

Effective 5/5/2021

Part 1 Technical Colleges

53B-2a-100.5 Title.

This chapter is known as "Technical Education."

Amended by Chapter 187, 2021 General Session

53B-2a-101 Definitions.

As used in this chapter:

- (1) "Capital development" means the same as capital development project, as defined in Section 63A-5b-401.
- (2) "Competency-based" means mastery of subject matter or skill level, as demonstrated through business and industry approved standards and assessments, achieved through participation in a hands-on learning environment, and which is tied to observable, measurable performance objectives.
- (3) "Dedicated project" means a capital development project for which state funds from the Technical Colleges Capital Projects Fund created in Section 53B-2a-118 are requested or used.
- (4) "Nondedicated project" means a capital development project for which state funds from a source other than the Technical Colleges Capital Projects Fund created in Section 53B-2a-118 are requested or used.
- (5) "State funds" means the same as that term is defined in Section 63A-5b-401.

Amended by Chapter 254, 2023 General Session

53B-2a-105 Technical colleges.

Utah has the following technical colleges:

- (1) Bridgerland Technical College, which serves the geographic area encompassing:
 - (a) the Box Elder School District;
 - (b) the Cache School District;
 - (c) the Logan School District; and
 - (d) the Rich School District;
- (2) Ogden-Weber Technical College, which serves the geographic area encompassing:
 - (a) the Ogden City School District; and
 - (b) the Weber School District;
- (3) Davis Technical College, which serves the geographic area encompassing:
 - (a) the Davis School District; and
 - (b) the Morgan School District;
- (4) Tooele Technical College, which serves the geographic area encompassing the Tooele County School District;
- (5) Mountainland Technical College, which serves the geographic area encompassing:
 - (a) the Alpine School District;
 - (b) the Nebo School District;
 - (c) the Provo School District;
 - (d) the South Summit School District;

- (e) the North Summit School District;
- (f) the Wasatch School District; and
- (g) the Park City School District;
- (6) Uintah Basin Technical College, which serves the geographic area encompassing:
 - (a) the Daggett School District;
 - (b) the Duchesne School District; and
 - (c) the Uintah School District;
- (7) Southwest Technical College, which serves the geographic area encompassing:
 - (a) the Beaver School District;
 - (b) the Garfield School District;
 - (c) the Iron School District; and
 - (d) the Kane School District; and
- (8) Dixie Technical College, which serves the geographic area encompassing the Washington School District.

Amended by Chapter 365, 2020 General Session

53B-2a-106 Technical colleges -- Duties.

- (1) Each technical college shall, within the geographic area served by the technical college:
 - (a) offer technical education programs;
 - (b) offer a program described in Subsection (1)(a) at:
 - (i) low cost to adult students, as approved by the board; and
 - (ii) no tuition to secondary students;
 - (c) develop cooperative agreements with school districts, charter schools, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of instructional facilities within the geographic area served by the technical college; and
 - (d) after consulting with school districts and charter schools within the geographic area served by the technical college:
 - (i) ensure that secondary students in the public education system have access to technical education at the technical college; and
 - (ii) prepare and submit an annual report to the board detailing:
 - (A) how the technical education needs of secondary students within the region are being met;
 - (B) what access secondary students within the region have to programs offered at the technical college;
 - (C) how the technical college emphasizes high demand, high wage, high skill jobs in business and industry; and
 - (D) student tuition and fees.
- (2) A technical college may offer:
 - (a) a competency-based high school diploma approved by the State Board of Education in accordance with Section 53E-3-501;
 - (b) basic instruction in areas such as reading, language arts, and mathematics that are necessary for student success in a chosen technical education or job-related program;
 - (c) courses of interest when similar offerings to the community are limited and courses are financially self-supporting; and
 - (d) secondary school level courses through the Statewide Online Education Program in accordance with Section 53F-4-504.
- (3) Except as provided in Subsection (2)(d), a technical college may not:

- (a) offer courses other than technical education or the basic instruction described in Subsections (2)(b) and (c);
 - (b) offer a degree;
 - (c) offer technical education or basic instruction outside the geographic area served by the technical college without a cooperative agreement between an affected institution of higher education, except as provided in Subsection (5);
 - (d) provide tenure or academic rank for its instructors; or
 - (e) participate in intercollegiate athletics.
- (4) The mission of a technical college is limited to technical education and may not expand to include academic programs that lead to a degree.
- (5)
- (a) A technical college may offer technical education or basic instruction outside the geographic area served by the technical college without a cooperative agreement, as required in Subsection (3)(c), if:
 - (i) the technical education or basic instruction is specifically requested by:
 - (A) an employer; or
 - (B) a craft, trade, or apprenticeship program;
 - (ii) the technical college notifies the affected institution about the request; and
 - (iii) the affected institution is given an opportunity to make a proposal, prior to any contract being finalized or training being initiated by the technical college, to the employer, craft, trade, or apprenticeship program about offering the requested technical education or basic instruction, provided that the proposal shall be presented no later than one business week from the delivery of the notice described under Subsection (5)(a)(ii).
 - (b) The requirements under Subsection (5)(a)(iii) do not apply if there is a prior training relationship.

Amended by Chapter 365, 2020 General Session

53B-2a-107 Technical college presidents.

- (1) The board shall appoint a president for each technical college in accordance with Section 53B-2-102.
- (2) A technical college president is the chief executive officer of the technical college.
- (3) A technical college president:
 - (a) does not need to have a doctorate degree; and
 - (b) shall have extensive experience in career and technical education.
- (4) In addition to the duties described in Section 53B-2-106, a technical college president shall:
 - (a) after consulting with the board, other institutions of higher education, school districts, and charter schools within the technical college's region, prepare a comprehensive strategic plan for delivering technical education within the region;
 - (b) consult with business, industry, the Department of Workforce Services, the Governor's Office of Economic Opportunity, and the Governor's Office of Planning and Budget on an ongoing basis to determine what workers and skills are needed for employment in Utah businesses and industries;
 - (c) coordinate with local school boards, school districts, and charter schools to meet the technical education needs of secondary students; and
 - (d) develop policies and procedures for the admission, classification, instruction, and examination of students in accordance with the policies and accreditation guidelines of the board and the State Board of Education.

Amended by Chapter 378, 2024 General Session

53B-2a-108 Technical college boards of trustees -- Membership -- Appointments.

- (1) As used in this section:
 - (a) "Higher education institution" means the same as that term is defined in Section 53B-2a-112.
 - (b) "Technical college service area" means the geographic area served by each technical college as described in Section 53B-2a-105.
- (2) A technical college board of trustees consists of:
 - (a) one member of the local school board for each school district in the technical college service area, appointed by the local school board to which the member belongs;
 - (b) except as provided in Subsection (3)(b), one individual who is a member of the higher education institution board of trustees, appointed by the higher education institution board of trustees; and
 - (c) a number of individuals, appointed by the governor with the advice and consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies, that is:
 - (i) seven for:
 - (A) Tooele Technical College;
 - (B) Uintah Basin Technical College; and
 - (C) Dixie Technical College;
 - (ii) eight for:
 - (A) Bridgerland Technical College;
 - (B) Ogden-Weber Technical College;
 - (C) Davis Technical College; and
 - (D) Southwest Technical College; or
 - (iii) nine for Mountainland Technical College.
- (3)
 - (a) In appointing the members described in Subsection (2)(c), the governor shall appoint individuals who represent the interests of business, industry, or labor in the technical college service area.
 - (b) If no member of the institution of higher education board of trustees lives within the technical college service area, the institution of higher education board of trustees may nominate an individual to be appointed by the governor with the advice and consent of the Senate instead of appointing a member described in Subsection (2)(b).
- (4)
 - (a) The governor may remove a member appointed under Subsection (2)(c) or (3)(b) for cause.
 - (b) The governor shall consult with the president of the Senate before removing a member appointed under Subsection (2)(c) or (3)(b).
- (5) A member described in Subsection (2)(c) shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Amended by Chapter 352, 2020 General Session

Amended by Chapter 365, 2020 General Session

Amended by Chapter 373, 2020 General Session

53B-2a-109 Technical college boards of trustees -- Terms -- Quorum -- Chair -- Compensation.

- (1)

- (a) Except as provided in this Subsection (1), a member of a technical college board of trustees is appointed to a four-year term.
 - (b) The governor may appoint a member described in Subsection 53B-2a-108(2)(c) to a two-year term to ensure that the terms of approximately half of the members described in Subsection 53B-2a-108(2)(c) expire every other year.
 - (c) When a vacancy occurs in the membership of a technical college board of trustees, the appointing authority for the vacant position described in Section 53B-2a-108 shall appoint a replacement for the remainder of the term.
 - (d) An appointed member holds office until a successor is appointed in accordance with Section 53B-2a-108.
- (2) A member of a technical college board of trustees may not hold office for more than two consecutive full terms.
- (3) A majority of a technical college board of trustees is a quorum.
- (4) A technical college board of trustees shall elect a chair from the technical college board of trustees' membership.
- (5) A member of a technical college board of trustees may not receive compensation or benefits for the member of the technical college board of trustees' 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.
- (6)
- (a) A technical college board of trustees may enact bylaws for the technical college board of trustees' own government, including provisions for regular meetings, that are in accordance with the policies of the board.
 - (b)
 - (i) A technical college board of trustees may provide for an executive committee in the technical college board of trustees' bylaws.
 - (ii) If established, an executive committee shall have the full authority of the technical college board of trustees to act upon routine matters during the interim between board of trustees' meetings.
 - (iii) An executive committee may act on nonroutine matters only under extraordinary and emergency circumstances.
 - (iv) An executive committee shall report the executive committee's activities to the technical college board of trustees at the technical college board of trustees' next regular meeting following the activities.
- (7) A technical college board of trustees may establish advisory committees.

Amended by Chapter 365, 2020 General Session

53B-2a-110 Technical college board of trustees' powers and duties.

- (1) A technical college board of trustees shall:
- (a) assist the technical college president in preparing a budget request for the technical college's annual operations to the board;
 - (b) after consulting with the board, other higher education institutions, school districts, and charter schools within the technical college's region, assist the technical college president in preparing a comprehensive strategic plan for delivering technical education within the region;

- (c) in accordance with Section 53B-16-102, approve programs, including expedited program approval and termination procedures to meet market needs;
 - (d) adopt an annual budget and fund balances;
 - (e) conduct annual program evaluations;
 - (f)
 - (i) approve a strategic plan for the technical college that is aligned with:
 - (A) state attainment goals;
 - (B) workforce needs;
 - (C) the technical college's role, mission, and distinctiveness; and
 - (D) board goals and metrics described in Section 53B-1-402; and
 - (ii) monitor the technical college's progress toward achieving the strategic plan; and
 - (g) act on behalf of the technical college in performing other duties as authorized by the board or by statute.
- (2) A technical college board of trustees may not exercise jurisdiction over career and technical education provided by a school district or charter school or provided by a higher education institution independently of the technical college.

Amended by Chapter 187, 2021 General Session

Amended by Chapter 382, 2021 General Session

53B-2a-112 Technical colleges -- Relationships with other public and higher education institutions -- Agreements -- Priorities -- New capital facilities.

- (1) As used in this section, "higher education institution" means:
- (a) Utah State University for:
 - (i) Bridgerland Technical College;
 - (ii) Tooele Technical College; and
 - (iii) Uintah Basin Technical College;
 - (b) Weber State University for:
 - (i) Ogden-Weber Technical College; and
 - (ii) Davis Technical College;
 - (c) Utah Valley University for Mountainland Technical College;
 - (d) Southern Utah University for Southwest Technical College; and
 - (e) Utah Tech University for Dixie Technical College.
- (2) A technical college may enter into agreements:
- (a) with other higher education institutions to cultivate cooperative relationships; or
 - (b) with other public and higher education institutions to enhance career and technical education within the technical college's region.
- (3) Before a technical college develops new instructional facilities, the technical college shall give priority to:
- (a) maintaining the technical college's existing instructional facilities for both secondary and adult students;
 - (b) coordinating with the president of the technical college's degree-granting partner and entering into any necessary agreements to provide career and technical education to secondary and adult students that:
 - (i) maintain and support existing higher education career and technical education programs; and
 - (ii) maximize the use of existing higher education facilities; and

- (c) developing cooperative agreements with school districts, charter schools, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of career and technical education instructional facilities for both secondary and adult students.
- (4)
 - (a) Before submitting a funding request pertaining to new capital facilities and land purchases to the board, a technical college shall:
 - (i) ensure that all available instructional facilities are maximized in accordance with Subsections (3)(a) through (c); and
 - (ii) coordinate the request with the president of the technical college's degree-granting partner, if applicable.
 - (b) The Division of Facilities Construction and Management shall make a finding that the requirements of this section are met before the Division of Facilities Construction and Management may consider a funding request from the board pertaining to new capital facilities and land purchases for a technical college.
 - (c) A technical college may not construct, approve the construction of, plan for the design or construction of, or consent to the construction of a career and technical education facility without approval of the Legislature.
- (5) Before acquiring new fiscal and administrative support structures, a technical college shall:
 - (a) review the use of existing public or higher education administrative and accounting systems, financial record systems, and student and financial aid systems for the delivery of education in the region;
 - (b) determine the feasibility of using existing systems; and
 - (c) with the approval of the technical college board of trustees and the board, use the existing systems.

Amended by Chapter 254, 2023 General Session

53B-2a-113 Technical colleges -- Leasing authority -- Lease-purchase agreements -- Report.

- (1) A technical college may enter into a lease with other higher education institutions, school districts, charter schools, state agencies, or business and industry for a term of:
 - (a) one year or less with the approval of the technical college board of trustees; or
 - (b) more than one year with the approval of the board if:
 - (i) the Legislature approves funding for the lease prior to a technical college entering into the lease; or
 - (ii) the lease agreement includes language that allows termination of the lease without penalty.
- (2)
 - (a) A technical college may enter into a lease-purchase agreement if:
 - (i) there is a long-term benefit to the state;
 - (ii) the project is included in the technical college master plan;
 - (iii) the lease-purchase agreement includes language that allows termination of the lease;
 - (iv) the lease-purchase agreement is approved by the technical college board of trustees and the board; and
 - (v) the lease-purchase agreement is:
 - (A) reviewed by the Division of Facilities Construction and Management; and
 - (B) approved by the Legislature.
 - (b) An approval under Subsection (2)(a) shall include a recognition of:
 - (i) all parties, dates, and elements of the agreement;

- (ii) the equity or collateral component that creates the benefit; and
 - (iii) the options dealing with the sale and division of equity.
- (3)
- (a) Each technical college shall provide an annual lease report to the board that details each of the technical college's leases, annual costs, location, square footage, and recommendations for lease continuation.
 - (b) The board shall compile and distribute an annual combined lease report for all technical colleges to the Division of Facilities Construction and Management and to others upon request.
- (4) The board shall use the annual combined lease report in determining planning, utilization, and budget requests.

Amended by Chapter 421, 2022 General Session

53B-2a-115 Utah System of Technical Colleges -- Institutional name changes.

- (1) Beginning July 1, 2017:
- (a) Bridgerland Applied Technology College shall be known as Bridgerland Technical College;
 - (b) Ogden-Weber Applied Technology College shall be known as Ogden-Weber Technical College;
 - (c) Davis Applied Technology College shall be known as Davis Technical College;
 - (d) Tooele Applied Technology College shall be known as Tooele Technical College;
 - (e) Mountainland Applied Technology College shall be known as Mountainland Technical College;
 - (f) Uintah Basin Applied Technology College shall be known as Uintah Basin Technical College;
 - (g) Southwest Applied Technology College shall be known as Southwest Technical College; and
 - (h) Dixie Applied Technology College shall be known as Dixie Technical College.
- (2)
- (a) As described in Subsection (1), each technical college is a continuation of the applied technology college that preceded the technical college.
 - (b) An institution described in Subsection (1):
 - (i) possess all rights, title, privileges, powers, immunities, franchises, endowments, property, and claims of the institution that preceded the institution; and
 - (ii) shall fulfill and perform all obligations of the institution that preceded the institution, including obligations relating to outstanding bonds and notes.

Amended by Chapter 365, 2020 General Session

53B-2a-117 Legislative approval -- Capital development projects -- Prioritization.

- (1) As used in this section:
- (a) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.
 - (b) "Fund" means the Technical Colleges Capital Projects Fund created in Section 53B-2a-118.
- (2) In accordance with this section, a technical college is required to receive legislative approval in an appropriations act for a dedicated project or a nondedicated project.
- (3) In accordance with Section 53B-2a-112, a technical college shall submit to the board a proposal for a funding request for each dedicated project or nondedicated project for which the technical college seeks legislative approval.
- (4) The board shall:

- (a) review each proposal submitted under Subsection (3) to ensure that the proposal complies with Section 53B-2a-112;
 - (b) based on the results of the board's review under Subsection (4)(a), create:
 - (i) a list of approved dedicated projects, prioritized in accordance with Subsection (6); and
 - (ii) a list of approved nondedicated projects, prioritized in accordance with Subsection (6); and
 - (c) submit the lists described in Subsection (4)(b) to:
 - (i) the governor;
 - (ii) the Infrastructure and General Government Appropriations Subcommittee;
 - (iii) the Higher Education Appropriations Subcommittee; and
 - (iv) the Division of Facilities Construction and Management for a:
 - (A) recommendation, for the list described in Subsection (4)(b)(i); or
 - (B) recommendation and prioritization, for the list described in Subsection (4)(b)(ii).
- (5) A dedicated project:
- (a) is subject to the recommendation of the Division of Facilities Construction and Management as described in Section 63A-5b-403; and
 - (b) is not subject to the prioritization of the Division of Facilities Construction and Management as described in Section 63A-5b-403.
- (6)
- (a) Subject to Subsection (7), the board shall prioritize funding requests for capital development projects described in this section based on:
 - (i) growth and capacity;
 - (ii) effectiveness and support of critical programs;
 - (iii) cost effectiveness;
 - (iv) building deficiencies and life safety concerns; and
 - (v) alternative funding sources.
 - (b) The board shall establish:
 - (i) how the board will measure each factor described in Subsection (6)(a); and
 - (ii) procedures for prioritizing funding requests for capital development projects described in this section.
- (7)
- (a) Subject to Subsection (7)(b), and in accordance with Subsection (6), the board may annually prioritize:
 - (i) up to three nondedicated projects if the ongoing appropriation to the fund is less than \$7,000,000;
 - (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least \$7,000,000 but less than \$14,000,000; or
 - (iii) one nondedicated project if the ongoing appropriation to the fund is at least \$14,000,000.
 - (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts described in Subsection (7)(a) shall be adjusted by an amount equal to the percentage difference between:
 - (i) the Consumer Price Index for the 2019 calendar year; and
 - (ii) the Consumer Price Index for the previous calendar year.
- (8)
- (a) A technical college may request operations and maintenance funds for a capital development project approved under this section.
 - (b) A technical college shall make the request described in Subsection (8)(a) at the same time the technical college submits the proposal described in Subsection (3).
 - (c) The Legislature shall consider a technical college's request described in Subsection (8)(a).

Amended by Chapter 378, 2024 General Session

53B-2a-118 Technical Colleges Capital Projects Fund -- Use of money in fund -- Appropriations to fund -- Administration of fund.

- (1) As used in this section, "fund" means the Technical Colleges Capital Projects Fund created in this section.
- (2) There is created a capital projects fund known as the Technical Colleges Capital Projects Fund.
- (3) Subject to appropriation, money in the fund shall be used:
 - (a) for a dedicated project approved in accordance with Section 53B-2a-117; or
 - (b) to pay debt service in accordance with Subsection (4).
- (4) Money in the fund may be used to pay debt service:
 - (a) on a general obligation bond issued for a capital development project in accordance with Title 63B, Chapter 1a, Master General Obligation Bond Act; and
 - (b) if the Legislature approves the use by a vote of two-thirds of all members elected to each house.
- (5) The fund shall be funded by appropriations.
- (6) The fund shall accrue interest, which shall be deposited into the fund.
- (7) The Division of Finance shall administer the fund in accordance with this section.

Enacted by Chapter 482, 2019 General Session

53B-2a-119 Technical college required to provide leave to a legislator on an authorized legislative day.

- (1) As used in this section:
 - (a) "Authorized legislative day" means:
 - (i) the day on which the Legislature convenes in annual general session, and each day after that day, until midnight of the 45th day of the annual general session;
 - (ii) a special session day;
 - (iii) a veto override session day;
 - (iv) an interim day designated by the Legislative Management Committee;
 - (v) an authorized legislative training day; or
 - (vi) any other day on which a meeting of a committee, subcommittee, commission, task force, or other entity is held, if:
 - (A) the committee, subcommittee, commission, task force, or other entity is created by statute or joint resolution;
 - (B) the legislator's attendance at the meeting is approved by the Legislative Management Committee; and
 - (C) service and payment for service by the legislator is not in violation of the Utah Constitution, including Article V and Article VI, Sections 6 and 7.
 - (b) "Authorized legislative training day" means a day that a Legislative Expenses Oversight Committee designates as an authorized legislative day for training or informational purposes, including:
 - (i) chair training;
 - (ii) an issue briefing;
 - (iii) legislative leadership instruction;
 - (iv) legislative process training;
 - (v) legislative rules training;

- (vi) new legislator orientation; or
 - (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the legislator's official duties.
- (c) "Legislator" means:
- (i) a member of the Utah Senate;
 - (ii) a member of the Utah House of Representatives; or
 - (iii) an individual who has been elected as a member described in Subsection (1)(c)(i) or (ii), but has not yet been sworn in or begun the individual's term of office.
- (d) "Retaliatory action" means to:
- (i) dismiss the employee;
 - (ii) reduce the employee's compensation;
 - (iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;
 - (iv) fail to promote the employee if the employee would have otherwise been promoted; or
 - (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
- (2) Except as provided in Subsection (4), a technical college that employs an individual who is a legislator:
- (a) shall grant leave to the individual on an authorized legislative day for the number of hours requested by the individual;
 - (b) may not interfere with, or otherwise restrain the individual from, using the leave described in Subsection (2)(a); and
 - (c) may not take retaliatory action against the individual for using the leave described in Subsection (2)(a).
- (3) The leave described in Subsection (2) is leave without pay unless the technical college and the individual described in Subsection (2) agree to terms that are more favorable to the individual.
- (4) A technical college is not required to comply with Subsection (2) if the institution board of trustees of the technical college determines that complying with the requirement would cause the technical college significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the technical college's operations.

Enacted by Chapter 402, 2024 General Session