



UTAH SYSTEM OF  
HIGHER EDUCATION

# MEMORANDUM

August 10, 2023

## Board Policy Amendments Based on Recent Legislation

### Background

The following amendments to Board policy are recommended based on legislation passed in the 2023 Utah Legislative Session:

1. *R120, Board of Higher Education Bylaws*

These amendments include:

- Updates to Board membership, quorum, consent calendar, staff, and advisory council provisions based on [SB 146](#) (2023); and
- Non-substantive edits for clarity and consistency with other Board policy.

2. *R121, Functions of the Board of Higher Education*

This Board policy is being recommended for repeal as the duties and authority of the Board are covered by [Utah Code section 53B-1-402](#).

3. *R141, Functions of the Commissioner of Higher Education*

These amendments include:

- Updates to the commissioner's staff provisions based on [SB 146](#) (2023); and
- Non-substantive edits for clarity and consistency with other Board policy.

4. *R165, Concurrent Enrollment*

These amendments:

- Exempt Concurrent Enrollment learning materials from local school board selection, outline the circumstances under which an LEA may contract with a USHE institution outside the service region for CE, and add additional qualifying experience for Concurrent Enrollment courses that are not career and technical education based on [HB 335](#) (2023);
- Incorporate non-substantive edits for clarity and consistency with other Board policy; and
- Merge the Board policy with the required administrative rule so that there are no longer two separate rules.

The proposed changes have been approved by USHE institution Concurrent Enrollment directors and chief academic officers and reviewed by presidents.

#### 5. *R472, Credit for Prior Learning*

These amendments reflect:

- Updates based on [HB 234](#) (2023) and best practices recommended by the Prior Learning Assessment Committee including:
  - Changing the way minimum scores for International Baccalaureate programs are determined with the legislature, rather than faculty, making this determination;
  - Shifting responsibility for training and coordinating prior learning assessment efforts on campuses from the chief academic officer to an institutional Prior Learning Committee, since prior learning assessment runs through a different office at some institutions; and
  - Adding guidelines on departmental challenge exams and oral exams, and adding Cambridge A-level Exams to the lists of standardized exams that faculty major committees will review.
- Non-substantive edits for clarity and consistency with other Board policy.

The proposed changes have been approved by the Prior Learning Assessment Committee and USHE institution chief academic officers and were reviewed by presidents.

#### 6. *R545, Disclosure of Foreign Donations to Higher Education Institutions*

These amendments:

- Include updates based on changes to [Utah Code section 53B-1-202\(6\)](#);
- Simplify the policy by removing statutory language and referencing the statute; and
- Merge the Board policy with the required administrative rule so that there are no longer two separate rules.

The Office of the Commissioner shared the proposed changes with institution development officers and the Business Administrator Committee, and the feedback received was positive. The amendments have also been reviewed by presidents.

The format of Board Policies R165 and R545 is slightly different and references the Utah Administrative Code because they will be codified therein.

### **Commissioner's Recommendation**

Commissioner Woolstenhulme recommends that the Board approve repealing Board Policy R121 and amending the other five above-listed Board policies. The Commissioner also recommends that the Board approve directing institutions to implement changes related to Board Policy R472 in time for this upcoming fall semester based on the timeframe set by the Legislature.

### **Attachments**