

Senator Kathleen A. Riebe proposes the following substitute bill:

HIGHER EDUCATION FOR INCARCERATED YOUTH

PROGRAM AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kathleen A. Riebe

House Sponsor: Carol S. Moss

LONG TITLE

General Description:

This bill expands the Incarcerated Youth Program to include students held in detention.

Highlighted Provisions:

This bill:

- defines terms;
- amends the Incarcerated Youth Program to include youth held in detention; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

53B-31-301, as last amended by Laws of Utah 2021, Second Special Session, Chapter 1

53E-3-503, as last amended by Laws of Utah 2020, Chapters 330, 408

53E-10-301, as last amended by Laws of Utah 2021, Chapter 379

Utah Code Sections Affected by Coordination Clause:



53B-31-301, as last amended by Laws of Utah 2021, Second Special Session, Chapter 1

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

Section 1. Section **53B-31-301** is amended to read:

53B-31-301. Utah Tech University Higher Education for Incarcerated Youth Program.

(1) As used in this section:

(a) "Care" means the status of being legally subject to the control of another person or a public agency.

(b) "Home detention" means the same as that term is defined in Section [80-1-102](#).

~~[(a)]~~ (c) "Interactive video conferencing" means two-way, real-time transmission of audio and video signals between devices or computers at two or more locations.

~~[(b)]~~ (d) "Program" means the Utah Tech University Higher Education for Incarcerated Youth Program.

(e) "Secure detention" means the same as that term is defined in Section [80-1-102](#).

~~[(c)]~~ (f) "Student" means an individual who is:

(i) ~~[in the custody of the Division of Juvenile Justice Services within the timeframe of the course being offered; and]~~

(A) ~~in the custody of the Division of Juvenile Justice Services within the timeframe of the course being offered; and~~

~~[(ii)]~~ (B) subject to the jurisdiction of the Youth Parole Authority[-];

(ii) placed in home detention; or

(iii) held in secure detention.

(g) "Youth in care" or "YIC" means a person for whom the state board is responsible to provide educational services under Sections [53E-3-503](#) and [62A-15-609](#).

(2) Consistent with policies established by the board, Utah Tech University shall, subject to legislative appropriation, establish and administer the Utah Tech University Higher Education for Incarcerated Youth Program to provide:

(a) students needing high school credits opportunities for concurrent enrollment courses;

(b) a consistent, two-year, flexible schedule of higher education courses delivered

through interactive video conferencing to students;

(c) a pathway for students to earn college credits that:

(i) apply toward earning a certificate, associate degree, bachelor's degree; or

(ii) satisfy scholarship requirements or other objectives that best meet the needs of an individual student; and

(d) advisory support to students and academic counselors who participate in the program to ensure that the students' higher education courses align with the academic and career goals defined in the students' plans for college and career readiness.

Section 2. Section **53E-3-503** is amended to read:

53E-3-503. Education of individuals in custody of or receiving services from certain state agencies -- Establishment of coordinating council -- Advisory councils.

(1) (a) The state board is directly responsible for the education of all individuals who are:

(i) (A) younger than 21 years old; or

(B) eligible for special education services as described in Chapter 7, Part 2, Special Education Program; and

(ii) (A) receiving services from the Department of Human Services;

(B) in the custody of an equivalent agency of a Native American tribe recognized by the United States Bureau of Indian Affairs and whose custodial parent resides within the state; or

(C) being held in a juvenile detention facility.

(b) The state board shall:

(i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to provide for the distribution of funds for the education of individuals described in Subsection (1)(a); and

(ii) expend funds appropriated for the education of youth in [~~custody~~] care in the following order of priority:

(A) for students in a facility described in Subsection (1)(a)(ii) who are not included in an LEA's average daily membership; and

(B) for students in a facility described in Subsection (1)(a)(ii) who are included in an LEA's average daily membership and who may benefit from additional educational support

88 services.

89 (c) Subject to future budget constraints, the amount appropriated for the education of
90 youth in ~~[custody]~~ care under this section shall increase annually based on the following:

91 (i) the percentage of enrollment growth of students in kindergarten through grade 12;
92 and

93 (ii) changes to the value of the weighted pupil unit as defined in Section 53F-4-301.

94 (2) Subsection (1)(a)(ii)(B) does not apply to an individual taken into ~~[custody]~~ care for
95 the primary purpose of obtaining access to education programs provided for youth in custody.

96 (3) The state board shall, where feasible, contract with school districts or other
97 appropriate agencies to provide educational, administrative, and supportive services, but the
98 state board shall retain responsibility for the programs.

99 (4) The Legislature shall establish and maintain separate education budget categories
100 for youth in ~~[custody]~~ care or who are under the jurisdiction of ~~[the following state agencies]~~:

101 (a) detention centers ~~[and]~~;

102 ~~(b) the [Divisions]~~ Division of Juvenile Justice Services ~~[and]~~;

103 (c) the Division of Child and Family Services;

104 ~~[(b)]~~ (d) the Division of Substance Abuse and Mental Health; ~~[and]~~

105 ~~[(c)]~~ (e) the Division of Services for People with Disabilities~~[-]~~; and

106 (f) the Youth Parole Authority.

107 (5) (a) The Department of Human Services and the state board shall appoint a
108 coordinating council to plan, coordinate, and recommend budget, policy, and program
109 guidelines for the education and treatment of persons in the custody of the Division of Juvenile
110 Justice Services and the Division of Child and Family Services.

111 (b) The Department of Human Services and the state board may appoint similar
112 councils for those in the custody of the Division of Substance Abuse and Mental Health or the
113 Division of Services for People with Disabilities.

114 (6) A school district contracting to provide services under Subsection (3) shall
115 establish an advisory council to plan, coordinate, and review education and treatment programs
116 for individuals held in custody in the district.

117 Section 3. Section **53E-10-301** is amended to read:

118 **53E-10-301. Definitions.**

As used in this part:

(1) "Career and technical education course" means a concurrent enrollment course in career and technical education, as determined by the policy established by the Utah Board of Higher Education under Section [53E-10-302](#).

(2) "Concurrent enrollment" means enrollment in a course offered through the concurrent enrollment program described in Section [53E-10-302](#).

(3) "Educator" means the same as that term is defined in Section [53E-6-102](#).

(4) "Eligible instructor" means an instructor who meets the requirements described in Subsection [53E-10-302](#)(6).

(5) "Eligible student" means a student who is:

(a) (i) ~~[is]~~ enrolled in, and counted in average daily membership in, a public school within the state; or

(ii) ~~[is]~~ in the custody of the Division of Juvenile Justice Services; and

(iii) subject to the jurisdiction of the Youth Parole Authority;

(b) (i) placed in home detention; or

(ii) held in secure detention;

~~[(b)]~~ (c) has on file a plan for college and career readiness as described in Section [53E-2-304](#); and

~~[(c)]~~ (d) is in grade 9, 10, 11, or 12.

(6) "Home detention" means the same as that term is defined in Section [80-1-102](#).

~~[(6)]~~ (7) "Institution of higher education" means an institution described in Subsection [53B-1-102](#)(1)(a).

~~[(7)]~~ (8) "License" means the same as that term is defined in Section [53E-6-102](#).

~~[(8)]~~ (9) "Local education agency" or "LEA" means a school district or charter school.

~~[(9)]~~ (10) "Qualifying experience" means an LEA employee's experience in an academic field that:

(a) qualifies the LEA employee to teach a concurrent enrollment course in the academic field; and

(b) may include the LEA employee's:

(i) number of years teaching in the academic field;

(ii) ~~[holding a]~~ higher level secondary teaching credential issued by the state board;

(iii) research, publications, or other scholarly work in the academic field;

(iv) continuing professional education in the academic field;

(v) portfolio of work related to the academic field; or

(vi) professional work experience or certifications in the academic field.

(11) "Secure detention" means the same as that term is defined in Section [80-1-102](#).

~~[(10)]~~ (12) "Value of the weighted pupil unit" means the amount established each year in the enacted public education budget that is multiplied by the number of weighted pupil units to yield the funding level for the basic state-supported school program.

Section 4. **Coordinating S.B. 145 with S.B. 47 -- Substantive and technical amendments.**

If this S.B. 145 and S.B. 47, Incarcerated Youth Education Amendments, both pass and become law, the Legislature intends that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by amending Subsection [53B-31-301](#)(1)(f) to read:

~~"[(e)]~~ (f) "Student" means an individual who is:

(i) subject to the jurisdiction of the Youth Parole Authority and in the custody of the Division of Juvenile Justice and Youth Services ~~[within the timeframe of the course]~~ at any time a course is being offered~~;~~ and , including:

(A) individuals in the legal custody of the Division of Juvenile Justice and Youth Services; and

(B) individuals who are housed in a detention center that the Division of Juvenile Justice and Youth Services operates;

~~[(ii) subject to the jurisdiction of the Youth Parole Authority;]~~

(ii) placed in home detention; or

(iii) held in secure detention.