

1                                   **APPLIED TECHNOLOGY EDUCATION**

2   **GOVERNANCE**

3   2001 FIRST SPECIAL SESSION

4   STATE OF UTAH

5   **Sponsor: Ron Bigelow**

6   **This act establishes a new applied technology education governance structure for Utah.**

7   **This act creates the Utah College of Applied Technology and regional applied technology**  
8   **colleges in Utah, establishes their governance structure, and defines their powers and duties.**

9   **This act defines the governing authority of the State Board of Regents with respect to the**

10 **Utah College of Applied Technology and its regional applied technology colleges. This act**

11 **creates the Utah College of Applied Technology Board of Trustees, establishes its**

12 **membership and meeting requirements, and defines its powers and duties. This act**

13 **establishes regional applied technology college boards, establishes their membership and**

14 **meeting requirements, and defines their powers and duties. This act establishes the offices**

15 **of the president of the Utah College of Applied Technology and the regional superintendents**

16 **and defines their appointments, powers, and duties. This act repeals the State Board for**

17 **Applied Technology and transfers most of its duties and responsibilities to the State Board**

18 **of Education. This act makes technical and conforming changes to other sections of the Utah**

19 **Code to make those sections consistent with the substantive provisions of this act. This act**

20 **establishes funding guidelines governing future legislative appropriations. This act repeals**

21 **superseded sections. This act takes effect September 1, 2001.**

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

23 **AMENDS:**

24           **53A-1-101**, as repealed and reenacted by Chapter 1, Laws of Utah 1995

25           **53A-1-402**, as last amended by Chapter 73, Laws of Utah 2001

26           **53A-8-102**, as last amended by Chapter 324, Laws of Utah 1999

27           **53A-15-202**, as last amended by Chapter 53, Laws of Utah 1992



- 28           **53A-15-205**, as last amended by Chapter 1, Laws of Utah 2000
- 29           **53A-17a-113 (Effective 07/01/01)**, as last amended by Chapter 335, Laws of Utah 2001
- 30           **53A-17a-116 (Effective 07/01/01)**, as last amended by Chapter 335, Laws of Utah 2001
- 31           **53A-24-102**, as last amended by Chapter 37, Laws of Utah 1996
- 32           **53A-24-103**, as last amended by Chapter 53, Laws of Utah 1992
- 33           **53B-1-102**, as last amended by Chapter 7, Laws of Utah 2000
- 34           **53B-1-103**, as last amended by Chapter 287, Laws of Utah 1995
- 35           **53B-1-104**, as enacted by Chapter 167, Laws of Utah 1987
- 36           **53B-2-104**, as last amended by Chapter 243, Laws of Utah 1996
- 37           **53B-2-106**, as last amended by Chapter 401, Laws of Utah 1998
- 38           **53B-6-101**, as last amended by Chapters 2 and 53, Laws of Utah 1992
- 39           **53B-16-102**, as last amended by Chapter 53, Laws of Utah 1992
- 40           **53B-16-205**, as enacted by Chapter 256, Laws of Utah 1998

41 ENACTS:

- 42           **53B-1-101.5**, Utah Code Annotated 1953
- 43           **53B-2a-101**, Utah Code Annotated 1953
- 44           **53B-2a-102**, Utah Code Annotated 1953
- 45           **53B-2a-103**, Utah Code Annotated 1953
- 46           **53B-2a-104**, Utah Code Annotated 1953
- 47           **53B-2a-105**, Utah Code Annotated 1953
- 48           **53B-2a-106**, Utah Code Annotated 1953
- 49           **53B-2a-107**, Utah Code Annotated 1953
- 50           **53B-2a-108**, Utah Code Annotated 1953
- 51           **53B-2a-109**, Utah Code Annotated 1953
- 52           **53B-2a-110**, Utah Code Annotated 1953
- 53           **53B-2a-111**, Utah Code Annotated 1953
- 54           **53B-2a-112**, Utah Code Annotated 1953

55 REPEALS:

- 56           **53A-1-501**, as last amended by Chapter 86, Laws of Utah 2001
- 57           **53A-1-502**, as last amended by Chapters 28 and 375, Laws of Utah 1997
- 58           **53A-15-201**, as last amended by Chapter 53, Laws of Utah 1992

59           **53A-15-202.5**, as enacted by Chapter 35, Laws of Utah 1999

60           **53A-15-203**, as last amended by Chapter 53, Laws of Utah 1992

61 This act enacts uncodified material.

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

63           Section 1. Section **53A-1-101** is amended to read:

64           **53A-1-101. State Board of Education -- Members.**

65           (1) Members of the State Board of Education shall be nominated and elected as provided  
66 in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

67           (2) (a) In addition to the members designated under Subsection (1), two members of the  
68 State Board of Regents, appointed by the chair of the State Board of Regents, shall serve as  
69 nonvoting members of the State Board of Education.

70           (b) A nonvoting member shall continue to serve as a member without a set term until the  
71 member is replaced by the chair of the State Board of Regents.

72           Section 2. Section **53A-1-402** is amended to read:

73           **53A-1-402. Board to establish minimum standards for public schools.**

74           (1) The State Board of Education shall establish rules and minimum standards for the  
75 public schools, to include:

76           (a) the qualification and certification of educators and ancillary personnel who provide  
77 direct student services, required school administrative and supervisory services, and evaluation of  
78 instructional personnel;

79           (b) access to programs, attendance, competency levels, graduation requirements, discipline  
80 and control, and health and safety requirements;

81           (c) school accreditation, the academic year, alternative and pilot programs, curriculum and  
82 instruction requirements, school libraries, and services to persons with a disability as defined by  
83 and covered under the Americans with Disabilities Act of 1990, 42 U.S.C. 12102; the  
84 Rehabilitation Act of 1973, 29 U.S.C. 705(20)(A); and the Individuals with Disabilities and  
85 Education Act, 20 U.S.C. 1401(3); and other special groups;

86           (d) requirements for school design, general educational specifications, school sites, and  
87 building accessibility;

88           (e) state reimbursed bus routes, bus safety and operational requirements, and other  
89 transportation needs; and

90 (f) school productivity and cost effectiveness measures, the minimum school program,  
91 school building aid, school lunch, driver education, federal programs, school budget formats, and  
92 financial, statistical, and student accounting requirements.

93 (2) The board shall determine ~~whether~~ if:

94 (a) the minimum standards have been met[;]; and ~~that~~

95 (b) required reports are properly submitted.

96 (3) The board may apply for, receive, administer, and distribute to eligible applicants funds  
97 made available through programs of the federal government.

98 (4) The board shall approve any competency-based high school diploma equivalent before  
99 any applied technology college may offer the diploma equivalent.

100 Section 3. Section **53A-8-102** is amended to read:

101 **53A-8-102. Definitions.**

102 As used in this chapter:

103 (1) "Career employee" means an employee of a school district who has obtained a  
104 reasonable expectation of continued employment based upon Section 53A-8-106 and an agreement  
105 with the employee or the employee's association, district practice, or policy.

106 (2) "Contract term" or "term of employment" means the period of time during which an  
107 employee is engaged by the school district under a contract of employment, whether oral or  
108 written.

109 (3) "Dismissal" or "termination" means:

110 (a) termination of the status of employment of an employee;

111 (b) failure to renew or continue the employment contract of a career employee beyond the  
112 then-current school year;

113 (c) reduction in salary of an employee not generally applied to all employees of the same  
114 category employed by the school district during the employee's contract term; or

115 (d) change of assignment of an employee with an accompanying reduction in pay, unless  
116 the assignment change and salary reduction are agreed to in writing.

117 (4) "Employee" means a career or provisional employee of a school district, but does not  
118 include:

119 (a) the district superintendent, or the equivalent at ~~[an applied technology center or]~~ the  
120 Schools for the Deaf and the Blind;

121 (b) the district business administrator or the equivalent at [~~an applied technology center~~  
 122 ~~or~~] the Schools for the Deaf and the Blind; or

123 (c) a temporary employee.

124 (5) "Provisional employee" means an individual, other than a career employee or a  
 125 temporary employee, who is employed by a school district.

126 (6) "School board" or "board" means a district school board or its equivalent at [~~an applied~~  
 127 ~~technology center or~~] the Schools for the Deaf and the Blind.

128 (7) "School district" or "district" means:

129 (a) a public school district; or

130 [~~(b) an applied technology center; or~~]

131 [~~(c)~~] (b) the Schools for the Deaf and the Blind.

132 (8) "Temporary employee" means an individual who is employed on a temporary basis as  
 133 defined by policies adopted by the local board of education. If the class of employees in question  
 134 is represented by an employee organization recognized by the local board, the board shall adopt  
 135 its policies based upon an agreement with that organization. Temporary employees serve at will  
 136 and have no expectation of continued employment.

137 Section 4. Section **53A-15-202** is amended to read:

138 **53A-15-202. Powers of the board.**

139 The State Board [~~for Applied Technology~~] of Education:

140 (1) shall establish minimum standards for applied technology programs in the public  
 141 education system;

142 (2) may apply for, receive, administer, and distribute funds made available through  
 143 programs of federal and state governments to promote and aid applied technology education;

144 (3) shall cooperate with federal and state governments to administer programs which  
 145 promote and maintain applied technology education;

146 [~~(4) shall appoint staff and establish their duties;~~]

147 [~~(5) shall fix staff compensation and pay their expenses from funds appropriated for this~~  
 148 ~~purpose; and~~]

149 [~~(6) shall perform other duties as required by law.~~]

150 (4) shall cooperate with the Utah College of Applied Technology to ensure that students  
 151 in the public education system have access to applied technology education in applied technology

152 colleges; and

153 (5) shall, after consulting with local school districts, prepare and submit an annual report  
154 to the governor and to the Legislature's Education Interim Committee by October 31 of each year  
155 detailing:

- 156 (a) how the applied technology education needs of secondary students are being met; and
- 157 (b) what access secondary students have to programs offered at applied technology  
158 colleges.

159 Section 5. Section **53A-15-205** is amended to read:

160 **53A-15-205. Disability Determination Services Advisory Council -- Membership --**  
161 **Duties -- Requirements for DDDS.**

162 (1) As used in this section, "council" means the Disability Determination Services  
163 Advisory Council [~~to the State Board for Applied Technology Education;~~] created in Subsection

164 (2).

165 (2) There is created the Disability Determination Services Advisory Council to act as an  
166 advisory council to the State Board [~~for Applied Technology~~] of Education regarding the Division  
167 of Disability Determination Services (D DDS)[;] established under Chapter 24, Part 5.

168 (3) The council is composed of the following members:

169 (a) the administrator of D DDS;

170 (b) a representative of the United States Department of Health and Human Services, Social  
171 Security Administration, appointed by the board; and

172 (c) nine persons, appointed by the board in accordance with Subsections (5) and (6), who  
173 represent a cross section of:

174 (i) persons with disabilities;

175 (ii) advocates for persons with disabilities;

176 (iii) health care providers;

177 (iv) representatives of allied state and local agencies; and

178 (v) representatives of the general public.

179 (4) The members appointed under Subsections (3)(a) and (3)(b) serve as nonvoting  
180 members of the council.

181 (5) In appointing the members described in Subsection (3)(c), the board shall:

182 (a) solicit nominations from organizations and agencies that represent the interests of

183 members described in that subsection; and

184 (b) make every effort to create a balance in terms of geography, sex, race, ethnicity, and  
185 type of both mental and physical disabilities.

186 (6) In making initial appointments of members described in Subsection (3)(c), the board  
187 shall appoint three members for two-year terms, three members for four-year terms, and three  
188 members for six-year terms. All subsequent appointments are for four years. The board shall fill  
189 any vacancy that occurs on the council for any reason by appointing a person for the unexpired  
190 term of the vacated member. Council members are eligible for one reappointment and serve until  
191 their successors are appointed.

192 (7) Five voting members of the council constitute a quorum. The action of a majority of  
193 a quorum represents the action of the council.

194 (8) Members of the council serve without compensation but may be reimbursed for  
195 expenses incurred in the performance of their official duties.

196 (9) The council shall annually elect a chairperson from among the membership described,  
197 and shall adopt bylaws governing its activities.

198 (10) The council shall:

199 (a) advise DDDS and the Social Security Administration regarding its practices and  
200 policies on the determination of claims for social security disability benefits;

201 (b) participate in the development of new internal practices and procedures of DDDS and  
202 [~~of the~~] policies of the Social Security Administration regarding the evaluation of disability claims;

203 (c) recommend changes to practices and policies to ensure that DDDS is responsive to  
204 disabled individuals;

205 (d) review the DDDS budget to ensure that it is adequate to effectively evaluate disability  
206 claims and to meet the needs of persons with disabilities who have claims pending with DDDS;  
207 and

208 (e) review and recommend changes to policies and practices of allied state and federal  
209 agencies, health care providers, and private community organizations.

210 (11) The council shall annually report to the board, the governor, and the Legislative  
211 Education and Health and Human Services Interim Committees regarding its activities.

212 (12) (a) To assist the council in its duties, DDDS shall provide the necessary staff  
213 assistance to enable the council to make timely and effective recommendations. [~~That~~]

- 214 (b) Staff assistance may include~~[- but is not limited to,];~~
- 215 (i) developing meeting agendas and minutes~~[-];~~
- 216 (ii) advising the chairpersons of the council regarding relevant items for council
- 217 discussion~~[-];~~ and
- 218 (iii) providing reports, documents, budgets, memorandums, statutes, and regulations
- 219 regarding the management of DDDS.

220 Section 6. Section **53A-17a-113 (Effective 07/01/01)** is amended to read:

221 **53A-17a-113 (Effective 07/01/01). Weighted pupil units for applied technology**  
 222 **education programs -- Funding of approved programs -- Performance measures --**  
 223 **Qualifying criteria.**

224 (1) There is appropriated to the State Board [~~for Applied Technology~~] of Education,  
 225 hereafter referred to in this section as the board, \$49,563,068 (23,423 weighted pupil units) to pay  
 226 the added instructional costs of approved applied technology education programs.

227 (a) Included in the appropriation is \$890,836 (421 weighted pupil units) for summer  
 228 applied technology agriculture programs.

229 (b) These monies are allocated to eligible recipients as provided in Subsections (2), (3),  
 230 and (4).

231 (c) Money appropriated under Subsection 53A-17a-113(1) and any money appropriated  
 232 for work-based education may not be used to fund programs below the ninth grade level.

233 (2) Weighted pupil units are computed for pupils in approved programs.

234 (a) The board shall fund approved programs based upon hours of membership of 9th  
 235 through 12th grade students.

236 (b) The board shall use an amount not to exceed 20% of the total appropriation under this  
 237 section to fund approved programs based on performance measures such as placement and  
 238 competency attainment defined in standards set by the board for districts to qualify for applied  
 239 technology funding.

240 (c) Leadership organization funds shall constitute an amount not to exceed 1% of the total  
 241 appropriation under this section, and shall be distributed to each local educational agency  
 242 sponsoring applied technology student leadership organizations in a ratio representing the agency's  
 243 share of the state's total membership in those organizations.

244 (d) The board shall make the necessary calculations for distribution of the appropriation



245 to school districts and may revise and recommend changes necessary for achieving equity and ease  
246 of administration.

247 (3) (a) Twenty weighted pupil units shall be computed for each district, or 25 weighted  
248 pupil units may be computed for each district that consolidates applied technology administrative  
249 services with one or more other districts.

250 (b) Between 10 and 25 weighted pupil units shall be computed for each high school  
251 conducting approved applied technology education programs in a district according to standards  
252 established by the board.

253 (c) Forty weighted pupil units shall be computed for each district that operates an approved  
254 district applied technology center.

255 (d) Between five and seven weighted pupil units shall be computed for each summer  
256 applied technology agriculture program according to standards established by the board.

257 (e) The board shall, by rule, establish qualifying criteria for districts to receive weighted  
258 pupil units under Subsection (3).

259 (4) (a) All monies allocated under Subsection (1) are computed by using average daily  
260 membership in approved programs for the previous year.

261 (b) A district that has experienced student growth in grades 9 through 12 for the previous  
262 year shall have the growth factor applied to the previous year's weighted pupil units when  
263 calculating the allocation of monies under this subsection.

264 (5) (a) The board shall establish rules for the upgrading of high school applied technology  
265 education programs.

266 (b) The rules shall reflect technical training and actual marketable job skills in society.

267 (c) The rules shall include procedures to assist school districts to convert existing  
268 programs which are not preparing students for the job market into programs that will accomplish  
269 that purpose.

270 (6) Programs that do not meet board standards may not be funded under this section.

271 Section 7. Section **53A-17a-116 (Effective 07/01/01)** is amended to read:

272 **53A-17a-116 (Effective 07/01/01). Weighted pupil units for applied technology**  
273 **set-aside programs.**

274 (1) There is appropriated to the State Board [~~for Applied Technology~~] of Education  
275 \$2,092,724 (989 weighted pupil units) for an applied technology set-aside program.

276 (2) Applied technology set-aside funds appropriated to the board are allocated by Request  
277 for Proposal (RFP) to provide a district minimum payment for applied technology education.

278 (3) Each district shall receive a guaranteed minimum allocation.

279 (4) The set-aside funds remaining after the initial minimum payment allocation are  
280 distributed by an RFP process to help pay for equipment costs necessary to initiate new programs  
281 and for high priority programs as determined by labor market information.

282 Section 8. Section **53A-24-102** is amended to read:

283 **53A-24-102. Definitions.**

284 As used in this chapter:

285 (1) "Board" means the [Utah] State Board [~~for Applied Technology~~] of Education.

286 (2) "DDDS" means the Division of Disability Determination Services.

287 (3) "Disability" means a physical or mental condition which materially limits, contributes  
288 to limiting, or, if not corrected, will probably result in materially limiting an individual's activities  
289 or functioning.

290 (4) "DRS" means the Division of Rehabilitation Services.

291 (5) "DSBVI" means the Division of Services for the Blind and Visually Impaired.

292 (6) "DSDHH" means the Division of Services to the Deaf and Hard of Hearing.

293 (7) "Eligible individual" means an individual determined to be eligible to receive services  
294 under laws or rules governing eligibility for the program in question.

295 (8) "Executive director" means the executive director of the Utah State Office of  
296 Rehabilitation.

297 (9) "Independent living rehabilitation services" means goods and services reasonably  
298 necessary to enable an individual with a severe disability to maintain or increase functional  
299 independence.

300 (10) "Office" means the Utah State Office of Rehabilitation.

301 (11) "Vocational rehabilitation services" means goods and services reasonably necessary  
302 to enable an individual with a disability to obtain and retain employment.

303 Section 9. Section **53A-24-103** is amended to read:

304 **53A-24-103. Creation -- Responsibilities.**

305 (1) There is [~~hereby~~] created the Utah State Office of Rehabilitation under the policy  
306 direction of the State Board [~~for Applied Technology~~] of Education and under the direction and

307 general supervision of the [~~executive officer of the board~~] superintendent of public instruction.

308 (2) The board is the sole state agency designated to administer the state plans for  
309 vocational rehabilitation and independent living rehabilitation programs.

310 (3) The office is the state unit designated to carry out the state plans and other duties  
311 assigned by law or the board.

312 Section 10. Section **53B-1-101.5** is enacted to read:

313 **53B-1-101.5. Definitions.**

314 As used in this title:

315 (1) "Board" means the State Board of Regents established in Section 53B-1-103.

316 (2) "Commissioner" means the commissioner of higher education appointed in accordance  
317 with Section 53B-1-105.

318 Section 11. Section **53B-1-102** is amended to read:

319 **53B-1-102. State system of higher education.**

320 (1) The state system of higher education consists of the following institutions:

321 (a) State Board of Regents;

322 (b) the University of Utah;

323 (c) Utah State University of Agricultural and Applied Science, hereafter referred to in this  
324 title as Utah State University;

325 (d) Weber State University;

326 (e) Southern Utah University;

327 (f) Snow College;

328 (g) Dixie State College of Utah;

329 (h) the College of Eastern Utah;

330 (i) Utah Valley State College;

331 (j) Salt Lake Community College; [~~and~~]

332 (k) the Utah College of Applied Technology; and

333 [~~(k)~~] (l) other public post-high school educational institutions as the Legislature may  
334 designate.

335 (2) A change in the name of an institution within the system of higher education shall not  
336 be considered a change in the role or mission of the institution, unless otherwise authorized by the  
337 State Board of Regents.

338 (3) It is not the intent of the Legislature to increase the number of research universities in  
339 the state beyond the University of Utah and Utah State University.

340 (4) These institutions are empowered to sue and be sued and to contract and be contracted  
341 with.

342 Section 12. Section **53B-1-103** is amended to read:

343 **53B-1-103. Establishment of State Board of Regents -- Powers and authority.**

344 (1) There is established a State Board of Regents~~[, hereafter referred to in this title as the~~  
345 ~~"board."].~~

346 (2) (a) The board is vested with the control, management, and supervision of the  
347 institutions of higher education designated in Section 53B-1-102 in a manner consistent with the  
348 policy and purpose of this title and the specific powers and responsibilities granted to it.

349 (b) The board is vested with the following powers relating to the Utah College of Applied  
350 Technology and its regional applied technology colleges:

351 (i) approving each competency-based associate of applied technology degree before  
352 allowing an applied technology college to offer the degree;

353 (ii) making rules governing the transfer of applied technology education degrees awarded  
354 by the Utah College of Applied Technology to other higher education institutions;

355 (iii) appointing the president for the Utah College of Applied Technology in accordance  
356 with Section 53B-2a-102; and

357 (iv) facilitating and coordinating the operation of the Utah College of Applied Technology  
358 within the system of higher education.

359 ~~[(b) The]~~ (c) Except for the Utah College of Applied Technology, the board may modify  
360 the name of an institution under its control and management, as designated in Section 53B-1-102,  
361 to reflect the role and general course of study of the institution.

362 (3) The board is the State Postsecondary Review Entity for Utah for purposes of Title IV,  
363 Part H, of the federal Higher Education Act of 1965, as amended by the Higher Education Act  
364 Amendments of 1992.

365 (4) This section does not affect the power and authority vested in the State Board ~~[for~~  
366 ~~Applied Technology]~~ of Education to apply for, accept, and manage federal appropriations for the  
367 establishment and maintenance of applied technology education.

368 Section 13. Section **53B-1-104** is amended to read:

369           **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**  
370 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

371           (1) (a) The board [~~consists~~] shall consist of [~~16 resident citizens~~] 18 residents of the state.

372           (b) (i) Fifteen members [~~are~~] shall be appointed by the governor with the consent of the  
373 Senate.

374           (ii) (A) One additional member [~~is~~] shall be appointed by the governor from nominations  
375 of the student body presidents council.

376           (B) The council [~~nominates~~] shall nominate three qualified, matriculated students enrolled  
377 in the state institutions of higher education.

378           (C) Student body presidents are not eligible for nomination.

379           (iii) Other than the student appointee, not more than eight members appointed by the  
380 governor shall, at any time, be from one political party.

381           (iv) In making appointments to the board, [~~persons are selected~~] the governor shall select:

382           (A) individuals from the state at large with due consideration for geographical  
383 representation[~~;~~]; and

384           (B) at least three individuals with personal experience in applied technology education,  
385 which could include service on a regional applied technology college regional board.

386           (c) (i) In addition to the members designated under Subsection (1)(b), two members of the  
387 State Board of Education, appointed by the chair of the State Board of Education, shall serve as  
388 nonvoting members of the board.

389           (ii) A nonvoting member shall continue to serve as a member without a set term until the  
390 member is replaced by the chair of the State Board of Education.

391           (2) (a) Five members of the board, other than the student member[~~, are~~] and the State  
392 Board of Education members, shall be appointed during each odd-numbered year to six-year  
393 staggered terms which commence on July 1 of the year of appointment.

394           (b) (i) The student member [~~is~~] shall be appointed for a one-year term and may be  
395 reappointed for one additional term.

396           (ii) The student member has full voting rights but [~~does~~] may not vote on selection of a  
397 board [~~chairman~~] chair or vice[~~-chairman~~] chair, or serve in either office.

398           (c) Board members shall hold office until their successors have been appointed and  
399 qualified.

400 (3) (a) Each member of the board [~~takes~~] shall take the official oath of office before  
401 entering upon the duties of office.

402 (b) The oath [~~is~~] shall be filed with the Division of Archives and Records Services.

403 (4) The board [~~elects~~] shall elect a [~~chairman~~] chair and vice[~~-chairman~~] chair from its  
404 members who shall serve terms of two years and until their successors are chosen and qualified.

405 (5) (a) The board [~~appoints~~] shall appoint a secretary from the staff of its chief executive  
406 [~~officer~~] to serve at its [~~pleasure~~] discretion.

407 (b) The secretary [~~is~~] shall be a full-time employee [~~and~~] who receives a salary set by the  
408 board.

409 (c) The secretary [~~records~~] shall record and [~~maintains~~] maintain a record of all board  
410 meetings and [~~performs~~] perform other duties as the board directs.

411 (6) The board [~~appoints~~] shall appoint a treasurer who serves at the [~~pleasure~~] discretion  
412 of the board.

413 (7) (a) The board may establish advisory committees.

414 (b) The powers and authority of the board are nondelegable, except as specifically  
415 provided for in this title.

416 (c) All matters requiring board determination shall be addressed in a properly convened  
417 meeting of the board or its executive committee.

418 (8) The board shall enact bylaws for its own government not inconsistent with the  
419 constitution or the laws of this state.

420 (9) (a) The board [~~meets~~] shall meet regularly upon its own determination.

421 (b) The board may also [~~meets~~] meet, in full or executive session, at the request of its  
422 [~~chairman~~] chair, its executive officer, or five members of the board.

423 (10) A quorum of the voting members of the board is required to conduct its business and  
424 consists of nine members.

425 (11) (a) A vacancy in the board occurring before the expiration of a voting member's full  
426 term shall be immediately filled by appointment by the governor.

427 (b) The appointee serves for the remainder of the unexpired term, subject to confirmation  
428 by the Senate at its next session.

429 (12) (a) Each member of the board [~~receives~~] shall receive a per diem as provided by law  
430 as compensation for services for attending meetings of the board.

431 (b) Each member [~~is~~] shall also be paid actual expenses incurred for attending meetings  
432 of the board or its committees or for attending to any business of the institutions under the  
433 direction of the board or authority of the board or its committees.

434 Section 14. Section **53B-2-104** is amended to read:

435 **53B-2-104. Memberships of board of trustees -- Terms -- Vacancies -- Oath --**  
436 **Officers -- Bylaws -- Quorum -- Committees -- Compensation.**

437 (1) (a) The board of trustees of an institution of higher education consists of the following:

438 [~~(a)~~] (i) eight persons appointed by the governor and approved by the Senate; and

439 [~~(b)~~] (ii) two ex officio members who are the president of the institution's alumni  
440 association, and the president of the associated students of the institution.

441 (b) The appointed members of the boards of trustees for Utah Valley State College and  
442 Salt Lake Community College shall be representative of the interests of business, industry, and  
443 labor.

444 (2) (a) The governor shall appoint four members of each board of trustees during each  
445 odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

446 (b) An appointed member holds office until a successor is appointed and qualified.

447 (c) The ex officio members serve for the same period as they serve as presidents and until  
448 their successors have qualified.

449 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
450 appointed for the unexpired term.

451 (4) (a) Each member shall take the official oath of office prior to assuming the office.

452 (b) The oath [~~is~~] shall be filed with the Division of Archives and Records Services.

453 (5) Each board of trustees shall elect a chair and vice chair, who serve for two years and  
454 until their successors are elected and qualified.

455 (6) (a) Each board of trustees may enact bylaws for its own government, including  
456 provision for regular meetings.

457 (b) (i) The board of trustees may provide for an executive committee in its bylaws.

458 (ii) If established, the committee shall have full authority of the board of trustees to act  
459 upon routine matters during the interim between board of trustees meetings.

460 (iii) The committee may act on nonroutine matters only under extraordinary and  
461 emergency circumstances.

462 (iv) The committee shall report its activities to the board of trustees at its next regular  
463 meeting following the action.

464 (c) Copies of the board of trustees' bylaws [~~are~~] shall be filed with the board.

465 (7) A quorum is required to conduct business and consists of six members.

466 (8) A board of trustees may establish advisory committees.

467 (9) (a) (i) Members who are not government employees shall receive no compensation or  
468 benefits for their services, but may receive per diem and expenses incurred in the performance of  
469 the member's official duties at the rates established by the Division of Finance under Sections  
470 63A-3-106 and 63A-3-107.

471 (ii) Members may decline to receive per diem and expenses for their service.

472 (b) (i) State government officer and employee members who do not receive salary, per  
473 diem, or expenses from their agency for their service may receive per diem and expenses incurred  
474 in the performance of their official duties from the board at the rates established by the Division  
475 of Finance under Sections 63A-3-106 and 63A-3-107.

476 (ii) State government officer and employee members may decline to receive per diem and  
477 expenses for their service.

478 (c) (i) Higher education members who do not receive salary, per diem, or expenses from  
479 the entity that they represent for their service may receive per diem and expenses incurred in the  
480 performance of their official duties from the committee at the rates established by the Division of  
481 Finance under Sections 63A-3-106 and 63A-3-107.

482 (ii) Higher education members may decline to receive per diem and expenses for their  
483 service.

484 (10) This section does not apply to the Utah College of Applied Technology.

485 Section 15. Section **53B-2-106** is amended to read:

486 **53B-2-106. Duties and responsibilities of the president of each institution -- Approval**  
487 **by board of trustees.**

488 (1) The president of each institution may exercise grants of power and authority as  
489 delegated by the board, as well as the necessary and proper exercise of powers and authority not  
490 specifically denied to the institution, its administration, faculty, or students by the board or by law,  
491 to assure the effective and efficient administration and operation of the institution consistent with  
492 the statewide master plan for higher education.



493 (2) Except as provided by the board, the president of each institution, with the approval  
494 of the institution's board of trustees may:

495 (a) (i) appoint a secretary, a treasurer, administrative officers, deans, faculty members, and  
496 other professional personnel, prescribe their duties, and determine their salaries;

497 (ii) appoint support personnel, prescribe their duties, and determine their salaries from the  
498 institution's position classification plan, which may:

499 (A) be based upon similarity of duties and responsibilities within the institution; and

500 (B) as funds permit, provide salary and benefits comparable with private enterprise;

501 (iii) adopt policies for:

502 (A) employee sick leave use and accrual; and

503 (B) service recognition for employees with more than 15 years of employment with the  
504 institution;

505 (iv) subject to the authority of, policy established by, and the approval of the board of  
506 regents, and recognizing the status of the institutions within the state system of higher education  
507 as bodies politic and corporate, appoint attorneys to provide legal advice to the institution's  
508 administration and to coordinate legal affairs within the institution. The board of regents shall  
509 coordinate activities of attorneys at the institutions of higher education. The institutions shall  
510 provide an annual report to the board of regents on the activities of appointed attorneys. These  
511 appointed attorneys may not conduct litigation, settle claims covered by the State Risk  
512 Management Fund, or issue formal legal opinions but shall, in all respects, cooperate with the  
513 Office of the Attorney General in providing legal representation to the institution;

514 (b) provide for the constitution, government, and organization of the faculty and  
515 administration, and enact implementing rules, including the establishment of a prescribed system  
516 of tenure;

517 (c) authorize the faculty to determine the general initiation and direction of instruction and  
518 of the examination, admission, and classification of students. In recognition of the diverse nature  
519 and traditions of the various institutions governed by the board, the systems of faculty government  
520 need not be identical but should be designed to further faculty identification with and involvement  
521 in the institution's pursuit of achievement and excellence and in fulfillment of the institution's role  
522 as established in the statewide master plan for higher education; and

523 (d) enact rules for administration and operation of the institution which are consistent with

524 the prescribed role established by the board, rules enacted by the board, or the laws of the state.  
525 The rules may provide for administrative, faculty, student, and joint committees with jurisdiction  
526 over specified institutional matters, for student government and student affairs organization, for  
527 the establishment of institutional standards in furtherance of the ideals of higher education fostered  
528 and subscribed to by the institution, its administration, faculty, and students, and for the holding  
529 of classes on legal holidays, other than Sunday.

530 (3) Compensation costs and related office expenses for appointed attorneys shall be funded  
531 within existing budgets.

532 (4) The State Board of Regents shall establish guidelines relating to the roles and  
533 relationships between institutional presidents and boards of trustees, including those matters which  
534 must be approved by a board of trustees before implementation by the president.

535 (5) This section does not apply to the Utah College of Applied Technology.

536 Section 16. Section **53B-2a-101** is enacted to read:

537 **CHAPTER 2a. UTAH COLLEGE OF APPLIED TECHNOLOGY**

538 **53B-2a-101. Definitions.**

539 As used in this chapter:

540 (1) "Applied technology education" means open-entry, open-exit, competency-based  
541 education. "Applied technology education" may include approved programs that are not  
542 open-entry, open-exit, competency-based education only for secondary students.

543 (2) "Board of trustees" means the Utah College of Applied Technology Board of Trustees.

544 (3) "Competency-based" means mastery of subject matter as demonstrated through  
545 approved standards and assessments rather than credit hours.

546 Section 17. Section **53B-2a-102** is enacted to read:

547 **53B-2a-102. President -- Appointment -- Duties.**

548 (1) (a) The board shall appoint a president for the Utah College of Applied Technology.

549 (b) The president of the Utah College of Applied Technology does not need to have a  
550 doctorate degree, but shall have extensive experience in applied technology education.

551 (c) The president shall serve at the board's discretion and at the salary the board  
552 determines.

553 (d) As president of the Utah College of Applied Technology, the president is also an  
554 associate commissioner of higher education.

555 (e) Except for the initial appointment of a president, the names of the final candidates for  
556 president of the Utah College of Applied Technology shall be publicly disclosed.

557 (2) The president shall:

558 (a) coordinate the activities of each regional applied technology college;

559 (b) in cooperation with the board of trustees and with the approval of the board, develop  
560 a competency-based associate of applied technology degree;

561 (c) ensure that an applied technology education degree is transferable to other higher  
562 education institutions in accordance with board rules;

563 (d) in consultation with the board of trustees, applied technology college superintendents,  
564 and applied technology college regional boards, prepare a comprehensive strategic plan for  
565 delivering applied technology education through the regional applied technology colleges;

566 (e) after consulting with local school districts and other higher education institutions in  
567 the regions, ensure that the curricula of the regional applied technology colleges meet the needs  
568 of the state, the regions, and the local school districts;

569 (f) in consultation with the board of trustees, applied technology college superintendents,  
570 and applied technology college regional boards, and after consulting with local school districts and  
571 other higher education institutions in the region, develop strategies for providing applied  
572 technology education in rural areas, specifically considering the distances between rural applied  
573 technology education providers;

574 (g) establish minimum standards for applied technology programs of the regional applied  
575 technology colleges;

576 (h) in conjunction with the board of trustees, develop and implement a system of common  
577 definitions, standards, and criteria for tracking and measuring the effectiveness of applied  
578 technology education;

579 (i) in conjunction with the board of trustees, develop and implement a plan to inform  
580 citizens about the availability, cost, and advantages of applied technology education; and

581 (j) after consulting with the State Board of Education and local school districts, ensure that  
582 secondary students in the public education system have access to applied technology education in  
583 applied technology colleges.

584 Section 18. Section **53B-2a-103** is enacted to read:

585 **53B-2a-103. Utah College of Applied Technology Board of Trustees -- Membership**

## 586 -- Terms -- Vacancies -- Oath -- Officers -- Quorum -- Committees -- Compensation.

587 (1) There is created the Utah College of Applied Technology Board of Trustees, composed  
588 of the following members appointed by the governor with the consent of the Senate:

589 (a) two members of the State Board of Education;

590 (b) two members of the State Board of Regents;

591 (c) one member representing business and industry from the regional board of each  
592 regional applied technology college; and

593 (d) one business or industry representative appointed by the governor from nominations  
594 submitted by the speaker of the House of Representatives and president of the Senate.

595 (2) (a) Except as provided in Subsection (b), the governor shall appoint the members of  
596 the board of trustees commencing on September 1 of the year of appointment to:

597 (i) two-year terms for the members described in Subsections (1)(a) and (b); and

598 (ii) four-year terms for the members described in Subsections (1)(c) and (d).

599 (b) At the first meeting of the board:

600 (i) the members described in Subsections (1)(c) and (d) shall divide up their positions so  
601 that approximately half of them serve for initial two-year terms; and

602 (ii) the members described in Subsections (1)(a) and (b) shall divide up their positions so  
603 that approximately half of them serve for initial one-year terms.

604 (c) An appointed member holds office until a successor is appointed and qualified.

605 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
606 appointed for the unexpired term.

607 (4) (a) Each member shall take the official oath of office prior to assuming the office.

608 (b) The oath shall be filed with the Division of Archives and Records Services.

609 (5) The board of trustees shall elect a chair and vice chair, who serve for two years and  
610 until their successors are elected and qualified.

611 (6) (a) The board of trustees may enact bylaws for its own government, including provision  
612 for regular meetings.

613 (b) (i) The board of trustees may provide for an executive committee in its bylaws.

614 (ii) If established, the committee shall have full authority of the board of trustees to act  
615 upon routine matters during the interim between board of trustees meetings.

616 (iii) The committee may act on nonroutine matters only under extraordinary and

617 emergency circumstances.

618 (iv) The committee shall report its activities to the board of trustees at its next regular  
619 meeting following the action.

620 (c) Copies of the board of trustees' bylaws shall be filed with the board.

621 (7) A quorum shall be required to conduct business which shall consist of a majority of  
622 board of trustee members.

623 (8) The board of trustees may establish advisory committees.

624 (9) (a) (i) Members who are not government employees shall receive no compensation or  
625 benefits for their services, but may receive per diem and expenses incurred in the performance of  
626 the member's official duties at the rates established by the Division of Finance under Sections  
627 63A-3-106 and 63A-3-107.

628 (ii) Members may decline to receive per diem and expenses for their service.

629 (b) (i) State government officer and employee members who do not receive salary, per  
630 diem, or expenses from their agency for their service may receive per diem and expenses incurred  
631 in the performance of their official duties from the board at the rates established by the Division  
632 of Finance under Sections 63A-3-106 and 63A-3-107.

633 (ii) State government officer and employee members may decline to receive per diem and  
634 expenses for their service.

635 (c) (i) Higher education members who do not receive salary, per diem, or expenses from  
636 the entity that they represent for their service may receive per diem and expenses incurred in the  
637 performance of their official duties from the committee at the rates established by the Division of  
638 Finance under Sections 63A-3-106 and 63A-3-107.

639 (ii) Higher education members may decline to receive per diem and expenses for their  
640 service.

641 Section 19. Section **53B-2a-104** is enacted to read:

642 **53B-2a-104. Utah College of Applied Technology Board of Trustees -- Powers and**  
643 **duties.**

644 The Utah College of Applied Technology Board of Trustees shall:

645 (1) in cooperation with the president of the Utah College of Applied Technology, and with  
646 the approval of the State Board of Regents, develop a competency-based associate of applied  
647 technology degree to be offered by the regional applied technology colleges;

- 648           (2) ensure that an applied technology education degree is transferable to other higher  
649 education institutions in accordance with State Board of Regents rules;
- 650           (3) ensure that the regional applied technology colleges within the Utah College of Applied  
651 Technology comply with the requirements in Section 53B-2a-106;
- 652           (4) advise the president of the Utah College of Applied Technology and the State Board  
653 of Regents on issues related to applied technology education;
- 654           (5) receive budget requests from each regional applied technology college, prioritize the  
655 requests, and submit the prioritized requests to:
- 656           (a) the Legislature; and  
657           (b) the Governor's Office of Planning and Budget;
- 658           (6) receive funding requests pertaining to capital facilities and land purchases from each  
659 regional applied technology college, ensure that the requests comply with Section 53B-2a-112,  
660 prioritize the requests, and submit the prioritized requests to the State Building Board;
- 661           (7) prepare and submit an annual report detailing its progress and recommendations on  
662 applied technology education issues to the governor and to the Legislature's Education Interim  
663 Committee by October 31 of each year, which shall include information detailing:
- 664           (a) how the applied technology education needs of secondary students are being met; and  
665           (b) what access secondary students have to programs offered at applied technology  
666 colleges; and
- 667           (8) perform other duties and responsibilities as delegated by the State Board of Regents.
- 668           Section 20. Section **53B-2a-105** is enacted to read:
- 669           **53B-2a-105. Utah College of Applied Technology -- Composition.**
- 670           The Utah College of Applied Technology is composed of the following regional applied  
671 technology colleges:
- 672           (1) the Bridgerland Applied Technology College which:
- 673           (a) serves the geographic area encompassing:
- 674           (i) the Box Elder School District;  
675           (ii) the Cache School District;  
676           (iii) the Logan School District; and  
677           (iv) the Rich School District; and  
678           (b) includes the facilities, equipment, and personnel of the Bridgerland Applied

679 Technology Center;

680 (2) the Ogden-Weber Applied Technology College which:

681 (a) serves the geographic area encompassing:

682 (i) the Ogden City School District; and

683 (ii) the Weber School District; and

684 (b) includes the facilities, equipment, and personnel of the Ogden-Weber Applied

685 Technology Center;

686 (3) the Davis Applied Technology College which:

687 (a) serves the geographic area encompassing:

688 (i) the Davis School District; and

689 (ii) the Morgan School District; and

690 (b) includes the facilities, equipment, and personnel of the Davis Applied Technology

691 Center;

692 (4) the Salt Lake/Tooele Applied Technology College which:

693 (a) serves the geographic area encompassing:

694 (i) the Salt Lake City School District;

695 (ii) the Granite School District;

696 (iii) the Jordan School District;

697 (iv) the Murray School District; and

698 (v) the Tooele School District; and

699 (b) includes the facilities, equipment, and personnel of the Wasatch Front South Applied

700 Technology Center;

701 (5) the Mountainlands Applied Technology College which:

702 (a) serves the geographic area encompassing:

703 (i) the Alpine School District;

704 (ii) the Nebo School District;

705 (iii) the Provo School District;

706 (iv) the South Summit School District;

707 (v) the North Summit School District;

708 (vi) the Wasatch School District; and

709 (vii) the Park City School District; and

710 (b) includes the facilities, equipment, and personnel of the Mountainlands Applied  
711 Technology Center Service Region;

712 (6) the Uintah Basin Applied Technology College which:

713 (a) serves the geographic area encompassing:

714 (i) the Daggett School District;

715 (ii) the Duchesne School District; and

716 (iii) the Uintah School District; and

717 (b) includes the existing facilities, equipment, and personnel of the Uintah Basin Applied  
718 Technology Center;

719 (7) the Central Applied Technology College which serves the geographic area  
720 encompassing:

721 (a) the Juab School District;

722 (b) the Millard School District;

723 (c) the Tintic School District;

724 (d) the North Sanpete School District;

725 (e) the South Sanpete School District;

726 (f) the Wayne School District;

727 (g) the Piute School District; and

728 (h) the Sevier School District;

729 (8) the Southwest Applied Technology College which:

730 (a) serves the geographic area encompassing:

731 (i) the Beaver School District;

732 (ii) the Garfield School District;

733 (iii) the Iron School District; and

734 (iv) the Kane School District; and

735 (b) includes the facilities, equipment, and personnel of the Southwest Applied Technology  
736 Education Center Service Region;

737 (9) the Dixie Applied Technology College which serves the geographic area encompassing  
738 the Washington School District; and

739 (10) the Southeast Applied Technology College which:

740 (a) serves the geographic area encompassing:



741 (i) the Carbon School District;  
742 (ii) the Emery School District;  
743 (iii) the Grand School District; and  
744 (iv) the San Juan School District; and  
745 (b) includes the facilities, equipment, and personnel of the Southeast Applied Technology  
746 Center Service Region.

747 Section 21. Section **53B-2a-106** is enacted to read:

748 **53B-2a-106. Regional applied technology colleges -- Duties.**

749 (1) Each regional applied technology college shall:

750 (a) offer a post-secondary and extra-secondary applied technology education curriculum;

751 (b) offer that curriculum at low cost to adult students and at no cost to secondary students  
752 within the college's jurisdiction;

753 (c) provide applied technology education that will result in:

754 (i) appropriate licensing, certification, or other evidence of completion of training; and

755 (ii) qualification for specific employment in business and industry;

756 (d) offer competency-based associate of applied technology degrees approved by the State  
757 Board of Regents in accordance with Section 53B-1-103;

758 (e) develop cooperative agreements with local school districts, other higher education  
759 institutions, businesses, industries, and community and private agencies to maximize the  
760 availability of instructional facilities; and

761 (f) after consulting with local school districts within the geographic area served by the  
762 regional applied technology college:

763 (i) ensure that secondary students in the public education system have access to applied  
764 technology education in the regional applied technology college; and

765 (ii) prepare and submit an annual report to the Utah College of Applied Technology  
766 detailing:

767 (A) how the applied technology education needs of secondary students within the region  
768 are being met; and

769 (B) what access secondary students within the region have to programs offered at applied  
770 technology colleges.

771 (2) A regional applied technology college may offer a competency-based high school

772 diploma equivalent approved by the State Board of Education in accordance with Section  
773 53A-1-402.

- 774 (3) A regional applied technology college may not:
- 775 (a) offer courses other than applied technology education;
- 776 (b) offer a degree other than a competency-based associate of applied technology degree  
777 approved by the State Board of Regents in accordance with Section 53B-1-103;
- 778 (c) provide tenure or academic rank for its instructors; and
- 779 (d) participate in intercollegiate athletics.

780 Section 22. Section **53B-2a-107** is enacted to read:

781 **53B-2a-107. Superintendents -- Appointments -- Duties.**

782 (1) The president of the Utah College of Applied Technology, after obtaining  
783 recommendations from the regional board, shall appoint a superintendent for each regional applied  
784 technology college to serve as the chief executive officer of the regional applied technology  
785 college.

786 (2) Each superintendent of a regional applied technology college shall:

- 787 (a) serve as the executive officer of the regional board;
- 788 (b) administer the day-to-day operations of the regional applied technology college under  
789 the direction of the regional board; and
- 790 (c) administer human resource policies and employee compensation plans.

791 Section 23. Section **53B-2a-108** is enacted to read:

792 **53B-2a-108. Applied technology college regional boards -- Membership --**  
793 **Appointments.**

794 Beginning September 1, 2001, each regional applied technology college shall have a  
795 regional board appointed as follows:

- 796 (1) the Bridgerland Applied Technology College Regional Board shall be composed of the  
797 following 13 members:
- 798 (a) one elected local school board member appointed by the board of education for the Box  
799 Elder School District;
- 800 (b) one elected local school board member appointed by the board of education for the  
801 Cache School District;
- 802 (c) one elected local school board member appointed by the board of education for the

803 Logan School District;

804 (d) one elected local school board member appointed by the board of education for the

805 Rich School District;

806 (e) one representative of Utah State University appointed by its board of trustees;

807 (f) one member of the State Board of Regents designated by the chair of the State Board  
808 of Regents to serve a one-year term; and

809 (g) seven representatives of business or industry within the region appointed jointly by the  
810 members appointed under Subsections (1)(a) through (f);

811 (2) the Ogden-Weber Applied Technology College Regional Board shall be composed of  
812 the following 11 members:

813 (a) one elected local school board member appointed by the board of education for the  
814 Ogden City School District;

815 (b) one elected local school board member appointed by the board of education for the  
816 Weber School District;

817 (c) one elected local school board member jointly appointed by the boards of education  
818 for the Ogden City School District and the Weber School District;

819 (d) one representative of Weber State University appointed by its board of trustees;

820 (e) one member of the State Board of Regents designated by the chair of the State Board  
821 of Regents to serve a one-year term; and

822 (f) six representatives of business or industry within the region appointed jointly by the  
823 members appointed under Subsections (2)(a) through (e);

824 (3) the Davis Applied Technology College Regional Board shall be composed of the  
825 following 11 members:

826 (a) one elected local school board member appointed by the board of education for the  
827 Davis School District;

828 (b) one elected local school board member appointed by the board of education for the  
829 Morgan School District;

830 (c) one elected local school board member jointly appointed by the boards of education  
831 for the Davis School District and the Morgan School District;

832 (d) one representative of Weber State University appointed by its board of trustees;

833 (e) one member of the State Board of Regents designated by the chair of the State Board

834 of Regents to serve a one-year term; and

835 (f) six representatives of business or industry within the region appointed jointly by the  
836 members appointed under Subsections (3)(a) through (e);

837 (4) the Salt Lake/Tooele Applied Technology College Regional Board shall be composed  
838 of the following 15 members:

839 (a) one elected local school board member appointed by the board of education for the Salt  
840 Lake City School District;

841 (b) one elected local school board member appointed by the board of education for the  
842 Granite School District;

843 (c) one elected local school board member appointed by the board of education for the  
844 Jordan School District;

845 (d) one elected local school board member appointed by the board of education for the  
846 Murray School District;

847 (e) one elected local school board member appointed by the board of education for the  
848 Tooele School District;

849 (f) one representative of Salt Lake Community College appointed by its board of trustees;

850 (g) one member of the State Board of Regents designated by the chair of the State Board  
851 of Regents to serve a one-year term; and

852 (h) eight representatives of business or industry within the region appointed jointly by the  
853 members appointed under Subsections (4)(a) through (g);

854 (5) the Mountainlands Applied Technology College Regional Board shall be composed  
855 of the following 19 members:

856 (a) one elected local school board member appointed by the board of education for the  
857 Alpine School District;

858 (b) one elected local school board member appointed by the board of education for the  
859 Nebo School District;

860 (c) one elected local school board member appointed by the board of education for the  
861 Provo School District;

862 (d) one elected local school board member appointed by the board of education for the  
863 South Summit School District;

864 (e) one elected local school board member appointed by the board of education for the

865 North Summit School District;

866 (f) one elected local school board member appointed by the board of education for the

867 Wasatch School District;

868 (g) one elected local school board member appointed by the board of education for the

869 Park City School District;

870 (h) one representative of Utah Valley State College appointed by its board of trustees;

871 (i) one member of the State Board of Regents designated by the chair of the State Board

872 of Regents to serve a one-year term; and

873 (j) ten representatives of business or industry within the region appointed jointly by the

874 members appointed under Subsections (5)(a) through (i);

875 (6) the Uintah Basin Applied Technology College Regional Board shall be composed of

876 the following 11 members:

877 (a) one elected local school board member appointed by the board of education for the

878 Daggett School District;

879 (b) one elected local school board member appointed by the board of education for the

880 Duchesne School District;

881 (c) one elected local school board member appointed by the board of education for the

882 Uintah School District;

883 (d) one representative of Utah State University appointed by its board of trustees;

884 (e) one member of the State Board of Regents designated by the chair of the State Board

885 of Regents to serve a one-year term; and

886 (f) six representatives of business or industry within the region appointed jointly by the

887 members appointed under Subsections (6)(a) through (d);

888 (7) the Central Applied Technology College Regional Board shall be composed of the

889 following 21 members:

890 (a) one elected local school board member appointed by the board of education for the

891 Juab School District;

892 (b) one elected local school board member appointed by the board of education for the

893 Millard School District;

894 (c) one elected local school board member appointed by the board of education for the

895 Tintic School District;

896 (d) one elected local school board member appointed by the board of education for the  
897 North Sanpete School District;

898 (e) one elected local school board member appointed by the board of education for the  
899 South Sanpete School District;

900 (f) one elected local school board member appointed by the board of education for the  
901 Wayne School District;

902 (g) one elected local school board member appointed by the board of education for the  
903 Piute School District;

904 (h) one elected local school board member appointed by the board of education for the  
905 Sevier School District;

906 (i) one representative of Snow College appointed by its board of trustees;

907 (j) one member of the State Board of Regents designated by the chair of the State Board  
908 of Regents to serve a one-year term; and

909 (k) 11 representatives of business or industry within the region appointed jointly by the  
910 members appointed under Subsections (7)(a) through (j);

911 (8) the Southwest Applied Technology College Regional Board shall be composed of the  
912 following 13 members:

913 (a) one elected local school board member appointed by the board of education for the  
914 Beaver School District;

915 (b) one elected local school board member appointed by the board of education for the  
916 Garfield School District;

917 (c) one elected local school board member appointed by the board of education for the Iron  
918 School District;

919 (d) one elected local school board member appointed by the board of education for the  
920 Kane School District;

921 (e) one representative of Southern Utah University appointed by its board of trustees;

922 (f) one member of the State Board of Regents designated by the chair of the State Board  
923 of Regents to serve a one-year term; and

924 (g) seven representatives of business or industry within the region appointed jointly by the  
925 members appointed under Subsections (8)(a) through (f);

926 (9) the Dixie Applied Technology College Regional Board shall be composed of the

927 following 11 members:

928 (a) three elected local school board members appointed by the board of education for the  
929 Washington School District;

930 (b) one representative of Dixie State College of Utah appointed by its board of trustees;

931 (c) one member of the State Board of Regents designated by the chair of the State Board  
932 of Regents to serve a one-year term; and

933 (d) six representatives of business or industry within the region appointed jointly by the  
934 members appointed under Subsections (9)(a) through (c); and

935 (10) the Southeast Applied Technology College Regional Board shall be composed of the  
936 following 13 members:

937 (a) one elected local school board member appointed by the board of education for the  
938 Carbon School District;

939 (b) one elected local school board member appointed by the board of education for the  
940 Emery School District;

941 (c) one elected local school board member appointed by the board of education for the  
942 Grand School District;

943 (d) one elected local school board member appointed by the board of education for the San  
944 Juan School District;

945 (e) one representative of the College of Eastern Utah appointed by its board of trustees;

946 (f) one member of the State Board of Regents designated by the chair of the State Board  
947 of Regents to serve a one-year term; and

948 (g) seven representatives of business or industry within the region appointed jointly by the  
949 members appointed under Subsections (10)(a) through (f).

950 Section 24. Section **53B-2a-109** is enacted to read:

951 **53B-2a-109. Applied technology college regional boards -- Terms -- Quorum --**  
952 **Chair-- Compensation.**

953 (1) (a) At the first meeting of an applied technology college regional board after September  
954 1, 2001:

955 (i) the representatives from the local school boards shall divide up their positions so that  
956 approximately half of them serve for two-year terms and half serve for four-year terms; and

957 (ii) the representatives from business and industry shall divide up their positions so that

958 approximately half of them serve for two-year terms and half serve for four-year terms.

959 (b) Except as provided in Subsection (1)(a) and except for State Board of Regents  
960 members who serve a one-year term, individuals appointed to the board shall serve four-year  
961 terms.

962 (2) The original appointing authority shall fill any vacancies that occur on the regional  
963 board.

964 (3) A majority of the regional board is a quorum.

965 (4) The regional board shall elect a chair from its membership.

966 (5) (a) (i) Members who are not government employees shall receive no compensation or  
967 benefits for their services, but may receive per diem and expenses incurred in the performance of  
968 the member's official duties at the rates established by the Division of Finance under Sections  
969 63A-3-106 and 63A-3-107.

970 (ii) Members may decline to receive per diem and expenses for their service.

971 (b) (i) Higher education members who do not receive salary, per diem, or expenses from  
972 the entity that they represent for their service may receive per diem and expenses incurred in the  
973 performance of their official duties from the regional board at the rates established by the Division  
974 of Finance under Sections 63A-3-106 and 63A-3-107.

975 (ii) Higher education members may decline to receive per diem and expenses for their  
976 service.

977 (c) (i) Members appointed by local school boards who do not receive salary, per diem, or  
978 expenses from the entity that they represent for their service may receive per diem and expenses  
979 incurred in the performance of their official duties from the regional board at the rates established  
980 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

981 (ii) Local school board members may decline to receive per diem and expenses for their  
982 service.

983 (6) (a) Each regional board may enact bylaws for its own government, including provision  
984 for regular meetings.

985 (b) (i) The regional board may provide for an executive committee in its bylaws.

986 (ii) If established, the committee shall have the full authority of the regional board to act  
987 upon routine matters during the interim between regional board meetings.

988 (iii) The committee may act on nonroutine matters only under extraordinary and



989 emergency circumstances.

990 (iv) The committee shall report its activities to the regional board at its next regular  
991 meeting following the action.

992 (7) A regional board may establish advisory committees.

993 Section 25. Section **53B-2a-110** is enacted to read:

994 **53B-2a-110. Applied technology college regional board -- Powers and duties.**

995 (1) Each applied technology college regional board shall:

996 (a) prepare and submit a budget request for its annual operations to the Utah College of  
997 Applied Technology Board of Trustees;

998 (b) after consulting with the higher education institutions and local school districts within  
999 its region, prepare a comprehensive strategic plan for delivering applied technology education  
1000 within its region;

1001 (c) consult with business, industry, the Department of Workforce Services, and the  
1002 Governor's Office of Planning and Budget on an ongoing basis to determine what workers and  
1003 skills are needed for employment in Utah businesses and industries;

1004 (d) develop programs based upon the information gathered in accordance with Subsection  
1005 (1)(c), including expedited program approval and termination procedures to meet market needs;

1006 (e) adopt an annual budget and fund balances;

1007 (f) develop policies for the operation of applied technology education facilities under its  
1008 jurisdiction;

1009 (g) establish human resources and compensation policies for all employees;

1010 (h) establish credentials for employees and define employee duties;

1011 (i) conduct annual program evaluations;

1012 (j) appoint program advisory committees and other advisory groups to provide counsel,  
1013 support, and recommendations for updating and improving the effectiveness of training programs  
1014 and services;

1015 (k) approve regulations, both regular and emergency, to be issued and executed by the  
1016 superintendent;

1017 (l) coordinate with local school boards and districts to protect the applied technology  
1018 education needs of secondary students; and

1019 (m) develop policies and procedures for the admission, classification, instruction, and

1020 examination of students.

1021 (2) In apportioning monies appropriated by the Legislature to the Central Applied  
1022 Technology College, the regional board of the Central Applied Technology College:

1023 (a) may not, until June 30, 2006, diminish applied technology education services currently  
1024 being provided at the Richfield Center; and

1025 (b) may direct that any new monies provided to the Central Applied Technology College  
1026 go first to funding underserved portions of the geographic area it serves.

1027 (3) A regional board may not exercise any jurisdiction over applied technology education  
1028 provided by a local school district or provided by a higher education institution independently of  
1029 a regional applied technology college.

1030 Section 26. Section **53B-2a-111** is enacted to read:

1031 **53B-2a-111. Consultation with boards of trustees.**

1032 (1) The board shall consult with the Utah College of Applied Technology Board of  
1033 Trustees or the president of the Utah College of Applied Technology or both before acting on  
1034 matters pertaining to the Utah College of Applied Technology.

1035 (2) The board shall consult with an applied technology college regional board or the  
1036 superintendent of an applied technology college or both before acting on matters pertaining to a  
1037 regional applied technology college.

1038 (3) The board may:

1039 (a) call meetings with the Utah College of Applied Technology Board of Trustees or one  
1040 or more of the applied technology college regional boards; and

1041 (b) appoint committees to perform duties assigned by the board that include:

1042 (i) (A) members of the Utah College of Applied Technology Board of Trustees; or

1043 (B) administrators of the Utah College of Applied Technology; or

1044 (ii) (A) members of one or more of the applied technology college regional boards; or

1045 (B) administrators, faculty staff members, or students of one or more of the applied  
1046 technology colleges.

1047 Section 27. Section **53B-2a-112** is enacted to read:

1048 **53B-2a-112. Regional applied technology colleges -- Relationships with other public**  
1049 **and higher education institutions -- Agreements -- Priorities -- New capital facilities.**

1050 (1) As used in this section, "higher education institution" means, for each regional applied

1051 technology college, the higher education institution designated in Section 53B-2a-108, except for  
1052 the State Board of Regents, to have a representative on its regional board.

1053 (2) A regional applied technology college shall avoid any unnecessary duplication of  
1054 applied technology instructional facilities, programs, administration, and staff between the regional  
1055 applied technology college and other public and higher education institutions.

1056 (3) A regional applied technology college may enter into agreements:

1057 (a) with other higher education institutions to cultivate cooperative relationships;

1058 (b) with other public and higher education institutions to enhance applied technology  
1059 education within its region; or

1060 (c) to comply with Subsection (2).

1061 (4) Before a regional applied technology college develops its own new instructional  
1062 facilities, it shall give priority to:

1063 (a) maintaining its own existing instructional facilities for both secondary and adult  
1064 students;

1065 (b) coordinating with the president of a higher education institution and entering into any  
1066 necessary agreements to provide applied technology education to both secondary and adult students  
1067 that:

1068 (i) maintain and support existing higher education applied technology education programs;

1069 and

1070 (ii) maximize the use of existing higher education facilities; and

1071 (c) developing cooperative agreements with local school districts, other higher education  
1072 institutions, businesses, industries, and community and private agencies to maximize the  
1073 availability of applied technology instructional facilities for both secondary and adult students.

1074 (5) (a) Before submitting a funding request pertaining to new capital facilities and land  
1075 purchases to the Utah College of Applied Technology, a regional applied technology college shall:

1076 (i) ensure that all available instructional facilities are maximized in accordance with  
1077 Subsections (4)(a) through (c); and

1078 (ii) coordinate the request with the president of a higher education institution, if applicable.

1079 (b) The State Building Board shall make a finding that the requirements of this section are  
1080 met before it may consider a funding request of the Utah College of Applied Technology  
1081 pertaining to new capital facilities and land purchases.

1082           (c) A regional applied technology college may not construct, approve the construction of,  
1083 plan for the design or construction of, or consent to the construction of an applied technology  
1084 education facility without approval of the Legislature.

1085           (6) Before acquiring new fiscal and administrative support structures, a regional applied  
1086 technology college shall:

1087           (a) review the use of existing public or higher education administrative and accounting  
1088 systems, financial record systems, and student and financial aid systems for the delivery of applied  
1089 technology education in the region;

1090           (b) determine whether it is feasible to use those existing systems; and

1091           (c) with the approval of the regional board, use those existing systems.

1092           Section 28. Section **53B-6-101** is amended to read:

1093           **53B-6-101. Additional responsibilities of the board -- Studies and evaluations --**  
1094 **Master plan for higher education -- Productivity -- Institutional student assessment --**  
1095 **Biennial accountability report to the Legislature.**

1096           (1) The board shall conduct continuing studies and evaluations of the facilities, grounds,  
1097 buildings, and equipment at the higher education institutions under its jurisdiction and use space  
1098 utilization and other studies conducted by the State Building Board.

1099           (2) The board shall establish and maintain an up-to-date master plan which shall include:

1100           (a) providing for statewide planning of public higher education in terms of aims, purposes,  
1101 and objectives of the system as a whole;

1102           (b) establishing and defining the role and programs of each institution within the system;

1103           (c) establishing criteria for and determination of the future needs and requirements for new  
1104 programs and new institutions and the elimination, curtailment, or consolidation of existing  
1105 programs and facilities;

1106           (d) providing for the initiation and financing of projects as considered necessary to meet  
1107 and satisfy the projected patterns of growth and maintenance;

1108           (e) establishing criteria for and determination of the operating and capital budgetary needs  
1109 of each institution and the system as a whole;

1110           (f) recommending the methods and sources of future financial support of the higher  
1111 education system;

1112           (g) establishing procedures for the development of maximum utilization of existing

1113 facilities as suggested by space utilization studies conducted by the State Building Board; and

1114 (h) securing an adequate and coordinated program for the community colleges and applied  
1115 technology/technical programs in the institutions and departments in the state system of higher  
1116 education.

1117 (3) (a) The board may do all things necessary for the effective implementation of the  
1118 statewide master plan as adopted and revised by the board from time to time.

1119 (b) The State Board [~~for Applied Technology~~] of Education and the Utah College of  
1120 Applied Technology shall provide applied technology education staff assistance to the State Board  
1121 of Regents in support of master planning activities related to applied technology education in  
1122 higher education.

1123 (4) (a) The board shall adopt rules and initiate programs to promote and increase  
1124 productivity in the state system of higher education.

1125 (b) The board shall require each college and university in the system to establish multiple  
1126 measures of institutional and student assessment in order to improve student instruction, academic  
1127 programs, and learning opportunities.

1128 (c) The board shall submit a biennial accountability report to the Legislature, which shall  
1129 include such factors as:

1130 (i) space utilization, faculty productivity, and other similar measures of the management  
1131 of institutional resources at each institution; and

1132 (ii) student assessment at entry to each institution, at critical midway points, and at exit.

1133 (d) The board shall establish a systemwide committee to address assessment and  
1134 accountability issues and propose essential elements to be included in the biennial report.

1135 Section 29. Section **53B-16-102** is amended to read:

1136 **53B-16-102. Changes in curriculum -- Substantial alterations in institutional**  
1137 **operations -- Periodic review of programs -- Applied technology education curriculum**  
1138 **changes.**

1139 (1) Under procedures and policies approved by the board and developed in consultation  
1140 with each institution of higher education, each institution may make such changes in its curriculum  
1141 as necessary to better effectuate the institutional role previously approved by the board.

1142 (2) Notice of a change in the curriculum shall in all cases be promptly submitted to the  
1143 board.

1144 (3) The board shall establish procedures and policies for considering institutional  
1145 proposals for substantial alterations in the scope of existing institutional operations.

1146 (4) Alterations shall not be made without prior approval of the state board.

1147 (5) For purposes of this section, "substantial alteration" means the establishment of a  
1148 branch, extension center, college, professional school, division, institute, department, or a new  
1149 program in instruction, research, or public services or a new degree, diploma, or certificate.

1150 (6) The board shall conduct periodic reviews of all programs of instruction, research, and  
1151 public service at each institution, including those funded by gifts, grants, and contracts, and may  
1152 require the modification or termination of any program.

1153 (7) Prior to requiring modification or termination of a program, the board shall give the  
1154 institution adequate opportunity for a hearing before the board.

1155 (8) In making decisions related to applied technology curriculum changes, the board shall  
1156 request a review of the proposed changes by the State Board [~~for Applied Technology~~] of  
1157 Education to ensure an orderly and systematic applied technology education curriculum that  
1158 eliminates overlap and duplication of course work with the high schools and [~~applied technology~~  
1159 ~~centers~~] the Utah College of Applied Technology.

1160 Section 30. Section **53B-16-205** is amended to read:

1161 **53B-16-205. Establishment of Snow College South -- Supervision and administration**  
1162 **-- Transition -- Institutional mission.**

1163 (1) There is [~~hereby~~] established a [~~higher education institution~~] branch campus of Snow  
1164 College in Richfield, Utah, hereafter referred to as Snow College South.

1165 (2) Snow College shall administer the [~~institution~~] branch campus under the general  
1166 control and supervision of the State Board of Regents as an integrated part of Snow College's  
1167 mission, programs, and curriculum [~~to include Snow College South's mission, programs, and~~  
1168 ~~curriculum~~].

1169 [~~(3) (a) In conjunction with the establishment of Snow College South, the facilities, staff,~~  
1170 ~~and programs at the Sevier Valley Applied Technology Center in Richfield shall become a part of~~  
1171 ~~the state system of higher education and the structure from which Snow College South shall begin~~  
1172 ~~its operations.~~]

1173 [~~(b) The State Board of Regents shall take the appropriate action required to assure the~~  
1174 ~~successful transition of the applied technology center and its faculty and staff into the state system~~

1175 of higher education, including, if necessary:]

1176 ~~[(i) creating and recording any conveyances needed for the transfer of property; and]~~

1177 ~~[(ii) providing procedures for assimilating the center's faculty into the rank and tenure~~  
 1178 ~~structure of Snow College.]~~

1179 ~~[(4)]~~ (3) (a) Snow College ~~[South]~~ shall:

1180 (i) maintain a strong curriculum in applied technology and technical courses of a general  
 1181 nature at Snow College South which can be transferred to other institutions within the higher  
 1182 education system, together with lower division courses of a general nature and courses required  
 1183 for associate degrees in science, arts, and applied science~~[-]~~; and ~~[staff]~~

1184 (ii) work with local school districts in developing an aggressive concurrent enrollment  
 1185 program in cooperation with Snow College South.

1186 ~~[(b) The institution may confer certificates of completion and degrees as determined by~~  
 1187 ~~the State Board of Regents within the parameters referred to in Subsection (4)(a).]~~

1188 ~~[(c)]~~ (b) The institution shall ~~[also]~~ coordinate offerings of applied technology education  
 1189 with the Central Applied Technology College to provide for open-entry[-], open-exit applied  
 1190 technology education programs at Snow College South that emphasize short-term job training or  
 1191 retraining for immediate placement in the job market.

1192 ~~[(d)]~~ (c) ~~[The institution]~~ Snow College shall make provisions for students, including high  
 1193 school students, to take classes at Snow College South for which college credit is not awarded,  
 1194 together with appropriate fees for taking such classes.

1195 ~~[(e)]~~ (d) The ~~[institution may request and receive a waiver from the]~~ State Board of  
 1196 Regents or the president of Snow College ~~[of]~~ may waive any board rule or institutional policy that  
 1197 would prevent or inhibit Snow College South from achieving its performance goals, unless  
 1198 approval of the request would conflict with state or federal law or put the institution out of  
 1199 compliance with matters related to health, safety, civil rights, and insurance.

1200 Section 31. **Funding guidelines -- Cooperative agreements.**

1201 (1) In funding applied technology education, the Legislature shall:

1202 (a) accept prioritized budget requests combining the budgets of all the regional applied  
 1203 technology colleges from the Utah College of Applied Technology Board of Trustees and consider  
 1204 those prioritized budget requests in its appropriation process independent of whatever  
 1205 recommendations are made by the governor and the State Board of Regents; and

1206           (b) appropriate all monies for each regional applied technology college directly to each  
1207 regional applied technology college under the heading " Utah Applied Technology Colleges" and  
1208 not to any other entity such as the State Board of Regents.

1209           (2) The Legislature encourages the regional applied technology colleges to enter into the  
1210 cooperative agreements authorized in Subsection 53B-2a-112(3) with institutions of higher  
1211 education.

1212           **Section 32. Repealer.**

1213           This act repeals:

1214           **Section 53A-1-501, Membership -- Duties -- Advisory decisions -- Annual report.**

1215           **Section 53A-1-502, Advisory committee -- Duties -- Task forces.**

1216           **Section 53A-15-201, State Board for Applied Technology Education -- Chief officer.**

1217           **Section 53A-15-202.5, Applied technology centers.**

1218           **Section 53A-15-203, Applied technology centers -- Management by board.**

1219           **Section 33. Effective date.**

1220           This act takes effect on September 1, 2001.

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**Legislative Review Note**  
**as of 6-19-01 3:40 PM**

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

**Office of Legislative Research and General Counsel**