

62A-2-108.1 Coordination of human services and educational services -- Licensing of programs -- Procedures.

- (1) For purposes of this section:
 - (a) "accredited private school" means a private school that is accredited by an accrediting entity recognized by the Utah State Board of Education; and
 - (b) "education entitled children" means children:
 - (i) subject to compulsory education under Section 53A-11-101.5;
 - (ii) subject to the school attendance requirements of Section 53A-11-101.7; or
 - (iii) entitled to educational services under Section 53A-15-301.
- (2) Subject to Subsection (8) or (9), a human services program may not be licensed to serve education entitled children unless the human services program presents an educational service plan that includes evidence:
 - (a) satisfactory to:
 - (i) the office; and
 - (ii)
 - (A) the local school board of the school district in which the human services program will be operated; or
 - (B) the school district superintendent of the school district in which the human services program will be operated; and
 - (b) that children served by the human services program shall receive appropriate educational services satisfying the requirements of applicable law.
- (3) Subject to Subsection (8) or (9), if a human services program serves any education entitled children whose custodial parents or legal guardians reside outside the state, then the program shall also provide an educational funding plan that includes evidence:
 - (a) satisfactory to:
 - (i) the office; and
 - (ii)
 - (A) the local school board of the school district in which the human services program will be operated; or
 - (B) the school district superintendent of the school district in which the human services program will be operated; and
 - (b) that all costs for educational services to be provided to the education entitled children, including tuition, and school fees approved by the local school board, shall be borne by the human services program.
- (4) Subject to Subsection (8) or (9), and in accordance with Subsection (2), the human services program shall obtain and provide the office with a letter:
 - (a) from the entity referred to in Subsection (2)(a)(ii):
 - (i) approving the educational service plan referred to in Subsection (2); or
 - (ii)
 - (A) disapproving the educational service plan referred to in Subsection (2); and
 - (B) listing the specific requirements the human services program must meet before approval is granted; and
 - (b) from the entity referred to in Subsection (3)(a)(ii):
 - (i) approving the educational funding plan, referred to in Subsection (3); or
 - (ii)
 - (A) disapproving the educational funding plan, referred to in Subsection (3); and
 - (B) listing the specific requirements the human services program must meet before approval is granted.

- (5) Subject to Subsection (8), failure of a local school board or school district superintendent to respond to a proposed plan within 45 days of receipt of the plan is equivalent to approval of the plan by the local school board or school district superintendent if the human services program provides to the office:
 - (a) proof that:
 - (i) the human services program submitted the proposed plan to the local school board or school district superintendent; and
 - (ii) more than 45 days have passed from the day on which the plan was submitted; and
 - (b) an affidavit, on a form produced by the office, stating:
 - (i) the date that the human services program submitted the proposed plan to the local school board or school district superintendent;
 - (ii) that more than 45 days have passed from the day on which the plan was submitted; and
 - (iii) that the local school board or school district superintendent described in Subsection (5)(b)
 - (i) failed to respond to the proposed plan within 45 days from the day on which the plan was submitted.
- (6) If a licensee that is licensed to serve an education entitled child fails to comply with its approved educational service plan or educational funding plan, then:
 - (a) the office shall give the licensee notice of intent to revoke the licensee's license; and
 - (b) if the licensee continues its noncompliance for more than 30 days after receipt of the notice described in Subsection (6)(a), the office shall revoke the licensee's license.
- (7) If an education entitled child whose custodial parent or legal guardian resides within the state is provided with educational services by a school district other than the school district in which the custodial parent or legal guardian resides, then the funding provisions of Section 53A-2-210 apply.
- (8) A human services program that is an accredited private school:
 - (a) for purposes of Subsection (2):
 - (i) is only required to submit proof to the office that the accreditation of the private school is current; and
 - (ii) is not required to submit an educational service plan for approval by an entity described in Subsection (2)(a)(ii);
 - (b) for purposes of Subsection (3):
 - (i) is only required to submit proof to the office that all costs for educational services provided to education entitled children will be borne by the human services program; and
 - (ii) is not required to submit an educational funding plan for approval by an entity described in Subsection (3)(a)(ii); and
 - (c) is not required to comply with Subsections (4) and (5).
- (9) Except for Subsection (7), the provisions of this section do not apply to a human services program that is:
 - (a) a foster home; and
 - (b) required to be licensed by the office.

Amended by Chapter 81, 2007 General Session