

HIGHER EDUCATION AND CORRECTIONS COUNCIL

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: _____

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);
- ▶ provides for the membership and duties of the council;
- ▶ requires the council to:
 - make recommendations regarding the delivery of education in the state's correctional facilities;
 - collect certain critical data; and
 - report annually to the board and the Education Interim Committee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **53E-1-201**, as last amended by Laws of Utah 2021, Chapters 64, 251, and 351

30 ENACTS:

31 **53B-33-101**, Utah Code Annotated 1953

32 **53B-33-201**, Utah Code Annotated 1953

33 **53B-33-202**, Utah Code Annotated 1953



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

36 Section 1. Section **53B-33-101** is enacted to read:

37 **CHAPTER 33. HIGHER EDUCATION AND CORRECTIONS COUNCIL**

38 **Part 1. General Provisions**

39 **53B-33-101. Definitions.**

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

42 Section 2. Section **53B-33-201** is enacted to read:

43 **Part 2. Council Duties**

44 **53B-33-201. Higher Education and Corrections Council.**

45 (1) There is created the Higher Education and Corrections Council to advise the board
46 in the development and delivery of accredited higher education curriculum to inmates
47 incarcerated in the state correctional system.

48 (2) The council consists of the following 11 members:

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

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

52 (c) two members of the Utah Board of Higher Education who has expertise in technical
53 colleges and whom the commissioner of higher education appoints;

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

55 (e) one employee of a technical college whom the commissioner appoints;

56 (f) one employee of a degree-granting institution whom the commissioner appoints;

57 (g) one member of the Board of Pardons and Parole whom the chair of the board
58 appoints;

59 (h) the executive director of the Department of Corrections or the executive director's
60 designee;

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

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

65 (3) (a) The members described in Subsections (2)(a) and (2)(b) shall serve as co-chairs
66 of the commission.

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

69 (ii) A commission member's term ends on the day on which the member's status that
70 allows the member to serve on the commission under Subsection (2) ends.

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

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

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

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

76 (B) appointing a new council member; and

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

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

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

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

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

87 and

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

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

91 (B) rules that the Division of Finance makes under Sections 63A-3-106 and
92 63A-3-107.

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

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

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

96 Section 3. Section **53B-33-202** is enacted to read:

97 **53B-33-202. Council duties -- Reporting.**

98 (1) The council shall:

99 (a) coordinate, facilitate, and support the delivery of higher education in the state's
100 correctional facilities to prepare inmates for integration and productive employment upon
101 release;

102 (b) explore and provide recommendations to the board and the Utah Department of
103 Corrections for the efficient and effective delivery of higher education programs to inmates,
104 including:

105 (i) evidence-based practices and technologies;

106 (ii) methods of maximizing and facilitating inmate access to educational programs;

107 (iii) methods of supporting and facilitating timely completion of courses, certificates,
108 and degrees;

109 (iv) methods of emphasizing educational programs that:

110 (A) align with current and future workforce demands of the state;

111 (B) lead to occupations that are accessible to released inmates;

112 (C) provide sustainable wages; and

113 (D) maximize accessibility and timely completion during incarceration;

114 (v) use of cross-institutional application of coursework toward certificates and degrees;

115 (vi) use of coursework that encourages personal and civil development; and

116 (vii) methods of leveraging innovative course delivery methods, including technology
117 resources;

118 (c) collect and maintain critical data regarding:

119 (i) enrollment and completion of postsecondary education courses, certificate
120 programs, credentials, and degree programs;

- 121 (ii) federal and state student aid awarded to inmates;
122 (iii) the impact of postsecondary education for inmates and inmates' families,
123 correctional staff, and other others in the correctional environment;
124 (iv) costs of postsecondary education in prison, including any recommendations for
125 continued improvement;
126 (v) regarding formerly incarcerated individuals who participated in postsecondary
127 programming during incarceration:
128 (A) recidivism outcomes, including arrests, charges, and convictions;
129 (B) employment outcomes; and
130 (C) post-release patterns, including any effects on enrollment, transfer, and completion
131 of postsecondary education; and
132 (d) recommend requests for legislative appropriations to the board to support the
133 purposes and objectives of the council.
134 (2) The council shall report annually to the board and the Education Interim
135 Committee, before the committee's November interim committee meeting, regarding the
136 council's plans and programs, the number of enrollees served, and the number of enrollees
137 receiving degrees and certificates.
- 138 Section 4. Section **53E-1-201** is amended to read:
139 **53E-1-201. Reports to and action required of the Education Interim Committee.**
140 (1) In accordance with applicable provisions and Section **68-3-14**, the following
141 recurring reports are due to the Education Interim Committee:
142 (a) the report described in Section **9-22-109** by the STEM Action Center Board,
143 including the information described in Section **9-22-113** on the status of the computer science
144 initiative and Section **9-22-114** on the Computing Partnerships Grants Program;
145 (b) the prioritized list of data research described in Section **35A-14-302** and the report
146 on research described in Section **35A-14-304** by the Utah Data Research Center;
147 (c) the report described in Section **35A-15-303** by the State Board of Education on
148 preschool programs;
149 (d) the report described in Section **53B-1-402** by the Utah Board of Higher Education
150 on career and technical education issues and addressing workforce needs;
151 (e) the annual report of the Utah Board of Higher Education described in Section

152 53B-1-402;

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

155 (g) the State Superintendent's Annual Report by the state board described in Section
156 53E-1-203;

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

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

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

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

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

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

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

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

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

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

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

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

182 (d) if required, the report described in Section 53E-4-309 by the state board explaining

183 the reasons for changing the grade level specification for the administration of specific
184 assessments;

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

187 (f) in 2022 and in 2023, on or before November 30, the report described in Subsection
188 53E-10-309(7) related to the PRIME pilot program;

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

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

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

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

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

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

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

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