

# Educating Youth in State Care



Agencies working together to provide the best education for children in state care

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May  
2009

Initiative on Utah Children in Foster Care

# Acknowledgements

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**May 2009**

[www.hs.utah.gov/education](http://www.hs.utah.gov/education)

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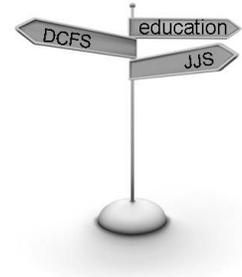
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## Purpose

### This Guide Is Designed To:

- Give you useful information about how to provide services to youth in state care.
- Help you as school administrators, child protection officials, juvenile justice officials, court officials, caregivers, and other community partners work to together on behalf of the youth.
- Explain the process when agency services intersect.
- And give you resources and contact information for the key players in each agency.



So that:

- You will know your role and the role of others.
- You can maximize opportunities for youth and their chances for success.

### How to Use This Guide

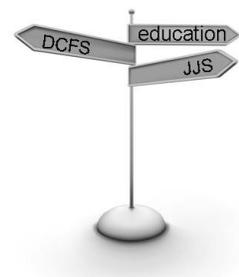
Keep this on the corner of your desk. When you have questions about interacting with other agencies or how to help your youth in care, let *this* guide be *your* guide.

### Who put this together and why?

Following the recommendations of the Pew Commission on Children in Foster Care, the Chief Justice of the Utah Supreme Court created the Initiative on Utah Children in Foster Care (IOU) in 2005. The Initiative on Utah Children in Foster Care (IOU) builds collaboration between all branches of Utah government and other participants in the child welfare system in order to improve outcomes for children in foster care.

In the fall of 2007, IOU formed the Education Subcommittee. The purpose of this subcommittee is to assess the relationship between foster children and their formal education.

This effort grew out of a joint recognition that only with collaboration could practice and policy take place that support education stability and achievement as priorities in the lives of children in care.

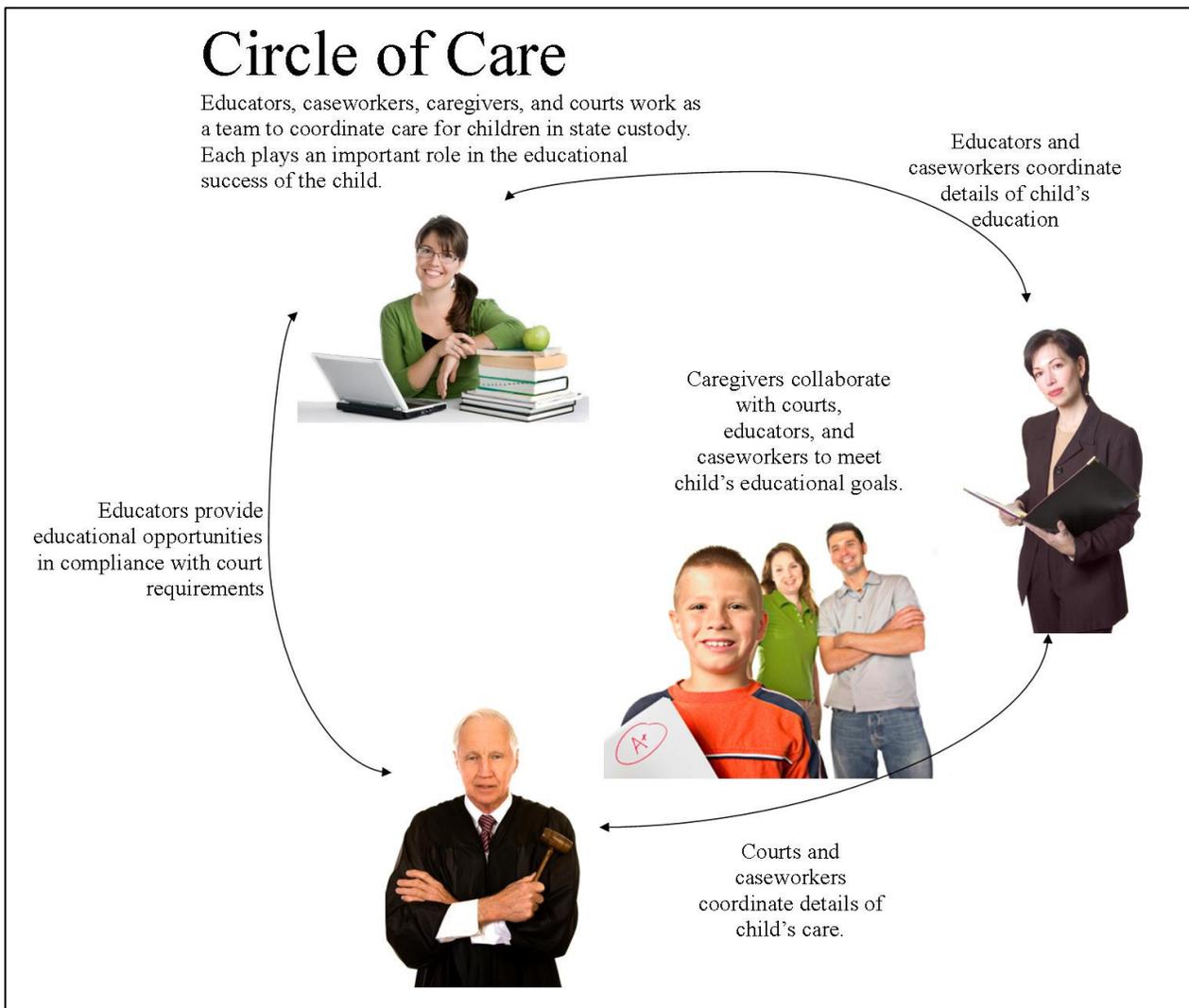


Coordinated efforts between agencies can make a difference and ensure educational success in the lives of children in foster care and youth involved in juvenile justice services. This guide can help you see how your role interconnects with other agencies and give you the resources you need when interacting with them.

**Who are the people responsible for a child in state care?**

Children’s needs are met by an interdisciplinary team. The exact team make-up is different depending on the reason the youth is in care but the following usually play a role:

- Division of Child and Family Services (DCFS)
- Juvenile Justice Services (JJS)
- Caregivers
- Juvenile Court
- Local School Districts, Charter Schools, Youth in Custody Programs, Special Education



## Division of Child and Family Services

### What does the Division of Child and Family Services (DCFS) do?

DCFS protects children from abuse, neglect, or dependency and serves families experiencing domestic violence.

### Who are the workers involved with a DCFS child in care?

- **Caseworker:** Each child in the care of DCFS has a caseworker assigned to them. The caseworker coordinates services for the child.



Since a court has granted care of the child to DCFS, the caseworker is the legal custodian or guardian of the child.

- **Out-of-Home Caregiver:** When a court removes a child from their home, they are placed with an out-of-home caregiver who may be a relative, a foster parent, or, in some cases, a residential or group home facility.
- **Nurse:** Each child has a nurse assigned to them from the Department of Health, Fostering Healthy Children Program, who coordinates their health, dental, and mental health care needs.
- **Juvenile Court Judge:** A judge presides at court hearings, makes important decisions, and makes orders regarding the case. When appropriate, the youth will appear before the judge at review hearings while in custody.
- **Guardian ad Litem (GAL):** Children in care due to abuse or neglect have an attorney assigned to represent their interests. The GAL has the responsibility to ensure the child's needs and wants are represented to the court and makes recommendations to the court on behalf of the youth. In some cases, the GAL will utilize a Court Appointed Special Advocate (CASA) to mentor and engage the child.



Children who are in state's care due to delinquency do not generally have a GAL assigned to the case.

- **Assistant Attorney General (AAG):** An AAG is assigned as the legal representative for DCFS and the state in Juvenile Court on each abuse or neglect case.

See Appendix B for a list of DCFS contacts.

## How does DCFS obtain custody of a child?

There are four ways a child may come into DCFS care.

1. **Warrant:** The Juvenile Court judge may issue a warrant to remove a child from their home because DCFS requests the warrant during a child abuse/neglect investigation.
2. **Emergency Situations:** In emergency situations, DCFS or law enforcement can remove without a warrant if they determine the child would not be safe remaining in the care of their parents or caregiver.
3. **Court Ordered:** The judge may order custody of the child to DCFS because there is a threat of harm to the child or the child is ungovernable or has committed delinquent acts. In these situations, parents are notified in the court hearing that their child will be removed from their custody.
4. **Voluntary Parental Consent:** The parent voluntarily consents, in writing, to the removal of the child. This occurs when the parent feels they are no longer capable of caring for the child.



## What happens after custody of a child is given to DCFS?

Once custody of a child is obtained, DCFS immediately finds temporary care (or out-of-home care) for the child. Caseworkers first try to place the child with a non-custodial parent. Then caseworkers will try to place the child with a relative. If neither is available, the child is placed in a foster home or residential/group home. If a foster placement is not possible, the child will be placed in a temporary, short-term placement until an ongoing placement is available.

Children in out-of-home care have both a “primary permanency goal” and a “concurrent goal” identified by either the court or the DCFS Child and Family Team. The primary permanency goal for the child in out-of-home care is to reunify the child with their parent/guardian. In cases of severe abuse and neglect, the juvenile court may determine that DCFS is not required to offer reunification efforts.

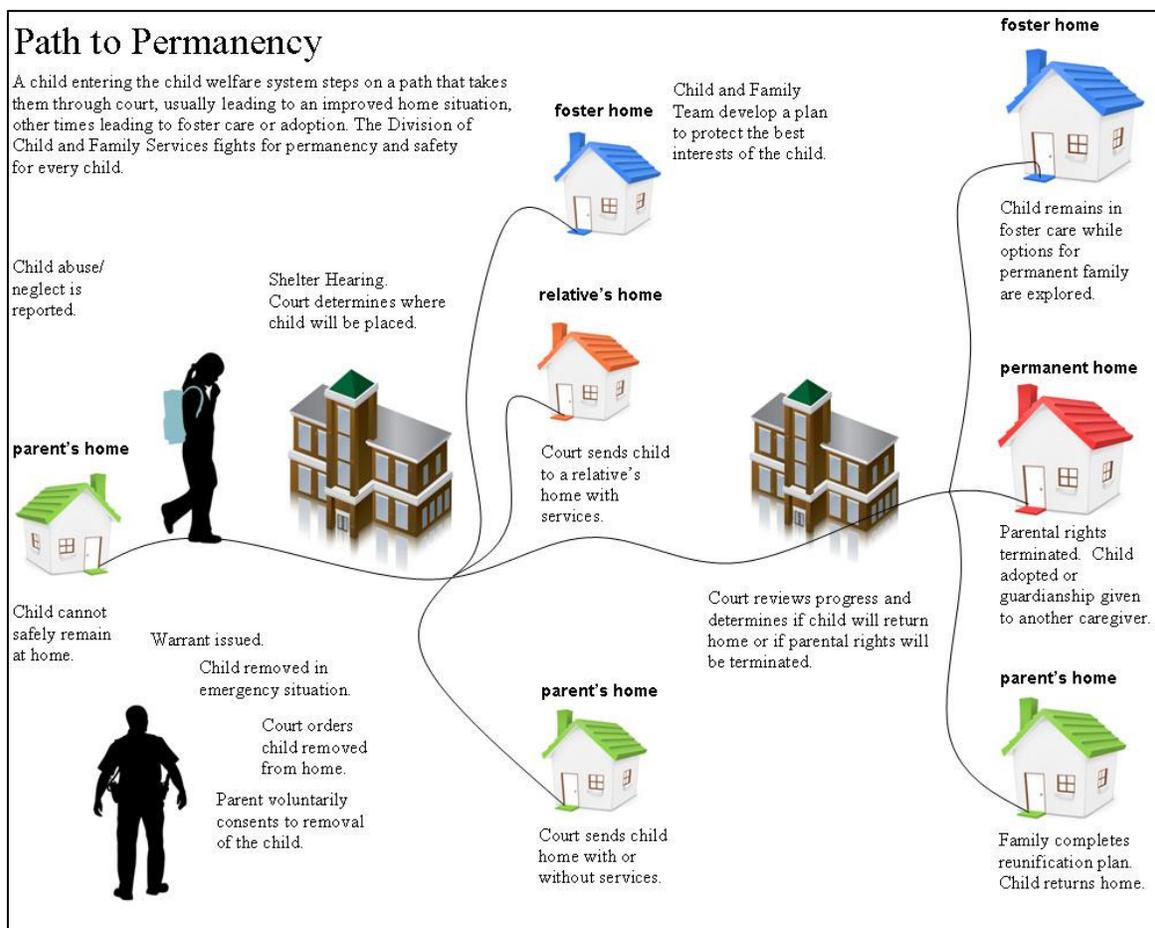
Concurrent planning involves working towards reunification while establishing and implementing an alternative permanency plan in case reunification is not successful.

Permanency goals and concurrent planning include:

- Reuniting the child with the parent/guardian from whom the child was removed.
- Adoption with an appropriate caregiver.
- Guardianship with a relative.
- Guardianship with a non-relative.
- Individualized permanency plan to fit the unique needs of the child.

## What is a DCFS Child and Family Team?

- People with an interest in or involvement with the child (the child, if 12 or older, parents/guardians, foster parents, informal supports for the family and child, education representative, and all support/services agencies) are invited to be part of the DCFS Child and Family Team. They work together to develop a support plan for the child and parents to enable them to live together safely. If reunification between the parents and child is not possible, the Child and Family Team works together toward other permanency options for the child.
- The goal of the Child and Family Team is to develop a unified Child and Family plan based on the child and family's identified strengths and needs.
- The Child and Family plan focuses on the desired outcomes for the child and family, identifies the services needed to assist in achieving the desired results, and ensures that transitions are made appropriately. The plan includes what each team member will do to assist the child and parents.



## What are the abuse and neglect reporting requirements?

By Utah law, **any** person with reason to believe a child has been subjected to any type of abuse or neglect, or observes a child in “conditions or circumstances” that would reasonably result in abuse or neglect, **must** immediately notify the nearest peace officer, law enforcement agency, or DCFS. This is referred to as the “mandatory reporting requirement.”

Law enforcement or DCFS will then determine whether an investigation is required, and will conduct the investigation.



If someone is aware of possible abuse or neglect, but is unsure about whether the information merits making a report of child abuse or neglect, they should report the information and allow Child and Family Services to make the determination.

The Child Abuse Hotline, available 24 hours a day, should be contacted to **report abuse/neglect**:

Salt Lake County: (801) 281-5151

Davis County: (801) 544-1298

Statewide: (800) 678-9399

## Does DCFS have custody if the child is placed with a relative?

Yes. Once the child has been removed from the parents’ home, DCFS retains custody of the child until the court grants custody to another party. In some cases DCFS will place the child with either the non-custodial parent or with another relative (kinship caregiver). This type of placement is referred to as a “preliminary placement.”

A preliminary placement is a temporary placement with the kinship caregiver and allows DCFS to explore whether the kinship caregiver has the resources and ability to have the child safely remain in their home long term if reunification with the parent is not possible. If it is determined that the kinship caregiver desires the child to remain in their home and if the kinship caregiver meets certain qualifications, DCFS will give them the option of becoming a licensed foster parent. Becoming a licensed foster parent is encouraged as the kinship caregiver will have access to ongoing support and resources while caring for the child that they would not otherwise have.

If the kinship caregiver does not want to become a licensed foster parent, but wants the child to remain in their home, they must demonstrate they have the resources to care for the child without support from DCFS. The court will then grant the kinship caregiver temporary custody and guardianship of the child.

## How much time does a parent have to regain custody of their child?

Regardless of how DCFS obtains custody of a child, the following guidelines from Utah State Law must be met:

- For a child **36 months of age or younger**, the parent/guardian has **8 months** to demonstrate they have made substantial efforts to comply with the child and family plan in order for the child to be returned to them.
- For a child **37 months of age or older**, the parent/guardian has **12 months** to demonstrate they have made substantial efforts to comply with the child and family plan.

At eight or 12 months (depending on the age of the child), the juvenile court is required to hold a court hearing, called a “permanency hearing,” in order to determine whether the parent/guardian has made substantial efforts to comply with the child and family plan.

The judge will also determine whether the child’s primary goal will remain reunification with the parent, or whether it will change to another option.

At the permanency hearing, the judge may allow up to a 90-day extension (to continue working toward reunification) to the parent if they demonstrate substantial efforts to comply and DCFS reports that reunification between the child and parent is probable within the 90 days.

In no event may any reunification services extend beyond 15 months from the date the child was initially removed.

If the time lapses and the court finds that the family has not made sufficient progress with the child and family plan, options for the child include:

- Adoption
- Guardianship granted to a relative or other party
- Retention in custody while DCFS works toward another permanent arrangement

## For DCFS, what is a “delinquency case?”

In some cases, a judge may order custody of a child to DCFS when the child has been brought before the court on delinquency charges, but the judge does not feel the issues rise to the level of placing the child in the juvenile justice system. The judge may feel that the child and family would benefit more from support and services provided by DCFS rather than JJS.



JJS cannot take custody of a child under the age of 12. Consequently, a judge may order custody of a child under 12 to DCFS. When this occurs, DCFS provides substitute care of the child for reasons of delinquency instead of abuse or neglect.



Timelines for reunification between the child and the parents do not apply on delinquency cases the same way they do in cases of abuse and neglect. The child will be returned home when they have demonstrated they have made significant progress dealing with the issues that led to the delinquency charges and they can safely remain in the home.

**What is a caseworker responsible for regarding a child’s education?**

Caseworkers are required to ensure children receive appropriate services to meet their educational needs. They do this by:

- Obtaining information about any educational assessments that have been conducted on the child, and
- Working with educational staff to match the child’s educational needs to appropriate services (e.g., special education, tutoring, advocacy within the school system, etc.)



Caseworkers:

- Ensure the child’s educational records are in the case file and are up to date,
- Ensure the case plan addresses identified educational needs,
- Provide foster parents or caregivers with the child’s educational records, and
- Ensure the records include names and addresses of educational providers, the child’s grade level performance, and any other relevant information.



Prior to removing a child from their school, caseworkers should coordinate with the school to assess if the child can safely remain in the school and what impact moving schools may have on the child. Caseworkers should make every effort to cause the least amount of disruption possible to the child’s education (e.g., waiting until the end of a semester or year to move a child from the school). Educators, foster parents, and caseworkers should work together to decide what will be best for the child.

**Can youth in DCFS custody take driver’s education and get a driver's license? Who pays?**

Yes! Youth should be encouraged to take classes and get a driver’s license. If a youth takes driver’s education classes at school, the fees are waived. Look here for specific DCFS practice guidelines regarding how a youth can obtain a driver’s license: [www.hspolicy.utah.gov/dcfs/](http://www.hspolicy.utah.gov/dcfs/)



**Who can sign for liability?** The child’s parent/guardian or another legal adult willing to take the responsibility may sign for liability. Out-of-home caregivers may also sign if they are willing to add the child to their own auto insurance.



If an out-of-home caregiver is willing to sign for a child in care to get a driver's license, DCFS is permitted to reimburse the out-of-home caregiver for the additional cost of adding the youth to their insurance up to a certain amount. Only children in foster care are eligible for reimbursement.



If a relative signs for the driver's license of a child in care, it is not a requirement that the child be living with the relative.

### **What is the complaint process for DCFS?**

The best process to use when concerned about a DCFS case is to contact the caseworker or supervisor assigned to the case.

DCFS also has a constituent service representative who handles concerns and complaints that are brought to the attention of the state office. For more information about Constituent Services call (801) 538-4100.

## Division of Juvenile Justice Services

### What Does the Division of Juvenile Justice Services (JJS) Do?

Provides a continuum of intervention, supervision, and rehabilitation programs to youth offenders while assuring public safety.

The Division of Juvenile Justice Services (JJS) is comprised of four offices:

- Early Intervention Services
- Community Programs
- Correctional Facilities
- Rural Programs

### Who are the people responsible for youth in JJS custody?

- **Case Manager:** Youth committed to the custody of JJS for observation and assessment, community placement, or Secure Care are assigned a case manager.



A case manager's duty is to:

- Assess the risk and protective factors of the youth.
- Locate an appropriate residential placement for the youth and develop an individualized treatment plan to address the risk factors of the youth.
- Monitor the progress of the youth.
- Notify the Court and youth's family of progress or problems.

**Youth Parole Authority:** When a youth is committed to JJS custody for Secure Care, the Youth Parole Authority assumes jurisdiction from the Juvenile Court. While in Secure Care, the child will have reviews before the Authority.

**Juvenile Court Judge:** A judge presides at court hearings, makes important decisions, and makes orders regarding the case. When appropriate, the youth will appear before the judge at review hearings while in custody.

Each case will have regular review hearings while the case is under court jurisdiction.

**Parents/Guardians:** When a youth is placed in state's custody, parents and/or guardians from whom the youth was removed retain some residual rights, unless restricted by the court.



Residual parental rights include:

- Responsibility for support.
- Consent to adoption.
- Determination of a youth’s religious affiliation.
- Reasonable visitation.
- In some cases, the right to consent to; marriage, enlistment in the armed forces, and, major medical, surgical, or psychiatric treatment.

See Appendix B for a list of JJS contacts.

### How does JJS obtain custody of a child?

JJS receives legal custody of a youth when a Juvenile Court Judge commits a youth for Observation and Assessment, Community Placement, or Secure Care.



### What happens after custody of a child is given to JJS?

If the judge orders **Secure Care**, the youth is assigned to one of the Secure Care facilities in the State. The case manager examines the presenting offense episode, completes a risk assessment, gathers collateral information, and identifies risk factors to be addressed. JJS then puts a treatment plan together. The Youth Parole Authority assigns a guideline (the suggested number of months a youth will serve in a secure facility based primarily on the youth’s history of delinquency) and monitors the youth's progress toward his/her treatment goals.

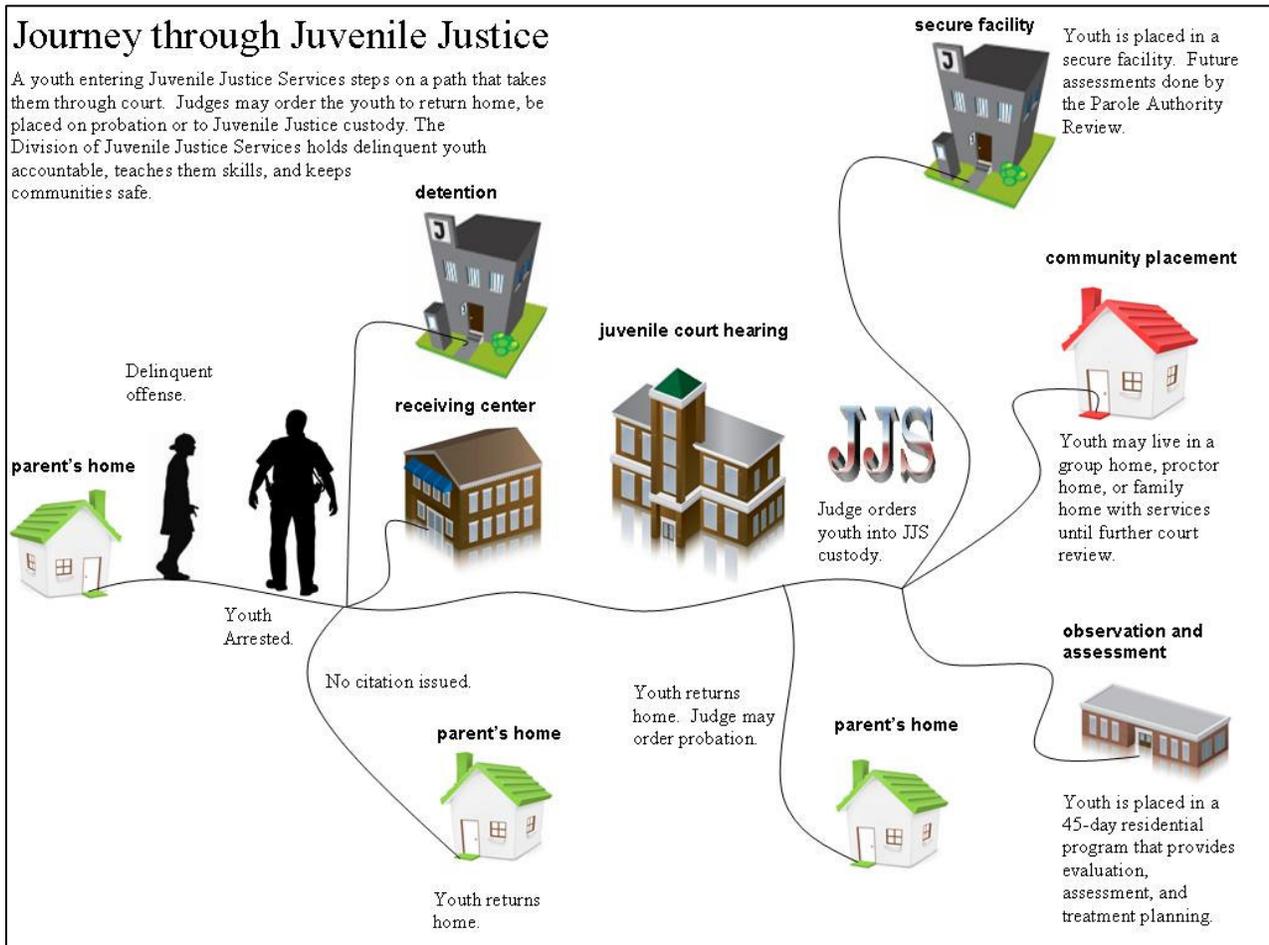


Youth who are sentenced to Secure Care facilities may remain until age 21, but the Parole Authority can release earlier based on successful completion of treatment goals.



If the judge orders Observation and Assessment (O&A) the youth is assigned to one of the state's O&A's for 45 days, where comprehensive psychological, educational, risk, physical, behavioral, and social assessments are administered. Based on those assessments, JJS makes a recommendation to the Juvenile Court Judge to assist in final disposition.

If the judge orders **Community Placement**, the case manager completes a risk assessment, gathers collateral information, identifies treatment needs, and assigns the youth to a residential, community-based program that will address those needs. Progress is monitored by the program and case managers, and recommendations are periodically made to the Juvenile Court Judge regarding continued placement, step down in placement, or termination from custody.



### What is the difference between JJS and probation?

Probation is a function of the Juvenile Court and used to supervise adjudicated juvenile offenders in the community.

 **tip** Children on probation are not in state's custody.

## Juvenile Court

### What does the Juvenile Court do?

The Juvenile Court has exclusive jurisdiction over youth, up to 18 years of age, who violate any federal, state or municipal law, and any youth who is abused, neglected or dependent. It also has jurisdiction over habitual truants, runaways and ungovernable youth if efforts by other social service agencies are not successful.

The court has the power to:

- Place youth in the custody of the state of Utah.
- Determine support and visitation in some circumstances.
- Terminate parental rights.
- Authorize or require services for children with disabilities and/or mental illness.
- Place youth under the supervision of the court's probation department.

### How does a child come into contact with the Juvenile Court?

There are two ways youth come before a Juvenile Court; if they violate the law or if they are victims of abuse and/or neglect.

#### Youth Who Violate the Law (Delinquent)

Alleged offenses are generally first reported to the Juvenile Court by the police, but can also be reported by schools and parents. At the court, cases are assigned to an intake officer who meets with both the juvenile and his or her parents to determine what action is necessary.



If the school reports a crime committed by a student with a disability defined under Individuals with Disabilities Education Act (IDEA), the school must ensure that copies of special education and disciplinary records of the student are transmitted for consideration by the authorities to whom the crime is reported, as permitted by Family Educational Rights and Privacy Act (FERPA).

#### Youth Who are Victims of Abuse/Neglect/Dependency

An incident of abuse, neglect, or dependence is reported to law enforcement or DCFS, which investigates and determines whether the incident should be reported to juvenile court.



An **abused** youth is one who has suffered or been threatened with non-accidental physical or mental harm, sexual exploitation, or is at a substantial risk of such injury.



A **neglected** youth is one who has been abandoned, mistreated, or abused by a parent, guardian, or custodian or who is at risk of such harm.



A **dependent** youth is one who is without proper care through no fault of the parent or guardian.

### When are court review hearings and what educational information does the court need?

Court hearings for both DCFS and JJS are generally held **every six to nine months** or as frequently as the judge feels is necessary.

At each hearing, the caseworker reports on the needs, status, and progress of the youth's education in order to assist the judge in making an assessment of the youth's educational attainment. The information provided regarding the youth's education will also assist the judge to make appropriate court orders regarding the youth's education.



When requested, the following information should be provided to the court:

- Current school placement and duration of the current placement,
- Educational history.
- Current grades and attendance, including GPA and credits earned.
- The youth's behavior in school.
- Whether the youth is on grade level and, if appropriate, progress toward graduation.
- Participation in Youth In Custody services.
- If the youth qualifies for and/or is participating in special education services or other specialized educational programs.
- Current IEP and IEP progress reports.
- Extracurricular involvement.
- Successes of the youth in school.
- Credit deficiencies/progress, and academic performance.

## Education Services

Youth in custody may encounter numerous barriers to school success. They may deal with the emotional consequences of leaving their homes and communities, separation from siblings, moving from home to home, and having state agencies and the court system involved in all aspects of their lives.

When children change schools, educational records frequently may not follow in a timely fashion. Children and youth may fall behind academically, cognitively, and socially. They are often behind on credits and do not complete courses.

By working together, schools, DCFS, and JJS can understand the unique situations and experiences of children in care and focus more on the educational needs and outcomes of the children and youth they serve.



## Youth in Custody Programs

### What is the Youth in Custody (YIC) Program?

The Utah Youth in Custody Program provides education to children in the custody of the Division of Child and Family Services (DCFS), Division of Juvenile Justice (JJS), or in a juvenile detention facility.

The funding is appropriated to individual school districts that provide education programs for youth from kindergarten to 12<sup>th</sup> grade.

### Do all school districts and charter schools receive YIC funds to provide additional services for children in care?

No. School districts or charter schools must apply for YIC funds and the funds are allocated based on the number of YIC students in the district. School districts or charter schools may subcontract with local non-district educational service providers for the provision of educational services.

### What are the educational placement options for children in care who attend school districts with YIC programs?

There is a continuum of educational placements available to children in care. Appropriate placements are tailored to the needs of the child.

## Where are the youth in custody programs located?

See Appendix C for a list of YIC programs, contact names, numbers, and locations.

## Are children placed with a relative eligible to participate in YIC programs?

It depends on the type of placement. If DCFS has custody of a child placed in a preliminary placement or in the home of a kinship caregiver who is a licensed foster parent, the children are eligible for Youth in Custody education services.

A child placed with a kinship caregiver who has legal custody of the child is **not** eligible for participation in YIC programs.



If the school is unsure whether the child is eligible to participate in YIC programs, they should contact the caseworker. If the child is initially eligible to participate in YIC programs, the caseworker should keep educational staff informed of changes in the custody status of the child.

## Enrollment

### How is a youth enrolled in a new school?

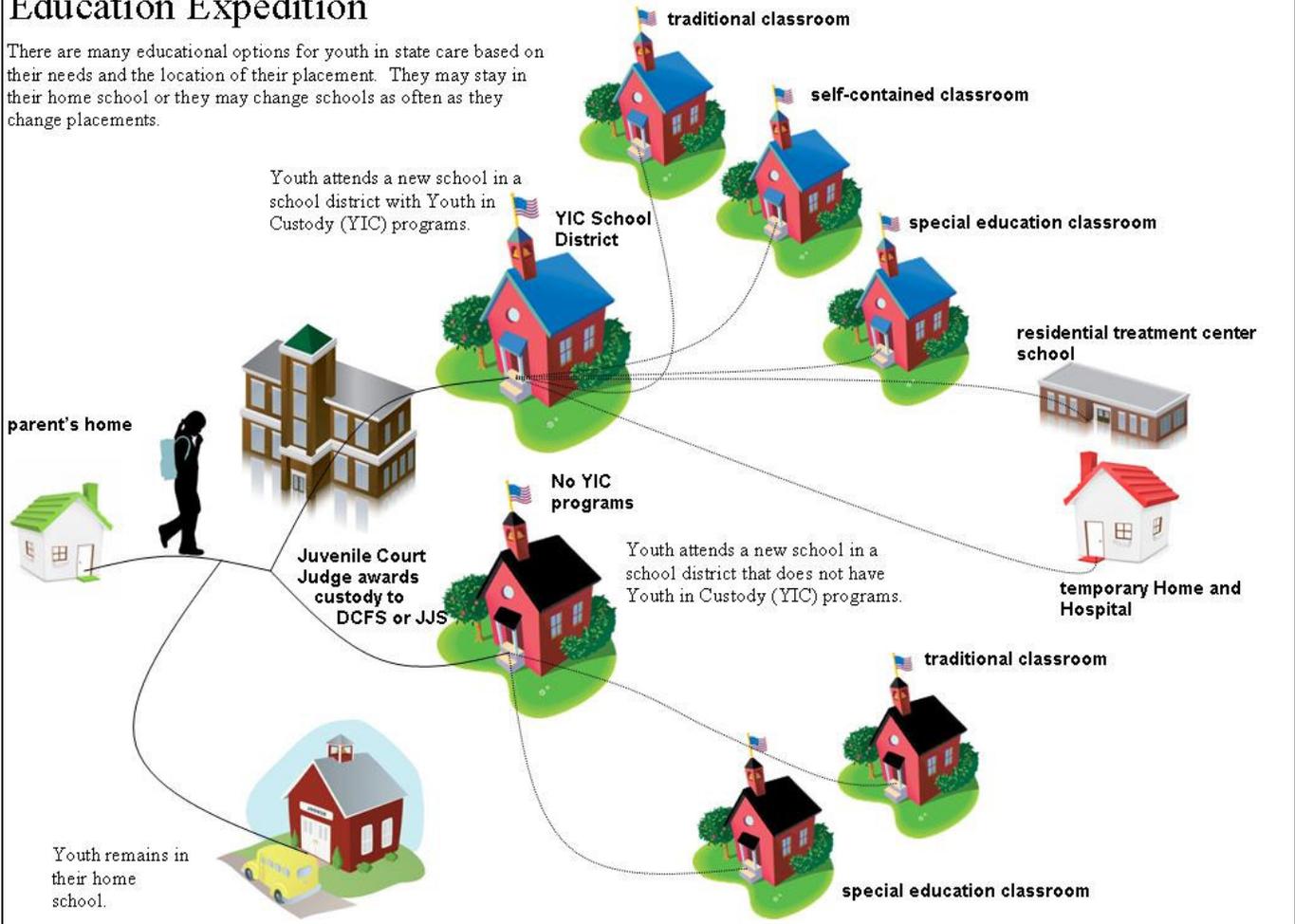
When a child in state custody must transfer to a different school, the caseworker contacts the YIC program in the receiving district (if one exists) and fills out necessary forms, including fee waivers.



The receiving school has the responsibility to request educational records, including special education records, from the former school **within 5 days**. It is important that special education records are specifically requested for students to ensure that students with disabilities are identified and served as per their IEP. If not specifically requested, special education records may not be transmitted to the receiving school as they are generally kept in a separate location than other general education records.

# Education Expedition

There are many educational options for youth in state care based on their needs and the location of their placement. They may stay in their home school or they may change schools as often as they change placements.



## Can a student remain in their home school after removal from their home or after changing foster placements?

Yes. If a child can safely remain in their home school, caseworkers should make every effort to keep them there.

The DCFS Child and Family Team determines whether the child would be in danger if the child remains at the school of origin, or if the school can provide adequate safety measures to protect the child. Caseworkers may consider “no contact” or “protective” orders against the parent or caregiver from which the child was removed.

Ideally, if transportation and other issues can be addressed, a child should remain in their home school in order to allow consistency in their education.

If a foster child is enrolled in school and it becomes necessary for the child to move to a new foster home (outside school boundaries) during the course of the school year, the child should be allowed to remain at the school they were attending.



Prior to removing a child from their school, caseworkers should coordinate with the school to assess what impact moving schools will have on the child. Caseworkers should make every effort to cause the least disruption with the child's education (e.g., waiting until the end of a semester or year to move a child from the school).



The school should be aware that although a child is removed from their home, the child is not required to withdraw from their home school, even if they are placed in a living situation outside the boundaries of the school or district.

### What records are needed to enroll a child in school?

- The student must be accompanied by a parent or guardian (proof required).
- A completed and signed copy of the YIC/DHS Intake Form (only for YIC school districts).
- Student birth certificate.
- Student immunization record.
- Student Educational Program (SEP)/Student Educational Occupational Plan (SEOP).
- Name and location of the most recent school attended.
- All pertinent educational records, including:
  - Transcripts
  - Psychological profiles
  - Special education records, including:
    - Eligibility Determination and Evaluation Summary Report
    - Individual Education Program (IEP)
    - Behavior Intervention Plan (BIP)
    - Consent for Initial Placement



Children awaiting foster care placement (eligible for McKinney-Vento) must be immediately enrolled in school even if they lack the records normally required for enrollment.

### What happens if a child does not have some of the records necessary for enrolling in school?

This list above represents common criteria required at intake. If you have further questions about what is required to enroll a child in school, contact the school registrar.

### What happens when a child cannot be immediately enrolled in school?

If a school district determines a child is a threat of harm to themselves or others, they may place them in a school placement referred to as Home and Hospital. This means the child receives face to face instruction which is limited to a few hours per week. The child remains on home and hospital until the school district determines an appropriate educational school placement.

If the child has an IEP; however, the new school district, in consultation with the parents (i.e., someone who meets the IDEA definition of a parent) is required to provide a free, appropriate public education (FAPE) to the student including services comparable to those in the IEP, until the new school district adopts the IEP or develops and implements a new IEP.

These placements include:

- Traditional mainstream classrooms, possibly with mentoring support.
- Self-contained Youth in Custody classrooms, where the child receives instruction tailored to their needs and educational progress.
- Residential treatment center or group home setting.
- Home and Hospital (see description above).



Placement, for students with disabilities eligible under IDEA, is determined by the IEP team, based on the student's IEP, rather than the YIC program. There is a continuum of placements for students with disabilities in addition to those described above including regular classes, regular classes with supplementary special education and related services, special classes, special schools, home instruction, and instruction in hospitals and institutions.

### **Are children who are awaiting foster care placement eligible for services under the McKinney-Vento Act?**

Yes. Children who are awaiting foster care placement are considered homeless and eligible for McKinney-Vento services. This includes children in short-term, shelter facilities or homes. Children who are already in foster care, on the other hand, are not considered homeless.

Under McKinney Vento, local education agencies must comply with the following provisions:

- 1) Homeless student may not be segregated in a school or in a separate program within a school, based on the child's status as homeless.
- 2) The state and its local educational agencies must adopt policies and practices to ensure transportation is provided, at the request of the parent or guardian (or in the case of the unaccompanied child, the liaison) to and from the school of origin.
- 3) An educational agency must immediately enroll a homeless child in the school in which enrollment is sought, even if the child is unable to produce the records normally required for enrollment.
- 4) School placement decisions must be made on the basis of the best interest of the child including keeping the child in their school of origin.
- 5) Every educational agency must designate a local liaison for homeless children.

## Who's Who?

### Who decides where the youth goes to school?

Caseworkers should work with the Child and Family Team, as well as the school, to determine where child will go to school and ensure the child is receiving adequate educational services.

A youth in care may enroll in any charter or public school in any school district, including a district where the youth does not reside if enrollment is necessary as determined by DCFS (Utah Code 53A-2-2071).



Caseworkers should seek to keep the child in their home school when possible. When a child needs to change schools, the decision regarding the child's educational placement depends on the type of out-of-home placement and the receiving school district.

- **School districts with YIC programs:** The caseworker is required to contact the YIC coordinator for the district. The caseworker must complete the required intake forms for the YIC program.
- **School districts without YIC programs:** The caseworker must contact the individual school and complete required enrollment forms and coordinate with school personnel to refer the child to the appropriate school principal or staff member for assessment of educational needs.
- **Children with disabilities:** For a child with a disability under the Individuals with Disabilities Education Act (IDEA), placement is determined by the Individualized Education Program (IEP).

### Who is responsible for attending school functions pertaining to a child in care?

Both the caseworker and the out-of-home caregiver should be invited to parent/teacher conferences, IEP meetings, special education meetings, disciplinary hearings, etc. and should attend these types of school functions to ensure they are appropriately informed on the educational needs of the child.

If both the caseworker and caregiver cannot be accommodated, educators should meet with the out-of-home caregiver, since they are responsible for ensuring the child's attendance and helping with their schoolwork. Educators should not assume the out-of-home caregiver will pass information to the caseworker.





Educators should check with caseworkers prior to making educational decisions for the child. For example, caseworkers should be included in discussions on changes to the IEP or if educators are considering placing the child in a new classroom. Educators, foster parents, and caseworkers should work together to decide what will be best for the child.

It may also be useful to invite other individuals involved in the case to attend school functions. If no court orders prohibit the parent/guardian from attending and if there are no safety concerns, they should be included in any school functions that discuss the child's academic progress.

### Who has access to a child's educational records while they are in state custody?

**DCFS/JJS Representative:** As the legal custodian and/or guardian of the child, DCFS/JJS has the right to educational records and information regarding the child while the child is in state custody.



**Out-of-Home Caregiver:** As the daily caregiver of the child and a designee of DCFS/JJS, the out-of-home caregiver may have access to the child's educational records while the child is in their home. The out-of-home caregiver is responsible for ensuring the child's school attendance and helping with their schoolwork.

If there is a question regarding the out-of-home caregiver's right to access the educational records of a child in their care, the school should contact the caseworker to coordinate a release of the record to the out-of-home caregiver.

**Parent/Guardian:** If a child is in the care of the state of Utah, the parent/guardian should be treated as a non-custodial parent. This means under Family Educational Rights and Privacy (FERPA) laws, a parent/guardian has a right to review the educational record unless a school is presented with a court order that precludes the parent from accessing the student's records and states that parental rights have terminated.

If the parent/guardian requests the school provide them with the educational record, the school must comply with FERPA requirements. The school should coordinate with the caseworker prior to providing the records in order to determine whether a court order exists that limits the parent/guardian from access to the school record. If a court order exists, the caseworker should provide a copy of the court order to the school.



For students accessing special education services, the caseworker should be included as a participant in all meetings, but may not sign as a parent. The biological parent may still sign in many cases. When that is not possible or appropriate, the out-of-home caregiver serves as the parent, unless an educational surrogate parent is assigned (if no foster parent is available). Unless parental rights are terminated or if a judge has made a specific order denying the parent access to educational records, the parent/ guardian has the right to consent to evaluation and placement, and attend eligibility, IEP, and placement meetings as well as access special education records.

For Special Education purposes, when an educational surrogate parent is assigned by the School District to represent the child and sign as the parent on an IEP, they should be considered a member of the Child and Family Team and treated as such. The caseworker should have the educational surrogate parent sign the confidentiality agreement that is used when sharing information with any member of the Child and Family Team, and should share any information that would be pertinent to the educational surrogate parent in assisting them to make appropriate educational decisions for the child.

**What is the school's responsibility when a DCFS or JJS worker calls for information about the student?**

When a JJS case manager or a DCFS caseworker contacts the school for information, the school should request that the person seeking information provide verification of their identity prior to providing them with any information. Each caseworker has a state-issued identification they can provide upon request.



When the identification of a caseworker has been verified, the school should provide the information requested in a timely manner. The school should treat DCFS/JJS agents as they would any other custodial parent.

**Who should the school district contact if a problem arises concerning the student's behavior or attendance?**

Both the out-of-home caregiver and the caseworker need to be informed if there are concerns that arise regarding the child's behavior and attendance.



For concerns that require a meeting with school administration, both the caseworker and out-of-home caregiver should be informed of the meeting and be invited to attend.



It is essential that the school communicate with both the caseworker and the out-of-home caregiver so both are aware of the concerns.

If an emergency situation arises during school hours and the school needs an immediate response, the school should **first** attempt to contact the **out-of-home caregiver**. As soon as possible after the emergency situation has been remedied, both the school and the out-of-home caregiver should contact the **caseworker** and inform them of the nature of the situation and emergency.

Any educational concerns should be discussed during a DCFS Child and Family Team Meeting so team members may assist in making an assessment of the child’s needs and any critical decisions to remedy behavior and attendance problems.

Educational staff may also contact the caseworker and request assistance in convening a DCFS Child and Family Team meeting at any time. The caseworker will coordinate with team members and make any necessary arrangements for the DCFS Child and Family Team meeting.

### Who should the school contact in a medical emergency?

The school should first contact the out-of-home caregiver. As soon as possible, the caseworker should also be contacted.

## Other

### What is the school’s obligation to keep a child’s status confidential?

Educational staff have an obligation to keep a student’s status confidential.

DCFS and JJS have strict guidelines that must be followed in order to protect the confidentiality of the children and families served. The requirements on confidentiality fall under the Government Records and Access Management Act (GRAMA). DCFS and JJS are restricted from sharing any information, including names and photos, which would allow others to identify the child and family as clients.



As a partner agency that serves children in the care of DCFS or JJS, educational staff have an obligation to keep a student’s status as a “youth in custody” confidential to the extent possible and should implement procedures that allow them to do so. The information should only be shared on a **“need to know” basis**. For example, students should not be referred to as a “foster child” or “in state custody,” especially around other school staff or students.

If a YIC staff member or a caseworker needs to meet with a child, special care should be taken to be discreet on how it is presented publicly.



Where possible, the child should be allowed to function as an ordinary student in the school setting.

### How should a school handle absences due to custody-related activities?

If a child is absent due to a custody related activity, the absence should be treated as any other excused absence (e.g. court hearings).

### What services are available for children in care who are behind in their school credits?

The Utah State Board of Education and school districts offer a myriad of services to students in need of credit recovery. Services include the Electronic High School, summer and after-school direct instruction programs, computer-based credit recovery, and independent study packets.

### What post-secondary educational services are available to assist a child in care?

Post-secondary educational services are available for children who have been in foster care, and in some cases, children who have been adopted from foster care after the age of 13. There are specific criteria in order to qualify for funding. More information is available at the Just for Youth website <http://justforyouth.utah.gov/>.

If you want more information regarding the program, how much funding may be available, or the criteria to qualify, please contact the relevant agency:

- Educational Training Vouchers (ETV) – Utah Department of Workforce Services (DWS).
- Federal Pell Grants – Post-Secondary Educational agency (college, university, etc.)
- After-care Funds – Local DCFS office, Transition to Adult Living (TAL) coordinators for the region.
- Workforce Initiative Act (WIA) funds – Utah Department of Workforce Services.
- Scholarships for Foster Care Children – Several universities around Utah have made scholarships available for Children who are in foster care or emancipated from foster care. Contact the college or university for more details.

### Can children in state care participate in extracurricular activities?

Yes! Children in custody can and should participate in extracurricular activities.

- **Obtain approval:** Requests for the child to participate in extracurricular activities should be directed to the caseworker and the Child and Family Team.
- **Fees:** Most fees required by the school for these activities should be waived.



If you have questions about a specific fee, consult the State Coordinator for the Youth in Custody program at the State Office of Education. Travis Cook (801) 538-7711  
tcook@usoe.k12.ut.us.



If there is a fee that is not covered by the fee waiver or if the activity is not a school-related activity, the DCFS Child and Family Team will discuss the situation and come up with a plan for how to cover the fee.

**Are children in state care eligible for free lunch?**

Yes. Fees for school lunch should be waived for children in state care.

**Is there an educational program that serves Native American children in care?**

Title VII programs are provided for Indian children in the public school system, including children in the custody of the state. The specifics of Title VII programs vary, each school district determines how they want to administer and provide Title VII programs. Anyone interested in accessing Title VII programs should contact the school district and inquire if the district provides Title VII programs and how they can be accessed.

## Special Education

### How can a student in state care be referred for a special education evaluation?

At any time during the child's placement, if the DCFS Child and Family Team, JJS, or the parent has reason to suspect that the child may have a disability requiring special education services, a request for an evaluation may be initiated to determine eligibility under the Individuals with Disabilities Education Act (IDEA). DCFS/JJS are committed to ensuring that children obtain an education adequate to their needs and abilities. The caseworker is responsible for communicating with the school and tracking the child's educational performance.

If caseworkers or out-of-home caregivers have concerns about the educational performance of a student in state care, they should initiate a request for an initial special education evaluation to the school administrator.

### How are the needs of students accessing special education services addressed while they are in state care?

Students with disabilities in state custody should continue to receive special education and related services according to their current IEP regardless of where they are placed by DCFS or JJS.

Special education records must be requested, reviewed, and transferred with the student, both when they enter and leave state care to ensure continuity of educational services and the provision of a free, appropriate public education.

The IEP must be reviewed and revised at least annually and address the student's educational needs. An IEP team determines the appropriate placement for the student.

### How is a student's IEP affected when they are placed in state care and change schools?

If the child has an IEP, the new school district, in consultation with the parents (i.e., someone who meets the IDEA definition of a parent) must provide services comparable to those in the IEP, until the new school district adopts the IEP or develops and implements a new IEP.

Special education records are generally maintained separately from other educational records. Unless specifically requested, special education records may not be transferred with other educational records. Caseworkers and receiving schools/programs should routinely request special education records for students, to ensure that they are not missed during records transfers. Students placed in YIC programs still retain the right to a free, appropriate public education (FAPE) under IDEA and should receive special education and related services as per a current IEP.

## Are children in care ages 0-5 eligible for special educational services?

Early intervention services (e.g., Utah Department of Health, Baby Watch) are available for children ages birth to three. The IDEA requires that by age three, children who are eligible under IDEA have an IEP developed and implemented by the school district.

Children in care can also access Headstart and Early Head Start programs if necessary. Head Start is a federally funded preschool program targeting children in low-income families to help prepare them for school; however, children in care, regardless of income, are eligible.

## Who serves as the parent regarding special education decisions?

The IDEA defines a “parent” to include:

- A biological, adoptive, or foster parent of a child.
- A guardian (but not the state if the child is in state care).
- An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare.
- An individual assigned to be an educational surrogate parent.

For students requiring special education services, someone who meets the definition of a parent (e.g., biological or foster parent) or an educational surrogate parent appointed by the school district must serve as the parent regarding educational decisions. The biological or adoptive parent, when attempting to act as the parent and when more than one person is qualified to act as the parent, must be presumed to be the parent unless the parent does not have the legal authority to make educational decisions for the student. Parents, if not able to attend meetings in person, may participate using alternate means, including conference calls and video conferencing.



While a judge may assign an educational surrogate parent, a judge may not assign an employee of the school district or an employee of a state agency involved in the education and care of the student to serve as the educational surrogate parent. It is the school district’s responsibility to protect the rights of the student with a disability who is in state care and assign an educational surrogate parent when needed. An educational surrogate parent has all the rights and responsibilities of a parent under IDEA.

Under federal law (IDEA), the caseworker may not sign as the parent for special education decisions such as consent for evaluation and initial placement, participation during evaluation, eligibility determination, IEP development, and placement review. However, the caseworker should also be involved in meetings, **but should sign as a participant and not as the parent.** Both the out-of-home caregiver and the caseworker should be provided with copies of educational records.



## Appendix A ~ Websites

Casey Family Programs

<http://www.casey.org/Home>

Child Welfare League of America

<http://www.cwla.org/>

DCFS Practice Guidelines

<http://www.hspolicy.utah.gov/dcfs/>

Legal Center for Foster Care and Education

<http://www.abanet.org/child/education/>

McKinney-Vento Act

<http://childwelfare.net/activities/presentations/McKinneyVentoFAQ1.pdf>

Special Education Services

<http://www.schools.utah.gov/sars>

Utah Code

<http://www.le.state.ut.us/%7Ecode/code.htm>

Utah Department of Human Services

[www.dhs.utah.gov](http://www.dhs.utah.gov)

Utah Division of Child and Family Services

[www.dcms.utah.gov](http://www.dcms.utah.gov)

Utah Foster Care Foundation

<http://www.utahfostercare.org/>

Utah Juvenile Justice Services

<http://www.jjs.utah.gov>

Utah State Courts

<http://www.utcourts.gov/>

Utah State Office of Education

<http://www.usoe.k12.ut.us/>

Youth in Custody

<http://www.schools.utah.gov/cte/yic/>

## Appendix B ~ Contact Information

### Division of Child and Family Services

24-hour Statewide Child Abuse Reporting  
Hotline: 1-800-678-9339

Division of Child and Family Services  
State Office  
120 N 200 W, Suite 225  
Salt Lake City, UT 84103-1500  
801-538-4100

Northern Region Office  
(Box Elder, Cache, Davis, Morgan, Rich, &  
Weber Counties)  
950 E 25th Street  
Ogden, UT 84401  
801-629-5800

Salt Lake Valley Region Office  
(Salt Lake & Tooele Counties)  
645 E 4500 S  
Salt Lake City, UT 84107  
801-264-7500

Western Region Office  
(Juab, Millard, Utah, Wasatch, & Summit  
Counties)  
150 E Center Street, Suite 5100  
Provo, UT 84606  
801-374-7005

Southwest Region Office  
(Beaver, Garfield, Kane, Iron, Piute,  
Sanpete, Sevier, Washington, & Wayne  
Counties)  
856 Sage Drive Suite 7  
Cedar City, UT 84720  
435-867-2760

### Division of Juvenile Justice Services

Office of Community Programs (Urban)—  
Administration  
145 N. Monroe Blvd.  
Ogden, UT 84404  
801-627-0322

Office of Rural Programs—Administration  
205 West 900 North  
Springville, UT 84663  
801-491-0100

Brigham City Outreach Programs  
138 West 990 South  
Brigham City, UT 84302  
435-723-2801

Cache Valley Outreach Programs  
115 West Golf Course Rd., Ste. E  
Logan, UT 84321  
435-787-3500

Ogden Case Management  
145 N. Monroe Blvd.  
Ogden, UT 84404  
801-627-0322

Salt Lake Case Management  
61 West 3900 South  
Salt Lake City, UT 84107  
801-284-0200

Orem Case Management  
237 South Mountainland Dr.  
Orem, UT 84058  
801-426-7430

Moab Case Management Office  
1165 S. Highway 191, #3  
Moab, UT 84532  
435-259-3733

Canyonlands Youth Center  
244 W. Old Ruin Rd.  
Blanding, UT 84511  
435-678-3140

Southwest Utah Youth Center  
270 East 1600 North  
Cedar City, UT 84720  
435-867-2500

Castle Country Youth Center  
1395 South Carbon Ave.  
Price, UT 84501  
435-636-4720

Split Mountain Youth Center  
830 East Main Street  
Vernal, UT 84078  
435-789-2045

Central Utah Youth Center  
449 N. Highway 89  
Richfield, UT 84701  
435-893-2340

Washington County Youth Crisis Center  
251 East 200 North  
St. George, UT 84770  
435-656-6100

### Juvenile Court

#### *First District*

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Judge Larry E Jones  
Judge Jeffery R Burbank  
43 North Main  
P.O. Box 873  
Brigham City, UT 84302-0873  
435-734-4600

#### *Second District*

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Judge Mark Andrus, Judge Kathleen Nelson  
Judge Stephen Van Dyke  
800 West State Street  
P.O. Box 325  
Farmington, UT 84025  
801-451-4900

Judge Paul Iwasaki, Judge L. Kent Bachman  
Judge Kathleen Nelson  
444 26th Street  
Ogden, UT 84401  
801-626-3800

#### *Third District*

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Judge Charles D. Berhens, Judge Kimberely K. Hornak, Judge Sharon P McCully,  
Judge C. Dane Nolan, Judge Fredrick M. Oddone, Judge Andrew Valdez  
450 South State  
P.O. Box 140431  
Salt Lake City, UT 84114-0431  
801-238-7700

*Third District*

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Judge Jim Michie., Judge Mark W. May, Judge Christine Decker, Judge Elizabeth Lindsley,  
Commissioner Anthony W. Ferdon  
8080 S. Redwood Rd.  
West Jordan, UT 84088  
801-233-9600

*Fourth District*

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Judge Suchada Bazzelle  
75 East 80 North, Suite 201  
American Fork, UT 84003  
801-763-8941

Judge Kay Lindsay  
2021 South State  
Provo, UT 84606  
801-354-7200

Judge Mary Noonan  
99 East Center Street  
Orem, UT 84057 801-764-5820

Judge Sterling Sainsbury  
775 West Center Street  
Spanish Fork, UT 84660  
801-804-4780

*Fifth District*

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Judge Hans. Q Chamberlain  
82 North 100 East  
Cedar City, UT 84720  
435-865-5390

Judge Thomas Higbee  
220 North 200 East  
St. George, UT 84770  
435-986-5730

*Sixth District*

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Judge Paul D. Lyman  
895 East 300 North  
Richfield, UT 84701  
435-896-2700

*Seventh District*

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Judge Scott Johansen  
149 East 100 South  
Price, UT 84501  
435-636-3400

Judge Mary Manley  
125 East Center Street  
Moab, UT 84532  
435-259-1353

*Eighth District*

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Judge Larry A. Steele  
920 East Highway 40  
Vernal, UT 84078  
435-781-9935

## Appendix C ~ Directors of Youth in Custody Programs

DISTRICT	PHONE	NAME	FAX #	E-MAIL	SCHOOL/DIST	ADDRESS	CITY	ZIP
USOE	801-538-7711	Travis Cook	801-538-7868	<a href="mailto:tcook@schools.utah.gov">tcook@schools.utah.gov</a>	Utah State Office Of Education	250 E 500 S PO Box 144200	SLC	84114-4200
ALPINE	801-277-7827	Doug Nielson	801-277-7830	<a href="mailto:drdougnielsen@gmail.com">drdougnielsen@gmail.com</a>	Alpine Summit Program	1581 W 1000 S	Orem	84058
BOX ELDER	435-734-4800	Jim Wilson	435-734-4833	<a href="mailto:jim.wilson@besd.net">jim.wilson@besd.net</a>	Box Elder School District	960 S Main	Brigham	84302
CACHE	435-755-0716	Randy Bennion	435-755-0721	<a href="mailto:randy.bennion@cache.k12.ut.us">randy.bennion@cache.k12.ut.us</a>	Cache High School	265 W 1400 N	Logan	84341
CARBON	435-637-7540	Karlene Bianco	435-637-4019	<a href="mailto:biancok@dtc.carbon.k12.ut.us">biancok@dtc.carbon.k12.ut.us</a>	Lighthouse Life & Learning Center	251 W 400 N	Price	84501
DAVIS	801-402-5172	Suzanne Buchanan	801-402-5308	<a href="mailto:sbuchanan@dsdmail.net">sbuchanan@dsdmail.net</a>	Mountain High School	464 S 500 E	Kaysville	84037
DUCHESNE	435-725-4605	John Jorgensen	435-725-4622	<a href="mailto:jjorgensen@dcsd.org">jjorgensen@dcsd.org</a>	Roosevelt Jr. High	Rt 2, Box 2035	Roosevelt	84066
GRANITE	801-646-4680	Pamela Child	801-646-4682	<a href="mailto:pchild@graniteschools.org">pchild@graniteschools.org</a>	Granite School District	2500 S State St #B122	SLC	84115
IRON	435-586-2899	Dennis Heaton	435-586-2815	<a href="mailto:dennis.heaton@iron.k12.ut.us">dennis.heaton@iron.k12.ut.us</a>	Southwest Education Academy	510 W 800 S	Cedar City	84720
JORDAN	801-412-2970 801-412-2951	Jody Marsden Brett Wilson	801-412-2998 801-412-2997	<a href="mailto:jody.marsden@jordan.k12.ut.us">jody.marsden@jordan.k12.ut.us</a> <a href="mailto:brett.wilson@jordan.k12.ut.us">brett.wilson@jordan.k12.ut.us</a>	Hillcrest High	7350 S 900 E	Midvale	84047
LOGAN	435-755-2300	Kirk Allen	435-755-2311	<a href="mailto:kallen@lcsd.logan.k12.ut.us">kallen@lcsd.logan.k12.ut.us</a>	Logan School District	101 W Center	Logan	84321
NEBO	801-798-0652	Cecil Loftin	801-798-1183	<a href="mailto:cecil.loftin@nebo.edu">cecil.loftin@nebo.edu</a>	Spanish Fork High	99 N 300 W	Spanish Fork	84660
NO. SANPETE	435-462-2485	Leslie Keisel	435-462-2480	<a href="mailto:leslie.keisel@nsanpete.k12.ut.us">leslie.keisel@nsanpete.k12.ut.us</a>	North Sanpete School District	220 E 700 S	Mt. Pleasant	84647
OGDEN	801-334-0273	Lana Dean	801-625-1104	<a href="mailto:deanl@m.ogden.k12.ut.us">deanl@m.ogden.k12.ut.us</a>	Mill Creek Youth Center	790 W 12th St	Ogden	84404
PIUTE	435-577-2912	Don Yates	435-577-2561	<a href="mailto:don.yates@piute.k12.ut.us">don.yates@piute.k12.ut.us</a>	Piute School District	500 North Main P.O. Box 69	Junction	84740
PROVO	801-374-4814	Greg Hudnall Karl Wells	801-374-4808	<a href="mailto:greggh@provo.k12.ut.us">greggh@provo.k12.ut.us</a>	Provo School District	280 W 940 N	Provo	84604
SALT LAKE	801-578-8574 X513	Wendy Jack-Alvarado	801-578-8382	<a href="mailto:wendy.jack@horizonte.slk.k12.ut.us">wendy.jack@horizonte.slk.k12.ut.us</a>	Horizonte	1234 S Main	SLC	84101-3117
SAN JUAN	435-678-1227	Lynnette Johnson	435-678-1864	<a href="mailto:ljohnson1@sanjuanschools.org">ljohnson1@sanjuanschools.org</a>	San Juan School District	200 N Main	Blanding	84511
SEVIER	435-896-4850	Myron Mickelsen	435-896-8804	<a href="mailto:myron.mickelsen@sevier.k12.ut.us">myron.mickelsen@sevier.k12.ut.us</a>	Sevier School District	195 E 500 N	Richfield	84701
SO. SANPETE	435-835-2261	Brian Olmstead	435-835-2265	<a href="mailto:brian.olmstead@ssanpete.k12.ut.us">brian.olmstead@ssanpete.k12.ut.us</a>	South Sanpete School District	39 S Main	Manti	84642
TOOELE	435-833-1900	Dar Butcher	435-833-1912	<a href="mailto:dbutcher@tooelesd.org">dbutcher@tooelesd.org</a>	Tooele School District	92 S Lodestone Way	Tooele	84074
UINTAH	435-781-3110 X2693	Beth Murphy	435-781-3117	<a href="mailto:beth.murphy@uintah.net">beth.murphy@uintah.net</a>	Uintah High School	1880 W 500 N	Vernal	84078
WASHINGTON	435-628-2462 X210	Terry Ogborn	435-628-8206	<a href="mailto:togborn@m.mhs.washk12.org">togborn@m.mhs.washk12.org</a>	Millcreek High	2410 E Riverside Dr	St. George	84790
WEBER	801-476-7884	Ann Miller	801-476-7897	<a href="mailto:amiller@weber.k12.ut.us">amiller@weber.k12.ut.us</a>	Weber School District	5320 S Adams Ave	Ogden	84405

## Appendix D ~ Glossary of Terms

**ABUSE:** Actual or threatened non-accidental physical or mental harm; negligent treatment; sexual exploitation; or any sexual abuse. The Division of Child and Family Services has defined the following categories of abuse:

- child endangerment,
- domestic violence related child abuse,
- emotional maltreatment,
- material harmful to a child,
- physical abuse,
- fetal exposure to alcohol or other substances,
- fetal addiction to alcohol or other harmful substances,
- pediatric condition falsification,
- ritual abuse,
- sexual abuse,
- lewdness,
- and sexual exploitation.

**ADOPTION AND POST-ADOPTION SERVICES:** Assistance provided by DCFS to families that will adopt children in out-of-home care that are unable to return home due to safety issues. Post-adoption services provide supports to adoptive families with the goal of sustaining adoptive placements.

**ASSISTANT ATTORNEY GENERAL (AAG):** The AAG is an attorney who represents Child and Family Services.

**CASE MANAGER:** Each child committed to Juvenile Justice Services (JJS) custody for secure care, observation and assessment, or community placement is assigned a JJS case manager. It is the case manager's responsibility to oversee the child's care, serve as a liaison with the family, make placement decisions, monitor the child's progress, participate in determining consequences for noncompliant behavior, and represent the Division in court.

**CASEWORKER:** A person employed by the Division of Child and Family Services to provide professional casework, case management, contract management, or direct services to a child and/or family involved with DCFS. The caseworker also coordinates with community partners that provide services to the child and/or family.

**CHILD AND FAMILY ASSESSMENT:** Information that is gathered by DCFS from various sources and used to determine the strengths, capabilities, needs, risks, and cultural aspects of the child and family. The information gathered forms a comprehensive view of the child and family and their support networks at home, at school, and in the community. The conclusions drawn in the assessment are the foundation for services outlined for the family in the Child and Family Plan.

**CHILD AND FAMILY PLAN:** A written document created by DCFS that outlines the agreed-upon strategies, supports, services, and other intervention activities offered to a child and/or family involved in DCFS services. If there is court jurisdiction over the child and/or family, the Child and Family Plan is considered a legal document and is incorporated in the court order for the family.

**CHILD AND FAMILY TEAM:** A multi-disciplinary team convened by DCFS to plan for the needs of the family and assist DCFS in making critical case decisions. The child, their family, the caseworker, and any out-of-home providers and kin included on the case are the primary members of a Child and Family Team. Other entities that may be included to provide additional support include representatives from education, health care, law enforcement, the Guardian Ad Litem, parent's attorney, the Attorney General, DJJS, probation officers, and any other supportive individuals, professional and non-professional, as designated by the family.

**CHILD PROTECTIVE SERVICES (CPS):** Service provided through DCFS that conducts investigations to determine the validity of child abuse/neglect referrals received from the community or professionals. CPS cases may lead to other types of services being provided to the family by DCFS.

**CHILD PROTECTIVE SERVICES INTAKE:** The process of receiving the initial information from a person (referent) who is alleging an act of abuse, neglect, or dependency against a child. The intake worker researches any additional information on the child and family that is available to DCFS, determines appropriate assignment and prioritization of a referral of abuse or neglect, and delivers an accepted referral for investigation to a CPS investigator.

**COLLATERAL CONTACT:** Any individual other than the alleged perpetrator who has had direct contact with or knowledge of the child or the child's family.

**COMMUNITY PLACEMENT:** Residential, community-based services for a delinquent child in JJS custody. These services are primarily operated by private providers through contracts with the State. Residential services range from proctor care to intensive residential group homes. Programs are designed to provide supervision and interventions based on the child's risk factors (e.g., sex offenses, mental health, substance dependence, physically aggressive child, property offenders, and noncompliant child).

**CONCURRENT PLANNING:** The process of planning for multiple permanency options for the child in the event that the primary permanency goal becomes unattainable.

**COURT APPOINTED SPECIAL ADVOCATES (CASA):** CASA workers are specially trained community volunteers who help to represent the best interest of the child in court hearings. As Guardian Ad Litem (GAL) are required to be appointed for every child who has a case of abuse and/or neglect in Utah, they have an extremely high case volume and are sometimes unable to be as involved with the child as they feel they need to be in order to represent the child's best interests in court. On these cases, the GAL will sometimes request that a CASA be appointed to

meet and work with the child individually, in order to help the GAL and court to understand the child's perspective and truly represent the child's interests in court.

**COURTS AGENCY RECORD EXCHANGE (CARE):** The Juvenile Court's and JJS's management information system.

**DELINQUENT YOUTH:** Youth ages 10 to 18 who have committed an act that is a crime.

**DEPENDENCY:** The condition of a child who is homeless or without proper care through no fault of the child's parent, guardian, or custodian. Dependency may be due to:

- A lack of understanding by the child's parent or guardian as a result of a lack of education or due to a mental, emotional, or physical disability.
- A parent or guardian's lack of economic resources.
- The institutionalization of a parent or guardian who has not or cannot arrange for safe care for the child.

**DETENTION:** JJS programs providing temporary, locked confinement to a child awaiting adjudication or placement and for a child ordered to detention as a sentence or for contempt of court. Children may also be placed in detention if they pose an immediate danger to themselves or others.

**DOMESTIC VIOLENCE:** Conduct involving violence or physical harm, or the threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. Domestic violence can take a variety of forms, including physical violence, psychological violence, or sexual violence.

**DOMESTIC VIOLENCE-RELATED CHILD ABUSE:** A violent interaction (physical or verbal) that occurs in the presence of a child between individuals living in the same home.

**DOMESTIC VIOLENCE (DV) SERVICES:** Support services, provided by DCFS, which are offered to victims and families affected by DV. DV services provided by DCFS include services to victims through a licensed domestic violence shelter provider.

**EARLY INTERVENTION SERVICES - SPECIAL EDUCATION:** Programs for youth to prevent them from further involvement with the Juvenile Justice System.

**EDUCATION AND TRAINING VOUCHER (ETV):** Provides financial resources for post-secondary education and vocational training for youth transitioning from DCFS custody.

**EDUCATIONAL NEGLECT:** Failure or refusal by a parent to ensure that a child receives an appropriate education.

**EDUCATIONAL SURROGATE PARENT:** A representative appointed by (but not employed by) the school district/charter school, who has been trained regarding special education requirements and student needs and who serves as a parent in special education activities such as IEP development, placement review and consent, and evaluation, when there is no biological parent or foster parent involved. For example, an educational surrogate parent may be assigned when a child is in a residential treatment center or shelter facility.

**FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA):** Assures parents access to their student's educational records and protects rights to privacy by limiting the access of educational records without parent consent.

**FOSTER PARENTS:** An out-of-home caregiver who is licensed by the State of Utah to provide care for a child who has been removed from their home. They are responsible for the daily care of the child as well as the child's health and well-being. A foster parent may be a relative who has become a licensed foster parent for a specific child, or a person from the community who has gone through the required training and other processes necessary to become a foster parent. A foster parent, however, is not authorized to act as a legal custodian or guardian of a child. That responsibility lies with the Division of Child and Family Services, as it is the agency granted custody and/or guardianship by the court.

**FREE, APPROPRIATE PUBLIC EDUCATION (FAPE):** Special education and related services that are provided at public expense in accordance with an IEP.

**GOVERNMENT RECORDS ACCESS MANAGEMENT ACT (GRAMA):** A Utah statute that allows members of the public to obtain copies of certain government records. If a person submits a written request for a JJS or Child and Family Services record, GRAMA requires JJS or Child and Family Services to disclose the record unless disclosure is prohibited by the provisions of GRAMA itself or by another state or federal statute. Many of JJS and Child and Family Services' records are not open to the public due to their classification under GRAMA or other statutes.

**GUARDIAN AD LITEM (GAL):** Utah State law requires that each child who may become the subject of a petition alleging abuse, neglect, or dependency shall have a Guardian ad Litem appointed to represent the best interest of the child during juvenile court hearings. GALs sometimes use Court Appointed Special Advocates (CASA worker) to meet with the child if they are unable to themselves. GALs are appointed to represent children on abuse and neglect cases, but not usually on delinquency cases.

**GUARDIANSHIP:** Provides a permanent living arrangement for the child. The guardian (caregiver or responsible adult) has the authority to consent to the child's marriage; enlistment in the armed forces; major medical, surgical, or psychiatric treatment; and to legal custody, if legal custody is not vested in another person, agency, or institution.

**INDIAN CHILD WELFARE ACT (ICWA):** A federal law that sets minimum standards for state courts to follow in Indian child custody proceedings. It is designed to strengthen and preserve Native American families.

**INDIAN CHILD WELFARE ACT (ICWA) SERVICES:** Federally required services that DCFS must provide for children in foster care with Native American heritage who are eligible for tribal membership.

**INDIVIDUALIZED EDUCATION PROGRAM (IEP):** A program designed to meet the unique educational needs of one child. The IEP must be tailored to the individual student's needs as identified by the evaluation process and must help teachers and related service providers understand the student's disability and how the disability affects the learning process. In other words, the IEP should describe how the student learns, how the student best demonstrates that learning, and what teachers and service providers will do to help the student learn more effectively.

The required individuals for the IEP team are the regular education teacher, special educator, principal or Local Education Agency (LEA) designee, parent or guardian of the student, and a person who can interpret the instructional implications of evaluation results if not one of the above mentioned team members (a school psychologist, in many cases). Related service individuals may also attend (e.g., speech therapist, interpreter, caseworkers, or classroom aide if they are implementing portions of the IEP). The parent can ask friends, family etc. to attend. The IEP team can be convened each year at the request of any member of the IEP team. A caseworker who is the legal guardian of the student may not sign as the parent on an IEP, but can and should sign the IEP.

**INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA):** Requires that a free, appropriate public education (FAPE) be provided to eligible students with disabilities. Students are determined to be eligible under IDEA if a school team, including the parent, determines that they have a disability that adversely affects their educational performance (i.e., academic, communication, social/behavioral) and requires special education and related services.

**IN-HOME (OR HOME-BASED) SERVICES:** Services provided by DCFS to a family to maintain a child safely in their own home and keep the family together.

**JUVENILE JUSTICE SERVICES (JJS):** A division of the Department of Human Services that provides a continuum of intervention, supervision, and rehabilitation programs to youth offenders while assuring public safety.

**KINSHIP CARE:** The full-time care of a child provided by a relative when a court determines the child cannot be cared for safely by their parents. The kinship caregiver must have one of the following relationships to the child in order to qualify as a kinship caregiver: a grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling of the child.

LOCAL EDUCATION AGENCY (LEA): A public school district or charter school.

LEAST RESTRICTIVE ENVIRONMENT (LRE): To the maximum extent appropriate, youth in custody shall not be placed in restrictive or non-mainstream programs simply because of their custodial status, their past behavior, or the inappropriate behavior of other students.

To the maximum extent appropriate, students with disabilities are educated with students who are not disabled. Removal of the student with disabilities from the regular education environment occurs only if the nature or severity of the disability is such that an education in regular classes with supplementary aids and services cannot be achieved satisfactorily.

LEGAL CUSTODY: Legal authority given to an individual or agency that embodies the following rights and duties: the right to physical custody of the child; the right and duty to protect, train, and discipline the child; the duty to provide the child with food, clothing, shelter, education, and ordinary medical care; the right to determine where and with whom the child shall live; the right, in an emergency, to authorize surgery or extraordinary care.

MCKINNEY-VENTO ACT: McKinney-Vento is the primary piece of federal legislation dealing with the education of children experiencing homelessness in U.S. public schools. The federal law is designed to address the problems that homeless children face in enrolling, attending, and succeeding in school. Children who are awaiting foster care placement are considered homeless and eligible for McKinney-Vento services. Under McKinney-Vento, schools must comply with the following provisions:

- 1) Homeless student may not be segregated in a school or in a separate program within a school, based on the child's status as homeless.
- 2) Local educational agencies will provide transportation to and from the school of origin at the request of the parent or guardian (or in the case of the unaccompanied child, the liaison).
- 3) A homeless child may be enrolled immediately in school, even if the child is unable to produce the records normally required for enrollment.
- 4) School placement decisions must be made on the basis of the best interest of the child including keeping the child in their school of origin.
- 5) Every school must designate a local liaison for homeless children.

NEGLECT: Failure or refusal of a parent, guardian, or custodian to provide care necessary for the child's health, safety, or well-being, such as educational neglect, medical neglect, physical neglect, failure to thrive, failure to protect, chronic neglect, or severe neglect.

OBSERVATION & ASSESSMENT (O&A): A 45-day residential program for youth ordered by the Juvenile Court Judge for evaluation, assessment and treatment planning. At the conclusion of the evaluation, a formal report is presented to the court for the judge to consider prior to making a final decision.

OUT-OF-HOME SERVICES: Out-of-home services, sometimes known as "foster care" services, are provided to children and families through DCFS when children are unable to remain safely

in their home. When out-of-home services are provided, custody of the child has been either court ordered to DCFS or voluntarily provided by the legal parent and/or guardian.

**PERMANENCY:** A permanent safe and nurturing home for a child with enduring relationships that provide a sense of family stability and belonging. The establishment and maintenance of a permanent living situation for a child, which gives the child an internal sense of family stability and belonging, as well as a sense of self that connects the child to his or her past, present, and future. Permanency can be achieved in a number of ways based on the child's circumstances. For example:

- (1) keeping or returning the child to the home of the parent/guardian.
- (2) placing the child with a relative or non-relative and supporting legal permanent custody or guardianship with that caregiver.
- (3) supporting a successful transition to adult living.
- (4) or adoption with an appropriate caregiver.

**PLACEMENT:** A child's living arrangement while in out-of-home care, which is selected to meet the child's needs. (For students with disabilities receiving special education services, please see Special Education Placement.)

**PROCEDURAL SAFEGUARDS:** Rights for parents, or persons acting as parents, of students with disabilities that includes to examine records, participate in meetings, obtain an independent education evaluation, and receive written prior notice of actions proposed or refused by the LEA regarding special education. To view complete Procedural Safeguards, please visit <http://www.schools.utah.gov/sars/lawsregs/safeguards.htm>.

**PROTECTIVE CUSTODY:** Taking a child into custody for protection by a Child and Family Services CPS worker, law enforcement officer, or physician. Protective custody begins from the time the decision is made, typically from when the child is removed from the home, and continues until the shelter hearing or until the child returns home, whichever occurs earlier.

**RESIDUAL PARENTAL RIGHTS AND DUTIES:** Those rights and duties remaining with the parent after legal custody or guardianship, or both, have been awarded to another person or agency. Residual parental rights and duties include the right to consent to adoption, to determine the child's religious affiliation, and to reasonable visitation unless restricted by the court. If the parent retains guardianship of the child, "residual parental rights and duties" also include the right to consent to marriage, to enlistment in the armed forces, and to major medical surgical or psychiatric treatment.

**REUNIFICATION SERVICES:** Services provided by DCFS to reunite the child and family. Reunification services may not extend beyond 12 months (or eight months if a child is under 36 months of age), from the date that the child was initially removed from the home.

**SAFE DATABASE:** Division of Child and Family Services' management information system.

**SECTION 504:** Protects qualified individuals with disabilities. Under this law, individuals with disabilities are defined as persons with a physical or mental impairment which substantially limits one or more major life activities

**SECURE FACILITY:** Long-term, locked confinement for youth adjudicated by the Juvenile Court typically reserved for the most serious and habitual juvenile offenders.

**SELF-CONTAINED:** A self-contained classroom is one in which the students share similar academic requirements. For example, all the gifted children in a school or school district will be contained in the same classroom. Sometimes all the students are the same grade level, but other times, particularly when there are a limited number of students, the classroom may contain students spanning more than one grade level. This definition is not descriptive of a “self-contained” special education placement.

**SHELTER PLACEMENT:** Temporary placement of a child by Child and Family Services in a licensed facility from the time the child is removed from the home until the court makes an order regarding custody of the child.

**SUPPORTED OR UNSUPPORTED FINDING:** A finding made by DCFS based on the information obtained during an investigation. When there is sufficient information to conclude the allegation of abuse, neglect, or dependency occurred, a “supported” finding is made by the investigator. An “unsupported” finding is made when there is insufficient information to conclude that abuse, neglect, or dependency occurred. A finding of unsupported also means that the worker was unable to make a positive determination that the allegation was without merit.

**SPECIAL EDUCATION:** Specially designed instruction, at no cost to the parents, to meet the unique needs of student with a disability. The specially designed instruction includes adapting the content, methodology, or delivery of instruction.

**SPECIAL EDUCATION PLACEMENT:** The educational placement of a student with a disability made by an IEP team, considering the student’s IEP, all evaluation data and least restrictive environment (LRE) options.

**STATUS OFFENCES:** An act that would not be considered an offense if committed by an adult. Such offenses include sexual behavior, alcohol consumption, running away, and truancy.

**TERMINATION (or PERMANENT DEPRIVATION) OF PARENTAL RIGHTS (TPR):** When all legal rights a parent has to a child are terminated by a court order.

**THERAPIST:** Some children in care require therapy with a licensed mental health provider. Not all children in care will have a therapist, but all children will have annual mental health assessments in order to determine if any treatment is necessary.

**TRANSITION TO ADULT LIVING (TAL) SERVICES:** Services provided by DCFS to youth, ages 14 and older, that teaches skills needed for successful adult life.

**VOLUNTARY CUSTODY:** A formal agreement in which a legal guardian or custodian grants custody of a child to Child and Family Services for placement in a licensed home or facility for a limited period of time.

**VOLUNTARY RELINQUISHMENT:** Voluntary consent by a parent to termination of their parental rights. A relinquishment must be signed and affirmed before a judge or an officer authorized to accept relinquishments. Only the Juvenile Court is authorized to take relinquishments with regard to a child under court jurisdiction.

**Appendix E ~ Memorandum of Understanding for  
Children Currently in the Custody of the  
Department of Human Services**

**I. PARTIES TO MEMORANDUM**

The parties to this Memorandum of Understanding are: The Utah State Board of Education (**the Board**) and the Department of Human Services (**The Department**).

**II. DATE OF MEMORANDUM:** September 1, 2006

**III. GENERAL STATEMENT OF UNDERSTANDING**

The undersigned understand the following general principles:

- A. Various agencies within the Department of Human Services have custody and/or guardianship of school aged children;
- B. For the purposes of this MOU, "custody of the Department of Human Services" means a judicial or court order placing custody and/or guardianship of a child with the Department of Human Services, the Division of Juvenile Justice Services or the Division of Child and Family Services.
- C. While the Department of Human Services (or any of its divisions) serves as the legal custodian and/or guardian of a child who is a student, the Department, through a caseworker, case manager or foster parent may inspect and review the child's education record and has the same standing as a parent would have under FERPA (34 C.F.R. Part 99);
- D. A DHS employee providing appropriate identification (such as a DHS employee ID photo ID card) may be presumed to act as the designee for the department. For telephonic or digital communications, the DHS employee shall inform the school system of the employee's name, what Division the employee represents and in what capacity the DHS employee makes the record request.
- E. In order to provide for the child's educational needs with as little disruption as possible, the caseworker should be allowed to review to the child's education record as soon as possible, and requests for access should be processed as quickly as possible;
- F. For the purposes of this MOU, education record means the same as it does in 20 U.S.C. §1232g(a)(4);
- G. For the purposes of this MOU, the term "school system" refers to any arm of the public education system-individual schools, school districts, and/or personnel acting on behalf of the Board.

**IV. ACCESS BY THE DEPARTMENT OF HUMAN SERVICES TO INFORMATION CONTROLLED BY THE BOARD**

- A. The parties to this MOU understand that the Board currently keeps aggregate data and criteria reference scores (CRTS).

- B. If the information concerns a child in the custody of DHS, the DHS worker is entitled to personalized information for the child when the caseworker demonstrates a compelling need to receive specific and individualized child assessment information

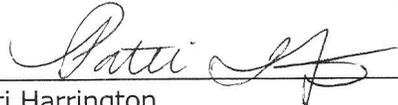
**V. ACCESS BY THE DEPARTMENT OF HUMAN SERVICES TO INFORMATION AT THE DISTRICT OR SCHOOL LEVEL**

- A. Pursuant to this MOU, when a child is in the custody of the Department, each school shall provide a DHS caseworker or designee with the same education record that would be provided to a parent. This includes those records, files, documents and other materials which contain information directly related to a child and are maintained in an educational agency or institution or by a person acting for such agency or institution. (20 USC 1232g (a)(4)(A)). Information about other children that is contained in the school record may be redacted as required by law.
- B. Pursuant to this MOU, each school shall provide copies of a student's education record to the DHS designee upon written or electronic request accompanied by appropriate identification of the person requesting the information. To the extent that records can be shared electronically, this MOU contemplates electronic record sharing;
- C. Pursuant to this MOU, an education record shall be provided to a DHS caseworker or designee as soon as possible, upon receipt of an appropriate request and the provision of appropriate identification.

**VI. YOUTH IN CUSTODY COORDINATION**

- A. The Youth in Custody program administered through the Utah State Office of Education shall have access to identifying information from both the Board and the Department that will inform the YIC program about which students are in or have been in the custody of DHS.
- B. Schools or school districts participating in the Youth in Custody program shall receive timely and adequate information from the Department regarding youth in custody to adequately prepare the teachers to respond to the needs of the school population and to provide interventions to keep all students safe.

**VII. SIGNATURE PAGE**

 Date: 8/23/06  
Patti Harrington  
State Superintendent of Public Instruction  
Utah State Board of Education

 Date: 8-15-06  
Lisa-Michele Church  
Executive Director  
Department of Human Services

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