

**APPLIED TECHNOLOGY EDUCATION
GOVERNANCE**

2001 FIRST SPECIAL SESSION

STATE OF UTAH

Sponsor: Ron Bigelow

This act establishes a new applied technology education governance structure for Utah. This act creates the Utah College of Applied Technology and regional applied technology colleges in Utah, establishes their governance structure, and defines their powers and duties. This act defines the governing authority of the State Board of Regents with respect to the Utah College of Applied Technology and its regional applied technology colleges. This act creates the Utah College of Applied Technology Board of Trustees, establishes its membership and meeting requirements, and defines its powers and duties. This act establishes regional applied technology college boards, establishes their membership and meeting requirements, and defines their powers and duties. This act establishes the offices of the president of the Utah College of Applied Technology and the regional presidents and defines their appointments, powers, and duties. This act repeals the State Board for Applied Technology and transfers most of its duties and responsibilities to the State Board of Education. This act makes technical and conforming changes to other sections of the Utah Code to make those sections consistent with the substantive provisions of this act. This act establishes funding guidelines governing future legislative appropriations. This act transfers appropriations relating to the Utah College of Applied Technology and its regional applied technology colleges. This act repeals superseded sections. This act takes effect September 1, 2001.

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

AMENDS:

53A-1-101, as repealed and reenacted by Chapter 1, Laws of Utah 1995

53A-1-402, as last amended by Chapter 73, Laws of Utah 2001

53A-8-102, as last amended by Chapter 324, Laws of Utah 1999

53A-15-202, as last amended by Chapter 53, Laws of Utah 1992

- 53A-15-205, as last amended by Chapter 1, Laws of Utah 2000
- 53A-17a-113 (Effective 07/01/01), as last amended by Chapter 335, Laws of Utah 2001
- 53A-17a-116 (Effective 07/01/01), as last amended by Chapter 335, Laws of Utah 2001
- 53A-24-102, as last amended by Chapter 37, Laws of Utah 1996
- 53A-24-103, as last amended by Chapter 53, Laws of Utah 1992
- 53B-1-102, as last amended by Chapter 7, Laws of Utah 2000
- 53B-1-103, as last amended by Chapter 287, Laws of Utah 1995
- 53B-1-104, as enacted by Chapter 167, Laws of Utah 1987
- 53B-2-104, as last amended by Chapter 243, Laws of Utah 1996
- 53B-2-106, as last amended by Chapter 401, Laws of Utah 1998
- 53B-6-101, as last amended by Chapters 2 and 53, Laws of Utah 1992
- 53B-8-105, as last amended by Chapter 121, Laws of Utah 2000
- 53B-16-102, as last amended by Chapter 53, Laws of Utah 1992
- 53B-16-205, as enacted by Chapter 256, Laws of Utah 1998

ENACTS:

- 53B-1-101.5, Utah Code Annotated 1953
- 53B-2a-101, Utah Code Annotated 1953
- 53B-2a-102, Utah Code Annotated 1953
- 53B-2a-103, Utah Code Annotated 1953
- 53B-2a-104, Utah Code Annotated 1953
- 53B-2a-105, Utah Code Annotated 1953
- 53B-2a-106, Utah Code Annotated 1953
- 53B-2a-107, Utah Code Annotated 1953
- 53B-2a-108, Utah Code Annotated 1953
- 53B-2a-109, Utah Code Annotated 1953
- 53B-2a-110, Utah Code Annotated 1953
- 53B-2a-111, Utah Code Annotated 1953
- 53B-2a-112, Utah Code Annotated 1953

REPEALS:

53A-1-501, as last amended by Chapter 86, Laws of Utah 2001

53A-1-502, as last amended by Chapters 28 and 375, Laws of Utah 1997

53A-15-201, as last amended by Chapter 53, Laws of Utah 1992

53A-15-202.5, as enacted by Chapter 35, Laws of Utah 1999

53A-15-203, as last amended by Chapter 53, Laws of Utah 1992

This act enacts uncodified material.

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

Section 1. Section **53A-1-101** is amended to read:

53A-1-101. State Board of Education -- Members.

(1) Members of the State Board of Education shall be nominated and elected as provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

(2) (a) In addition to the members designated under Subsection (1), two members of the State Board of Regents, appointed by the chair of the State Board of Regents, shall serve as nonvoting members of the State Board of Education.

(b) 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 Regents.

Section 2. 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, to include:

(a) the qualification and certification of educators and ancillary personnel who provide direct student services, required school administrative and supervisory services, and evaluation of instructional personnel;

(b) access to programs, attendance, competency levels, graduation requirements, discipline and control, and health and safety requirements;

(c) school accreditation, the academic year, alternative and pilot programs, curriculum and instruction requirements, school libraries, and services to persons with a disability as defined by and

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covered under the Americans with Disabilities Act of 1990, 42 U.S.C. 12102; the Rehabilitation Act of 1973, 29 U.S.C. 705(20)(A); and the Individuals with Disabilities and Education Act, 20 U.S.C. 1401(3); and other special groups;

(d) requirements for school design, general educational specifications, school sites, and building accessibility;

(e) state reimbursed bus routes, bus safety and operational requirements, and other transportation needs; and

(f) school productivity and cost effectiveness measures, the minimum school program, school building aid, school lunch, driver education, federal programs, school budget formats, and financial, statistical, and student accounting requirements.

(2) The board shall determine [~~whether~~] if:

(a) the minimum standards have been met[~~;~~]; and [~~that~~]

(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) The board shall approve any competency-based high school diploma equivalent before any applied technology college may offer the diploma equivalent.

Section 3. Section **53A-8-102** is amended to read:

53A-8-102. Definitions.

As used in this chapter:

(1) "Career employee" means an employee of a school district who has obtained a reasonable expectation of continued employment based upon Section 53A-8-106 and an agreement with the employee or the employee's association, district practice, or policy.

(2) "Contract term" or "term of employment" means the period of time during which an employee is engaged by the school district under a contract of employment, whether oral or written.

(3) "Dismissal" or "termination" means:

(a) termination of the status of employment of an employee;

(b) failure to renew or continue the employment contract of a career employee beyond the

then-current school year;

(c) reduction in salary of an employee not generally applied to all employees of the same category employed by the school district during the employee's contract term; or

(d) change of assignment of an employee with an accompanying reduction in pay, unless the assignment change and salary reduction are agreed to in writing.

(4) "Employee" means a career or provisional employee of a school district, but does not include:

(a) the district superintendent, or the equivalent at ~~[an applied technology center or]~~ the Schools for the Deaf and the Blind;

(b) the district business administrator or the equivalent at ~~[an applied technology center or]~~ the Schools for the Deaf and the Blind; or

(c) a temporary employee.

(5) "Provisional employee" means an individual, other than a career employee or a temporary employee, who is employed by a school district.

(6) "School board" or "board" means a district school board or its equivalent at ~~[an applied technology center or]~~ the Schools for the Deaf and the Blind.

(7) "School district" or "district" means:

(a) a public school district; or

~~[(b) an applied technology center; or]~~

~~[(c)]~~ (b) the Schools for the Deaf and the Blind.

(8) "Temporary employee" means an individual who is employed on a temporary basis as defined by policies adopted by the local board of education. If the class of employees in question is represented by an employee organization recognized by the local board, the board shall adopt its policies based upon an agreement with that organization. Temporary employees serve at will and have no expectation of continued employment.

Section 4. Section **53A-15-202** is amended to read:

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

The State Board ~~[for Applied Technology]~~ 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 appoint staff and establish their duties;]~~

~~[(5) shall fix staff compensation and pay their expenses from funds appropriated for this purpose; and]~~

~~[(6) shall perform other duties as required by law.]~~

(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

(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 5. Section 53A-15-205 is amended to read:

53A-15-205. Disability Determination Services Advisory Council -- Membership --

Duties -- Requirements for DDDS.

(1) As used in this section, "council" means the Disability Determination Services Advisory Council ~~[to the State Board for Applied Technology Education,]~~ created in Subsection (2).

(2) There is created the Disability Determination Services Advisory Council to act as an advisory council to the State Board ~~[for Applied Technology]~~ of Education regarding the Division of Disability Determination Services (DDDS)~~]~~ established under Chapter 24, Part 5.

(3) The council is composed of the following members:

(a) the administrator of DDDS;

(b) a representative of the United States Department of Health and Human Services, Social Security Administration, appointed by the board; and

(c) nine persons, appointed by the board in accordance with Subsections (5) and (6), who represent a cross section of:

- (i) persons with disabilities;
- (ii) advocates for persons with disabilities;
- (iii) health care providers;
- (iv) representatives of allied state and local agencies; and
- (v) representatives of the general public.

(4) The members appointed under Subsections (3)(a) and (3)(b) serve as nonvoting members of the council.

(5) In appointing the members described in Subsection (3)(c), the board shall:

(a) solicit nominations from organizations and agencies that represent the interests of members described in that subsection; and

(b) make every effort to create a balance in terms of geography, sex, race, ethnicity, and type of both mental and physical disabilities.

(6) In making initial appointments of members described in Subsection (3)(c), the board shall appoint three members for two-year terms, three members for four-year terms, and three members for six-year terms. All subsequent appointments are for four years. The board shall fill any vacancy that occurs on the council for any reason by appointing a person for the unexpired term of the vacated member. Council members are eligible for one reappointment and serve until their successors are appointed.

(7) Five voting members of the council constitute a quorum. The action of a majority of a quorum represents the action of the council.

(8) Members of the council serve without compensation but may be reimbursed for expenses incurred in the performance of their official duties.

(9) (a) The council shall annually elect a chairperson from among the membership described, and shall adopt bylaws governing its activities.

(b) The chairperson shall set the meeting agenda.

(10) The council shall:

(a) advise DDDS and the Social Security Administration regarding its practices and policies on the determination of claims for social security disability benefits;

(b) participate in the development of new internal practices and procedures of DDDS and ~~[of~~ ~~the]~~ policies of the Social Security Administration regarding the evaluation of disability claims;

(c) recommend changes to practices and policies to ensure that DDDS is responsive to disabled individuals;

(d) review the DDDS budget to ensure that it is adequate to effectively evaluate disability claims and to meet the needs of persons with disabilities who have claims pending with DDDS; and

(e) review and recommend changes to policies and practices of allied state and federal agencies, health care providers, and private community organizations.

(11) The council shall annually report to the board, the governor, and the Legislative Education and Health and Human Services Interim Committees regarding its activities.

(12) (a) To assist the council in its duties, DDDS shall provide the necessary staff assistance to enable the council to make timely and effective recommendations. ~~[That]~~

(b) Staff assistance may include~~[- but is not limited to, developing];~~

(i) distributing meeting agendas ~~[and minutes,];~~

(ii) advising the chairpersons of the council regarding relevant items for council discussion~~[-];~~

and

(iii) providing reports, documents, budgets, memorandums, statutes, and regulations regarding the management of DDDS.

(c) Staff assistance shall include maintaining minutes.

Section 6. Section **53A-17a-113 (Effective 07/01/01)** is amended to read:

53A-17a-113 (Effective 07/01/01). Weighted pupil units for applied technology education programs -- Funding of approved programs -- Performance measures -- Qualifying criteria.

(1) There is appropriated to the State Board ~~[for Applied Technology]~~ of Education,

hereafter referred to in this section as the board, \$49,563,068 (23,423 weighted pupil units) to pay the added instructional costs of approved applied technology education programs.

(a) Included in the appropriation is \$890,836 (421 weighted pupil units) for summer applied technology agriculture programs.

(b) These monies are allocated to eligible recipients as provided in Subsections (2), (3), and (4).

(c) Money appropriated under Subsection 53A-17a-113(1) and any money appropriated for work-based education may not be used to fund programs below the ninth grade level.

(2) Weighted pupil units are computed for pupils in approved programs.

(a) The board shall fund approved programs based upon hours of membership of 9th through 12th grade students.

(b) The board shall use an amount not to exceed 20% of the total appropriation under this section to fund approved programs based on performance measures such as placement and competency attainment defined in standards set by the board for districts to qualify for applied technology funding.

(c) Leadership organization funds shall constitute an amount not to exceed 1% of the total appropriation under this section, and shall be distributed to each local educational agency sponsoring applied technology student leadership organizations in a ratio representing the agency's share of the state's total membership in those organizations.

(d) The board shall make the necessary calculations for distribution of the appropriation to school districts and may revise and recommend changes necessary for achieving equity and ease of administration.

(3) (a) Twenty weighted pupil units shall be computed for each district, or 25 weighted pupil units may be computed for each district that consolidates applied technology administrative services with one or more other districts.

(b) Between 10 and 25 weighted pupil units shall be computed for each high school conducting approved applied technology education programs in a district according to standards established by the board.

(c) Forty weighted pupil units shall be computed for each district that operates an approved district applied technology center.

(d) Between five and seven weighted pupil units shall be computed for each summer applied technology agriculture program according to standards established by the board.

(e) The board shall, by rule, establish qualifying criteria for districts to receive weighted pupil units under Subsection (3).

(4) (a) All monies allocated under Subsection (1) are computed by using average daily membership in approved programs for the previous year.

(b) A district that has experienced student growth in grades 9 through 12 for the previous year shall have the growth factor applied to the previous year's weighted pupil units when calculating the allocation of monies under this subsection.

(5) (a) The board shall establish rules for the upgrading of high school applied technology education programs.

(b) The rules shall reflect technical training and actual marketable job skills in society.

(c) The rules shall include procedures to assist school districts to convert existing programs which are not preparing students for the job market into programs that will accomplish that purpose.

(6) Programs that do not meet board standards may not be funded under this section.

Section 7. Section **53A-17a-116 (Effective 07/01/01)** is amended to read:

53A-17a-116 (Effective 07/01/01). Weighted pupil units for applied technology set-aside programs.

(1) There is appropriated to the State Board [~~for Applied Technology~~] of Education \$2,092,724 (989 weighted pupil units) for an applied technology set-aside program.

(2) Applied technology set-aside funds appropriated to the board are allocated by Request for Proposal (RFP) to provide a district minimum payment for applied technology education.

(3) Each district shall receive a guaranteed minimum allocation.

(4) The set-aside funds remaining after the initial minimum payment allocation are distributed by an RFP process to help pay for equipment costs necessary to initiate new programs and for high priority programs as determined by labor market information.

Section 8. Section **53A-24-102** is amended to read:

53A-24-102. Definitions.

As used in this chapter:

(1) "Board" means the [~~Utah~~] State Board [~~for Applied Technology~~] of Education.

(2) "DDDS" means the Division of Disability Determination Services.

(3) "Disability" means a physical or mental condition which materially limits, contributes to limiting, or, if not corrected, will probably result in materially limiting an individual's activities or functioning.

(4) "DRS" means the Division of Rehabilitation Services.

(5) "DSBVI" means the Division of Services for the Blind and Visually Impaired.

(6) "DSDHH" means the Division of Services to the Deaf and Hard of Hearing.

(7) "Eligible individual" means an individual determined to be eligible to receive services under laws or rules governing eligibility for the program in question.

(8) "Executive director" means the executive director of the Utah State Office of Rehabilitation.

(9) "Independent living rehabilitation services" means goods and services reasonably necessary to enable an individual with a severe disability to maintain or increase functional independence.

(10) "Office" means the Utah State Office of Rehabilitation.

(11) "Vocational rehabilitation services" means goods and services reasonably necessary to enable an individual with a disability to obtain and retain employment.

Section 9. Section **53A-24-103** is amended to read:

53A-24-103. Creation -- Responsibilities.

(1) There is [~~hereby~~] created the Utah State Office of Rehabilitation under the policy direction of the State Board [~~for Applied Technology~~] of Education and under the direction and general supervision of the [~~executive officer of the board~~] superintendent of public instruction.

(2) The board is the sole state agency designated to administer the state plans for vocational rehabilitation and independent living rehabilitation programs.

(3) The office is the state unit designated to carry out the state plans and other duties assigned by law or the board.

Section 10. Section **53B-1-101.5** is enacted to read:

53B-1-101.5. Definitions.

As used in this title:

(1) "Board" means the State Board of Regents established in Section 53B-1-103.

(2) "Commissioner" means the commissioner of higher education appointed in accordance with Section 53B-1-105.

Section 11. Section **53B-1-102** is amended to read:

53B-1-102. State system of higher education.

(1) The state system of higher education consists of the following institutions:

(a) State Board of Regents;

(b) the University of Utah;

(c) Utah State University of Agricultural and Applied Science, hereafter referred to in this title as Utah State University;

(d) Weber State University;

(e) Southern Utah University;

(f) Snow College;

(g) Dixie State College of Utah;

(h) the College of Eastern Utah;

(i) Utah Valley State College;

(j) Salt Lake Community College; ~~and~~

(k) the Utah College of Applied Technology; and

~~[(k)]~~ (l) other public post-high school educational institutions as the Legislature may designate.

(2) A change in the name of an institution within the system of higher education shall not be considered a change in the role or mission of the institution, unless otherwise authorized by the State Board of Regents.

(3) It is not the intent of the Legislature to increase the number of research universities in the state beyond the University of Utah and Utah State University.

(4) These institutions are empowered to sue and be sued and to contract and be contracted with.

Section 12. 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~~[, hereafter referred to in this title as the "board."].~~

(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:

(i) approving each competency-based associate of applied technology degree before allowing an applied technology college 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

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

~~[(b) The]~~ (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 ~~[for~~

~~Applied Technology~~ of Education to apply for, accept, and manage federal appropriations for the establishment and maintenance of applied technology education.

Section 13. 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 [~~eonsists~~] shall consist of [~~16 resident citizens~~] 18 residents of the state.

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

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

(B) The council [~~nominates~~] 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, [~~persons are selected~~] 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 board.

(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[~~, are~~] 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 ~~[is]~~ shall be appointed for a one-year term and may be reappointed for one additional term.

(ii) The student member has full voting rights ~~[but does not]~~ and may vote on selection of a board ~~[chairman]~~ chair or vice~~[-chairman]~~ chair, ~~[or]~~ 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 ~~[takes]~~ shall take the official oath of office before entering upon the duties of office.

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

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

(5) (a) The board ~~[appoints]~~ shall appoint a secretary from the staff of its chief executive ~~[officer]~~ to serve at its ~~[pleasure]~~ discretion.

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

(c) The secretary ~~[records]~~ shall record and ~~[maintains]~~ maintain a record of all board meetings and ~~[performs]~~ perform other duties as the board directs.

(6) The board ~~[appoints]~~ shall appoint a treasurer who serves at the ~~[pleasure]~~ 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 ~~[meets]~~ shall meet regularly upon its own determination.

(b) The board may also ~~[meets]~~ meet, in full or executive session, at the request of its ~~[chairman]~~ 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.

(b) The appointee serves for the remainder of the unexpired term, subject to confirmation by the Senate at its next session.

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

(b) Each member [~~is~~] 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 14. Section **53B-2-104** is amended to read:

53B-2-104. Memberships of board of trustees -- Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.

(1) (a) The board of trustees of an institution of higher education consists of the following:

~~[(a)]~~ (i) eight persons appointed by the governor and approved by the Senate; and

~~[(b)]~~ (ii) two ex officio members who are the president of the institution's alumni association, and the president of the associated students of the institution.

(b) The appointed members of the boards of trustees for Utah Valley State College and Salt Lake Community College shall be representative of the interests of business, industry, and labor.

(2) (a) The governor shall appoint four members of each board of trustees during each odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

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

(c) The ex officio members serve for the same period as they serve as presidents and until their successors have 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 [~~is~~] shall be filed with the Division of Archives and Records Services.

(5) Each 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) Each 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 [~~are~~] shall be filed with the board.

(7) A quorum is required to conduct business and consists of six members.

(8) A 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 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 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.

(10) This section does not apply to the Utah College of Applied Technology.

Section 15. Section **53B-2-106** is amended to read:

53B-2-106. Duties and responsibilities of the president of each institution -- Approval by board of trustees.

(1) The president of each institution may exercise grants of power and authority as delegated by the board, as well as the necessary and proper exercise of powers and authority not specifically denied to the institution, its administration, faculty, or students by the board or by law, to assure the effective and efficient administration and operation of the institution consistent with the statewide master plan for higher education.

(2) Except as provided by the board, the president of each institution, with the approval of the institution's board of trustees may:

(a) (i) appoint a secretary, a treasurer, administrative officers, deans, faculty members, and other professional personnel, prescribe their duties, and determine their salaries;

(ii) appoint support personnel, prescribe their duties, and determine their salaries from the institution's position classification plan, which may:

(A) be based upon similarity of duties and responsibilities within the institution; and

(B) as funds permit, provide salary and benefits comparable with private enterprise;

(iii) adopt policies for:

(A) employee sick leave use and accrual; and

(B) service recognition for employees with more than 15 years of employment with the institution;

(iv) subject to the authority of, policy established by, and the approval of the board of regents, and recognizing the status of the institutions within the state system of higher education as bodies politic and corporate, appoint attorneys to provide legal advice to the institution's administration and to coordinate legal affairs within the institution. The board of regents shall

coordinate activities of attorneys at the institutions of higher education. The institutions shall provide an annual report to the board of regents on the activities of appointed attorneys. These appointed attorneys may not conduct litigation, settle claims covered by the State Risk Management Fund, or issue formal legal opinions but shall, in all respects, cooperate with the Office of the Attorney General in providing legal representation to the institution;

(b) provide for the constitution, government, and organization of the faculty and administration, and enact implementing rules, including the establishment of a prescribed system of tenure;

(c) authorize the faculty to determine the general initiation and direction of instruction and of the examination, admission, and classification of students. In recognition of the diverse nature and traditions of the various institutions governed by the board, the systems of faculty government need not be identical but should be designed to further faculty identification with and involvement in the institution's pursuit of achievement and excellence and in fulfillment of the institution's role as established in the statewide master plan for higher education; and

(d) enact rules for administration and operation of the institution which are consistent with the prescribed role established by the board, rules enacted by the board, or the laws of the state. The rules may provide for administrative, faculty, student, and joint committees with jurisdiction over specified institutional matters, for student government and student affairs organization, for the establishment of institutional standards in furtherance of the ideals of higher education fostered and subscribed to by the institution, its administration, faculty, and students, and for the holding of classes on legal holidays, other than Sunday.

(3) Compensation costs and related office expenses for appointed attorneys shall be funded within existing budgets.

(4) The State Board of Regents shall establish guidelines relating to the roles and relationships between institutional presidents and boards of trustees, including those matters which must be approved by a board of trustees before implementation by the president.

(5) This section does not apply to the Utah College of Applied Technology.

Section 16. Section **53B-2a-101** is enacted to read:

CHAPTER 2a. UTAH COLLEGE OF APPLIED TECHNOLOGY

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.

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

(3) "Competency-based" means mastery of subject matter as demonstrated through approved standards and assessments rather than credit hours.

Section 17. Section **53B-2a-102** is enacted 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) The names of the final candidates for president of the Utah College of Applied Technology shall be publicly disclosed.

(2) The president shall:

(a) coordinate the activities of each regional applied technology college;

(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 presidents, and applied technology college regional boards, prepare a comprehensive strategic plan for delivering applied technology education through the regional applied technology colleges;

(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 the needs of the state, the regions, and the local school districts;

(f) in consultation with the board of trustees, applied technology college regional presidents, and applied technology college regional boards, 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;

(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.

Section 18. Section **53B-2a-103** is enacted 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 (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:

(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.

(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 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 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 19. Section **53B-2a-104** is enacted 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 to be offered by the regional applied technology colleges:

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

(3) ensure that the regional applied technology colleges within the Utah College of Applied Technology comply with the requirements in Section 53B-2a-106:

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

(5) receive budget requests from each regional applied technology college, prioritize the requests, and submit the prioritized requests to:

(a) the Legislature; and

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

(6) receive funding requests pertaining to capital facilities and land purchases from each regional applied technology college, ensure that the requests comply with Section 53B-2a-112, prioritize the requests, and submit the prioritized requests to the State Building Board;

(7) 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;

and

(8) perform other duties and responsibilities as delegated by the State Board of Regents.

Section 20. Section **53B-2a-105** is enacted 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:

(1) the Bridgerland Applied Technology College which:

(a) serves the geographic area encompassing:

(i) the Box Elder School District;

(ii) the Cache School District;

(iii) the Logan School District; and

(iv) 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 which:

(a) serves the geographic area encompassing:

(i) the Ogden City School District; and

(ii) 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 which:

(a) serves the geographic area encompassing:

(i) the Davis School District; and

(ii) 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 which:

(a) serves the geographic area encompassing:

(i) the Salt Lake City School District;

(ii) the Granite School District;

(iii) the Jordan School District;

(iv) the Murray School District; and

(v) the Tooele School District; and

(b) includes the facilities, equipment, and personnel of the Wasatch Front South Applied

Technology Center;

(5) the Mountainlands Applied Technology College which:

(a) serves the geographic area encompassing:

(i) the Alpine School District;

(ii) the Nebo School District;

(iii) the Provo School District;

(iv) the South Summit School District;

(v) the North Summit School District;

(vi) the Wasatch School District; and

(vii) 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 which:

(a) serves the geographic area encompassing:

(i) the Daggett School District;

(ii) the Duchesne School District; and

(iii) 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 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 which:

(a) serves the geographic area encompassing:

(i) the Beaver School District;

(ii) the Garfield School District;

(iii) the Iron School District; and

(iv) 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 which serves the geographic area encompassing the Washington School District; and

(10) the Southeast Applied Technology College which:

(a) serves the geographic area encompassing:

(i) the Carbon School District;

(ii) the Emery School District;

(iii) the Grand School District; and

(iv) the San Juan School District; and

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

Section 21. Section **53B-2a-106** is enacted to read:

53B-2a-106. Regional applied technology colleges -- Duties.

(1) Each regional applied technology college shall:

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

(b) offer that curriculum at low cost to adult students and at no cost to secondary students within the college's 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 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:

(i) ensure that secondary students in the public education system have access to applied technology education in the regional applied technology college; 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.

(2) A regional applied technology college 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 may not:

(a) offer courses other than applied technology education;

(b) offer a degree other than a competency-based 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 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.

Section 22. Section **53B-2a-107** is enacted to read:

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

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

(2) Each regional president of a regional applied technology college shall:

(a) serve as the executive officer of the regional board;

(b) administer the day-to-day operations of the regional applied technology college under the direction of the regional board; and

(c) administer human resource policies and employee compensation plans.

Section 23. Section **53B-2a-108** is enacted to read:

53B-2a-108. Applied technology college regional boards -- Membership --

Appointments.

Beginning September 1, 2001, each regional applied technology college shall have a regional board appointed as follows:

(1) the Bridgerland Applied Technology College Regional Board 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 Board 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 Board 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 Board 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 Applied Technology College Regional Board 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

(i) 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 Board 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);

(7) the Central Applied Technology College Regional Board 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 Board 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 Board 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 Board 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 24. Section **53B-2a-109** is enacted to read:

53B-2a-109. Applied technology college regional boards -- Terms -- Quorum --

Chair--

Compensation.

(1) (a) At the first meeting of an applied technology college regional board 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 board shall serve four-year terms.

(2) The original appointing authority shall fill any vacancies that occur on the regional board.

(3) A majority of the regional board is a quorum.

(4) The regional board 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 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 board 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 board 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 board may enact bylaws for its own government, including provision

for regular meetings.

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

(ii) If established, the committee shall have the full authority of the regional board 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 board at its next regular meeting following the action.

(7) A regional board may establish advisory committees.

Section 25. Section **53B-2a-110** is enacted to read:

53B-2a-110. Applied technology college regional board -- Powers and duties.

(1) Each applied technology college regional board 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 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;

(h) establish credentials for employees and define employee duties;

(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 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.

(2) In apportioning monies appropriated by the Legislature to the Central Applied Technology College, the regional board of the Central Applied Technology College:

(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 go first to funding underserved portions of the geographic area it serves.

(3) A regional board 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.

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

Section 26. Section **53B-2a-111** is enacted to read:

53B-2a-111. 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 board or the regional

president of an applied technology college or both before acting on matters pertaining to a regional applied technology college.

(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 boards; 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 boards; or

(B) administrators, faculty staff members, or students of one or more of the applied technology colleges.

Section 27. Section **53B-2a-112** is enacted to read:

53B-2a-112. Regional applied technology colleges -- 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, the higher education institution designated in Section 53B-2a-108, except for the State Board of Regents, to have a representative on its regional board.

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

(3) A regional applied technology college 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 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 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 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 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 board, 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, at the applied technology college site.

(b) The general education courses described in Subsection (7)(a) shall be defined by the higher education institution for the region.

(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 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 28. Section **53B-6-101** is amended to read:

53B-6-101. Additional responsibilities of the board -- Studies and evaluations -- Master plan for higher education -- Productivity -- Institutional student assessment -- Biennial accountability report to the Legislature.

(1) The board shall conduct continuing studies and evaluations of the facilities, grounds, buildings, and equipment at the higher education institutions under its jurisdiction and use space utilization and other studies conducted by the State Building Board.

(2) The board shall establish and maintain an up-to-date master plan which shall include:

(a) providing for statewide planning of public higher education in terms of aims, purposes, and objectives of the system as a whole;

(b) establishing and defining the role and programs of each institution within the system;

(c) establishing criteria for and determination of the future needs and requirements for new programs and new institutions and the elimination, curtailment, or consolidation of existing programs and facilities;

(d) providing for the initiation and financing of projects as considered necessary to meet and satisfy the projected patterns of growth and maintenance;

(e) establishing criteria for and determination of the operating and capital budgetary needs of each institution and the system as a whole;

(f) recommending the methods and sources of future financial support of the higher education

system;

(g) establishing procedures for the development of maximum utilization of existing facilities as suggested by space utilization studies conducted by the State Building Board; and

(h) securing an adequate and coordinated program for the community colleges and applied technology/technical programs in the institutions and departments in the state system of higher education.

(3) (a) The board may do all things necessary for the effective implementation of the statewide master plan as adopted and revised by the board from time to time.

(b) The State Board [~~for Applied Technology~~] of Education and the Utah College of Applied Technology shall provide applied technology education staff assistance to the State Board of Regents in support of master planning activities related to applied technology education in higher education.

(4) (a) The board shall adopt rules and initiate programs to promote and increase productivity in the state system of higher education.

(b) The board shall require each college and university in the system to establish multiple measures of institutional and student assessment in order to improve student instruction, academic programs, and learning opportunities.

(c) The board shall submit a biennial accountability report to the Legislature, which shall include such factors as:

(i) space utilization, faculty productivity, and other similar measures of the management of institutional resources at each institution; and

(ii) student assessment at entry to each institution, at critical midway points, and at exit.

(d) The board shall establish a systemwide committee to address assessment and accountability issues and propose essential elements to be included in the biennial report.

Section 29. Section **53B-8-105** is amended to read:

53B-8-105. Scholarships for high school students who complete the requirements for an associate degree in high school.

(1) In addition to Centennial Scholarships awarded under Section 53A-15-102 and Career Teaching Scholarships awarded under Title 53B, Chapter 10, Terrill H. Bell Teaching Incentive Loan

Program, the State Board of Regents and the State Board of Education shall jointly award New Century scholarships to students in Utah schools who complete the requirements for an associate degree by September 1 of the year they qualify to graduate from high school.

(2) (a) The scholarship may be used at any higher education institution in the state accredited by the Northwest Association of Schools and Colleges that offers baccalaureate programs.

(b) (i) If used at an institution within the state system of higher education, the scholarship is equal in value to 75% of the tuition costs at the selected institution.

(ii) If used at an institution not within the state system of higher education, the scholarship is equal in value to 75% of the tuition costs at the institution, not to exceed 75% of the average tuition costs at the institutions referred in Subsection (2)(b)(i).

(c) Each scholarship is valid for up to two years of full-time equivalent enrollment, or until the requirements for a baccalaureate degree have been met, whichever is shorter.

(d) The State Board of Regents may grant a leave of absence to a scholarship holder, but the scholarship must be used in its entirety within four years after completion of high school.

(3) The New Century scholarship may be canceled at any time by the institution of attendance if the student fails to:

(a) maintain a "B average" for two consecutive semesters; or

(b) make reasonable progress towards the completion of a baccalaureate degree.

(4) (a) The Legislature shall make an annual appropriation from the General Fund to the State Board of Regents for the costs associated with the New Century scholarship program authorized under this section.

(b) It is understood that the appropriation is offset in part by the state moneys that would otherwise be required and appropriated for these students if they were enrolled in a four-year postsecondary program at a state-operated institution.

(5) This section does not apply to a student who completes an associate of applied technology degree from the Utah College of Applied Technology.

Section 30. Section **53B-16-102** is amended to read:

53B-16-102. Changes in curriculum -- Substantial alterations in institutional

operations -- Periodic review of programs -- Applied technology education curriculum changes.

(1) Under procedures and policies approved by the board and developed in consultation with each institution of higher education, each institution may make such changes in its curriculum as necessary to better effectuate the institutional role previously approved by the board.

(2) Notice of a change in the curriculum shall in all cases be promptly submitted to the board.

(3) The board shall establish procedures and policies for considering institutional proposals for substantial alterations in the scope of existing institutional operations.

(4) Alterations shall not be made without prior approval of the state board.

(5) For purposes of this section, "substantial alteration" means the establishment of a branch, extension center, college, professional school, division, institute, department, or a new program in instruction, research, or public services or a new degree, diploma, or certificate.

(6) The board shall conduct periodic reviews of all programs of instruction, research, and public service at each institution, including those funded by gifts, grants, and contracts, and may require the modification or termination of any program.

(7) Prior to requiring modification or termination of a program, the board shall give the institution adequate opportunity for a hearing before the board.

(8) In making decisions related to applied technology curriculum changes, the board shall request a review of the proposed changes by the State Board ~~[for Applied Technology]~~ of Education to ensure an orderly and systematic applied technology education curriculum that eliminates overlap and duplication of course work with the high schools and ~~[applied technology centers]~~ the Utah College of Applied Technology.

Section 31. 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 ~~[hereby]~~ established a ~~[higher education institution]~~ branch campus of Snow College in Richfield, Utah, hereafter referred to as Snow College South.

(2) Snow College shall administer the ~~[institution]~~ 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 [~~to include Snow College South's mission, programs, and curriculum~~].

~~[(3) (a) In conjunction with the establishment of Snow College South, the facilities, staff, and programs at the Sevier Valley Applied Technology Center in Richfield shall become a part of the state system of higher education and the structure from which Snow College South shall begin its operations.]~~

~~[(b) The State Board of Regents shall take the appropriate action required to assure the successful transition of the applied technology center and its faculty and staff into the state system of higher education, including, if necessary:]~~

~~[(i) creating and recording any conveyances needed for the transfer of property; and]~~

~~[(ii) providing procedures for assimilating the center's faculty into the rank and tenure structure of Snow College.]~~

~~[(4)] (3) (a) Snow College [South] 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 [~~shall~~]~~

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

~~[(b) The institution may confer certificates of completion and degrees as determined by the State Board of Regents within the parameters referred to in Subsection (4)(a).]~~

~~[(e)] (b) The institution shall [~~also~~] coordinate offerings of applied technology education with the Central Applied Technology College 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.~~

~~[(d)] (c) [~~The institution~~] 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.~~

~~[(e)]~~ (d) The ~~[institution may request and receive a waiver from the]~~ State Board of Regents or the president of Snow College ~~[øf]~~ 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 32. Funding guidelines -- Cooperative agreements.

(1) In funding applied technology education, the Legislature shall:

(a) accept prioritized budget requests combining the budgets of all the regional applied technology colleges from the Utah College of Applied Technology Board of Trustees and consider those prioritized budget requests in its appropriation process independent of whatever recommendations are made by the governor and the State Board of Regents; and

(b) appropriate all operating monies for each regional applied technology college directly to each regional applied technology college under the heading " Utah Applied Technology Colleges" and not to any other entity such as the State Board of Regents.

(2) The Legislature encourages the regional applied technology colleges to enter into the cooperative agreements authorized in Subsection 53B-2a-112(3) with institutions of higher education.

Section 33. Appropriation.

(1) Under the terms and conditions of Section 63-38-3, the following sums of money are appropriated for the fiscal year beginning July 1, 2001 and ending June 30, 2002. This is in addition to amounts appropriated by House Bill 1, 2001 General Session and Senate Bill 3, 2001 General Session. Appropriations referenced below as provided in House Bill 1, 2001 General Session and Senate Bill 3, 2001 General Session remain in effect until September 1, 2001, and any obligations made from the appropriations referenced below in House Bill 1, 2001 General Session and Senate Bill 3, 2001 General Session between July 1, 2001 and September 1, 2001 will reduce the amounts appropriated below. In cases where a portion of the following sums has been obligated between July 1, 2001 and September 1, 2001, the unobligated balance of each of the debited line items shall supercede the amounts indicated below in both the debited and corresponding credited items.

Item 1 To State Board of Applied Technology Education – Public Education Applied

H.B. 1003

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Technology Center Service Regions

From Uniform School Fund (1,947,000)

Schedule of Programs:

Mountainlands (771,200)

Southeast (226,100)

Southwest (949,700)

To transfer funds provided by Item 80, House Bill 1, 2001 General Session.

Item 2 To Mountainlands Applied Technology College

From Income Tax 771,200

Schedule of Programs:

Mountainlands Applied Technology College 771,200

To transfer funds provided by Item 80, House Bill 1, 2001 General Session.

Item 3 To Southeast Applied Technology College

From Income Tax 226,100

Schedule of Programs:

Southeast Applied Technology College 226,100

To transfer funds provided by Item 80, House Bill 1, 2001 General Session.

Item 4 To Southwest Applied Technology College

From Income Tax 675,800

Schedule of Programs:

Southwest Applied Technology College 675,800

To transfer funds provided by Item 80, House Bill 1, 2001 General Session.

Item 5 To Dixie Applied Technology College

From Income Tax 273,900

Schedule of Programs:

Dixie Applied Technology College 273,900

To transfer funds provided by Item 80, House Bill 1, 2001 General Session.

Item 6 To State Board of Applied Technology Education – Applied Technology Center/Applied

Technology Center Service Region Development

From Uniform School Fund (2,700,000)

Schedule of Programs:

ATC/ATCSR Development (2,700,000)

To transfer funds provided by Item 81, House Bill 1, 2001 General Session.

Item 7 To Utah College of Applied Technology – Administration

From Income Tax 2,700,000

Schedule of Programs:

Development 1,700,000

Equipment 1,000,000

To transfer funds provided by Item 81, House Bill 1, 2001 General Session.

Item 8 To State Board of Applied Technology Education – Custom Fit

From Uniform School Fund (3,366,500)

From Beginning Nonlapsing Appropriation Balances (112,100)

From Closing Nonlapsing Appropriation Balances 112,100

Schedule of Programs:

Custom Fit (3,366,500)

To transfer funds provided by Item 82, House Bill 1, 2001 General Session.

Item 9 To Utah College of Applied Technology - Administration

From Income Tax 3,366,500

From Beginning Nonlapsing Appropriation Balances 112,100

From Closing Nonlapsing Appropriation Balances (112,100)

Schedule of Programs:

Custom Fit 3,366,500

To transfer funds provided by Item 82, House Bill 1, 2001 General Session.

Item 10 To State Board of Applied Technology Education – Higher Education Applied

Technology Center Service Regions

From General Fund (1,221,500)

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From Income Tax (56,100)

Schedule of Programs:

Applied Technology Center Service Regions (1,277,600)

To transfer funds provided by Item 83, House Bill 1, 2001 General Session.

Item 11 To Mountainlands Applied Technology College

From General Fund 417,600

Schedule of Programs:

Mountainlands Applied Technology College 417,600

To transfer funds provided by Item 83, House Bill 1, 2001 General Session.

Item 12 To Southeast Applied Technology College

From General Fund 283,200

Schedule of Programs:

Southeast Applied Technology College 283,200

To transfer funds provided by Item 83, House Bill 1, 2001 General Session.

Item 13 To Southwest Applied Technology College

From General Fund 270,300

Schedule of Programs:

Southwest Applied Technology College 270,300

To transfer funds provided by Item 83, House Bill 1, 2001 General Session.

Item 14 To Dixie Applied Technology College

From General Fund 109,500

Schedule of Programs:

Dixie Applied Technology College 109,500

To transfer funds provided by Item 83, House Bill 1, 2001 General Session.

Item 15 To Utah College of Applied Technology - Administration

From General Fund 140,900

From Income Tax 56,100

Schedule of Programs:

	<u>Administration</u>	<u>197,000</u>
	<u>To transfer funds provided by Item 83, House Bill 1, 2001 General Session.</u>	
<u>Item 16</u>	<u>To Snow College – Snow College South Secondary</u>	
	<u>From General Fund</u>	<u>(103,000)</u>
	<u>From Uniform School Fund</u>	<u>(153,300)</u>
	<u>From Income Tax</u>	<u>(761,000)</u>
	<u>Schedule of Programs:</u>	
	<u>Snow South Secondary</u>	<u>(1,017,300)</u>
	<u>To transfer funds provided by Item 176, House Bill 1, 2001 General Session.</u>	
<u>Item 17</u>	<u>To Central Applied Technology College</u>	
	<u>From General Fund</u>	<u>103,000</u>
	<u>From Income Tax</u>	<u>914,300</u>
	<u>Schedule of Programs:</u>	
	<u>Central Applied Technology College</u>	<u>1,017,300</u>
	<u>To transfer funds provided by Item 176, House Bill 1, 2001 General Session.</u>	
<u>Item 18</u>	<u>To State Board of Education – State Office of Education</u>	
	<u>From Uniform School Fund</u>	<u>(197,000)</u>
	<u>Schedule of Programs:</u>	
	<u>Applied Technology Education</u>	<u>(197,000)</u>
	<u>To transfer funds provided by Item 231, House Bill 1, 2001 General Session.</u>	
<u>Item 19</u>	<u>To Utah College of Applied Technology - Administration</u>	
	<u>From Income Tax</u>	<u>197,000</u>
	<u>Schedule of Programs:</u>	
	<u>Administration</u>	<u>197,000</u>
	<u>To transfer funds provided by Item 231, House Bill 1, 2001 General Session.</u>	
<u>Item 20</u>	<u>To State Board of Applied Technology Education – Applied Technology</u>	
	<u>Center/Applied</u>	
	<u>Technology Center Service Region Development</u>	
	<u>From Uniform School Fund, One-time</u>	<u>(600,000)</u>

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Schedule of Programs:

ATC/ATCSR Equipment (400,000)

Administration (200,000)

To transfer funds provided by Item 55, Senate Bill 3, 2001 General Session.

Item 21 To Utah College of Applied Technology - Administration

From Income Tax, One Time 200,000

Schedule of Programs:

Administration 200,000

To transfer funds provided by Item 55, Senate Bill 3, 2001 General Session.

Item 22 To Salt Lake/Tooele Applied Technology College

From Income Tax, One-time 400,000

Schedule of Programs:

Salt Lake/Tooele Applied Technology College 400,000

To transfer funds provided by Item 55, Senate Bill 3, 2001 General Session.

Item 23 To State Board of Applied Technology Education – Custom Fit

From Uniform School Fund, One-time (500,000)

Schedule of Programs:

Custom Fit (500,000)

To transfer funds provided by Item 56, Senate Bill 3, 2001 General Session.

Item 24 To Utah College of Applied Technology – Administration

From Income Tax, One-time 500,000

Schedule of Programs:

Custom Fit 500,000

To transfer funds provided by Item 56, Senate Bill 3, 2001 General Session.

Item 25 To Southwest Applied Technology Center Service Region – General

From Income Tax (571,500)

From Income Tax, One-time (157,300)

Schedule of Programs

Southwest Applied Technology Center Service Region (728,800)

To transfer funds provided by Item 63, Senate Bill 3, 2001 General Session.

Item 26 To Southwest Applied Technology College

From Income Tax 257,200

From Income Tax, One-time 70,800

Schedule of Programs:

Southwest Applied Technology College 328,000

To transfer funds provided by Item 63, Senate Bill 3, 2001 General Session.

Item 27 To Dixie Applied Technology College

From Income Tax 314,300

From Income Tax, One-time 86,500

Schedule of Programs:

Dixie Applied Technology College 400,800

To transfer funds provided by Item 63, Senate Bill 3, 2001 General Session.

Item 28 To Snow College South – General

From Income Tax (240,800)

From Income Tax, One-time (206,200)

Schedule of Programs:

Snow College South (447,000)

To transfer funds provided by Item 65, Senate Bill 3, 2001 General Session.

Item 29 To Central Applied Technology College – Secondary Students

From Income Tax 240,800

From Income Tax, One-time 206,200

Schedule of Programs:

Secondary Students 447,000

To transfer funds provided by Item 65, Senate Bill 3, 2001 General Session.

(2) Effective September 1, 2001, the unobligated balance of the appropriations made in House Bill 1, 2001 General Session, and Senate Bill 3, 2001 General Session, to the Bridgerland

Applied Technology Center, Ogden-Weber Applied Technology Center, Davis Applied Technology Center, Wasatch Front South Applied Technology Center, Uintah Basin Applied Technology Center, Mountainlands Applied Technology Center Service Region, and Southeast Applied Technology Center Service Region shall be transferred to their successor applied technology colleges.

Section 34. Repealer.

This act repeals:

Section 53A-1-501, Membership -- Duties -- Advisory decisions -- Annual report.

Section 53A-1-502, Advisory committee -- Duties -- Task forces.

Section 53A-15-201, State Board for Applied Technology Education -- Chief officer.

Section 53A-15-202.5, Applied technology centers.

Section 53A-15-203, Applied technology centers -- Management by board.

Section 35. Effective date.

This act takes effect on September 1, 2001.