

Part 1 Educational Telecommunications

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

The Legislature finds and determines the following:

- (1) The University of Utah's Dolores Dore' Eccles Broadcast Center is the statewide public broadcasting and telecommunications facility for education in Utah.
- (2) The center shall provide services to citizens of the state in cooperation with higher and public education, state and local government, and private industry.
- (3) Distribution services provided through the center shall include KUED - TV, KUER - FM, and KUEN - TV.
- (4) KUED - TV and KUER - FM are licensed to the University of Utah.
- (5) The Utah Education and Telehealth Network's broadcast entity, KUEN - TV, is licensed to the Utah Board of Higher Education and, together with UETN, is operated on behalf of the state's systems of public and higher education.
- (6) All the entities referred to in Subsection (3) are under the administrative supervision of the University of Utah, subject to the authority and governance of the Utah Board of Higher Education.
- (7) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of educational programs.

Amended by Chapter 365, 2020 General Session

53B-17-101.5 Definitions.

As used in this part:

- (1) "Board" means the Utah Education and Telehealth Network Board.
- (2) "Education Advisory Council" means the Utah Education Network Advisory Council created in Section 53B-17-107.
- (3) "Digital resource" means a digital or online library resource, including a database.
- (4) "Digital resource provider" means an entity that offers a digital resource to customers for license or sale.
- (5) "Obscene or pornographic material" means material that:
 - (a) an average person, applying contemporary community standards, finds that, taken as a whole, appeals to prurient interest in sex;
 - (b) is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion; and
 - (c) taken as a whole does not have serious literary, artistic, political, or scientific value.
- (6) "Telehealth" means the electronic transfer, exchange, or management of related data for diagnosis, treatment, and consultation, and educational, public health, or other related purposes.
- (7) "Telehealth Advisory Council" means the Utah Telehealth Advisory Council created in Section 53B-17-106.
- (8) "Utah Education and Telehealth Network," or "UETN," means a consortium and partnership between public and higher education, the Utah Department of Health, and health care providers, that is created in Section 53B-17-105.

Amended by Chapter 86, 2021 General Session

53B-17-103 General powers of University of Utah related to public broadcasting and telecommunication for education.

- (1) Subject to applicable rules of the Federal Communications Commission and the Utah Board of Higher Education, the University of Utah shall:
 - (a) serve as the state's provider of public television services, with programming from the Public Broadcasting Service and other syndicated and locally produced programs;
 - (b) serve as the state's primary provider of public radio services, with programming from National Public Radio and other syndicated and locally produced programs; and
 - (c) subject to Section 53B-7-103, accept and use gifts and apply for and receive funds from federal and other sources to carry out the purposes of this part.
- (2) Subject to future budget constraints, the Legislature shall provide an annual appropriation to operate KUED - TV.
- (3) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of educational programs.

Amended by Chapter 365, 2020 General Session

53B-17-104 Responsibilities of the Utah Board of Higher Education, the State Board of Education, the University of Utah, KUED - TV, KUER - FM, and UETN related to public broadcasting and telecommunication for education and government.

- (1) Subject to applicable rules of the Federal Communications Commission and Section 53B-17-105, the Utah Board of Higher Education, the State Board of Education, the University of Utah, KUED - TV, KUER - FM, and UETN shall:
 - (a) coordinate statewide services of public radio and television;
 - (b) develop, maintain, and operate statewide distribution systems for KUED - TV, KUER - FM, and KUEN, the statewide distance learning service, the educational data network, connections to the Internet, and other telecommunications services appropriate for providing video, audio, and data telecommunication services in support of public and higher education, state government, and public libraries;
 - (c) support the delivery of these services to as many communities as may be economically and technically feasible and lawfully permissible under the various operating licenses;
 - (d) cooperate with state and local governmental and educational agencies and provide leadership and consulting service for telecommunication for education;
 - (e) represent the state with privately owned telecommunications systems to gain access to their networks for the delivery of programs and services sponsored or produced by public and higher education;
 - (f) acquire, produce, coordinate, and distribute a variety of programs and services of an educational, cultural, informative, and entertaining nature designed to promote the public interest and welfare of the state;
 - (g) coordinate with the state system of higher education to acquire, produce, and distribute broadcast and nonbroadcast college credit telecourses, teleconferences, and other instructional and training services;
 - (h) coordinate with school districts and public schools to acquire, produce, and distribute broadcast and nonbroadcast telecourses, teleconferences, and other instructional and training services to the public schools;

- (i) coordinate the development of a clearing house for the materials, courses, publications, media, software, and other applicable information related to the items addressed in Subsections (1)(g) and (h);
 - (j) coordinate the provision of the following services to public schools:
 - (i) broadcast, during school hours, of educational and administrative programs recommended by the State Board of Education;
 - (ii) digitization of programs for broadcast purposes; and
 - (iii) program previewing;
 - (k) share responsibility for Instructional Television (ITV) awareness and utilization; and
 - (l) provide teleconference and training services for state and local governmental agencies.
- (2) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of education programs.

Amended by Chapter 365, 2020 General Session

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

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

(2) UETN shall:

- (a) 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 and Telehealth Network Board, including the statewide development and implementation of a network for education, which utilizes satellite, microwave, fiber-optic, broadcast, and other transmission media;
 - (b) coordinate the various telecommunications technology initiatives of public and higher education;
 - (c) provide high-quality, cost-effective Internet access and appropriate interface equipment for schools and school systems;
 - (d) procure, install, and maintain telecommunication services and equipment on behalf of public and higher education;
 - (e) develop or implement other programs or services for the delivery of distance learning and telehealth services as directed by law;
 - (f) apply for state and federal funding on behalf of:
 - (i) public and higher education; and
 - (ii) telehealth services;
 - (g) in consultation with health care providers from a variety of health care systems, explore and encourage the development of telehealth services as a means of reducing health care costs and increasing health care quality and access, with emphasis on assisting rural health care providers and special populations; and
 - (h) in consultation with the Utah Department of Health, advise the governor and the Legislature on:
 - (i) the role of telehealth in the state;
 - (ii) the policy issues related to telehealth;
 - (iii) the changing telehealth needs and resources in the state; and
 - (iv) state budgetary matters related to telehealth.
- (3) In performing the duties under Subsection (2), UETN shall:
- (a) provide services to schools, school districts, and the public and higher education systems through an open and competitive bidding process;
 - (b) work with the private sector to deliver high-quality, cost-effective services;

- (c) avoid duplicating facilities, equipment, or services of private providers or public telecommunications service, as defined under Section 54-8b-2;
 - (d) utilize statewide economic development criteria in the design and implementation of the educational telecommunications infrastructure; and
 - (e) assure that public service entities, such as educators, public service providers, and public broadcasters, are provided access to the telecommunications infrastructure developed in the state.
- (4) The University of Utah shall provide administrative support for UETN.
- (5)
- (a) The Utah Education and Telehealth Network Board, which is the governing board for UETN, is created.
 - (b) The Utah Education and Telehealth Network Board shall have 13 members as follows:
 - (i) five members representing the state system of higher education, of which at least one member represents technical colleges, appointed by the commissioner of higher education;
 - (ii) four members representing the state system of public education appointed by the State Board of Education;
 - (iii) one member representing the state library appointed by the state librarian;
 - (iv) two members representing hospitals as follows:
 - (A) the members may not be employed by the same hospital system;
 - (B) one member shall represent a rural hospital;
 - (C) one member shall represent an urban hospital; and
 - (D) the chief administrator or the administrator's designee for each hospital licensed in this state shall select the two hospital representatives; and
 - (v) one member representing the office of the governor, appointed by the governor.
 - (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
 - (d)
 - (i) The board shall elect a chair.
 - (ii) The chair shall set the agenda for the board meetings.
- (6) A member of the board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (7) The board:
- (a) shall hire an executive director for UETN who may hire staff for UETN as permitted by the budget;
 - (b) may terminate the executive director's employment or assignment;
 - (c) shall determine the executive director's salary;
 - (d) shall annually conduct a performance evaluation of the executive director;
 - (e) shall establish policies the board determines are necessary for the operation of UETN and the administration of UETN's duties; and
 - (f) shall advise UETN in:
 - (i) the development and operation of a coordinated, statewide, multi-option telecommunications system to assist in the delivery of educational services and telehealth services throughout the state; and
 - (ii) acquiring, producing, and distributing instructional content.
- (8) The executive director of UETN shall be an at-will employee.

- (9) UETN shall locate and maintain educational and telehealth telecommunication infrastructure throughout the state.
- (10) Educational institutions shall manage site operations under policy established by UETN.
- (11) Subject to future budget constraints, the Legislature shall provide an annual appropriation to operate UETN.
- (12) If the network operated by the Division of Technology Services is not available, UETN may provide network connections to the central administration of counties and municipalities for the sole purpose of transferring data to a secure facility for backup and disaster recovery.

Amended by Chapter 344, 2021 General Session

53B-17-106 Utah Telehealth Advisory Council.

- (1) There is created the Utah Telehealth Advisory Council, which may, at the discretion of the board, and after July 1, 2015, be combined with the Utah Education Advisory Council created in Section 53B-17-107.
- (2) The Utah Telehealth Advisory Council members shall be appointed by the board.
- (3)
 - (a) The Telehealth Advisory Council shall annually elect a chairperson from its membership. The chair shall set the agendas for the meetings of the advisory council and shall report to the board.
 - (b) The Telehealth Advisory Council shall hold meetings at least once every three months. Meetings may be held from time to time on the call of the chair or a majority of the board members.
- (4) A member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (5) The board shall provide staff support to the council.
- (6) The council shall:
 - (a) advise and make recommendations on telehealth service issues to the board and other state entities;
 - (b) advise and make recommendations on telehealth-related patient privacy to the board;
 - (c) promote collaborative efforts to establish technical compatibility, uniform policies, and privacy features to meet legal, financial, commercial, and other societal requirements;
 - (d) identify, address, and seek to resolve the legal, ethical, regulatory, financial, medical, and technological issues that may serve as barriers to telehealth service;
 - (e) explore and encourage the development of telehealth as a means of reducing health care costs and increasing health care quality and access, with emphasis on assisting rural health care providers and special populations with access to or development of electronic medical records; and
 - (f) seek public input on telehealth issues.

Enacted by Chapter 63, 2014 General Session

53B-17-107 Utah Education Advisory Council.

- (1)

- (a) There is created the Utah Education Advisory Council which may, at the discretion of the board, and after July 1, 2015, be combined with the Utah Telehealth Advisory Council created in Section 53B-17-106.
 - (b) The Utah Education Advisory Council members shall be appointed by the board.
 - (c) The Utah Education Advisory Council shall annually elect a chairperson from its membership. The chair shall set the agenda for Utah Education Advisory Council meetings and report to the board.
 - (d) The Utah Education Advisory Council shall hold meetings at least once every three months. Meetings may be held from time to time on the call of the chair or a majority of the board members.
- (2) A member of the Utah Education Advisory Council may not receive compensation or benefits for the member's service, but at the executive director's discretion may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (3) The Utah Education Advisory Council shall:
- (a) advise the board and other public entities regarding:
 - (i) the coordination of the various telecommunications technology initiatives of public and higher education;
 - (ii) how to provide high-quality, cost-effective Internet access and appropriate interface equipment for schools and school systems;
 - (iii) recommendations for the procurement, installation, and maintenance of telecommunication services and equipment on behalf of public and higher education; and
 - (iv) the development or implementation of other programs or services for the delivery of distance learning and digital health services as directed by law; and
 - (b) seek public input on the development and operation of a coordinated, statewide, multi-option telecommunications system to assist in the delivery of educational services and digital health services throughout the state.
- (4) The board shall provide staff to the council.

Enacted by Chapter 63, 2014 General Session

53B-17-109 Digital resource standards.

- (1) A digital resource purchased or licensed by UETN and offered to students in public schools must have safety policies and technology protection measures that:
- (a) prohibit and prevent a public school student using the resource from sending, receiving, viewing, or downloading obscene or pornographic material; and
 - (b) filter or block access to obscene or pornographic material.
- (2)
- (a) Regardless of any contract provision to the contrary, if UETN discovers a digital resource does not meet the requirements described in Subsection (1), UETN:
 - (i) shall notify the digital resource provider; and
 - (ii) may withhold future payments pending the digital resource provider's compliance with Subsection (1).
 - (b) A digital resource provider is in breach of contract if the digital resource provider fails to verify compliance with Subsection (1) within 90 days after the day on which UETN provides the notice described in Subsection (2)(a)(i).

- (c) Beginning June 1, 2021, a contract UETN enters into for a digital resource shall contain provisions that comply with this section.
- (3) Before November 30 of each year, UETN shall submit a report to the Education Interim Committee detailing all instances of a digital resource provider's failure to comply with the provisions of this section.

Enacted by Chapter 86, 2021 General Session