

HIGHER EDUCATION FINANCIAL AID AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel Hemmert

House Sponsor: Derrin R. Owens

LONG TITLE

General Description:

This bill allows for Regents' scholarships to be used at private, nonprofit colleges or universities within the state.

Highlighted Provisions:

This bill:

- ▶ allows for Regents' scholarships to be used at private, nonprofit colleges or universities within the state;
- ▶ limits the amount of scholarship funding available in the case of a private, nonprofit college or university; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2021:

- ▶ to the State Board of Regents - Student Assistance, as an ongoing appropriation:
 - from the Education Fund, \$5,000,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53B-8-201, as last amended by Laws of Utah 2019, Chapter 444

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

Section 1. Section **53B-8-201** is amended to read:

30 **53B-8-201. Regents' Scholarship Program.**

31 (1) As used in this section:

32 (a) "Eligible institution" means [am]:

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

35 (ii) a private, nonprofit college or university in the state that is accredited by the
36 Northwest Commission on Colleges and Universities.

37 (b) "Eligible student" means a student who:

38 (i) applies to the board in accordance with the rules described in Subsection (6);

39 (ii) is enrolled in an eligible institution; and

40 (iii) meets the criteria established by the board in rules described in Subsection (6).

41 (c) "Fee" means:

42 (i) for an eligible institution that is part of the Utah System of Higher Education, a fee
43 approved by the board; or

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

46 (d) "Program" means the Regents' Scholarship Program described in this section.

47 (2) (a) A student who graduates from high school after July 1, 2018:

48 (i) may receive a Regents' scholarship in accordance with this section; and

49 (ii) may not receive a scholarship in accordance with Sections 53B-8-202 through
50 53B-8-205.

51 (b) A student who graduates from high school on or before July 1, 2018:

52 (i) may receive a scholarship in accordance with Sections 53B-8-202 through
53 53B-8-205; and

54 (ii) may not receive a Regents' scholarship in accordance with this section.

55 (3) (a) Subject to legislative appropriations, beginning with an appropriation for fiscal
56 year 2019, the board shall annually distribute money for the Regents' Scholarship Program

57 described in this section to each eligible institution to award as Regents' scholarships to eligible

58 students.

59 (b) The board shall annually determine the amount of a Regents' scholarship based on:

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

61 (ii) money available for the program.

62 (c) (i) [The] Subject to Subsection (3)(c)(ii), the board shall annually determine the
63 total amount of money to distribute to an eligible institution based on the eligible institution's
64 share of all eligible students in the state.

65 (ii) The board may not allocate a percentage of a legislative appropriation for Regents'
66 scholarships to any one eligible institution described in Subsection (1)(a)(ii) that is greater than
67 the highest percentage of the legislative appropriation that the board allocates to an eligible
68 institution described in Subsection (1)(a)(i).

69 (4) (a) Except as provided in this Subsection [~~(4)(b) or (c)~~] (4), an eligible institution
70 shall provide to an eligible student a Regents' scholarship in the amount determined by the
71 board described in Subsection (3)(b).

72 (b) For a Regents' scholarship for which an eligible student applies on or before July 1,
73 2019, an eligible institution may reduce the amount of the Regents' scholarship based on other
74 state aid awarded to the eligible student for tuition and fees.

75 (c) For a Regents' scholarship for which an eligible student applies after July 1, 2019:

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

79 (ii) the eligible student may only use the Regents' scholarship for tuition and fees.

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

83 (e) If the allocation for an eligible institution described in Subsection (1)(a)(ii) is
84 insufficient to provide the amount described in Subsection (3)(b) to each eligible student, the
85 eligible institution may reduce the amount of a Regents' scholarship.

86 (5) The board may:
87 (a) audit an eligible institution's administration of Regents' scholarships; [~~and~~]
88 (b) require an eligible institution to repay to the board money distributed to the eligible
89 institution under this section that is not provided to an eligible student as a Regents'
90 scholarship[~~;~~]; and

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

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

96 (i) requirements related to an eligible institution's administration of Regents'
97 scholarships;

98 (ii) a process for a student to apply to the board to determine the student's eligibility for
99 a Regents' scholarship;

100 (iii) criteria to determine a student's eligibility for a Regents' scholarship, including:

101 (A) minimum secondary education academic performance standards;

102 (B) the completion of secondary core curriculum and graduation requirements;

103 (C) the completion of a Free Application for Federal Student Aid;

104 (D) need-based measures that address college affordability and access; and

105 (E) minimum enrollment requirements in an eligible institution; and

106 (iv) a requirement for each eligible institution to annually report to the board on all
107 Regents' scholarships awarded by the eligible institution.

108 (b) In making rules described in Subsection (6)(a) that apply to a technical college, the
109 board shall consult with the Utah System of Technical Colleges Board of Trustees.

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

112 (8) (a) The State Board of Education, a school district, or a public high school shall
113 cooperate with the board and eligible institutions to facilitate the program, including by

114 exchanging relevant data where allowed by law.

115 (b) The State Board of Education shall annually provide to the board a list of directory
116 information, including name and address, for each grade 8 student in the state.

117 [~~(9) Notwithstanding the provisions in this section, a private, nonprofit college or
118 university in the state that is accredited by the Northwest Commission on Colleges and
119 Universities is an eligible institution for purposes of providing a Regents' scholarship to an
120 eligible student who applies for a Regents' scholarship on or before July 1, 2019.~~]

121 [(10)] (9) If money appropriated under this section is available after Regents'
122 scholarships are awarded, the board shall use the money for the Access Utah Promise
123 Scholarship Program created in Section 53B-8-302.

124 Section 2. **Appropriation.**

125 The following sums of money are appropriated for the fiscal year beginning July 1,
126 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for
127 fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
128 Act, the Legislature appropriates the following sums of money from the funds or accounts
129 indicated for the use and support of the government of the state of Utah.

130 To State Board of Regents - Student Assistance

131 From Education Fund

\$5,000,000

132 Schedule of Programs:

133 Student Financial Aid

\$5,000,000