

R277-735 received final approval by the Utah State Board of Education on February 6, 2020. R277-735 is published in the March 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of April 7, 2020.

~~[R277. Education, Administration.~~

~~R277-735. Corrections Education Programs.~~

~~R277-735-1. Authority and Purpose.~~

~~—— (1) This rule is authorized by:~~

~~—— (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;~~

~~—— (b) Section 53F-2-401, which makes the Board, along with the Utah Department of Corrections, responsible for the education of inmates in custody; and~~

~~—— (c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.~~

~~—— (2) The purpose of this rule is to specify operation standards and procedures for inmates in corrections education programs that are the responsibility of the public school system.~~

~~R277-735-2. Incorporation of Utah Adult Education Policies and Procedures Guide by Reference.~~

~~—— (1) The rule incorporates by reference the Utah Adult Education Policies and Procedures Guide, June 2016 Revision, which provides day-to-day operating standards and technical assistance to eligible providers for operation of adult education programs.~~

~~—— (2) A copy of the guide is located at:~~

~~—— (a) <https://www.schools.utah.gov/sas/aaed/adulteducation>; and~~

~~—— (b) the Utah State Board of Education.~~

~~R277-735-3. Definitions.~~

~~—— (1) "Custody" means the status of being legally in the control of another adult person or a public agency.~~

~~—— (2) "Education Contracts funds" means funds appropriated annually by the Legislature to be used partly for corrections education.~~

R277-735 received final approval by the Utah State Board of Education on February 6, 2020. R277-735 is published in the March 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of April 7, 2020.

~~—— (3) "FERPA" means the Family Educational Rights and Privacy Act, 20 USC 1232g, and its implementing regulations.~~

~~—— (4) "Inmate" means an offender who is incarcerated in state or county correctional facilities located throughout the state.~~

~~—— (5) "Utah Online Performance Indicators for Adult Education" or "UTopia" means a statewide database for tracking adult education student progress and outcomes.~~

#### **R277-735-4. Procedures for Providing Services.**

~~—— 1) The Board may contract to provide educational services for inmates with:~~

~~—— (a) local school boards;~~

~~—— (b) state post-secondary educational institutions;~~

~~—— (c) other state agencies; or~~

~~—— (d) private providers recommended by a local school board.~~

~~—— (2) A contract made in accordance with Subsection (1) shall be in writing and shall provide for:~~

~~—— (a) services to students in an appropriate environment for student behavior and educational performance;~~

~~—— (b) compliance with relevant Board standards;~~

~~—— (c) program monitoring by the Superintendent in accordance with R277-733; and~~

~~—— (d) coordination of services with non-custodial programs to enable an inmate in custody to continue the inmate's public school education with minimal disruption following discharge.~~

~~—— (3) A school district may sub-contract with local educational service providers for the provision of educational services to students in custody.~~

~~—— (4) Custodial status alone does not qualify an individual for services under the IDEA.~~

~~—— (5) When a student inmate is transferred to a new program, the sending program shall update and finalize all school records in UTopia releasing the student's records as soon as possible after receiving notice of the transfer.~~

R277-735 received final approval by the Utah State Board of Education on February 6, 2020. R277-735 is published in the March 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of April 7, 2020.

~~———(6) An educational service provider shall only disclose educational records of a student inmate, before or after release from custody, consistent with (FERPA).~~

~~———(7) Corrections education programs shall adhere to the same overarching program standards and practices defined for all adult education programs, consistent with R277-733, unless otherwise noted herein.~~

**~~R277-735-5. Fiscal Procedures.~~**

~~———(1) An inmate receiving educational services by or through a school district shall be a student of that school district for funding purposes.~~

~~———(2) The Superintendent shall allocate state corrections education funds to school districts on the basis of annual applications.~~

~~———(3) A program receiving funds approved for a corrections education project shall only expend funds for the purposes described in the respective funding application.~~

~~———(4) Education Contracts funds used for corrections education shall be subject to Board accounting, auditing and budgeting rules and policies.~~

~~———(5) Ten percent or \$50,000, whichever is less, of state funds designated for corrections education not expended in the current fiscal year may be carried over and spent by a school district in the next fiscal year with written approval from the Superintendent.~~

~~———(6) The Superintendent shall establish a timeline for submission and approval of school district budgets and carry-over requests.~~

~~———(7)(a) The Superintendent may consider excess funds in determining a school district's allocation for the next fiscal year.~~

~~———(b) The Superintendent shall recapture fund balances in excess of 10 percent or \$50,000 annually no later than February 1 and reallocate funds to school district corrections education programs through the supplemental award process based on need and effort consistent with R277-733.~~

R277-735 received final approval by the Utah State Board of Education on February 6, 2020. R277-735 is published in the March 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of April 7, 2020.

**~~R277-735-6. Allocation of Education Contracts Funds Designated for Corrections Education.~~**

~~—— (1) The Superintendent may not allocate more than four percent of the total legislative education contracts funding appropriated for adult corrections education administrative services.~~

~~—— (2) The Superintendent shall use funds allocated in accordance with Subsection (1) for oversight, monitoring, and evaluation of corrections adult education program compliance with law and this rule.~~

~~—— (3) The Superintendent shall annually calculate:~~

~~—— (a) the total number of incarcerated offenders in the custody of the Utah Department of Corrections;~~

~~—— (b) the percentage of incarcerated offenders housed in county jails; and~~

~~—— (c) the percentage of incarcerated offenders housed at prison sites.~~

~~—— (4) The Superintendent shall use the calculations made under Subsection (3) to determine the allocation of education contracts funds to school districts.~~

~~—— (5) An eligible school district shall receive a base amount of \$10,000 for each correctional facility in which they provide services.~~

~~—— (6) The Superintendent shall prorate the balance of the education contracts funds allocation to school districts based upon adult education UTopia data reporting of the average number of state inmates receiving educational services from August 1 through March 1 of the prior school year.~~

**~~R277-735-7. Program, Curriculum, Outcomes and Student Mastery.~~**

~~—— (1) Corrections education programs shall provide programs that allow students to transition between correctional sites in a seamless manner.~~

~~—— (2)(a) An adult education student receiving education services in a state correctional facility education program may graduate with a school district adult education secondary diploma upon completion of the state required minimum units of credit under R277-700.~~

R277-735 received final approval by the Utah State Board of Education on February 6, 2020. R277-735 is published in the March 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of April 7, 2020.

~~———— (b) A student in custody may meet graduation requirements through:~~

~~———— (i) completed credits; or~~

~~———— (ii) demonstrated course competency consistent with a student's plan for college and career readiness in accordance with R277-733.~~

~~———— (3) An adult student in custody seeking an adult high school diploma shall have the minimum credits defined in R277-705.~~

~~———— (4) A district shall employ a qualified Utah licensed educator to teach corrections education courses.~~

#### **~~R277-735-8. Confidentiality.~~**

~~———— (1) A transcript or diploma prepared for an inmate in custody shall:~~

~~———— (a) include the name of the contracted educational agency which also provides service to non-custodial offenders; and~~

~~———— (b) not reference the inmate's custodial status.~~

~~———— (2)(a) A district or corrections education provider shall keep an inmate's education records which refer to custodial status, inmate court records, and related matters separate from permanent school records.~~

~~———— (b) A district shall destroy or seal an inmate's education records upon order of a court of competent jurisdiction.~~

~~———— (3) A district or corrections education provider may only provide access to education records in accordance with FERPA.~~

#### **~~R277-735-9. Adult Education Standards.~~**

~~———— Corrections adult education programs shall meet program standards defined in R277-733 and the Utah Adult Education Policies and Procedures Guide.~~

**~~KEY: public education, custody, inmates~~**

**~~Date of Enactment or Last Substantive Amendment: August 7, 2017~~**

R277-735 received final approval by the Utah State Board of Education on February 6, 2020. R277-735 is published in the March 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of April 7, 2020.

~~Notice of Continuation: June 6, 2017~~

~~Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53F-2-401; 53E-3-401(4)]~~