

Representative V. Lowry Snow proposes the following substitute bill:

HIGHER EDUCATION AND CORRECTIONS COUNCIL

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: Derrin R. Owens

LONG TITLE

General Description:

This bill establishes the Higher Education and Corrections Council to advise the Utah Board of Higher Education.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes the Higher Education and Corrections Council (council) to advise the Utah Board of Higher Education (board), the Education Interim Committee, and the Higher Education Appropriations Subcommittee;
 - ▶ provides for the membership and duties of the council;
 - ▶ requires the council to:
 - make recommendations regarding the delivery of education in the state's correctional facilities;
 - collect certain critical data; and
 - report annually to the board, the Education Interim Committee, and the Higher Education Appropriations Subcommittee; and
 - ▶ makes technical changes.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53B-1-301**, as last amended by Laws of Utah 2021, Chapters 282, 351, 402, and 425

32 **53E-1-201**, as last amended by Laws of Utah 2021, Chapters 64, 251, and 351

33 ENACTS:

34 **53B-33-101**, Utah Code Annotated 1953

35 **53B-33-201**, Utah Code Annotated 1953

36 **53B-33-202**, Utah Code Annotated 1953



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

39 Section 1. Section **53B-1-301** is amended to read:

40 **53B-1-301. Reports to and actions of the Higher Education Appropriations**

41 **Subcommittee.**

42 (1) In accordance with applicable provisions and Section **68-3-14**, the following
43 recurring reports are due to the Higher Education Appropriations Subcommittee:

44 (a) the reports described in Sections **34A-2-202.5**, **53B-30-206**, and **59-9-102.5** by the
45 Rocky Mountain Center for Occupational and Environmental Health;

46 (b) the report described in Section **53B-7-101** by the board on recommended
47 appropriations for higher education institutions, including the report described in Section
48 **53B-8-104** by the board on the effects of offering nonresident partial tuition scholarships;

49 (c) the report described in Section **53B-7-704** by the Department of Workforce
50 Services and the Governor's Office of Economic Opportunity on targeted jobs;

51 (d) the reports described in Section **53B-7-705** by the board on performance;

52 (e) the report described in Section **53B-8-201** by the board on the Opportunity
53 Scholarship Program;

54 (f) the report described in Section **53B-8-303** by the board regarding Access Utah
55 promise scholarships;

56 (g) the report described in Section **53B-8d-104** by the Division of Child and Family

57 Services on tuition waivers for wards of the state;

58 (h) the report described in Section 53B-12-107 by the Utah Higher Education
59 Assistance Authority;

60 (i) the report described in Section 53B-13a-104 by the board on the Success Stipend
61 Program;

62 (j) the report described in Section 53B-17-201 by the University of Utah regarding the
63 Miners' Hospital for Disabled Miners;

64 (k) the report described in Section 53B-26-103 by the Governor's Office of Economic
65 Opportunity on high demand technical jobs projected to support economic growth;

66 (l) the report described in Section 53B-26-202 by the Medical Education Council on
67 projected demand for nursing professionals; ~~and~~

68 (m) the report described in Section ~~H~~→ [53B-1-303] 53B-33-202 ←~~H~~ regarding the Higher
68a Education and
69 Corrections Council; and

70 [~~m~~] (n) the report described in Section 53E-10-308 by the State Board of Education
71 and board on student participation in the concurrent enrollment program.

72 (2) In accordance with applicable provisions and Section 68-3-14, the following
73 occasional reports are due to the Higher Education Appropriations Subcommittee:

74 (a) upon request, the information described in Section 53B-8a-111 submitted by the
75 Utah Educational Savings Plan;

76 (b) a proposal described in Section 53B-26-202 by an eligible program to respond to
77 projected demand for nursing professionals;

78 (c) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board
79 on the fire and rescue training program described in Section 53B-29-202; and

80 (d) the reports described in Section 63C-19-202 by the Higher Education Strategic
81 Planning Commission on the commission's progress.

82 (3) In accordance with applicable provisions, the Higher Education Appropriations
83 Subcommittee shall complete the following:

84 (a) as required by Section 53B-7-703, the review of performance funding described in
85 Section 53B-7-703;

86 (b) an appropriation recommendation described in Section 53B-26-103 to fund a
87 proposal responding to workforce needs of a strategic industry cluster;

88 (c) an appropriation recommendation described in Section [53B-26-202](#) to fund a
89 proposal responding to projected demand for nursing professionals; and

90 (d) review of the report described in Section [63B-10-301](#) by the University of Utah on
91 the status of a bond and bond payments specified in Section [63B-10-301](#).

92 Section 2. Section **53B-33-101** is enacted to read:

93 **CHAPTER 33. HIGHER EDUCATION AND CORRECTIONS COUNCIL**

94 **Part 1. General Provisions**

95 **53B-33-101. Definitions.**

96 As used in this chapter, "council" means the Higher Education and Corrections Council
97 created in Section [53B-33-201](#).

98 Section 3. Section **53B-33-201** is enacted to read:

99 **Part 2. Council Duties**

100 **53B-33-201. Higher Education and Corrections Council.**

101 (1) There is created the Higher Education and Corrections Council to advise the board,
102 the Education Interim Committee, and the Higher Education Appropriations Subcommittee
103 regarding the development and delivery of accredited higher education curriculum to
104 incarcerated individuals in the state correctional system.

105 (2) The council consists of the following 13 members:

106 (a) a member of the House of Representatives whom the speaker of the House of
107 Representatives appoints;

108 (b) a member of the Senate whom the president of the Senate appoints;

109 (c) two members of the board whom the chair of the board appoints:

110 (i) one member having expertise in technical colleges; and

111 (ii) one member having expertise in general education;

112 (d) the commissioner or the commissioner's designee;

113 (e) the following two members whom the commissioner appoints and who are engaged
114 in prison education and have expertise in transfer articulation:

115 (i) one employee of a technical college; and

116 (ii) one employee of a degree-granting institution;

117 (f) the following two members whom the governor appoints:

118 (i) an individual who actively researches higher education delivered in a corrections

119 setting using evidence-based practices; and

120 (ii) a formerly incarcerated individual who participated in postsecondary educational
 121 programs while incarcerated;

122 (g) one member of the Board of Pardons and Parole whom the chair of the Board of
 123 Pardons and Parole appoints;

124 (h) the executive director of the Department of Corrections ~~H~~→ **[with expertise in**
 125 **programming]** ~~←H~~ or the executive director's designee;

126 (i) one employee of the Department of Corrections ~~H~~→ **with expertise in education** ~~←H~~
 126a whom the executive director of the
 127 Department of Corrections appoints; and

128 (j) the executive director of the Department of Workforce Services or the executive
 129 director's designee.

130 (3) (a) The members described in Subsections (2)(a) and (2)(b) shall serve as co-chairs
 131 of the council.

132 (b) (i) Except as provided under Subsection (3)(b)(ii), an appointed member of the
 133 council shall serve a term of two years.

134 (ii) A council member's term ends on the day on which the member's status that allows
 135 the member to serve on the council under Subsection (2) ends.

136 (c) The individuals authorized to make appointments under Subsection (2) shall make
 137 the respective appointments:

138 (i) for the initial appointments, before July 1, 2022;

139 (ii) for subsequent terms, before July 1 of each odd-numbered year, by:

140 (A) reappointing the council member whose term expires under Subsection (3)(b)(i); or

141 (B) appointing a new council member; and

142 (iii) in the case of a vacancy created under Subsection (3)(b)(ii), for the remainder of
 143 the vacated term.

144 (d) The individual authorized to make appointments under Subsection (2) may change
 145 the relevant appointment described in Subsection (2) at any time for the remainder of the
 146 existing term.

147 (4) (a) The salary and expenses of a council member who is a legislator shall be paid in
 148 accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator
 149 Compensation.

- 150 (b) A council member who is not a legislator:
151 (i) may not receive compensation or benefits for the member's service on the council;
152 and
153 (ii) may receive per diem and reimbursement for travel expenses that the council
154 member incurs as a council member at the rates that the Division of Finance establishes under:
155 (A) Sections [63A-3-106](#) and [63A-3-107](#); and
156 (B) rules that the Division of Finance makes under Sections [63A-3-106](#) and
157 [63A-3-107](#).
158 (5) (a) A majority of the council members constitutes a quorum.
159 (b) The action of a majority of a quorum constitutes an action of the council.
160 (6) The commissioner shall provide staff support to the council.
161 Section 4. Section **53B-33-202** is enacted to read:
162 **53B-33-202. Council duties -- Reporting.**
163 (1) The council shall:
164 (a) coordinate, facilitate, and support the delivery of higher education in the state's
165 correctional facilities to prepare incarcerated individuals for integration and productive
166 employment upon release;
167 (b) explore and provide recommendations to the board and the Utah Department of
168 Corrections for the efficient and effective delivery of higher education programs to incarcerated
169 individuals, including:
170 (i) evidence-based practices and technologies;
171 (ii) methods of maximizing and facilitating incarcerated individuals' access to
172 educational programs;
173 (iii) methods of supporting and facilitating timely completion of courses, certificates,
174 and degrees;
175 (iv) methods of emphasizing educational programs that:
176 (A) align with current and future workforce demands of the state;
177 (B) lead to occupations that are accessible to released incarcerated individuals;
178 (C) provide sustainable wages following release; and
179 (D) maximize accessibility and timely completion during incarceration;
180 (v) use of cross-institutional application of coursework toward certificates and degrees;

181 (vi) use of coursework that encourages personal and civic development; and
 182 (vii) methods of leveraging innovative course delivery, including technology resources;

183 (c) explore ~~H~~→ **[and implement]** ←~~H~~ methods and make recommendations for the
 183a collection and

184 analysis of critical data regarding:

185 (i) enrollment and completion of postsecondary education courses, certificate
 186 programs, credentials, and degree programs;

187 (ii) federal and state student aid awarded to incarcerated individuals;

188 (iii) costs of postsecondary education in prison, including any recommendations for
 189 continued improvement; and

190 (iv) outcomes of formerly incarcerated individuals who participated in postsecondary
 191 programming during incarceration if the individual is under the supervision of the Department
 192 of Corrections, including recidivism, employment, and post-release postsecondary education
 193 engagement; and

194 (d) recommend requests for legislative appropriations to the board to support the
 195 purposes and objectives of the council.

196 (2) The council shall annually report regarding the council's plans and programs, the
 197 number of enrollees served, and the number of enrollees receiving degrees and certificates to:

198 (a) the board;

199 (b) before the committee's November interim committee meeting, the Education
 200 Interim Committee; and

201 (c) at least 30 days before the beginning of the annual legislative session, the Higher
 202 Education Appropriations Subcommittee.

203 Section 5. Section **53E-1-201** is amended to read:

204 **53E-1-201. Reports to and action required of the Education Interim Committee.**

205 (1) In accordance with applicable provisions and Section **68-3-14**, the following
 206 recurring reports are due to the Education Interim Committee:

207 (a) the report described in Section **9-22-109** by the STEM Action Center Board,
 208 including the information described in Section **9-22-113** on the status of the computer science
 209 initiative and Section **9-22-114** on the Computing Partnerships Grants Program;

210 (b) the prioritized list of data research described in Section **35A-14-302** and the report
 211 on research described in Section **35A-14-304** by the Utah Data Research Center;

212 (c) the report described in Section 35A-15-303 by the State Board of Education on
213 preschool programs;

214 (d) the report described in Section 53B-1-402 by the Utah Board of Higher Education
215 on career and technical education issues and addressing workforce needs;

216 (e) the annual report of the Utah Board of Higher Education described in Section
217 53B-1-402;

218 (f) the reports described in Section 53B-28-401 by the Utah Board of Higher Education
219 regarding activities related to campus safety;

220 (g) the State Superintendent's Annual Report by the state board described in Section
221 53E-1-203;

222 (h) the annual report described in Section 53E-2-202 by the state board on the strategic
223 plan to improve student outcomes;

224 (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for
225 the Deaf and the Blind;

226 (j) the report described in Section 53E-10-703 by the Utah Leading through Effective,
227 Actionable, and Dynamic Education director on research and other activities;

228 (k) the report described in Section 53F-4-203 by the state board and the independent
229 evaluator on an evaluation of early interactive reading software;

230 (l) the report described in Section 53F-4-407 by the state board on UPSTART;

231 (m) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board
232 related to grants for professional learning and grants for an elementary teacher preparation
233 assessment; ~~and~~

234 (n) the report described in Section 53F-5-405 by the State Board of Education
235 regarding an evaluation of a partnership that receives a grant to improve educational outcomes
236 for students who are low income[-]; and

237 (o) the report described in Section ~~H~~→ ~~[63C-25-202]~~ 53B-33-202 ←~~H~~ regarding the Higher
237a Education and
238 Corrections Council.

239 (2) In accordance with applicable provisions and Section 68-3-14, the following
240 occasional reports are due to the Education Interim Committee:

241 (a) the report described in Section 35A-15-303 by the School Readiness Board by
242 November 30, 2020, on benchmarks for certain preschool programs;

243 (b) the report described in Section 53B-28-402 by the Utah Board of Higher Education
244 on or before the Education Interim Committee's November 2021 meeting;

245 (c) the reports described in Section 53E-3-520 by the state board regarding cost centers
246 and implementing activity based costing;

247 (d) if required, the report described in Section 53E-4-309 by the state board explaining
248 the reasons for changing the grade level specification for the administration of specific
249 assessments;

250 (e) if required, the report described in Section 53E-5-210 by the state board of an
251 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

252 (f) in 2022 and in 2023, on or before November 30, the report described in Subsection
253 53E-10-309(7) related to the PRIME pilot program;

254 (g) the report described in Section 53E-10-702 by Utah Leading through Effective,
255 Actionable, and Dynamic Education;

256 (h) if required, the report described in Section 53F-2-513 by the state board evaluating
257 the effects of salary bonuses on the recruitment and retention of effective teachers in high
258 poverty schools;

259 (i) upon request, the report described in Section 53F-5-207 by the state board on the
260 Intergenerational Poverty Intervention Grants Program;

261 (j) the report described in Section 53F-5-210 by the state board on the Educational
262 Improvement Opportunities Outside of the Regular School Day Grant Program;

263 (k) the report described in Section 53G-7-503 by the state board regarding fees that
264 LEAs charge during the 2020-2021 school year;

265 (l) the reports described in Section 53G-11-304 by the state board regarding proposed
266 rules and results related to educator exit surveys;

267 (m) the report described in Section 62A-15-117 by the Division of Substance Abuse
268 and Mental Health, the State Board of Education, and the Department of Health regarding
269 recommendations related to Medicaid reimbursement for school-based health services; and

270 (n) the reports described in Section 63C-19-202 by the Higher Education Strategic
271 Planning Commission.