

**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:**



26 **53B-31-301**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 1



27  
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) "Home detention" means the same as that term is defined in Section 80-1-102.

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

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

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

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

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

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

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

45 (ii) placed in home detention; or

46 (iii) held in secure detention.

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

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

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

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

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

56 (ii) satisfy scholarship requirements or other objectives that best meet the needs of an

57 individual student; and

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

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

62 **53E-3-503. Education of individuals in custody of or receiving services from**  
63 **certain state agencies -- Establishment of coordinating council -- Advisory councils.**

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

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

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

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

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

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

74 (b) The state board shall:

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

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

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

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

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

87 (i) the percentage of enrollment growth of students in kindergarten through grade 12;

88 and

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

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

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

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

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

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

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

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

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

102 (f) the Youth Parole Authority.

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

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

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

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

114 **53E-10-301. Definitions.**

115 As used in this part:

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

- 119 (2) "Concurrent enrollment" means enrollment in a course offered through the  
120 concurrent enrollment program described in Section [53E-10-302](#).
- 121 (3) "Educator" means the same as that term is defined in Section [53E-6-102](#).
- 122 (4) "Eligible instructor" means an instructor who meets the requirements described in  
123 Subsection [53E-10-302\(6\)](#).
- 124 (5) "Eligible student" means a student who is:
- 125 (a) (i) ~~[is]~~ enrolled in, and counted in average daily membership in, a public school  
126 within the state; or
- 127 (ii) ~~[is]~~ in the custody of the Division of Juvenile Justice Services; and  
128 (iii) subject to the jurisdiction of the Youth Parole Authority;
- 129 (b) (i) placed in home detention; or  
130 (ii) held in secure detention;
- 131 ~~[(b)] (c)~~ has on file a plan for college and career readiness as described in Section  
132 [53E-2-304](#); and
- 133 ~~[(c)] (d)~~ is in grade 9, 10, 11, or 12.
- 134 (6) "Home detention" means the same as that term is defined in Section [80-1-102](#).
- 135 ~~[(6)] (7)~~ "Institution of higher education" means an institution described in Subsection  
136 [53B-1-102\(1\)\(a\)](#).
- 137 ~~[(7)] (8)~~ "License" means the same as that term is defined in Section [53E-6-102](#).
- 138 ~~[(8)] (9)~~ "Local education agency" or "LEA" means a school district or charter school.
- 139 ~~[(9)] (10)~~ "Qualifying experience" means an LEA employee's experience in an  
140 academic field that:
- 141 (a) qualifies the LEA employee to teach a concurrent enrollment course in the  
142 academic field; and
- 143 (b) may include the LEA employee's:
- 144 (i) number of years teaching in the academic field;  
145 (ii) ~~[holding a]~~ higher level secondary teaching credential issued by the state board;  
146 (iii) research, publications, or other scholarly work in the academic field;  
147 (iv) continuing professional education in the academic field;  
148 (v) portfolio of work related to the academic field; or  
149 (vi) professional work experience or certifications in the academic field.

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

151 ~~[(10)]~~ (12) "Value of the weighted pupil unit" means the amount established each year  
152 in the enacted public education budget that is multiplied by the number of weighted pupil units  
153 to yield the funding level for the basic state-supported school program.

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

156 If this S.B. 145 and S.B. 47, Incarcerated Youth Education Amendments, both pass and  
157 become law, the Legislature intends that the Office of Legislative Research and General  
158 Counsel prepare the Utah Code database for publication by amending Subsection  
159 [53B-31-301](#)(1)(e) to read:

160 "(e) "Student" means an individual who is:

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

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

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

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

169 (ii) placed in home detention; or

170 (iii) held in secure detention."