

# UTAH COLLEGE OF APPLIED TECHNOLOGY

## AGENDA ITEM

### UCAT BOARD OF TRUSTEES 23 March 2017

ITEM: III.W

TOPIC: Impact of Senate Bill 238 (Higher Education Governance Revisions)

#### BACKGROUND

During the 2017 General Legislative Session, the Utah Legislature passed Senate Bill 238, "Higher Education Governance Revisions". The bill, which will become effective July 1, 2017, among other things provides for changes in the names of the Utah College of Applied Technology and the applied technology colleges, institutional designations for the colleges, state and local board membership and coordination.

A summary of the bill's provisions is attached to assist the Board in awareness and discussion of its impact. After discussion by the Board, the Commissioner, staff, and presidents will proceed to develop plans for consideration by the Board in its May meeting related to:

- UCAT policy revisions;
- Branding and logos;
- Bodies politic and corporate;
- System and local board membership; and
- Other identified issues related to implementation of the bill.

#### RECOMMENDATION

Information/discussion only.

Attachment: Senate Bill 238 – Summary of Provisions



**SENATE BILL 238 (2017 GENERAL SESSION)**  
**UTAH COLLEGE OF APPLIED TECHNOLOGY**  
**GOVERNANCE AMENDMENTS**  
***SUMMARY OF PROVISIONS***

March 23, 2017

(link to S.B. 238: <http://le.utah.gov/~2017/bills/static/SB0238.html>)

**Effective Date:** Except as noted, all provisions are effective **July 1, 2017** (Lines 5344-5347).

**1. Name Changes:**

- a. Renames the Utah College of Applied Technology to the Utah System of Technical Colleges, beginning July 1, 2017 (53B-2a-115(1) and throughout statute).
- b. Renames the applied technology colleges to technical colleges, as in “Uintah Basin Technical College” (53B-2a-115).

**2. Institutional Designations:**

- a. Designates the Board of Trustees and the technical colleges as institutions of the Utah System of Technical Colleges within the state system of higher education (53B-1-102(1)), and defines them as state institutions of higher education (53B-3-102).
- b. Designates each of the technical colleges as bodies politic and corporate (53B-2-101(1)).\*

**3. State and Local Board Membership and Coordination:**

- a. Removes nonvoting members from Utah System of Technical Colleges (53B-2a-103(2)). Removes non-voting representatives of UCAT Board from Board of Regents, effective May 10, 2017 (53B-1-104(1)).
- b. Prohibits an individual from serving concurrently on the Utah System of Technical Colleges Board of Trustees and a technical college board of directors (53B-2a-103(3)(d)).
- c. Requires meetings at least quarterly between state entities involved in education, to include the Commissioner and the Board Chair (53B-1-112).

**4. Other – Commissioner Qualifications, Tuition Waivers, USHE Institutional Roles:**

- a. Requires the Commissioner of Technical Education to have at least a master’s degree (53B-2a-102(1)(b)).
- b. Authorizes a technical college president, upon recommendation of the Board of Trustees, to grant additional tuition waivers to encourage students to enroll in programs for shortage occupations critical to the state (53B-8-101(3)). Requires the Board of Trustees to include coverage of estimated tuition waivers in its annual request for technical college appropriations (53B-8-101(5)).
- c. Describes the primary institutional role for each institution of higher education under the Board of Regents, including career and technical education (53B-16-101).

\* “Bodies politic and corporate” in Utah Code includes provision to have and use a corporate seal; take, hold, lease, and sell real and personal property; enter into contracts with their respective obligations and liabilities; public corporations; legal subdivision of the State of Utah; with powers and duties of a governmental entity. SB-238 also provides that the System and each college “is a continuation of its predecessor and has all rights and responsibilities of its predecessor” (Line 1867).