

1 **UTAH EDUCATION NETWORK AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ronda Rudd Menlove**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ directs the governor, in consultation with the state superintendent of public
13 instruction and the commissioner of higher education, to appoint a steering
14 committee for UEN;
- 15 ▶ specifies the membership of the steering committee;
- 16 ▶ specifies the power and duties of the steering committee which include:
- 17 • hiring an executive director for UEN;
- 18 • establishing policy for the operation of UEN and the administration of UEN's
19 duties; and
- 20 • appointing an advisory committee; and
- 21 ▶ makes technical amendments.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 53B-17-102, as last amended by Laws of Utah 2010, Chapter 286

29 53B-17-104, as last amended by Laws of Utah 2009, Chapter 290



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 other state entities as approved, including the statewide
38 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, in consultation with the state superintendent of public instruction
62 and the commissioner of higher education, shall appoint a [statewide] steering committee [of
63 ~~representatives from public and higher education, state government, and private industry to~~
64 ~~advise UEN in the development and operation of a coordinated, statewide, multi-option~~
65 ~~telecommunications system to assist in the delivery of educational services throughout the~~
66 ~~state.] as follows:~~

67 (i) one member shall represent the state system of public education;

68 (ii) one member shall represent the state system of higher education; and

69 (iii) one member shall represent the public at large.

70 (b) Except as required by Subsection (3)(c), members shall be appointed to four-year
71 terms.

72 (c) Notwithstanding the requirements of Subsection (3)(b), the governor shall, at the
73 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
74 committee members are staggered [~~so that approximately half of the committee is appointed~~
75 ~~every two years].~~

76 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
77 appointed for the unexpired term.

78 [~~(4) A member~~]

79 (4) The steering committee appointed under Subsection (3):

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

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

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

84 (d) shall establish policies the steering committee determines are necessary for the
85 operation of UEN and the administration of UEN's duties; and

86 (e) shall appoint a statewide advisory committee of representatives from public and
87 higher education, state government, and private industry to advise UEN in:

88 (i) the development and operation of a coordinated, statewide, multi-option

89 telecommunications system to assist in the delivery of educational services throughout the

90 state; and

91 (ii) acquiring, producing, and distributing instructional content.

92 (5) (a) The executive director of UEN shall be an at-will employee.

93 (b) Subsection (5)(a) does not apply to a person who:

94 (i) holds the position of executive director of UEN when hired by the steering
95 committee; and

96 (ii) was employed as executive director of UEN before May 8, 2012.

97 (6) A member of the steering committee appointed under Subsection (3) or the

98 advisory committee appointed under Subsection (4)(e) may not receive compensation or

99 benefits for the member's service, but may receive per diem and travel expenses in accordance
100 with:

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

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

103 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
104 63A-3-107.

105 [~~(5)~~] (7) UEN shall locate and maintain educational telecommunication infrastructure
106 throughout the state.

107 [~~(6)~~] (8) Educational institutions shall manage site operations under policy established
108 by UEN.

109 [~~(7)~~] (9) Subject to future budget constraints, the Legislature shall provide an annual
110 appropriation to operate UEN.

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

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

116 **53B-17-104. Responsibilities of the State Board of Regents, the State Board of**
117 **Education, the University of Utah, KUED - TV, KUER - FM, and UEN related to public**
118 **broadcasting and telecommunication for education and government.**

119 (1) Subject to applicable rules of the Federal Communications Commission and
120 Section 53B-17-102, the State Board of Regents, the State Board of Education, and the

121 University of Utah, KUED - TV, KUER - FM, and UEN shall:

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

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

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

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

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

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

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

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

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

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

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

152 (ii) [~~duplication and encoding of program masters~~] digitization of programs for
153 broadcast purposes; and
154 (iii) program previewing;
155 (k) share responsibility [~~with the State Board of Education~~] for Instructional Television
156 (ITV) awareness and utilization; and
157 (l) provide teleconference and training services for state and local governmental
158 agencies.
159 ~~[(2) UEN shall:]~~
160 ~~[(a) consult with the UEN steering committee authorized in Section 53B-17-102 and~~
161 ~~other technology coordinating committees established by the State Board of Education and~~
162 ~~State Board of Regents in acquiring, producing, and distributing instructional content;]~~
163 ~~[(b) coordinate the statewide development and implementation of the data network for~~
164 ~~education, which shall include video and audio, data connections, and connection to the~~
165 ~~Internet, utilizing satellite, microwave, fiber-optic, and other transmission media;]~~
166 ~~[(c) utilize statewide economic development criteria in the design and implementation~~
167 ~~of the educational telecommunications infrastructure;]~~
168 ~~[(d) assure that public service entities such as educators, public service providers, and~~
169 ~~public broadcasters are provided access to the telecommunications infrastructures that are~~
170 ~~developed in the state.]~~
171 ~~[(3) If the network operated by the Department of Technology Services is not available,~~
172 ~~UEN may provide network connections to the central administration of counties and~~
173 ~~municipalities for the sole purpose of transferring data to a secure facility for backup and~~
174 ~~disaster recovery.]~~
175 ~~[(4)]~~ (2) This section neither regulates nor restricts a privately owned company in the
176 distribution or dissemination of education programs.

Legislative Review Note
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Office of Legislative Research and General Counsel