

**UTAH COLLEGE OF APPLIED TECHNOLOGY**

**AMENDMENTS**

2005 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ron Bigelow**

Senate Sponsor: Beverly Ann Evans

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

(ii) required school administrative and supervisory services; and

(iii) the evaluation of instructional personnel;

(b) (i) access to programs;

(ii) attendance;

(iii) competency levels;

(iv) graduation requirements; and

(v) discipline and control;

(c) (i) school accreditation;

(ii) the academic year;

(iii) alternative and pilot programs;

(iv) curriculum and instruction requirements;

(v) school libraries; and

(vi) services to:

(A) persons with a disability as defined by and covered under:

(I) the Americans with Disabilities Act of 1990, 42 U.S.C. 12102;

(II) the Rehabilitation Act of 1973, 29 U.S.C. 705(20)(A); and

(III) the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3); and

(B) other special groups;

(d) (i) state reimbursed bus routes;

(ii) bus safety and operational requirements; and

(iii) other transportation needs; and

(e) (i) school productivity and cost effectiveness measures;

(ii) federal programs;

(iii) school budget formats; and

(iv) financial, statistical, and student accounting requirements.

(2) The board shall determine if:

(a) the minimum standards have been met; and

(b) required reports are properly submitted.

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

~~[(4) (a) The board shall authorize the Utah College of Applied Technology Board of Trustees to develop and submit a competency-based high school diploma proposal to the board.]~~

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

(4) (a) The Utah College of Applied Technology shall provide competency-based career and technical education courses that fulfill high school graduation requirements, as requested and authorized by the State Board of Education.

(b) A school district may grant a high school diploma to a student participating in courses described under Subsection (4)(a) that are provided by the Utah College of Applied Technology.

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

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

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

- (a) the University of Utah;
- (b) Utah State University;
- (c) Weber State University;
- (d) Southern Utah University;
- (e) Snow College;
- (f) Dixie State College of Utah;
- (g) the College of Eastern Utah;
- (h) Utah Valley State College; [~~and~~]
- (i) Salt Lake Community College[~~;~~]; and
- (j) the Utah College of Applied Technology.

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

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

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

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

- (1) (a) The board shall appoint a president for the Utah College of Applied Technology.
- (b) The president of the Utah College of Applied Technology does not need to have a doctorate degree, but shall have extensive experience in applied technology education.
- (c) The president shall serve at the board's discretion.
- (d) The names of the final candidates for president of the Utah College of Applied Technology shall be publicly disclosed.

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

(2) The president shall:

(a) direct the Utah College of Applied Technology and coordinate the activities of each of its college campuses;

(b) in cooperation with the board of trustees and with the approval of the board, develop a competency-based associate of applied technology degree;

~~[(c) ensure that an applied technology education degree is transferable to other higher education institutions in accordance with board rules;]~~

(c) ensure that, pursuant to State Board of Regents' rules, an applied technology education degree is primarily a terminal degree, but is transferable to a bachelor's degree in applied technology at other higher education institutions under specific articulation agreements;

(d) in consultation with the board of trustees, campus presidents, and campus boards of directors, prepare a comprehensive strategic plan for delivering applied technology education through the Utah College of Applied Technology college campuses;

(e) after consulting with local school districts and other higher education institutions in the regions, ensure that the curricula of the Utah College of Applied Technology meet the needs of the state, the regions, and the local school districts;

(f) in consultation with the board of trustees, campus presidents, and campus boards of directors, and after consulting with local school districts and other higher education institutions in the region, develop strategies for providing applied technology education in rural areas, specifically considering the distances between rural applied technology education providers;

(g) establish minimum standards for applied technology programs of the Utah College of Applied Technology college campuses;

(h) in conjunction with the board of trustees, do the following:

(i) develop and implement a system of common definitions, standards, and criteria for tracking and measuring the effectiveness of applied technology education;

(ii) maintain a central administration office for coordination, prioritization, support, and

reporting of college functions dealing with:

- (A) budgets and audits;
- (B) facilities, including capital, capital development, and leases;
- (C) management information systems;
- (D) campus and college master planning efforts;
- (E) strategic planning;
- (F) legislative and Board of Regents contact;
- (G) general data collection; and
- (H) programs, certificates, and curriculum; and

~~[(i)]~~ (iii) ~~[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;

~~[(j)]~~ (i) 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 through the Utah College of Applied Technology college campuses; and

~~[(k)]~~ (j) provide expertise and monitor applied technology education within the region served by Snow College in accordance with Section 53B-16-205.

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

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

The Utah College of Applied Technology Board of Trustees shall:

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

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

~~[(3) 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, pursuant to State Board of Regents' rules, an applied technology education degree is primarily a terminal degree, but is transferable to a bachelor's degree in

applied technology at other higher education institutions under specific articulation agreements;

(4) ensure that the Utah College of Applied Technology college campuses comply with the requirements in Section 53B-2a-106;

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

(6) receive budget requests from each college campus, compile and prioritize the requests, and submit the request to:

(a) the Legislature; and

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

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

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

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

(b) what access secondary students have to programs offered:

(i) at college campuses; and

(ii) within the region served by Snow College;

(9) receive, by September 30 of each year, an annual report from Snow College on the status of and maintenance of the effort for applied technology education in the region served by Snow College, including access to open-entry, open-exit competency-based applied technology education programs at the tuition rate approved by the Utah College of Applied Technology for adults and at no tuition cost to secondary students; and

(10) perform other duties and responsibilities prescribed under the policies of the State Board of Regents.

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

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

- (1) Each Utah College of Applied Technology college campus shall:
  - (a) offer a post-secondary and extra-secondary applied technology education curriculum;
  - (b) offer that curriculum at:
    - (i) market cost to adult students, as approved by the board of trustees and the State Board of Regents; and
    - (ii) no tuition to secondary students within the campus' jurisdiction;
  - (c) provide applied technology education that will result in:
    - (i) appropriate licensing, certification, or other evidence of completion of training; and
    - (ii) qualification for specific employment in business and industry;
  - (d) offer associate of applied technology degrees that have:
    - (i) instruction provided in an open-entry, open-exit environment, except as required by external entities; and
    - (ii) been reviewed by the board of trustees and approved by the State Board of Regents in accordance with Section 53B-1-103;
  - (e) develop cooperative agreements with local school districts, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of instructional facilities; and
  - (f) after consulting with local school districts within the geographic area served by the college campus:
    - (i) ensure that secondary students in the public education system have access to applied technology education at each college campus; and
    - (ii) prepare and submit an annual report to the Utah College of Applied Technology detailing:
      - (A) how the applied technology education needs of secondary students within the region are being met; and
      - (B) what access secondary students within the region have to programs offered at college campuses.
- (2) A college campus may offer a competency-based high school diploma approved by



the State Board of Education in accordance with Section 53A-1-402.

(3) A college campus may not:

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

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

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

(d) participate in intercollegiate athletics.

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

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

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

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

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

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

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

(d) A campus president serves at the discretion of the Utah College of Applied

Technology president, in cooperation with the campus board of directors and the board of trustees.

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

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

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

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

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

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

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

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

(b) more than one year with the approval of the board of trustees[-] and:

(i) the approval of funding for the lease by the Legislature prior to a college campus entering into the lease; or

(ii) the lease agreement includes language that allows termination of the lease without penalty.

(2) (a) In accordance with Subsection 53B-2a-112(2), a college campus may enter into a lease-purchase agreement if:

(i) there is a long-term benefit to the state;

(ii) the project is included in both the campus and Utah College of Applied Technology master plans;

(iii) the lease-purchase agreement includes language that allows termination of the lease;

(iv) the lease-purchase agreement is approved by the campus board of directors and the board of trustees; and

(v) the lease-purchase agreement is:

(A) reviewed by the Division of Facilities Construction and Management;

(B) reviewed by the State Building Board; and

(C) approved by the Legislature.

(b) An approval under Subsection (2)(a) shall include a recognition of:

(i) all parties, dates, and elements of the agreement;

(ii) the equity or collateral component that creates the benefit; and

(iii) the options dealing with the sale and division of equity.

~~[(2)]~~ (3) (a) Each college campus shall provide an annual lease report to the board of trustees that details each of its leases, annual costs, location, square footage, and recommendations for lease continuation.

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

~~[(3)]~~ (4) The Utah College of Applied Technology shall use the annual combined lease report in determining planning, utilization, and budget requests.