

2018 LEGISLATION OF INTEREST:

HB 82, Student Right to Active Counsel by Rep. Kim Coleman, who introduced similar legislation in the 2016 and 2017 Sessions. The Legislature did not adopt the proposed legislation in either session. In July 2016, the Board of Regents adopted policy that outlines required due process for disciplinary actions and included the role of active counsel in certain proceedings. **The bill did not pass.**

HB 116, Student Civil Liberties Protection Act by Rep. Kim Coleman is based on the Administrative Rules Review Committee's review of the policy development processes at USHE institutions over the past year. The bill requires USHE institutions to review current policies and repeal or initiate rulemaking proceedings for each policy that directly affects a student's civil liberty. While current policies uphold civil liberties for students, higher education supports this additional review and rulemaking for greater transparency. **The bill passed the House and Senate and is expected to be signed into law by the Governor.**

HB 122, Higher Education Employment Authority Amendments by Rep. Justin Fawson proposes to move Regents' authority to appoint presidents to institutional Boards of Trustees. The proposed changes would create a confusing line of governance for the presidents where Regents are responsible for the oversight and accountability of higher education in the state, yet have no ability to recruit and hire the best talent to help carry out the state's higher education objectives. Presidential selection was a major component to [2017's SB 238](#), implemented for less than a year. **The bill did not pass.**

HB237, Concurrent Enrollment Enhancements by Rep. Mike Winder requires the Board of Regents to establish policy, in coordination with higher education concurrent enrollment directors, that defines the qualifications to be an eligible concurrent enrollment instructor. Current instructors for the 2017-18 academic years will continue to be eligible regardless of qualifications. **The bill passed the House and Senate and is expected to be signed into law by the Governor.**

HB 254, Campus Sexual Violence Reporting by Rep. Kim Coleman outlines [non-binding circumstances when an institution may turn information](#) over to law enforcement, even against the wishes of a victim of sexual violence desire for confidentiality, based on an articulable and significant threat to campus safety. The bill also mandates that colleges offer amnesty from conduct-code violations for students, which USHE institutions already have in policy. The bill threatens the ability for victims of sexual violence to maintain anonymity. **The bill did not pass.**

HB 300, Higher Education Governance Amendments by Rep. Val Peterson provides for gubernatorial appointment of the local boards of directors in of the Utah System of Technology Colleges (USTC) to be parallel with board appointments in USHE, and removes a provision requiring Senate consent for the appointment of the student member of the State Board of Regents. The bill also provides that board members could be removed by the Governor for cause. The bill also creates a two-year commission comprised of Regents, USTC Trustees, the Commissioners, legislators and economic and workforce agency heads. **The bill passed the House and Senate and is expected to be signed into law by the Governor.**

HB 349, Higher Education Legacy Scholarship Amendments by Rep. Val Potter repeals a provision that restricts a student who receives an alumni legacy scholarship from counting time towards establishing residency. If passed, students who receive this scholarship would be eligible to receive in-state tuition after 12 months in Utah. **The bill passed the House and Senate and is expected to be signed into law by the Governor.**

HB 388 Public Education Funding Allocation Assurance by Rep. LaVar Christensen requires a minimum funding level assurance of at least 90% for K-12 education from the state Education Fund. Higher education is funded from a combination of Education and General Fund tax dollars, varying from year to year based on legislative discretion. That flexibility helps the state maintain a balanced budget. This proposal would cap Education Funds to higher education, not only limiting the state's ability to balance the budget, but resulting in greater restriction in funding higher education in the future. **The bill did not pass.**

HB 398, Higher Education Student Speech Rights by Rep. Kim Coleman establishes a specific threshold that determines when student-on-student speech becomes harassment as opposed to protected speech. It will put schools in conflict with existing federal definitions of harassment. **The bill did not pass.**

SB 104, Talent Development and Retention Strategy by Sen. Ann Millner establishes a loan forgiveness program for students who graduate in programs that lead to high demand jobs. It also enables private business to partner with institutions to help fund the scholarships. The legislation helps address current outmigration of Utah's workforce talent. **The bill passed the House and Senate and is expected to be signed into law by the Governor.**

SB174, Higher Education Capital Facilities by Sen. Ann Millner establishes a new procedure and funding mechanism for higher education capital development projects using metrics established by the Board of Regents in the following areas: enrollment, total performance according to performance funding requirements, regional growth in student population, facility age and condition, and adequacy of academic space. The use of these funds are dependent on the amount the Legislature appropriates to the institutions. **The bill did not pass.**

SB 195, Credit Acceptance by Higher Education Institutions by Sen. Howard Stephenson would allow students to transfer credit from a Regent-approved private provider or a regionally accredited institution. USHE institutions have several agreements with private providers and partner institutions; this would require a state option for such agreements and transfer. **The bill passed the House and Senate and is expected to be signed into law by the Governor.**

SB 207, Student Data Protection Amendments by Sen. Jacob Anderegg allows higher education institutions to use contact information of high school students and their parents who have opted-in for purposes of postsecondary outreach. **The bill passed the House and Senate and is expected to be signed into law by the Governor.**

HB 420, Performance Metrics for Higher Education by Rep. Kim Coleman amends allows higher education institutions to use contact information of high school students and their parents who have opted-in for purposes of postsecondary outreach. **The bill passed the House and Senate and is expected to be signed into law by the Governor.**