

Senator Stephen H. Urquhart proposes the following substitute bill:

1 **UTAH COLLEGE OF APPLIED TECHNOLOGY GOVERNANCE**

2 **AMENDMENTS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Stephen H. Urquhart**

6 House Sponsor: Don L. Ipson

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions related to governance of the Utah College of Applied
11 Technology.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
15 ▶ renames the president of the Utah College of Applied Technology the ~~§~~→ [director]

16a **executive president** ←~~§~~ of the

17 Utah College of Applied Technology;

18 ▶ amends the duties of the ~~§~~→ [director] **executive president** ←~~§~~ of the Utah College of
17a Applied Technology;

19 ▶ amends provisions related to the membership of the Utah College of Applied
Technology Board of Trustees;

20 ▶ implements a term limit for a member of the Utah College of Applied Technology
21 Board of Trustees;

22 ▶ amends provisions related to the appointment of a Utah College of Applied
23 Technology campus president; and

- 24 ▶ makes technical and conforming changes.

25 **Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **35A-5-402**, as enacted by Laws of Utah 2015, Chapter 273

32 **53B-2a-101**, as last amended by Laws of Utah 2009, Chapter 346

33 **53B-2a-102**, as last amended by Laws of Utah 2012, Chapter 78

34 **53B-2a-103**, as last amended by Laws of Utah 2014, Chapter 128

35 **53B-2a-104**, as last amended by Laws of Utah 2013, Chapter 310

36 **53B-2a-107**, as last amended by Laws of Utah 2009, Chapter 346

37 **53B-2a-113**, as last amended by Laws of Utah 2009, Chapter 346

38 **53B-17-105**, as enacted by Laws of Utah 2014, Chapter 63

39 **63I-2-253**, as last amended by Laws of Utah 2015, Chapters 258, 418, and 456

40 **63N-12-203**, as renumbered and amended by Laws of Utah 2015, Chapter 283



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

43 Section 1. Section **35A-5-402** is amended to read:

44 **35A-5-402. Career and Technical Education Board creation -- Membership.**

45 (1) There is created the Career and Technical Education Board, within the department,
46 composed of the following members:

47 (a) the state superintendent of public instruction or the state superintendent of public
48 instruction's designee;

49 (b) the commissioner of higher education or the commissioner of higher education's
50 designee;

51 (c) the [president] ~~§~~→ **[director] executive president** ←~~§~~ of the Utah College of Applied
51a Technology or the

52 [president] ~~§~~→ **[director] executive president** ←~~§~~ of the Utah College of Applied Technology's
52a designee;

53 (d) the executive director of the department or the executive director of the
54 department's designee;

55 (e) the executive director of the Governor's Office of Economic Development or the
56 executive director of the Governor's Office of Economic Development's designee;

- 57 (f) one member of the governor's staff, appointed by the governor;
 58 (g) five private sector members, representing business or industry that employs
 59 individuals who hold certificates issued by a CTE program, appointed by the governor;
 60 (h) a member of the Senate, appointed by the president of the Senate; and
 61 (i) a member of the House of Representatives, appointed by the speaker of the House
 62 of Representatives.

63 (2) The CTE Board shall select a chair and vice chair from among the members of the
 64 CTE Board.

65 (3) The CTE Board shall meet at least quarterly.

66 (4) Attendance of a simple majority of the members of the CTE Board constitutes a
 67 quorum for the transaction of official CTE Board business.

68 (5) Formal action by the CTE Board requires the majority vote of a quorum.

69 (6) A member of the CTE Board:

70 (a) may not receive compensation or benefits for the member's service; and

71 (b) may receive per diem and travel expenses in accordance with:

72 (i) Section 63A-3-106;

73 (ii) Section 63A-3-107; and

74 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 75 63A-3-107.

76 Section 2. Section 53B-2a-101 is amended to read:

77 **53B-2a-101. Definitions.**

78 As used in this chapter:

79 (1) "Board of trustees" means the Utah College of Applied Technology Board of
 80 Trustees.

81 (2) "College campus" means a college campus of the Utah College of Applied
 82 Technology.

83 (3) "Competency-based" means mastery of subject matter or skill level, as
 84 demonstrated through business and industry approved standards and assessments, achieved
 85 through participation in a hands-on learning environment, and which is tied to observable,
 86 measurable performance objectives.

87 (4) " ~~§~~ → [Director] Executive President ← ~~§~~ " means the ~~§~~ → [director] executive
 87a president ← ~~§~~ of the Utah College of Applied Technology.

88 (5) "Member" means a member of the board of trustees.

89 [~~(4)~~] (6) "Open-entry, open-exit" means:

90 (a) a method of instructional delivery that allows for flexible scheduling in response to
91 individual student needs or requirements and demonstrated competency when knowledge and
92 skills have been mastered;

93 (b) students have the flexibility to begin or end study at any time, progress through
94 course material at their own pace, and demonstrate competency when knowledge and skills
95 have been mastered; and

96 (c) if competency is demonstrated in a program of study, a credential, certificate, or
97 diploma may be awarded.

98 Section 3. Section **53B-2a-102** is amended to read:

99 **53B-2a-102. ~~§~~ → [Director] Executive President ← ~~§~~ -- Appointment -- Duties.**

100 (1) (a) The board of trustees, [~~upon approval from the governor and~~] with the consent
101 of the Senate [~~for each appointee nominated on or after May 8, 2012~~], shall appoint ~~§~~ → [a] ← ~~§~~
102 [~~president for the Utah College of Applied Technology~~] ~~§~~ → [director] **an executive president ← ~~§~~**
102a to serve as the board of
103 trustees' chief executive officer.

104 [~~(b) The president of the Utah College of Applied Technology does not need to have a~~
105 ~~doctorate degree, but shall~~]

106 (b) The ~~§~~ → [director] **executive president ← ~~§~~** shall:

107 (i) have a master's degree, or a degree more advanced than a master's degree; and

108 (ii) have extensive experience in career and technical education.

109 (c) The [~~president~~] ~~§~~ → [director] **executive president ← ~~§~~** shall serve at the board of
109a trustees' discretion and may be
110 terminated by:

111 (i) the board of trustees; or

112 (ii) the governor, after consultation with the board of trustees.

113 (d) If the board of trustees intends to appoint an interim or acting ~~§~~ → [director] executive
113a **president ← ~~§~~** during a
114 leave of absence of the ~~§~~ → [director] executive president ← ~~§~~ , the board of trustees shall appoint
114a the interim or acting ~~§~~ → [director] executive president ← ~~§~~
115 with the consent of the Senate.

116 [~~(d)~~] (e) The name of each final candidate for [~~president of the Utah College of~~
117 ~~Applied Technology~~] ~~§~~ → [director] **executive president ← ~~§~~** shall be publicly disclosed.

118 [~~(2) The president shall:~~]

150 advantages of career and technical education;]

151 ~~[(g) after consulting with the State Board of Education, school districts, and charter~~
 152 ~~schools, ensure that secondary students in the public education system have access to career~~
 153 ~~and technical education through the Utah College of Applied Technology college campuses;]~~

154 ~~[(h) in conjunction with the board of trustees, establish benchmarks, provide oversight,~~
 155 ~~evaluate program performance, and obtain independent audits to ensure that college campuses~~
 156 ~~follow the non-credit career and technical education mission described in this part; and]~~

157 ~~[(i) with the approval of the board of trustees, appoint each campus president in~~
 158 ~~accordance with Section [53B-2a-107](#) and annually set the compensation of each campus~~
 159 ~~president.]~~

160 (2) The board of trustees shall:

161 (a) set the salary of the ~~§~~→ [director] executive president ←~~§~~ ;

162 (b) prescribe the duties and functions of the ~~§~~→ [director] executive president ←~~§~~ ; and

163 (c) select ~~§~~→ [a director] an executive president ←~~§~~ on the basis of outstanding
 163a professional qualifications.

164 (3) The ~~§~~→ [director] executive president ←~~§~~ is responsible to the board of trustees to:

165 (a) ensure that the policies and programs of the board of trustees are properly executed;

166 (b) furnish information about the Utah College of Applied Technology and make

167 recommendations regarding that information to the board of trustees;

168 (c) provide state-level leadership in an activity affecting a college campus; and

169 (d) perform other duties as assigned by the board of trustees in carrying out the board
 170 of trustees' duties and responsibilities.

171 Section 4. Section **53B-2a-103** is amended to read:

172 **53B-2a-103. Utah College of Applied Technology Board of Trustees --**

173 **Membership -- Terms -- Vacancies -- Oath -- Officers -- Quorum -- Committees --**

174 **Compensation.**

175 (1) There is created the Utah College of Applied Technology Board of Trustees[;].

176 (2) Except as provided in Subsections (3) and (4), the board of trustees is composed of
 177 the following members:

178 (a) one member of the State Board of Education appointed by the chair of the State
 179 Board of Education, to serve as a nonvoting member;

180 (b) one member of the State Board of Regents appointed by the chair of the State

- 274 (a) Section [63A-3-106](#);
 275 (b) Section [63A-3-107](#); and
 276 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
 277 [63A-3-107](#).

278 Section 5. Section **53B-2a-104** is amended to read:

279 **53B-2a-104. Utah College of Applied Technology Board of Trustees -- Powers**
 280 **and duties.**

281 (1) The Utah College of Applied Technology Board of Trustees is vested with the
 282 control, management, and supervision of the Utah College of Applied Technology college
 283 campuses in a manner consistent with the policy and purpose of this title and the specific
 284 powers and responsibilities granted to it.

285 (2) The [~~Utah College of Applied Technology Board of Trustees~~] board of trustees
 286 shall:

287 (a) ensure that [~~the Utah College of Applied Technology~~] a college [~~campuses comply~~]
 288 campus complies with the requirements in Section [53B-2a-106](#);

289 (b) appoint the [~~president for the Utah College of Applied Technology~~] ~~§~~→ [**director**]
 289a **executive president** ←~~§~~ in
 290 accordance with Section [53B-2a-102](#);

291 (c) advise the [~~president of the Utah College of Applied Technology~~] ~~§~~→ [**director**]
 291a **executive president** ←~~§~~ and the
 292 State Board of Regents on issues related to career and technical education, including
 293 articulation with institutions of higher education and public education;

294 (d) ensure that a secondary student in the public education system has access to career
 295 and technical education through a college campus in the secondary student's service region;

296 (e) in consultation with the State Board of Education, the State Board of Regents, and
 297 college campus presidents, develop strategies for providing career and technical education in
 298 rural areas, considering distances between rural career and technical education providers;

299 [~~(d)~~] (f) receive budget requests from each college campus, compile and prioritize the
 300 requests, and submit the request to:

301 (i) the Legislature; and

302 (ii) the Governor's Office of Management and Budget;

303 [~~(e)~~] (g) receive funding requests pertaining to capital facilities and land purchases
 304 from each college campus, ensure that the requests comply with Section [53B-2a-112](#), prioritize

305 the requests, and submit the prioritized requests to the State Building Board;

306 ~~[(f)] (h)~~ in conjunction with the ~~[Utah College of Applied Technology president]~~

307 **§→ [director] executive president ←§**, establish benchmarks, provide oversight, evaluate program
307a performance, and obtain

308 independent audits to ensure that college campuses follow the non-credit career and technical
309 education mission described in this part;

310 ~~[(g)] (i)~~ approve programs for the Utah College of Applied Technology;

311 ~~[(h)] (j)~~ approve the tuition rates for the Utah College of Applied Technology;

312 ~~[(i)] (k)~~ prepare and submit an annual report detailing its progress and

313 recommendations on career and technical education issues to the governor and to the

314 Legislature's Education Interim Committee by October 31 of each year, which shall include

315 information detailing:

316 (i) how the career and technical education needs of secondary students are being met,
317 including what access secondary students have to programs offered at college campuses;

318 (ii) how the emphasis on high demand, high wage, and high skill jobs in business and
319 industry described in ~~[Subsection]~~ Section 53B-2a-106~~[(f)(c)(ii)]~~ is being provided;

320 (iii) performance outcomes, including:

321 (A) entered employment;

322 (B) job retention; and

323 (C) earnings; and

324 (iv) student tuition and fees; and

325 ~~[(j)] (l)~~ collaborate with the State Board of Regents, the State Board of Education, the
326 state system of public education, the state system of higher education, the Department of
327 Workforce Services, and the Governor's Office of Economic Development on the delivery of
328 career and technical education.

329 (3) The ~~[Utah College of Applied Technology Board of Trustees, the president of the~~
330 ~~Utah College of Applied Technology, and the Utah College of Applied Technology's]~~ board of
331 trustees, the §→ [director] executive president ←§, or the college campuses, presidents, [and] or
331a boards of directors may not
332 conduct a feasibility study or perform another act relating to offering a degree or awarding
333 credit.

334 Section 6. Section **53B-2a-107** is amended to read:

335 **53B-2a-107. Campus presidents -- Appointments -- Duties.**

398 (iii) the options dealing with the sale and division of equity.

399 (3) (a) Each college campus shall provide an annual lease report to the board of
400 trustees that details each of its leases, annual costs, location, square footage, and
401 recommendations for lease continuation.

402 (b) The [~~president of the Utah College of Applied Technology~~] ~~§~~→ **[director] executive**
402a **president ←§** shall compile
403 and distribute an annual combined lease report for all college campuses to the Division of
404 Facilities Construction Management and to others upon request.

405 (4) The [~~Utah College of Applied Technology~~] board of trustees shall use the annual
406 combined lease report in determining planning, utilization, and budget requests.

407 Section 8. Section **53B-17-105** is amended to read:

408 **53B-17-105. Utah Education and Telehealth Network.**

409 (1) There is created the Utah Education and Telehealth Network, or UETN.

410 (2) UETN shall:

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

416 (b) coordinate the various telecommunications technology initiatives of public and
417 higher education;

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

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

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

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

425 (i) public and higher education; and

426 (ii) telehealth services;

427 (g) in consultation with health care providers from a variety of health care systems,
428 explore and encourage the development of telehealth services as a means of reducing health

460 **§→ [director] executive president ←§** of the Utah College of Applied Technology;

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

462 (v) two members representing hospitals as follows:

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

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

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

466 (D) the chief administrator or the administrator's designee for each hospital licensed in

467 this state shall select the two hospital representatives; and

468 (vi) one member representing the office of the governor, appointed by the governor.

469 (c) When a vacancy occurs in the membership for any reason, the replacement shall be

470 appointed for the unexpired term.

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

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

473 (6) A member of the board may not receive compensation or benefits for the member's

474 service, but may receive per diem and travel expenses in accordance with:

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

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

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

478 [63A-3-107](#).

479 (7) The board:

480 (a) shall hire an executive director for UETN who may hire staff for UETN as

481 permitted by the budget;

482 (b) may terminate the executive director's employment or assignment;

483 (c) shall determine the executive director's salary;

484 (d) shall annually conduct a performance evaluation of the executive director;

485 (e) shall establish policies the board determines are necessary for the operation of

486 UETN and the administration of UETN's duties; and

487 (f) shall advise UETN in:

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

489 telecommunications system to assist in the delivery of educational services and telehealth

490 services throughout the state; and

522 instruction's designee;

523 (c) the commissioner of higher education or the commissioner of higher education's
524 designee;

525 (d) one member appointed by the governor;

526 (e) a member of the State Board of Education, chosen by the chair of the State Board of
527 Education;

528 (f) the executive director of the office or the executive director's designee;

529 (g) the [~~president~~] ~~§~~→ [~~director~~] executive president ←~~§~~ of the Utah College of Applied
529a Technology or the

530 [~~president~~] ~~§~~→ [~~director~~] executive president ←~~§~~ of the Utah College of Applied Technology's
530a designee; and

531 (h) one member who has a degree in engineering and experience working in a
532 government military installation, appointed by the governor.

533 (2) (a) The private sector members appointed by the governor in Subsection (1)(a) shall
534 represent a business or trade association whose primary focus is science, technology, or
535 engineering.

536 (b) Except as required by Subsection (2)(c), members appointed by the governor shall
537 be appointed to four-year terms.

538 (c) The length of terms of the members shall be staggered so that approximately half of
539 the committee is appointed every two years.

540 (d) The members may not serve more than two full consecutive terms except where the
541 governor determines that an additional term is in the best interest of the state.

542 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
543 appointed for the unexpired term.

544 (3) Attendance of a simple majority of the members constitutes a quorum for the
545 transaction of official committee business.

546 (4) Formal action by the committee requires a majority vote of a quorum.

547 (5) A member may not receive compensation or benefits for the member's service, but
548 may receive per diem and travel expenses in accordance with:

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

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

551 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

552 (6) The governor shall select the chair of the board to serve a one-year term.