

1 **UTAH TELEHEALTH AND EDUCATION NETWORK**

2 **AMENDMENTS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ronda Rudd Menlove**

6 Senate Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to the Utah Education Network and the Telehealth
11 Network.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ creates the Utah Telehealth and Education Network (UTEN) within the state system
16 of higher education;
- 17 ▶ establishes the duties of UTEN;
- 18 ▶ creates a governing board for UTEN;
- 19 ▶ establishes membership of the UTEN Board;
- 20 ▶ creates the Utah Education Advisory Council to assist the UTEN Board;
- 21 ▶ creates the Utah Telehealth Advisory Council to assist the UTEN Board;
- 22 ▶ authorizes the board, at its discretion, to merge the advisory councils after July 1,
23 2015; and
- 24 ▶ makes technical and conforming amendments.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **46-4-503**, as last amended by Laws of Utah 2013, Chapter 412

32 **53A-3-429**, as enacted by Laws of Utah 2011, Chapter 397

33 **53A-15-101.5**, as last amended by Laws of Utah 2008, Chapter 382

34 **53A-15-104**, as last amended by Laws of Utah 2008, Chapters 235 and 382

35 **53B-17-101**, as last amended by Laws of Utah 2006, Chapter 150

36 **53B-17-104**, as last amended by Laws of Utah 2012, Chapter 16

37 **53B-18-901**, as enacted by Laws of Utah 2001, Chapter 329

38 **63G-6a-104**, as repealed and reenacted by Laws of Utah 2013, Chapter 445

39 **63J-3-103**, as last amended by Laws of Utah 2013, Chapters 295, 310, and 400

40 **63M-1-3204**, as enacted by Laws of Utah 2013, Chapter 336

41 **72-7-109**, as last amended by Laws of Utah 2002, Chapter 176

42 ENACTS:

43 **53B-17-101.5**, Utah Code Annotated 1953

44 **53B-17-105**, Utah Code Annotated 1953

45 **53B-17-106**, Utah Code Annotated 1953

46 **53B-17-107**, Utah Code Annotated 1953

47 REPEALS:

48 **53B-17-102**, as last amended by Laws of Utah 2012, Chapter 16



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

51 Section 1. Section **46-4-503** is amended to read:

52 **46-4-503. Government products and services provided electronically.**

53 (1) Notwithstanding Section **46-4-501**, a state governmental agency that administers
54 one or more of the following transactions shall allow those transactions to be conducted
55 electronically:

- 56 (a) an application for or renewal of a professional or occupational license issued under
- 57 Title 58, Occupations and Professions;
- 58 (b) the renewal of a drivers license;

- 59 (c) an application for a hunting or fishing license;
- 60 (d) the filing of:
- 61 (i) a return under Title 59, Chapter 10, Individual Income Tax Act or Title 59, Chapter
- 62 12, Sales and Use Tax Act;
- 63 (ii) a court document, as defined by the Judicial Council; or
- 64 (iii) a document under Title 70A, Uniform Commercial Code;
- 65 (e) a registration for:
- 66 (i) a product; or
- 67 (ii) a brand;
- 68 (f) a renewal of a registration of a motor vehicle;
- 69 (g) a registration under:
- 70 (i) Title 16, Corporations;
- 71 (ii) Title 42, Names; or
- 72 (iii) [~~on or before December 31, 2013, Title 48, Partnership, and on and after January~~
- 73 ~~1, 2014,~~] Title 48, Partnership - Unincorporated Business Entity Act; or
- 74 (h) submission of an application for benefits:
- 75 (i) under Title 35A, Chapter 3, Employment Support Act;
- 76 (ii) under Title 35A, Chapter 4, Employment Security Act; or
- 77 (iii) related to accident and health insurance.
- 78 (2) The state system of public education, in coordination with the Utah Telehealth and
- 79 Education Network, shall make reasonable progress toward making the following services
- 80 available electronically:
- 81 (a) secure access by parents and students to student grades and progress reports;
- 82 (b) email communications with:
- 83 (i) teachers;
- 84 (ii) parent-teacher associations; and
- 85 (iii) school administrators;
- 86 (c) access to school calendars and schedules; and
- 87 (d) teaching resources that may include:
- 88 (i) teaching plans;
- 89 (ii) curriculum guides; and

90 (iii) media resources.

91 (3) A state governmental agency shall:

92 (a) in carrying out the requirements of this section, take reasonable steps to ensure the
93 security and privacy of records that are private or controlled as defined by Title 63G, Chapter 2,
94 Government Records Access and Management Act;

95 (b) in addition to those transactions listed in Subsections (1) and (2), determine any
96 additional services that may be made available to the public through electronic means; and

97 (c) as part of the agency's information technology plan required by Section 63F-1-204,
98 report on the progress of compliance with Subsections (1) through (3).

99 (4) Notwithstanding the other provisions of this part, a state governmental agency is
100 not required by this part to conduct a transaction electronically if:

101 (a) conducting the transaction electronically is not required by federal law; and

102 (b) conducting the transaction electronically is:

103 (i) impractical;

104 (ii) unreasonable; or

105 (iii) not permitted by laws pertaining to privacy or security.

106 (5) (a) For purposes of this Subsection (5), "one-stop shop" means the consolidation of
107 access to diverse services and agencies at one location including virtual colocation.

108 (b) State agencies that provide services or offer direct assistance to the business
109 community shall participate in the establishment, maintenance, and enhancement of an
110 integrated Utah business web portal known as Business.utah.gov. The purpose of the business
111 web portal is to provide "one-stop shop" assistance to businesses.

112 (c) State agencies shall partner with other governmental and nonprofit agencies whose
113 primary mission is to provide services or offer direct assistance to the business community in
114 Utah in fulfilling the requirements of this section.

115 (d) The following state entities shall comply with the provisions of this Subsection (5):

116 (i) Governor's Office of Economic Development, which shall serve as the managing
117 partner for the website;

118 (ii) Department of Workforce Services;

119 (iii) Department of Commerce;

120 (iv) Tax Commission;

121 (v) Department of Administrative Services - Division of Purchasing and General
122 Services, including other state agencies operating under a grant of authority from the division
123 to procure goods and services in excess of \$5,000;

124 (vi) Department of Agriculture;

125 (vii) Department of Natural Resources; and

126 (viii) other state agencies that provide services or offer direct assistance to the business
127 sector.

128 (e) The business services available on the business web portal may include:

129 (i) business life cycle information;

130 (ii) business searches;

131 (iii) employment needs and opportunities;

132 (iv) motor vehicle registration;

133 (v) permit applications and renewal;

134 (vi) tax information;

135 (vii) government procurement bid notifications;

136 (viii) general business information;

137 (ix) business directories; and

138 (x) business news.

139 Section 2. Section **53A-3-429** is amended to read:

140 **53A-3-429. Regional service centers.**

141 (1) For purposes of this section, "eligible regional service center" means a regional
142 service center formed by two or more school districts as an interlocal entity, in accordance with
143 Title 11, Chapter 13, Interlocal Cooperation Act.

144 (2) The Legislature strongly encourages school districts to collaborate and cooperate to
145 provide educational services in a manner that will best utilize resources for the overall
146 operation of the public education system.

147 (3) An eligible regional service center formed by an interlocal agreement, in
148 accordance with Title 11, Chapter 13, Interlocal Cooperation Act, may receive a distribution
149 described in Subsection (5) if the Legislature appropriates money for eligible regional service
150 centers.

151 (4) (a) If local school boards enter into an interlocal agreement to confirm or formalize

152 a regional service center in operation before July 1, 2011, the interlocal agreement may not
153 eliminate any rights or obligations of the regional service center in effect before entering into
154 the interlocal agreement.

155 (b) An interlocal agreement entered into to confirm or formalize an existing regional
156 service center shall have the effect of confirming and ratifying in the regional service center,
157 the title to any property held in the name, or for the benefit of the regional service center as of
158 the effective date of the interlocal agreement.

159 (5) (a) The State Board of Education shall distribute any funding appropriated to
160 eligible regional service centers as provided by the Legislature.

161 (b) The State Board of Education may provide funding to an eligible regional service
162 center in addition to legislative appropriations.

163 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
164 State Board of Education shall make rules regarding eligible regional service centers including:

165 (a) the distribution of legislative appropriations to eligible regional service centers;

166 (b) the designation of eligible regional service centers as agents to distribute Utah
167 Telehealth and Education Network services; and

168 (c) the designation of eligible regional service centers as agents for regional
169 coordination of public education and higher education services.

170 (7) A public school that is a charter school may enter into a contract with an eligible
171 regional service center to receive education related services from the eligible regional service
172 center.

173 Section 3. Section **53A-15-101.5** is amended to read:

174 **53A-15-101.5. Concurrent enrollment instruction in Mandarin Chinese.**

175 (1) (a) As used in this section, "category IV languages" means those languages
176 designated the most difficult to learn by the Defense Language Institute as provided in training
177 to members of the United States Military.

178 (b) The Legislature recognizes:

179 (i) the importance of students acquiring skills in foreign languages in order for them to
180 successfully compete in a global society; and

181 (ii) that the acquisition of category IV languages, such as Mandarin Chinese, Arabic,
182 Korean, and Japanese, by students in the state's public schools requires extended sequences of

183 study to acquire useful proficiency in listening, speaking, reading, and writing.

184 (2) (a) As a component of the concurrent enrollment program authorized under Section
185 [53A-15-101](#), the State Board of Education and the State Board of Regents, in consultation with
186 the Utah Telehealth and Education Network, may develop and implement a concurrent
187 enrollment course of study in the category IV language of Mandarin Chinese.

188 (b) The course shall be taught over [~~EDNET~~] the state's two-way interactive video
189 conferencing system for video and audio, to high school juniors and seniors in the state's public
190 education system.

191 (3) (a) The concurrent enrollment course in Mandarin Chinese authorized in
192 Subsection (2) may use paraprofessionals in the classroom who:

193 (i) are fluent in Mandarin Chinese; and

194 (ii) can provide reinforcement and tutoring to students on days and at times when they
195 are not receiving instruction [~~over EDNET~~] under Subsection (2)(b).

196 (b) The State Board of Education, through the State Superintendent of Public
197 Instruction, and professors who teach Chinese in the state system of higher education shall
198 jointly ensure that the paraprofessionals are fluent in Mandarin Chinese.

199 (4) The State Board of Education and the State Board of Regents shall make joint rules
200 on the concurrent enrollment course authorized under this section in accordance with Title
201 63G, Chapter 3, Utah Administrative Rulemaking Act, to include:

202 (a) notification to school districts on the times and places of the course offerings; and

203 (b) instructional materials for the course.

204 (5) Students who successfully complete the concurrent enrollment course offered under
205 this section shall receive tuition reimbursement for a sequential Mandarin Chinese course they
206 successfully complete at an institution within the state system of higher education under rules
207 made by the State Board of Regents in accordance with Title 63G, Chapter 3, Utah
208 Administrative Rulemaking Act.

209 (6) The State Board of Education and the State Board of Regents shall jointly track and
210 monitor the Mandarin Chinese language program and may expand the program to include other
211 category IV languages, subject to student demand for the courses and available resources.

212 Section 4. Section **53A-15-104** is amended to read:

213 **53A-15-104. Critical Languages Program -- Pilot.**

214 (1) (a) As used in this section, "critical languages" means those languages described in
215 the federal National Security Language Initiative, including Chinese, Arabic, Russian, Farsi,
216 Hindi, and Korean.

217 (b) The Legislature recognizes:

218 (i) the importance of students acquiring skills in foreign languages in order for them to
219 successfully compete in a global society; and

220 (ii) the academic, societal, and economic development benefits of the acquisition of
221 critical languages.

222 (2) (a) The State Board of Education, in consultation with the Utah Telehealth and
223 Education Network, shall develop and implement courses of study in the critical languages.

224 (b) A course may be taught:

225 (i) over [~~EDNET~~,] the state's two-way interactive video conferencing system for video
226 and audio, to students in the state's public education system;

227 (ii) through the Electronic High School;

228 (iii) through traditional instruction; or

229 (iv) by visiting guest teachers.

230 (3) (a) The courses authorized in Subsection (2) may use paraprofessionals in the
231 classroom who:

232 (i) are fluent in the critical language being taught; and

233 (ii) can provide reinforcement and tutoring to students on days and at times when they
234 are not receiving instruction [~~over EDNET~~] under Subsection (2)(b).

235 (b) The State Board of Education, through the state superintendent of public
236 instruction, shall ensure that the paraprofessionals are fluent in the critical languages.

237 (4) The State Board of Education shall make rules on the critical languages courses
238 authorized under this section in accordance with Title 63G, Chapter 3, Utah Administrative
239 Rulemaking Act, to include:

240 (a) notification to school districts on the times and places of the course offerings; and

241 (b) instructional materials for the courses.

242 (5) The State Board of Education shall track and monitor the Critical Languages
243 Program and may expand the program to include more course offerings and other critical
244 languages, subject to student demand for the courses and available resources.

245 (6) (a) Subject to funding for the program, the State Board of Education shall establish
246 a pilot program for school districts and schools to initially participate in the Critical Languages
247 Program that provides:

248 (i) up to \$6,000 per language per school, for up to 60 schools, for courses offered in
249 critical languages;

250 (ii) up to \$100 per student who completes a critical languages course; and

251 (iii) up to an additional \$400 per foreign exchange student who completes a critical
252 languages course.

253 (b) If the available funding is insufficient to provide the amounts described under
254 Subsection (6)(a), the amounts provided shall be reduced pro rata so that the total provided
255 does not exceed the available funding.

256 Section 5. Section **53B-17-101** is amended to read:

257 **53B-17-101. Legislative findings on public broadcasting and telecommunications**
258 **for education.**

259 The Legislature finds and determines the following:

260 (1) The University of Utah's Dolores Dore' Eccles Broadcast Center is the statewide
261 public broadcasting and telecommunications facility for education in Utah.

262 (2) The center shall provide services to citizens of the state in cooperation with higher
263 and public education, state and local government, and private industry.

264 (3) Distribution services provided through the center shall include KUED - TV, KUER
265 - FM, and KUEN - TV.

266 (4) KUED - TV and KUER - FM are licensed to the University of Utah.

267 (5) The Utah Telehealth and Education Network's broadcast entity, KUEN - TV, is
268 licensed to the Utah State Board of Regents and, together with [~~UEN~~] UTEN, is operated on
269 behalf of the state's systems of public and higher education.

270 (6) All the entities referred to in Subsection (3) are under the administrative
271 supervision of the University of Utah, subject to the authority and governance of the State
272 Board of Regents.

273 (7) This section neither regulates nor restricts a privately owned company in the
274 distribution or dissemination of educational programs.

275 Section 6. Section **53B-17-101.5** is enacted to read:

276 **53B-17-101.5. Definitions.**

277 As used in this part:

278 (1) "Board" means the Utah Telehealth and Education Network Board.

279 (2) "Education Advisory Council" means the Utah Education Network Advisory

280 Council created in Section [53B-17-107](#).

281 (3) "Telehealth" means the electronic transfer, exchange, or management of related
282 data for diagnosis, treatment, and consultation, and educational, public health, or other related
283 purposes.

284 (4) "Telehealth Advisory Council" means the Utah Telehealth Advisory Council
285 created in Section [53B-17-106](#).

286 (5) "Utah Telehealth and Education Network," or "UTEN," means a consortium and
287 partnership between public and higher education, the Utah Department of Health, and health
288 care providers, that is created in Section [53B-17-105](#).

289 Section 7. Section **53B-17-104** is amended to read:

290 **53B-17-104. Responsibilities of the State Board of Regents, the State Board of**
291 **Education, the University of Utah, KUED - TV, KUER - FM, and UTEN related to public**
292 **broadcasting and telecommunication for education and government.**

293 (1) Subject to applicable rules of the Federal Communications Commission and
294 Section [~~53B-17-102~~] [53B-17-105](#), the State Board of Regents, the State Board of Education,
295 [~~and~~] the University of Utah, KUED - TV, KUER - FM, and [~~UTEN~~] UTEN shall:

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

297 (b) develop, maintain, and operate statewide distribution systems for KUED - TV,
298 KUER - FM, and KUEN, the statewide distance learning service, the educational data network,
299 connections to the Internet, and other telecommunications services appropriate for providing
300 video, audio, and data telecommunication services in support of public and higher education,
301 state government, and public libraries;

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

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

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

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

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

316 (h) coordinate with school districts and public schools to acquire, produce, and
317 distribute broadcast and nonbroadcast telecourses, teleconferences, and other instructional and
318 training services to the public schools;

319 (i) coordinate the development of a clearing house for the materials, courses,
320 publications, media, software, and other applicable information related to the items addressed
321 in Subsections (1)(g) and (h);

322 (j) coordinate the provision of the following services to public schools:

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

325 (ii) digitization of programs for broadcast purposes; and

326 (iii) program previewing;

327 (k) share responsibility for Instructional Television (ITV) awareness and utilization;
328 and

329 (l) provide teleconference and training services for state and local governmental
330 agencies.

331 (2) This section neither regulates nor restricts a privately owned company in the
332 distribution or dissemination of education programs.

333 Section 8. Section **53B-17-105** is enacted to read:

334 **53B-17-105. Utah Telehealth and Education Network.**

335 (1) There is created the Utah Telehealth and Education Network, or UTEN.

336 (2) UTEN shall:

337 (a) coordinate and support the telecommunications needs of public and higher

338 education, public libraries, and entities affiliated with the state systems of public and higher
339 education as approved by the Utah Telehealth and Education Network Board, including the
340 statewide development and implementation of a network for education, which utilizes satellite,
341 microwave, fiber-optic, broadcast, and other transmission media;

342 (b) coordinate the various telecommunications technology initiatives of public and
343 higher education;

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

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

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

350 (f) apply for state and federal funding on behalf of:

351 (i) public and higher education; and

352 (ii) telehealth services;

353 (g) explore and encourage the development of telehealth services as a means of
354 reducing health care costs and increasing health care quality and access, with emphasis on
355 assisting rural health care providers and special populations; and

356 (h) in consultation with the Utah Department of Health, advise the governor and the
357 Legislature on:

358 (i) the role of telehealth in the state;

359 (ii) the policy issues related to telehealth;

360 (iii) the changing telehealth needs and resources in the state; and

361 (iv) state budgetary matters related to telehealth.

362 (3) In performing the duties under Subsection (2), UTEN shall:

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

365 (b) work with the private sector to deliver high-quality, cost-effective services;

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

368 (d) utilize statewide economic development criteria in the design and implementation

369 of the educational telecommunications infrastructure; and

370 (e) assure that public service entities, such as educators, public service providers, and
371 public broadcasters, are provided access to the telecommunications infrastructure developed in
372 the state.

373 (4) The University of Utah shall provide administrative support for UTEN.

374 (5) (a) The Utah Telehealth and Education Network Board, which is the governing
375 board for UTEN, is created.

376 (b) The Utah Telehealth and Education Network Board shall have nine members as
377 follows:

378 (i) two members representing the state system of higher education appointed by the
379 commissioner of higher education;

380 (ii) two members representing the state system of public education appointed by the
381 State Board of Education;

382 (iii) one member representing applied technology centers appointed by the president of
383 the Utah College of Applied Technology;

384 (iv) one member representing the state library appointed by the state librarian;

385 (v) one member representing the Utah State Office of Education appointed by the state
386 superintendent; and

387 (vi) two members representing hospitals as follows:

388 (A) the members may not be employed by the same hospital system;

389 (B) one member shall represent a rural hospital;

390 (C) one member shall represent an urban hospital; and

391 (D) the chief administrator or the administrator's designee for each hospital licensed in
392 this state shall vote on the appointment of the two hospital representatives.

393 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
394 appointed for the unexpired term.

395 (d) (i) The board shall elect a chair.

396 (ii) The chair shall set the agenda for the board meetings.

397 (6) A member of the board may not receive compensation or benefits for the member's
398 service, but may receive per diem and travel expenses in accordance with:

399 (a) Section [63A-3-106](#);

400 (b) Section 63A-3-107; and
401 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
402 63A-3-107.
403 (7) The board:
404 (a) shall hire an executive director for UTEN who may hire staff for UTEN as
405 permitted by the budget;
406 (b) may terminate the executive director's employment or assignment;
407 (c) shall determine the executive director's salary;
408 (d) shall annually conduct a performance evaluation of the executive director;
409 (e) shall establish policies the board determines are necessary for the operation of
410 UTEN and the administration of UTEN's duties; and
411 (f) shall advise UTEN in:
412 (i) the development and operation of a coordinated, statewide, multi-option
413 telecommunications system to assist in the delivery of educational services and telehealth
414 services throughout the state; and
415 (ii) acquiring, producing, and distributing instructional content.
416 (8) The executive director of UTEN shall be an at-will employee.
417 (9) UTEN shall locate and maintain educational and telehealth telecommunication
418 infrastructure throughout the state.
419 (10) Educational institutions shall manage site operations under policy established by
420 UTEN.
421 (11) Subject to future budget constraints, the Legislature shall provide an annual
422 appropriation to operate UTEN.
423 (12) If the network operated by the Department of Technology Services is not
424 available, UTEN may provide network connections to the central administration of counties
425 and municipalities for the sole purpose of transferring data to a secure facility for backup and
426 disaster recovery.
427 Section 9. Section **53B-17-106** is enacted to read:
428 **53B-17-106. Utah Telehealth Advisory Council.**
429 (1) There is created the Utah Telehealth Advisory Council, which may, at the
430 discretion of the board, and after July 1, 2015, be combined with the Utah Education Advisory

431 Council created in Section [53B-17-107](#).

432 (2) The Utah Telehealth Advisory Council members shall be appointed by the board.

433 (3) (a) The Telehealth Advisory Council shall annually elect a chairperson from its
434 membership. The chair shall set the agendas for the meetings of the advisory council and shall
435 report to the board.

436 (b) The Telehealth Advisory Council shall hold meetings at least once every three
437 months. Meetings may be held from time to time on the call of the chair or a majority of the
438 board members.

439 (4) A member may not receive compensation or benefits for the member's service, but,
440 at the executive director's discretion, may receive per diem and travel expenses in accordance
441 with:

442 (a) Section [63A-3-106](#);

443 (b) Section [63A-3-107](#); and

444 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
445 [63A-3-107](#).

446 (5) The board shall provide staff support to the council.

447 (6) The council shall:

448 (a) advise and make recommendations on telehealth service issues to the board and
449 other state entities;

450 (b) advise and make recommendations on telehealth-related patient privacy to the
451 board;

452 (c) promote collaborative efforts to establish technical compatibility, uniform policies,
453 and privacy features to meet legal, financial, commercial, and other societal requirements;

454 (d) identify, address, and seek to resolve the legal, ethical, regulatory, financial,
455 medical, and technological issues that may serve as barriers to telehealth service;

456 (e) explore and encourage the development of telehealth as a means of reducing health
457 care costs and increasing health care quality and access, with emphasis on assisting rural health
458 care providers and special populations with access to or development of electronic medical
459 records; and

460 (f) seek public input on telehealth issues.

461 Section 10. Section **53B-17-107** is enacted to read:

462 **53B-17-107. Utah Education Advisory Council.**

463 (1) (a) There is created Utah Education Advisory Council which may, at the discretion
464 of the board, and after July 1, 2015, be combined with the Utah Telehealth Advisory Council
465 created in Section [53B-17-106](#).

466 (b) The Utah Education Advisory Council members shall be appointed by the board.

467 (c) The Utah Education Advisory Council shall annually elect a chairperson from its
468 membership. The chair shall set the agenda for Utah Education Advisory Council meetings
469 and report to the board.

470 (d) The Utah Education Advisory Council shall hold meetings at least once every three
471 months. Meetings may be held from time to time on the call of the chair or a majority of the
472 board members.

473 (2) A member of the Utah Education Advisory Council may not receive compensation
474 or benefits for the member's service, but at the executive director's discretion may receive per
475 diem and travel expenses in accordance with:

476 (a) Section [63A-3-106](#);

477 (b) Section [63A-3-107](#); and

478 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
479 [63A-3-107](#).

480 (3) The Utah Education Advisory Council shall:

481 (a) advise the board and other public entities regarding:

482 (i) the coordination of the various telecommunications technology initiatives of public
483 and higher education;

484 (ii) how to provide high-quality, cost-effective Internet access and appropriate interface
485 equipment for schools and school systems;

486 (iii) recommendations for the procurement, installation, and maintenance of
487 telecommunication services and equipment on behalf of public and higher education; and

488 (iv) the development or implementation of other programs or services for the delivery
489 of distance learning and digital health services as directed by law; and

490 (b) seek public input on the development and operation of a coordinated, statewide,
491 multi-option telecommunications system to assist in the delivery of educational services and
492 digital health services throughout the state.

493 (4) The board shall provide staff to the council.

494 Section 11. Section **53B-18-901** is amended to read:

495 **53B-18-901. Distance Education Doctorate Program.**

496 (1) The Legislature finds that:

497 (a) many Utah public education administrators are nearing the end of their careers and
498 will retire early in the 21st Century;

499 (b) Utah public schools have many mid-career faculty that could become the next wave
500 of administrators if they were prepared with a doctorate in education degree that emphasized
501 curriculum and instruction;

502 (c) each of Utah's community colleges have several faculty that need a terminal degree
503 and further knowledge in curriculum development and state-of-the-art instructional
504 methodology, and these individuals, being mid-career, find it difficult to relocate to a college
505 campus for a traditional program; and

506 (d) the state and its students will be better served if faculty and administrators are more
507 knowledgeable about the development of curriculum and the latest instructional methodology
508 based on documented research.

509 (2) Therefore, Utah State University shall establish a Distance Education Doctorate
510 Program to accommodate public education administrators and community college faculty and
511 administration.

512 (3) The program shall include the following components:

513 (a) the offering of courses for a doctorate degree in education over the [~~UEN-EDNET~~]
514 system established under Title 53B, Chapter 17, Part 1, Educational Telecommunications;

515 (b) structuring of the program to make it identical to a regular campus program in rigor
516 and course work; and

517 (c) providing a support system from at least the following five departments at the
518 university:

519 (i) Elementary Education;

520 (ii) Secondary Education;

521 (iii) Business Information Systems and Education;

522 (iv) Industrial Technology; and

523 (v) Agricultural Systems Technology and Education.

524 (4) The university shall augment the program with off-campus summer courses, with
525 those courses eventually being offered over the [~~UEN-EDNET~~] system established under Title
526 53B, Chapter 17, Part 1, Educational Telecommunications.

527 (5) The Legislature shall provide an annual appropriation to fund the program
528 established under this part.

529 Section 12. Section **63G-6a-104** is amended to read:

530 **63G-6a-104. Definitions of government entities.**

531 As used in this chapter:

532 (1) "Applicable rulemaking authority" means:

533 (a) as it relates to a legislative procurement unit, the Legislative Management
534 Committee, which shall adopt a policy establishing requirements applicable to a legislative
535 procurement unit;

536 (b) as it relates to a judicial procurement unit, the Judicial Council;

537 (c) as it relates to an executive branch procurement unit, except to the extent provided
538 in Subsections (1)(d) through (g), the board;

539 (d) as it relates to the State Building Board, created in Section **63A-5-101**, the State
540 Building Board, but only to the extent that the rules relate to procurement authority expressly
541 granted to the State Building Board by statute;

542 (e) as it relates to the Division of Facilities Construction and Management, created in
543 Section **63A-5-201**, the director of the Division of Facilities Construction and Management,
544 but only to the extent that the rules relate to procurement authority expressly granted to the
545 Division of Facilities Construction and Management by statute;

546 (f) as it relates to the Office of the Attorney General, the attorney general, but only to
547 the extent that the rules relate to procurement authority expressly granted to the attorney
548 general by statute;

549 (g) as it relates to the Department of Transportation, created in Section **72-1-201**, the
550 executive director of the Department of Transportation, but only to the extent that the rules
551 relate to procurement authority expressly granted to the Department of Transportation by
552 statute;

553 (h) as it relates to a local government procurement unit, the legislative body of the local
554 government procurement unit, not as a delegation of authority from the Legislature, but under

555 the local government procurement unit's own legislative authority;

556 (i) as it relates to a school district or a public school, the Utah State Procurement Policy
557 Board, except to the extent that a school district makes its own nonadministrative rules, with
558 respect to a particular subject, that do not conflict with the provisions of this chapter;

559 (j) as it relates to a state institution of higher education, the State Board of Regents;

560 (k) as it relates to a public transit district, the chief executive of the public transit
561 district;

562 (l) as it relates to a local district or a special service district:

563 (i) before May 13, 2014, the board of trustees of the local district or the governing body
564 of the special service district; or

565 (ii) on or after May 13, 2014, the board, except to the extent that the board of trustees
566 of the local district or the governing body of the special service district makes its own rules:

567 (A) with respect to a subject addressed by board rules; or

568 (B) that are in addition to board rules; or

569 (m) as it relates to a procurement unit, other than a procurement unit described in
570 Subsections (1)(a) through (l), the board.

571 (2) "Board" means the Utah State Procurement Policy Board, created in Section
572 [63G-6a-202](#).

573 (3) "Building board" means the State Building Board created in Section [63A-5-101](#).

574 (4) "Conservation district" is as defined in Section [17D-3-102](#).

575 (5) "Division" means the Division of Purchasing and General Services.

576 (6) "Educational procurement unit" means:

577 (a) a school district;

578 (b) a public school, including a local school board or a charter school;

579 (c) Utah Schools for the Deaf and Blind;

580 (d) the Utah Telehealth and Education Network; or

581 (e) an institution of higher education of the state.

582 (7) "Executive branch procurement unit" means each department, division, office,
583 bureau, agency, or other organization within the state executive branch, including the division
584 and the attorney general's office.

585 (8) "External procurement unit" means:

586 (a) a buying organization not located in this state which, if located in this state, would
587 qualify as a procurement unit; or

588 (b) an agency of the United States.

589 (9) "Judicial procurement unit" means:

590 (a) the Utah Supreme Court;

591 (b) the Utah Court of Appeals;

592 (c) the Judicial Council;

593 (d) a state judicial district; or

594 (e) each office, committee, subcommittee, or other organization within the state
595 judicial branch.

596 (10) "Legislative procurement unit" means:

597 (a) the Legislature;

598 (b) the Senate;

599 (c) the House of Representatives;

600 (d) a staff office of an entity described in Subsection (10)(a), (b), or (c); or

601 (e) each office, committee, subcommittee, or other organization within the state
602 legislative branch.

603 (11) "Local building authority" is as defined in Section [17D-2-102](#).

604 (12) "Local district" is as defined in Section [17B-1-102](#).

605 (13) "Local government procurement unit" means:

606 (a) a county or municipality, and each office or agency of the county or municipality,
607 unless the county or municipality adopts its own procurement code by ordinance;

608 (b) a county or municipality, and each office or agency of the county or municipality,
609 that has adopted this entire chapter by ordinance; or

610 (c) a county or municipality, and each office or agency of the county or municipality,
611 that has adopted a portion of this chapter by ordinance, to the extent that the term is used in the
612 adopted portion of this chapter.

613 (14) (a) "Procurement unit" means:

614 (i) a legislative procurement unit;

615 (ii) an executive branch procurement unit;

616 (iii) a judicial procurement unit;

- 617 (iv) an educational procurement unit;
- 618 (v) a local government procurement unit;
- 619 (vi) a local district;
- 620 (vii) a special service district;
- 621 (viii) a local building authority;
- 622 (ix) a conservation district;
- 623 (x) a public corporation; or
- 624 (xi) a public transit district.
- 625 (b) "Procurement unit" does not include a political subdivision created under Title 11,
- 626 Chapter 13, Interlocal Cooperation Act.
- 627 (15) "Public corporation" is as defined in Section [63E-1-102](#).
- 628 (16) "Public entity" means any state government entity or a political subdivision of the
- 629 state, including:
 - 630 (a) a procurement unit;
 - 631 (b) a municipality or county, regardless of whether the municipality or county has
 - 632 adopted this chapter or any part of this chapter; and
 - 633 (c) any other government entity located in Utah that expends public funds.
- 634 (17) "Public transit district" means a public transit district organized under Title 17B,
- 635 Chapter 2a, Part 8, Public Transit District Act.
- 636 (18) "Special service district" is as defined in Section [17D-1-102](#).
- 637 Section 13. Section **63J-3-103** is amended to read:
- 638 **63J-3-103. Definitions.**
- 639 As used in this chapter:
 - 640 (1) (a) "Appropriations" means actual unrestricted capital and operating appropriations
 - 641 from unrestricted General Fund and Education Fund sources.
 - 642 (b) "Appropriations" includes appropriations that are contingent upon available
 - 643 surpluses in the General Fund and Education Fund.
 - 644 (c) "Appropriations" does not mean:
 - 645 (i) public education expenditures;
 - 646 (ii) Utah Telehealth and Education Network expenditures in support of public
 - 647 education;

- 648 (iii) Utah College of Applied Technology expenditures in support of public education;
- 649 (iv) Tax Commission expenditures related to collection of income taxes in support of
650 public education;
- 651 (v) debt service expenditures;
- 652 (vi) emergency expenditures;
- 653 (vii) expenditures from all other fund or subfund sources;
- 654 (viii) transfers or appropriations from the Education Fund to the Uniform School Fund;
- 655 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve
656 Account established in Section [63J-1-312](#);
- 657 (x) transfers into, or appropriations made to, the Education Budget Reserve Account
658 established in Section [63J-1-313](#);
- 659 (xi) transfers in accordance with Section [63J-1-314](#) into, or appropriations made to the
660 State Disaster Recovery Restricted Account created in Section [53-2a-603](#);
- 661 (xii) money appropriated to fund the total one-time project costs for the construction of
662 capital developments as defined in Section [63A-5-104](#);
- 663 (xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund
664 created by Section [72-2-118](#);
- 665 (xiv) transfers or deposits into or appropriations made to the Transportation Investment
666 Fund of 2005 created by Section [72-2-124](#);
- 667 (xv) transfers or deposits into or appropriations made to:
- 668 (A) the Department of Transportation from any source; or
- 669 (B) any transportation-related account or fund from any source; or
- 670 (xvi) supplemental appropriations from the General Fund to the Division of Forestry,
671 Fire, and State Lands to provide money for wildland fire control expenses incurred during the
672 current or previous fire years.
- 673 (2) "Base year real per capita appropriations" means the result obtained for the state by
674 dividing the fiscal year 1985 actual appropriations of the state less debt money by:
- 675 (a) the state's July 1, 1983 population; and
- 676 (b) the fiscal year 1983 inflation index divided by 100.
- 677 (3) "Calendar year" means the time period beginning on January 1 of any given year
678 and ending on December 31 of the same year.

679 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
680 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session,
681 Chapter 4.

682 (5) "Fiscal year" means the time period beginning on July 1 of any given year and
683 ending on June 30 of the subsequent year.

684 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual
685 capital and operations appropriations from General Fund and non-Uniform School Fund
686 income tax revenue sources, less debt money.

687 (7) "Inflation index" means the change in the general price level of goods and services
688 as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic
689 Analysis, U.S. Department of Commerce calculated as provided in Section [63J-3-202](#).

690 (8) (a) "Maximum allowable appropriations limit" means the appropriations that could
691 be, or could have been, spent in any given year under the limitations of this chapter.

692 (b) "Maximum allowable appropriations limit" does not mean actual appropriations
693 spent or actual expenditures.

694 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two
695 fiscal years previous to the fiscal year for which the maximum allowable inflation and
696 population appropriations limit is being computed under this chapter.

697 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal
698 years previous to the fiscal year for which the maximum allowable inflation and population
699 appropriations limit is being computed under this chapter.

700 (11) "Population" means the number of residents of the state as of July 1 of each year
701 as calculated by the Governor's Office of Management and Budget according to the procedures
702 and requirements of Section [63J-3-202](#).

703 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and
704 other monetary exaction and interest connected with it that are recorded as unrestricted revenue
705 of the General Fund and from non-Uniform School Fund income tax revenues, except as
706 specifically exempted by this chapter.

707 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness,
708 whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an
709 "indebtedness" within the meaning of any provision of the constitution or laws of this state.

710 Section 14. Section **63M-1-3204** is amended to read:
711 **63M-1-3204. STEM Action Center.**
712 (1) As funding allows, the board shall:
713 (a) establish a STEM Action Center;
714 (b) ensure that the STEM Action Center:
715 (i) is accessible by the public; and
716 (ii) includes the components described in Subsection (2);
717 (c) work cooperatively with the State Board of Education to acquire technology and
718 select schools as described in Sections **63M-1-3205** and **63M-1-3206**; and
719 (d) engage private entities to provide financial support or employee time for STEM
720 activities in schools in addition to what is currently provided by private entities.
721 (2) As funding allows, the executive director of the STEM Action Center shall:
722 (a) support professional development for educators regarding education related
723 instructional technology that supports STEM education;
724 (b) ensure that the STEM Action Center acts as a research and development center for
725 education related instructional technology acquired through a request for proposals process
726 described in Section **63M-1-3205**;
727 (c) review and acquire STEM education related technology for:
728 (i) educator professional development;
729 (ii) assessment, data collection, analysis, and reporting; and
730 (iii) public school instruction;
731 (d) facilitate participation in interscholastic STEM related competitions, fairs, and
732 camps;
733 (e) engage private industry in the development and maintenance of the STEM Action
734 Center;
735 (f) use resources to bring the latest STEM education learning tools into public
736 education classrooms;
737 (g) identify at least 10 best practice innovations used in Utah schools that have resulted
738 in at least 80% of students performing at grade level in STEM areas;
739 (h) identify best practices being used outside the state and implement selected practices
740 through a pilot program;

- 741 (i) identify:
- 742 (i) three learning tools for kindergarten through grade 6 identified as best practices; and
- 743 (ii) three learning tools per STEM subject for grades 7 through 12 identified as best
- 744 practices;
- 745 (j) provide a Utah best practices database, including best practices from public
- 746 education, higher education, the Utah Telehealth and Education Network, and other STEM
- 747 related entities;
- 748 (k) keep track of the following items related to the best practices database described in
- 749 Subsection (2)(j):
- 750 (i) how the best practices database is being used; and
- 751 (ii) how many individuals are using the database, including the demographics of the
- 752 users, if available;
- 753 (l) join and participate in a national STEM network;
- 754 (m) identify performance changes linked to use of the best practices database described
- 755 in Subsection (2)(j);
- 756 (n) work cooperatively with the State Board of Education to designate schools as
- 757 STEM schools, where the schools have agreed to adopt a plan of STEM implementation in
- 758 alignment with criteria set by the State Board of Education and the board;
- 759 (o) support best methods of professional development, including methods of
- 760 professional development that reduce cost and increase effectiveness, to help educators learn
- 761 how to most effectively implement best practice learning tools in classrooms;
- 762 (p) recognize a high school's achievement in the STEM competitions, fairs, and camps
- 763 described in Subsection (2)(d);
- 764 (q) send student results from STEM competitions, fairs, and camps described in
- 765 Subsection (2)(d) to media and ask the media to report on them;
- 766 (r) develop and distribute STEM toolkits to parents of students being served by the
- 767 STEM Action Center;
- 768 (s) support targeted professional development for improved instruction in STEM in
- 769 grades 6, 7, and 8, including:
- 770 (i) improved instructional materials that are dynamic and engaging for students;
- 771 (ii) targeted instruction for students who traditionally avoid enrolling in STEM

772 courses;

773 (iii) introduction of engaging engineering courses; and

774 (iv) introduction of other research-based methods that support student achievement in

775 STEM areas; and

776 (t) ensure that an online college readiness assessment tool be accessible by:

777 (i) public education students; and

778 (ii) higher education students.

779 (3) The board may prescribe other duties for the STEM Action Center in addition to

780 the responsibilities described in this section.

781 (4) (a) The executive director shall track and compare the student performance of

782 students participating in a STEM Action Center program to all other similarly situated students

783 in the state, in the following STEM related activities, at the beginning and end of each year:

784 (i) public education high school graduation rates;

785 (ii) the number of students taking a remedial mathematics course at an institution of

786 higher education described in Section [53B-2-101](#);

787 (iii) the number of students who graduate from a Utah public school and begin a

788 postsecondary education program; and

789 (iv) the number of students, as compared to all similarly situated students, who are

790 performing at grade level in STEM classes.

791 (b) The State Board of Education and the State Board of Regents shall provide

792 information to the board to assist the board in complying with the requirements of Subsection

793 (4)(a) if allowed under federal law.

794 Section 15. Section **72-7-109** is amended to read:

795 **72-7-109. Telecommunications Advisory Council -- Membership -- Duties.**

796 (1) As used in this section:

797 (a) "Council" means the Telecommunications Advisory Council created in this section.

798 (b) "Statewide telecommunications purposes" has the same meaning provided in

799 Section [72-7-108](#).

800 (2) (a) There is created within the department the Telecommunication Advisory

801 Council consisting of six members who represent:

802 (i) the governor's chief advisor on telecommunications;

- 803 (ii) the Public Service Commission;
- 804 (iii) the department;
- 805 (iv) the Utah Telehealth and Education Network;
- 806 (v) the Division of Purchasing and General Services within the Department of
- 807 Administrative Services; and
- 808 (vi) the Division of Public Utilities within the Department of Commerce.
- 809 (b) The members shall be appointed by the governor with the consent of the Senate.
- 810 (3) (a) The members shall annually elect a chair from its members.
- 811 (b) The council shall meet as it determines necessary to accomplish its duties.
- 812 (c) A majority of the council constitutes a quorum for the transaction of business.
- 813 (d) Members shall receive no compensation or benefits for their services.
- 814 (4) (a) The department shall provide staff support for the council.
- 815 (b) The council may request assistance from other technical advisors as it determines
- 816 necessary to accomplish its duties.
- 817 (5) The council shall:
- 818 (a) provide information, suggestions, strategic plans, priorities, and recommendations
- 819 to assist the department in administering telecommunications access to interstate highway
- 820 rights-of-way for statewide telecommunications purposes;
- 821 (b) assist the department in valuing in-kind compensation in accordance with
- 822 Subsection [72-7-108\(3\)\(c\)](#);
- 823 (c) seek input from telecommunications providers and the public;
- 824 (d) coordinate and exchange information with other technology and
- 825 telecommunications entities of the state and its political subdivisions; and
- 826 (e) provide other assistance as requested by the department.
- 827 Section 16. **Repealer.**
- 828 This bill repeals:
- 829 Section [53B-17-102](#), **Utah Education Network.**

Legislative Review Note
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Office of Legislative Research and General Counsel