

## **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 who are either 21 years or younger or are students with disabilities entitled to a free, appropriate public education and who are receiving services from the Department of Health and Human Services or an agency of a Native American tribe or who are being held in a juvenile detention center. To do so, the District must submit an application and plan to the State Board of Education. 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 approved application and plan. The District may subcontract with local non-district educational service providers for the provision of educational services.

[Utah Code § 53E-3-503\(1\), \(3\) \(2023\)](#)

*Utah Admin. Rules R277-709-3(1), (3) (February 8, 2023)*

*Utah Admin. Rules R277-709-6(1) (February 8, 2023)*

### **Youth in custody Plan for College and Career Readiness—**

Each student who is a youth in custody shall have a written plan for college and career readiness defining the student's academic achievement, which shall specify known in-school and extra-school factors which may affect the student's school performance. The plan shall be as described in Utah Administrative Rules R277-462-5. The plan shall be developed in cooperation with appropriate representatives of other service agencies working with the student such as the Division of Juvenile Justice and Youth Services, the Division of Child and Family Services, and the Department of Workforce Services. This plan shall be annually reviewed by the student, the student's parent or guardian, and school staff.

*Utah Admin. Rules R277-709-4 (February 8, 2023)*

*Utah Admin. Rules R277-462-5 (December 16, 2020)*

### **Education programs for youth in custody—**

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 may not be assigned or allowed to remain in a restrictive environment (including separation from general education students and programs) due to their custodial status, their past behavior that does not put others at risk, or the inappropriate behavior of other students.

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

*Utah Admin. Rules R277-709-3(3)(i), (5), (7) (February 8, 2023)*

### **Special education services for youth in custody—**

Youth in custody students shall receive special education evaluation and services according to the requirements of IDEA and Utah State Board of Education rules. Where a youth in custody student qualifies for special education services, the District may provide services to the student through both the youth in custody program and the District's special education program. The District shall not qualify a youth in custody student for special education services based on custodial status alone.

*Utah Admin. Rules R277-709-5 (February 8, 2023)*

### **Enrollment and transfers of youth in custody—**

Youth in custody shall be admitted to classes within five school days following arrival at a new residential placement. The student may be provided a temporary schedule which may be modified to meet the student's needs after the evaluation and planning process are complete. Each student in a school-based program shall be assigned a mentor using an evidence-based mentoring program. Youth in custody students shall be flagged as such in the District's student information system. Applicable forms relating to the youth in custody designation of the student shall be obtained from the Utah Department of Health and Human Services.

*Utah Admin. Rules R277-709-3(3)(a), (b), (c) (February 8, 2023)*

When a youth in custody student is released from custody or transferred to another program, the sending program shall ensure all available school records are up to date and forward them to the receiving program consistent with Policy FBA and [Utah Code § 53G-6-604](#).

*Utah Admin. Rules R277-709-3(11) (February 8, 2023)*

### **Records of youth in custody students—**

All information maintained 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 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, the student's parent, or an eligible student as defined by FERPA.

*Utah Admin. Rules R277-709-8 (February 8, 2023)*

**Transcripts and diplomas for youth in custody students—**

Transcripts and diplomas prepared for youth in custody students shall be issued in the name of an existing accredited school in the District and shall not refer in any way to custodial status of the student.

*Utah Admin. Rules R277-709-8(1) (February 8, 2023)*

**Interagency advisory council—**

If the District has been authorized 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, observation and assessment units, and the Utah State Hospital;
4. A representative of community-based alternative programs for custodial juveniles; and
5. A representative of the District.

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

[Utah Code § 53E-3-503\(6\) \(2023\)](#)

*Utah Admin. Rules R277-709-10 (February 8, 2023)*