

UTAH COLLEGE OF APPLIED TECHNOLOGY

AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Ron Bigelow

This act modifies the State System of Higher Education Code by modifying provisions relating to the Utah College of Applied Technology. This act changes terminology of the Utah College of Applied Technology's college campuses, campus presidents, and campus boards of directors. This act amends definitions. This act modifies some governance provisions within the Utah College of Applied Technology and its campuses as well as provisions relating to governance by the State Board of Regents. This act allows market cost tuition for adult students of the Utah College of Applied Technology. This act authorizes certain Utah College of Applied Technology campus leases. This act makes technical corrections. This act takes effect on July 1, 2003.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-1-402, as last amended by Chapter 244, Laws of Utah 2002

53A-15-202, as last amended by Chapter 5, Laws of Utah 2001, First Special Session

53B-1-103, as last amended by Chapter 5, Laws of Utah 2001, First Special Session

53B-1-104, as last amended by Chapter 176, Laws of Utah 2002

53B-2a-101, as enacted by Chapter 5, Laws of Utah 2001, First Special Session

53B-2a-102, as enacted by Chapter 5, Laws of Utah 2001, First Special Session

53B-2a-103, as enacted by Chapter 5, Laws of Utah 2001, First Special Session

53B-2a-104, as enacted by Chapter 5, Laws of Utah 2001, First Special Session

53B-2a-105, as enacted by Chapter 5, Laws of Utah 2001, First Special Session

53B-2a-106, as enacted by Chapter 5, Laws of Utah 2001, First Special Session

53B-2a-107, as enacted by Chapter 5, Laws of Utah 2001, First Special Session

53B-2a-108, as enacted by Chapter 5, Laws of Utah 2001, First Special Session

53B-2a-109, as enacted by Chapter 5, Laws of Utah 2001, First Special Session

53B-2a-110, as enacted by Chapter 5, Laws of Utah 2001, First Special Session

53B-2a-111, as enacted by Chapter 5, Laws of Utah 2001, First Special Session

53B-2a-112, as enacted by Chapter 5, Laws of Utah 2001, First Special Session

53B-16-205, as last amended by Chapter 5, Laws of Utah 2001, First Special Session

63A-5-305, as enacted by Chapter 113, Laws of Utah 1995

ENACTS:

53B-2a-113, Utah Code Annotated 1953

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

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

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

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

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

(ii) required school administrative and supervisory services; and

(iii) the evaluation of instructional personnel;

(b) (i) access to programs;

(ii) attendance;

(iii) competency levels;

(iv) graduation requirements; and

(v) discipline and control;

(c) (i) school accreditation;

(ii) the academic year;

(iii) alternative and pilot programs;

(iv) curriculum and instruction requirements;

(v) school libraries; and

(vi) services to:

- (A) persons with a disability as defined by and covered under:
 - (I) the Americans with Disabilities Act of 1990, 42 U.S.C. 12102;
 - (II) the Rehabilitation Act of 1973, 29 U.S.C. 705(20)(A); and
 - (III) the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3); and
 - (B) other special groups;
 - (d) (i) state reimbursed bus routes;
 - (ii) bus safety and operational requirements; and
 - (iii) other transportation needs; and
 - (e) (i) school productivity and cost effectiveness measures;
 - (ii) federal programs;
 - (iii) school budget formats; and
 - (iv) financial, statistical, and student accounting requirements.
- (2) The board shall determine if:
- (a) the minimum standards have been met; and
 - (b) required reports are properly submitted.

(3) The board may apply for, receive, administer, and distribute to eligible applicants funds made available through programs of the federal government.

(4) (a) The board shall ~~[approve any]~~ authorize the Utah College of Applied Technology Board of Trustees to develop and submit a competency-based high school diploma ~~[equivalent before any applied technology college may offer the diploma equivalent]~~ proposal to the board.

(b) The board shall grant final approval before the Utah College of Applied Technology offers the diploma.

Section 2. Section **53A-15-202** is amended to read:

53A-15-202. Powers of the board.

The State Board of Education:

- (1) shall establish minimum standards for applied technology programs in the public education system;
- (2) may apply for, receive, administer, and distribute funds made available through

programs of federal and state governments to promote and aid applied technology education;

(3) shall cooperate with federal and state governments to administer programs which promote and maintain applied technology education;

(4) shall cooperate with the Utah College of Applied Technology to ensure that students in the public education system have access to applied technology education [~~in applied technology colleges; and~~] at Utah College of Applied Technology campuses; and

(5) shall, after consulting with local school districts, prepare and submit an annual report to the governor and to the Legislature's Education Interim Committee by October 31 of each year detailing:

- (a) how the applied technology education needs of secondary students are being met; and
- (b) what access secondary students have to programs offered at applied technology colleges.

Section 3. Section **53B-1-103** is amended to read:

53B-1-103. Establishment of State Board of Regents -- Powers and authority.

(1) There is established a State Board of Regents.

(2) (a) The board is vested with the control, management, and supervision of the institutions of higher education designated in Section 53B-1-102 in a manner consistent with the policy and purpose of this title and the specific powers and responsibilities granted to it.

(b) The board is vested with the following powers relating to the Utah College of Applied Technology and its [~~regional applied technology colleges~~] college campuses:

(i) approving each competency-based associate of applied technology degree before allowing [~~an applied technology~~] a college campus to offer the degree;

(ii) making rules governing the transfer of applied technology education degrees awarded by the Utah College of Applied Technology to other higher education institutions;

(iii) appointing the president for the Utah College of Applied Technology in accordance with Section 53B-2a-102 and board policy; and

(iv) facilitating and coordinating the operation of the Utah College of Applied Technology within the system of higher education.

(c) Except for the Utah College of Applied Technology, the board may modify the name of an institution under its control and management, as designated in Section 53B-1-102, to reflect the role and general course of study of the institution.

(3) The board is the State Postsecondary Review Entity for Utah for purposes of Title IV, Part H, of the federal Higher Education Act of 1965, as amended by the Higher Education Act Amendments of 1992.

(4) This section does not affect the power and authority vested in the State Board of Education to apply for, accept, and manage federal appropriations for the establishment and maintenance of applied technology education.

Section 4. Section **53B-1-104** is amended to read:

53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath -- Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.

(1) (a) The board shall consist of 18 residents of the state.

(b) (i) Fifteen members shall be appointed by the governor with the consent of the Senate.

(ii) (A) One additional member shall be appointed by the governor from nominations of the student body presidents council.

(B) The council shall nominate three qualified, matriculated students enrolled in the state institutions of higher education.

(C) Student body presidents are not eligible for nomination.

(iii) Other than the student appointee, not more than eight members appointed by the governor shall, at any time, be from one political party.

(iv) In making appointments to the board, the governor shall select:

(A) individuals from the state at large with due consideration for geographical representation; and

(B) at least three individuals with personal experience in applied technology education, which could include service on a [~~regional applied technology college regional~~] campus board of directors.

(c) (i) In addition to the members designated under Subsection (1)(b), two members of the State Board of Education, appointed by the chair of the State Board of Education, shall serve as nonvoting members of the board.

(ii) A nonvoting member shall continue to serve as a member without a set term until the member is replaced by the chair of the State Board of Education.

(2) (a) Five members of the board, other than the student member and the State Board of Education members, shall be appointed during each odd-numbered year to six-year staggered terms which commence on July 1 of the year of appointment.

(b) (i) The student member shall be appointed for a one-year term and may be reappointed for one additional term.

(ii) The student member has full voting rights and may vote on selection of a board chair or vice chair, but not serve in either office.

(c) Board members shall hold office until their successors have been appointed and qualified.

(3) (a) Each member of the board shall take the official oath of office before entering upon the duties of office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(4) The board shall elect a chair and vice chair from its members who shall serve terms of two years and until their successors are chosen and qualified.

(5) (a) The board shall appoint a secretary from the staff of its chief executive to serve at its discretion.

(b) The secretary shall be a full-time employee who receives a salary set by the board.

(c) The secretary shall record and maintain a record of all board meetings and perform other duties as the board directs.

(6) The board shall appoint a treasurer who serves at the discretion of the board.

(7) (a) The board may establish advisory committees.

(b) The powers and authority of the board are nondelegable, except as specifically provided for in this title.

(c) All matters requiring board determination shall be addressed in a properly convened meeting of the board or its executive committee.

(8) The board shall enact bylaws for its own government not inconsistent with the constitution or the laws of this state.

(9) (a) The board shall meet regularly upon its own determination.

(b) The board may also meet, in full or executive session, at the request of its chair, its executive officer, or five members of the board.

(10) A quorum of the voting members of the board is required to conduct its business and consists of nine members.

(11) (a) A vacancy in the board occurring before the expiration of a voting member's full term shall be immediately filled by appointment by the governor with the consent of the Senate.

(b) The appointee serves for the remainder of the unexpired term.

(12) (a) Each member of the board shall receive a per diem as provided by law as compensation for services for attending meetings of the board.

(b) Each member shall also be paid actual expenses incurred for attending meetings of the board or its committees or for attending to any business of the institutions under the direction of the board or authority of the board or its committees.

Section 5. Section **53B-2a-101** is amended to read:

53B-2a-101. Definitions.

As used in this chapter:

(1) "Applied technology education" means ~~[open-entry, open-exit, competency-based education. "Applied technology education" may include approved programs that are not open-entry, open-exit, competency-based education only for secondary students.]~~ organized educational programs offering sequences of courses or skill sets directly related to preparing individuals for paid or unpaid employment in current or emerging occupations that do not require a baccalaureate or advanced degree.

(2) "Board of trustees" means the Utah College of Applied Technology Board of Trustees.

(3) "College campus" means a college campus of the Utah College of Applied Technology.

~~[(3)]~~ (4) "Competency-based" means mastery of subject matter or skill level, as demonstrated through business and industry approved standards and assessments [rather than credit hours], achieved through participation in a hands-on learning environment, and which is tied to observable, measurable performance objectives.

(5) "Open-entry, open-exit" means:

(a) a method of instructional delivery that allows for flexible scheduling in response to individual student needs or requirements and demonstrated competency when knowledge and skills have been mastered; and

(b) students have the flexibility to begin or end study at any time, progress through course material at their own pace, and demonstrate competency when knowledge and skills have been mastered. If competency is demonstrated in a program of study, a credential, certificate, diploma, or degree may be awarded.

Section 6. Section **53B-2a-102** is amended to read:

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

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

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

(c) The president shall serve at the board's discretion ~~[and at the salary the board determines]~~.

~~[(d) As president of the Utah College of Applied Technology, the president is also an associate commissioner of higher education.]~~

~~[(e)]~~ (d) The names of the final candidates for president of the Utah College of Applied Technology shall be publicly disclosed.

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

(2) The president shall:

- (a) direct the Utah College of Applied Technology and coordinate the activities of each [~~regional applied technology~~] of its college campuses;
- (b) in cooperation with the board of trustees and with the approval of the board, develop a competency-based associate of applied technology degree;
- (c) ensure that an applied technology education degree is transferable to other higher education institutions in accordance with board rules;
- (d) in consultation with the board of trustees, [~~applied technology college regional~~] campus presidents, and [~~applied technology college regional~~] campus boards of directors, prepare a comprehensive strategic plan for delivering applied technology education through the [~~regional applied technology colleges~~] Utah College of Applied Technology college campuses;
- (e) after consulting with local school districts and other higher education institutions in the regions, ensure that the curricula of the [~~regional applied technology colleges meet~~] Utah College of Applied Technology meets the needs of the state, the regions, and the local school districts;
- (f) in consultation with the board of trustees, [~~applied technology college regional~~] campus presidents, and [~~applied technology college regional~~] campus boards of directors, and after consulting with local school districts and other higher education institutions in the region, develop strategies for providing applied technology education in rural areas, specifically considering the distances between rural applied technology education providers;
- (g) establish minimum standards for applied technology programs of the [~~regional applied technology colleges~~] Utah College of Applied Technology college campuses;
- (h) in conjunction with the board of trustees, develop and implement a system of common definitions, standards, and criteria for tracking and measuring the effectiveness of applied technology education;
- (i) in conjunction with the board of trustees, develop and implement a plan to inform citizens about the availability, cost, and advantages of applied technology education; and
- (j) after consulting with the State Board of Education and local school districts, ensure that secondary students in the public education system have access to applied technology

education [~~in applied technology colleges~~] through the Utah College of Applied Technology college campuses.

Section 7. Section **53B-2a-103** is amended to read:

53B-2a-103. Utah College of Applied Technology Board of Trustees -- Membership -- Terms -- Vacancies -- Oath -- Officers -- Quorum -- Committees -- Compensation.

(1) There is created the Utah College of Applied Technology Board of Trustees, composed of the following members:

(a) two members of the State Board of Education appointed by the governor with the consent of the Senate;

(b) two members of the State Board of Regents appointed by the governor with the consent of the Senate;

(c) one member representing business and industry from the regional board of each regional applied technology college appointed by a majority vote of the business and industry members of the regional board; and

(d) one business or industry representative appointed by the governor with the consent of the Senate from nominations submitted by the speaker of the House of Representatives and president of the Senate.

(2) (a) Except as provided in Subsection (2)(b), the members of the board of trustees shall be appointed commencing on September 1 of the year of appointment to:

(i) two-year terms for the members described in Subsections (1)(a) and (b); and

(ii) four-year terms for the members described in Subsections (1)(c) and (d).

(b) At the first meeting of the board of trustees:

(i) the members described in Subsections (1)(c) and (d) shall divide up their positions so that approximately half of them serve for initial two-year terms; and

(ii) the members described in Subsections (1)(a) and (b) shall divide up their positions so that approximately half of them serve for initial one-year terms.

(c) An appointed member holds office until a successor is appointed and qualified.

(3) When a vacancy occurs in the membership for any reason, the replacement shall be

appointed for the unexpired term.

(4) (a) Each member shall take the official oath of office prior to assuming the office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(5) The board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.

(6) (a) The board of trustees may enact bylaws for its own government, including provision for regular meetings.

(b) (i) The board of trustees may provide for an executive committee in its bylaws.

(ii) If established, the committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.

(iii) The committee may act on nonroutine matters only under extraordinary and emergency circumstances.

(iv) The committee shall report its activities to the board of trustees at its next regular meeting following the action.

(c) Copies of the board of trustees' bylaws shall be filed with the [~~board~~] Board of Regents.

(7) A quorum shall be required to conduct business which shall consist of a majority of board of trustee members.

(8) The board of trustees may establish advisory committees.

(9) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board of trustees at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the ~~[committee]~~ board of trustees at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Higher education members may decline to receive per diem and expenses for their service.

Section 8. Section **53B-2a-104** is amended to read:

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

The Utah College of Applied Technology Board of Trustees shall:

(1) in cooperation with the president of the Utah College of Applied Technology, and with the approval of the State Board of Regents, develop [a] competency-based associate of applied technology ~~[degree]~~ degrees to be offered by the ~~[regional applied technology colleges]~~ Utah College of Applied Technology;

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

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

~~(4)~~ (4) ensure that [the regional applied technology colleges within] the Utah College of Applied Technology college campuses comply with the requirements in Section 53B-2a-106;

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

~~(6)~~ (6) receive budget requests from each [regional applied technology] college campus, compile and prioritize the requests, and submit the ~~[prioritized requests]~~ request to:

(a) the Legislature; and

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

~~(7)~~ (7) receive funding requests pertaining to capital facilities and land purchases from

each ~~[regional applied technology]~~ college campus, ensure that the requests comply with Section 53B-2a-112, prioritize the requests, and submit the prioritized requests to the State Building Board;

~~[(7)]~~ (8) prepare and submit an annual report detailing its progress and recommendations on applied technology education issues to the governor and to the Legislature's Education Interim Committee by October 31 of each year, which shall include information detailing:

- (a) how the applied technology education needs of secondary students are being met; and
- (b) what access secondary students have to programs offered at ~~[applied technology colleges]~~ college campuses; and

~~[(8)]~~ (9) perform other duties and responsibilities ~~[as delegated by]~~ prescribed under the policies of the State Board of Regents.

Section 9. Section **53B-2a-105** is amended to read:

53B-2a-105. Utah College of Applied Technology -- Composition.

The Utah College of Applied Technology is composed of the following ~~[regional applied technology colleges]~~ college campuses:

(1) the Bridgerland Applied Technology College Campus which~~[-(a)]~~ serves the geographic area encompassing:

- ~~[(i)]~~ (a) the Box Elder School District;
- ~~[(ii)]~~ (b) the Cache School District;
- ~~[(iii)]~~ (c) the Logan School District; and
- ~~[(iv)]~~ (d) the Rich School District; ~~[and]~~

~~[(b) includes the facilities, equipment, and personnel of the Bridgerland Applied Technology Center;]~~

(2) the Ogden-Weber Applied Technology College Campus which~~[-(a)]~~ serves the geographic area encompassing:

- ~~[(i)]~~ (a) the Ogden City School District; and
- ~~[(ii)]~~ (b) the Weber School District; ~~[and]~~

~~[(b) includes the facilities, equipment, and personnel of the Ogden-Weber Applied~~

~~Technology Center;~~

(3) the Davis Applied Technology College Campus which~~[(a)]~~ serves the geographic area encompassing:

~~[(i)]~~ (a) the Davis School District; and

~~[(ii)]~~ (b) the Morgan School District; ~~[and]~~

~~[(b)] includes the facilities, equipment, and personnel of the Davis Applied Technology Center;~~

(4) the Salt Lake/Tooele Applied Technology College Campus which~~[(a)]~~ serves the geographic area encompassing:

~~[(i)]~~ (a) the Salt Lake City School District;

~~[(ii)]~~ (b) the Granite School District;

~~[(iii)]~~ (c) the Jordan School District;

~~[(iv)]~~ (d) the Murray School District; and

~~[(v)]~~ (e) the Tooele School District; ~~[and]~~

~~[(b)] includes the facilities, equipment, and personnel of the Wasatch Front South Applied Technology Center;~~

(5) the ~~[Mountainlands]~~ Mountainland Applied Technology College Campus which~~[(a)]~~ serves the geographic area encompassing:

~~[(i)]~~ (a) the Alpine School District;

~~[(ii)]~~ (b) the Nebo School District;

~~[(iii)]~~ (c) the Provo School District;

~~[(iv)]~~ (d) the South Summit School District;

~~[(v)]~~ (e) the North Summit School District;

~~[(vi)]~~ (f) the Wasatch School District; and

~~[(vii)]~~ (g) the Park City School District; ~~[and]~~

~~[(b)] includes the facilities, equipment, and personnel of the Mountainlands Applied Technology Center Service Region;~~

(6) the Uintah Basin Applied Technology College Campus which~~[(a)]~~ serves the

geographic area encompassing:

~~[(i)]~~ (a) the Daggett School District;

~~[(ii)]~~ (b) the Duchesne School District; and

~~[(iii)]~~ (c) the Uintah School District; ~~[and]~~

~~[(b) includes the existing facilities, equipment, and personnel of the Uintah Basin Applied Technology Center;]~~

(7) the Central Applied Technology College Campus which serves the geographic area encompassing:

(a) the Juab School District;

(b) the Millard School District;

(c) the Tintic School District;

(d) the North Sanpete School District;

(e) the South Sanpete School District;

(f) the Wayne School District;

(g) the Piute School District; and

(h) the Sevier School District;

(8) the Southwest Applied Technology College Campus which~~[-(a)]~~ serves the geographic area encompassing:

~~[(i)]~~ (a) the Beaver School District;

~~[(ii)]~~ (b) the Garfield School District;

~~[(iii)]~~ (c) the Iron School District; and

~~[(iv)]~~ (d) the Kane School District; ~~[and]~~

~~[(b) includes the facilities, equipment, and personnel of the Southwest Applied Technology Education Center Service Region;]~~

(9) the Dixie Applied Technology College Campus which serves the geographic area encompassing the Washington School District; and

(10) the Southeast Applied Technology College Campus which~~[-(a)]~~ serves the geographic area encompassing:

- ~~[(i)]~~ (a) the Carbon School District;
- ~~[(ii)]~~ (b) the Emery School District;
- ~~[(iii)]~~ (c) the Grand School District; and
- ~~[(iv)]~~ (d) the San Juan School District~~[-and]~~.

~~[(b) includes the facilities, equipment, and personnel of the Southeast Applied Technology Center Service Region.]~~

Section 10. Section **53B-2a-106** is amended to read:

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

- (1) Each ~~[regional applied technology college]~~ Utah College of Applied Technology college campus shall:
- (a) offer a post-secondary and extra-secondary applied technology education curriculum;
 - (b) offer that curriculum at ~~[low]~~:
 - (i) market cost to adult students, as approved by the board of trustees and the State Board of Regents; and ~~[at]~~
 - (ii) no ~~[cost]~~ tuition to secondary students within the ~~[college's]~~ campus' jurisdiction;
 - (c) provide applied technology education that will result in:
 - (i) appropriate licensing, certification, or other evidence of completion of training; and
 - (ii) qualification for specific employment in business and industry;
 - (d) offer ~~[competency-based associate of applied technology degrees]~~ associate of applied technology degrees that have:
 - (i) instruction provided in an open-entry, open-exit environment, except as required by external entities; and
 - (ii) been reviewed by the board of trustees and approved by the State Board of Regents in accordance with Section 53B-1-103;
 - (e) develop cooperative agreements with local school districts, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of instructional facilities; and
 - (f) after consulting with local school districts within the geographic area served by the

[~~regional applied technology~~] college campus:

(i) ensure that secondary students in the public education system have access to applied technology education [~~in the regional applied technology~~] at each college campus; and

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

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

(B) what access secondary students within the region have to programs offered at [~~applied technology colleges~~] college campuses.

(2) A [~~regional applied technology~~] college campus may offer a competency-based high school diploma [~~equivalent~~] approved by the State Board of Education in accordance with Section 53A-1-402.

(3) A [~~regional applied technology~~] college campus may not:

(a) offer courses other than applied technology education[;] and preparatory instruction in areas such as reading and mathematics that are necessary for student success in the chosen applied technology education program;

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

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

(d) participate in intercollegiate athletics.

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

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

Section 11. Section **53B-2a-107** is amended to read:

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

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

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

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

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

(2) Each ~~[regional] campus~~ president of a ~~[regional applied technology]~~ college campus shall:

(a) serve as the executive officer of the ~~[regional] campus~~ board of directors;

(b) administer the day-to-day operations of the ~~[regional applied technology]~~ college campus under the direction of the ~~[regional] campus~~ board of directors; and

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

Section 12. Section **53B-2a-108** is amended to read:

53B-2a-108. Campus boards of directors -- Membership -- Appointments.

~~[Beginning September 1, 2001, each regional applied technology college]~~ Each campus shall have a ~~[regional] campus~~ board of directors appointed as follows:

(1) the Bridgerland Applied Technology College ~~[Regional] Campus Board of Directors~~ shall be composed of the following 13 members:

(a) one elected local school board member appointed by the board of education for the Box Elder School District;

- (b) one elected local school board member appointed by the board of education for the Cache School District;
 - (c) one elected local school board member appointed by the board of education for the Logan School District;
 - (d) one elected local school board member appointed by the board of education for the Rich School District;
 - (e) one member of the Utah State University board of trustees;
 - (f) one member of the State Board of Regents designated by the chair of the State Board of Regents to serve a one-year term; and
 - (g) seven representatives of business or industry within the region appointed jointly by the members appointed under Subsections (1)(a) through (f);
- (2) the Ogden-Weber Applied Technology College [~~Regional~~] Campus Board of Directors shall be composed of the following 11 members:
- (a) one elected local school board member appointed by the board of education for the Ogden City School District;
 - (b) one elected local school board member appointed by the board of education for the Weber School District;
 - (c) one elected local school board member jointly appointed by the boards of education for the Ogden City School District and the Weber School District;
 - (d) one member of the Weber State University board of trustees;
 - (e) one member of the State Board of Regents designated by the chair of the State Board of Regents to serve a one-year term; and
 - (f) six representatives of business or industry within the region appointed jointly by the members appointed under Subsections (2)(a) through (e);
- (3) the Davis Applied Technology College [~~Regional~~] Campus Board of Directors shall be composed of the following 11 members:
- (a) one elected local school board member appointed by the board of education for the Davis School District;

(b) one elected local school board member appointed by the board of education for the Morgan School District;

(c) one elected local school board member jointly appointed by the boards of education for the Davis School District and the Morgan School District;

(d) one member of the Weber State University board of trustees;

(e) one member of the State Board of Regents designated by the chair of the State Board of Regents to serve a one-year term; and

(f) six representatives of business or industry within the region appointed jointly by the members appointed under Subsections (3)(a) through (e);

(4) the Salt Lake/Tooele Applied Technology College ~~[Regional]~~ Campus Board of Directors shall be composed of the following 15 members:

(a) one elected local school board member appointed by the board of education for the Salt Lake City School District;

(b) one elected local school board member appointed by the board of education for the Granite School District;

(c) one elected local school board member appointed by the board of education for the Jordan School District;

(d) one elected local school board member appointed by the board of education for the Murray School District;

(e) one elected local school board member appointed by the board of education for the Tooele School District;

(f) one member of the Salt Lake Community College board of trustees;

(g) one member of the State Board of Regents designated by the chair of the State Board of Regents to serve a one-year term; and

(h) eight representatives of business or industry within the region appointed jointly by the members appointed under Subsections (4)(a) through (g);

(5) the ~~[Mountainlands]~~ Mountainland Applied Technology College ~~[Regional]~~ Campus Board of Directors shall be composed of the following 19 members:

(a) one elected local school board member appointed by the board of education for the Alpine School District;

(b) one elected local school board member appointed by the board of education for the Nebo School District;

(c) one elected local school board member appointed by the board of education for the Provo School District;

(d) one elected local school board member appointed by the board of education for the South Summit School District;

(e) one elected local school board member appointed by the board of education for the North Summit School District;

(f) one elected local school board member appointed by the board of education for the Wasatch School District;

(g) one elected local school board member appointed by the board of education for the Park City School District;

(h) one member of the Utah Valley State College board of trustees;

(i) one member of the State Board of Regents designated by the chair of the State Board of Regents to serve a one-year term; and

(j) ten representatives of business or industry within the region appointed jointly by the members appointed under Subsections (5)(a) through (i);

(6) the Uintah Basin Applied Technology College [~~Regional~~] Campus Board of Directors shall be composed of the following 11 members:

(a) one elected local school board member appointed by the board of education for the Daggett School District;

(b) one elected local school board member appointed by the board of education for the Duchesne School District;

(c) one elected local school board member appointed by the board of education for the Uintah School District;

(d) one member of the Utah State University board of trustees;

(e) one member of the State Board of Regents designated by the chair of the State Board of Regents to serve a one-year term; and

(f) six representatives of business or industry within the region appointed jointly by the members appointed under Subsections (6)(a) through ~~(d)~~ (e);

(7) the Central Applied Technology College [~~Regional~~] Campus Board of Directors shall be composed of the following 21 members:

(a) one elected local school board member appointed by the board of education for the Juab School District;

(b) one elected local school board member appointed by the board of education for the Millard School District;

(c) one elected local school board member appointed by the board of education for the Tintic School District;

(d) one elected local school board member appointed by the board of education for the North Sanpete School District;

(e) one elected local school board member appointed by the board of education for the South Sanpete School District;

(f) one elected local school board member appointed by the board of education for the Wayne School District;

(g) one elected local school board member appointed by the board of education for the Piute School District;

(h) one elected local school board member appointed by the board of education for the Sevier School District;

(i) one member of the Snow College board of trustees;

(j) one member of the State Board of Regents designated by the chair of the State Board of Regents to serve a one-year term; and

(k) 11 representatives of business or industry within the region appointed jointly by the members appointed under Subsections (7)(a) through (j);

(8) the Southwest Applied Technology College [~~Regional~~] Campus Board of Directors

shall be composed of the following 13 members:

(a) one elected local school board member appointed by the board of education for the Beaver School District;

(b) one elected local school board member appointed by the board of education for the Garfield School District;

(c) one elected local school board member appointed by the board of education for the Iron School District;

(d) one elected local school board member appointed by the board of education for the Kane School District;

(e) one member of the Southern Utah University board of trustees;

(f) one member of the State Board of Regents designated by the chair of the State Board of Regents to serve a one-year term; and

(g) seven representatives of business or industry within the region appointed jointly by the members appointed under Subsections (8)(a) through (f);

(9) the Dixie Applied Technology College [~~Regional~~] Campus Board of Directors shall be composed of the following 11 members:

(a) three elected local school board members appointed by the board of education for the Washington School District;

(b) one member of the Dixie State College of Utah board of trustees;

(c) one member of the State Board of Regents designated by the chair of the State Board of Regents to serve a one-year term; and

(d) six representatives of business or industry within the region appointed jointly by the members appointed under Subsections (9)(a) through (c);

(10) the Southeast Applied Technology College [~~Regional~~] Campus Board of Directors shall be composed of the following 13 members:

(a) one elected local school board member appointed by the board of education for the Carbon School District;

(b) one elected local school board member appointed by the board of education for the

Emery School District;

(c) one elected local school board member appointed by the board of education for the Grand School District;

(d) one elected local school board member appointed by the board of education for the San Juan School District;

(e) one member of the College of Eastern Utah board of trustees;

(f) one member of the State Board of Regents designated by the chair of the State Board of Regents to serve a one-year term; and

(g) seven representatives of business or industry within the region appointed jointly by the members appointed under Subsections (10)(a) through (f); and

(11) the representatives of business or industry shall be appointed jointly by the designated members from a list of names provided by local organizations or associations whose members employ workers with applied technology education.

Section 13. Section **53B-2a-109** is amended to read:

53B-2a-109. Campus boards of directors -- Terms -- Quorum -- Chair-- Compensation.

(1) (a) At the first meeting of [~~an applied technology college regional~~] a campus board of directors after September 1, 2001:

(i) the representatives from the local school boards shall divide up their positions so that approximately half of them serve for two-year terms and half serve for four-year terms; and

(ii) the representatives from business and industry shall divide up their positions so that approximately half of them serve for two-year terms and half serve for four-year terms.

(b) Except as provided in Subsection (1)(a) and except for State Board of Regents members who serve a one-year term, individuals appointed to [~~the~~] a campus board of directors shall serve four-year terms.

(2) The original appointing authority shall fill any vacancies that occur on the [~~regional~~] campus board of directors.

(3) A majority of the [~~regional~~] campus board of directors is a quorum.

(4) The [~~regional~~] campus board of directors shall elect a chair from its membership.

(5) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties from the campus board of directors at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the [~~regional~~] campus board of directors at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Higher education members may decline to receive per diem and expenses for their service.

(c) (i) Members appointed by local school boards who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the [~~regional~~] campus board of directors at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Local school board members may decline to receive per diem and expenses for their service.

(6) (a) Each [~~regional~~] campus board of directors may enact bylaws for its own government, including provision for regular meetings, that are in accordance with the policies of the Utah College of Applied Technology.

(b) (i) The [~~regional~~] campus board of directors may provide for an executive committee in its bylaws.

(ii) If established, the committee shall have the full authority of the [~~regional~~] campus board of directors to act upon routine matters during the interim between regional board meetings.

(iii) The committee may act on nonroutine matters only under extraordinary and emergency circumstances.

(iv) The committee shall report its activities to the [~~regional~~] campus board of directors at its next regular meeting following the action.

(7) A regional board may establish advisory committees.

Section 14. Section **53B-2a-110** is amended to read:

53B-2a-110. Campus board of directors -- Powers and duties.

(1) Each [~~applied technology college regional~~] campus board of directors shall:

(a) prepare and submit a budget request for its annual operations to the Utah College of Applied Technology Board of Trustees;

(b) after consulting with the Utah College of Applied Technology, other higher education institutions, and local school districts within its region, prepare a comprehensive strategic plan for delivering applied technology education within its region;

(c) consult with business, industry, the Department of Workforce Services, 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;

(d) develop programs based upon the information gathered in accordance with Subsection (1)(c), including expedited program approval and termination procedures to meet market needs;

(e) adopt an annual budget and fund balances;

(f) develop policies for the operation of applied technology education facilities under its jurisdiction;

(g) establish human resources and compensation policies for all employees in accordance with policies of the Utah College of Applied Technology;

(h) [~~establish~~] approve credentials for employees and [~~define employee~~] assign employees to duties in accordance with the Utah College of Applied Technology policies and accreditation guidelines;

(i) conduct annual program evaluations;

(j) appoint program advisory committees and other advisory groups to provide counsel, support, and recommendations for updating and improving the effectiveness of training programs

and services;

(k) approve regulations, both regular and emergency, to be issued and executed by the ~~[regional]~~ campus president;

(l) coordinate with local school boards and districts to protect the applied technology education needs of secondary students; and

(m) develop policies and procedures for the admission, classification, instruction, and examination of students in accordance with the policies and accreditation guidelines of the Utah College of Applied Technology, the State Board of Education, and the State Board of Regents.

(2) In apportioning monies appropriated by the Legislature to the Central Applied Technology College Campus, the ~~[regional]~~ campus board of directors of the Central Applied Technology College Campus:

(a) may not, until June 30, 2006, diminish applied technology education services currently being provided at Snow College South; and

(b) may direct that any new monies provided to the Central Applied Technology College Campus go first to funding underserved portions of the geographic area it serves.

(3) A ~~[regional]~~ campus board of directors may not exercise any jurisdiction over applied technology education provided by a local school district or provided by a higher education institution independently of a ~~[regional applied technology]~~ college campus.

(4) If a program advisory committee or other advisory group submits a printed recommendation to the ~~[regional]~~ campus board of directors, the campus board of directors shall acknowledge the recommendation with a printed response that explains the campus board of directors' action regarding the recommendation and the reasons for the action.

Section 15. Section **53B-2a-111** is amended to read:

53B-2a-111. State Board of Regents -- Consultation with boards of trustees.

(1) The board shall consult with the Utah College of Applied Technology Board of Trustees or the president of the Utah College of Applied Technology or both before acting on matters pertaining to the Utah College of Applied Technology.

(2) The board shall consult with ~~[an applied technology college regional]~~ a campus board

of directors or the [~~regional~~] campus president [~~of an applied technology college~~] or both before acting on matters pertaining to a [~~regional applied technology~~] college campus.

(3) The board may:

(a) call meetings with the Utah College of Applied Technology Board of Trustees or one or more of the [~~applied technology college regional~~] campus boards of directors; and

(b) appoint committees to perform duties assigned by the board that include:

(i) (A) members of the Utah College of Applied Technology Board of Trustees; or

(B) administrators of the Utah College of Applied Technology; or

(ii) (A) members of one or more of the [~~applied technology college regional~~] campus boards of directors; or

(B) administrators, faculty staff members, or students of one or more of the [~~applied technology colleges~~] college campuses.

Section 16. Section **53B-2a-112** is amended to read:

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

(1) As used in this section, "higher education institution" means, for each [~~regional applied technology~~] college campus, the higher education institution designated in Section 53B-2a-108, except for the State Board of Regents, to have a representative on its [~~regional~~] campus board of directors.

(2) A [~~regional applied technology~~] college campus shall avoid any unnecessary duplication of applied technology instructional facilities, programs, administration, and staff between the [~~regional applied technology~~] college campus and other public and higher education institutions.

(3) A [~~regional applied technology~~] college campus may enter into agreements:

(a) with other higher education institutions to cultivate cooperative relationships;

(b) with other public and higher education institutions to enhance applied technology education within its region; or

(c) to comply with Subsection (2).

(4) Before a [~~regional applied technology~~] college campus develops its own new instructional facilities, it shall give priority to:

(a) maintaining its own existing instructional facilities for both secondary and adult students;

(b) coordinating with the president of a higher education institution and entering into any necessary agreements to provide applied technology education to both secondary and adult students that:

(i) maintain and support existing higher education applied technology education programs; and

(ii) maximize the use of existing higher education facilities; and

(c) developing cooperative agreements with local school districts, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of applied technology instructional facilities for both secondary and adult students.

(5) (a) Before submitting a funding request pertaining to new capital facilities and land purchases to the Utah College of Applied Technology, a [~~regional applied technology~~] college campus shall:

(i) ensure that all available instructional facilities are maximized in accordance with Subsections (4)(a) through (c); and

(ii) coordinate the request with the president of a higher education institution, if applicable.

(b) The State Building Board shall make a finding that the requirements of this section are met before it may consider a funding request of the Utah College of Applied Technology pertaining to new capital facilities and land purchases.

(c) A [~~regional applied technology~~] college campus may not construct, approve the construction of, plan for the design or construction of, or consent to the construction of an applied technology education facility without approval of the Legislature.

(6) Before acquiring new fiscal and administrative support structures, a [~~regional applied technology~~] college campus 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 applied technology education in the region;

(b) determine whether it is feasible to use those existing systems; and

(c) with the approval of the ~~[regional]~~ campus board of directors and the board of trustees, use those existing systems.

(7) (a) The higher education institution for the region shall have the first opportunity to offer the general education courses that are required for an associate of applied technology degree offered by ~~[a regional applied technology college]~~ the Utah College of Applied Technology, at the ~~[applied technology]~~ college campus site.

(b) The content of the general education courses described in Subsection (7)(a) shall be defined by the higher education institution for the region in a manner consistent with the needs of the Utah College of Applied Technology.

(c) If the higher education institution for the region is unable to offer the courses described in Subsection (7)(a), other institutions of higher education may offer those courses.

(d) The ~~[regional applied technology colleges]~~ college campuses shall be responsible to provide technical skills training and basic skills as required by business and industry towards an associate of applied technology degree.

Section 17. Section **53B-2a-113** is enacted to read:

53B-2a-113. College campuses -- Leasing authority -- Report.

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

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

(b) more than one year with the approval of the board of trustees.

(2) (a) Each college campus shall provide an annual lease report to the board of trustees that details each of its leases, annual costs, location, square footage, and recommendations for lease continuation.

(b) The president of the Utah College of Applied Technology shall compile and distribute an annual combined lease report for all college campuses to the Division of Facilities Construction Management and to others upon request.

(3) The Utah College of Applied Technology shall use the annual combined lease report in determining planning, utilization, and budget requests.

Section 18. Section **53B-16-205** is amended to read:

53B-16-205. Establishment of Snow College South -- Supervision and administration -- Transition -- Institutional mission.

(1) There is established a branch campus of Snow College in Richfield, Utah, hereafter referred to as Snow College South.

(2) Snow College shall administer the branch campus under the general control and supervision of the State Board of Regents as an integrated part of Snow College's mission, programs, and curriculum.

(3) (a) Snow College shall:

(i) maintain a strong curriculum in applied technology and technical courses of a general nature at Snow College South which can be transferred to other institutions within the higher education system, together with lower division courses of a general nature and courses required for associate degrees in science, arts, and applied science; and

(ii) work with local school districts in developing an aggressive concurrent enrollment program in cooperation with Snow College South.

(b) The institution shall coordinate offerings of applied technology education with the Central Applied Technology College Campus to provide for open-entry, open-exit applied technology education programs at Snow College South that emphasize short-term job training or retraining for immediate placement in the job market.

(c) Snow College shall make provisions for students, including high school students, to take classes at Snow College South for which college credit is not awarded, together with appropriate fees for taking such classes.

(d) The State Board of Regents or the president of Snow College may waive any board

rule or institutional policy that would prevent or inhibit Snow College South from achieving its performance goals, unless approval of the request would conflict with state or federal law or put the institution out of compliance with matters related to health, safety, civil rights, and insurance.

Section 19. Section **63A-5-305** is amended to read:

63A-5-305. Leasing by higher education institutions.

(1) The Board of Regents shall establish written policies and procedures governing leasing by higher education institutions.

(2) [~~Each~~] Except as provided in Section 53B-2a-113, each higher education institution shall comply with the procedures and requirements of the Board of Regents' policies before signing or renewing any lease.

Section 20. **Effective date.**

This act takes effect on July 1, 2003.