R746-510. Funding for Speech and Hearing Impaired Certified Interpreter Training

R746-510-1. Authority and Purpose.

A. Authority -- This rule is authorized by 54-8b-10(5)(c) which requires the Public Service Commission to adopt rules in accordance with its responsibilities.

B. Purpose -- The purpose of this rule is to establish uniform administrative requirements for the distribution of funds from the telephone surcharge to be awarded by contract to institutions within the state system of higher education, or to the Division of Services to the Deaf and Hard of Hearing, for training persons to qualify as certified interpreters for deaf, hard of hearing or severely speech impaired persons, pursuant to 54-8b-10(5)(b)(vi).

R746-510-2. Definitions.

A. Definitions-- The meaning of terms used in these rules shall be consistent with the definitions provided in 54-8b-10(1), R746-343-2 or these rules. As used in these rules, the following definitions shall apply.

1. "Certified Interpreter" means a person who is certified as meeting the certification requirements of Title 53A, Chapter 26a, the Interpreter Services for the Hearing Impaired Act.

2. "Contract" means an award of a contractual agreement by the Commission to an eligible recipient.

3. "DaHH Division" means the Division of Services to the Deaf and Hard of Hearing, as created by 53A-24-402.

4. "Recipient" means the legal entity to which a contract is awarded and which is accountable for the use of the funds provided. The recipient is the entire legal entity even if a particular component of the entity is designated in the contract document. The term "recipient" shall also include all subcontractors.

5. "Subcontractor" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity, who has a contract with any recipient to perform any portion of the services or work required under a contract. A "subcontractor" does not include suppliers who provide property, including equipment, materials, and printing to a recipient or subcontractor.

R746-510-3. Eligibility Requirements.

A. Eligibility-- An organization is eligible if it is:

1. an institution within the state system of higher education listed in Section 53B-1-102 that offers a program approved by the Board of Regents for training persons to qualify as certified interpreters; or

2. the DaHH Division.

R746-510-4. Proposal and Funding.

A. Process-- Th Commission will solicit proposals in conformioty to the Utah Procurement Code, Title 63, Chapter 56, and applicable rules.

1. Eligible organizations shall submit a proposal to request funding.

2. Funds will be disbursed pursuant to the terms of contracts that may be negotiated from the proposals submitted.

3. Contracts, allocations and distributions shall be at the discretion of the Commission.

R746-510-5.   Subcontractors.

A. Identification of subcontractors-- A proposal may not include subcontract work covered by this rule unless:

1. the subcontractor is specifically identified in the proposal;

2. the subcontractor complies with all applicable Board requirements;

3. the proposal provides the same information for each subcontractor in the same manner as if the subcontract work was procured directly by the Commission;

4. the proposal includes a copy of all subcontractor contracts; and

5. all subcontractors look solely to recipient for payment.

R746-510-6. Accountability.

A. On-site visits-- In addition to any request for proposal or contact requirements, organizations that seek or

have a contract will permit the Commission, it representatives or its designees to visit prior to and during a contract period to evaluate the organization's effectiveness and preparedness.

      B. Recipient Report Filing-- A recipient receiving funding shall file an annual report with the Commission on or before July 1 for the preceding year.

      C. Report contents-- The annual report shall contain the following information:

      1. a budget expenditure report and income source report; and

      2. description of its program, which includes, but is not limited to, the number of students and teachers served, the graduation rate and the number of students who become certified as a certified interpreter, employment information for graduating students and those who become certified interpreters;

      3. a description of services provided by the recipient pursuant to the contract, and if requested, copies of any and all materials developed; and

      4. other information which may be specified in the contract.

R746-510-7. General Administrative Responsibilities.

      A. Administration-- A recipient shall comply with applicable statutes, regulations, and the contract, and shall use funds in accordance with those statutes, regulations, and the contract.

      B. Supervision -- A recipient shall directly supervise the administration of the contract and funds received.

      C. Accounting -- A recipient shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for funds received.

R746-510-8. Records.

      A. Records– In addition to any contract requirement,

      1. A recipient shall keep records that record:

      a. The amount of funds awarded and received under the contract;

      b. How the recipient uses the funds;

      c. The total cost of the proposal;

      d. The share of the costs provided from other sources and identification of such sources;

      e. The identity of students participating in a program supported by the contract; and

      f. Other records to facilitate an effective audit.

      2. A recipient shall keep records that demonstrate its compliance with contract and rule requirements.

      3. A recipient is responsible for managing and monitoring each program supported by the contract.

      B. Retention and Access Requirements for Records--

      1. All financial records, supporting documents, statistical records, and all other records pertinent to a contract shall be retained for a period consistent with Government Records Access and Management Act, Title 63, Chapter 2 and any term specified in a contract.

      2. The Commission or any of its duly authorized representatives or designees, have the right of timely and unrestricted access to any books, documents, papers, or other records of recipients that are pertinent to the contracts, in order to make audits, examinations, excerpts, transcripts, and copies of documents. This right also includes timely and reasonable access to a recipient's personnel for the purpose of interview and discussion related to these documents and a contract program. The rights of access are not limited to the required retention period, but shall last as long as records are retained.

      3. All procurement records shall be retained and disposed of in accordance with the Government Records Access and Management Act, Title 63, Chapter 2.

R746-510-9.   Termination of Awards.

      A. Termination of Contracts-- Contracts may be terminated in whole or in part :

      1. By the Commission if a recipient fails to comply with the terms and conditions of a contract; or

      2. With the consent of the Commission; or

      3. Pursuant to the terms of a contract.

      4. No provision of this rule shall preclude or prevent the Commission from terminating or modifying a contract for any reason or means not listed in this rule.

R746-510-10. Enforcement.

A. Enforcement-- If a recipient fails to comply with the terms and conditions of a contract, in addition to any remedy provided by law or contract, the Commission may take one or more of the following actions, as the Commission may deem appropriate in the circumstances:

1. Withhold payments pending correction of the deficiency by the recipient or more severe enforcement action by the Commission.

2. Deny the use of contract funds for all or part of the cost of the activity or action not in compliance.

3. Wholly or partly suspend or terminate the current contract.

4. Or any other action which the Commission may determine appropriate.

KEY: speech impaired, hearing impaired, training, interpreters