

1 **R277. Education, Administration.**

2 **R277-709. Education Programs Serving Youth in Care.**

3 **R277-709-1. Authority, Purpose, and Oversight Category.**

4 (1) This rule is authorized by:

5 (a) Utah Constitution Article X, Section 3, which vests general control and
6 supervision of public education in the Board;

7 (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute
8 the Board's duties and responsibilities under the Utah Constitution and state law; and

9 (c) Subsection 53E-3-503(2)(b) which requires the Board to adopt rules for the
10 distribution of funds for the education of youth in care.

11 (2) The purpose of this rule is to specify operation standards, procedures, and
12 distribution of funds for youth in care programs.

13 (3) This Rule R277-709 is categorized as Category 4 as described in Rule R277-
14 111.

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16 **R277-709-2. Definitions.**

17 (1) "Accreditation" means the formal process for evaluation and approval from a
18 regional accrediting body.

19 (2) "Youth in [e]Care" or "YIC" means a person for whom the Board is
20 responsible to provide educational services under Sections 53E-3-503 and 26B-5-325.

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22 **R277-709-3. LEA Programs.**

23 (1) An LEA shall submit an annual application and plan for approval by the
24 Superintendent to receive funds and provide educational services for YIC.

25 (2) The LEA's plan described in Subsection (1) shall include:

26 (a) a strategic plan outlining the key goals and strategies the program will
27 achieve for YIC students;

28 (b) the respective responsibilities of the Board, LEAs, and other local service
29 providers for education; and

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(c) any third-party providers of educational services the LEA plans to utilize.

(3) An LEA with an approved YIC program shall:

(a) assign each YIC student in a school-based program a mentor using an evidence-based mentoring program;

(b) admit a YIC student to classes within five school days following arrival at a new residential placement;

(c) flag the student as a YIC student in the LEA's student information system and obtain applicable forms from the Utah Department of Health and Human Services (DHHS) regarding the YIC designation of the student;

(d) maintain a system to record incident data including incident data described by Rule R277-912 and Section 53E-3-516;

(e) offer courses consistent with the Utah Core standards described in Rule R277-700;

(f) make available course offerings to a YIC student that include access to all classes required for graduation or a GED.

~~(f)(g) ensure staff assigned to a YIC student be qualified and appropriate for the student's assignments in accordance with Board licensing rules;~~

~~(g)(h) maintain accreditation as part of the LEA where the programs are located consistent with Rule R277-410;~~

~~(h)(i) prioritize course content mastery rather than completion of predetermined seat time in a classroom; and~~

~~(i)(j) coordinate educational services with non-custody programs to enable a YIC student to continue the student's education following discharge from custody.~~

~~(4) The Superintendent shall make available written course descriptions for GED Test preparation for YIC students who consider pursuing GED Tests as an alternative to traditional Carnegie diploma courses.]~~

~~(5)(4) An LEA shall provide an education program for a YIC student that:~~

~~(a) is in the least restrictive environment appropriate for the student's behavior and educational performance;~~

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- 59 (b) conforms to the student's individualized education program (IEP) when the
- 60 student qualifies for special education;
- 61 (c) adheres to the student's 504 plan, if applicable; and
- 62 (d) references existing administrative rule and its applicability where appropriate.

63 [6](5) An LEA may provide a YIC student a temporary schedule that can be
64 modified to meet the YIC student's needs after an evaluation and planning process is
65 complete.

66 [(7)](6) An LEA may not assign or allow a YIC student to remain in a restrictive
67 environment, including separation from general education students and programs, due
68 to:

69 (a) the student's custodial status;
70 (b) past behavior that does not put others at risk; or
71 (c) the inappropriate behavior of another student.

72 [(8)](7) If an LEA uses a secured facility, including a residential treatment center,
73 to provide educational services to a YIC student, the LEA shall provide an educational
74 and career transition advocate and transition services for the YIC student.

75 [(9)](8) An LEA shall maintain all grades, attendance records, and special
76 education SCRAM records for a YIC student in the LEA's student information system in
77 compliance with Rule R277-484, Data Standards.

[10](9) An LEA with a YIC program shall participate in regular compliance monitoring visits by the Superintendent.

80 [(11)](10) Following a student's release from or transfer to a new LEA's program,
81 the sending LEA shall ensure all available school records are up to date and forward the
82 school records to the receiving LEA consistent with Section 53G-6-604.

83

84 R277-709-4. School Counseling.

85 (1) An LEA shall ensure each YIC student has a written plan for college and
86 career readiness as described in Section R277-462-5 including defining the student's

87 academic achievement and known in-school and extra-school factors which may affect
88 the student's school performance.

89 (2) An LEA with a YIC program shall develop the plans required under Section
90 R277-462-5 in cooperation with appropriate representatives of other service agencies
91 working with a YIC student, such as Division of Juvenile Justice and Youth Services,
92 Division of Child and Family Services, and Department of Workforce Services.

93 (3) An LEA shall accept credit earned in a YIC program that is accredited at face
94 value in Utah's public schools consistent with Section R277-410-9.

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96 R277-709-5. Special Education.

97 (1) An LEA with a YIC program shall adhere to the IDEA and state special
98 education rules for the LEA's YIC program.

99 (2) The IEP team shall review the postsecondary transition plan in connection
100 with the development of the college and career readiness plan.

101 (3) An LEA with a student who is both a student with a disability and a YIC
102 student may provide services to that student from the LEA's YIC program and shall
103 provide services from the LEA's special education program if the student qualifies for
104 special education.

105 (4) An LEA shall provide educational instruction as defined in Rule R277-750 to
106 a YIC student who qualifies for special education services.

107 (5) An LEA shall ensure that custodial status alone is not used to qualify a YIC
108 student as a student with a disability under laws regulating special education.

109 (6) The Superintendent shall monitor special education programs provided
110 through YIC in conjunction with Utah Program Improvement Planning Systems (UPIPS)
111 monitoring.

112

113 R277-709-6. Program Fiscal and Accountability Procedures.

114 (1) An LEA with an approved application and plan, and the Utah State Hospital,
115 shall receive an allocation of state funds appropriated for YIC programs in accordance
116 with Section 53E-3-503 and Section 26B-5-325.

117 (2) An LEA shall receive funding determined by a set of criteria including:

118 (a) the number of YIC students served by the LEA;

119 (b) the type of program required for a student;

120 (c) the setting for providing educational services; and

121 (d) the length of the YIC program.

122 (3) An LEA with an approved YIC program shall expend funds approved solely
123 for the purposes described in the LEA's approved plan.

124 (4) An LEA with an approved program may use funds that provide incidental
125 benefits for non YIC students if:

126 (a) the educational provider is performing a task related to specific needs of at
127 least one YIC student outlined in the YIC student's education plan; and

128 (b) the task does not require additional time beyond what is required to address
129 the specific needs of at least one YIC student outlined in the YIC student's education
130 plan.

134 (6) Up to 3% of the 5% of administrative funds allowed under Subsection (5)
135 may be withheld by the Superintendent and directed to students attending YIC
136 programs for short periods of time or to new or beginning YIC programs or initiatives
137 benefiting YIC students.

138 (7) The Superintendent may only contract through an RFP process with an
139 appropriate entity if the Superintendent determines that the LEA where the facility is
140 located is unable or unwilling to provide adequate education services.

141 (8) YIC students receiving education services by or through an LEA shall be
142 considered students of that LEA.

143 (9) Notwithstanding the procedures for determining an alternative district of
144 residency in Rule R277-621, an LEA may not create an alternative district of residency
145 for a student who has been placed in custody primarily in an attempt to receive services
146 in a state funded YIC program.

147 (10) An LEA may carry forward 10% of state YIC funds or educational contract
148 funds for use in the next fiscal year with written approval of the Superintendent.

149 (11) An LEA shall submit to the Superintendent a request to carry forward funds
150 for approval by the deadline specified by the Superintendent.

151 (12) If approved, an LEA shall detail carry forward amounts in a revised budget
152 submitted to the Superintendent by the deadline specified by the Superintendent in the
153 year requested.

154 (13) The Superintendent shall consider carry forward funds in determining the
155 LEA's allocation for the next fiscal year.

156 (14) The Superintendent shall:

157 (a) annually assess carry forward fund balances more than 10%; and

158 (b) reallocate excess funds to YIC programs based on the criteria and
159 procedures provided by this rule.

160 (15) An LEA may make budget adjustments to the LEA's approved plan without
161 approval from the Superintendent if the adjustments are below 10% of the LEA's
162 approved plan.

163 (16) An LEA shall seek approval by the Superintendent to make budget
164 adjustments that are larger than 10% of the LEA's approved plan.

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166 R277-709-7. Confidentiality.

167 (1) An LEA shall issue transcripts and diplomas prepared for a YIC student in
168 the name of an existing accredited school and may not bear references to custodial
169 status.

170 (2) An LEA shall use reasonable methods to ensure that school officials obtain
171 access to only those education records in which they have a legitimate educational
172 interest.

173 (3) An LEA that does not use physical or technological access controls shall:
174 (a) ensure that the LEA's administrative policy for controlling access to education
175 records is effective; and

176 (b) that the LEA remains in compliance with the legitimate educational interest
177 requirement as described in Family Educational and Privacy Rights Act and 34 CFR
178 Section 99.31.

179 (4) An interagency team, including an LEA, that oversees student education
180 plans shall:

181 (a) have access to relevant records of the various agencies through each team
182 member representatives of the participating agencies; and

183 (b) ensure the records and information obtained from the records remain the
184 property of the supplying agency and may not be transferred or shared with other
185 persons or agencies without the permission of the supplying agency, the student's
186 parent, or the eligible student, as defined under the Family Educational and Privacy
187 Rights Act 20 U.S.C. 1232g(d).

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189 R277-709-8. Coordinating Council.

190 The Board shall coordinate with DHHS to appoint a coordinating council in
191 accordance with Subsection 53E-3-503~~(6)~~(5)(a) to plan, coordinate, and recommend
192 budget, policy, and program guidelines for the education and treatment of persons in
193 the custody of the Division of Juvenile Justice and Youth Services and the Division of
194 Child and Family Services.

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196 R277-709-9. Local Interagency Councils.

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197 (1) An LEA serving YIC students shall establish a local interagency council
198 which shall be responsible for advising member agencies concerning coordination of
199 YIC programs; and
200 (2) Members of council required under Subsection (1) shall include, if applicable
201 to the LEA, the following:
202 (a) a representative of the Division of Child and Family Services;
203 (b) a representative of the Division of Juvenile Justice and Youth Services;
204 (c) directors of agencies located in an LEA such as detention centers, secure
205 ~~lockup~~care facilities, ~~observation and assessment units~~shelters, day skill intervention
206 programs, and the Utah State Hospital;
207 (d) a representative from contracted residential providers serving YIC in their
208 LEA; and
209 (e) a representative of the LEA.

214 R277-709-10. Corrective Action.

215 An LEA that does not comply with the requirements of this rule may be subject to
216 a corrective action plan and potential reduction of funds or penalty in accordance with
217 Rule R277-114.

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219 KEY: students, education, juvenile courts

220 Date of Last Change: November 7, 2024

221 Notice of Continuation: December 15, 2022

222 Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-
223 3-503(2)(b)

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