

1 **UTAH COLLEGE OF APPLIED TECHNOLOGY**

2 **AMENDMENTS**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Ron Bigelow**

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions relating to the Utah College of Applied Technology.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ allows Utah College of Applied Technology courses to fulfill high school
13 graduation requirements, subject to State Board of Education approval;
- 14 ▶ repeals the authority for the Utah College of Applied Technology to offer a high
15 school diploma;
- 16 ▶ establishes the Utah College of Applied Technology as a body politic and corporate;
- 17 ▶ requires the president and board of trustees of the Utah College of Applied
18 Technology to maintain a central administration office;
- 19 ▶ modifies the campus president appointment process;
- 20 ▶ authorizes campuses to enter into lease-purchase agreements, subject to certain
21 approvals; and
- 22 ▶ makes technical corrections.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 AMENDS:

29 **53A-1-402**, as last amended by Chapter 289, Laws of Utah 2003

30 **53B-2-101**, as last amended by Chapter 7, Laws of Utah 2000

31 **53B-2a-102**, as last amended by Chapter 90, Laws of Utah 2004

32 **53B-2a-104**, as last amended by Chapters 233 and 289, Laws of Utah 2003

33 **53B-2a-106**, as last amended by Chapter 289, Laws of Utah 2003

34 **53B-2a-107**, as last amended by Chapter 289, Laws of Utah 2003

35 **53B-2a-113**, as enacted by Chapter 289, Laws of Utah 2003



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

38 Section 1. Section **53A-1-402** is amended to read:

39 **53A-1-402. Board to establish minimum standards for public schools.**

40 (1) The State Board of Education shall establish rules and minimum standards for the
41 public schools that are consistent with this title, including rules and minimum standards
42 governing the following:

43 (a) (i) the qualification and certification of educators and ancillary personnel who
44 provide direct student services;

45 (ii) required school administrative and supervisory services; and

46 (iii) the evaluation of instructional personnel;

47 (b) (i) access to programs;

48 (ii) attendance;

49 (iii) competency levels;

50 (iv) graduation requirements; and

51 (v) discipline and control;

52 (c) (i) school accreditation;

53 (ii) the academic year;

54 (iii) alternative and pilot programs;

55 (iv) curriculum and instruction requirements;

56 (v) school libraries; and

57 (vi) services to:

58 (A) persons with a disability as defined by and covered under:

- 59 (I) the Americans with Disabilities Act of 1990, 42 U.S.C. 12102;
 60 (II) the Rehabilitation Act of 1973, 29 U.S.C. 705(20)(A); and
 61 (III) the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3); and
 62 (B) other special groups;
 63 (d) (i) state reimbursed bus routes;
 64 (ii) bus safety and operational requirements; and
 65 (iii) other transportation needs; and
 66 (e) (i) school productivity and cost effectiveness measures;
 67 (ii) federal programs;
 68 (iii) school budget formats; and
 69 (iv) financial, statistical, and student accounting requirements.
 70 (2) The board shall determine if:
 71 (a) the minimum standards have been met; and
 72 (b) required reports are properly submitted.
 73 (3) The board may apply for, receive, administer, and distribute to eligible applicants
 74 funds made available through programs of the federal government.

75 ~~[(4) (a) The board shall authorize the Utah College of Applied Technology Board of~~
 76 ~~Trustees to develop and submit a competency-based high school diploma proposal to the~~
 77 ~~board.]~~

78 ~~[(b) The board shall grant final approval before the Utah College of Applied~~
 79 ~~Technology offers the diploma.]~~

80 (4) (a) The Utah College of Applied Technology shall provide competency-based
 81 career and technical education courses that fulfill high school graduation requirements, as
 82 requested and authorized by the State Board of Education.

83 (b) A school district may grant a high school diploma to a student participating in
 84 courses described under Subsection (4)(a) that are provided by the Utah College of Applied
 85 Technology.

86 Section 2. Section **53B-2-101** is amended to read:

87 **53B-2-101. Institutions of higher education -- Corporate bodies -- Powers.**

88 (1) The following institutions of higher education are bodies politic and corporate with
 89 perpetual succession and with all rights, immunities, and franchises necessary to function as

90 such:

- 91 (a) the University of Utah;
- 92 (b) Utah State University;
- 93 (c) Weber State University;
- 94 (d) Southern Utah University;
- 95 (e) Snow College;
- 96 (f) Dixie State College of Utah;
- 97 (g) the College of Eastern Utah;
- 98 (h) Utah Valley State College; [~~and~~]
- 99 (i) Salt Lake Community College[-]; and
- 100 (j) the Utah College of Applied Technology.

101 (2) (a) Each institution may have and use a corporate seal and may, subject to Section
102 53B-20-103, take, hold, lease, sell, and convey real and personal property as the interest of the
103 institution requires.

104 (b) Each institution is vested with all the property, franchises, and endowments of, and
105 is subject to, all the contracts, obligations, and liabilities of its respective predecessor.

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

107 **53B-2a-102. President -- Appointment -- Duties.**

108 (1) (a) The board shall appoint a president for the Utah College of Applied
109 Technology.

110 (b) The president of the Utah College of Applied Technology does not need to have a
111 doctorate degree, but shall have extensive experience in applied technology education.

112 (c) The president shall serve at the board's discretion.

113 (d) The names of the final candidates for president of the Utah College of Applied
114 Technology shall be publicly disclosed.

115 (e) The chair and vice chair of the Utah College of Applied Technology Board of
116 Trustees shall be members of the search committee for the president.

117 (2) The president shall:

118 (a) direct the Utah College of Applied Technology and coordinate the activities of each
119 of its college campuses;

120 (b) in cooperation with the board of trustees and with the approval of the board,

121 develop a competency-based associate of applied technology degree;

122 ~~[(c) ensure that an applied technology education degree is transferable to other higher~~
123 ~~education institutions in accordance with board rules;]~~

124 (c) ensure that, pursuant to State Board of Regents' rules, an applied technology
125 education degree is primarily a terminal degree, but is transferable to a bachelor's degree in
126 applied technology at other higher education institutions under specific articulation agreements;

127 (d) in consultation with the board of trustees, campus presidents, and campus boards of
128 directors, prepare a comprehensive strategic plan for delivering applied technology education
129 through the Utah College of Applied Technology college campuses;

130 (e) after consulting with local school districts and other higher education institutions in
131 the regions, ensure that the curricula of the Utah College of Applied Technology meet the
132 needs of the state, the regions, and the local school districts;

133 (f) in consultation with the board of trustees, campus presidents, and campus boards of
134 directors, and after consulting with local school districts and other higher education institutions
135 in the region, develop strategies for providing applied technology education in rural areas,
136 specifically considering the distances between rural applied technology education providers;

137 (g) establish minimum standards for applied technology programs of the Utah College
138 of Applied Technology college campuses;

139 (h) in conjunction with the board of trustees, do the following:

140 (i) develop and implement a system of common definitions, standards, and criteria for
141 tracking and measuring the effectiveness of applied technology education;

142 (ii) maintain a central administration office for coordination, prioritization, support,
143 and reporting of college functions dealing with:

144 (A) budgets and audits;

145 (B) facilities, including capital, capital development, and leases;

146 (C) management information systems;

147 (D) campus and college master planning efforts;

148 (E) strategic planning;

149 (F) legislative and Board of Regents contact;

150 (G) general data collection; and

151 (H) programs, certificates, and curriculum; and

152 ~~[(i)]~~ (iii) ~~[in conjunction with the board of trustees,]~~ develop and implement a plan to
153 inform citizens about the availability, cost, and advantages of applied technology education;

154 ~~[(j)]~~ (i) after consulting with the State Board of Education and local school districts,
155 ensure that secondary students in the public education system have access to applied
156 technology education through the Utah College of Applied Technology college campuses; and

157 ~~[(k)]~~ (j) provide expertise and monitor applied technology education within the region
158 served by Snow College in accordance with Section 53B-16-205.

159 Section 4. Section **53B-2a-104** is amended to read:

160 **53B-2a-104. Utah College of Applied Technology Board of Trustees -- Powers**
161 **and duties.**

162 The Utah College of Applied Technology Board of Trustees shall:

163 (1) in cooperation with the president of the Utah College of Applied Technology, and
164 with the approval of the State Board of Regents, develop competency-based associate of
165 applied technology degrees to be offered by the Utah College of Applied Technology;

166 (2) approve the courses and requirements for the associate of applied technology
167 degrees;

168 ~~[(3) ensure that an applied technology education degree is transferable to other higher~~
169 ~~education institutions in accordance with State Board of Regents rules;]~~

170 (3) ensure that, pursuant to State Board of Regents' rules, an applied technology
171 education degree is primarily a terminal degree, but is transferable to a bachelor's degree in
172 applied technology at other higher education institutions under specific articulation agreements;

173 (4) ensure that the Utah College of Applied Technology college campuses comply with
174 the requirements in Section 53B-2a-106;

175 (5) advise the president of the Utah College of Applied Technology and the State
176 Board of Regents on issues related to applied technology education;

177 (6) receive budget requests from each college campus, compile and prioritize the
178 requests, and submit the request to:

179 (a) the Legislature; and

180 (b) the Governor's Office of Planning and Budget;

181 (7) receive funding requests pertaining to capital facilities and land purchases from
182 each college campus, ensure that the requests comply with Section 53B-2a-112, prioritize the

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

184 (8) prepare and submit an annual report detailing its progress and recommendations on
185 applied technology education issues to the governor and to the Legislature's Education Interim
186 Committee by October 31 of each year, which shall include information detailing:

187 (a) how the applied technology education needs of secondary students are being met;
188 and

189 (b) what access secondary students have to programs offered:

190 (i) at college campuses; and

191 (ii) within the region served by Snow College;

192 (9) receive, by September 30 of each year, an annual report from Snow College on the
193 status of and maintenance of the effort for applied technology education in the region served by
194 Snow College, including access to open-entry, open-exit competency-based applied technology
195 education programs at the tuition rate approved by the Utah College of Applied Technology for
196 adults and at no tuition cost to secondary students; and

197 (10) perform other duties and responsibilities prescribed under the policies of the State
198 Board of Regents.

199 Section 5. Section **53B-2a-106** is amended to read:

200 **53B-2a-106. College campuses -- Duties.**

201 (1) Each Utah College of Applied Technology college campus shall:

202 (a) offer a post-secondary and extra-secondary applied technology education
203 curriculum;

204 (b) offer that curriculum at:

205 (i) market cost to adult students, as approved by the board of trustees and the State
206 Board of Regents; and

207 (ii) no tuition to secondary students within the campus' jurisdiction;

208 (c) provide applied technology education that will result in:

209 (i) appropriate licensing, certification, or other evidence of completion of training; and

210 (ii) qualification for specific employment in business and industry;

211 (d) offer associate of applied technology degrees that have:

212 (i) instruction provided in an open-entry, open-exit environment, except as required by
213 external entities; and

214 (ii) been reviewed by the board of trustees and approved by the State Board of Regents
215 in accordance with Section 53B-1-103;

216 (e) develop cooperative agreements with local school districts, other higher education
217 institutions, businesses, industries, and community and private agencies to maximize the
218 availability of instructional facilities; and

219 (f) after consulting with local school districts within the geographic area served by the
220 college campus:

221 (i) ensure that secondary students in the public education system have access to applied
222 technology education at each college campus; and

223 (ii) prepare and submit an annual report to the Utah College of Applied Technology
224 detailing:

225 (A) how the applied technology education needs of secondary students within the
226 region are being met; and

227 (B) what access secondary students within the region have to programs offered at
228 college campuses.

229 (2) A college campus may offer a competency-based high school diploma approved by
230 the State Board of Education in accordance with Section 53A-1-402.

231 (3) A college campus may not:

232 (a) offer courses other than applied technology education and preparatory instruction in
233 areas such as reading and mathematics that are necessary for student success in ~~the~~ a chosen
234 applied technology education or job-related program;

235 (b) offer a degree other than an associate of applied technology degree approved by the
236 State Board of Regents in accordance with Section 53B-1-103;

237 (c) provide tenure or academic rank for its instructors; and

238 (d) participate in intercollegiate athletics.

239 (4) The mission of a college campus is limited to applied technology education and
240 may not expand to include credit-based academic programs typically offered by community
241 colleges or other institutions of higher education.

242 (5) Each campus shall be recognized as a college campus of the Utah College of
243 Applied Technology, and regional affiliation shall be retained and recognized through local
244 designations such as "Bridgerland Applied Technology College: A Utah College of Applied

245 Technology Campus."

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

247 **53B-2a-107. Campus presidents -- Appointments -- Duties.**

248 (1) (a) The president of the Utah College of Applied Technology shall appoint a
249 campus president for a college campus from a list of at least three names submitted to the
250 president by the campus board of directors to serve as the chief [~~executive~~] administrative
251 officer of the college campus.

252 (b) A campus president does not need to have a doctorate degree, but shall have
253 extensive experience in applied technology education.

254 (c) A campus president is subject to regular review and evaluation administered by the
255 Utah College of Applied Technology president, in cooperation with the campus board of
256 directors, through a process approved by the board of trustees.

257 (d) A campus president serves at the discretion of the Utah College of Applied
258 Technology president, in cooperation with the campus board of directors and the board of
259 trustees.

260 (2) Each campus president of a college campus shall:

261 (a) serve as the executive officer of the campus board of directors;

262 (b) administer the day-to-day operations of the college campus under the direction of
263 the campus board of directors; and

264 (c) administer human resource policies and employee compensation plans in
265 accordance with the requirements of the Utah College of Applied Technology.

266 Section 7. Section **53B-2a-113** is amended to read:

267 **53B-2a-113. College campuses -- Leasing authority -- Lease-purchase agreements**
268 **-- Report.**

269 (1) In accordance with Subsection 53B-2a-112(2), a college campus may enter into a
270 lease with other higher education institutions, public school districts, state agencies, or business
271 and industry for a term of:

272 (a) one year or less with the approval of the campus board of directors; and

273 (b) more than one year with ~~H→ []~~

273a ~~—— (i) ←H~~ the approval of the board of trustees ~~H→ []~~ and:

273b [(ii)] (i) the approval of funding for the lease by the Legislature prior to a college
273c campus entering into the lease ; or

273d (ii) the lease agreement includes language that allows termination of the lease without
273e penalty ←H .

274 (2) (a) In accordance with Subsection 53B-2a-112(2), a college campus may enter into
275 a lease-purchase agreement if:

- 276 (i) there is a long-term benefit to the state;
- 277 (ii) the project is included in both the campus and Utah College of Applied Technology
- 278 master plans;
- 279 (iii) the lease-purchase agreement includes language that allows termination of the
- 280 lease;
- 281 (iv) the lease-purchase agreement is approved by the campus board of directors and the
- 282 board of trustees; and
- 283 (v) the lease-purchase agreement is:
 - 284 (A) reviewed by the Division of Facilities Construction and Management;
 - 285 (B) reviewed by the State Building Board; and
 - 286 (C) approved by the Legislature.
- 287 (b) An approval under Subsection (2)(a) shall include a recognition of:
 - 288 (i) all parties, dates, and elements of the agreement;
 - 289 (ii) the equity or collateral component that creates the benefit; and
 - 290 (iii) the options dealing with the sale and division of equity.
- 291 ~~[(2)]~~ (3) (a) Each college campus shall provide an annual lease report to the board of
- 292 trustees that details each of its leases, annual costs, location, square footage, and
- 293 recommendations for lease continuation.
- 294 (b) The president of the Utah College of Applied Technology shall compile and
- 295 distribute an annual combined lease report for all college campuses to the Division of Facilities
- 296 Construction Management and to others upon request.
- 297 ~~[(3)]~~ (4) The Utah College of Applied Technology shall use the annual combined lease
- 298 report in determining planning, utilization, and budget requests.

Legislative Review Note
as of 1-6-05 2:49 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0086

Utah College of Applied Technology Amendments

26-Jan-05

10:43 AM

State Impact

Passage of this bill will modify provisions related to the Utah College of Applied Technology. Provisions of the bill can be implemented within existing budgets although certain requirements may need to have further evaluation for potential budget increases.

Individual and Business Impact

No Impact.

Office of the Legislative Fiscal Analyst