

1 **R277. Education, Administration.**

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

3 **R277-709-1. Authority and Purpose.**

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 the~~
8 ~~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 custody.~~

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

13

14 **~~R277-709-2. Definitions.~~**

15 ~~—— (1) "Accreditation" means the formal process for evaluation and approval from a~~
16 ~~regional accrediting body.~~

17 ~~—— (2) "Custody" means the status of being legally subject to the control of another~~
18 ~~person or a public agency.~~

19 ~~—— (3)(a) "Youth in custody" means a person for whom the Board is responsible to~~
20 ~~provide educational services under Subsections 53E-3-503(2)(a) and 62A-15-609(1).~~

21 ~~—— (b) "Youth in custody" does not include a person taken into custody for the primary~~
22 ~~purpose of obtaining access to education programs provided for youth in custody.~~

23

24 **~~R277-709-3. Student Evaluation, Education Plans, and LEA Programs.~~**

25 ~~—— (1) Each student meeting the eligibility definition of youth in custody shall have a~~
26 ~~written plan for college and career readiness defining the student's academic achievement,~~
27 ~~which shall specify known in-school and extra-school factors which may affect the student's~~
28 ~~school performance.~~

29 ~~—— (2) A student, school staff and parent/guardian shall annually review the student's~~
30 ~~plan for college and career readiness maintained in the student's file.~~

31 ~~—— (3) A program receiving a youth in custody student is responsible for obtaining the~~

32 student's evaluation records, and, in cases where the records are not current, for conducting
33 the evaluation, which may include a special education eligibility evaluation, as quickly as
34 possible so that unnecessary delay in developing a student's education program is avoided.

35 ~~—— (4) The LEA in which a youth in custody program is located has the responsibility to~~
36 ~~conduct IDEA child find activities within the program, consistent with Section R277-750-2~~
37 ~~and Utah State Board of Education Special Education Rule II.A.~~

38 ~~—— (5)(a) A youth in custody program shall prepare an appropriate plan for college and~~
39 ~~career readiness and, as needed, an Individualized Education Program for each eligible~~
40 ~~youth in custody based upon the results of the student evaluation.~~

41 ~~—— (b) A youth in custody program shall review and update the plans required under~~
42 ~~Subsection (5)(a) at least once each year or immediately following transfer of a student from~~
43 ~~one custody program to another, whichever is sooner.~~

44 ~~—— (c) A youth in custody program shall develop the plans required under Subsection~~
45 ~~(5)(a) in cooperation with appropriate representatives of other service agencies working with~~
46 ~~a student, such as JJS, DCFS, DWS, etc.~~

47 ~~—— (d) The plans required under Subsection (5)(a) shall specify the responsibilities of~~
48 ~~each of the agencies towards the student and shall be signed by each agency's~~
49 ~~representative.~~

50 ~~—— (6)(a) All provisions of the IDEA and state special education rules apply to youth in~~
51 ~~custody programs.~~

52 ~~—— (b) The USBE Special Education Department shall include youth in custody~~
53 ~~programs in annual general supervision monitoring.~~

54 ~~—— (7)(a) An LEA shall provide an education program for the student which conforms as~~
55 ~~closely as possible to the student's education plan.~~

56 ~~—— (b) An LEA shall provide educational services in the least restrictive environment~~
57 ~~appropriate for the student's behavior and educational performance.~~

58 ~~—— (8) An LEA shall consider youth in custody who do not require educational services~~
59 ~~or supervision beyond students not in custody to be part of the district's regular enrollment~~
60 ~~and provided education services.~~

61 ~~—— (9) An LEA shall only assign or allow youth in custody to remain in restrictive or~~
62 ~~mainstream programs if:~~

- 63 ~~—— (a) their custodial status;~~
64 ~~—— (b) past behavior that does not put others at risk; or~~
65 ~~—— (c) the inappropriate behavior of other students.~~
66 ~~—— (10)(a) Education programs to which youth in custody are assigned shall meet the~~
67 ~~standards which are adopted by the Board for that type program.~~
68 ~~—— (b) The Superintendent shall monitor compliance in annual review visits.~~
69 ~~—— (11) An LEA shall accept credit earned in youth in custody programs that are~~
70 ~~accredited at face value in Utah's public schools consistent with Section R277-410-9,~~
71 ~~Transfer or Acceptance of Credit.~~
72 ~~—— (12) A youth in custody program shall coordinate educational services with non-~~
73 ~~custody programs to enable youth in custody to continue their education following discharge~~
74 ~~from custody.~~
75 ~~—— (13)(a) A youth in custody program shall admit youth in custody to classes within five~~
76 ~~school days following arrival at a new residential placement.~~
77 ~~—— (b) If a youth in custody program cannot complete an evaluation and plan for college~~
78 ~~and career readiness or IEP development within five school days, the program shall enroll~~
79 ~~the student temporarily based upon the best information available.~~
80 ~~—— (c) A temporary schedule may be modified to meet the student's needs after the~~
81 ~~evaluation and planning process is complete.~~
82 ~~—— (14)(a) Following a student's release from custody or transfer to a new program, the~~
83 ~~sending program shall bring all available school records up to date and forward them to the~~
84 ~~receiving program consistent with Section 53G-6-604.~~
85 ~~—— (b) An LEA shall maintain all grades, attendance records and special education~~
86 ~~SCRAM records in the LEA's SIS system in compliance with Rule R277-484, Data~~
87 ~~Standards.~~

88

89 **~~R277-709-4. Program Fiscal and Accountability Procedures.~~**

- 90 ~~—— (1) The Superintendent shall allocate state funds appropriated for youth in custody,~~
91 ~~including the Utah State Hospital, in accordance with Section 53E-3-503 and Section 62A-~~
92 ~~15-609.~~
93 ~~—— (2) Funds appropriated for youth in custody programs shall be subject to Board~~

94 ~~accounting, auditing, and budgeting rules and policies.~~

95 ~~—— (3) The Superintendent shall, through an annually submitted and approved state~~
96 ~~application and plan, contract with LEAs to provide educational services for youth in custody.~~

97 ~~—— (a) A contract required by Subsection (3) shall include the respective responsibilities~~
98 ~~of the Board, LEAs, and other local service providers for education.~~

99 ~~—— (b) An LEA may subcontract with local non-district educational service providers for~~
100 ~~the provision of educational services.~~

101 ~~—— (4) The Superintendent may only contract through an RFP process with an~~
102 ~~appropriate entity if the Superintendent determines that the LEA where the facility is located~~
103 ~~is unable or unwilling to provide adequate education services.~~

104 ~~—— (5) Youth in custody students receiving education services by or through an LEA are~~
105 ~~students of that LEA.~~

106 ~~—— (6) Notwithstanding the procedures for determining an alternative district of~~
107 ~~residency in Rule R277-621, an LEA may not create an alternative district of residency for a~~
108 ~~student who has been placed in custody primarily in an attempt to receive services in a state~~
109 ~~funded youth in custody program.~~

110 ~~—— (7) The Superintendent shall allocate state funds appropriated for youth in custody~~
111 ~~on the basis of an annually submitted and approved application made by the LEA where a~~
112 ~~youth in custody program resides.~~

113 ~~—— (8) The Superintendent shall base the share of funds distributed to an LEA upon~~
114 ~~criteria, which include:~~

115 ~~—— (a) the number of youth in custody served by the LEA;~~

116 ~~—— (b) the type of program required for the youth;~~

117 ~~—— (c) the setting for providing services; and~~

118 ~~—— (d) the length of the program.~~

119 ~~—— (9) A youth in custody program shall expend funds approved for youth in custody~~
120 ~~projects solely for the purposes described in the respective funding application.~~

121 ~~—— (10) The Superintendent may retain no more than five percent of the total youth in~~
122 ~~custody annual legislative appropriation for administration, oversight, monitoring, and~~
123 ~~evaluation of youth in custody programs and their compliance with law and this rule.~~

124 ~~—— (11) Up to three percent of the five percent of administrative funds allowed under~~

125 ~~Subsection (9) may be withheld by the Superintendent and directed to students attending~~
126 ~~youth in custody programs for short periods of time or to new or beginning youth in custody~~
127 ~~programs or initiatives benefitting youth in custody students.~~

128 ~~—— (12) The Superintendent may withhold federal or state funds for noncompliance with~~
129 ~~state policy and procedures and associated reporting timelines in accordance with Rule~~
130 ~~R277-114.~~

131 ~~—— (13) The Superintendent shall develop uniform forms, deadlines, reporting and~~
132 ~~accounting procedures and guidelines to govern the youth in custody school-based~~
133 ~~programs and Utah State Hospital-funded programs.~~

134

135 **~~R277-709-5. Youth in Custody Programs and Students with Disabilities.~~**

136 ~~—— (1) The youth in custody program is separate from and not conducted under the~~
137 ~~state's education program for students with disabilities.~~

138 ~~—— (2) Custodial status alone does not qualify a youth in custody student as a student~~
139 ~~with a disability under laws regulating education for students with disabilities.~~

140 ~~—— (3) Youth in custody students may be eligible for special education funding and~~
141 ~~services based upon special education rules and regulations.~~

142 ~~—— (4) Youth in custody students qualifying for special education services shall receive~~
143 ~~educational instruction as defined in Rule R277-750, Education Programs for Students with~~
144 ~~Disabilities.~~

145 ~~—— (5) Special education procedural safeguards shall apply to all IDEA-eligible youth in~~
146 ~~custody students regardless of instructional location.~~

147 ~~—— (6) The Superintendent shall monitor special education programs provided through~~
148 ~~youth in custody programs on an annual basis in accordance with special education rules~~
149 ~~and policies.~~

150

151 **~~R277-709-6. Youth in Custody Program Staffing and Monitoring.~~**

152 ~~—— (1) Education staff assigned to youth in custody shall be qualified and appropriate~~
153 ~~for their assignments in accordance with Board licensing rules.~~

154 ~~—— (2) Youth in custody programs shall maintain accreditation as part of the LEA where~~
155 ~~the programs are located consistent with Rule R277-410, Accreditation of Schools.~~

156 ~~—— (3) The Superintendent shall evaluate youth in custody programs through regular~~
157 ~~site monitoring visits and monthly desk monitoring.~~

158 ~~—— (4) Monitored programs shall prepare and submit to the Superintendent a written~~
159 ~~corrective action plan for each monitoring finding, as requested by the Superintendent.~~

160 ~~—— (5) A youth in custody program's failure to resolve monitoring findings as soon as~~
161 ~~possible, and, in no case, later than one calendar year from date of notice, may result in the~~
162 ~~termination of state funding as provided in Rule [R277-114](#).~~

163 ~~—— (6) The Superintendent may review LEA or State Hospital records and practices for~~
164 ~~compliance with the law and this rule.~~

165

166 **~~R277-709-7. Youth in Custody/LEA Fiscal Procedures.~~**

167 ~~—— (1) Ten percent of state youth in custody funds or educational contract funds not~~
168 ~~expended in the current fiscal year may be carried over by eligible LEAs and spent in the~~
169 ~~next fiscal year with written approval of the Superintendent.~~

170 ~~—— (2) An LEA shall submit a request to carry over funds for approval by August 1.~~

171 ~~—— (3) If approved, an LEA shall detail carry over amounts in a revised budget submitted~~
172 ~~to the Superintendent no later than October 1 in the year requested.~~

173 ~~—— (4) The Superintendent shall consider excess funds in determining the LEA's~~
174 ~~allocation for the next fiscal year.~~

175 ~~—— (5)(a) The Superintendent shall annually recapture fund balances in excess of ten~~
176 ~~percent no later than February 1.~~

177 ~~—— (b) The Superintendent shall reallocate funds recaptured in accordance with~~
178 ~~Subsection (5)(a) to the youth in custody programs based on the criteria and procedures~~
179 ~~provided by this rule.~~

180

181 **~~R277-709-8. Program, Curriculum, Outcomes and Student Mastery.~~**

182 ~~—— (1) Youth in custody programs shall offer courses consistent with the Utah Core~~
183 ~~standards under Rule R277-700.~~

184 ~~—— (2) A youth in custody program may modify or adjust Utah core standards and~~
185 ~~teaching strategies to meet the individual needs of youth in custody students.~~

186 ~~—— (3) Youth in custody programs shall stress course content mastery rather than~~

187 completion of predetermined seat time in a classroom.

188 ~~—— (4) The Superintendent shall make available written course descriptions for GED~~
189 ~~Test preparation for youth in custody students who consider pursuing GED Tests as an~~
190 ~~alternative to traditional Carnegie diploma courses.~~

191

192 **~~R277-709-9. Confidentiality.~~**

193 ~~—— (1) An LEA shall issue transcripts and diplomas prepared for youth in custody in the~~
194 ~~name of an existing LEA, which also serves non-custodial youth and shall not bear~~
195 ~~references to custodial status.~~

196 ~~—— (2) School records which refer to custodial status, juvenile court records, and related~~
197 ~~matters shall be kept separate from permanent school records, but are nonetheless student~~
198 ~~records if retained by the LEA.~~

199 ~~—— (3)(a) Members of the interagency team which design and oversee student~~
200 ~~education plans shall have access, through team member representatives of the~~
201 ~~participating agencies, to relevant records of the various agencies.~~

202 ~~—— (b) The records and information obtained from the records remain the property of~~
203 ~~the supplying agency and shall not be transferred or shared with other persons or agencies~~
204 ~~without the permission of the supplying agency, the student's legal guardian, or the eligible~~
205 ~~student, as defined under 20 U.S.C. 1232g(d).~~

206 ~~—— (4) Youth in custody programs shall comply with all state and federal privacy~~
207 ~~requirements for student records.~~

208

209 **~~R277-709-10. Coordinating Council.~~**

210 ~~—— (1)(a) The Department of Human Services and the Board shall appoint a~~
211 ~~coordinating council in accordance with Subsection 53E-3-503(6)(a) to plan, coordinate, and~~
212 ~~recommend budget, policy, and program guidelines for the education and treatment of~~
213 ~~persons in the custody of the Division of Juvenile Justice Services and the Division of Child~~
214 ~~and Family Services.~~

215 ~~—— (b) The coordinating council shall operate under guidelines developed and approved~~
216 ~~by the Department of Human Services and the Board.~~

217 ~~—— (2) Coordinating council membership shall include a representative of the following:~~

- 218 ~~—— (a) the Department of Human Services;~~
219 ~~—— (b) the Division of Substance Abuse and Mental Health;~~
220 ~~—— (c) the Division of Juvenile Justice Services;~~
221 ~~—— (d) the Division of Child and Family Services;~~
222 ~~—— (e) the Board;~~
223 ~~—— (f) the Administrative Office of the Courts;~~
224 ~~—— (g) school district superintendents; and~~
225 ~~—— (h) a Native American tribe.~~

226

227 **~~R277-709-11. Advisory Councils.~~**

228 ~~—— (1)(a) Each LEA serving youth in custody shall establish a local interagency advisory~~
229 ~~council which shall be responsible for advising member agencies concerning coordination~~
230 ~~of youth in custody programs.~~

231 ~~—— (b) Members of council required under Subsection (1)(a) shall include, if applicable~~
232 ~~to the LEA, the following:~~

233 ~~—— (i) a representative of the Division of Child and Family Services;~~

234 ~~—— (ii) a representative of the Division of Juvenile Justice Services;~~

235 ~~—— (iii) directors of agencies located in an LEA such as detention centers, secure lockup~~
236 ~~facilities, observation and assessment units, and the Utah State Hospital;~~

237 ~~—— (iv) a representative of community-based alternative programs for custodial~~
238 ~~juveniles; and~~

239 ~~—— (v) a representative of the LEA.~~

240 ~~—— (2) A local interagency advisory council required under Subsection (1)(a) shall:~~

241 ~~—— (a) adopt by laws for its operation; and~~

242 ~~—— (b) meet at least quarterly.~~

243

244 **~~KEY: students, education, juvenile courts~~**

245 **~~Date of Enactment or Last Substantive Amendment: August 19, 2019~~**

246 **~~Notice of Continuation: February 26, 2018~~**

247 **~~Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-~~**

248 **~~503(2)(b)]~~**

249 **R277. Education, Administration.**

250 **R277-709. Education Programs Serving Youth in Custody.**

251 **R277-709-1. Authority and Purpose.**

252 (1) This rule is authorized by:

253 (a) Utah Constitution [Article X, Section 3](#), which vests general control and
254 supervision of public education in the Board;

255 (b) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute the
256 Board's duties and responsibilities under the Utah Constitution and state law; and

257 (c) Subsection [53E-3-503\(2\)\(b\)](#) which requires the Board to adopt rules for the
258 distribution of funds for the education of youth in custody.

259 (2) The purpose of this rule is to specify operation standards, procedures, and
260 distribution of funds for youth in custody programs.

261

262 **R277-709-2. Definitions.**

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

265 (2) "Custody" means the status of being legally subject to the control of another person
266 or a public agency.

267 (3) "Youth in custody" or "YIC" means a person for whom the Board is responsible to
268 provide educational services under Subsections [53E-3-503](#) and [62A-15-609](#).

269

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

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

273 (2) The LEA's plan described in subsection (1) shall include:

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

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

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

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

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

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

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

287 (d) maintain a system to record incident data including incident data described by
288 [R277-912](#) and Section [53E-3-516](#);

289 (e) offer courses consistent with the Utah Core standards described in Rule [R277-](#)
290 [700](#);

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

293 (g) maintain accreditation as part of the LEA where the programs are located
294 consistent with Rule [R277-410](#);

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

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

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

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

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

305 (b) conforms to the student's individualized education program (IEP) when the student
306 qualifies for special education;

307 (c) adheres to the student's 504 plan, if applicable; and

308 (d) references all of the existing administrative rule and its applicability where
309 appropriate.

310 (6) An LEA may provide a YIC student a temporary schedule that can be modified to

311 meet the YIC student's needs after an evaluation and planning process is complete.

312 (7) An LEA may not assign or allow a YIC student to remain in a restrictive
313 environment, including separation from general education students and programs, due
314 to:

315 (a) the student's custodial status;

316 (b) past behavior that does not put others at risk; or

317 (c) the inappropriate behavior of another student.

318 (8) If an LEA uses a secured facility, including a residential treatment center, to provide
319 educational services to a YIC student, the LEA shall provide an educational and career
320 transition advocate and transition services for the YIC student.

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

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

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

329

330 **R277-709-4. School Counseling.**

331 (1) An LEA shall ensure each YIC student has a written plan for college and career
332 readiness as described in Section [R277-462-5](#) including defining the student's academic
333 achievement and known in-school and extra-school factors which may affect the student's
334 school performance.

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

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

341

342 **R277-709-5. Special Education.**

343 (1) An LEA with a YIC program shall adhere to all provisions of the IDEA and state
344 special education rules for the LEA's YIC program.

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

347 (3) An LEA with a student who is both a student with a disability and a YIC student
348 may provide services to that student from the LEA's YIC program and shall provide
349 services from the LEA's special education program if the student qualifies for special
350 education.

351 (4) An LEA shall provide educational instruction as defined in [R277-750](#) to a YIC
352 student who qualifies for special education services.

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

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

358

359 **R277-709-6. Program Fiscal and Accountability Procedures.**

360 (1) An LEA with an approved application and plan, and the Utah State Hospital,
361 shall receive an allocation of state funds appropriated for YIC programs in accordance
362 with Section [53E-3-503](#) and Section [62A-15-609](#).

363 (2) An LEA shall receive ~~[a base amount of]~~ funding determined by a set of criteria
364 including:

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

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

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

368 (d) the length of the YIC program.

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

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

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

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

377 (5) The Superintendent may retain no more than 5% of the total YIC annual
378 legislative appropriation for administration, oversight, monitoring, and evaluation of YIC
379 programs and their compliance with law and this rule.

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

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

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

389 (9) Notwithstanding the procedures for determining an alternative district of
390 residency in [Rule R277-621](#), an LEA may not create an alternative district of residency
391 for a student who has been placed in custody primarily in an attempt to receive services
392 in a state funded YIC program.

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

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

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

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

402 (5) The Superintendent shall:

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

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

406 (14) An LEA may make budget adjustments to the LEA's approved plan without
407 approval from the Superintendent if the adjustments are below 10% of the LEA's approved
408 plan.

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

411

412 **R277-709-8. Confidentiality.**

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

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

418 (3) An LEA that does not use physical or technological access controls shall:

419 (a) ensure that the LEA's administrative policy for controlling access to education
420 records is effective; and

421 (b) that the LEA remains in compliance with the legitimate educational interest
422 requirement as described in Family Educational and Privacy Rights Act and 34 CFR §
423 99.31.

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

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

428 (b) ensure the records and information obtained from the records remain the
429 property of the supplying agency and shall not be transferred or shared with other persons
430 or agencies without the permission of the supplying agency, the student's parent, or the
431 eligible student, as defined under the Family Educational and Privacy Rights Act [20](#)
432 [U.S.C. 1232g\(d\).](#)

433

434 **R277-709-9. Coordinating Council.**

435 The Board shall coordinate with DHHS to appoint a coordinating council in
436 accordance with Subsection 53E-3-503(6)(a) to plan, coordinate, and recommend
437 budget, policy, and program guidelines for the education and treatment of persons in the
438 custody of the Division of Juvenile Justice and Youth Services and the Division of Child
439 and Family Services.

440

441 **R277-709-10. Local Interagency Councils.**

442 (1) An LEA serving YIC students shall establish a local interagency council which shall
443 be responsible for advising member agencies concerning coordination of YIC programs;
444 and

445 (2) Members of council required under Subsection (1) shall include, if applicable to the
446 LEA, the following:

447 (a) a representative of the Division of Child and Family Services;

448 (b) a representative of the Division of Juvenile Justice and Youth Services;

449 (c) directors of agencies located in an LEA such as detention centers, secure lockup
450 facilities, observation and assessment units, and the Utah State Hospital;

451 (d) a representative from contracted residential providers serving YIC in their LEA;
452 and

453 (e) a representative of the LEA.

454 (3) A local interagency advisory council required under Subsection (1)(a) shall:

455 (a) adopt by-laws for its operation; and

456 (b) meet at least quarterly

457

458 **R277-709-11. Corrective Action.**

459 An LEA that does not comply with the requirements of this rule may be subject to
460 a corrective action plan and potential reduction of funds or penalty in accordance with
461 [R277-114.](#)

462

463 **KEY: students, education, juvenile courts**

464 **Date of Enactment or Last Substantive Amendment: 2023**

465 **Notice of Continuation: 2023**

466 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53E-3-](#)**
467 **[503\(2\)\(b\)](#)**