.C.; and

(iii) objective evidence that the eligible person has demonstrated an intent to establish residency in Utah, which may include any one of the items described in Subsection (8)(c)(iii)[:]

; or

[~~(f)~~] (h) an alien who provides:

(i) evidence that the alien is a special immigrant visa recipient;

(ii) evidence that the alien has been granted refugee status, humanitarian parole, temporary protected status, or asylum; or

(iii) evidence that the alien has submitted in good faith an application for refugee status, humanitarian parole, temporary protected status, or asylum under United States immigration law.

(9) (a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:

(i) a current Utah voter registration card;

(ii) a valid Utah driver license or identification card;

(iii) a current Utah vehicle registration;

(iv) a copy of a Utah income tax return, in the military service member's or military service member's spouse's name, filed as a resident in accordance with Section 59-10-502; or

(v) proof that the military service member or military service member's spouse owns a home in Utah, including a property tax notice for property owned in Utah.

(b) Aliens who are present in the United States on visitor, student, or other visas not listed in Subsection [~~(8)(f)~~] (8)(h) or (9)(c), which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore are classified as nonresidents.

(c) Aliens who have been granted or have applied for permanent resident status in the United States are classified for purposes of resident student status according to the same criteria applicable to citizens.

(10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah, and any American Indian who is a member of a federally recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled

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to resident student status.

(11) A Job Corps student is entitled to resident student status if the student:

(a) is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and

(b) submits verification that the student is a current Job Corps student.

(12) A person is entitled to resident student status and may immediately apply for resident student status if the person:

(a) marries a Utah resident eligible to be a resident student under this section; and

(b) establishes his or her domicile in Utah as demonstrated by objective evidence as provided in Subsection (3).

(13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent who has been domiciled in Utah for at least 12 months prior to the student's application is entitled to resident student status.

(14) (a) A person who has established domicile in Utah for full-time permanent employment may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on an employer requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.

(b) All relevant evidence concerning the motivation for the move shall be considered, including:

(i) the person's employment and educational history;

(ii) the dates when Utah employment was first considered, offered, and accepted;

(iii) when the person moved to Utah;

(iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;

(v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;

(vi) evidence that the person is an independent person who is:

(A) at least 24 years old; or

(B) not claimed as a dependent on someone else's tax returns; and

(vii) any other factors related to abandonment of a former domicile and establishment

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of a new domicile in Utah for purposes other than to attend an institution of higher education.

(15) (a) A person who is in residence in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall be entitled to resident status for tuition purposes.

(b) Upon the termination of the athlete's participation in the training program, the athlete shall be subject to the same residency standards applicable to other persons under this section.

(c) Time spent domiciled in Utah during the Olympic athlete training program in Utah counts for Utah residency for tuition purposes upon termination of the athlete's participation in a Utah Olympic athlete training program.

(16) (a) A person who has established domicile in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for an immediate family member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on the long-term health care responsibilities.

(b) All relevant evidence concerning the motivation for the move shall be considered, including:

(i) the person's employment and educational history;

(ii) the dates when the long-term health care responsibilities in Utah were first considered, offered, and accepted;

(iii) when the person moved to Utah;

(iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;

(v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;

(vi) evidence that the person is an independent person who is:

(A) at least 24 years old; or

(B) not claimed as a dependent on someone else's tax returns; and

(vii) any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

(17) A foreign service member or ~~their~~ the foreign service member's immediate

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family member deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain ~~their~~the eligibility for resident student status ~~provided they maintain~~if the foreign service member or immediate family member maintains continuous enrollment even ~~if their~~in the case of a change in domicile or duty station ~~changes~~.

~~[(17)]~~ (18) The board, after consultation with the institutions, shall make rules not inconsistent with this section:

- (a) concerning the definition of resident and nonresident students;
- (b) establishing procedures for classifying and reclassifying students;
- (c) establishing criteria for determining and judging claims of residency or domicile;
- (d) establishing appeals procedures; and
- (e) other matters related to this section.

~~[(18)]~~ (19) A student shall be exempt from paying the nonresident portion of total tuition if the student:

- (a) is a foreign national legally admitted to the United States;
- (b) attended high school in this state for three or more years; and
- (c) graduated from a high school in this state or received the equivalent of a high school diploma in this state.

Section 29. Section **53B-8-201** is amended to read:

### **Part 2. Opportunity Scholarship Program**

#### **53B-8-201. Opportunity Scholarship Program.**

- (1) As used in this section:
  - (a) "Eligible institution" means:
    - (i) a degree-granting institution of higher education within the state system of higher education; or
    - (ii) a private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities.
  - (b) "Eligible student" means a student who:
    - (i) applies to the board in accordance with the rules described in Subsection (5);
    - (ii) is enrolled in an eligible institution; and
    - (iii) meets the criteria established by the board in rules described in Subsection (5).
  - (c) "Fee" means:

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(i) for an eligible institution that is a degree-granting institution, a fee approved by the board; or

(ii) for an eligible institution that is a technical college, a fee approved by the eligible institution.

(d) "Program" means the Opportunity Scholarship Program described in this section.

(2) (a) Subject to legislative appropriations, the board shall annually distribute money for the Opportunity Scholarship Program described in this section to each eligible institution to award as Opportunity scholarships to eligible students.

(b) The board shall annually determine the amount of an Opportunity scholarship based on:

(i) the number of eligible students in the state; and

(ii) money available for the program.

(c) The board may not use more than 3% of the money appropriated to the program for administrative costs and overhead.

(3) (a) Except as provided in this Subsection (3), an eligible institution shall provide to an eligible student an Opportunity scholarship in the amount determined by the board described in Subsection (2)(b).

(b) For an Opportunity scholarship for which an eligible student applies on or before July 1, 2019, an eligible institution may reduce the amount of the Opportunity scholarship based on other state aid awarded to the eligible student for tuition and fees.

(c) For an Opportunity scholarship for which an eligible student applies after July 1, 2019:

(i) an eligible institution shall reduce the amount of the Opportunity scholarship so that the total amount of state aid awarded to the eligible student, including tuition or fee waivers and the Opportunity scholarship, does not exceed the cost of the eligible student's tuition and fees; and

(ii) the eligible student may only use the Opportunity scholarship for tuition and fees.

(d) An institution described in Subsection (1)(a)(ii) may not award an Opportunity scholarship to an eligible student in an amount that exceeds the average total cost of tuition and fees among the eligible institutions described in Subsection (1)(a)(i).

(e) If the allocation for an eligible institution described in Subsection (1)(a)(ii) is



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insufficient to provide the amount described in Subsection (2)(b) to each eligible student, the eligible institution may reduce the amount of an Opportunity scholarship.

(4) The board may:

(a) audit an eligible institution's administration of Opportunity scholarships;

(b) require an eligible institution to repay to the board money distributed to the eligible institution under this section that is not provided to an eligible student as an Opportunity scholarship; and

(c) require an eligible institution to enter into a written agreement with the board in which the eligible institution agrees to provide the board with access to information and data necessary for the purposes of the program.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules that establish:

(a) requirements related to an eligible institution's administration of Opportunity scholarships;

(b) a process for a student to apply to the board to determine the student's eligibility for an Opportunity scholarship;

(c) criteria to determine a student's eligibility for an Opportunity scholarship, including:

(i) minimum secondary education academic performance standards; and

(ii) the completion of a Free Application for Federal Student Aid or a process approved by the board in lieu of the Free Application for Federal Student Aid;

(d) a requirement for each eligible institution to annually report to the board on all Opportunity scholarships awarded by the eligible institution; and

(e) a process for a student to apply to the board for an Opportunity scholarship who would have likely received the scholarship but for an irreconcilable error in the application process described in Subsection (5)(b).

(6) The board shall annually report on the program to the Higher Education Appropriations Subcommittee.

(7) The State Board of Education, a school district, or a public high school shall cooperate with the board and eligible institutions to facilitate the program, including by exchanging relevant data where allowed by law.

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Section 30. Section **53B-8a-105** is amended to read:

### **53B-8a-105. Powers and duties of board.**

- (1) There is created the Utah Education Savings Board of Trustees.
- (2) The Utah Board of Higher Education shall:
  - (a) appoint the members of the board as follows:
    - (i) not more than three members from the Utah Board of Higher Education; and
    - (ii) at least four public members, each of whom possesses skills in one or more of the following:
      - (A) investments;
      - (B) accounting;
      - (C) finance;
      - (D) banking;
      - (E) education;
      - (F) technology; or
      - (G) financial operations; and
  - (b) designate a member appointed under Subsection (2)(a) as chair.
- (3) Each board member serves at the pleasure of the Utah Board of Higher Education.
- (4) The board has all powers necessary to carry out and effectuate the purposes, objectives, and provisions of this chapter pertaining to the plan.
  - (5) The board shall act as a fiduciary of the plan with:
    - (a) a duty of care to act solely in the best interest of the plan's account owners and beneficiaries;
    - (b) a duty of loyalty putting the plan's interest ahead of other interests; and
    - (c) a duty to invest with care, skill, prudence, and diligence.
  - (6) The duties, responsibilities, funds, liabilities, and expenses of the board in oversight and governance of the plan shall be maintained separate and apart from the Utah Board of Higher Education's other duties, responsibilities, funds, liabilities, and expenses.
- (7) The board shall:
  - (a) make policies governing the administration of the plan; and
  - (b) amend policies related to board governance.
- (8) (a) The board may appoint advisory committees to aid the board in fulfilling its

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duties and responsibilities.

(b) An advisory committee member may receive compensation and be reimbursed for reasonable expenses incurred in the performance of the member's official duties as determined by the board.

~~[(9) The board may appoint a board of directors known as the Board of Directors of the Utah Education Savings Plan to carry out the obligation of separation of functions required under Subsection (6).]~~

~~[(10) If the board creates a board of directors under Subsection (9):]~~

~~[(a) the board of directors shall consist of at least five members; and]~~

~~[(b) no more than two-thirds of the members of the board of directors may simultaneously serve as a member of the board.]~~

Section 31. Section **53B-13-103** is amended to read:

### **53B-13-103. Powers of Utah Board of Higher Education.**

The ~~[board]~~ Utah Board of Higher Education has the powers necessary to carry out the purposes of this chapter, including the following:

(1) to accept gifts, grants, loans, and other aids or amounts from a person, corporation, or governmental agency;

(2) to loan money to eligible borrowers to assist them in obtaining a post-high school education by attending an eligible institution, including refinancing or consolidating obligations previously incurred by eligible borrowers with other lending sources for this purpose and participating in loans to eligible borrowers for this purpose with other lending sources;

(3) to acquire, purchase, or make commitments to purchase, and take assignments from lenders of obligations. No obligation is eligible for acquisition, purchase, or commitment to purchase by the board unless at or before the time of transfer to the board the lender certifies either: (a) that, under and to the extent required by rules and regulations of the board, the proceeds of sale or its equivalent shall be reinvested in other obligations under the student loan program; or (b) that the obligation was made in anticipation of its sale to the board under rules and regulations of the board promulgated under this chapter;

(4) to enforce its rights under a contract or agreement including the commencement of court action;

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(5) to acquire, hold, and dispose of real and personal property necessary for the accomplishment of the purposes of this chapter;

(6) to obtain insurance against losses which may be incurred in connection with its property, assets, activities, or the exercise of the powers granted under this chapter;

(7) to borrow money and to issue its bonds and provide for the rights of bondholders and to secure the bonds by assignment, pledge, or granting a security interest in its property including all or a part of an obligation. The state is not liable for the repayment of bonds issued by the board. The bonds issued by the board are not a debt of the state, and each bond shall contain on its face a statement to this effect;

(8) to invest funds not required for immediate use or disbursement as provided in the State Money Management Act;

(9) subject to a contract with the holders of its bonds, an applicable bond resolution, or a contract with the recipient of a loan, to consent to the modification, with respect to security, rate of interest, time of payment of interest or principal, or other term of a bond contract or agreement between the board and a recipient of a loan, bondholder, or agency or institution guaranteeing the repayment of an obligation;

(10) to engage and [~~appoint~~] employ officers, agents, employees, and other private consultants to render and perform professional and technical duties, assistance, and advice in carrying out the purposes of this chapter, to describe their duties, and to fix the amount and source of their compensation;

(11) to make rules and regulations governing the activities authorized under this chapter;

(12) to solicit grants and contributions from the public or from any government or governmental agency and to arrange for the guaranteeing of the repayment of obligations by other agencies of this state or the United States;

(13) to collect fees and charges in connection with its loans, commitments, and servicing, including reimbursement of the costs of financing, service charges, and insurance premiums which are determined as reasonable and are approved by the board;

(14) to sell obligations held by the board at such prices and at such times as it may determine, when that sale would not impair the rights or interests of holders of bonds issued by the board; and

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(15) to participate in federal programs supporting loans to eligible borrowers and to agree to, and comply with, the conditions of those programs.

Section 32. Section **53B-16-102** is amended to read:

**53B-16-102. Changes in curriculum -- Substantial alterations in institutional operations -- Program approval -- Periodic review of programs -- Career and technical education curriculum changes.**

(1) As used in this section:

(a) "Institution of higher education" means an institution described in Section 53B-1-102.

(b) "Program of instruction" means a program of curriculum that leads to the completion of a degree, diploma, certificate, or other credential.

(2) (a) Under procedures and policies approved by the board and developed in consultation with each institution of higher education, each institution of higher education may make such changes in the institution of higher education's curriculum as necessary to better effectuate the institution of higher education's primary role~~[-];~~ and

(b) subject to Subsection (2)(a), an institution of higher education's faculty shall establish and have primary responsibility for the curriculum of a course within a program of instruction at the institution.

(3) The board shall establish criteria for whether an institution of higher education may approve a new program of instruction, including criteria related to whether:

(a) the program of instruction meets identified workforce needs;

(b) the institution of higher education is maximizing collaboration with other institutions of higher education to provide for efficiency in offering the program of instruction;

(c) the new program of instruction is within the institution of higher education's mission and role; and

(d) the new program of instruction meets other criteria determined by the board.

(4) (a) Except as ~~[provided in Subsection (4)(b), without the approval of the board]~~ {permitted by} board policy permits, an institution of higher education may not~~[-];~~ {}

~~— [(i)] {}~~ establish a branch, extension center, college, or professional school~~[-or]~~.

~~[(ii) establish a new program of instruction.]~~

(b) ~~[An]~~ The president of an institution of higher education may, with the approval of

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the institution of higher education's board of trustees, establish a new program of instruction that meets the criteria described in Subsection (3), subject to board review for pathway articulation.

(5) (a) An institution of higher education shall notify the board of a proposed new program of instruction, including how the proposed new program of instruction meets the criteria described in Subsection (3).

(b) The board shall establish procedures and guidelines for institutional boards of trustees to consider an institutional proposal for a new program of instruction described in Subsection (4)(b).

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

~~[(6)]~~ (7) (a) The board shall conduct a periodic review of all new programs of instruction, including those funded by gifts, grants, and contracts, no later than two years after the first cohort to begin the program of instruction completes the program of instruction.

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

(c) The board shall conduct:

(i) at least once every seven years, at least one review described in Subsection ~~[(6)(b)]~~ (7)(b) of each program of instruction at each institution; and

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

(d) Following a review described in this Subsection ~~[(6)]~~ (7) and after providing the relevant institution of higher education an opportunity to respond to the board's review of a given program of instruction, the board may modify, consolidate, or terminate the program of instruction.

~~[(7)]~~ (8) In making decisions related to career and technical education curriculum changes, the board shall coordinate on behalf of the boards of trustees of higher education institutions a review of the proposed changes by the State Board of Education to ensure an

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orderly and systematic career and technical education curriculum that eliminates overlap and duplication of course work with high schools and technical colleges.

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

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

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

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

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

(a) deduct 10% of the appropriation described in Section 53B-7-703 for the following fiscal year; and

(b) deduct an additional 10% of the appropriation described in Section 53B-7-703 for each subsequent year of noncompliance up to a maximum deduction of 30%.

Section 33. Section **53B-17-1203** is amended to read:

### **53B-17-1203. SafeUT and School Safety Commission established -- Members.**

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

(a) one member who represents the Office of the Attorney General, ~~[appointed by]~~ whom the attorney general appoints;

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

(c) ~~[one member who represents the Utah system of higher education, appointed by]~~ a designee of the Utah Board of Higher Education, ~~selected by~~ whom the commissioner selects under direction of the board;

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

(e) one member of the House of Representatives, ~~[appointed by]~~ whom the speaker of

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the House of Representatives appoints;

(f) one member of the Senate, [~~appointed by~~] whom the president of the Senate appoints;

(g) one member who represents the University Neuropsychiatric Institute, [~~appointed by~~] whom the chair of the commission appoints;

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

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

(j) two members of the public, [~~appointed by~~] whom the chair of the commission appoints.

(2) (a) Except as provided in Subsection (2)(b), members of the commission shall be appointed to four-year terms.

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

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

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

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

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

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

(6) (a) Except as provided in Subsection (6)(b), a member may not receive compensation, benefits, per diem, or travel expenses for the member's service.

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

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

Section 34. Section **53B-22-102** is amended to read:

**53B-22-102. Utah State University revenue bonds -- Student family housing and Human Resource Research Center.**



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(1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf of Utah State University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Utah State University to borrow money on the credit of the income and revenues of Utah State University, other than appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping a student family housing project and a Human Resource Research Center.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$6,600,000 for the student family housing project and \$6,000,000 for the Human Resource Research Center, and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under such terms and conditions and in such amounts as the board, by resolution, determines are reasonable and necessary.

Section 35. Section **53B-22-103** is amended to read:

### **53B-22-103. Weber State University revenue bonds -- Student services building.**

(1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf of Weber State University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Weber State University to borrow money on the credit of the income and revenues of Weber State University, other than appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and equipping a student services building.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$5,800,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under such terms and conditions and in such amounts as the board, by resolution, determines are reasonable and necessary.

Section 36. Section **53B-22-104** is amended to read:

### **53B-22-104. Southern Utah University revenue bonds -- Student housing and student center addition.**

(1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf of Southern Utah University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Southern Utah University to borrow money on the credit of the income and revenues of Southern Utah University, other than appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping a student housing project and a student center addition.

## **SB0192S03 compared with SB0192S02**

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$6,000,000 for the student housing project and \$5,500,000 for the student center addition and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and in amounts that the board, by resolution, determines are reasonable and necessary.

Section 37. Section **53B-22-105** is amended to read:

### **53B-22-105. Utah Tech University revenue bonds -- Student center building.**

(1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf of [~~Dixie College~~] Utah Tech University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of [~~Dixie College~~] Utah Tech University to borrow money on the credit of the income and revenues of [~~Dixie College~~] Utah Tech University, other than appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and equipping a student center building.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$3,100,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under such terms and conditions and in such amounts as the board, by resolution, determines are reasonable and necessary.

Section 38. Section **53B-22-106** is amended to read:

### **53B-22-106. Utah Valley University revenue bonds -- Student center addition.**

(1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf of Utah Valley [~~State College~~] University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Utah Valley State College to borrow money on the credit of the income and revenues of Utah Valley State College, other than appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping a student center addition.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$13,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under such terms and conditions and in such amounts as the board, by resolution, determines are reasonable and necessary.

Section 39. Section **53B-22-107** is amended to read:

### **53B-22-107. Salt Lake Community College revenue bonds -- Classroom/physical**

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### education facility.

(1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf of Salt Lake Community College, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Salt Lake Community College to borrow money on the credit of the income and revenues of Salt Lake Community College, other than appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and equipping a classroom/physical education facility.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$5,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under such terms and conditions and in such amounts as the board, by resolution, determines are reasonable and necessary.

Section 40. Section **53B-22-109** is amended to read:

### **53B-22-109. Salt Lake Community College revenue bonds -- Science/major industry building.**

(1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf of Salt Lake Community College, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Salt Lake Community College to borrow money on the credit of the income and revenues of Salt Lake Community College, other than appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and equipping a science/major industry building.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$5,150,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and in amounts that the board, by resolution, determines are reasonable and necessary.

Section 41. Section **53B-22-111** is amended to read:

### **53B-22-111. Southern Utah University revenue bonds -- Stadium expansion.**

(1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf of Southern Utah University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Southern Utah University to borrow money on the credit of the income and revenues of Southern Utah University, other than appropriations of the Legislature, to finance the phased expansion of the stadium at the university.

## **SB0192S03 compared with SB0192S02**

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$5,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and in amounts that the board, by resolution, determines are reasonable and necessary.

Section 42. Section **53B-22-112** is amended to read:

### **53B-22-112. University of Utah revenue bonds -- Biology research building.**

(1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf of the University of Utah, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow money on the credit of the income and revenues of the University of Utah, other than appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and equipping a biology research building.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$21,050,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and in amounts that the board, by resolution, determines are reasonable and necessary.

Section 43. Section **53B-22-113** is amended to read:

### **53B-22-113. University of Utah revenue bonds -- Robert L. Rice Stadium renovation and expansion.**

(1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf of the University of Utah, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow money on the credit of the income and revenues of the University of Utah, other than appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and equipping a renovation and expansion of the Robert L. Rice Stadium.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$12,000,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and in amounts that the board, by resolution, determines are reasonable and necessary.

Section 44. Section **53B-22-114** is amended to read:

### **53B-22-114. Utah State University Eastern revenue bonds -- Student center.**

(1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on

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behalf of the [~~College of Eastern~~] Utah State University Eastern, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of the College of Eastern Utah to borrow money on the credit of the income and revenues of the College of Eastern Utah, other than appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and equipping a student center.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$3,300,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and in amounts that the board, by resolution, determines are reasonable and necessary.

Section 45. Section **53B-22-204** is amended to read:

### **53B-22-204. Funding request for capital development project -- Legislative approval -- Board prioritization, approval, and review.**

(1) In accordance with this section, an institution is required to receive legislative approval in an appropriations act for a dedicated project or a nondedicated project.

(2) An institution shall submit to the board a proposal for a funding request for each dedicated project or nondedicated project for which the institution seeks legislative approval.

(3) The board shall:

(a) review each proposal submitted under Subsection (2) to ensure the proposal:

(i) is cost effective and an efficient use of resources;

(ii) is consistent with the institution's mission and master plan; and

(iii) fulfills a critical institutional facility need;

(b) based on the results of the board's review under Subsection (3)(a), create:

(i) a list of approved dedicated projects; and

(ii) a list of approved nondedicated projects, prioritized in accordance with Subsection

(5); and

(c) submit the lists described in Subsection (3)(b) to:

(i) the governor;

(ii) the Infrastructure and General Government Appropriations Subcommittee;

(iii) the Higher Education Appropriations Subcommittee; and

(iv) the Division of Facilities Construction and Management for a:

(A) recommendation, for the list described in Subsection (3)(b)(i); or

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(B) recommendation and prioritization, for the list described in Subsection (3)(b)(ii).

(4) A dedicated project:

(a) is subject to the recommendation of the Division of Facilities Construction and Management as described in Section 63A-5b-403; and

(b) is not subject to the prioritization of the Division of Facilities Construction and Management as described in Section 63A-5b-403.

(5) (a) Subject to Subsection (6), the board shall prioritize institution requests for funding for nondedicated projects based on:

(i) capital facility need;

(ii) utilization of facilities;

(iii) maintenance and condition of facilities; and

(iv) any other factor determined by the board.

(b) On or before August 1, 2019, the board shall establish how the board will prioritize institution requests for funding for nondedicated projects, including:

(i) how the board will measure each factor described in Subsection (5)(a); and

(ii) procedures for prioritizing requests.

(6) (a) Subject to Subsection (6)(b), and in accordance with Subsection (5), the board may annually prioritize:

(i) up to three nondedicated projects if the ongoing appropriation to the fund is less than \$50,000,000;

(ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least \$50,000,000 but less than \$100,000,000; or

(iii) one nondedicated project if the ongoing appropriation to the fund is at least \$100,000,000.

(b) For each calendar year beginning on or after January 1, 2020, the dollar amounts described in Subsection (6)(a) shall be adjusted by an amount equal to the percentage difference between:

(i) the Consumer Price Index for the 2019 calendar year; and

(ii) the Consumer Price Index for the previous calendar year.

(7) (a) An institution may request operations and maintenance funds for a capital development project approved under this section.

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(b) An institution shall make the request described in Subsection (7)(a) at the same time ~~as~~ the institution submits the proposal described in Subsection (2).

~~[(b)]~~ (c) The Legislature shall consider an institution's request described in Subsection (7)(a).

(8) After an institution completes a capital development project described in this section, the board shall review the capital development project, including the costs and design of the capital development project.

Section 46. Section **53B-23-106** is amended to read:

### **53B-23-106. Institution to make policy.**

(1) As used in this section, "institution" means an institution listed in Section 53B-1-102.

(2) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board]~~ An institution shall make ~~[rules]~~ policy consistent with this section for ~~[its]~~ the implementation and administration of the institution, including ~~[rules]~~ policy addressing:

~~[(1)]~~ (a) the designation of materials considered "required or essential to student success";

~~[(2)]~~ (b) the determination of the availability of technology for the conversion of nonprinted materials pursuant to Section 53B-23-103 and the conversion of mathematics and science materials pursuant to Section 53B-23-102; and

~~[(3)]~~ (c) the procedures and standards relating to distribution of files and materials pursuant to Section 53B-23-103.

Section 47. Section **53B-27-405** is amended to read:

### **53B-27-405. Student religious accommodations.**

(1) An institution shall:

(a) reasonably accommodate a student's absence from an examination or other academic requirement under the circumstances described in Subsection (2) for reasons of:

(i) the student's faith or conscience; or

(ii) the student's participation in an organized activity conducted under the auspices of the student's religious tradition or religious organization; and

(b) ensure that an accommodation described in Subsection (1)(a) does not adversely impact the student's academic opportunities.

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(2) An institution shall make an accommodation described in Subsection (1) if:

(a) the time at which an examination or academic requirement is scheduled to occur creates an undue hardship for a student due to the student's sincerely held religious belief; and

(b) the student provides a written notice to the instructor of the course for which the student seeks the accommodation regarding the date of the examination or academic requirement for which the student seeks the accommodation.

(3) [~~The board~~] An institution shall establish policies related to the accommodation described in Subsection (1) that:

(a) require [~~an~~] the institution to provide the accommodation with respect to when the student participates in examinations and other academic requirements;

(b) allow an instructor who receives a notice described in Subsection (2)(b) to:

(i) schedule an alternative examination time before or after the regularly scheduled examination; or

(ii) make accommodations for other academic requirements related to the accommodation; and

(c) require an instructor who receives a notice described in Subsection (2)(b) to keep confidential a student's request for the accommodation.

(4) (a) The [~~board~~] commissioner shall annually:

(i) create a list of the dates of religious holidays for the following two years; and

(ii) distribute the list described in Subsection (4)(a) to an institution.

(b) The creation and distribution of the list described in Subsection (4)(a) does not prohibit a student from seeking, or an institution from granting, an accommodation for a date of a religious holiday that is not included on that list.

(5) An institution shall:

(a) designate a point of contact for information about an accommodation described in Subsection (1);

(b) establish a process by which a student may submit a grievance with regards to implementation of this section; and

(c) publish the following information on the institution's website and update the information annually:

(i) the [~~board's~~] institution's religious accommodation policies described in Subsection



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(3);

(ii) the point of contact described in Subsection (5)(a);

(iii) the list described in Subsection (4);

(iv) a description of the general procedure to request an accommodation described in Subsection (1); and

(v) the grievance process described in Subsection (5)(b).

Section 48. Section **53B-28-401** is amended to read:

### **53B-28-401. Campus safety plans and training -- Institution duties -- Governing board duties.**

(1) As used in this section:

(a) "Covered offense" means:

(i) sexual assault;

(ii) domestic violence;

(iii) dating violence; or

(iv) stalking.

(b) "Institution" means an institution of higher education described in Section 53B-1-102.

(c) "Student organization" means a club, group, sports team, fraternity or sorority, or other organization:

(i) of which the majority of members is composed of students enrolled in an institution; and

(ii) (A) that is officially recognized by the institution; or

(B) seeks to be officially recognized by the institution.

(2) An institution shall develop a campus safety plan that addresses:

(a) where an individual can locate the institution's policies and publications related to a covered offense;

(b) institution and community resources for a victim of a covered offense;

(c) the rights of a victim of a covered offense, including the measures the institution takes to ensure, unless otherwise provided by law, victim confidentiality throughout all steps in the reporting and response to a covered offense;

(d) how the institution informs the campus community of a crime that presents a threat

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to the campus community;

(e) availability, locations, and methods for requesting assistance of security personnel on the institution's campus;

(f) guidance on how a student may contact law enforcement for incidents that occur off campus;

(g) institution efforts related to increasing campus safety, including efforts related to the institution's increased response in providing services to victims of a covered offense, that:

(i) the institution made in the preceding 18 months; and

(ii) the institution expects to make in the upcoming 24 months;

(h) coordination and communication between institution resources and organizations, including campus law enforcement;

(i) institution coordination with local law enforcement or community resources, including coordination related to a student's safety at an off-campus location; and

(j) how the institution requires a student organization to provide the campus safety training as described in Subsection (5).

(3) An institution shall:

(a) prominently post the institution's campus safety plan on the institution's website and each of the institution's campuses; and

(b) annually update the institution's campus safety plan.

(4) An institution shall develop a campus safety training curriculum that addresses:

(a) awareness and prevention of covered offenses, including information on institution and community resources for a victim of a covered offense;

(b) bystander intervention; and

(c) sexual consent.

(5) An institution shall require a student organization, in order for the student organization to receive or maintain official recognition by the institution, to annually provide campus safety training, using the curriculum described in Subsection (4), to the student organization's members.

~~[(6) The board shall:]~~

~~[(a) on or before July 1, 2019, establish minimum requirements for an institution's campus safety plan described in Subsection (2);]~~

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~~[(b) identify resources an institution may use to develop a campus safety training curriculum as described in Subsection (4); and]~~

~~[(c) ]~~ (6) An institution shall report annually to the Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee, at or before the committees' November meetings, on~~[:~~

~~] (i) ] the implementation of the requirements described in this section; and ]~~

~~] (ii) ]~~ (6) crime statistics aggregated by housing facility as described in Subsection 53B-28-403(2).

Section 49. Section **53B-28-502** is amended to read:

### **53B-28-502. State student data protection governance.**

(1) The state privacy officer shall establish a higher education privacy advisory group to advise institutions and institution boards of trustees on student data protection.

(2) The advisory group shall consist of:

(a) the state privacy officer;

(b) the higher education privacy officer; and

(c) the following members, appointed by the commissioner ~~[of higher education]:~~

(i) at least one Utah ~~[system of higher education]~~ System of Higher Education employee; and

(ii) at least one representative of the Utah Board of Higher Education.

(3) The advisory group shall:

(a) discuss and make recommendations to the board and institutions regarding:

(i) existing and proposed:

(A) board rules; or

(B) board policies of the Utah Board of Higher Education or institutions; and

(ii) training on protecting student data privacy; and

(b) perform other tasks related to student data protection as designated by the Utah Board of Higher Education.

(4) The higher education privacy officer shall:

(a) provide training and support to institution boards and employees; and

(b) produce:

(i) resource materials;

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- (ii) model data governance plans;
- (iii) model forms for institution student data protection governance; and
- (iv) a model data collection notice.

(5) The board shall:

- (a) (i) create and maintain a data governance plan; and
- (ii) annually publish the data governance plan on the Utah System of Higher Education

website; and

(b) establish standards for:

- (i) institution policies to protect student data;
- (ii) institution data governance plans; and
- (iii) a third-party contractor's use of student data.

Section 50. Section **53B-33-202** is amended to read:

### **53B-33-202. Utah Data Research Advisory Board -- Composition -- Appointment.**

(1) There is created the Utah Data Research Advisory Board.

(2) The advisory board is composed of the following members:

(a) the state superintendent of the State Board of Education or the state superintendent's designee;

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

(c) the executive director of the Department of Workforce Services or the executive director's designee;

(d) the executive director of the Department of Health and Human Services or the executive director's designee; and

(e) the executive director of the Department of Commerce or the executive director's designee.

(3) The commissioner or the commissioner's designee shall serve as chair.

(4) A member of the advisory board:

(a) except to the extent a member's service on the advisory board is related to the member's duties outside of the advisory board, may not receive compensation or benefits for the member's service; and

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

(i) Section 63A-3-106;

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

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

Section 51. Section **53B-34-110** is enacted to read:

### **53B-34-110. Talent advisory councils.**

(1) As used in this section:

(a) "Advisory council" means an advisory council the talent board creates under Subsection (10).

(b) "Institution of higher education" means the same as the term is defined in Section 53B-1-102.

(c) "Talent initiative" means an initiative the board creates under Subsection (2).

(2) (a) Subject to ~~legislative~~ appropriations ~~from the Legislature~~ and in accordance with the proposal process and other provisions of this section, the board shall develop and oversee one or more talent initiatives that include providing funding for expanded programs at an institution of higher education related to the talent initiative.

(b) ~~(i)~~ The board ~~may create~~ shall ensure that a ~~talent initiative~~.

~~(ii) A~~ talent initiative the board creates ~~shall~~:

~~(A)~~ i) ~~have~~ uses a name for the talent initiative that reflects the area the initiative is targeting;

~~(B)~~ ii) ~~contain~~ contains an outline of the disciplines, industries, degrees, certifications, credentials, and types of skills the talent initiative will target; and

~~(C)~~ iii) ~~have~~ uses a corresponding advisory council created in Subsection (10).

(3) In creating a talent initiative, the board shall facilitate collaborations between an institution of higher education and participating employers that:

(a) create expanded, multidisciplinary programs or stackable credential programs offered at a technical college, undergraduate, or graduate level of study; and

(b) prepare students to be workforce participants in jobs requiring skills related to a talent initiative.

(4) (a) An institution of higher education seeking to partner with one or more participating employers to create a program related to a talent initiative shall submit a proposal to the talent board through a process the talent board creates.

(b) An institution of higher education shall submit a proposal that contains:

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- (i) a description of the proposed program including:
  - (A) implementation timelines for the program;
  - (B) a demonstration of how the program will be responsive to the talent needs related to the talent initiative;
  - (C) an outline of relevant industry involvement that includes at least one participating employer that ~~is partnering~~ partners with the institution of higher education; and
  - (D) an explanation of how the program addresses an unmet regional workforce need related to a talent initiative;
- (ii) an estimate of:
  - (A) projected student enrollment and completion rates for a program;
  - (B) the academic credit or credentials that a program will provide; and
  - (C) occupations for which a graduate will qualify ~~for~~;
- (iii) evidence that each participating employer is committed to participating and contributing to the program by providing any combination of:
  - (A) instruction;
  - (B) curriculum review;
  - (C) feedback regarding effectiveness of program graduates as employees;
  - (D) work-based learning opportunities; or
  - (E) mentoring;
- (iv) a description of any resources a participating employer will provide within the program; and
- (v) the amount of funding requested for the program, including:
  - (A) the justification for the funding; and
  - (B) the cost per student served as estimated under Subsection (4)(b)(ii).
- (5) In reviewing a proposal, the talent board shall provide a proposal to the relevant advisory council described in Subsections (10) and (11).
- (6) The relevant advisory council shall:
  - (a) review and prioritize each proposal ~~received~~ the advisory council receives; and
  - (b) recommend to the talent board whether the proposal should be funded and the funding amount ~~that shall be~~ based on:
    - (i) the quality and completeness of the elements of the proposal described in

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Subsection (4)(b):

(ii) to what extent the proposed program:

(A) would expand the capacity to meet state or regional workforce needs related to the talent initiative;

(B) would integrate industry-relevant competencies with disciplinary expertise;

(C) would incorporate internships or significant project experiences, including team-based experiences;

(D) identifies how industry professionals would participate in elements described in Subsection (4)(b)(iii); and

(E) would be cost effective; and

(iii) other relevant criteria as {determined by} the relevant advisory council and the talent board **determines**.

(7) The board shall review the recommendations of an advisory council and may provide funding for a program related to a talent initiative using the criteria described in Subsection (6)(b).

(8) In a form {approved by} **that** the board **approves**, each institution of higher education that receives funding shall annually provide written information to the board regarding the activities, successes, and challenges related to administering the program related to the talent initiative, including:

(a) specific entities that received funding under this section;

(b) the amount of funding provided to each entity;

(c) the number of participating students in each program;

(d) the number of graduates of the program;

(e) the number of graduates of the program employed in jobs requiring skills related to the talent initiative; and

(f) progress and achievements relevant to the implementation timeline submitted under Subsection (4)(b)(i)(A).

(9) On or before October 1 of each year, the board shall provide an annual written report containing the information described in Subsection (8) to the:

(a) Education Interim Committee; and

(b) Higher Education Appropriations Subcommittee.

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(10) The talent board shall create a talent advisory council for each talent initiative created under Subsection (2) to make recommendations to the board regarding the administration of a talent initiative including:

- (a) a deep technology initiative;
- (b) a life sciences workforce initiative; and
- (c) health professions initiatives including a nursing initiative.

(11) An advisory council shall consist of the following members:

(a) four members who have extensive experience in the talent initiative's subject matter from the private sector ~~{that}~~whom the chair of the talent board appoints and the board approves;

(b) a representative of the board described in Section 53B-1-402 ~~{that}~~whom the chair of the board appoints;

(c) a representative of the Governor's Office of Economic Opportunity ~~{that}~~whom the executive director of the Governor's Office of Economic Opportunity appoints;

(d) a representative from Talent Ready Utah;

(e) one member of the Senate ~~{that}~~whom the president of the Senate appoints;

(f) one member of the House of Representatives ~~{that}~~whom the speaker of the House of Representatives appoints; and

(g) any other specialized industry experts whom a majority of the advisory council may invite to participate as needed as nonvoting members.

(12) Talent Ready Utah shall provide staff support for an advisory council.

(13) (a) Two advisory council members appointed under Subsection (11)(a) shall serve an initial term of two years.

(b) Except as described in Subsection (13)(a), all other advisory council members shall serve an initial term of four years.

(c) Successor advisory council members upon appointment or reappointment shall each serve a term of four years.

(d) When a vacancy occurs in the membership for any reason, the initial appointing authority shall appoint a replacement for the unexpired term.

(e) An advisory council member may not serve more than two consecutive terms.

(14) A vote of a majority of the advisory council members constitutes an action of the



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advisory council.

(15) The duties of the advisory council include reviewing, prioritizing, and making recommendations to the board regarding proposals for funding under the talent initiative created in accordance with Subsection (2) for which the council was created.

(16) An advisory council member may not receive compensation or benefits for the member's service, but an advisory council member who is not a legislator may receive per diem and travel expenses in accordance with:

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

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

(17) The board may discontinue a talent initiative and the related talent advisory council by majority vote.

Section 52. Section **53E-3-505** is amended to read:

### **53E-3-505. Financial and economic literacy education.**

(1) As used in this section:

(a) "Financial and economic activities" include activities related to the topics listed in Subsection (1)(b).

(b) "Financial and economic literacy concepts" include concepts related to the following topics:

(i) basic budgeting;

(ii) saving and financial investments;

(iii) banking and financial services, including balancing a checkbook or a bank account and online banking services;

(iv) career management, including earning an income;

(v) rights and responsibilities of renting or buying a home;

(vi) retirement planning;

(vii) loans and borrowing money, including interest, credit card debt, predatory lending, and payday loans;

(viii) insurance;

(ix) federal, state, and local taxes;

(x) charitable giving;

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- (xi) identity fraud and theft;
  - (xii) negative financial consequences of gambling;
  - (xiii) bankruptcy;
  - (xiv) economic systems, including a description of:
    - (A) a command system such as socialism or communism, a market system such as capitalism, and a mixed system; and
    - (B) historic and current examples of the effects of each economic system on economic growth;
  - (xv) supply and demand;
  - (xvi) monetary and fiscal policy;
  - (xvii) effective business plan creation, including using economic analysis in creating a plan;
  - (xviii) scarcity and choices;
  - (xix) opportunity cost and tradeoffs;
  - (xx) productivity;
  - (xxi) entrepreneurship; and
  - (xxii) economic reasoning.
- (c) "General financial literacy course" means the course of instruction administered by the state board under Subsection (3).
- (2) The state board shall:
- (a) more fully integrate existing and new financial and economic literacy education into instruction in kindergarten through grade 12 by:
    - (i) coordinating financial and economic literacy instruction with existing instruction in other areas of the core standards for Utah public schools, such as mathematics and social studies;
    - (ii) using curriculum mapping;
    - (iii) creating training materials and staff development programs that:
      - (A) highlight areas of potential coordination between financial and economic literacy education and other core standards for Utah public schools concepts; and
      - (B) demonstrate specific examples of financial and economic literacy concepts as a way of teaching other core standards for Utah public schools concepts; and

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(iv) using appropriate financial and economic literacy assessments to improve financial and economic literacy education and, if necessary, developing assessments;

(b) work with interested public, private, and nonprofit entities to:

(i) identify, and make available to teachers, online resources for financial and economic literacy education, including modules with interactive activities and turnkey instructor resources;

(ii) coordinate school use of existing financial and economic literacy education resources;

(iii) develop simple, clear, and consistent messaging to reinforce and link existing financial literacy resources;

(iv) coordinate the efforts of school, work, private, nonprofit, and other financial education providers in implementing methods of appropriately communicating to teachers, students, and parents key financial and economic literacy messages; and

(v) encourage parents and students to establish higher education savings, including a Utah Educational Savings Plan account;

(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to develop guidelines and methods for school districts and charter schools to more fully integrate financial and economic literacy education into other core standards for Utah public schools courses; and

(d) in cooperation with school districts, charter schools, and interested private and nonprofit entities, provide opportunities for professional development in financial and economic literacy concepts to teachers, including:

(i) a statewide learning community for financial and economic literacy;

(ii) summer workshops; and

(iii) online videos of experts in the field of financial and economic literacy education.

(3) The state board shall:

(a) administer a general financial literacy course in the same manner that the state board administers other core standards for Utah public school courses for grades 9 through 12;

(b) adopt standards and objectives for the general financial literacy course that address:

(i) financial and economic literacy concepts;

(ii) the costs of going to college, student loans, scholarships, and the Free Application

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for Federal Student Aid;

(iii) financial benefits of pursuing concurrent enrollment as defined in Section 53E-10-301; and

(iv) technology that relates to banking, savings, and financial products; and

(c) (i) contract with a provider, through a request for proposals process, to develop an online, end-of-course assessment for the general financial literacy course;

(ii) require a school district or charter school to administer an online, end-of-course assessment to a student who takes the general financial literacy course; and

(iii) develop a plan, through the state superintendent, to analyze the results of an online, end-of-course assessment in general financial literacy that includes:

(A) an analysis of assessment results by standard; and

(B) average scores statewide and by school district and school.

(4) (a) The state board shall establish a task force to study and make recommendations to the state board on how to improve financial and economic literacy education in the public school system.

(b) The task force membership shall include representatives of:

(i) the state board;

(ii) school districts and charter schools;

(iii) the Utah [~~Board~~] System of Higher Education; and

(iv) private or public entities that teach financial education and share a commitment to empower individuals and families to achieve economic stability, opportunity, and upward mobility.

(c) The state board shall convene the task force at least once every three years to review and recommend adjustments to the standards and objectives of the general financial literacy course.

Section 53. Section **63G-6a-202** is amended to read:

### **63G-6a-202. Creation of Utah State Procurement Policy Board.**

(1) There is created the Utah State Procurement Policy Board.

(2) The board consists of up to 15 members as follows:

(a) two representatives of state institutions of higher education, [appointed by] whom the commissioner of higher education, under the direction of the Utah Board of Higher

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Education appoints;

(b) a representative of the Department of Human Services, [appointed by] whom the executive director of that department appoints;

(c) a representative of the Department of Transportation, [appointed by] whom the executive director of that department appoints;

(d) two representatives of school districts, [appointed by] whom the State Board of Education appoints;

(e) a representative of the Division of Facilities Construction and Management, [appointed by] whom the director of that division appoints;

(f) one representative of a county, [appointed by] whom the Utah Association of Counties appoints;

(g) one representative of a city or town, [appointed by] whom the Utah League of Cities and Towns appoints;

(h) two representatives of special districts or special service districts, [appointed by] whom the Utah Association of Special Districts appoints;

(i) the director of the Division of Technology Services or the executive director's designee;

(j) the chief procurement officer or the chief procurement officer's designee; and

(k) two representatives of state agencies, other than a state agency already represented on the board, [appointed by] whom the executive director of the Department of Government Operations, with the approval of the executive director of the state agency that employs the employee appoints.

(3) Members of the board shall be knowledgeable and experienced in, and have supervisory responsibility for, procurement in their official positions.

(4) A board member may serve as long as the member meets the description in Subsection (2) unless removed by the person or entity with the authority to appoint the board member.

(5) (a) The board shall:

(i) adopt rules of procedure for conducting its business; and

(ii) elect a chair to serve for one year.

(b) The chair of the board shall be selected by a majority of the members of the board

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and may be elected to succeeding terms.

(c) The chief procurement officer shall designate an employee of the division to serve as the nonvoting secretary to the policy board.

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

(a) Section 63A-3-106;

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

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

Section 54. **Repealer.**

This bill repeals:

Section **53B-6-105.7, Initiative student scholarship program.**

Section **53B-26-201, Definitions.**

Section **53B-26-202, Nursing initiative -- Reporting requirements -- Proposals --**

**Funding.**

Section **53B-26-301, Definitions.**

Section **53B-26-302, Deep technology initiative.**

Section **53B-26-303, Deep Technology Talent Advisory Council.**

Section 55. **Effective date.**

This bill takes effect on May 1, 2024.

Section 56. **Coordinating S.B. 192 with H.B. 438**

If S.B. 192, Higher Education Amendments, and H.B. 438, Higher Education

Revisions, both pass and become law, the Legislature intends that, on May 1, 2024, Subsection 53B-2-106(6)(b) in S.B. 192 be amended to read:

"(b) subject to Section 53B-2-106.1, shall provide for the constitution, government, and organization of the faculty and administration, ~~and may enact~~ including by, as determined by the president, enacting and implementing rules, including the establishment of a prescribed system of tenure if the institution is ~~degree-granting~~ a degree-granting institution; and"