

Special Programs: ***Education of Youth in Custody***

Contracts with the State to provide education for youth in custody—

The District may contract with the State Board of Education to provide for education of persons 21 years or younger who are in custody of the Department of Human Services or an agency of a Native American tribe or who are being held in a juvenile detention center. The responsibilities of the District, the State Board of Education, and other local service providers regarding serving youth in custody in the District shall be established by the contract. The District may subcontract with local non-district educational service providers for the provision of educational services.

Utah Code Ann. § 53A-1-403(2), (4) (2011)
Utah Admin. Rules R277-709-4A (May 18, 2012)

Evaluation of youth in custody—

Students who are youth in custody shall be evaluated at least once every three years to determine the level and scope of the student's educational performance, learning abilities, vision and hearing. The evaluation shall include auditory and visual testing and specify known in-school and extra-school factors which may affect the student's school performance. When a student enters a District youth in custody program, the District shall obtain the student's evaluation records and, if those records are not current, conduct the evaluation as quickly as possible.

Utah Admin. Rules R277-709-3A (May 18, 2012)

Education programs for youth in custody—

An education program shall be developed for youth in custody students based upon the results of the student's evaluation. This plan shall be developed in cooperation with appropriate representatives of other service agencies working with the student, shall specify the responsibilities of each agency towards the student and shall be signed by the representatives of each agency. The plan shall be reviewed and updated at least once each year or immediately following the student's transfer from one program to another, whichever is sooner.

Utah Admin. Rules R277-709-3B (May 18, 2012)

The District shall provide the student with an education program which conforms as closely as possible to the student's education plan. Educational services shall be provided in the least restrictive environment appropriate for the student's behavior and educational performance. Youth in custody who do not require special services beyond those which would be available to them were they not in custody shall be considered part of the District's regular enrollment and treated accordingly.

Youth in custody shall not be assigned to or remain in restrictive or non-mainstream programs simply because of their custodial status, their past behavior, or the inappropriate behavior of other students.

Educational services shall be sufficiently coordinated with non-custody programs to enable youth in custody to continue their education with minimal disruption following discharge from custody.

Utah Admin. Rules R277-709-3C (May 18, 2012)

Enrollment and transfers of youth in custody—

Youth in custody receiving educational services by or through the District are students of the District.

Utah Admin. Rules R277-709-4B (May 18, 2012)

Youth in custody shall be admitted to classes within five school days following arrival at a new residential placement. If the student's evaluation and education plan development are delayed beyond that time, the student shall be enrolled temporarily based upon the best information available. The student's temporary schedule may be modified to meet the student's needs after the evaluation and planning process are complete.

Utah Admin. Rules R277-709-3D (May 18, 2012)

When a youth in custody student is released from custody or transferred to another program, the sending program shall bring all available school records up to date and forward them to the receiving program within one week following notification of release or transfer.

Utah Admin. Rules R277-709-3E (May 18, 2012)

Records of youth in custody students—

All information maintained in permanent form regarding a youth in custody student, regardless of the source of the information, is an educational record for purposes of the Family Educational Rights and Privacy Act and are considered confidential student records. (See Policy FE.) School records which refer to custodial status, juvenile court records, and related matters shall be kept separate from permanent school records, but are nonetheless educational records if retained by the school or District. Members of the interagency team which design and oversee the student's education plan shall have access, through team member representatives of the participating agencies, to relevant records of the various agencies. However, the records and information obtained from those records remain the property of the supplying agency and shall not be transferred or shared with other persons or agencies without the permission of the supplying agency.

Utah Admin. Rules R277-709-5 (May 18, 2012)

Credit, transcripts, and diplomas for youth in custody students—

Credit earned in accredited youth in custody programs shall be accepted at face value by the District.

Utah Admin. Rules R277-709-3C(4) (May 18, 2012)

Transcripts and diplomas prepared for youth in custody students shall be issued in the name of the District or a school in the District which also serves non-custodial youth and shall not refer in any way to custodial status of the student.

Utah Admin. Rules R277-709-5A (May 18, 2012)

Interagency advisory council—

If the District has contracted to provide services for youth in custody, the District shall establish a local interagency advisory council to advise member agencies concerning coordination of youth in custody programs. This council shall include:

1. A representative of the Division of Child and Family Services;
2. A representative of the Division of Juvenile Justice Services;
3. Directors of agencies located in the District such as detention centers, secure lockup facilities and observation and assessment units;
4. A representative of community-based alternative programs for custodial juveniles such as Heritage Group Home and Odyssey House; and
5. A representative of the District.

The council shall adopt bylaws for its operation, and shall meet at least quarterly.

Utah Code Ann. § 53A-1-403(7) (2011)

Utah Admin. Rules R277-709-7 (May 18, 2012)