

HIGHER EDUCATION FOR INCARCERATED YOUTH

PROGRAM AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kathleen A. Riebe

House Sponsor: _____

LONG TITLE

General Description:

This bill amends the Higher Education for Incarcerated Youth Program to include students held in certain types of detention.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends the Higher Education for Incarcerated Youth Program to include youth held in certain types of detention; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53B-31-301, as last amended by Laws of Utah 2023, Chapter 227

53E-3-503, as last amended by Laws of Utah 2023, Chapter 328

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



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

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

30 **53B-31-301. Utah Tech University Higher Education for Incarcerated Youth**
31 **Program.**

32 (1) As used in this section:

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

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

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

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

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

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

42 (i) in the custody of the Division of Juvenile Justice and Youth Services at any time a
43 course is being offered, including:

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

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

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

49 (iii) placed in home detention; or

50 (iv) held in secure detention.

51 (g) "Youth in care" means an individual for whom the state board is responsible to
52 provide educational services under Section [53E-3-503](#).

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

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

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

59 through interactive video conferencing, in-person, or online methods to students;

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

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

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

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

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

68 **53E-3-503. Education of individuals in custody of or receiving services from**
69 **certain state agencies -- Establishment of coordinating council -- Advisory councils.**

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

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

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

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

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

79 (C) being held in a juvenile detention facility.

80 (b) The state board shall:

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

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

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

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

90 services.

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

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

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

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

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

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

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

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

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

106 [~~(b)~~] (d) the Office of Substance Use and Mental Health; [~~and~~]

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

108 (f) the Youth Parole Authority.

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

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

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

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

120 **53E-10-301. Definitions.**

121 As used in this part:

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

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

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

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

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

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

133 (ii) ~~[is]~~ in the custody of the Division of Juvenile Justice Services and subject to the
 134 jurisdiction of the Youth Parole Authority;

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

136 (ii) held in secure detention;

137 ~~[(b)]~~ (c) has on file a plan for college and career readiness as described in Section
 138 [53E-2-304](#); and

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

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

141 ~~[(6)]~~ (7) "Institution of higher education" means an institution described in
 142 ~~[Subsection]~~ Section [53B-1-102](#)~~[(1)(a)]~~.

143 ~~[(7)]~~ (8) "License" means the same as that term is defined in Section [53E-6-102](#).

144 ~~[(8)]~~ (9) "Local education agency" or "LEA" means a school district or charter school.

145 ~~[(9)]~~ (10) "Qualifying experience" means an LEA employee's experience in an
 146 academic field that:

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

149 (b) may include the LEA employee's:

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

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

- 152 (iii) research, publications, or other scholarly work in the academic field;
- 153 (iv) continuing professional education in the academic field;
- 154 (v) portfolio of work related to the academic field; or
- 155 (vi) professional work experience or certifications in the academic field.
- 156 (11) "Secure detention" means the same as that term is defined in Section [80-1-102](#).
- 157 ~~[(10)]~~ (12) "Value of the weighted pupil unit" means the amount established each year
- 158 in the enacted public education budget that is multiplied by the number of weighted pupil units
- 159 to yield the funding level for the basic state-supported school program.

160 Section 4. **Effective date.**

161 This bill takes effect on May 1, 2024.