

1 **R277. Education, Administration.**

2 **R277-115. LEA Supervision and Monitoring Requirements of Third Party Providers**
3 **and Contracts.**

4 **R277-115-1. Authority and Purpose.**

5 (1) This rule is authorized by:

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

8 (b) Subsection [53E-3-401](#)(10), which allows the Board to ~~require~~ [direct](#) an LEA to
9 require in a contract with a third party provider that the third party provider shall provide,
10 upon request of the LEA, information necessary for the LEA to verify that the educational
11 good or service complies with:

12 (i) Titles [53E](#), [53F](#), and [53G](#); and

13 (ii) Board rule.

14 (2) The purpose of this rule is:

15 (a) to provide standards for an LEA working with a third party provider to ensure the
16 third party provider complies with applicable law.

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18 **R277-115-2. Definitions.**

19 (1) "Educational good or service" means the same as that term is defined in Section
20 [53E-3-401](#).

21 (2) "Education service provider" means a third party provider that provides direct
22 educational services to students, including instruction that yields grades or credit.

23 (3) "Section 504" means Section 504 of the Rehabilitation Act of 1973, [29 U.S.C.](#)
24 [794](#).

25 ~~(2)4~~ "Third party provider" means a third party who provides an educational good
26 or service on behalf of an LEA.

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28 **R277-115-3. Third Party Provider Provision of Services.**

29 (1) An LEA that contracts with a third party provider to provide an educational good
30 or service on behalf of the LEA shall:

31 (a) require in the LEA's contract with a third party provider that the third party provider

32 shall provide, upon request of the LEA, information necessary for the LEA to verify that the
33 educational good or service complies with:

34 (i) Titles 53E, 53F, and 53G; and

35 (ii) Board rule;

36 (b) establish monitoring and compliance procedures to ensure that a third party
37 provider who provides educational services to a student on behalf of the LEA complies with
38 the provisions of this rule;

39 (c) develop a written monitoring plan to supervise the educational good or service
40 provided by the third party provider;

41 (d) ensure the third party provider is complying with:

42 (i) federal law;

43 (ii) state law; and

44 (iii) Board rules;

45 (e) monitor and supervise all activities of the third party provider related to the
46 educational good or service provided by the third party provider to the LEA; and

47 (f) maintain documentation of the LEA's supervisory activities consistent with the
48 LEA's administrative records retention schedule.

49 (2) An LEA shall:

50 (a) verify the accuracy and validity of a student's enrollment verification data, prior to
51 enrolling a student in the LEA; and

52 (b) provide a student and the student's parent or guardian with notification of the
53 student's enrollment in a school or program within the LEA.

54 (3) In accordance with Section 63A-12-103, an LEA shall maintain records
55 documenting:

56 (a) services provided by third party providers; and

57 (b) payments made to third party providers.

58 (4) An LEA has direct and full responsibility for all actions of its third party providers
59 and the third party provider's employees for actions performed in the scope of services
60 rendered on behalf of the LEA.

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62 **R277-115-4. LEA Requirements of Education Service Providers.**

- 63 _____ (1) An LEA shall ensure that each staff member of an education service provider:
64 _____ (a) receives a background check and ~~[is enrolled in]~~ has ongoing monitoring in
65 accordance with ~~[Section 53G-11-403]~~ Title 53G, Chapter 11, Part 4 Background Checks;
66 and
67 _____ (b) holds appropriate license, license areas of concentration, and endorsements
68 as set forth in Rule R277-309.
69 _____ (2) An LEA shall ensure that an education service provider serving high school age
70 students is accredited as required by Rule R277-410.
71 _____ (3) An LEA shall ensure that a student identified as having a disability under the
72 IDEA or Section 504 receiving instruction from an education service provider receives a
73 free and appropriate public education.
74 _____ (4) An LEA shall require each education service provider provide the LEA with
75 information about any student receiving services that the education service provider
76 suspects of having a disability, so that the LEA can conduct child find responsibilities
77 under the IDEA.
78 _____ (5)(a) An LEA shall register all students receiving services from an education
79 service provider.
80 _____ (b) An education service provider may not register a student on behalf of an LEA.
81 _____ (6) An LEA shall pay an education service provider on a reimbursement basis.
82 _____ (7) An LEA may not record education service provider staff as teachers with an
83 assignment in CACTUS or USIMS.

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85 **R277-115-5. Corrective Action.**

- 86 ~~[(3)]~~ The Board or the Superintendent may withhold funds or require an LEA to repay
87 public funds to the Superintendent if:
88 ~~[(a)]~~1) the LEA fails to comply with the provisions of this rule or the law; and
89 ~~[(b)]~~2) the repayment is made in accordance with the procedures established in R277-
90 114.

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92 **KEY: third party providers, contracts, monitoring**

93 **Date of Enactment or Last Substantive Amendment: ~~[May 23, 2019]~~**

94 **Authorizing, and Implemented or Interpreted Law:** Art X Sec 3; 53E-3-401(4) and (10)