

1 **ENHANCEMENTS TO THE STATE SYSTEMS**
2 **OF PUBLIC AND HIGHER EDUCATION**

3 2001 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Lyle W. Hillyard**

6 **This act modifies provisions related to the state systems of public and higher education by**
7 **establishing an engineering and computer science initiative within the state system of higher**
8 **education and a job enhancement program for secondary teachers in mathematics, physics,**
9 **chemistry, physical science, and information technology within the public education system.**
10 **The act identifies components of the higher education initiative to include increasing**
11 **program capacity, providing supplemental monies for equipment purchases, and providing**
12 **incentives. The act provides for a \$10,550,000 appropriation to fund the engineering and**
13 **computer science initiative and a \$19,000,000 appropriation to fund the Public Education**
14 **Job Enhancement Program. The act has a split effective date of May 1, 2001, and July 1,**
15 **2001.**

16 This act affects sections of Utah Code Annotated 1953 as follows:

17 ENACTS:

18 **53A-1a-601**, Utah Code Annotated 1953

19 **53A-1a-602**, Utah Code Annotated 1953

20 **53B-6-105**, Utah Code Annotated 1953

21 **53B-6-105.5**, Utah Code Annotated 1953

22 **53B-6-105.7**, Utah Code Annotated 1953

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

24 Section 1. Section **53A-1a-601** is enacted to read:

25 **Part 6. Public Education Job Enhancement Program**

26 **53A-1a-601. Job enhancements for secondary teachers.**

27 (1) In conjunction with the Engineering and Computer Science Initiative provided for in

28 Section 53B-6-105, there is established a Public Education Job Enhancement Program to attract
29 and retain highly qualified secondary teachers in mathematics, physics, chemistry, physical
30 science, and information technology.

31 (2) The program shall provide for the following:

32 (a) application by a school district superintendent or the principal of a secondary school
33 on behalf of a qualified teacher;

34 (b) an award of up to \$20,000 to be given to selected secondary school teachers on a
35 competitive basis:

36 (i) whose applications are approved under Subsection 53A-1a-602(4); and

37 (ii) who teach in the state's public education system for four years in the areas identified
38 in Subsection (1);

39 (c) payment of the award in two installments, with an initial payment of up to \$10,000 at
40 the beginning of the term and up to \$10,000 at the conclusion of the term;

41 (d) repayment of a portion of the initial payment by the teacher if the teacher fails to
42 complete two years of the four-year teaching term as provided by rule of the State Board of
43 Education in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, unless
44 waived for good cause; and

45 (e) nonpayment of the second installment if the teacher fails to complete the four-year
46 teaching term.

47 Section 2. Section **53A-1a-602** is enacted to read:

48 **53A-1a-602. Job Enhancement Committee -- Composition -- Duties -- Appropriation.**

49 (1) There is created a Job Enhancement Committee to implement and administer the public
50 education job enhancement program established in Section 53A-1a-601.

51 (2) (a) The committee shall consist of:

52 (i) two members of the State Board of Education, selected by the board;

53 (ii) two members of the State Board of Regents selected by the board; and

54 (iii) three members of the general public who have business experience in mathematics,
55 physics, chemistry, physical science, or information technology selected by the governor.

56 (b) Committee members shall receive no compensation or benefits for their service on the
57 committee, but may receive per diem and expenses incurred in the performance at rates established
58 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

59 (3) (a) The committee shall receive and review applications submitted for participation in
60 the job enhancement program established under Section 53A-1a-601.

61 (b) In reviewing applications, the committee shall focus on:

62 (i) the prioritized critical areas of need identified under Subsection (4)(a); and

63 (ii) the awards being made on a competitive basis.

64 (c) If the committee approves an application received under Subsection (3)(a) it shall
65 contract directly with the teacher applicant to receive the award, subject to Subsection
66 53A-1a-601(2).

67 (d) The State Board of Education, through the superintendent of public instruction, shall
68 provide staff support for the committee and adequate and reliable data on the state's supply of and
69 demand for qualified secondary teachers in the subjects listed in Subsection 53A-1a-601(1).

70 (4) The committee shall make a rule in accordance with Title 63, Chapter 46a, Utah
71 Administrative Rulemaking Act, establishing policies and procedures for:

72 (a) making the awards in accordance with prioritized critical areas of need as determined
73 by the committee;

74 (b) timelines for the submission and approval of applications under Subsection (3); and

75 (c) the distribution of the awards to successful applicants based on available monies
76 provided by legislative appropriation.

77 (5) The Legislature shall make an annual appropriation to the State Board of Education
78 to fund the job enhancement program established under Section 53a-1a-601.

79 (6) The committee shall make an annual report to the Legislature through the Education
80 Interim committee, the governor, the State Board of Education, and the State Board of Regents on
81 the status of the program, together with any recommendations for modification, expansion, or
82 termination of the program.

83 Section 3. Section **53B-6-105** is enacted to read:

84 **53B-6-105. Engineering and computer technology initiative.**

85 (1) The Legislature recognizes that a significant increase in the number of engineering,
86 computer science, and related technology graduates from the state system of higher education is
87 required over the next several years to advance the intellectual, cultural, social, and economic
88 well-being of the state and its citizens.

89 (2) (a) (i) The State Board of Regents shall therefore develop, establish, and maintain an

90 Engineering and Computer Science Initiative within the state system of higher education to double
91 the number of graduates in engineering, computer science, and related technology by 2006 and
92 triple the number of graduates by 2009.

93 (ii) The board shall make a rule in accordance with Title 63, Chapter 46a, Utah
94 Administrative Rulemaking Act, providing the criteria for those fields of study that qualify as
95 "related technology" under this section and Sections 53B-6-105.5 and 53B-6-105.7.

96 (b) The initiative shall include components that:

97 (i) for the 2002 fall semester, increase program capacity by doubling the number of
98 incoming freshman and the number of students in engineering, computer science, and related
99 technology going from lower to upper division course work;

100 (ii) improve the quality of instructional programs in engineering, computer science, and
101 related technology by providing supplemental monies for equipment purchases; and

102 (iii) provide incentives to:

103 (A) students through a loan and loan forgiveness program under Section 53B-6-105.5; and

104 (B) institutions to hire and retain faculty under Section 53B-6-105.7.

105 (3) The increase in program capacity under Subsections (2)(a) and (b)(i) shall include
106 funding for new and renovated capital facilities and funding for new engineering and computer
107 science programs.

108 (4) The Legislature shall provide an annual appropriation to fund the initiative as a budget
109 line item for the State Board of Regents.

110 Section 4. Section **53B-6-105.5** is enacted to read:

111 **53B-6-105.5. Initiative student loan and loan forgiveness program.**

112 (1) (a) There is established an engineering, computer science, and related technology
113 student loan program as a component of the initiative created in Section 53B-6-105.

114 (b) The program is established to recruit and train engineering, computer science, and
115 related technology students to assist in providing for and advancing the intellectual and economic
116 welfare of the state.

117 (2) (a) The board:

118 (i) may make rules for the overall administration of the program in accordance with Title
119 63, Chapter 46a, Utah Administrative Rulemaking Act; and

120 (ii) shall administer the program consistent with the general student loan provisions

121 outlined in Title 53B.

122 (b) The board shall also use the following policies and procedures in administering the
123 student loan program:

124 (i) students may use their loans at any institution within the state system of higher
125 education that offers an engineering, computer science, or related technology baccalaureate degree;

126 (ii) loans shall be given to students who declare an intent to complete a prescribed course
127 of instruction in one of the areas referred to in Subsection (2)(b)(i) and to work in the state for a
128 period of four years after graduation;

129 (iii) a loan may be cancelled at any time by the institution of attendance, if the student fails
130 to make reasonable progress towards obtaining the baccalaureate degree or there appears to be a
131 reasonable certainty that the student does not intend to work in the state upon graduation, and the
132 board shall require repayment together with interest; and

133 (iv) (A) a loan recipient who does not work in the state for a term equal to the number of
134 years of the loan within a reasonable period of time after graduation shall repay a graduated portion
135 of the loan based upon the uncompleted term together with appropriate interest, unless waived for
136 good cause; and

137 (B) one year of employment as an engineer or in the field of computer science or related
138 technologies is credit for a one-year loan for tuition and fees.

139 (3) The Legislature shall make an annual appropriation to the board to fund the student
140 loan program created in this section.

141 Section 5. Section **53B-6-105.7** is enacted to read:

142 **53B-6-105.7. Incentive program for engineering, computer science, and related**
143 **technology faculty.**

144 (1) The Legislature shall provide an annual appropriation to help fund the faculty incentive
145 component of the engineering and computer science initiative established under Subsection
146 53B-6-105(2)(b)(iii)(B).

147 (2) The appropriation shall be used to hire, recruit, and retain outstanding faculty in
148 engineering, computer science, and related technology fields under guidelines established by the
149 State Board of Regents.

150 (3) (a) State institutions of higher education shall match the appropriation on a one-to-one
151 basis in order to qualify for state monies appropriated under Subsection (1).

- 152 (b) (i) Qualifying institutions shall annually report their matching dollars to the board.
- 153 (ii) The board shall make a summary report of the institutional matches to the Education
- 154 Interim Committee of the Legislature.
- 155 (4) The board shall make a rule in accordance with Title 63, Chapter 46a, Utah
- 156 Administrative Rulemaking Act, establishing policies and procedures to apply for and distribute
- 157 the state appropriation to qualifying institutions.

158 **Section 6. Appropriation.**

159 (1) For fiscal year 2001-02, there is appropriated from the following sources to the State
160 Board of Regents the following amounts for the following purposes:

161 (a) \$5,000,000 of income tax revenues for the faculty incentive program established under
162 Section 53B-6-105.7;

163 (b) \$550,000 of income tax revenues for new engineering and computer science programs
164 at higher education institutions to increase program capacity under the engineering and computer
165 science initiative as provided in Subsection 53B-6-105(2)(b)(i);

166 (c) a one-time appropriation of \$4,200,000 of income tax revenues for equipment
167 purchases to improve the quality of instructional programs under the engineering and computer
168 science initiative as provided in Subsection 53B-6-105(2)(b)(ii); and

169 (d) a one-time appropriation of \$800,000 of income tax revenues to capitalize the student
170 loan program established under Section 53B-6-105.5.

171 (2) (a) For fiscal year 2001-02, there is appropriated from the Uniform School Fund to the
172 State Board of Education \$2,400,000 to help fund the Public Education Job Enhancement Program
173 as required under Subsection 53A-1a-602(4)(a).

174 (b) For fiscal year 2000-01, there is appropriated from the Uniform School Fund to the
175 State Board of Education \$16,600,000 as a one-time supplemental appropriation to help fund the
176 Public Education Job Enhancement Program as required under Subsection 53A-1a-602(4)(a).

177 (3) The appropriations under Subsections (1) and (2) are nonlapsing.

178 **Section 7. Effective date.**

179 This act takes effect on July 1, 2001 except that Subsection (2)(b) of the Appropriation
180 Section 6 takes effect May 1, 2001.

Legislative Review Note
as of 1-10-01 1:05 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel