

## HB0226S01 compared with HB0226

~~deleted text~~ shows text that was in HB0226 but was deleted in HB0226S01.

inserted text shows text that was not in HB0226 but was inserted into HB0226S01.

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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: \_\_\_\_\_

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#### 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

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correctional facilities;

- collect certain critical data; and
- report annually to the board ~~{and}~~, the Education Interim Committee, and the Higher Education Appropriations Subcommittee; and

- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

53B-33-101, Utah Code Annotated 1953

53B-33-201, Utah Code Annotated 1953

53B-33-202, Utah Code Annotated 1953

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

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

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

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

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

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

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

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- (d) the reports described in Section 53B-7-705 by the board on performance;
  - (e) the report described in Section 53B-8-201 by the board on the Opportunity Scholarship Program;
  - (f) the report described in Section 53B-8-303 by the board regarding Access Utah promise scholarships;
  - (g) the report described in Section 53B-8d-104 by the Division of Child and Family Services on tuition waivers for wards of the state;
  - (h) the report described in Section 53B-12-107 by the Utah Higher Education Assistance Authority;
  - (i) the report described in Section 53B-13a-104 by the board on the Success Stipend Program;
  - (j) the report described in Section 53B-17-201 by the University of Utah regarding the Miners' Hospital for Disabled Miners;
  - (k) the report described in Section 53B-26-103 by the Governor's Office of Economic Opportunity on high demand technical jobs projected to support economic growth;
  - (l) the report described in Section 53B-26-202 by the Medical Education Council on projected demand for nursing professionals; ~~and~~  
~~(m)~~ (n) the report described in Section 53B-1-303 regarding the Higher Education and Corrections Council; and  
(n) the report described in Section 53E-10-308 by the State Board of Education and board on student participation in the concurrent enrollment program.
- (2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are due to the Higher Education Appropriations Subcommittee:
- (a) upon request, the information described in Section 53B-8a-111 submitted by the Utah Educational Savings Plan;
  - (b) a proposal described in Section 53B-26-202 by an eligible program to respond to projected demand for nursing professionals;
  - (c) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board on the fire and rescue training program described in Section 53B-29-202; and
  - (d) the reports described in Section 63C-19-202 by the Higher Education Strategic

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Planning Commission on the commission's progress.

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

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

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

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

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

Section ~~{+}~~2. Section **53B-33-101** is enacted to read:

### CHAPTER 33. HIGHER EDUCATION AND CORRECTIONS COUNCIL

#### Part 1. General Provisions

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

As used in this chapter, "council" means the Higher Education and Corrections Council created in Section 53B-33-201.

Section ~~{2}~~3. Section **53B-33-201** is enacted to read:

#### Part 2. Council Duties

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

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

(2) The council consists of the following ~~{+}~~13 members:

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

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

(c) two members of the ~~{Utah Board}~~board whom the chair of ~~{Higher Education who has}~~the board appoints:

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(i) one member having expertise in technical colleges; and~~{ whom the commissioner of higher}~~

(ii) one member having expertise in general education~~{ appoints}~~;

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

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

(i) one employee of a technical college~~{ whom the commissioner appoints}~~; and

(ii) one employee of a degree-granting institution~~{ whom the commissioner appoints}~~;

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

(i) an individual who actively researches higher education delivered in a corrections setting using evidence-based practices; and

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

(g) one member of the Board of Pardons and Parole whom the chair of the~~{board}~~Board of Pardons and Parole appoints;

(h) the executive director of the Department of Corrections with expertise in programming or the executive director's designee;

(i) one employee of the Department of Corrections whom the executive director of the Department of Corrections appoints; and

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

(3) (a) The members described in Subsections (2)(a) and (2)(b) shall serve as co-chairs of the~~{commission}~~council.

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

(ii) A~~{commission}~~council member's term ends on the day on which the member's status that allows the member to serve on the~~{commission}~~council under Subsection (2) ends.

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

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

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

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

(B) appointing a new council member; and

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

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

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

(b) A council member who is not a legislator:

(i) may not receive compensation or benefits for the member's service on the council;

and

(ii) may receive per diem and reimbursement for travel expenses that the council member incurs as a council member at the rates that the Division of Finance establishes under:

(A) Sections 63A-3-106 and 63A-3-107; and

(B) rules that the Division of Finance makes under Sections 63A-3-106 and 63A-3-107.

(5) (a) A majority of the council members constitutes a quorum.

(b) The action of a majority of a quorum constitutes an action of the council.

(6) The commissioner shall provide staff support to the council.

Section ~~33~~4. Section **53B-33-202** is enacted to read:

**53B-33-202. Council duties -- Reporting.**

(1) The council shall:

(a) coordinate, facilitate, and support the delivery of higher education in the state's correctional facilities to prepare ~~finmates~~incarcerated individuals for integration and productive employment upon release;

(b) explore and provide recommendations to the board and the Utah Department of Corrections for the efficient and effective delivery of higher education programs to ~~finmates~~incarcerated individuals, including:

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- (i) evidence-based practices and technologies;
- (ii) methods of maximizing and facilitating ~~{inmate}~~incarcerated individuals' access to educational programs;
- (iii) methods of supporting and facilitating timely completion of courses, certificates, and degrees;
- (iv) methods of emphasizing educational programs that:
  - (A) align with current and future workforce demands of the state;
  - (B) lead to occupations that are accessible to released ~~{inmates}~~incarcerated individuals;
  - (C) provide sustainable wages following release; and
  - (D) maximize accessibility and timely completion during incarceration;
  - (v) use of cross-institutional application of coursework toward certificates and degrees;
  - (vi) use of coursework that encourages personal and ~~{civil}~~civic development; and
  - (vii) methods of leveraging innovative course delivery~~{ methods}~~, including technology resources;
- (c) ~~{collect}~~explore and implement methods and make recommendations for the collection and ~~{maintain}~~analysis of critical data regarding:
  - (i) enrollment and completion of postsecondary education courses, certificate programs, credentials, and degree programs;
  - (ii) federal and state student aid awarded to ~~{inmates}~~;
  - ~~—— (iii) the impact of postsecondary education for inmates and inmates' families, correctional staff, and other others in the correctional environment;~~
  - ~~—— (iv) incarcerated individuals;~~
  - (iii) costs of postsecondary education in prison, including any recommendations for continued improvement; and
  - (~~{v}~~iv) ~~{regarding}~~outcomes of formerly incarcerated individuals who participated in postsecondary programming during incarceration~~{~~
    - ~~—— (A) recidivism outcomes, including arrests, charges, and convictions;~~
    - ~~—— (B) employment outcomes; and~~
    - ~~—— (C) post-release patterns, including any effects on enrollment, transfer, and completion of;~~ if the individual is under the supervision of the Department of Corrections, including

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recidivism, employment, and post-release postsecondary education engagement; and

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

(2) The council shall ~~report annually to the board and the Education Interim Committee, before the committee's November interim committee meeting,~~ annually report regarding the council's plans and programs, the number of enrollees served, and the number of enrollees receiving degrees and certificates to:

(a) the board;

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

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

Section ~~(4)~~5. Section **53E-1-201** is amended to read:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

(o) the report described in Section 63C-25-202 regarding the Higher Education and Corrections Council.

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

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

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

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

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

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

(f) in 2022 and in 2023, on or before November 30, the report described in Subsection

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53E-10-309(7) related to the PRIME pilot program;

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

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

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

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

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

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

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

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