

**HIGHER EDUCATION FOR INCARCERATED YOUTH
PROGRAM AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kathleen A. Riebe

House Sponsor: _____

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:

None

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

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

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



28 **53B-31-301. Utah Tech University Higher Education for Incarcerated Youth**
29 **Program.**

30 (1) As used in this section:

31 (a) "Home detention" means the same as that term is defined in Section 80-1-102.

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

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

36 (d) "Secure detention" means the same as that term is defined in Section 80-1-102.

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

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

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

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

43 (ii) placed in home detention; or

44 (iii) held in secure detention.

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

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

50 (b) a consistent, two-year, flexible schedule of higher education courses delivered
51 through interactive video conferencing to students;

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

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

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

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

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

60 **53E-3-503. Education of individuals in custody of or receiving services from**
61 **certain state agencies -- Establishment of coordinating council -- Advisory councils.**

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

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

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

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

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

70 or

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

72 (b) The state board shall:

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

76 (ii) expend funds appropriated for the education of youth in custody in the following
77 order of priority:

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

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

83 (c) Subject to future budget constraints, the amount appropriated for the education of
84 youth in custody under this section shall increase annually based on the following:

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

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

88 (2) Subsection (1)(a)(ii)(B) does not apply to an individual taken into custody for the
89 primary purpose of obtaining access to education programs provided for youth in custody.

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

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

- 95 (a) detention centers [~~and~~];
- 96 (b) the [~~Divisions~~] Division of Juvenile Justice Services [~~and~~];
- 97 (c) the Division of Child and Family Services;
- 98 [~~(b)~~] (d) the Division of Substance Abuse and Mental Health; [~~and~~]
- 99 [~~(c)~~] (e) the Division of Services for People with Disabilities[-]; and
- 100 (f) the Youth Parole Authority.

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

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

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

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

112 **53E-10-301. Definitions.**

113 As used in this part:

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

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

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

120 (4) "Eligible instructor" means an instructor who meets the requirements described in

121 Subsection [53E-10-302\(6\)](#).

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

123 (a) (i) [~~is~~] enrolled in, and counted in average daily membership in, a public school

124 within the state; or

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

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

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

128 (ii) held in secure detention;

129 [~~(b)~~] (c) has on file a plan for college and career readiness as described in Section

130 [53E-2-304](#); and

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

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

133 [~~(6)~~] (7) "Institution of higher education" means an institution described in Subsection

134 [53B-1-102\(1\)\(a\)](#).

135 [~~(7)~~] (8) "License" means the same as that term is defined in Section [53E-6-102](#).

136 [~~(8)~~] (9) "Local education agency" or "LEA" means a school district or charter school.

137 [~~(9)~~] (10) "Qualifying experience" means an LEA employee's experience in an

138 academic field that:

139 (a) qualifies the LEA employee to teach a concurrent enrollment course in the

140 academic field; and

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

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

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

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

145 (iv) continuing professional education in the academic field;

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

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

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

149 [~~(10)~~] (12) "Value of the weighted pupil unit" means the amount established each year

150 in the enacted public education budget that is multiplied by the number of weighted pupil units

151 to yield the funding level for the basic state-supported school program.

