



NUMBER: 102

SUBJECT: CREATION OF THE UTAH COLLEGE OF APPLIED TECHNOLOGY, THE BRIDGERLAND APPLIED TECHNOLOGY COLLEGE, AND THEIR RELATIONSHIP TO OTHER APPLIED TECHNOLOGY COLLEGE CAMPUSES

EFFECTIVE DATE: JULY 1, 2016

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102.1 — CREATION OF THE UTAH COLLEGE OF APPLIED TECHNOLOGY

The Utah College of Applied Technology was created by the Utah State Legislature through H.B. 1003 (*Applied Technology Education Governance*), First Special Session of the 2001 Legislature. The effective date of the enactment was September 1, 2001. The original bill was amended by the Utah State Legislature through H.B. 232 (*Utah College of Applied Technology Amendments*), General Session of the 2003 Legislature. The effective date of the amendment was July 1, 2003. The original bill was again amended by the Utah State Legislature through H.B. 86 (*Utah College of Applied Technology Amendments*), General Session of the 2005 Legislature. The effective date of the amendment was May 2, 2005. The original bill was again amended by the Utah State Legislature through H.B. 15 (*Career and Technical Education Amendments*), General Session of the 2009 Legislature. The effective date of the enactment was July 1, 2009. The current law as amended states:

CHAPTER 2A. UTAH COLLEGE OF APPLIED TECHNOLOGY

53B-2a-101. Definitions.

"As used in this chapter:

- (1) "Board of Trustees" means the Utah College of Applied Technology Board of Trustees.
- (2) "College Campus" means a college campus of the Utah College of Applied Technology.
- (3) "Competency-based" means mastery of subject matter or skill level, as demonstrated through business and industry approved standards and assessments, achieved through participation in a hands-on learning environment, and is tied to observable, measurable performance objectives.
- (4) "Open-entry, open-exit" means:
 - (a) a method of instructional delivery that allows for flexible scheduling in response to individual student needs or requirements and demonstrated competency when knowledge and skills have been mastered;
 - (b) students have the flexibility to begin or end study at any time, progress through course material at their own pace, and demonstrate competency when knowledge and skills have been mastered; and
 - (c) if competency is demonstrated in a program of study; a credential, certificate, or diploma may be awarded."

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

- (1) (a) The board of trustees, upon approval from the governor and with the consent of the Senate for each appointee nominated on or after May 8, 2012, 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 career and technical education.
(c) The president shall serve at the board of trustees' discretion and may be terminated by:
 - (i) the board of trustees; or
 - (ii) the governor, after consultation with the board of trustees.
(d) The name of each final candidate for president of the Utah College of Applied Technology shall be publicly disclosed.
- (2) The president shall:
 - (a) direct the Utah College of Applied Technology and coordinate the activities of each of its college campuses;
 - (b) in consultation with the board of trustees, campus presidents, and campus boards of directors, prepare a comprehensive strategic plan for delivering career and technical education through the Utah College of Applied Technology college campuses;
 - (c) after consulting with school districts, charter schools, 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, the school districts, and charter schools;
 - (d) in consultation with the board of trustees, campus presidents, and campus boards of directors, and after consulting with school districts, charter schools, and other higher education institutions in the region, develop



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strategies for providing career and technical education in rural areas, specifically considering the distances between rural career and technical education providers;

(e) establish minimum standards for career and technical education programs of the Utah College of Applied Technology college campuses;

(f) in conjunction with the board of trustees:

(i) develop and implement a system of common definitions, standards, and criteria for tracking and measuring the effectiveness of career and technical 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) articulation with institutions of higher education and public education;

(G) legislative, State System of Public Education, State System of Higher Education, and Board of Regents contact;

(H) general data collection; and

(I) programs, certificates, and curriculum; and

(iii) develop and implement a plan to inform citizens about the availability, cost, and advantages of career and technical education;

(g) after consulting with the State Board of Education, school districts, and charter schools, ensure that secondary students in the public education system have access to career and technical education through the Utah College of Applied Technology college campuses;

(h) in conjunction with the board of trustees, establish benchmarks, provide oversight, evaluate program performance, and obtain independent audits to ensure that college campuses follow the non-credit career and technical education mission described in this part; and

(i) with the approval of the board of trustees, appoint each campus president in accordance with Section 53B-2a-107 and annually set the compensation of each campus president."

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) one member of the State Board of Education appointed by the chair of the State Board of Education, to serve as a nonvoting member;

(b) one member of the State Board of Regents appointed by the chair of the State Board of Regents, to serve as a nonvoting member;

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

(d) one member representing business and industry employers from the Snow College career and technical education advisory committee appointed by a majority of the business and industry members of the advisory committee;

(e) one member representing business and industry employers from the Utah State University-College of Eastern Utah career and technical education advisory committee appointed by a majority of the business and industry employer members of the advisory committee;

(f) one member representing business and industry employers from the Salt Lake Community College, School of Applied Technology Board of Directors appointed by a majority of the business and industry employer members of the board of directors;



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- (g) one business or industry employer 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;
 - (h) one representative of union craft, trade, or apprenticeship programs that prepare workers for employment in career and technical education fields, appointed by the governor with the consent of the Senate;
 - (i) one representative of non-union craft, trade, or apprenticeship programs that prepare workers for employment in career and technical education fields, appointed by the governor with the consent of the Senate;
 - (j) the commissioner of higher education; and
 - (k) the executive director of the Governor's Office of Economic Development or the executive director's designee.
- (2) (a) In making appointments to the board of trustees, the governor shall consider:
- (i) individuals from the state at large with due consideration for geographical representation;
 - (ii) individuals recognized for their knowledge and expertise; and
 - (iii) individuals who represent current and emerging business and industry sectors of the state.
- (b) Appointments to the board shall be made on a nonpartisan basis.
- (3) (a) Except as provided under Subsection (3)(b), members of the board of trustees shall be appointed commencing on July 1 of each odd-numbered year to a four-year term.
- (b) Initial terms of the board members beginning on July 1, 2009, shall be staggered with two-year and four-year terms so that approximately one-half of the members' terms will expire in any odd-numbered year.
- (c) An appointed member holds office until a successor is appointed and qualified.
- (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (5) (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.
- (6) The board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.
- (7) (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.
- (8) A quorum shall be required to conduct business which shall consist of a majority of voting board of trustee members.
- (9) The board of trustees may establish advisory committees.
- (10) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section **63A-3-106**;
 - (b) Section **63A-3-107**; and
 - (c) rules made by the Division of Finance pursuant to Sections **63A-3-106** and **63A-3-107**.

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

- (1) The Utah College of Applied Technology Board of Trustees is vested with the control, management, and supervision of the Utah College of Applied Technology college campuses in a manner consistent with the policy and purpose of this title and the specific powers and responsibilities granted to it.
- (2) The Utah College of Applied Technology Board of Trustees shall:
- (a) ensure that the Utah College of Applied Technology college campuses comply with the requirements in Section **53B-2a-106**;
 - (b) appoint the president for the Utah College of Applied Technology in accordance with Section **53B-2a-102**;
 - (c) advise the president of the Utah College of Applied Technology and the State Board of Regents on issues related to career and technical education, including articulation with institutions of higher education and public education;
 - (d) receive budget requests from each college campus, compile and prioritize the requests, and submit the request to:



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- (i) the Legislature; and
 - (ii) the Governor's Office of Planning and Budget;
 - (e) 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;
 - (f) in conjunction with the Utah College of Applied Technology president; establish benchmarks, provide oversight, evaluate program performance, and obtain independent audits to ensure that campuses follow the non-credit career and technical education mission described in this part;
 - (g) approve programs for the Utah College of Applied Technology;
 - (h) approve the tuition rates for the Utah College of Applied Technology;
 - (i) prepare and submit an annual report detailing its progress and recommendations on career and technical education issues to the governor and to the Legislature's Education Interim Committee by October 31 of each year, which shall include information detailing:
 - (i) how the career and technical education needs of secondary students are being met, including what access secondary students have to programs offered at college campuses;
 - (ii) how the emphasis on high demand, high wage, and high skill jobs in business and industry described in Subsection 53B-2a-106(1)(c)(ii) is being provided;
 - (iii) performance outcomes, including:
 - (A) entered employment;
 - (B) job retention; and
 - (C) earnings; and
 - (iv) student tuition and fees; and
 - (j) collaborate with the State Board of Regents, the State Board of Education, the State System of Public Education, the State System of Higher Education, the Department of Workforce Services, and the Governor's Office of Economic Development on the delivery of career and technical education.
- (3) The Utah College of Applied Technology Board of Trustees, the president of the Utah College of Applied Technology, and the Utah College of Applied Technology's college campuses, presidents, and boards of directors may not conduct a feasibility study or perform another act relating to offering a degree or awarding credit.

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

The Utah College of Applied Technology is composed of the following college campuses:

- (1) the Bridgerland Applied Technology College Campus which serves the geographic area encompassing:
 - (a) the Box Elder School District;
 - (b) the Cache School District;
 - (c) the Logan School District; and
 - (d) the Rich School District;
- (2) the Ogden-Weber Applied Technology College Campus which serves the geographic area encompassing:
 - (a) the Ogden City School District; and
 - (b) the Weber School District;
- (3) the Davis Applied Technology College Campus which serves the geographic area encompassing:
 - (a) the Davis School District; and
 - (b) the Morgan School District;
- (4) the Tooele Applied Technology College Campus which serves the geographic area encompassing:
 - (a) the Tooele County School District;
- (5) the Mountainland Applied Technology College Campus which serves the geographic area encompassing:
 - (a) the Alpine School District;
 - (b) the Nebo School District;
 - (c) the Provo School District;



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- (d) the South Summit School District;
- (e) the North Summit School District;
- (f) the Wasatch School District; and
- (g) the Park City School District;
- (6) the Uintah Basin Applied Technology College Campus which serves the geographic area encompassing:
 - (a) the Daggett School District;
 - (b) the Duchesne School District; and
 - (c) the Uintah School District;
- (7) the Southwest Applied Technology College Campus which serves the geographic area encompassing:
 - (a) the Beaver School District;
 - (b) the Garfield School District;
 - (c) the Iron School District; and
 - (d) the Kane School District; and
- (8) the Dixie Applied Technology College Campus which serves the geographic area encompassing:
 - (a) the Washington School District.

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

- (1) Each Utah College of Applied Technology college campus shall, within the geographic area served by the college campus:
 - (a) offer a non-credit post-secondary and secondary career and technical education curriculum;
 - (b) offer that curriculum at:
 - (i) low cost to adult students, as approved by the board of trustees; and
 - (ii) no tuition to secondary students;
 - (c) provide career and technical education that will result in:
 - (i) appropriate licensing, certification, or other evidence of completion of training; and
 - (ii) qualification for specific employment, with an emphasis on high demand, high wage, and high skill jobs in business and industry;
 - (d) develop cooperative agreements with school districts, charter schools, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of instructional facilities within the geographic area served by the college campus; and
 - (e) after consulting with school districts and charter schools within the geographic area served by the college campus:
 - (i) ensure that secondary students in the public education system have access to career and technical education at each college campus; and
 - (ii) prepare and submit an annual report to the Utah College of Applied Technology detailing:
 - (A) how the career and technical education needs of secondary students within the region are being met;
 - (B) what access secondary students within the region have to programs offered at college campuses;
 - (C) how the emphasis on high demand, high wage, and high skill jobs in business and industry described in Subsection (1)(c)(ii) is being provided; and
 - (D) student tuition and fees.
- (2) A college campus may offer:
 - (a) a competency-based high school diploma approved by the State Board of Education in accordance with Section **53A-1-402**;
 - (b) non-credit, basic instruction in areas such as reading, language arts, and mathematics that are necessary for student success in a chosen career and technical education or job-related program; and
 - (c) non-credit courses of interest when similar offerings to the community are limited and courses are financially self-supporting.
- (3) A college campus may not:
 - (a) offer courses other than non-credit career and technical education or the non-credit basic instruction described in



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Subsections (2)(b) and (c);

(b) offer a degree;

(c) offer career and technical education or basic instruction outside the geographic area served by the college campus without a cooperative agreement between an affected institution, except as provided in Subsection (6);

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

(e) participate in intercollegiate athletics.

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

(5) A 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."

(6) (a) A college campus may offer career and technical education or basic instruction outside the geographic area served by the college campus without a cooperative agreement, as required in Subsection (3)(c), if:

(i) the career and technical education or basic instruction is specifically requested by:

(A) an employer; or

(B) a craft, trade, or apprenticeship program;

(ii) the college campus notifies the affected institution about the request; and

(iii) the affected institution is given an opportunity to make a proposal, prior to any contract being finalized or training being initiated by the college campus, to the employer, craft, trade, or apprenticeship program about offering the requested career and technical education or basic instruction, provided that the proposal shall be presented no later than one business week from the delivery of the notice described under Subsection (6)(b).

(b) The requirements under Subsection (6)(a)(iii) do not apply if there is a prior training relationship.

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

(1) (a) The president of the Utah College of Applied Technology shall, after consultation with a campus board of directors and with the approval of the board of trustees, appoint a campus president for a college campus.

(b) A campus president shall serve as the chief administrative officer of the college campus.

(c) A campus president does not need to have a doctorate degree, but shall have extensive experience in career and technical education.

(d) 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.

(e) 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;

(c) consult with the campus board of directors; and

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

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

A campus shall have a campus board of directors appointed as follows:

(1) the Bridgerland Applied Technology College Campus Board of Directors shall be composed of the following 12 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; and



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- (f) seven representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (1)(a) through (e);
- (2) the Ogden-Weber Applied Technology College Campus Board of Directors shall be composed of the following 10 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; and
 - (e) six representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (2)(a) through (d);
- (3) the Davis Applied Technology College Campus Board of Directors shall be composed of the following 10 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) six representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (3)(a) through (d); and
- (4) the Tooele Applied Technology College Campus Board of Directors shall be composed of the following 12 members:
 - (a) three elected local school board members appointed by the board of education for the Tooele County School District;
 - (b) one member of the Salt Lake Community College board of trustees;
 - (c) one member of the Utah State University board of trustees; and
 - (d) seven representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (4)(a) through (c)
- (5) the Mountainland Applied Technology College Campus Board of Directors shall be composed of the following 18 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 University board of trustees;
 - (i) 10 representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (5)(a) through (h); and
- (6) the Uintah Basin Applied Technology College Campus Board of Directors shall be composed of the following 10 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; and
 - (e) six representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (6)(a) through (d);
- (7) the Southwest Applied Technology College Campus Board of Directors shall be composed of the following 12 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; and



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- (f) seven representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (7)(a) through (e);
 - (8) the Dixie Applied Technology College Campus Board of Directors shall be composed of the following 10 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; and
 - (c) six representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (8)(a) through (b); and
 - (9) the representatives of business or industry employers shall be:
 - (a) appointed jointly by the designated members from a list of names provided by local organizations or associations whose members employ workers with career and technical education;
 - (b) individuals recognized for their knowledge and expertise;
 - (c) individuals who represent current and emerging business and industry sectors of the state; and
 - (d) appointed on a nonpartisan basis.
- 53B-2a-109. Campus boards of directors -- Terms -- Quorum -- Chair-- Compensation.**
- (1) (a) At the first meeting of a campus board of directors after July 1, 2009:
 - (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 employers 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), individuals appointed to a campus board of directors shall serve four-year terms.
 - (2) The original appointing authority shall fill any vacancies that occur on the campus board of directors.
 - (3) A majority of the campus board of directors is a quorum.
 - (4) A campus board of directors shall elect a chair from its membership.
 - (5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section **63A-3-106**;
 - (b) Section **63A-3-107**; and
 - (c) rules made by the Division of Finance pursuant to Sections **63A-3-106** and **63A-3-107**.
 - (6) (a) A campus board of directors may enact bylaws for its own government, including provision for regular meetings, that are in accordance with the policies of the Utah College of Applied Technology.
 - (b)
 - (i) The campus board of directors may provide for an executive committee in its bylaws.
 - (ii) If established, the committee shall have the full authority of the campus board of directors to act upon routine matters during the interim between 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 campus board of directors at its next regular meeting following the action.
 - (7) A campus board of directors may establish advisory committees.

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

- (1) A campus board of directors shall:
 - (a) assist the campus president in preparing a budget request for its annual operations to the Utah College of Applied Technology Board of Trustees;
 - (b) after consulting with the Utah College of Applied Technology, other higher education institutions, school districts, and charter schools within its region, prepare a comprehensive strategic plan for delivering career and technical education within its region;
 - (c) consult with business, industry, the Department of Workforce Services, the Governor's Office of Economic Development, and the Governor's Office of Planning and Budget on an ongoing basis to determine what workers and skills are needed for



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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 career and technical education facilities under its jurisdiction;

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

(h) approve credentials for employees and assign employees to duties in accordance with the Utah College of Applied Technology Board of Trustees policies and accreditation guidelines;

(i) conduct annual program evaluations;

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

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

(l) coordinate with local school boards, school districts, and charter schools to meet the career and technical education needs of secondary students; and

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

(2) Subsection (1)(g) does not apply to a campus president.

(3) A campus board of directors may not exercise any jurisdiction over career and technical education provided by a school district or charter school or provided by a higher education institution independently of a college campus.

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

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

The Utah College of Applied Technology Board of Trustees shall consult with the State Board of Regents to coordinate the delivery of career and technical education.

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

(1) As used in this section, "higher education institution" means, for each college campus, the higher education institution designated in Section **53B-2a-108** has a representative on its campus board of directors.

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

(3) A college campus may enter into agreements:

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

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

(c) to comply with Subsection (2).

(4) Before a college campus develops its own new instructional facilities, it shall give priority to:

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

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

(i) maintain and support existing higher education career and technical education programs; and

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

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



NUMBER: 102

SUBJECT: CREATION OF THE UTAH COLLEGE OF APPLIED TECHNOLOGY, THE BRIDGERLAND APPLIED TECHNOLOGY COLLEGE, AND THEIR RELATIONSHIP TO OTHER APPLIED TECHNOLOGY COLLEGE CAMPUSES

EFFECTIVE DATE: JULY 1, 2016

APPROVAL DATE OF LAST REVISION: AUGUST 15, 2005; JANUARY 24, 2011; NOVEMBER 23, 2015

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

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

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

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

(c) A college campus may not construct, approve the construction of, plan for the design or construction of, or consent to the construction of a career and technical education facility without approval of the Legislature.

(6) Before acquiring new fiscal and administrative support structures, a college campus shall:

(a) review the use of existing public or higher education administrative and accounting systems, financial record systems, and student and financial aid systems for the delivery of career and technical education in the region;

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

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

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, school districts, charter schools, 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.

(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.

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