

1                                   **UTAH EDUCATION NETWORK AMENDMENTS**

2   2012 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Ronda Rudd Menlove**

5   Senate Sponsor: Lyle W. Hillyard

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies the governance of the Utah Education Network (UEN).

10 **Highlighted Provisions:**

11       This bill:

- 12       ▶ creates the Utah Education Network Board, which is the governing board for UEN;
- 13       ▶ specifies the membership of the Utah Education Network Board;
- 14       ▶ specifies the power and duties of the Utah Education Network Board which include:

- 15           • hiring an executive director for UEN;
- 16           • establishing policy for the operation of UEN and the administration of UEN's

17 duties; and

- 18           • advising UEN in the development of a telecommunications system to deliver
- 19 educational services and the acquisition and distribution of instructional content;

20 and

- 21       ▶ makes technical amendments.

22 **Money Appropriated in this Bill:**

23       None

24 **Other Special Clauses:**

25       This bill provides an immediate effective date.

26 **Utah Code Sections Affected:**

27 AMENDS:

28       **53B-17-102**, as last amended by Laws of Utah 2010, Chapter 286

29       **53B-17-104**, as last amended by Laws of Utah 2009, Chapter 290

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

Section 1. Section **53B-17-102** is amended to read:

**53B-17-102. Utah Education Network.**

(1) (a) As used in this part, "Utah Education Network" and "UEN" mean a consortium and partnership between public and higher education established to:

(i) coordinate and support the telecommunications needs of public and higher education, public libraries, and entities affiliated with the state systems of public and higher education as approved by the Utah Education Network Board, including the statewide development and implementation of a network for education, utilizing satellite, microwave, fiber-optic, broadcast, and other transmission media;

(ii) coordinate the various telecommunications technology initiatives of public and higher education;

(iii) provide high-quality, cost-effective Internet access and appropriate interface equipment for schools and school systems;

(iv) procure, install, and maintain telecommunication services and equipment on behalf of public and higher education;

(v) develop or implement other programs or services for the delivery of distance learning as directed by law; and

(vi) apply for state and federal funding on behalf of public and higher education.

(b) In performing the duties under this Subsection (1), UEN shall:

(i) provide services to schools, school districts, and the public and higher education systems through an open and competitive bidding process;

(ii) work with the private sector to deliver high-quality, cost-effective services; ~~and~~

(iii) avoid duplicating facilities, equipment or services of private providers of public telecommunications service, as defined under Section 54-8b-2[-];

(iv) utilize statewide economic development criteria in the design and implementation of the educational telecommunications infrastructure; and

58 (v) assure that public service entities such as educators, public service providers, and  
59 public broadcasters are provided access to the telecommunications infrastructure developed in  
60 the state.

61 (2) The University of Utah shall provide administrative management for UEN.

62 [~~(3)(a) The governor shall appoint a statewide steering committee of representatives~~  
63 ~~from public and higher education, state government, and private industry to advise UEN in the~~  
64 ~~development and operation of a coordinated, statewide, multi-option telecommunications~~  
65 ~~system to assist in the delivery of educational services throughout the state.]~~

66 (3) (a) The Utah Education Network Board, which is the governing board for UEN, is  
67 created.

68 (b) The Utah Education Network Board shall be appointed as follows:

69 (i) (A) The State Board of Education shall appoint four members to represent the state  
70 system of public education.

71 (B) In selecting members to represent the state system of public education, the State  
72 Board of Education shall select members from different regions of the state and both urban and  
73 rural areas.

74 (ii) (A) The commissioner of higher education shall appoint four members to represent  
75 the state system of higher education.

76 (B) In selecting members to represent the state system of higher education, the  
77 commissioner of higher education shall select members from different regions of the state and  
78 both urban and rural areas.

79 (iii) The president of the Utah College of Applied Technology shall appoint one  
80 member to represent the Utah College of Applied Technology.

81 (iv) The governor shall appoint:

82 (A) one member to represent the state library; and

83 (B) one member to represent the Office of the Governor.

84 [~~(b)~~] (c) Except as required by Subsection (3)[~~(c)~~](d), members shall be appointed to  
85 four-year terms.

86 [~~(c)~~ Notwithstanding the requirements of Subsection (3)(b), the]

87 (d) The governor, State Board of Education, and commissioner of higher education  
88 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the  
89 terms of [~~committee~~] Utah Education Network Board members are staggered so that  
90 approximately half of the [~~committee~~] Utah Education Network Board is appointed every two  
91 years.

92 [~~(d)~~] (e) When a vacancy occurs in the membership for any reason, the replacement  
93 shall be appointed for the unexpired term.

94 (f) (i) The Utah Education Network Board shall elect:

95 (A) a cochair from the members representing the state system of public education; and

96 (B) a cochair from the members representing the state system of higher education.

97 (ii) The cochairs shall set the agenda for Utah Education Network Board meetings.

98 (4) A member of the Utah Education Network Board may not receive compensation or  
99 benefits for the member's service, but may receive per diem and travel expenses in accordance  
100 with:

101 (a) Section 63A-3-106;

102 (b) Section 63A-3-107; and

103 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
104 63A-3-107.

105 (5) The Utah Education Network Board shall:

106 (a) hire an executive director for UEN, and may terminate the executive director's  
107 employment or assignment;

108 (b) determine the executive director's salary;

109 (c) annually conduct a performance evaluation of the executive director;

110 (d) establish policies the Utah Education Network Board determines are necessary for  
111 the operation of UEN and the administration of UEN's duties;

112 (e) advise UEN in:

113 (i) the development and operation of a coordinated, statewide, multi-option

114 telecommunications system to assist in the delivery of educational services throughout the  
115 state; and

116 (ii) acquiring, producing, and distributing instructional content; and

117 (f) establish an advisory council to assist the Utah Education Network Board in  
118 performing its responsibilities under Subsection (5)(e).

119 (6) The executive director of UEN shall be an at-will employee.

120 [~~5~~] (7) UEN shall locate and maintain educational telecommunication infrastructure  
121 throughout the state.

122 [~~6~~] (8) Educational institutions shall manage site operations under policy established  
123 by UEN.

124 [~~7~~] (9) Subject to future budget constraints, the Legislature shall provide an annual  
125 appropriation to operate UEN.

126 (10) If the network operated by the Department of Technology Services is not  
127 available, UEN may provide network connections to the central administration of counties and  
128 municipalities for the sole purpose of transferring data to a secure facility for backup and  
129 disaster recovery.

130 Section 2. Section **53B-17-104** is amended to read:

131 **53B-17-104. Responsibilities of the State Board of Regents, the State Board of**  
132 **Education, the University of Utah, KUED - TV, KUER - FM, and UEN related to public**  
133 **broadcasting and telecommunication for education and government.**

134 (1) Subject to applicable rules of the Federal Communications Commission and  
135 Section 53B-17-102, the State Board of Regents, the State Board of Education, and the  
136 University of Utah, KUED - TV, KUER - FM, and UEN shall:

137 (a) coordinate statewide services of public radio and television;

138 (b) develop, maintain, and operate statewide distribution systems for KUED - TV,  
139 KUER - FM, and KUEN, the statewide distance learning service, the educational data network,  
140 connections to the Internet, and other telecommunications services appropriate for providing  
141 video, audio, and data telecommunication services in support of public and higher education,

142 state government, and public libraries;

143 (c) support the delivery of these services to as many communities as may be  
144 economically and technically feasible and lawfully permissible under the various operating  
145 licenses;

146 (d) cooperate with state and local governmental and educational agencies and provide  
147 leadership and consulting service for telecommunication for education;

148 (e) represent the state with privately owned telecommunications systems to gain access  
149 to their networks for the delivery of programs and services sponsored or produced by public  
150 and higher education;

151 (f) acquire, produce, coordinate, and distribute a variety of programs and services of an  
152 educational, cultural, informative, and entertaining nature designed to promote the public  
153 interest and welfare of the state;

154 (g) coordinate with the state system of higher education to acquire, produce, and  
155 distribute broadcast and nonbroadcast college credit telecourses, teleconferences, and other  
156 instructional and training services;

157 (h) coordinate with ~~[the State Board of Education and]~~ school districts and public  
158 schools to acquire, produce, and distribute broadcast and nonbroadcast telecourses,  
159 teleconferences, and other instructional and training services to the public schools;

160 (i) ~~[act as]~~ coordinate the development of a clearing house for the materials, courses,  
161 publications, media, software, and other applicable information related to the items addressed  
162 in Subsections (1)(g) and (h);

163 (j) coordinate ~~[with the State Board of Education to assist in providing the public~~  
164 ~~schools of Utah with]~~ the provision of the following services to public schools:

165 (i) broadcast, during school hours, of educational and administrative programs  
166 recommended by the State Board of Education;

167 (ii) ~~[duplication and encoding of program masters]~~ digitization of programs for  
168 broadcast purposes; and

169 (iii) program previewing;

170 (k) share responsibility [~~with the State Board of Education~~] for Instructional Television  
171 (ITV) awareness and utilization; and

172 (l) provide teleconference and training services for state and local governmental  
173 agencies.

174 [~~(2) UEN shall:~~]

175 [~~(a) consult with the UEN steering committee authorized in Section 53B-17-102 and  
176 other technology coordinating committees established by the State Board of Education and  
177 State Board of Regents in acquiring, producing, and distributing instructional content;~~]

178 [~~(b) coordinate the statewide development and implementation of the data network for  
179 education, which shall include video and audio, data connections, and connection to the  
180 Internet, utilizing satellite, microwave, fiber-optic, and other transmission media;~~]

181 [~~(c) utilize statewide economic development criteria in the design and implementation  
182 of the educational telecommunications infrastructure;~~]

183 [~~(d) assure that public service entities such as educators, public service providers, and  
184 public broadcasters are provided access to the telecommunications infrastructures that are  
185 developed in the state.~~]

186 [~~(3) If the network operated by the Department of Technology Services is not available,  
187 UEN may provide network connections to the central administration of counties and  
188 municipalities for the sole purpose of transferring data to a secure facility for backup and  
189 disaster recovery.~~]

190 [~~(4)~~] (2) This section neither regulates nor restricts a privately owned company in the  
191 distribution or dissemination of education programs.

192 Section 3. **Effective date.**

193 If approved by two-thirds of all the members elected to each house, this bill takes effect  
194 upon approval by the governor, or the day following the constitutional time limit of Utah  
195 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
196 the date of veto override.