

Val L. Peterson proposes the following substitute bill:

Higher Education Revisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor:

LONG TITLE

General Description:

This bill amends the application of Title 53B, State System of Higher Education.

Highlighted Provisions:

This bill:

- defines terms;
- exempts private institutions of higher education from the provisions in Title 53B, Utah System of Higher Education, unless expressly stated otherwise; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 53B-1-113**, as last amended by Laws of Utah 2019, Chapter 324
- 53B-8-105**, as last amended by Laws of Utah 2022, Chapter 370
- 53B-8-112.5**, as enacted by Laws of Utah 2023, Chapter 453
- 53B-8-116**, as last amended by Laws of Utah 2020, Chapter 196
- 53B-8-117**, as last amended by Laws of Utah 2024, Chapter 39
- 53B-8-201**, as last amended by Laws of Utah 2024, Chapter 378
- 53B-8a-102.5**, as last amended by Laws of Utah 2023, Chapter 374
- 53B-8a-103**, as last amended by Laws of Utah 2021, Chapter 84
- 53B-8a-106**, as last amended by Laws of Utah 2015, Chapter 94
- 53B-8a-107**, as last amended by Laws of Utah 2023, Chapter 242
- 53B-8a-201**, as last amended by Laws of Utah 2018, Chapters 292, 306 and last amended by Coordination Clause, Laws of Utah 2018, Chapter 315

53B-8a-204, as last amended by Laws of Utah 2020, Chapter 365
53B-10-101, as last amended by Laws of Utah 2022, Chapter 370
53B-13-111, as enacted by Laws of Utah 1987, Chapter 167
53B-13a-102, as last amended by Laws of Utah 2023, Chapter 254
53B-13b-102, as last amended by Laws of Utah 2023, Chapter 254
53B-13c-101, as last amended by Laws of Utah 2023, Chapter 254
53B-16-105, as last amended by Laws of Utah 2023, Chapter 254
53B-16-401, as last amended by Laws of Utah 2024, Chapter 68
53B-17-901, as last amended by Laws of Utah 2020, Chapter 365
53B-20-107, as enacted by Laws of Utah 2024, Chapter 96
53B-28-102, as enacted by Laws of Utah 2017, Chapter 188

ENACTS:

53B-1-103, Utah Code Annotated 1953

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

Section 1. Section **53B-1-103** is enacted to read:

53B-1-103 . Application to private institutions.

(1)(a) As used in this title, "private postsecondary educational institution" means an institution that:

(i) does not receive direct funding through state appropriations; and

(ii) provides higher education programs.

(b) "Private postsecondary educational institution" includes:

(i) a private nonprofit college or university; and

(ii) a private for-profit college or university.

(2) Except as expressly provided, the provisions of this title do not apply to a private postsecondary educational institution.

Section 2. Section **53B-1-113** is amended to read:

53B-1-113 . Education loan notifications.

(1) As used in this section:

(a) "Borrower" means:

(i) an individual enrolled in an eligible postsecondary institution who receives an education loan; or

(ii) an individual, including a parent or legal guardian, who receives an education loan to fund education expenses of an individual enrolled in an eligible

- 64 postsecondary institution.
- 65 (b) "Education loan" means a loan made to a borrower that is:
- 66 (i) made directly by a federal or state program; or
- 67 (ii) insured or guaranteed under a federal or state program.
- 68 (c) "Eligible postsecondary institution" means a public or ~~[private postsecondary~~
69 ~~institution]~~ private postsecondary educational institution that:
- 70 (i) is located in Utah; and
- 71 (ii) participates in federal student assistance programs under the Higher Education
72 Act of 1965, Title IV, 20 U.S.C. Sec. 1070 et seq.
- 73 (2) Annually, on or before July 1, an eligible postsecondary institution that receives
74 information about a borrower's education loan shall:
- 75 (a) notify the borrower that the borrower has an education loan;
- 76 (b) direct the borrower to the National Student Loan Data System described in 20 U.S.C.
77 Sec. 1092b to receive information about the borrower's education loan; and
- 78 (c) provide the borrower information on how the borrower can access an online
79 repayment calculator.
- 80 (3) An eligible postsecondary institution does not incur liability for information provided to
81 a borrower in accordance with this section.
- 82 Section 3. Section **53B-8-105** is amended to read:
- 83 **53B-8-105 . New Century scholarships -- High school requirements.**
- 84 (1) Notwithstanding the provisions of this section, the board may not accept a new
85 application for a scholarship described in this section on or after August 15, 2021.
- 86 (2) As used in this section:
- 87 (a) "Complete the requirements for an associate degree" means that a student:
- 88 (i)(A) completes all the required courses for an associate degree from a higher
89 education institution within the state system of higher education that offers
90 associate degrees; and
- 91 (B) applies for the associate degree from the institution; or
- 92 (ii) completes equivalent requirements described in Subsection (2)(a)(i)(A) from a
93 higher education institution within the state system of higher education that offers
94 baccalaureate degrees but does not offer associate degrees.
- 95 (b) "Fee" means a fee approved by the board.
- 96 (3)(a) The board shall award New Century scholarships.
- 97 (b) The board shall develop and approve the math and science curriculum described

under Subsection (4)(a)(ii).

(4)(a) In order to qualify for a New Century scholarship, a student in Utah schools shall complete the requirements for an:

(i) associate degree; or

(ii) approved math and science curriculum.

(b) The requirements under Subsection (4)(a) shall be completed:

(i) by the day on which the student's class graduates from high school; and

(ii) with at least a 3.0 grade point average.

(c) In addition to the requirements in Subsection (4)(a), a student in Utah shall:

(i) complete the high school graduation requirements of:

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

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

(ii) complete high school with at least a 3.5 cumulative high school grade point average.

(5) Notwithstanding Subsection (4), for a student who does not receive a high school grade point average, the student shall:

(a) complete the requirements for an associate degree:

(i) by June 15 of the year the student completes high school; and

(ii) with at least a 3.0 grade point average; and

(b) score a composite ACT score of 26 or higher.

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

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

(A) an official college transcript showing college courses the student has completed to complete the requirements for an associate degree; and

(B) if applicable, an official high school transcript or, if applicable, a copy of the student's ACT scores;

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

(iii) if applicable, shall meet the application deadlines as established by the board under Subsection (11); and

(iv) shall demonstrate, in accordance with rules described in Subsection (6)(b), the completion of a Free Application for Federal Student Aid.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules regarding the completion of the Free Application for Federal Student Aid described in Subsection (6)(a)(iv), including:

- (i) provisions for students or parents to opt out of the requirement due to:
 - (A) financial ineligibility for any potential grant or other financial aid;
 - (B) personal privacy concerns; or
 - (C) other reasons the board specifies; and
- (ii) direction for applicants to financial aid advisors.

(7)(a) The scholarship may be used at a:

- (i) higher education institution within the state system of higher education that offers baccalaureate programs; or
- (ii) if the scholarship holder applies for the scholarship on or before October 1, 2019, [~~private, nonprofit college or university in the state accredited by the Northwest Association of Schools and Colleges~~] private postsecondary educational institution that offers baccalaureate programs.

(b)(i) Subject to Subsection (7)(e), the total value of the scholarship is up to \$5,000, allocated over a time period described in Subsection (7)(c), as prescribed by the board.

- (ii) The board may increase the scholarship amount described in Subsection (7)(b)(i) by an amount not to exceed the average percentage tuition increase approved by the board for institutions in the state system of higher education.

(c) The scholarship is valid for the shortest of the following time periods:

- (i) two years of full-time equivalent enrollment;
- (ii) 60 credit hours; or
- (iii) until the student meets the requirements for a baccalaureate degree.

(d)(i) A scholarship holder shall enroll full-time at a higher education institution by no later than the fall term immediately following the student's high school graduation date or receive an approved deferral from the board.

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

(e) For a scholarship for which a student applies after October 1, 2019:

- (i) the board shall reduce the amount of the scholarship holder's scholarship so that the total amount of state aid awarded to the scholarship holder, including tuition or

- 166 fee waivers or the scholarship, does not exceed the cost of the scholarship holder's
167 tuition and fees; and
- 168 (ii) the scholarship holder may only use the scholarship for tuition and fees.
- 169 (8) The board may cancel a New Century scholarship at any time if the student fails to:
- 170 (a) register for at least 15 credit hours per semester;
- 171 (b) maintain a 3.3 grade point average for two consecutive semesters; or
- 172 (c) make reasonable progress toward the completion of a baccalaureate degree.
- 173 (9)(a) Subject to future budget constraints, the Legislature shall make an annual
174 appropriation from the General Fund to the board for the costs associated with the
175 New Century Scholarship Program authorized under this section.
- 176 (b) It is understood that the appropriation is offset in part by the state money that would
177 otherwise be required and appropriated for these students if they were enrolled in a
178 four-year postsecondary program at a state-operated institution.
- 179 (c) Notwithstanding Subsections (3)(a) and (7), if the appropriation under Subsection
180 (9)(a) is insufficient to cover the costs associated with the New Century Scholarship
181 Program, the board may reduce the scholarship amount.
- 182 (d) If money appropriated under this section is available after New Century scholarships
183 are awarded, the board shall use the money for the Utah Promise Program created in
184 Section 53B-13a-103.
- 185 (10)(a) The board shall adopt policies establishing an application process and an appeal
186 process for a New Century scholarship.
- 187 (b) The board shall disclose on all applications and related materials that the amount of
188 the scholarship is subject to funding and may be reduced, in accordance with
189 Subsection (9)(c).
- 190 (c) The board shall require an applicant for a New Century scholarship to certify under
191 penalty of perjury that:
- 192 (i) the applicant is a United States citizen; or
- 193 (ii) the applicant is a noncitizen who is eligible to receive federal student aid.
- 194 (d) The certification under this Subsection (10) shall include a statement advising the
195 signer that providing false information subjects the signer to penalties for perjury.
- 196 (11) The board may set deadlines for receiving New Century scholarship applications and
197 supporting documentation.
- 198 (12) A student may not receive both a New Century scholarship and an Opportunity
199 scholarship established in Section 53B-8-201.

Section 4. Section **53B-8-112.5** is amended to read:

53B-8-112.5 . Karen Mayne Public Safety Officer Scholarship Program.

(1) As used in this section:

- (a) "Peace officer" means the same as that term is defined in Section 53B-8c-102.
- (b) "POST" means the Peace Officer Standards and Training Division created in Section 53-6-103.
- (c) "Program" means the Karen Mayne Public Safety Officer Scholarship Program that this section creates.

(2) This section creates the Karen Mayne Public Safety Officer Scholarship Program.

(3)(a) Subject to legislative appropriations, the board shall award a scholarship to a qualified applicant who:

- (i) is a high school graduate;
- (ii) submits an application to the board with a copy of the student's high school diploma;
- (iii) when eligible, enrolls in a basic training course at a state certified academy as defined in Section 53-6-202;
- (iv) subject to Subsection (3)(b), is enrolled in a qualifying post-secondary program from:
 - (A) an institution of higher education within the state system of higher education, described in Section 53B-1-102; or
 - (B) ~~[a private, nonprofit institution of higher education in the state that is accredited by the Northwest Commission on Colleges and Universities]~~ a private postsecondary educational institution; and
- (v) commits to working as a peace officer for no less than five years after the day on which POST certifies the scholarship recipient.

(b) For purposes of Subsection (3)(a)(iv), the board shall determine the programs that qualify for a scholarship award, including criminal justice, police administration, criminology, social sciences, and other disciplines.

(4)(a) The board shall determine the amount of a scholarship award, ensuring that the amount does not exceed the combined cost of tuition, fees, and required textbooks.

(b) A scholarship award described in Subsection (4)(a) is limited to:

- (i) POST training and certification in accordance with Title 53, Chapter 6, Peace Officer Standards and Training Act; and
- (ii) a maximum of four academic years in a post-secondary program.

- 234 (5) The board shall design the scholarship program to ensure that participating institutions
235 combine state or federal loans or grants, internships, student employment, and family
236 and individual contributions toward financing the cost of attendance.
- 237 (6) A scholarship recipient shall:
- 238 (a) notify the board of the scholarship recipient's POST certification within 15 days after
239 the day on which POST certifies the scholarship recipient;
- 240 (b) submit verification of the scholarship recipient's employment to the board within 15
241 days after the day on which the scholarship recipient is employed as a peace officer,
242 including:
- 243 (i) the employer's name, address, and telephone number;
- 244 (ii) the date of the scholarship recipient's hiring; and
- 245 (iii) the scholarship recipient's job title; and
- 246 (c) notify the board within 15 days after the day on which the employer terminates the
247 scholarship recipient.
- 248 (7)(a) The board may require a scholarship recipient to repay the full amount of the
249 scholarship award that the scholarship recipient received under the program,
250 including money paid for tuition, fees, and required textbooks, if the scholarship
251 recipient fails to:
- 252 (i) meet the requirements for POST certification as described in Title 53, Chapter 6,
253 Part 2, Peace Officer Training and Certification Act;
- 254 (ii) work as a peace officer for five years after the day on which POST certifies the
255 scholarship recipient; or
- 256 (iii) subject to Subsection (3), earn a degree in a post-secondary program.
- 257 (b) Notwithstanding Subsection (7)(a), a scholarship recipient is not required to repay
258 any amount of the scholarship award if the scholarship recipient:
- 259 (i) is unable to secure employment as a peace officer within 12 months after the day
260 on which the scholarship recipient is POST certified; and
- 261 (ii) provides documentation from a prospective employer that the scholarship
262 recipient was not extended an offer of employment.
- 263 (8) The board may use up to 2% of the money appropriated for the scholarship program for
264 administrative costs.
- 265 (9)(a) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
266 Administrative Rulemaking Act, to:
- 267 (i) set deadlines for receiving scholarship applications and supporting documentation;

- 268 (ii) establish an application process and appeal process for the program;
- 269 (iii) establish policies and procedures for cancellation or repayment of scholarship
- 270 awards if the scholarship recipient fails to meet the requirements under this
- 271 section;
- 272 (iv) collaborate with POST and other law enforcement and correction agencies to
- 273 provide high school students information on law enforcement careers; and
- 274 (v) notify POST when a student receives a scholarship under the program.
- 275 (b) The board shall include a disclosure on all applications and materials related to the
- 276 program that the amount of the awarded scholarship may be subject to funding
- 277 availability or reduction in accordance with Subsection (10).
- 278 (10) If an appropriation under this section is insufficient to cover the costs associated with
- 279 the program, the board may:
- 280 (a) reduce the amount of a scholarship award; and
- 281 (b) distribute scholarship awards on a pro rata basis to all eligible applicants who
- 282 submitted a complete application before the application deadline.
- 283 Section 5. Section **53B-8-116** is amended to read:
- 284 **53B-8-116 . Terrel H. Bell Education Scholarship Program -- Scholarship**
- 285 **requirements -- Rulemaking.**
- 286 (1) As used in this section:
- 287 (a) "Approved program" means a program that:
- 288 (i) is a teacher preparation program that:
- 289 (A) meets the standards described in Section 53E-6-302; and
- 290 (B) provides enhanced clinical experiences; or
- 291 (ii) prepares an individual to become:
- 292 (A) a speech-language pathologist; or
- 293 (B) another licensed professional providing services in a public school to students
- 294 with disabilities.
- 295 (b) "Eligible institution" means a Utah institution that offers an approved program and is:
- 296 (i) a public postsecondary educational institution; or
- 297 (ii) ~~[private institution of higher education in Utah that offers an approved program.]~~
- 298 a private postsecondary educational institution.
- 299 (c) "High needs area" means a subject area or field in public education that has a high
- 300 need for teachers or other employees, as determined in accordance with Subsections
- 301 (6) and (7).

(d) "Scholarship" means a scholarship described in this section.

(2) Subject to future budget constraints, the Legislature shall annually appropriate money to the board for the Terrel H. Bell Education Scholarship Program to be distributed to eligible institutions to award scholarships to incentivize students to work in public education in Utah.

(3)(a) Subject to the prioritization described in Subsection (3)(b), an eligible institution may award a scholarship to an individual who:

(i) meets the academic standards described in Subsection (6);

(ii) is enrolled in at least six credit hours at the eligible institution;

(iii) declares an intent to:

(A) apply to and complete an approved program at the eligible institution; and

(B) work in a Utah public school; and

(iv) demonstrates, in accordance with rules described in Subsection (6)(b), the completion of a Free Application for Federal Student Aid.

(b) An eligible institution shall prioritize awarding of scholarships:

(i) first, to first generation students who intend to work in any area in a Utah public school;

(ii) second, to students who:

(A) are not first generation students; and

(B) intend to work in a high needs area in a Utah public school; and

(iii) last, to other students who meet the requirements described in Subsection (3)(a).

(4)(a) Except as provided in Subsection (4)(b), an eligible institution may award a scholarship to an individual for an amount up to the cost of resident tuition, fees, and books for the number of credit hours in which the individual is enrolled each semester.

(b) An eligible institution that is a [~~private institution~~] private postsecondary educational institution may not award a scholarship for an amount of money that exceeds the average scholarship amount granted by a public institution of higher education.

(5)(a) Except as provided in Subsection (5)(b), an eligible institution may award a scholarship to an individual for up to four consecutive years.

(b) An eligible institution may grant a scholarship recipient a leave of absence.

(c) An eligible institution may cancel a scholarship if:

(i) the scholarship recipient fails to make reasonable progress toward completion of the approved program, as determined by the eligible institution; or

- (ii) the eligible institution determines with reasonable certainty that the scholarship recipient does not intend to work in a Utah public school.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules:
- (a) that establish:
- (i) requirements related to an eligible institution's administration of a scholarship;
- (ii) a process for an individual to apply to an eligible institution to receive a scholarship;
- (iii) in accordance with Subsection (3)(a), requirements related to eligibility for a scholarship, including required academic standards;
- (iv) in accordance with Subsection (3)(b), requirements related to prioritization of scholarships, including determination of:
- (A) whether a student is a first generation student; and
- (B) high needs areas; and
- (v) criteria to determine whether an individual intends to work in a Utah public school; and
- (b) regarding the completion of the Free Application for Federal Student Aid described in Subsection (3)(a)(iv), including:
- (i) provisions for students or parents to opt out of the requirement due to:
- (A) financial ineligibility for any potential grant or other financial aid;
- (B) personal privacy concerns; or
- (C) other reasons the board specifies; and
- (ii) direction for applicants to financial aid advisors.
- (7) The board shall consult with the State Board of Education to determine:
- (a) whether a teacher preparation program provides enhanced clinical experiences; and
- (b) which subject areas and fields are high needs areas.
- (8) The board may use up to 5% of money appropriated for the purposes described in this section to promote the scholarships described in this section.

Section 6. Section **53B-8-117** is amended to read:

53B-8-117 . First Responder Mental Health Services Grant Program.

- (1) As used in this section:
- (a) "First responder" means an individual who works in Utah as:
- (i) a law enforcement officer, as defined in Section 53-13-103;
- (ii) an emergency medical technician, as defined in Section 53-2e-101;

- (iii) an advanced emergency medical technician, as defined in Section 53-2e-101;
 - (iv) a paramedic, as defined in Section 53-2e-101;
 - (v) a firefighter, as defined in Section 34A-3-113;
 - (vi) a dispatcher, as defined in Section 53-6-102;
 - (vii) a correctional officer, as defined in Section 53-13-104;
 - (viii) a special function officer, as defined in Section 53-13-105, employed by a local sheriff;
 - (ix) a search and rescue worker under the supervision of a local sheriff;
 - (x) a forensic interviewer or victim advocate employed by a children's justice center established in accordance with Section 67-5b-102;
 - (xi) a credentialed criminal justice system victim advocate as defined in Section 77-38-403 who responds to incidents with a law enforcement officer;
 - (xii) a crime scene investigator technician;
 - (xiii) a wildland firefighter;
 - (xiv) an investigator or prosecutor of cases involving sexual crimes against children;
 - or
 - (xv) a civilian employee of a first responder agency who has been authorized to view or otherwise access information concerning crimes, accidents, or other traumatic events.
- (b) "First responder agency" means the same as that term is defined in Section 53-21-101.
- (c) "First responder volunteer" means:
- (i) an individual who donates services as a first responder to a first responder agency located in Utah without pay or other compensation except:
 - (A) expenses that the individual actually and reasonably incurs as the supervising first responder agency approves; and
 - (B) health insurance that a participant in the Volunteer Emergency Medical Service Personnel Health Insurance Program described in Section 26-8a-603 receives; or
 - (ii) a volunteer firefighter who is not regularly employed as a firefighter service employee, but who:
 - (A) has received training in firefighter techniques and skills;
 - (B) continues to receive regular firefighter training; and
 - (C) is on the rolls of a legally organized volunteer fire department that provides ongoing training and serves a political subdivision of the state.

(d) "Retiree" means the same as that term is defined in Section 49-11-102.

(2) This section creates the First Responder Mental Health Services Grant Program.

(3) Subject to legislative appropriations and Subsection (8), the board shall award a grant to an applicant who:

(a) is a first responder, a first responder volunteer, or a retiree who worked as a first responder in the state; and

(b) is seeking a post-secondary degree or certification to become a mental health therapist, as that term is defined in Section 58-60-102, from:

(i) an institution of higher education within the state system of higher education, described in Section 53B-1-102; or

(ii) a ~~[private, nonprofit institution of higher education in the state that is accredited by the Northwest Commission on Colleges and Universities]~~ private postsecondary educational institution.

(4)(a) Subject to Subsection (4)(b), the board may award a qualified applicant a grant in an amount that is equal to the difference between:

(i) the total cost of tuition and fees for the program in which the recipient is enrolled; and

(ii) the total value of all other grants, tuition waivers, fee waivers, and scholarships that the recipient receives to attend the institution.

(b) A grant award under Subsection (4)(a) is limited to:

(i) a maximum of \$6,000 each academic year; and

(ii) a maximum of four academic years.

(5) The board shall design the program to ensure that institutions combine loans, grants, employment, and family and individual contributions toward financing the cost of attendance.

(6) The board shall:

(a) select two periods during each calendar year to accept applications for the program; and

(b) accept applications for no fewer than 30 days during each period described in Subsection (6)(a).

(7)(a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(i) set deadlines for receiving grant applications and supporting documentation; and

(ii) establish the application process and an appeal process for the First Responder

Mental Health Services Grant Program.

- (b) The board shall include a disclosure on all applications and related materials that the amount of the awarded grants may be subject to funding or be reduced, in accordance with Subsection (8).

(8)(a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the Income Tax Fund to the board for the costs associated with the First Responder Mental Health Services Grant Program authorized under this section.

- (b) Notwithstanding the provisions of this section, if the appropriation under this section is insufficient to cover the costs associated with the First Responder Mental Health Services Grant Program, the board may:

- (i) reduce the amount of a grant; or
- (ii) distribute grants on a pro rata basis to all eligible applicants who submitted a complete application before the application deadline.

Section 7. Section **53B-8-201** is amended to read:

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]~~ private postsecondary educational institution.

(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:

- (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 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.

Section 8. Section **53B-8a-102.5** is amended to read:

53B-8a-102.5 . Definitions for part.

As used in this part:

- (1) "Administrative fund" means the money used to administer the Utah Educational Savings Plan.
- (2) "Board" means the Utah Education Savings Board of Trustees created in Section 53B-8a-105.
- (3) "Endowment fund" means the endowment fund established under Section 53B-8a-107, which is held as a separate fund within the Utah Educational Savings Plan.
- (4) "Executive director" means the administrator appointed to administer and manage the Utah Educational Savings Plan.
- (5) "Federally insured depository institution" means an institution whose deposits and

accounts are to any extent insured by a federal deposit insurance agency, including the Federal Deposit Insurance Corporation and the National Credit Union Administration.

(6) "Grantor trust" means a trust, the income of which is for the benefit of the grantor under Section 677, Internal Revenue Code.

(7) "Higher education costs" means qualified higher education expenses as defined in Section 529(e)(3), Internal Revenue Code.

(8) "Eligible educational institution" means the same as that term is defined in Section 529(e)(5), Internal Revenue Code.

~~[(8)]~~ (9) "Owner of the grantor trust" means one or more individuals who are treated as an owner of a trust under Section 677, Internal Revenue Code, if that trust is a grantor trust.

~~[(9)]~~ (10) "Program fund" means the program fund created under Section 53B-8a-107, which is held as a separate fund within the Utah Educational Savings Plan.

~~[(10)]~~ (11) "Qualified investment" means an amount invested in accordance with an account agreement established under this part.

~~[(11)]~~ (12) "Tuition and fees" means the quarterly or semester charges imposed to attend an institution of higher education and required as a condition of enrollment.

Section 9. Section **53B-8a-103** is amended to read:

53B-8a-103 . Creation of Utah Educational Savings Plan -- Powers and duties of plan -- Certain exemptions.

(1) There is created the Utah Educational Savings Plan, which may also be known and do business as:

(a) the Utah Educational Savings Plan Trust; or

(b) another related name.

(2) The plan:

(a) is a non-profit, self-supporting agency that administers a public trust;

(b) shall administer the various programs, funds, trusts, plans, functions, duties, and obligations assigned to the plan:

(i) consistent with sound fiduciary principles; and

(ii) subject to review of the board; and

(c) shall be known as and managed as a qualified tuition program in compliance with Section 529, Internal Revenue Code, that is sponsored by the state.

(3) The plan may:

(a) make and enter into contracts necessary for the administration of the plan payable from plan money, including:

- 574 (i) contracts for goods and services; and
- 575 (ii) contracts to engage personnel, with demonstrated ability or expertise, including
- 576 consultants, actuaries, managers, counsel, and auditors for the purpose of
- 577 rendering professional, managerial, and technical assistance and advice;
- 578 (b) adopt a corporate seal and change and amend the corporate seal;
- 579 (c) invest money within the program, administrative, and endowment funds in
- 580 accordance with the provisions under Section 53B-8a-107;
- 581 (d) enter into agreements with account owners, any [~~institution of higher education~~]
- 582 eligible educational institution, any federal or state agency, or other entity as required
- 583 to implement this chapter;
- 584 (e) solicit and accept any grants, gifts, legislative appropriations, and other money from
- 585 the state, any unit of federal, state, or local government, or any other person, firm,
- 586 partnership, or corporation for deposit to the administrative fund, endowment fund,
- 587 or the program fund;
- 588 (f) make provision for the payment of costs of administration and operation of the plan;
- 589 (g) carry out studies and projections to advise account owners regarding:
 - 590 (i) present and estimated future higher education costs; and
 - 591 (ii) levels of financial participation in the plan required to enable account owners to
 - 592 achieve their educational funding objective;
- 593 (h) participate in federal, state, local governmental, or private programs;
- 594 (i) create public and private partnerships, including investment or management
- 595 relationships with other 529 plans or entities;
- 596 (j) promulgate, impose, and collect administrative fees and charges in connection with
- 597 transactions of the plan, and provide for reasonable service charges;
- 598 (k) procure insurance:
 - 599 (i) against any loss in connection with the property, assets, or activities of the plan;
 - 600 and
 - 601 (ii) indemnifying any member of the board from personal loss or accountability
 - 602 arising from liability resulting from a member's action or inaction as a member of
 - 603 the plan's board;
- 604 (l) administer outreach efforts to:
 - 605 (i) market and publicize the plan and the plan's products to existing and prospective
 - 606 account owners; and
 - 607 (ii) encourage economically challenged populations to save for post-secondary

- 608 education;
- 609 (m) adopt, trademark, and copyright names and materials for use in marketing and
- 610 publicizing the plan and the plan's products;
- 611 (n) administer the funds of the plan;
- 612 (o) sue and be sued in the plan's own name;
- 613 (p) own institutional accounts in the plan to establish and administer:
- 614 (i) scholarship programs; or
- 615 (ii) other college savings incentive programs, including programs designed to
- 616 enhance the savings of low income account owners investing in the plan; and
- 617 (q) have and exercise any other powers or duties that are necessary or appropriate to
- 618 carry out and effectuate the purposes of this chapter.
- 619 (4)(a) Except as provided in Subsection (4)(b), the plan is exempt from the provisions of
- 620 Title 63G, Chapter 2, Government Records Access and Management Act.
- 621 (b)(i) The annual audited financial statements of the plan described in Section
- 622 53B-8a-111 are public records.
- 623 (ii) Financial information that is provided by the plan to the state auditor and posted
- 624 on the public finance website established by the state auditor in accordance with
- 625 Section 67-3-12 is a public record.
- 626 (5) The plan is subject to:
- 627 (a) Title 52, Chapter 4, Open and Public Meetings Act; and
- 628 (b) Title 63G, Chapter 6a, Utah Procurement Code.
- 629 Section 10. Section **53B-8a-106** is amended to read:
- 630 **53B-8a-106 . Account agreements.**
- 631 The plan may enter into account agreements with account owners on behalf of
- 632 beneficiaries under the following terms and agreements:
- 633 (1)(a) An account agreement may require an account owner to agree to invest a specific
- 634 amount of money in the plan for a specific period of time for the benefit of a specific
- 635 beneficiary, not to exceed an amount determined by the executive director.
- 636 (b) Account agreements may be amended to provide for adjusted levels of payments
- 637 based upon changed circumstances or changes in educational plans.
- 638 (c) An account owner may make additional optional payments as long as the total
- 639 payments for a specific beneficiary do not exceed the total estimated higher
- 640 education costs as determined by the executive director.
- 641 (d) Subject to Subsections (1)(f) and (g), the maximum amount of a qualified investment

- 642 that a corporation that is an account owner may subtract from unadjusted income for
643 a taxable year in accordance with Title 59, Chapter 7, Corporate Franchise and
644 Income Taxes, is \$1,710 for each individual beneficiary for the taxable year
645 beginning on or after January 1, 2010, but beginning on or before December 31, 2010.
- 646 (e) Subject to Subsections (1)(f) and (g), the maximum amount of a qualified investment
647 that may be used as the basis for claiming a tax credit in accordance with Section
648 59-10-1017, is:
- 649 (i) subject to Subsection (1)(e)(iv), for a resident or nonresident estate or trust that is
650 an account owner, \$1,710 for each individual beneficiary for the taxable year
651 beginning on or after January 1, 2010, but beginning on or before December 31,
652 2010;
- 653 (ii) subject to Subsection (1)(e)(iv), for a resident or nonresident individual that is an
654 account owner, other than a husband and wife who are account owners and file a
655 single return jointly under Title 59, Chapter 10, Individual Income Tax Act,
656 \$1,710 for each individual beneficiary for the taxable year beginning on or after
657 January 1, 2010, but beginning on or before December 31, 2010;
- 658 (iii) subject to Subsection (1)(e)(iv), for a husband and wife who are account owners
659 and file a single return jointly under Title 59, Chapter 10, Individual Income Tax
660 Act, \$3,420 for each individual beneficiary:
- 661 (A) for the taxable year beginning on or after January 1, 2010, but beginning on or
662 before December 31, 2010; and
- 663 (B) regardless of whether the plan has entered into:
- 664 (I) a separate account agreement with each spouse; or
665 (II) a single account agreement with both spouses jointly; or
- 666 (iv) for a grantor trust:
- 667 (A) if the owner of the grantor trust has a single filing status or head of household
668 filing status as defined in Section 59-10-1018, the amount described in
669 Subsection (1)(e)(ii); or
- 670 (B) if the owner of the grantor trust has a joint filing status as defined in Section
671 59-10-1018, the amount described in Subsection (1)(e)(iii).
- 672 (f)(i) For taxable years beginning on or after January 1, 2011, the executive director
673 shall annually increase the maximum amount of a qualified investment described
674 in Subsections (1)(d) and (1)(e)(i) and (ii), by a percentage equal to the increase in
675 the consumer price index for the preceding calendar year.

- 676 (ii) After making an increase required by Subsection (1)(f)(i), the executive director
677 shall:
- 678 (A) round the maximum amount of the qualified investments described in
679 Subsections (1)(d) and (1)(e)(i) and (ii) increased under Subsection (1)(f)(i) to
680 the nearest 10 dollar increment; and
- 681 (B) increase the maximum amount of the qualified investment described in
682 Subsection (1)(e)(iii) so that the maximum amount of the qualified investment
683 described in Subsection (1)(e)(iii) is equal to the product of:
- 684 (I) the maximum amount of the qualified investment described in Subsection
685 (1)(e)(ii) as rounded under Subsection (1)(f)(ii)(A); and
686 (II) two.
- 687 (iii) For purposes of Subsections (1)(f)(i) and (ii), the executive director shall
688 calculate the consumer price index as provided in Sections 1(f)(4) and 1(f)(5),
689 Internal Revenue Code.
- 690 (g) For taxable years beginning on or after January 1, 2011, the executive director shall
691 keep the previous year's maximum amount of a qualified investment described in
692 Subsections (1)(d) and (1)(e)(i) and (ii) if the consumer price index for the preceding
693 calendar year decreases.
- 694 (2)(a) Beneficiaries designated in account agreements must be designated after birth and
695 before age 19 for an account owner to:
- 696 (i) subtract a qualified investment from income under Title 59, Chapter 7, Corporate
697 Franchise and Income Taxes; or
- 698 (ii) use a qualified investment as the basis for claiming a tax credit in accordance
699 with Section 59-10-1017.
- 700 (b) Account owners may designate a beneficiary age 19 or older, but investments for
701 that beneficiary are not eligible to be:
- 702 (i) subtracted from income under Title 59, Chapter 7, Corporate Franchise and
703 Income Taxes; or
- 704 (ii) used as the basis for claiming a tax credit in accordance with Section 59-10-1017.
- 705 (3) Each account agreement shall state clearly that there are no guarantees regarding money
706 in the plan as to the return of principal and that losses could occur.
- 707 (4) Each account agreement shall provide that:
- 708 (a) a contributor to, or designated beneficiary under, an account agreement may not
709 direct the investment of any contributions or earnings on contributions;

(b) any part of the money in any account may not be used as security for a loan; and

(c) an account owner may not borrow from the plan.

(5) The execution of an account agreement by the plan may not guarantee in any way that higher education costs will be equal to projections and estimates provided by the plan or that the beneficiary named in any account agreement will:

(a) be admitted to an ~~[institution of higher education]~~ eligible educational institution;

(b) if admitted, be determined a resident for tuition purposes by the ~~[institution of higher education]~~ eligible educational institution;

(c) be allowed to continue attendance at the ~~[institution of higher education]~~ eligible educational institution following admission; or

(d) graduate from the ~~[institution of higher education]~~ eligible educational institution.

(6) A beneficiary may be changed as permitted by the rules and regulations of the board upon written request of the account owner prior to the date of admission of any beneficiary under an account agreement by an ~~[institution of higher education]~~ eligible educational institution so long as the substitute beneficiary is eligible for participation.

(7) An account agreement may be freely amended throughout the term of the account agreement in order to enable an account owner to increase or decrease the level of participation, change the designation of beneficiaries, and carry out similar matters as authorized by rule.

(8) Each account agreement shall provide that:

(a) the account agreement may be canceled upon the terms and conditions, and upon payment of the fees and costs set forth and contained in the board's rules and regulations; and

(b) the executive director may amend the agreement unilaterally and retroactively, if necessary, to maintain the plan as a qualified tuition program under Section 529, Internal Revenue Code.

Section 11. Section **53B-8a-107** is amended to read:

53B-8a-107 . Program, administrative, and endowment funds -- Investment and payments from funds -- Proxy voting -- State treasurer access.

(1) The plan shall segregate money received by the plan into three funds, the program fund, the administrative fund, and the endowment fund.

(2) The board shall:

(a) invest the plan in a manner that is consistent with the prudent investor rule for trustees established in Title 75, Chapter 7, Part 9, Utah Uniform Prudent Investor Act;

(b) in accordance with the board's fiduciary responsibilities, make investment decisions with the sole purpose of maximizing the risk-adjusted return on the investments; and

(c) to the extent practicable:

(i)(A) retain the right to vote investor proxies; or

(B) if the investments are commingled with another investor's funds, request the right to vote investor proxies; and

(ii) ensure proxy voting is exercised to maximize risk-adjusted returns for the exclusive benefit of beneficiaries.

(3) Transfers may be made from the program fund to the administrative fund to pay operating costs:

(a) associated with administering the plan and as required under Sections 53B-8a-103 through 53B-8a-105; and

(b) as included in the budget approved by the board.

(4)(a) All money paid by account owners in connection with account agreements shall be deposited as received into separate accounts within the program fund which shall be invested and accounted for separately.

(b) Money accrued by account owners in the program fund may be used for:

(i) payments to any ~~[institution of higher education]~~ eligible educational institution;

(ii) payments to the account owner or beneficiary;

(iii) transfers to another 529 plan; or

(iv) other expenditures or transfers made in accordance with the account agreement.

(5)(a) All money received by the plan from the proceeds of gifts and other endowments for the purposes of the plan shall be:

(i) deposited, according to the nature of the donation, as received into the endowment fund or the administrative fund; and

(ii) invested and accounted for separately.

(b) Any gifts, grants, or donations made by any governmental unit or any person, firm, partnership, or corporation to the plan for deposit to the endowment fund or the administrative fund is a grant, gift, or donation to the state for the accomplishment of a valid public eleemosynary, charitable, and educational purpose and is not included in the income of the donor for Utah tax purposes.

(c) The endowment fund or the administrative fund may be used to enhance the savings of low income account owners investing in the plan, for scholarships, or for other college savings incentive programs as approved by the board.

(d) Transfers may be made between the endowment fund and the administrative fund upon approval by the board.

(e) Endowment fund earnings not accruing to a beneficiary under an account agreement, not transferred to the administrative fund, or not otherwise approved by the board for expenditure, shall be reinvested in the endowment fund.

(6) Subsection (2) does not prohibit the board from offering individual account owners a variety of voluntary investment options that have different risk profiles and investment objectives.

(7)(a) The board shall make proxy voting records available to the state treasurer upon the state treasurer's request.

(b) The state treasurer is subject to the same restrictions on disclosure of the proxy voting records as the board.

Section 12. Section **53B-8a-201** is amended to read:

53B-8a-201 . Definitions.

As used in this part:

(1) "529 savings account" means a tax-advantaged method of saving for higher education costs on behalf of a particular individual that:

(a) meets the requirements of Section 529, Internal Revenue Code; and

(b) is managed by the plan.

(2) "Child" means an individual less than 20 years of age.

(3) "Community partner" means a nonprofit organization that provide services to a child who is economically disadvantaged or a family member, legal guardian, or legal custodian of a child who is economically disadvantaged.

(4) "Donation" means a gift, grant, donation, or any other conveyance of money by a person other than the Legislature that is not made directly for the benefit or on behalf of a particular individual.

(5) "Economically disadvantaged" means that a child is:

(a) experiencing intergenerational poverty;

(b) a member or foster child of a family with an annual income at or below 185% of the federal poverty level;

(c) living with a legal custodian or legal guardian with an annual family income at or below 185% of the federal poverty level; or

(d) living with a legal custodian or legal guardian who can attest that the child or the child's household is receiving services benefitting low-income households or

812 individuals.

813 (6) "Eligible individual" means an individual who:

814 (a) is under 20 years of age and is a resident of Utah;

815 (b) is economically disadvantaged; and

816 (c) receives, or has a family member, a foster family member, or a legal custodian or
817 legal guardian who receives, services from a community partner.

818 (7) "Federal poverty level" means the poverty level as defined by the most recently revised
819 poverty income guidelines published by the United States Department of Health and
820 Human Services in the Federal Register.

821 (8) "Higher education costs" means the same as that term is defined in Section 53B-8a-102.5,
822 except that the expenses must be incurred at:

823 (a) a credit-granting [~~institution of higher education~~] eligible educational institution
824 within the state system of higher education;

825 (b) a [~~private, nonprofit college or university in the state that is accredited by the~~
826 ~~Northwestern Association of Schools and Colleges~~] private postsecondary educational
827 institution; or

828 (c) a technical college.

829 (9) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.

830 (10) "Program" means the Student Prosperity Savings Program created in Section
831 53B-8a-202.

832 Section 13. Section **53B-8a-204** is amended to read:

833 **53B-8a-204 . Distribution of program money -- Application process --**

834 **Prioritization -- Account agreements.**

835 (1) The plan shall distribute money in the program by creating a 529 savings account for an
836 eligible individual identified by a community partner.

837 (2)(a)(i) The plan shall carry out the responsibility described in Subsection (1) by
838 establishing a process in which a community partner may apply for an allocation
839 of program money to designate for eligible individuals.

840 (ii) The Utah Board of Higher Education shall establish the application process for a
841 community partner to apply for an allocation of program money.

842 (iii) The application process described in Subsection (2)(a)(ii) shall include:

843 (A) the criteria for a community partner to apply for an allocation of program
844 money;

845 (B) the criteria that the plan will use to prioritize applications if the dollar amounts

846 requested in the applications exceed the dollar amount available;
847 (C) the requirements for establishing a 529 savings account in the name of an
848 eligible individual; and
849 (D) the roles and responsibilities of a community partner that makes a successful
850 application for an allocation of program money.

851 (b)(i) A community partner that receives an allocation of program money shall enter
852 into a contract with the plan.

853 (ii) The contract described in Subsection (2)(b)(i) shall:

854 (A) define the roles and responsibilities of the community partner and the plan
855 with regard to the community partner's allocation of program money; and
856 (B) specify that the individual the community partner identifies to receive a
857 portion of the community partner's allocation is an eligible individual.

858 (3) If the plan approves a community partner's application for an allocation of program
859 money, the plan may not promise or otherwise encumber the allocation to any other
860 person unless the allocation is forfeited under Subsection (5)(b)(ii).

861 (4)(a) A community partner shall identify each eligible individual who will receive a
862 portion of the community partner's allocation of program money.

863 (b) After a community partner identifies an eligible individual to receive a portion of the
864 community partner's allocation, the community partner shall notify the plan of:

865 (i) the amount of the community partner's allocation that shall transfer to a 529
866 savings account in the name of the identified eligible individual; and
867 (ii) the amount, if any, that the community partner will be contributing in accordance
868 with Part 1, Utah Educational Savings Plan, to the 529 savings account on behalf
869 of the identified eligible individual.

870 (5)(a) Upon receiving the information described in Subsection (4)(b), the plan shall
871 establish a 529 savings account for the identified eligible individual, with the
872 community partner as the account owner.

873 (b) The community partner shall inform the beneficiary that:

874 (i) within three years after the day on which the beneficiary graduates from high
875 school, the beneficiary shall enroll in:

876 (A) a credit-granting [~~institution of higher education~~] eligible educational
877 institution within the state system of higher education;

878 (B) a [~~private, nonprofit college or university in the state that is accredited by the~~
879 ~~Northwestern Association of Schools and Colleges~~] private postsecondary

880 educational institution; or
881 (C) a technical college; and
882 (ii) if the beneficiary fails to enroll within three years after the day on which the
883 beneficiary graduates from high school, any money that remains in the 529
884 savings account shall be returned to the program.
885 (c) After entering into the account agreement described in Subsection (5)(a), the plan
886 shall deposit into the beneficiary's 529 savings account the amount of the allocation
887 described in Subsection (4)(b)(i).
888 Section 14. Section **53B-10-101** is amended to read:
889 **53B-10-101 . Terrel H. Bell Teaching Incentive Loans program -- Eligible**
890 **students -- Cancellation of incentive loans -- Repayment by recipient who fails to meet**
891 **requirements -- Duration of incentive loans.**
892 (1)(a) Notwithstanding the provisions of this section, the board may not award an
893 incentive loan described in this section on or after July 1, 2019.
894 (b) The provisions of this section apply to an incentive loan described in this section that
895 was awarded before July 1, 2019.
896 (2)(a) A Terrel H. Bell Teaching Incentive Loans program is established to recruit and
897 train superior candidates for teaching in Utah's public school system as a component
898 of the teacher quality continuum referred to in Subsections 53E-2-302(7) and
899 53E-6-103(2)(a).
900 (b) Under the program, the incentive loans may be used in any of Utah's state-operated
901 institutions of higher education or at a [~~private institution of higher education~~] private
902 postsecondary educational institution in Utah that offers a state-approved teacher
903 education program.
904 (3)(a) The board shall award the incentive loans to college students who have been
905 admitted to, or have made application to and are prepared to enter into, a program
906 preparing students for licensure and who declare an intent to complete the prescribed
907 course of instruction and to teach in this state in accordance with the priorities
908 described under Subsection (6)(c).
909 (b) The incentive loan may be canceled at any time by the institution of attendance if:
910 (i) the student fails to make reasonable progress toward completion of licensing
911 requirements; or
912 (ii) it appears to be a reasonable certainty that the student does not intend to teach in
913 Utah.

(c) The board may grant leaves of absence to incentive loan holders.

(d) The board may establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, criteria and procedures under which the board may forgive a loan made under this section.

(4) The board may require an incentive loan recipient who fails to complete the requirements for licensing without good cause to repay all tuition and fees provided by the loan, together with appropriate interest.

(5)(a) The board may require an incentive loan recipient who does not work in the state's public school system or a private school within the state within two years after graduation to repay all tuition and fees provided by the loan, together with appropriate interest, unless waived for good cause.

(b)(i) A recipient who does not teach for a term equal to the number of years of the incentive loan within a reasonable period of time after graduation shall repay a graduated portion of the tuition and fees based upon the uncompleted term.

(ii) One year of teaching is credit for one year's tuition and fees.

(c) All repayments made under this Subsection (5) are for use in the Terrel H. Bell Education Scholarship Program described in Section 53B-8-116.

(6)(a) Each incentive loan is valid for up to four years of full-time equivalent enrollment, or until requirements for licensing or advanced licensing have been met, whichever is less.

(b)(i) Incentive loans apply to both tuition and fees in amounts and are subject to conditions approved by the board, based upon criteria developed to ensure that all recipients of the loans will pursue an education career within the state.

(ii) An incentive loan for tuition and fees at a ~~[private institution]~~ private postsecondary educational institution may not exceed the average scholarship amounts granted for tuition and fees at public institutions of higher education within the state.

(c) Incentive loans shall be awarded in accordance with prioritized critical areas of need for teaching expertise within the state, as determined by the State Board of Education's criticality index and school district priorities based upon data provided by the school district, and may include preparing persons as:

(i) a special education teacher;

(ii) a speech or language pathologist; or

(iii) another licensed professional providing services in the public schools to pupils

948 with disabilities.

949 Section 15. Section **53B-13-111** is amended to read:

950 **53B-13-111 . Loans or purchase of obligations -- Rules -- Options -- Repayment**
951 **of federally insured loans.**

- 952 (1) The board may purchase obligations from lenders or make loans to eligible borrowers,
953 out of money available to the board for loans. The board shall promulgate rules for
954 determining the needs of the respective borrowers for loans and for the purpose of
955 making loans or purchasing obligations. The amount of an obligation purchased by the
956 board or of a loan made by the board to an eligible borrower, whether enrolled or to be
957 enrolled in a ~~[private institution]~~ private postsecondary educational institution or a
958 tax-supported public institution, is determined by the board upon the basis of
959 substantially similar standards and guides set forth in the board's rules. The board, in
960 determining the needs of eligible borrowers for guaranteed loans, may consider the
961 amount of assistance available to the students.
- 962 (2) When the board purchases an obligation or makes a loan, and again immediately before
963 a repayment schedule on the loan or obligation is signed by the borrower, the board shall
964 cause a written statement to be delivered to the borrower describing in detail whether an
965 option exists and, if so, who may exercise the option, under what conditions the option
966 may be exercised, and what options are available relating to the following:
- 967 (a) the term of the loan;
 - 968 (b) the repayment period on the loan;
 - 969 (c) an extension of the term or repayment period on the loan and the conditions of
970 repayment under the extension;
 - 971 (d) a deferment or forbearance on the repayment of the loan or on interest accruing on
972 the loan, whether interest is to be paid during the deferment or forbearance, and the
973 terms of repayment after the deferment or forbearance;
 - 974 (e) the period of time between installment payments on the loan and whether graduated
975 or unequal installment payments may be made;
 - 976 (f) the minimum annual payment on the loan, and if more than one loan is taken from
977 the board or if the borrower takes or has taken an educational loan from another
978 source, the availability of consolidation, transfer, or assignment of the loans and the
979 minimum annual payment on the aggregate of the loans;
 - 980 (g) the granting of an interview before or at the time the borrower signs a repayment
981 schedule; and

(h) the revision or renegotiation of the repayment schedule on the loan after repayment has commenced, or if other educational loans from the board or another source are taken after the repayment has commenced.

- (3) On obligations purchased or loans made by the board which are federally insured loans, the board may establish variable repayment schedules conforming to the need and documented income levels of borrowers, if the schedules are not inconsistent with federal laws, rules, or regulations governing the insured loans. A borrower making payments on a loan may request and be granted a revised repayment term or schedule based upon the established variable repayment schedules.

Section 16. Section **53B-13a-102** is amended to read:

53B-13a-102 . Definitions.

As used in this chapter:

- (1)(a) "Cost of attendance" means the estimated costs associated with attending an institution, as established by the institution in accordance with board policies.
- (b) "Cost of attendance" includes costs payable to the institution, other direct educational expenses, transportation, and living expenses while attending the institution.
- (2)(a) "Eligible student" means a financially needy student who is:
- (i) unconditionally admitted to and enrolled at a Utah postsecondary institution on at least a half-time basis, as defined by the board, in an eligible postsecondary program leading to a defined education or training objective, as defined by the board;
 - (ii) making satisfactory academic progress, as defined by the institution in published policies or rules, toward an education or training objective; and
 - (iii)(A) a resident student under Section 53B-8-102 and rules of the board; or
(B) exempt from paying the nonresident portion of total tuition under Section 53B-8-106.
- (b) "Eligible student" does not include a graduate student.
- (3) "Financially needy student" means a student who demonstrates the financial inability to meet all or a portion of the cost of attendance at an institution for any period of attendance as defined by the board, after considering the student's expected family contribution.
- (4) "Fiscal year" means the fiscal year of the state.
- (5) "Partner award" means a financial award described in Section 53B-13a-106.
- (6) "Program" means the Utah Promise Program.

1016 (7) "Promise partner" means an employer that participates in the program described in
1017 Section 53B-13a-106.

1018 (8) "Utah postsecondary institution" or "institution" means:

1019 (a) an institution of higher education listed in Section 53B-1-102; or

1020 (b) a Utah [~~private, nonprofit postsecondary institution that is accredited by an~~
1021 ~~accrediting organization that the United States Department of Education recognizes]~~
1022 private postsecondary educational institution.

1023 Section 17. Section **53B-13b-102** is amended to read:

1024 **53B-13b-102 . Definitions.**

1025 As used in this chapter:

1026 (1) "Federal program" means a veterans educational assistance program established in:

1027 (a) United States Code, Title 10, Chapter 1606, Educational Assistance for Members of
1028 the Selected Reserve;

1029 (b) United States Code, Title 38, Chapter 30, All-Volunteer Force Educational
1030 Assistance Program;

1031 (c) United States Code, Title 38, Chapter 31, Training and Rehabilitation for Veterans
1032 with Service-Connected Disabilities;

1033 (d) United States Code, Title 38, Chapter 32, Post-Vietnam Era Veterans' Educational
1034 Assistance; or

1035 (e) United States Code, Title 38, Chapter 33, Post-9/11 Educational Assistance.

1036 (2) "Institution of higher education" or "institution" means:

1037 (a) an institution of higher education listed in Subsection 53B-2-101(1); or

1038 (b) a [~~private, nonprofit, postsecondary institution located in Utah that is accredited by~~
1039 ~~an accrediting organization that the United States Department of Education recognizes]~~
1040 private postsecondary educational institution.

1041 (3) "Program" means the Veterans Tuition Gap Program created in this chapter.

1042 (4)(a) "Qualifying military veteran" means a veteran, as defined in Section 68-3-12.5,
1043 who:

1044 (i) is a resident student under Section 53B-8-102 and rules of the board;

1045 (ii) is accepted into an institution and enrolled in a program leading to a bachelor's
1046 degree;

1047 (iii)(A) has exhausted the federal benefit under a federal program; or

1048 (B) demonstrates that the veteran no longer qualifies to receive federal benefits
1049 under any federal program; and

1050 (iv) has not completed a bachelor's degree.

1051 (b) "Qualifying military veteran" does not include a family member.

1052 Section 18. Section **53B-13c-101** is amended to read:

1053 **53B-13c-101 . Definitions.**

1054 As used in this chapter:

1055 (1)(a) "Cost of attendance" means the estimated costs associated with taking an online
1056 course, as established by an eligible institution in accordance with board policies.

1057 (b) "Cost of attendance" includes tuition, costs payable to the eligible institution, and
1058 other direct educational expenses related to taking an online course.

1059 (2) "Eligible institution" means an institution that offers a postsecondary level course of
1060 instruction using digital technology.

1061 (3) "Eligible student" means a financially needy student who is:

1062 (a) at least 26 years old;

1063 (b) enrolled in an online course at an eligible institution;

1064 (c) pursuing:

1065 (i) an online postsecondary degree program in a field where there is a demonstrated
1066 industry need; or

1067 (ii) an online non-degree program that is designed to meet industry needs and leads to
1068 a certificate or another recognized educational credential; and

1069 (d) a resident student under Section 53B-8-102 and rules the board establishes.

1070 (4) "Financially needy student" means a student who demonstrates the financial inability to
1071 meet all or a portion of the cost of attendance at an eligible institution as defined by the
1072 board, after utilizing family and personal resources, federal assistance, and scholarships.

1073 (5) "Fiscal year" means the fiscal year of the state.

1074 (6) "Institution" means:

1075 (a) an institution described in Section 53B-1-102; or

1076 (b) a Utah ~~[private, nonprofit postsecondary institution that is accredited by an~~
1077 ~~accrediting organization that the United States Department of Education recognizes]~~
1078 private postsecondary educational institution.

1079 (7) "Online course" means a postsecondary level course of instruction offered by an eligible
1080 institution using digital technology.

1081 (8) "Program" means the Adult Learners Grant Program established in Section 53B-13c-102.

1082 (9) "Tuition" means tuition and fees at the rate charged for residents of the state.

1083 Section 19. Section **53B-16-105** is amended to read:

- 1084 **53B-16-105 . Common course numbering -- Transferability of credits --**
1085 **Agreement with competency-based general education provider -- Policies.**
- 1086 (1) As used in this section:
- 1087 (a) "Accredited institution" means an institution that:
- 1088 (i) offers a competency-based postsecondary general education course online or in
- 1089 person; and
- 1090 (ii) is accredited by an organization that the United States Department of Education
- 1091 recognizes.
- 1092 (b) "Articulation agreement" means an agreement between the board and a provider that
- 1093 allows a student to transfer credit awarded by the provider for a general education
- 1094 course to any institution of higher education.
- 1095 (c) "Competency-based" means a system where a student advances to higher levels of
- 1096 learning when the student demonstrates competency of concepts and skills regardless
- 1097 of time, place, or pace.
- 1098 (d) "Competency-based general education provider" or "provider" means a [~~private~~
- 1099 institution] private postsecondary educational institution that:
- 1100 (i) offers a postsecondary competency-based general education course online or in
- 1101 person;
- 1102 (ii) awards academic credit; and
- 1103 (iii) does not award degrees, including associates degrees or baccalaureate degrees.
- 1104 (e) "Credit for prior learning" means the same as that term is defined in Section
- 1105 53B-16-110.
- 1106 (f) "Institution of higher education" means an institution described in Section 53B-1-102.
- 1107 (2) The board shall:
- 1108 (a) facilitate articulation and the seamless transfer of courses, programs, and credit for
- 1109 prior learning within the Utah System of Higher Education;
- 1110 (b) provide for the efficient and effective progression and transfer of students within the
- 1111 Utah System of Higher Education;
- 1112 (c) avoid the unnecessary duplication of courses;
- 1113 (d) communicate ways in which a student may earn credit for prior learning; and
- 1114 (e) allow a student to proceed toward the student's educational objectives as rapidly as
- 1115 the student's circumstances permit.
- 1116 (3) The board shall develop, coordinate, and maintain a transfer and articulation system that:
- 1117 (a) maintains a course numbering system that assigns common numbers to specified

- 1118 courses of similar level with similar curricular content, rigor, and standards;
- 1119 (b) allows a student to track courses that transfer among institutions of higher education;
- 1120 (c) allows a student to transfer courses from a provider with which the board has an
- 1121 articulation agreement to any institution of higher education;
- 1122 (d) allows a student to transfer competency-based general education courses from an
- 1123 accredited institution to an institution of higher education;
- 1124 (e) improves program planning;
- 1125 (f) increases communication and coordination between institutions of higher education;
- 1126 (g) facilitates student acceleration and the transfer of students and credits between
- 1127 institutions of higher education; and
- 1128 (h) if the system includes a software or data tool:
- 1129 (i) provides predictive analysis that models probabilities of student success; and
- 1130 (ii) develops tailored strategies to best support students.
- 1131 (4)(a) The board shall identify general education courses in the humanities, social
- 1132 sciences, arts, physical sciences, and life sciences with uniform prefixes and common
- 1133 course numbers.
- 1134 (b) A degree-granting institution shall annually identify institution courses that satisfy
- 1135 requirements of courses described in Subsection (4)(a).
- 1136 (c) A degree-granting institution shall accept a course described in Subsection (3)(c),
- 1137 (3)(d), or (4)(a) toward filling specific area requirements for general education or
- 1138 lower division courses that transfer to baccalaureate majors.
- 1139 (5)(a) The board shall:
- 1140 (i) identify technical education programs with common names, descriptions, lengths,
- 1141 and objectives; and
- 1142 (ii) within technical education programs, common course names, descriptions, length,
- 1143 and objectives allowing for customization of electives to meet regional industry
- 1144 demand.
- 1145 (b) The commissioner shall appoint committees of faculty members from technical
- 1146 education committees to recommend aligned programs and courses that will satisfy
- 1147 graduation requirements.
- 1148 (6)(a) The board shall identify common prerequisite courses and course substitutions for
- 1149 degree programs across degree-granting institutions.
- 1150 (b) The commissioner shall appoint committees of faculty members from the
- 1151 degree-granting institutions to recommend appropriate courses of similar content and

- 1152 numbering that will satisfy requirements for lower division courses that transfer to
1153 baccalaureate majors.
- 1154 (c) A degree-granting institution shall annually identify institution courses that satisfy
1155 requirements of courses described in Subsection (6)(a).
- 1156 (d) A degree-granting institution shall accept a course described in Subsection (3)(c),
1157 (3)(d), or (6)(a) toward filling graduation requirements.
- 1158 (7)(a)(i) The board shall seek proposals from providers to enter into articulation
1159 agreements.
- 1160 (ii) A proposal described in Subsection (7)(a)(i) shall include the general education
1161 courses that the provider intends to include in an articulation agreement.
- 1162 (b) The board shall:
- 1163 (i) evaluate each general education course included in a proposal described in
1164 Subsection (7)(a) to determine whether the course is equally rigorous and includes
1165 the same subject matter as the equivalent course offered by any institution of
1166 higher education; and
- 1167 (ii) if the board determines that a course included in a provider's proposal is equally
1168 rigorous and includes the same subject matter as the equivalent course offered by
1169 any institution of higher education, enter into an articulation agreement with the
1170 provider.
- 1171 (8) The board shall establish policies to administer the policies and requirements described
1172 in this section.
- 1173 (9) The board shall include information demonstrating that institutions of higher education
1174 are complying with the provisions of this section and the policies established in
1175 accordance with Subsection (8) in the annual report described in Section 53B-1-402.
- 1176 Section 20. Section **53B-16-401** is amended to read:
- 1177 **53B-16-401 . Definitions.**
- 1178 As used in this part:
- 1179 (1)(a) "Cooperating employer" means a public or private entity which, as part of a work
1180 experience and career exploration program offered through an institution of higher
1181 education, provides interns with training and work experience in activities related to
1182 the entity's ongoing business activities.
- 1183 (b) "Cooperating employer" also means an institution of higher education that provides
1184 the work experience segment of an intern's work experience and career exploration
1185 program.

- 1186 (2) "Institution of higher education" means any:
- 1187 (a) component of the state system of higher education, as defined under Section
- 1188 53B-1-102, that is authorized by the board to offer internship programs; and
- 1189 (b) ~~[private institution of higher education]~~ private postsecondary educational institution
- 1190 which offers internship programs under this part.
- 1191 (3) "Intern" means a student enrolled in a work experience and career exploration program
- 1192 under Section 53B-16-402:
- 1193 (a) that an institution of higher education sponsors;
- 1194 (b) involves both classroom instruction and work experience with a cooperating
- 1195 employer; and
- 1196 (c) for which the student receives no compensation.
- 1197 (4) "Internship" means the work experience segment of an intern's work experience and
- 1198 career exploration program that:
- 1199 (a) an institution of higher education sponsors under a written agreement with a
- 1200 cooperating employer; and
- 1201 (b) an intern performs under the direct supervision of a cooperating employer.
- 1202 Section 21. Section **53B-17-901** is amended to read:
- 1203 **53B-17-901 . Admissions -- Increase authorized.**
- 1204 (1) Beginning with the 2013-14 school year and subject to Subsection (2), the University of
- 1205 Utah School of Medicine may increase the number of students admitted by 40 students
- 1206 for a total of 122 students admitted annually.
- 1207 (2) Beginning with the 2013-14 school year, no fewer than 82% of the students admitted
- 1208 annually shall:
- 1209 (a) meet the qualifications of a resident student for the purpose of tuition in accordance
- 1210 with:
- 1211 (i) Section 53B-8-102;
- 1212 (ii) board policy on determining resident status; and
- 1213 (iii) University of Utah policy on determining resident status;
- 1214 (b) have graduated from a public or ~~[private college or university]~~ private postsecondary
- 1215 educational institution located in Utah; or
- 1216 (c) have graduated from a public or private high school located in Utah.
- 1217 Section 22. Section **53B-20-107** is amended to read:
- 1218 **53B-20-107 . Powers of chief administrative officer to order individuals off an**
- 1219 **institution of higher education's property.**

- 1220 (1) As used in this section:
- 1221 (a) "Chief administrative officer" means the president of an institution or an individual
- 1222 designated by the president.
- 1223 (b) "Institution of higher education" means:
- 1224 (i) a state institution of higher education as defined in Section 53B-3-102; or
- 1225 (ii) a ~~[private institution of higher education in the state accredited by a regional or~~
- 1226 ~~national accrediting agency recognized by the United States Department of~~
- 1227 ~~Education]~~ private postsecondary educational institution.
- 1228 (2) It is the purpose of this section to:
- 1229 (a) supplement and clarify the power vested in the governing board of each institution of
- 1230 higher education; and
- 1231 (b) regulate, conduct, and enforce law and order on property owned, operated, or
- 1232 controlled by each institution of higher education.
- 1233 (3) A chief administrative officer may order an individual to leave property that is owned,
- 1234 operated, or controlled by an institution of higher education if:
- 1235 (a) the individual acts, or if the chief administrative officer has reasonable cause to
- 1236 believe that the individual intends to act, to:
- 1237 (i) cause injury to an individual;
- 1238 (ii) cause damage to property;
- 1239 (iii) commit a crime;
- 1240 (iv) interfere with the peaceful conduct of the activities of the institution of higher
- 1241 education;
- 1242 (v) violate a rule or regulation of the institution of higher education if that rule or
- 1243 regulation is not in conflict with state law; or
- 1244 (vi) disrupt the institution of higher education, the institution's pupils, or the
- 1245 institution of higher education's activities; or
- 1246 (b) the individual is reckless as to whether the individual's actions will cause fear for the
- 1247 safety of another individual.
- 1248 (4)(a) If a law enforcement agency or security department of an institution of higher
- 1249 education lacks sufficient manpower to deal effectively with a condition of unrest
- 1250 existing or developing on a campus or related facility of the institution of higher
- 1251 education in the judgment of the chief administrative officer, the chief administrative
- 1252 officer may call for assistance from the county sheriff of the county, a city law
- 1253 enforcement agency, or the Department of Public Safety.

1254 (b) Upon receipt of the request under Subsection (4)(a), the county sheriff, a city law
1255 enforcement agency, or the Department of Public Safety must render all necessary
1256 assistance without expense to the institution of higher education.

1257 (c) All personnel while rendering assistance to the institution of higher education shall
1258 serve under the general direction of the chief administrative officer.

1259 (5) Nothing in this section shall limit:

1260 (a) the right or duty of a local law enforcement agency to enforce the law which the local
1261 law enforcement agency had prior to this enactment; or

1262 (b) the right of a state or local law enforcement agency to enforce the laws of this state.

1263 Section 23. Section **53B-28-102** is amended to read:

1264 **53B-28-102 . Definitions.**

1265 As used in this chapter, "institution" means a Utah institution that is a private
1266 postsecondary educational institution or a public [or private postsecondary] institution~~[that is~~
1267 ~~located in Utah]~~, including an institution of higher education listed in Section 53B-1-102.

1268 Section 24. **Effective Date.**

1269 This bill takes effect on May 7, 2025.