

## Chapter 2a Utah College of Applied Technology

### **53B-2a-101 Definitions.**

As used in this chapter:

- (1) "Applied technology college" means a member college of the Utah College of Applied Technology.
- (2) "Board of trustees" means the Utah College of Applied Technology Board of Trustees.
- (3) "Commissioner of technical education" means the Utah College of Applied Technology commissioner of technical education.
- (4) "Competency-based" means mastery of subject matter or skill level, as demonstrated through business and industry approved standards and assessments, achieved through participation in a hands-on learning environment, and which is tied to observable, measurable performance objectives.
- (5) "Member" means a member of the board of trustees.
- (6) "Open-entry, open-exit" means:
  - (a) a method of instructional delivery that allows for flexible scheduling in response to individual student needs or requirements and demonstrated competency when knowledge and skills have been mastered;
  - (b) students have the flexibility to begin or end study at any time, progress through course material at their own pace, and demonstrate competency when knowledge and skills have been mastered; and
  - (c) if competency is demonstrated in a program of study, a credential, certificate, or diploma may be awarded.

Amended by Chapter 236, 2016 General Session

### **53B-2a-102 Commissioner of technical education -- Appointment -- Duties.**

- (1)
  - (a) The board of trustees, upon approval from the governor and with the consent of the Senate, shall appoint a commissioner of technical education to serve as the board of trustees' chief executive officer.
  - (b) The commissioner of technical education shall:
    - (i) have an appropriate and relevant educational background; and
    - (ii) have extensive experience in career and technical education.
  - (c) The commissioner of technical education shall serve at the board of trustees' discretion and may be terminated by:
    - (i) the board of trustees; or
    - (ii) the governor, after consultation with the board of trustees.
  - (d) If the board of trustees intends to appoint an interim or acting commissioner of technical education during a leave of absence of the commissioner of technical education, the board of trustees shall appoint the interim or acting commissioner of technical education with the consent of the Senate.
  - (e) The name of each final candidate for commissioner of technical education shall be publicly disclosed.
- (2) The board of trustees shall:
  - (a) set the salary of the commissioner of technical education;

- (b) prescribe the duties and functions of the commissioner of technical education; and
  - (c) select a commissioner of technical education on the basis of outstanding professional qualifications.
- (3) The commissioner of technical education is responsible to the board of trustees to:
- (a) ensure that the policies and programs of the board of trustees are properly executed;
  - (b) furnish information about the Utah College of Applied Technology and make recommendations regarding the information to the board of trustees;
  - (c) provide state-level leadership in an activity affecting an applied technology college; and
  - (d) perform other duties as assigned by the board of trustees in carrying out the board of trustees' duties and responsibilities.

Amended by Chapter 236, 2016 General Session

**53B-2a-103 Utah College of Applied Technology Board of Trustees -- Membership -- Terms -- Vacancies -- Oath -- Officers -- Quorum -- Committees -- Compensation.**

- (1) There is created the Utah College of Applied Technology Board of Trustees.
- (2) Except as provided in Subsections (3) and (4), the board of trustees is composed of the following members:
- (a) one member of the State Board of Education appointed by the chair of the State Board of Education, to serve as a nonvoting member;
  - (b) one member of the State Board of Regents appointed by the chair of the State Board of Regents, to serve as a nonvoting member;
  - (c) one member, representing business and industry employers from each applied technology college board of directors, appointed by a majority vote of the business and industry employer members of the applied technology college board of directors;
  - (d) one member representing business and industry employers from the Snow College Economic Development and Workforce Preparation Advisory Committee appointed by a majority of the business and industry employer members of the advisory committee;
  - (e) one member representing business and industry employers from the Utah State University Eastern career and technical education advisory committee appointed by a majority of the business and industry employer members of the advisory committee;
  - (f) one member representing business and industry employers from the Salt Lake Community College School of Applied Technology Board of Directors appointed by a majority of the business and industry employer members of the board of directors;
  - (g) one business or industry employer representative appointed by the governor with the consent of the Senate from nominations submitted by the speaker of the House of Representatives and president of the Senate;
  - (h) one representative of union craft, trade, or apprenticeship programs that prepare workers for employment in career and technical education fields, appointed by the governor with the consent of the Senate;
  - (i) one representative of non-union craft, trade, or apprenticeship programs that prepare workers for employment in career and technical education fields, appointed by the governor with the consent of the Senate; and
  - (j) the executive director of the Governor's Office of Economic Development or the executive director's designee.
- (3)
- (a) Beginning on July 1, 2019, the board of trustees is composed of 15 voting members appointed by the governor with the consent of the Senate, as follows:

- (i) one member representing each applied technology college, selected from at least two nominees presented to the governor by the board of directors of each applied technology college; and
- (ii) one member representing each of the following sectors:
  - (A) information technology;
  - (B) manufacturing;
  - (C) life sciences;
  - (D) health care;
  - (E) transportation;
  - (F) union craft, trade, or apprenticeship; and
  - (G) non-union craft, trade, or apprenticeship.
- (b) The seven members described in Subsection (3)(a)(ii) shall be selected from the state at large, subject to the following conditions:
  - (i) at least four members shall reside in a geographic area served by an applied technology college described in Section 53B-2a-105; and
  - (ii) no more than two members may reside in a single geographic area served by an applied technology college described in Section 53B-2a-105.
- (c)
  - (i) In addition to the 15 voting members described in Subsection (3)(a), one member of the Board of Regents, appointed by the chair of the Board of Regents, shall serve as a nonvoting member of the board of trustees.
  - (ii) The nonvoting member from the Board of Regents is not subject to the term limit described in Subsection (5)(b).
- (d) The governor shall make appointments to the board of trustees on a nonpartisan basis.
- (4)
  - (a) Except as provided in Subsection (4)(d), to transition from the composition of the board of trustees described in Subsection (2) to the composition described in Subsection (3), for a member who was appointed to the board of trustees on or before May 10, 2016, the governor shall appoint a replacement:
    - (i) when the member's current term expires, for a member who, on May 10, 2016, has served less than two consecutive full terms on the board of trustees; or
    - (ii) on May 10, 2016, for a member who, on May 10, 2016, has served two or more consecutive full terms on the board of trustees.
  - (b) In replacing a member who was appointed under Subsection (2)(c), the governor shall appoint a member to represent the applied technology college represented by the member whose term expires by:
    - (i) soliciting the applied technology college's board of directors to nominate at least two individuals for the position; and
    - (ii) selecting from the nominees presented.
  - (c) In replacing a member who was appointed under Subsections (2)(d) through (2)(j), the governor shall appoint a new member at large, ensuring representation from the sectors described in Subsection (3)(a)(ii).
  - (d)
    - (i) A member appointed under Subsection (2)(a) shall remain on the board of trustees until June 30, 2019.
    - (ii) A member appointed under Subsection (2)(b) may remain on the board following the transition to the board composition described in Subsection (3).
  - (e) In making an appointment under this Subsection (4), the governor:

- (i) shall appoint a member on a nonpartisan basis; and
  - (ii) may not reappoint the member who is being replaced if the member has served on the board of trustees for at least two consecutive full terms.
- (5)
- (a)
    - (i) Except as provided under Subsection (5)(a)(ii), a member shall be appointed commencing on July 1 of each odd-numbered year to a four-year term.
    - (ii) The governor shall ensure that member terms are staggered so that approximately one-half of the members' terms expire in any odd-numbered year.
  - (b) A member may not hold office for more than two consecutive full terms.
- (6) When a vacancy occurs on the board of trustees for any reason, the governor shall appoint a replacement for the unexpired term.
- (7)
- (a) Each member shall take the official oath of office prior to assuming the office.
  - (b) The oath shall be filed with the Division of Archives and Records Services.
- (8)
- (a) The board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.
  - (b) A member may not serve more than two consecutive terms as the chair or vice chair.
- (9)
- (a) The board of trustees shall enact bylaws for the board of trustees' own government, including provisions for regular meetings.
  - (b)
    - (i) The board of trustees shall provide for an executive committee in the board of trustees' bylaws.
    - (ii) The executive committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.
    - (iii) The executive committee may act on nonroutine matters only under extraordinary and emergency circumstances.
    - (iv) The executive committee shall report its activities to the board of trustees at the board of trustees' next regular meeting following the executive committee's action.
- (10) A quorum shall be required to conduct business which shall consist of a majority of voting board of trustee members.
- (11) The board of trustees may establish advisory committees.
- (12) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 236, 2016 General Session

**53B-2a-104 Utah College of Applied Technology Board of Trustees -- Powers and duties.**

- (1) The Utah College of Applied Technology Board of Trustees is vested with the control, management, and supervision of applied technology colleges within the Utah College of Applied Technology in a manner consistent with the policy and purpose of this title and the specific powers and responsibilities granted to the board of trustees.
- (2) The board of trustees shall:

- (a) ensure that an applied technology college complies with the requirements in Section 53B-2a-106;
  - (b) appoint the commissioner of technical education in accordance with Section 53B-2a-102;
  - (c) advise the commissioner of technical education and the State Board of Regents on issues related to career and technical education, including articulation with institutions of higher education and public education;
  - (d) ensure that a secondary student in the public education system has access to career and technical education through an applied technology college in the secondary student's service region;
  - (e) in consultation with the State Board of Education, the State Board of Regents, and applied technology college presidents, develop strategies for providing career and technical education in rural areas, considering distances between rural career and technical education providers;
  - (f) receive budget requests from each applied technology college, compile and prioritize the requests, and submit the request to:
    - (i) the Legislature; and
    - (ii) the Governor's Office of Management and Budget;
  - (g) receive funding requests pertaining to capital facilities and land purchases from each applied technology college, ensure that the requests comply with Section 53B-2a-112, prioritize the requests, and submit the prioritized requests to the State Building Board;
  - (h) in conjunction with the commissioner of technical education, establish benchmarks, provide oversight, evaluate program performance, and obtain independent audits to ensure that an applied technology college follows the non-credit career and technical education mission described in this part;
  - (i) approve programs for the Utah College of Applied Technology;
  - (j) approve the tuition rates for applied technology colleges within the Utah College of Applied Technology;
  - (k) prepare and submit an annual report detailing the board of trustees' progress and recommendations on career and technical education issues to the governor and to the Legislature's Education Interim Committee by October 31 of each year, which shall include information detailing:
    - (i) how the career and technical education needs of secondary students are being met, including what access secondary students have to programs offered at applied technology colleges;
    - (ii) how the emphasis on high demand, high wage, and high skill jobs in business and industry described in Section 53B-2a-106 is being provided;
    - (iii) performance outcomes, including:
      - (A) entered employment;
      - (B) job retention; and
      - (C) earnings; and
    - (iv) student tuition and fees; and
  - (l) collaborate with the State Board of Regents, the State Board of Education, the state system of public education, the state system of higher education, the Department of Workforce Services, and the Governor's Office of Economic Development on the delivery of career and technical education.
- (3) The board of trustees, the commissioner of technical education, or an applied technology college, president, or board of directors may not conduct a feasibility study or perform another act relating to offering a degree or awarding credit.

Amended by Chapter 236, 2016 General Session

**53B-2a-105 Utah College of Applied Technology -- Composition.**

The Utah College of Applied Technology is composed of the following applied technology colleges:

- (1) Bridgerland Applied Technology College, which serves the geographic area encompassing:
  - (a) the Box Elder School District;
  - (b) the Cache School District;
  - (c) the Logan School District; and
  - (d) the Rich School District;
- (2) Ogden-Weber Applied Technology College, which serves the geographic area encompassing:
  - (a) the Ogden City School District; and
  - (b) the Weber School District;
- (3) Davis Applied Technology College, which serves the geographic area encompassing:
  - (a) the Davis School District; and
  - (b) the Morgan School District;
- (4) Tooele Applied Technology College, which serves the geographic area encompassing the Tooele County School District;
- (5) Mountainland Applied Technology College, which serves the geographic area encompassing:
  - (a) the Alpine School District;
  - (b) the Nebo School District;
  - (c) the Provo School District;
  - (d) the South Summit School District;
  - (e) the North Summit School District;
  - (f) the Wasatch School District; and
  - (g) the Park City School District;
- (6) Uintah Basin Applied Technology College, which serves the geographic area encompassing:
  - (a) the Daggett School District;
  - (b) the Duchesne School District; and
  - (c) the Uintah School District;
- (7) Southwest Applied Technology College, which serves the geographic area encompassing:
  - (a) the Beaver School District;
  - (b) the Garfield School District;
  - (c) the Iron School District; and
  - (d) the Kane School District; and
- (8) Dixie Applied Technology College, which serves the geographic area encompassing the Washington School District.

Amended by Chapter 236, 2016 General Session

**53B-2a-106 Applied technology colleges -- Duties.**

- (1) Each applied technology college within the Utah College of Applied Technology shall, within the geographic area served by the applied technology college:
  - (a) offer a non-credit post-secondary and secondary career and technical education curriculum;
  - (b) offer that curriculum at:
    - (i) low cost to adult students, as approved by the board of trustees; and
    - (ii) no tuition to secondary students;
  - (c) provide career and technical education that will result in:

- (i) appropriate licensing, certification, or other evidence of completion of training; and
- (ii) qualification for specific employment, with an emphasis on high demand, high wage, and high skill jobs in business and industry;
- (d) develop cooperative agreements with school districts, charter schools, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of instructional facilities within the geographic area served by the applied technology college; and
- (e) after consulting with school districts and charter schools within the geographic area served by the applied technology college:
  - (i) ensure that secondary students in the public education system have access to career and technical education at the applied technology college; and
  - (ii) prepare and submit an annual report to the board of trustees detailing:
    - (A) how the career and technical education needs of secondary students within the region are being met;
    - (B) what access secondary students within the region have to programs offered at the applied technology college;
    - (C) how the emphasis on high demand, high wage, high skill jobs in business and industry described in Subsection (1)(c)(ii) is being provided; and
    - (D) student tuition and fees.
- (2) An applied technology college may offer:
  - (a) a competency-based high school diploma approved by the State Board of Education in accordance with Section 53A-1-402;
  - (b) non-credit, basic instruction in areas such as reading, language arts, and mathematics that are necessary for student success in a chosen career and technical education or job-related program;
  - (c) non-credit courses of interest when similar offerings to the community are limited and courses are financially self-supporting; and
  - (d) secondary school level courses through the Statewide Online Education Program in accordance with Section 53A-15-1205.
- (3) Except as provided in Subsection (2)(d), an applied technology college may not:
  - (a) offer courses other than non-credit career and technical education or the non-credit, basic instruction described in Subsections (2)(b) and (c);
  - (b) offer a degree;
  - (c) offer career and technical education or basic instruction outside the geographic area served by the applied technology college without a cooperative agreement between an affected institution, except as provided in Subsection (6);
  - (d) provide tenure or academic rank for its instructors; or
  - (e) participate in intercollegiate athletics.
- (4) The mission of an applied technology college is limited to non-credit career and technical education and may not expand to include credit-based academic programs typically offered by community colleges or other institutions of higher education.
- (5) An applied technology college shall be recognized as a member applied technology college of the Utah College of Applied Technology, and regional affiliation shall be retained and recognized through local designations such as "Bridgerland Applied Technology College: A member applied technology college of the Utah College of Applied Technology."
- (6)

- (a) An applied technology college may offer career and technical education or basic instruction outside the geographic area served by the applied technology college without a cooperative agreement, as required in Subsection (3)(c), if:
  - (i) the career and technical education or basic instruction is specifically requested by:
    - (A) an employer; or
    - (B) a craft, trade, or apprenticeship program;
  - (ii) the applied technology college notifies the affected institution about the request; and
  - (iii) the affected institution is given an opportunity to make a proposal, prior to any contract being finalized or training being initiated by the applied technology college, to the employer, craft, trade, or apprenticeship program about offering the requested career and technical education or basic instruction, provided that the proposal shall be presented no later than one business week from the delivery of the notice described under Subsection (6)(a)(ii).
- (b) The requirements under Subsection (6)(a)(iii) do not apply if there is a prior training relationship.

Amended by Chapter 236, 2016 General Session

**53B-2a-107 Applied technology college presidents -- Appointments -- Duties.**

- (1)
  - (a) The board of trustees shall, after consultation with an applied technology college board of directors, appoint an applied technology college president for an applied technology college.
  - (b) The board of trustees shall establish a policy for appointing an applied technology college president that:
    - (i) requires the board of trustees to create a search committee that:
      - (A) shall include an equal number of board of trustee members and members from the applied technology college board of directors; and
      - (B) may include applied technology college faculty, students, or other individuals;
    - (ii) requires the search committee to seek nominations, interview candidates, and forward qualified candidates to the board of trustees for consideration;
    - (iii) provides for at least two members of the applied technology college board of directors to participate in board of trustees' interviews of finalists; and
    - (iv) provides for the board of trustees to vote to appoint an applied technology college president in a meeting that complies with Title 52, Chapter 4, Open and Public Meetings Act.
- (2)
  - (a) An applied technology college president shall serve as the chief administrative officer of the college campus.
  - (b) An applied technology college president does not need to have a doctorate degree, but shall have extensive experience in career and technical education.
  - (c) An applied technology college president is subject to regular review and evaluation administered by the board of trustees, in cooperation with the applied technology college board of directors, through a process approved by the board of trustees.
  - (d) An applied technology college president serves at the discretion of the board of trustees, in cooperation with the applied technology college board of directors.
  - (e) The board of trustees, in cooperation with an applied technology college board of directors, shall set the compensation for an applied technology college president.
- (3) An applied technology college president shall:
  - (a) serve as the executive officer of the applied technology college board of directors;
  - (b) administer the day-to-day operations of the applied technology college;

- (c) consult with the applied technology college board of directors; and
- (d) administer human resource policies and employee compensation plans in accordance with the requirements of the board of trustees.

Amended by Chapter 236, 2016 General Session

**53B-2a-108 Applied technology college boards of directors -- Membership -- Appointments.**

An applied technology college shall have an applied technology college board of directors appointed as follows:

- (1) the Bridgerland Applied Technology College Board of Directors shall be composed of the following 12 members:
  - (a) one elected local school board member appointed by the board of education for the Box Elder School District;
  - (b) one elected local school board member appointed by the board of education for the Cache School District;
  - (c) one elected local school board member appointed by the board of education for the Logan School District;
  - (d) one elected local school board member appointed by the board of education for the Rich School District;
  - (e) one member of the Utah State University board of trustees; and
  - (f) seven representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (1)(a) through (e);
- (2) the Ogden-Weber Applied Technology College Board of Directors shall be composed of the following 10 members:
  - (a) one elected local school board member appointed by the board of education for the Ogden City School District;
  - (b) one elected local school board member appointed by the board of education for the Weber School District;
  - (c) one member of the Weber State University board of trustees; and
  - (d) seven representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (2)(a) through (c);
- (3) the Davis Applied Technology College Board of Directors shall be composed of the following 10 members:
  - (a) one elected local school board member appointed by the board of education for the Davis School District;
  - (b) one elected local school board member appointed by the board of education for the Morgan School District;
  - (c) one member of the Weber State University board of trustees; and
  - (d) seven representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (3)(a) through (c);
- (4) the Tooele Applied Technology College Board of Directors shall be composed of the following 12 members:
  - (a) one elected local school board member appointed by the board of education for the Tooele County School District;
  - (b) one member of the Utah State University board of trustees; and
  - (c) 10 representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (4)(a) and (b);

- (5) the Mountainland Applied Technology College Board of Directors shall be composed of the following 18 members:
  - (a) one elected local school board member appointed by the board of education for the Alpine School District;
  - (b) one elected local school board member appointed by the board of education for the Nebo School District;
  - (c) one elected local school board member appointed by the board of education for the Provo School District;
  - (d) one elected local school board member appointed by the board of education for the South Summit School District;
  - (e) one elected local school board member appointed by the board of education for the North Summit School District;
  - (f) one elected local school board member appointed by the board of education for the Wasatch School District;
  - (g) one elected local school board member appointed by the board of education for the Park City School District;
  - (h) one member of the Utah Valley University board of trustees; and
  - (i) 10 representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (5)(a) through (h);
- (6) the Uintah Basin Applied Technology College Board of Directors shall be composed of the following 10 members:
  - (a) one elected local school board member appointed by the board of education for the Daggett School District;
  - (b) one elected local school board member appointed by the board of education for the Duchesne School District;
  - (c) one elected local school board member appointed by the board of education for the Uintah School District;
  - (d) one member of the Utah State University board of trustees; and
  - (e) six representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (6)(a) through (d);
- (7) the Southwest Applied Technology College Board of Directors shall be composed of the following 12 members:
  - (a) one elected local school board member appointed by the board of education for the Beaver School District;
  - (b) one elected local school board member appointed by the board of education for the Garfield School District;
  - (c) one elected local school board member appointed by the board of education for the Iron School District;
  - (d) one elected local school board member appointed by the board of education for the Kane School District;
  - (e) one member of the Southern Utah University board of trustees; and
  - (f) seven representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (7)(a) through (e);
- (8) the Dixie Applied Technology College Board of Directors shall be composed of the following 10 members:
  - (a) one elected local school board member appointed by the board of education for the Washington School District;
  - (b) one member of the Dixie State University board of trustees; and

- (c) eight representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (8)(a) and (b); and
- (9) the representatives of business or industry employers shall be:
  - (a) appointed jointly by the designated members from a list of names provided by local organizations or associations whose members employ workers with career and technical education;
  - (b) individuals recognized for their knowledge and expertise;
  - (c) individuals who represent current and emerging business and industry sectors of the state; and
  - (d) appointed on a nonpartisan basis.

Amended by Chapter 236, 2016 General Session

**53B-2a-109 Applied technology college boards of directors -- Terms -- Quorum -- Chair-- Compensation.**

- (1)
  - (a) At the first meeting of an applied technology college board of directors after July 1, 2009:
    - (i) the representatives from the local school boards shall divide up their positions so that approximately half of them serve for two-year terms and half serve for four-year terms; and
    - (ii) the representatives from business and industry employers shall divide up their positions so that approximately half of them serve for two-year terms and half serve for four-year terms.
  - (b) Except as provided in Subsection (1)(a), individuals appointed to an applied technology college board of directors shall serve four-year terms.
- (2) The original appointing authority shall fill any vacancies that occur on an applied technology college board of directors.
- (3) A majority of an applied technology college board of directors is a quorum.
- (4) An applied technology college board of directors shall elect a chair from its membership.
- (5) A member of an applied technology college board of directors may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (6)
  - (a) An applied technology college board of directors may enact bylaws for the applied technology college's own government, including provision for regular meetings, that are in accordance with the policies of the board of trustees.
  - (b)
    - (i) An applied technology college board of directors may provide for an executive committee in the applied technology college board of directors' bylaws.
    - (ii) If established, an executive committee shall have the full authority of the applied technology college board of directors to act upon routine matters during the interim between board meetings.
    - (iii) An executive committee may act on nonroutine matters only under extraordinary and emergency circumstances.
    - (iv) An executive committee shall report the executive committee's activities to the applied technology college board of directors at the applied technology college board of directors' next regular meeting following the action.

(7) An applied technology college board of directors may establish advisory committees.

Amended by Chapter 236, 2016 General Session

**53B-2a-110 Applied technology college board of directors' powers and duties.**

- (1) An applied technology college board of directors shall:
- (a) assist the applied technology college president in preparing a budget request for the applied technology college's annual operations to the board of trustees;
  - (b) after consulting with the board of trustees, other higher education institutions, school districts, and charter schools within the applied technology college's region, prepare a comprehensive strategic plan for delivering career and technical education within the region;
  - (c) consult with business, industry, the Department of Workforce Services, the Governor's Office of Economic Development, and the Governor's Office of Management and Budget on an ongoing basis to determine what workers and skills are needed for employment in Utah businesses and industries;
  - (d) develop programs based upon the information gathered in accordance with Subsection (1)(c), including expedited program approval and termination procedures to meet market needs;
  - (e) adopt an annual budget and fund balances;
  - (f) develop policies for the operation of career and technical education facilities under the applied technology college board of directors' jurisdiction;
  - (g) establish human resources and compensation policies for all employees in accordance with policies of the board of trustees;
  - (h) approve credentials for employees and assign employees to duties in accordance with board of trustees policies and accreditation guidelines;
  - (i) conduct annual program evaluations;
  - (j) appoint program advisory committees and other advisory groups to provide counsel, support, and recommendations for updating and improving the effectiveness of training programs and services;
  - (k) approve regulations, both regular and emergency, to be issued and executed by the applied technology college president;
  - (l) coordinate with local school boards, school districts, and charter schools to meet the career and technical education needs of secondary students; and
  - (m) develop policies and procedures for the admission, classification, instruction, and examination of students in accordance with the policies and accreditation guidelines of the board of trustees and the State Board of Education.
- (2) Subsection (1)(g) does not apply to an applied technology college president.
- (3) An applied technology college board of directors may not exercise jurisdiction over career and technical education provided by a school district or charter school or provided by a higher education institution independently of an applied technology college.
- (4) If a program advisory committee or other advisory group submits a printed recommendation to an applied technology college board of directors, the applied technology college board of directors shall acknowledge the recommendation with a printed response that explains the applied technology college board of directors' action regarding the recommendation and the reasons for the action.

Amended by Chapter 236, 2016 General Session

**53B-2a-111 Board of Trustees -- Consultation with State Board of Regents.**

The Utah College of Applied Technology Board of Trustees shall consult with the State Board of Regents to coordinate the delivery of career and technical education.

Amended by Chapter 346, 2009 General Session

**53B-2a-112 Applied technology colleges -- Relationships with other public and higher education institutions -- Agreements -- Priorities -- New capital facilities.**

- (1) As used in this section, "higher education institution" means, for each applied technology college, the higher education institution designated in Section 53B-2a-108 that has a representative on the applied technology college's board of directors.
- (2) An applied technology college shall avoid any unnecessary duplication of career and technical education instructional facilities, programs, administration, and staff between the applied technology college and other public and higher education institutions.
- (3) An applied technology college may enter into agreements:
  - (a) with other higher education institutions to cultivate cooperative relationships;
  - (b) with other public and higher education institutions to enhance career and technical education within its region; or
  - (c) to comply with Subsection (2).
- (4) Before an applied technology college develops new instructional facilities, the applied technology college shall give priority to:
  - (a) maintaining the applied technology college's existing instructional facilities for both secondary and adult students;
  - (b) coordinating with the president of a higher education institution and entering into any necessary agreements to provide career and technical education to both secondary and adult students that:
    - (i) maintain and support existing higher education career and technical education programs; and
    - (ii) maximize the use of existing higher education facilities; and
  - (c) developing cooperative agreements with school districts, charter schools, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of career and technical education instructional facilities for both secondary and adult students.
- (5)
  - (a) Before submitting a funding request pertaining to new capital facilities and land purchases to the board of trustees, an applied technology college shall:
    - (i) ensure that all available instructional facilities are maximized in accordance with Subsections (4)(a) through (c); and
    - (ii) coordinate the request with the president of a higher education institution, if applicable.
  - (b) The State Building Board shall make a finding that the requirements of this section are met before the State Building Board may consider a funding request from the board of trustees pertaining to new capital facilities and land purchases.
  - (c) An applied technology college may not construct, approve the construction of, plan for the design or construction of, or consent to the construction of a career and technical education facility without approval of the Legislature.
- (6) Before acquiring new fiscal and administrative support structures, an applied technology college shall:

- (a) review the use of existing public or higher education administrative and accounting systems, financial record systems, and student and financial aid systems for the delivery of career and technical education in the region;
- (b) determine whether it is feasible to use those existing systems; and
- (c) with the approval of the applied technology college board of directors and the board of trustees, use those existing systems.

Amended by Chapter 236, 2016 General Session

**53B-2a-113 Applied technology colleges -- Leasing authority -- Lease-purchase agreements -- Report.**

- (1) In accordance with Subsection 53B-2a-112(2), an applied technology college may enter into a lease with other higher education institutions, school districts, charter schools, state agencies, or business and industry for a term of:
  - (a) one year or less with the approval of the applied technology college board of directors; and
  - (b) more than one year with the approval of the board of trustees and:
    - (i) the approval of funding for the lease by the Legislature prior to an applied technology college entering into the lease; or
    - (ii) the lease agreement includes language that allows termination of the lease without penalty.
- (2)
  - (a) In accordance with Subsection 53B-2a-112(2), an applied technology college may enter into a lease-purchase agreement if:
    - (i) there is a long-term benefit to the state;
    - (ii) the project is included in both the applied technology college and Utah College of Applied Technology master plans;
    - (iii) the lease-purchase agreement includes language that allows termination of the lease;
    - (iv) the lease-purchase agreement is approved by the applied technology college board of directors and the board of trustees; and
    - (v) the lease-purchase agreement is:
      - (A) reviewed by the Division of Facilities Construction and Management;
      - (B) reviewed by the State Building Board; and
      - (C) approved by the Legislature.
  - (b) An approval under Subsection (2)(a) shall include a recognition of:
    - (i) all parties, dates, and elements of the agreement;
    - (ii) the equity or collateral component that creates the benefit; and
    - (iii) the options dealing with the sale and division of equity.
- (3)
  - (a) Each applied technology college shall provide an annual lease report to the board of trustees that details each of the applied technology college's leases, annual costs, location, square footage, and recommendations for lease continuation.
  - (b) The board of trustees shall compile and distribute an annual combined lease report for all applied technology colleges to the Division of Facilities Construction and Management and to others upon request.
- (4) The board of trustees shall use the annual combined lease report in determining planning, utilization, and budget requests.

Amended by Chapter 236, 2016 General Session

**53B-2a-114 Educational program on the use of information technology.**

- (1) The Utah College of Applied Technology shall offer an educational program on the use of information technology as provided in this section.
- (2) An educational program on the use of information technology shall:
  - (a) provide instruction on skills and competencies essential for the workplace and requested by employers;
  - (b) include the following components:
    - (i) a curriculum;
    - (ii) online access to the curriculum;
    - (iii) instructional software for classroom and student use;
    - (iv) certification of skills and competencies most frequently requested by employers;
    - (v) professional development for faculty; and
    - (vi) deployment and program support, including integration with existing curriculum standards; and
  - (c) be made available to students, faculty, and staff of the Utah College of Applied Technology.

Enacted by Chapter 181, 2012 General Session