

Representative Ronda Rudd Menlove proposes the following substitute bill:

UTAH EDUCATION NETWORK AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronda Rudd Menlove

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill modifies the governance of the Utah Education Network (UEN).

Highlighted Provisions:

This bill:

- ▶ creates the Utah Education Network Board, which is the governing board for UEN;
- ▶ specifies the membership of the Utah Education Network Board;
- ▶ specifies the power and duties of the Utah Education Network Board which include:
 - hiring an executive director for UEN;
 - establishing policy for the operation of UEN and the administration of UEN's

duties; and

- advising UEN in the development of a telecommunications system to deliver educational services and the acquisition and distribution of instructional content;

and

- ▶ makes technical amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53B-17-102**, as last amended by Laws of Utah 2010, Chapter 28629 **53B-17-104**, as last amended by Laws of Utah 2009, Chapter 29030

31 *Be it enacted by the Legislature of the state of Utah:*32 Section 1. Section **53B-17-102** is amended to read:33 **53B-17-102. Utah Education Network.**34 (1) (a) As used in this part, "Utah Education Network" and "UEN" mean a consortium
35 and partnership between public and higher education established to:36 (i) coordinate and support the telecommunications needs of public and higher
37 education, public libraries, and ~~H→~~ [other state] ~~←H~~ entities ~~H→~~ affiliated with the state
37a systems of public and higher education ~~←H~~ as approved ~~H→~~ by the Utah Education Network
37b Board ~~←H~~ , including the statewide38 development and implementation of a network for education, utilizing satellite, microwave,
39 fiber-optic, broadcast, and other transmission media;40 (ii) coordinate the various telecommunications technology initiatives of public and
41 higher education;42 (iii) provide high-quality, cost-effective Internet access and appropriate interface
43 equipment for schools and school systems;44 (iv) procure, install, and maintain telecommunication services and equipment on behalf
45 of public and higher education;46 (v) develop or implement other programs or services for the delivery of distance
47 learning as directed by law; and

48 (vi) apply for state and federal funding on behalf of public and higher education.

49 (b) In performing the duties under this Subsection (1), UEN shall:

50 (i) provide services to schools, school districts, and the public and higher education
51 systems through an open and competitive bidding process;52 (ii) work with the private sector to deliver high-quality, cost-effective services; ~~and]~~53 (iii) avoid duplicating facilities, equipment or services of private providers of public
54 telecommunications service, as defined under Section 54-8b-2[-];55 (iv) utilize statewide economic development criteria in the design and implementation
56 of the educational telecommunications infrastructure; and

57 (v) assure that public service entities such as educators, public service providers, and
 58 public broadcasters are provided access to the telecommunications infrastructure developed in
 59 the state.

60 (2) The University of Utah shall provide administrative management for UEN.

61 ~~[(3)(a) The governor shall appoint a statewide steering committee of representatives~~
 62 ~~from public and higher education, state government, and private industry to advise UEN in the~~
 63 ~~development and operation of a coordinated, statewide, multi-option telecommunications~~
 64 ~~system to assist in the delivery of educational services throughout the state.]~~

65 (3) (a) The Utah Education Network Board, which is the governing board for UEN, is
 66 created.

67 (b) The Utah Education Network Board shall be appointed as follows:

68 (i) (A) The ~~H~~→ [state superintendent of public instruction] State Board of Education ←~~H~~
 68a shall appoint four members to
 69 represent the state system of public education.

70 (B) In selecting members to represent the state system of public education, the ~~H~~→ [state
 71 superintendent of public instruction] State Board of Education ←~~H~~ shall select members from
 71a different regions of the state and
 72 both urban and rural areas.

73 (ii) (A) The commissioner of higher education shall appoint four members to represent
 74 the state system of higher education.

75 (B) In selecting members to represent the state system of higher education, the
 76 commissioner of higher education shall select members from different regions of the state and
 77 both urban and rural areas.

78 (iii) The president of the Utah College of Applied Technology shall appoint one
 79 member to represent the Utah College of Applied Technology.

80 (iv) The governor shall appoint:

81 (A) one member to represent the state library; and

82 (B) one member to represent the Office of the Governor.

83 ~~[(b)]~~ (c) Except as required by Subsection (3)~~(c)~~(d), members shall be appointed to
 84 four-year terms.

85 ~~[(c) Notwithstanding the requirements of Subsection (3)(b), the]~~

86 (d) The governor, ~~H~~→ [state superintendent of public instruction] State Board of
 86a Education ←~~H~~ , and commissioner of
 87 higher education shall, at the time of appointment or reappointment, adjust the length of terms

88 to ensure that the terms of [~~committee~~] Utah Education Network Board members are staggered
 89 so that approximately half of the [~~committee~~] Utah Education Network Board is appointed
 90 every two years.

91 [~~(d)~~] (e) When a vacancy occurs in the membership for any reason, the replacement
 92 shall be appointed for the unexpired term.

93 (f) (i) The Utah Education Network Board shall elect:

94 (A) a cochair from the members representing the state system of public education; and

95 (B) a cochair from the members representing the state system of higher education.

96 (ii) The cochairs shall set the agenda for Utah Education Network Board meetings.

97 (4) A member of the Utah Education Network Board may not receive compensation or
 98 benefits for the member's service, but may receive per diem and travel expenses in accordance
 99 with:

100 (a) Section 63A-3-106;

101 (b) Section 63A-3-107; and

102 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 103 63A-3-107.

104 (5) The Utah Education Network Board:

105 (a) shall hire an executive director for UEN, and may terminate the executive director's
 106 employment or assignment;

107 (b) shall determine the executive director's salary;

108 (c) shall annually conduct a performance evaluation of the executive director;

109 (d) shall establish policies the Utah Education Network Board determines are necessary
 110 for the operation of UEN and the administration of UEN's duties;

111 (e) shall advise UEN in:

112 (i) the development and operation of a coordinated, statewide, multi-option
 113 telecommunications system to assist in the delivery of educational services throughout the
 114 state; and

115 (ii) acquiring, producing, and distributing instructional content; and

116 (f) ~~H~~→ [may] shall ←~~H~~ establish an advisory council to assist the Utah Education Network
 116a Board in

117 performing its responsibilities under Subsection (5)(e).

118 (6) The executive director of UEN shall be an at-will employee.

119 [~~(5)~~] (7) UEN shall locate and maintain educational telecommunication infrastructure
120 throughout the state.

121 [~~(6)~~] (8) Educational institutions shall manage site operations under policy established
122 by UEN.

123 [~~(7)~~] (9) Subject to future budget constraints, the Legislature shall provide an annual
124 appropriation to operate UEN.

125 (10) If the network operated by the Department of Technology Services is not
126 available, UEN may provide network connections to the central administration of counties and
127 municipalities for the sole purpose of transferring data to a secure facility for backup and
128 disaster recovery.

129 Section 2. Section **53B-17-104** is amended to read:

130 **53B-17-104. Responsibilities of the State Board of Regents, the State Board of**
131 **Education, the University of Utah, KUED - TV, KUER - FM, and UEN related to public**
132 **broadcasting and telecommunication for education and government.**

133 (1) Subject to applicable rules of the Federal Communications Commission and
134 Section 53B-17-102, the State Board of Regents, the State Board of Education, and the
135 University of Utah, KUED - TV, KUER - FM, and UEN shall:

136 (a) coordinate statewide services of public radio and television;

137 (b) develop, maintain, and operate statewide distribution systems for KUED - TV,
138 KUER - FM, and KUEN, the statewide distance learning service, the educational data network,
139 connections to the Internet, and other telecommunications services appropriate for providing
140 video, audio, and data telecommunication services in support of public and higher education,
141 state government, and public libraries;

142 (c) support the delivery of these services to as many communities as may be
143 economically and technically feasible and lawfully permissible under the various operating
144 licenses;

145 (d) cooperate with state and local governmental and educational agencies and provide
146 leadership and consulting service for telecommunication for education;

147 (e) represent the state with privately owned telecommunications systems to gain access
148 to their networks for the delivery of programs and services sponsored or produced by public
149 and higher education;

150 (f) acquire, produce, coordinate, and distribute a variety of programs and services of an
151 educational, cultural, informative, and entertaining nature designed to promote the public
152 interest and welfare of the state;

153 (g) coordinate with the state system of higher education to acquire, produce, and
154 distribute broadcast and nonbroadcast college credit telecourses, teleconferences, and other
155 instructional and training services;

156 (h) coordinate with ~~[the State Board of Education and]~~ school districts and public
157 schools to acquire, produce, and distribute broadcast and nonbroadcast telecourses,
158 teleconferences, and other instructional and training services to the public schools;

159 (i) ~~[act as]~~ coordinate the development of a clearing house for the materials, courses,
160 publications, media, software, and other applicable information related to the items addressed
161 in Subsections (1)(g) and (h);

162 (j) coordinate ~~[with the State Board of Education to assist in providing the public~~
163 ~~schools of Utah with]~~ the provision of the following services to public schools:

164 (i) broadcast, during school hours, of educational and administrative programs
165 recommended by the State Board of Education;

166 (ii) ~~[duplication and encoding of program masters]~~ digitization of programs for
167 broadcast purposes; and

168 (iii) program previewing;

169 (k) share responsibility ~~[with the State Board of Education]~~ for Instructional Television
170 (ITV) awareness and utilization; and

171 (l) provide teleconference and training services for state and local governmental
172 agencies.

173 ~~[(2) UEN shall:]~~

174 ~~[(a) consult with the UEN steering committee authorized in Section 53B-17-102 and~~
175 ~~other technology coordinating committees established by the State Board of Education and~~
176 ~~State Board of Regents in acquiring, producing, and distributing instructional content;]~~

177 ~~[(b) coordinate the statewide development and implementation of the data network for~~
178 ~~education, which shall include video and audio, data connections, and connection to the~~
179 ~~Internet, utilizing satellite, microwave, fiber-optic, and other transmission media;]~~

180 ~~[(c) utilize statewide economic development criteria in the design and implementation~~

181 of the educational telecommunications infrastructure;]

182 ~~[(d) assure that public service entities such as educators, public service providers, and~~
183 ~~public broadcasters are provided access to the telecommunications infrastructures that are~~
184 ~~developed in the state.]~~

185 ~~[(3) If the network operated by the Department of Technology Services is not available,~~
186 ~~UEN may provide network connections to the central administration of counties and~~
187 ~~municipalities for the sole purpose of transferring data to a secure facility for backup and~~
188 ~~disaster recovery.]~~

189 ~~[(4)]~~ (2) This section neither regulates nor restricts a privately owned company in the
190 distribution or dissemination of education programs.

191 Section 3. **Effective date.**

192 If approved by two-thirds of all the members elected to each house, this bill takes effect
193 upon approval by the governor, or the day following the constitutional time limit of Utah
194 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
195 the date of veto override.