

Representative Kory M. Holdaway proposes the following substitute bill:

UTAH COLLEGE OF APPLIED TECHNOLOGY

AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Ron Bigelow

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ allows Utah College of Applied Technology courses to fulfill high school graduation requirements, subject to State Board of Education approval;
- ▶ repeals the authority for the Utah College of Applied Technology to offer a high school diploma;
- ▶ establishes the Utah College of Applied Technology as a body politic and corporate;
- ▶ requires the president and board of trustees of the Utah College of Applied Technology to maintain a central administration office;
- ▶ modifies the campus president appointment process;
- ▶ authorizes campuses to enter into lease-purchase agreements, subject to certain approvals;
- ▶ increases tuition waivers for nonresident students; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53A-1-402**, as last amended by Chapter 289, Laws of Utah 2003

31 **53B-2-101**, as last amended by Chapter 7, Laws of Utah 2000

32 **53B-2a-102**, as last amended by Chapter 90, Laws of Utah 2004

33 **53B-2a-104**, as last amended by Chapters 233 and 289, Laws of Utah 2003

34 **53B-2a-106**, as last amended by Chapter 289, Laws of Utah 2003

35 **53B-2a-107**, as last amended by Chapter 289, Laws of Utah 2003

36 **53B-2a-113**, as enacted by Chapter 289, Laws of Utah 2003

37 **53B-8-101**, as last amended by Chapter 172, Laws of Utah 2003



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

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

41 **53A-1-402. Board to establish minimum standards for public schools.**

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

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

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

48 (iii) the evaluation of instructional personnel;

49 (b) (i) access to programs;

50 (ii) attendance;

51 (iii) competency levels;

52 (iv) graduation requirements; and

53 (v) discipline and control;

54 (c) (i) school accreditation;

55 (ii) the academic year;

56 (iii) alternative and pilot programs;

- 57 (iv) curriculum and instruction requirements;
- 58 (v) school libraries; and
- 59 (vi) services to:
 - 60 (A) persons with a disability as defined by and covered under:
 - 61 (I) the Americans with Disabilities Act of 1990, 42 U.S.C. 12102;
 - 62 (II) the Rehabilitation Act of 1973, 29 U.S.C. 705(20)(A); and
 - 63 (III) the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3); and
 - 64 (B) other special groups;
 - 65 (d) (i) state reimbursed bus routes;
 - 66 (ii) bus safety and operational requirements; and
 - 67 (iii) other transportation needs; and
 - 68 (e) (i) school productivity and cost effectiveness measures;
 - 69 (ii) federal programs;
 - 70 (iii) school budget formats; and
 - 71 (iv) financial, statistical, and student accounting requirements.
- 72 (2) The board shall determine if:
 - 73 (a) the minimum standards have been met; and
 - 74 (b) required reports are properly submitted.
- 75 (3) The board may apply for, receive, administer, and distribute to eligible applicants
- 76 funds made available through programs of the federal government.
- 77 ~~[(4) (a) The board shall authorize the Utah College of Applied Technology Board of~~
- 78 ~~Trustees to develop and submit a competency-based high school diploma proposal to the~~
- 79 ~~board.]~~
- 80 ~~[(b) The board shall grant final approval before the Utah College of Applied~~
- 81 ~~Technology offers the diploma.]~~
- 82 (4) (a) The Utah College of Applied Technology shall provide competency-based
- 83 career and technical education courses that fulfill high school graduation requirements, as
- 84 requested and authorized by the State Board of Education.
- 85 (b) A school district may grant a high school diploma to a student participating in
- 86 courses described under Subsection (4)(a) that are provided by the Utah College of Applied
- 87 Technology.

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

89 **53B-2-101. Institutions of higher education -- Corporate bodies -- Powers.**

90 (1) The following institutions of higher education are bodies politic and corporate with
91 perpetual succession and with all rights, immunities, and franchises necessary to function as
92 such:

93 (a) the University of Utah;

94 (b) Utah State University;

95 (c) Weber State University;

96 (d) Southern Utah University;

97 (e) Snow College;

98 (f) Dixie State College of Utah;

99 (g) the College of Eastern Utah;

100 (h) Utah Valley State College; [~~and~~]

101 (i) Salt Lake Community College[~~-~~]; and

102 (j) the Utah College of Applied Technology.

103 (2) (a) Each institution may have and use a corporate seal and may, subject to Section
104 53B-20-103, take, hold, lease, sell, and convey real and personal property as the interest of the
105 institution requires.

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

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

109 **53B-2a-102. President -- Appointment -- Duties.**

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

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

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

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

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

- 119 (2) The president shall:
- 120 (a) direct the Utah College of Applied Technology and coordinate the activities of each
121 of its college campuses;
- 122 (b) in cooperation with the board of trustees and with the approval of the board,
123 develop a competency-based associate of applied technology degree;
- 124 ~~[(c) ensure that an applied technology education degree is transferable to other higher
125 education institutions in accordance with board rules;]~~
- 126 (c) ensure that, pursuant to State Board of Regents' rules, an applied technology
127 education degree is primarily a terminal degree, but is transferable to a bachelor's degree in
128 applied technology at other higher education institutions under specific articulation agreements;
- 129 (d) in consultation with the board of trustees, campus presidents, and campus boards of
130 directors, prepare a comprehensive strategic plan for delivering applied technology education
131 through the Utah College of Applied Technology college campuses;
- 132 (e) after consulting with local school districts and other higher education institutions in
133 the regions, ensure that the curricula of the Utah College of Applied Technology meet the
134 needs of the state, the regions, and the local school districts;
- 135 (f) in consultation with the board of trustees, campus presidents, and campus boards of
136 directors, and after consulting with local school districts and other higher education institutions
137 in the region, develop strategies for providing applied technology education in rural areas,
138 specifically considering the distances between rural applied technology education providers;
- 139 (g) establish minimum standards for applied technology programs of the Utah College
140 of Applied Technology college campuses;
- 141 (h) in conjunction with the board of trustees, do the following:
- 142 (i) develop and implement a system of common definitions, standards, and criteria for
143 tracking and measuring the effectiveness of applied technology education;
- 144 (ii) maintain a central administration office for coordination, prioritization, support,
145 and reporting of college functions dealing with:
- 146 (A) budgets and audits;
- 147 (B) facilities, including capital, capital development, and leases;
- 148 (C) management information systems;
- 149 (D) campus and college master planning efforts;

- 150 (E) strategic planning;
- 151 (F) legislative and Board of Regents contact;
- 152 (G) general data collection; and
- 153 (H) programs, certificates, and curriculum; and
- 154 ~~[(i)]~~ (iii) ~~[in conjunction with the board of trustees;]~~ develop and implement a plan to
- 155 inform citizens about the availability, cost, and advantages of applied technology education;
- 156 ~~[(j)]~~ (i) after consulting with the State Board of Education and local school districts,
- 157 ensure that secondary students in the public education system have access to applied
- 158 technology education through the Utah College of Applied Technology college campuses; and
- 159 ~~[(k)]~~ (j) provide expertise and monitor applied technology education within the region
- 160 served by Snow College in accordance with Section 53B-16-205.

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

162 **53B-2a-104. Utah College of Applied Technology Board of Trustees -- Powers**
163 **and duties.**

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

- 165 (1) in cooperation with the president of the Utah College of Applied Technology, and
- 166 with the approval of the State Board of Regents, develop competency-based associate of
- 167 applied technology degrees to be offered by the Utah College of Applied Technology;
- 168 (2) approve the courses and requirements for the associate of applied technology
- 169 degrees;
- 170 ~~[(3) ensure that an applied technology education degree is transferable to other higher~~
- 171 ~~education institutions in accordance with State Board of Regents rules;]~~
- 172 (3) ensure that, pursuant to State Board of Regents' rules, an applied technology
- 173 education degree is primarily a terminal degree, but is transferable to a bachelor's degree in
- 174 applied technology at other higher education institutions under specific articulation agreements;
- 175 (4) ensure that the Utah College of Applied Technology college campuses comply with
- 176 the requirements in Section 53B-2a-106;
- 177 (5) advise the president of the Utah College of Applied Technology and the State
- 178 Board of Regents on issues related to applied technology education;
- 179 (6) receive budget requests from each college campus, compile and prioritize the
- 180 requests, and submit the request to:

- 181 (a) the Legislature; and
- 182 (b) the Governor's Office of Planning and Budget;
- 183 (7) receive funding requests pertaining to capital facilities and land purchases from
- 184 each college campus, ensure that the requests comply with Section 53B-2a-112, prioritize the
- 185 requests, and submit the prioritized requests to the State Building Board;
- 186 (8) prepare and submit an annual report detailing its progress and recommendations on
- 187 applied technology education issues to the governor and to the Legislature's Education Interim
- 188 Committee by October 31 of each year, which shall include information detailing:
- 189 (a) how the applied technology education needs of secondary students are being met;
- 190 and
- 191 (b) what access secondary students have to programs offered:
- 192 (i) at college campuses; and
- 193 (ii) within the region served by Snow College;
- 194 (9) receive, by September 30 of each year, an annual report from Snow College on the
- 195 status of and maintenance of the effort for applied technology education in the region served by
- 196 Snow College, including access to open-entry, open-exit competency-based applied technology
- 197 education programs at the tuition rate approved by the Utah College of Applied Technology for
- 198 adults and at no tuition cost to secondary students; and
- 199 (10) perform other duties and responsibilities prescribed under the policies of the State
- 200 Board of Regents.

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

202 **53B-2a-106. College campuses -- Duties.**

- 203 (1) Each Utah College of Applied Technology college campus shall:
- 204 (a) offer a post-secondary and extra-secondary applied technology education
- 205 curriculum;
- 206 (b) offer that curriculum at:
- 207 (i) market cost to adult students, as approved by the board of trustees and the State
- 208 Board of Regents; and
- 209 (ii) no tuition to secondary students within the campus' jurisdiction;
- 210 (c) provide applied technology education that will result in:
- 211 (i) appropriate licensing, certification, or other evidence of completion of training; and

- 212 (ii) qualification for specific employment in business and industry;
- 213 (d) offer associate of applied technology degrees that have:
- 214 (i) instruction provided in an open-entry, open-exit environment, except as required by
- 215 external entities; and
- 216 (ii) been reviewed by the board of trustees and approved by the State Board of Regents
- 217 in accordance with Section 53B-1-103;
- 218 (e) develop cooperative agreements with local school districts, other higher education
- 219 institutions, businesses, industries, and community and private agencies to maximize the
- 220 availability of instructional facilities; and
- 221 (f) after consulting with local school districts within the geographic area served by the
- 222 college campus:
- 223 (i) ensure that secondary students in the public education system have access to applied
- 224 technology education at each college campus; and
- 225 (ii) prepare and submit an annual report to the Utah College of Applied Technology
- 226 detailing:
- 227 (A) how the applied technology education needs of secondary students within the
- 228 region are being met; and
- 229 (B) what access secondary students within the region have to programs offered at
- 230 college campuses.
- 231 (2) A college campus may offer a competency-based high school diploma approved by
- 232 the State Board of Education in accordance with Section 53A-1-402.
- 233 (3) A college campus may not:
- 234 (a) offer courses other than applied technology education and preparatory instruction in
- 235 areas such as reading and mathematics that are necessary for student success in ~~the~~ a chosen
- 236 applied technology education or job-related program;
- 237 (b) offer a degree other than an associate of applied technology degree approved by the
- 238 State Board of Regents in accordance with Section 53B-1-103;
- 239 (c) provide tenure or academic rank for its instructors; and
- 240 (d) participate in intercollegiate athletics.
- 241 (4) The mission of a college campus is limited to applied technology education and
- 242 may not expand to include credit-based academic programs typically offered by community

243 colleges or other institutions of higher education.

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

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

249 **53B-2a-107. Campus presidents -- Appointments -- Duties.**

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

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

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

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

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

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

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

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

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

269 **53B-2a-113. College campuses -- Leasing authority -- Lease-purchase agreements**
270 **-- Report.**

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

274 (a) one year or less with the approval of the campus board of directors; and
275 (b) more than one year with the approval of the board of trustees.
276 (2) (a) In accordance with Subsection 53B-2a-112(2), a college campus may enter into
277 a lease-purchase agreement if:
278 (i) there is a long-term benefit to the state;
279 (ii) the project is included in both the campus and Utah College of Applied Technology
280 master plans;
281 (iii) the lease-purchase agreement includes language that allows termination of the
282 lease;
283 (iv) the lease-purchase agreement is approved by the campus board of directors and the
284 board of trustees; and
285 (v) the lease-purchase agreement is:
286 (A) reviewed by the Division of Facilities Construction and Management;
287 (B) reviewed by the State Building Board; and
288 (C) approved by the Legislature.
289 (b) An approval under Subsection (2)(a) shall include a recognition of:
290 (i) all parties, dates, and elements of the agreement;
291 (ii) the equity or collateral component that creates the benefit; and
292 (iii) the options dealing with the sale and division of equity.
293 ~~[(2)]~~ (3) (a) Each college campus shall provide an annual lease report to the board of
294 trustees that details each of its leases, annual costs, location, square footage, and
295 recommendations for lease continuation.
296 (b) The president of the Utah College of Applied Technology shall compile and
297 distribute an annual combined lease report for all college campuses to the Division of Facilities
298 Construction Management and to others upon request.
299 ~~[(3)]~~ (4) The Utah College of Applied Technology shall use the annual combined lease
300 report in determining planning, utilization, and budget requests.
301 Section 8. Section **53B-8-101** is amended to read:
302 **53B-8-101. Waiver of tuition.**
303 (1) (a) The president of each institution may waive all or part of the tuition in behalf of
304 meritorious or impecunious resident students to an amount not exceeding 10% of the total

305 amount of tuition which, in the absence of the waivers, would have been collected from all
306 Utah resident students at the institution.

307 (b) Two and a half percent of the waivers designated in Subsection (1)(a) shall be set
308 aside for members of the Utah National Guard. Waivers shall be preserved by the student at
309 least 60 days before the beginning of an academic term.

310 (2) (a) Each academic year the president of each of the following institutions may
311 waive all or part of the resident portion of the tuition in behalf of the additional number of
312 meritorious nonresident students set forth below who are not current recipients of the waiver:

313	Number of Nonresident	
314	Students	
315	the University of Utah	190
316	Utah State University	165
317	Weber State University	135
318	Southern Utah University	68
319	Snow College	18
320	Dixie State College of Utah	30
321	the College of Eastern Utah	18
322	Utah Valley State College	114
323	Salt Lake Community College	43
324	<u>Utah College of Applied Technology</u>	<u>60</u>

325 (b) (i) The president may continue to waive the resident portion of the tuition during
326 the entire time the affected meritorious nonresident student remains an undergraduate student
327 in good standing at the institution.

328 (ii) The resident portion of the tuition for each nonresident student is equal to the
329 tuition for resident students at the institution.

330 (c) The president may waive the nonresident portion of tuition for a meritorious
331 nonresident student receiving a waiver under Subsection (2)(a) after completion of the student's
332 first year of full-time study at the institution.

333 (d) (i) In addition to the waivers authorized by Subsections (2)(a) and (c), the president
334 may waive all or part of the nonresident portion of tuition for a meritorious nonresident student
335 during the student's first year of full-time study at the institution.

336 (ii) The number of these nonresident waivers for each institution is limited to the
337 percentage of nonresident students at each institution times the nonresident student number
338 allowed under Subsection (2)(a).

339 (3) Upon recommendation of the board, the president may grant additional full or
340 partial tuition waivers to encourage students to enroll for instruction in occupations critical to
341 the state for which trained personnel are in short supply.

342 (4) The president may waive all or part of the difference between resident and
343 nonresident tuition in the case of meritorious graduate students and nonresident summer school
344 students.

345 (5) The board shall submit annual budget appropriation requests for each institution
346 which include requests for funds sufficient in amount to equal the estimated loss of dedicated
347 credits that would be realized if all of the tuition waivers authorized by Subsection (2) were
348 granted.