

1 **R277. Education, Administration.**

2 **R277-726. Statewide Online Education Program.**

3 **R277-726-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) Utah Constitution Article X, Section 3, which vests general control and
6 supervision of public education in the Board;

7 (b) Section 53F-4-514, which requires the Board to make rules:

8 (i) providing for the administration of the applicable statewide assessments to
9 students enrolled in online courses;

10 (ii) that establish a course credit acknowledgment form and procedures for
11 completing and submitting the form to the Board; and

12 (iii) that establish protocols for an online course provider to obtain approval to
13 become a certified online course provider; and

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

16 (2) The purpose of this rule is to:

17 (a) define necessary terms;

18 (b) provide and describe a program registration agreement; and

19 (c) provide other requirements for an LEA, the Superintendent, a parent and a
20 student, and a provider for program implementation and accountability.

21 **R277-726-2. Definitions.**

22 (1) "Actively participates" means the student actively participates as defined by the
23 provider.

24 (2) "Applicable statewide assessments" means:

25 (a) the high school assessment described in Section 53E-4-304 and Subsection
26 R277-404-2(6);

27 (b) a standards assessment as defined in Subsection R277-404-2(9);

- 28 (c) a statewide assessment as defined in Subsection R277-404-2(10); and
29 (d) a Utah alternative assessment as defined in Subsection R277-404-2(12).
- 30 (3) "Certified online course provider" means the same as the term is defined in
31 Subsection 53F-4-501(1).
- 32 (4) "Course completion" means that a student has completed a course with a
33 passing grade and the provider has transmitted the grade and credit to the primary LEA of
34 enrollment.
- 35 (5)(a) "Course Credit Acknowledgment" or "CCA" means an agreement and
36 registration record using the Statewide Online Education Program application provided by
37 the Superintendent.
- 38 (b) Except as provided in Subsection 53F-4-508(3)(h), the CCA shall be signed by
39 the designee of the primary school of enrollment, and the qualified provider.
- 40 (6)(a) "Eligible student" means a student enrolled in grades [6]7-12 in a secondary
41 environment in a course that:
- 42 (i) is offered by a public school; and
43 (ii) provides the student the opportunity to complete middle school requirements or
44 earn high school graduation credit.
- 45 (b) "Eligible student" does not include a student enrolled in an adult education
46 program.
- 47 (7) "Enrollment confirmation" means the student initially registered and actively
48 participated, as defined under Subsection(1).
- 49 (8)(a) "Executed CCA" means a CCA that has been executed pursuant to
50 Subsection 53F-4-508(3) and received by the Superintendent.
- 51 (b) Following enrollment confirmation and participation, Superintendent directs
52 funds to the provider, consistent with Sections 53F-4-505 through 53F-4-507.
- 53 (9) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the
54 Blind.
- 55 (10) "Online course" means a course of instruction offered through the Statewide

56 Online Education Program.

57 (11) "Online course payment" means the amount withheld from a student's
58 primary LEA and disbursed or otherwise paid to the designated provider following
59 satisfaction of the requirements of the law, and as directed in Subsection 53F-4-507(2).

60 (12) "Online course provider" or "provider" means:

61 (a) a school district school with an approved application described in Subsection
62 R277-726-3(1)(a);

63 (b) a charter school with an approved application described in Subsection R277-
64 726-3(1)(a);

65 (c) an LEA program created for the purpose of serving Utah students in grades 7-
66 12 online with an approved application described in Subsection R277-726-3(1)(a); or

67 (d) a program of an institution of higher education described in Subsection 53F-4-
68 504(3) with an approved application described in Subsection R277-726-3(1)(b).

69 (13) "Primary LEA of enrollment" means the LEA in which an eligible student is
70 enrolled for courses other than online courses offered through the Statewide Online
71 Education Program, and which reports the student to be in regular membership, and
72 special education membership, if applicable.

73 (14) "Primary school of enrollment" means:

74 (a) a student's school of record within a primary LEA of enrollment; and

75 (b) the school that maintains the student's cumulative file, enrollment information,
76 and transcript for purposes of high school graduation.

77 (15) "Resident school" means the district school within whose attendance
78 boundaries the student's custodial parent or legal guardian resides.

79 (16) "Section 504" means Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.
80 794.

81 (17) "Standard of active participation" means the measure of student engagement
82 that is used by the certified online course provider to count a student as in attendance for
83 a course.

84 (18) "Statewide Online Education Program" or "program" means courses offered
85 to students under Title 53F, Chapter 4, Part 5, Statewide Online Education Program Act.

86 (19) "Teacher of record" means the teacher who is employed by a provider and to
87 whom students are assigned for purposes of reporting and data submissions to the
88 Superintendent in accordance with Section R277-484-3.

89 (20) "Underenrolled student" means a student with less than a full course load, as
90 defined by the LEA, during the regular school day at the student's primary school of
91 enrollment.

92 (21) "USBE course code" means a code for a designated subject matter course
93 assigned by the Superintendent.

94 (22) "Withdrawal from online course" means that a student withdraws or ceases
95 participation in an online course as follows:

96 (a) within 20 calendar days of the start date of the course, if the student enrolls on
97 or before the start date;

98 (b) within 20 calendar days of enrolling in a course, if the student enrolls after the
99 start date;

100 (c) within 20 calendar days after the start date of the second 0.5 credit of a 1.0
101 credit course; or

102 (d) as the result of a student suspension from an online course following adequate
103 documented due process by the provider.

104 ~~**[R277-726-3. Incorporation of Provider Applications by Reference.**~~

105 ~~—— (1) This rule incorporates by reference the June 2021 edition of:~~

106 ~~—— (a) the LEA SOEP Provider Application and Statewide Services Agreement;~~

107 ~~—— (b) the Higher Education SOEP Provider Application and Statewide Services~~
108 ~~Agreement, Utah Public Institutions of Higher Education;~~

109 ~~—— (c) the Certified Online Provider SOEP Provider Application and Statewide~~
110 ~~Services Agreement; and~~

111 ~~—— (d) the Certified Online Provider SOEP Provider Application and Statewide~~
112 ~~Services Agreement for Program Re-Admission.~~
113 ~~—— (2) A copy of each provider application is located at:~~
114 ~~—— (a) <https://schools.utah.gov/administrativerules/documentsincorporated>; and~~
115 ~~—— (b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah~~
116 ~~84111.]~~

117 **R277-726-[4]3. Course Credit Acknowledgment (CCA) Process.**

118 (1) A student, a student's parent, a counselor, or a provider may initiate a CCA.

119 (2)(a) A counselor designated by a student's primary school of enrollment shall
120 review the student's CCA to ensure consistency with:

121 (i) graduation requirements;

122 (ii) the student's plan for college and career readiness;

123 (iii) the student's IEP;

124 (iv) the student's Section 504 plan; or

125 (v) the student's international baccalaureate program.

126 (b) The primary school of enrollment shall return the CCA to the Superintendent
127 within 72 business hours.

128 (3)(a) The primary school of enrollment is not required to meet with the student or
129 parent for approval of a course request.

130 (b) The Superintendent shall notify a primary school of enrollment of a student's
131 enrollment in the program.

132 (4) If a student enrolling in the program has an IEP, Section 504 plan, or qualifies
133 for multilingual supports, the primary LEA or school of enrollment shall forward the IEP or
134 description of 504 accommodations and other relevant supports to the provider within 72
135 business hours of receiving notice from the Superintendent that the provider has accepted
136 the enrollment request.

137 (5) The Superintendent shall develop and administer procedures for facilitation of

138 a CCA that informs the appropriate parties.

139 **R277-726-[5]4. Eligible Student and Parent Rights and Responsibilities.**

140 (1) An eligible student may register for program credits consistent with Section
141 53F-4-503.

142 (2) An eligible student may exceed a full course load during a regular school year
143 if[:

144 ~~——(a)] the student's plan for college and career readiness indicates that the student~~
145 ~~intends to complete high school graduation requirements and exit high school before the~~
146 ~~rest of the student's high school cohort[; and~~

147 ~~——(b) the student's schedule demonstrates progress toward early graduation.]~~

148 (3) In accordance with Subsection 53F-4-509(5), if a student enrolled in a program
149 course exceeds a full course load during a regular school year, a primary LEA of
150 enrollment may mark the student as an early graduate and increase membership in
151 accordance with Section R277-419-8 and Rule R277-484 to account for credits in excess
152 of full-time enrollment in a local Student Information System.

153 (4)(a) An eligible student is expected to complete courses in which the student
154 enrolls in a timely manner consistent with Section 53F-4-505 and requirements for
155 attendance and participation in accordance with Subsection R277-726-~~[(8)]~~7(15) and
156 Subsection R277-725-2(17).

157 (b) If a student changes the student's enrollment in the student's primary LEA or
158 withdraws from an online course for any reason, it is the student's or student's parent's
159 responsibility to notify the provider immediately.

160 (5) A student ~~[should]~~ shall enroll in online courses, or declare an intention to
161 enroll, during the school course registration period designated by the primary LEA of
162 enrollment for regular course registration.

163 (6) A student may alter a course schedule by dropping a traditional course and
164 adding an online course in accordance with the primary school of enrollment's same

165 established deadline for dropping and adding traditional courses.

166 (7)(a) Notwithstanding Subsection (6), an underenrolled student may enroll in an
167 online course at any time during a calendar year.

168 (b) If an underenrolled student enrolls in an online course as described in
169 Subsection (7)(a), the primary school of enrollment may immediately claim the student for
170 the adjusted portion of enrollment by entering the course into the primary LEA's student
171 information system and increasing membership if necessary.

172 **R277-726-[6]5. LEA Requirements and Responsibilities.**

173 (1) A primary school of enrollment shall facilitate student enrollment with any and
174 all eligible providers selected by an eligible student consistent with course credit limits.

175 (2) A primary school of enrollment or a provider LEA shall use the CCA
176 application, records, and processes provided by the Superintendent for the program.

177 (3) A primary school or LEA of enrollment shall provide information about available
178 online courses and programs:

179 (a) in registration materials;

180 (b) on the LEA's website; and

181 (c) on the school's website.

182 (4) A primary school or LEA of enrollment shall provide the notice required under
183 Subsection (3) concurrent with the high school course registration period designated by
184 the LEA for the upcoming school year to facilitate enrollment as required by Section 53F-
185 4-513.

186 (5) A primary school of enrollment shall include a student's online courses in the
187 student's enrollment records and, upon course completion, include online course grades
188 and credits on the student's transcripts, including appropriate student coursework
189 completed prior to grade 9.

190 (6) A primary school of enrollment shall recognize credit earned toward high
191 school graduation by a participating secondary student through courses completed prior

192 to grade 9 for purposes of high school graduation provided that:

193 (a) the student has in the student's records documentation of the student's
194 intention to graduate early; and

195 (b) the student is enrolled at a middle school or junior high school and a high
196 school accredited in accordance with Rule R277-410.

197 (7) A primary school of enrollment shall determine fee waiver eligibility for
198 participating public school students pursuant to R277-407.

199 (8)(a) If a participating student qualifies for a fee waiver, the student's primary LEA
200 or school of enrollment shall provide the participating student access to an online course
201 by:

202 (i) allowing a student access to necessary technology in a computer lab or other
203 space within the school building during a school period or during the regular school day
204 for the student to participate in an online course; or

205 (ii) providing a participating student technology and wifi needed for the student to
206 participate outside of the school building.

207 (b) If a participating student who qualifies for a fee waiver is a home or private
208 school student, the online course provider shall provide the participating home or private
209 school student access to the online course.

210 (9) A primary school of enrollment shall provide participating students access to
211 facilities for the student to participate in an online course during the regular school day,
212 sports, extracurricular and co-curricular activities, and graduation services consistent with
213 local policies governing participation irrespective of relative levels of participation in
214 traditional courses versus Statewide Online Education courses.

215 (10)(a) If a participating student's primary school of enrollment is a middle school
216 or junior high as defined in Rule R277-700, course completions will be recorded in a
217 student's record of credit and course completion for grade 9 to allow recognition toward
218 grades 9-12, high school graduation requirements, and post-secondary requirements.

219 (b) A primary LEA of enrollment accepting credit toward high school requirements

220 is not required to independently verify:

221 (i) early graduation status; or

222 (ii) the non-supplanting nature of SOEP courses.

223 (11) When a student satisfactorily completes an online semester or quarter
224 course, in accordance with the LEA's procedures, a designated counselor or registrar at
225 the primary school of enrollment shall forward records of grades and high school
226 graduation credit for students participating prior to grade 9 to the student's grade 9
227 primary school of enrollment for recording grades and credit per Subsection (10) once a
228 student completes grade 8.

229 **R277-726-[7]6. Superintendent Requirements and Responsibilities.**

230 (1) The Superintendent shall provide a website for the program, including
231 information required under Section 53F-4-512 and other information as determined by the
232 Board.

233 (2) The Superintendent shall direct a provider to administer the applicable
234 statewide assessment consistent with Section 53F-4-514 and Rule R277-404.

235 (3) The Superintendent shall prepare and make available applications and
236 program agreements for:

237 (a) LEA providers;

238 (b) higher education providers; and

239 (c) certified online providers.

240 ([3]4)(a) The Board may determine space availability standards and appropriate
241 course load standards for online courses consistent with Subsection 53F-4-512(3)(d).

242 (b) Course load standards may differ based on subject matter.

243 (5)(a) Prior to approving a provider, the Superintendent shall review Annual
244 Financial Reports and state-administered test data to establish capacity of a program to
245 serve an increased range of students while still meeting program requirements.

246 (b) The Superintendent may restrict a provider from offering coursework if the

247 Superintendent determines that the provider demonstrates repeated low performance on
248 statewide assessments in English Language Arts, math, or science.

249 ([4]6) The Board shall withhold funds from a primary LEA of enrollment and make
250 payments to a provider consistent with Sections 53F-4-505 through 53F-4-507.

251 ([5]7) The Board may refuse to provide funds under a CCA if the Board finds that
252 information has been submitted fraudulently or in violation of the law or Board rule by any
253 of the parties to a CCA.

254 ([6]8) The Superintendent shall receive and investigate complaints, and impose
255 sanctions, if appropriate, regarding course integrity, financial mismanagement, enrollment
256 fraud or inaccuracy, or violations of the law or this rule specific to the requirements and
257 provisions of the program.

258 ([7]9) If a Board investigation finds that a provider has violated the IDEA or Section
259 504 provisions for a student taking online courses, the provider shall compensate the
260 student's primary LEA of enrollment for costs related to compliance.

261 ([8]10)(a) The Superintendent may audit, at the Board's sole discretion, an LEA's
262 or program participant's compliance with any requirement of state or federal law or Board
263 rule under the program.

264 (b) A participant shall provide timely access to records, student information,
265 financial data or other information requested by the Board, the Board's auditors, or the
266 Superintendent upon request.

267 ([9]11) The Board may withhold funds from a program participant for the
268 participant's failure to comply with a reasonable request for records or information.

269 ([10]12) Program records are available to the public subject to Title 63G, Chapter
270 2, Government Records Access and Management Act.

271 ([11]13) The Superintendent shall withhold online course payment from a primary
272 LEA of enrollment and payments to an eligible provider at the nearest monthly transfer of
273 funds, subject to verification of information, in an amount consistent with, and at the time a
274 provider qualifies to receive payment, under Subsection 53F-4-505(4).

275 (~~142~~14) The Superintendent shall pay a provider consistent with Minimum School
276 Program funding transfer schedules.

277 (~~143~~15)(a) The Superintendent may make decisions on questions or issues
278 unresolved by Title 53F, Chapter 4, Part 5, Statewide Online Program Act or this rule on a
279 case-by-case basis.

280 (b) The Superintendent shall report decisions described in Subsection (~~143~~14)(a)
281 to the Board consistent with the purposes of the law and this rule.

282 **R277-726-~~8~~7. Provider Requirements and Responsibilities.**

283 (1)(a) A provider shall administer the applicable statewide assessments to a
284 participating private or home school student as directed by the Superintendent,
285 including proctoring the applicable statewide assessments, consistent with Section 53F-
286 4-510 and Rule R277-404.

287 (b) A provider shall pay administrative and proctoring costs for the applicable
288 statewide assessments described in Subsection (1)(a).

289 (2) A provider shall provide a parent or a student with email and telephone
290 contacts for the provider during regular business hours to facilitate parent contact.

291 (3) A provider and any third party working with a provider shall, for all eligible
292 students, satisfy Board requirements for:

293 (a) consistency with course standards;

294 (b) criminal background checks for provider employees;

295 (c) documentation of student enrollment and participation; and

296 (d) compliance with:

297 (i) the IDEA;

298 (ii) Section 504; and

299 (iii) requirements for multilingual students.

300 (4) A provider shall receive payments for a student properly enrolled in the
301 program from the Superintendent consistent with:

- 302 (a) Board procedures;
- 303 (b) Board timelines; and
- 304 (c) Sections 53F-4-505 through 53F-4-508.
- 305 (5)(a) A provider may charge a fee consistent with other secondary schools.
- 306 (b) If a provider intends to charge a fee of any kind, the provider:
- 307 (i) shall notify the primary school of enrollment with whom the provider has the
- 308 CCA of the purpose for fees and amounts of fees;
- 309 (ii) shall provide timely notice to a parent of required fees and fee waiver
- 310 opportunities;
- 311 (iii) shall post fees on the provider website;
- 312 (iv) shall be responsible for fee waivers for an eligible student, including materials
- 313 for a student designated fee waiver eligible by a student's primary school of enrollment;
- 314 (v) shall satisfy the requirements of Rule R277-407, as applicable; and
- 315 (vi) shall provide fee waivers to home school or private school students who meet
- 316 fee waiver eligibility at the provider's expense.
- 317 (6) A provider shall maintain a student's records and comply with the federal
- 318 Family Educational Rights and Privacy Act, Title 53E, Chapter 9, Part 3, Utah Family
- 319 Educational Rights and Privacy Act, and Rule R277-487, including:
- 320 (a) protecting the confidentiality of a student's records and providing a parent and
- 321 an eligible student access to records; and
- 322 (b) providing a parent or student documentation of educational performance,
- 323 including:
- 324 (i) test scores;
- 325 (ii) grades;
- 326 (iii) progress and performance measures; and
- 327 (iv) completion of credit.
- 328 (7) Except as otherwise provided in this Rule R277-726, a provider shall submit a
- 329 student's credit and grade to the Superintendent, using processes and applications

330 provided by the Superintendent for this purpose, to a designated counselor or registrar at
331 the primary school of enrollment, and the student's parent no later than:

332 (a) 30 days after a student satisfactorily completes an online semester or quarter
333 course; or

334 (b) June 30 of the school year.

335 (8) A provider may not withhold a student's credits, grades, or transcripts from the
336 student, parent, or the student's school of enrollment for any reason.

337 (9)(a) If a provider suspends or expels a student from an online course for
338 disciplinary reasons, the provider shall notify the student's primary LEA of enrollment by
339 placing the student on disciplinary withdrawal.

340 (b) A provider is responsible for due process procedures for student disciplinary
341 actions in the provider's online program.

342 (c)(i) A provider shall notify the Superintendent of a student's administrative
343 withdrawal, if the student is inactive in a course for more than ten days, using forms and
344 processes developed by the Superintendent for this purpose.

345 (ii) If a student, parent, or counselor fails to request reinstatement following
346 notification under Subsection (c)(i), the provider shall formally withdraw the student within
347 72 hours and notify the student, parent, and primary LEA of the action.

348 (10) If a student entitled to services under the IDEA is removed from an online
349 program, the primary LEA shall work with the student and the student's parents to identify
350 alternatives to provide a free and appropriate public education.

351 (11)(a) A provider shall provide to the Superintendent a list of course options using
352 USBE-provided course codes.

353 (b) Program courses shall be coded as semester or quarter courses.

354 (c) A provider shall update the provider's course offerings annually.

355 (12) A provider shall serve a student on a first-come-first-served basis who desires
356 to take courses and who is designated eligible by a primary school of enrollment if desired
357 courses have space available.

358 (13) A provider shall provide records maintained as part of a public online school
359 or program, including:

360 (a) financial and enrollment records; and

361 (b) information for accountability and audit purposes upon request by the
362 Superintendent and the provider's external auditors.

363 (14) A provider shall maintain the following for at least five calendar years after the
364 student exits the provider's or third party's program:

365 (a) test scores;

366 (b) student grades;

367 (c) completion of credit; and

368 (d) other progress and performance measures.

369 (15)(a) A provider is responsible for complete and timely submissions of record
370 changes to executed CCAs and submission of other reports and records as required by
371 the Superintendent.

372 (b) A provider shall update CCAs to the nearest credit value earned by June 30
373 annually.

374 (c) A provider may only maintain an CCA open after June 30 if a student remains
375 actively engaged in coursework, meeting the provider's standard of active participation.

376 (16) A provider shall inform a student and the student's parent of expectations for
377 active participation prior to the inception of course work, including informing the student
378 and the student's parent of travel expectations to fulfill course requirements.

379 (17)(a) An LEA may participate in the program as a provider by offering a school
380 or program consistent with Rule R277-115 to a Utah secondary student in grades ~~[6]~~7-12
381 who is not a resident student of the LEA and a regularly-enrolled student of the LEA
382 consistent with Sections 53F-4-501 and 53F-4-503.

383 (b) An LEA program created in accordance with Subsection (18)(a) for serving
384 students in grades 9-12 online must partner with an accredited school and shall:

385 (i) report grades and credit earned by a student to the Superintendent; and

- 386 (ii) record educator assignments consistent with Rule R277-484.
- 387 (18) A program school or program shall:
- 388 (a) be accredited by ~~[the accrediting entity adopted by the Board]~~ a regional
- 389 accrediting body consistent with Rule R277-~~[305]~~410;
- 390 (b) have a designated administrator who meets the requirements of Rule R277-
- 391 ~~[520]~~309;
- 392 (c) ensure that a student who qualifies for a fee waiver receives services offered
- 393 by and through the public schools consistent with Section 53G-7-504 and Rule R277-407;
- 394 (d) maintain student records consistent with:
- 395 (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. Sec 1232g
- 396 and 34 CFR Part 99;
- 397 (ii) Rule R277-487;
- 398 (iii) this Rule R277-726; and
- 399 (e) shall offer course work:
- 400 (i) aligned with Utah Core standards;
- 401 (ii) in accordance with program requirements; and
- 402 (iii) in accordance with Rules R277-700 and R277-404;
- 403 (f) shall not issue transcripts under the name of a third party provider; and
- 404 (g) shall record teaching assignments by November 15 annually consistent with
- 405 Rule R277-484 and Section R277-~~[512-7]~~312-3, either directly or through a partner school
- 406 in accordance with Subsection (18)(b).
- 407 (19) An LEA that offers an online program or school as a provider under the
- 408 program:
- 409 (a) shall employ only educators licensed in Utah as teachers;
- 410 (b) may not employ an individual whose educator license has been suspended or
- 411 revoked;
- 412 (c) shall require employees to meet requirements of Title 53G, Chapter 11, Part 4,
- 413 Background Checks, prior to the provider offering services to a student;

414 (d) may only employ teachers who meet the requirements of Rule R277-301,
415 Educator Licensing - Highly Qualified Assignment;

416 (e) for a provider that provides an online course to a private or home school
417 student, shall agree to administer and have the capacity to proctor and carry out the
418 applicable statewide assessments, consistent with Sections 53E-4-302, 53F-2-103, and
419 Rule R277-404;

420 (f) in accordance with Section R277-726-8, shall provide services to a student
421 consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights Act
422 of 1964 for multilingual students;

423 (g) shall maintain copies of CCAs for audit purposes; and

424 (h) shall agree that funds shall be withheld by the Superintendent consistent with
425 Sections 53F-4-505, 53F-4-506, and 53F-4-508.

426 (20) A provider shall cooperate with the Superintendent in providing timely
427 documentation of student participation, enrollment, educator credentials, and other
428 additional data consistent with Board directives and procedures and as requested.

429 (21) A provider shall post required information online on the provider's individual
430 website including required assessment and accountability information.

431 (22)(a) A provider contracting with a third party to provide educational services to
432 students participating with the provider through the Statewide Online Education Program
433 shall:

434 (b) develop a written monitoring plan to supervise the activities and services
435 provided by the third party provider to ensure:

436 (i) a third party provider is complying with:

437 (A) federal law;

438 (B) state law; and

439 (C) Board rules;

440 (ii) curriculum provided by a third party provider is aligned with the Board's core
441 standards and rules;

442 (iii) a third party provider has access to curriculum for alignment and adjustment to
443 ensure the curriculum is consistent with the Utah core standards in Rule R277-700 and a
444 Board approved core code;

445 (iv) supervision of third party facilitation and instruction by an educator licensed in
446 Utah:

447 (A) employed by the provider, and

448 (B) reported as teacher of record per Section R277-484-3 and Subsection R277-
449 726-2(3); and

450 (iv) consistent with the LEA's administrative records retention schedule,
451 maintenance of documentation of the LEA's supervisory activities.

452 (23) A provider shall offer courses consistent with standards outlined in an
453 applicable Statewide Services Agreement, which may be updated or amended to reflect
454 changes in law, rule or recommended practice.

455 (24) A provider shall maintain a course completion rate of at least 80% annually to
456 remain in good standing with the program.

457 (25) A provider is subject to the same approval and annual performance review as
458 described for a certified online course provider in Subsections R277-726-12(1)-(10) while
459 utilizing the applicable applications for a provider described in Subsections R277-726-
460 3(1)(a) and (b).

461 **R277-726-[9]8. Services to Students with Disabilities Participating in the Program.**

462 (1)(a) If a student wishes to receive services under Section 504 of the
463 Rehabilitation Act of 1973, the student shall make a request with the student's primary
464 school of enrollment.

465 (b) The primary school of enrollment shall evaluate a student's request under
466 Subsection (1)(a) and determine if a student is eligible for Section 504 accommodations.

467 (c) If the primary school of enrollment determines the student is eligible, the school
468 shall prepare a Section 504 plan and implement the plan in accordance with Subsection

- 469 (2)(b).
- 470 (2)(a) If a student requests services related to an existing Section 504
471 accommodation, a provider shall:
- 472 (i) except as provided in Subsection (2)(b), review and implement the plan for the
473 student; and
- 474 (ii) provide the services or accommodations to the student in accordance with the
475 student's Section 504 plan.
- 476 (b) An LEA of enrollment shall provide a Section 504 plan of a student to a
477 provider within 72 business hours if:
- 478 (i) the student is enrolled in a primary LEA of enrollment; and
479 (ii) the primary LEA of enrollment has a current Section 504 plan for the student.
- 480 (3) For a student enrolled in a primary LEA of enrollment, if a student participating
481 in the program qualifies to receive services under the IDEA:
- 482 (a) the student's primary LEA of enrollment shall:
- 483 (i) working with a provider LEA representative, review or develop an IEP for the
484 student within ten days of enrollment;
- 485 (ii) working with a provider LEA representative, update an existing IEP with
486 necessary accommodations and services, considering the courses selected by the
487 student;
- 488 (iii) provide the IEP described in Subsection (3)(a)(i) to the provider within 72
489 business hours of completion of the student's IEP; and
- 490 (iv) continue to claim the student in the primary LEA of enrollment's membership;
491 and
- 492 (b) the provider shall provide special education services and accommodations to
493 the student in accordance with the student's IEP described in Subsection (3)(a)(i).
- 494 (4) If a home or private school student requests an evaluation for eligibility to
495 receive special education services:
- 496 (a) the home or private school student's resident school shall:

- 497 (i) evaluate the student's eligibility for services under the IDEA;
- 498 (ii) if eligible, the student may enroll in the LEA that will prepare an IEP for the
- 499 student, with input from the provider LEA, in accordance with the timelines required by the
- 500 IDEA;
- 501 (iii) provide the IEP described in Subsection (4)(a)(ii) to the provider within 72
- 502 business hours of completion of the student's IEP; and
- 503 (b) the provider shall provide special education services and accommodations to
- 504 the student in accordance with the student's IEP described in Subsection (4)(a)(i)
- 505 including in cases where the provider utilizes a third party provider for delivery of
- 506 educational or other services.

507 **R277-726-[10]9. ~~[Home and Private School]~~ Limited Appropriations for Special**

508 **Populations.**

509 (1) The Superintendent shall allocate the annual appropriation for home and

510 private school tuition, along with any carryover or unobligated funds, as follows:

511 (a) Prior to December 1 annually, the Superintendent shall accommodate home

512 school students with at least 50% of the total appropriation for home and private school

513 students, unless the home school demand is less.

514 (b) After December 1 annually, until available funds are obligated, the

515 Superintendent shall:

- 516 (i) receive and accept enrollment requests on a first come, first served basis; and
- 517 (ii) offer preference to home school students in the event demand exceeds
- 518 available funding.

519 (3) If home school or private school student funds remain by December 1, the

520 Superintendent may release the funds for any pending enrollment requests.

521 (4)(a) The Superintendent may restrict small schools to a proportionate share of a

522 small school allocation, prorated to 9-12 enrollment in each eligible school.

523 ~~(b) Notwithstanding Subsection (4)(a), the Superintendent may allocate additional~~

524 ~~funding after November 1 annually, if unutilized reserves are available, prioritizing funding~~
525 ~~for seniors and high cost courses.]~~

526 (b)(i) The Superintendent may prioritize funding to schools based on enrollment
527 thresholds of qualifying students.

528 (ii) The Superintendent shall determine thresholds in a manner to ensure equity,
529 and taking into account the needs of both charter and district schools.

530 (c) The Superintendent shall determine small school eligibility using prior-year
531 UTREx end of year extracts.

532 (d)(i) Each LEA shall certify to the Superintendent by August 1 annually if the LEA
533 will opt out of eligibility for small school funding, or claim proportionate amounts accruing
534 to eligible schools in the LEA.

535 (ii) An LEA may opt out on a per school basis.

536 **R277-726-~~[11]~~10. Other Information.**

537 (1) A primary school of enrollment shall set reasonable timelines and standards.

538 (2) A provider shall adhere to timelines and standards described in Subsection (1)
539 for student grades and enrollment in online courses for purposes of:

540 (a) school awards and honors;

541 (b) Utah High School Activities Association participation; and

542 (c) high school graduation.

543 **R277-726-~~[12]~~11. Certified Online Course Provider Application Approval, Program**
544 **Requirements, and Fees.**

545 (1) An entity other than an online course provider may become a certified online
546 course provider if the entity submits an application ~~[described in Subsection R277-726-~~
547 ~~3(1)(c)]~~ on a form provided by the Superintendent.

548 (2) An entity other than an online course provider shall submit ~~[the]~~ an application
549 ~~[described in Subsection R277-726-3(1)(c)]~~ on or before the annual deadline established

550 by the Superintendent.

551 (3) The Superintendent shall review each application within a reasonable amount
552 of time.

553 (4) If the Superintendent finds the application submitted is satisfactory, including a
554 demonstration of the entity's ability to adhere to requirements within the application, this
555 Rule R277-726, and state law, the Superintendent shall forward the application to the
556 Board for final approval.

557 (5) Once approved by the Board, an entity shall become a certified online course
558 provider.

559 (6) A certified online course provider shall adhere to requirements to remain
560 certified and in good standing within the program including:

561 (a) requirements applicable to an online course provider described in this Rule
562 R277-726, including the requirement to maintain a course completion rate of at least 80%;

563 (b) additional requirements prescribed in the application [~~described in Subsection~~
564 ~~R277-726-3(1)(c)~~]; and

565 (c) state laws applicable to an online course provider including Subsections 53F-4-
566 501 et. seq.

567 (7) A certified online course provider shall be subject to an annual performance
568 review by the Superintendent.

569 (8) If the Superintendent finds the certified online course provider is not in
570 compliance with any requirement as outlined in subsection (6) of this part, the
571 Superintendent shall provide the certified online course provider with a list of non-
572 compliance issues and a reasonable timeline for the certified online course provider to
573 cure the instances of non-compliance.

574 (9) If the certified online course provider fails to correct instances of non-
575 compliance within the allotted timeline, the certified online course provider shall be
576 removed from the program.

577 (10) A certified online course provider that has been removed from the program

578 may apply in the application round following removal from the program for readmission to
579 the program using ~~[the application described in Subsection R277-726-3(1)(d)]~~ an
580 application provided by the Superintendent.

581 (11) A certified online course provider shall remit fees to the Superintendent for
582 participation in the program as follows:

583 (a) 5% of revenue collected for the first \$200,000 received pursuant to Section
584 53F-4-505; and

585 (b) 1% of revenue collected after the first \$200,000 received pursuant to Section
586 53F-4-505.

587 **R277-726-12. Online Concurrent Enrollment.**

588 For a student enrolled in a concurrent enrollment course through an SOEP
589 provider, to the extent there is a conflict between provisions of this rule and Title 53F,
590 Chapter 4, Part 5, Statewide Online Education Program, and provisions of Title 53E,
591 Chapter 10, Part 3, Concurrent Enrollment, the concurrent enrollment code provisions
592 shall govern.

593 **KEY: statewide online education program**

594 **Date of Last Change: September 22, 2021**

595 **Notice of Continuation: November 9, 2020**

596 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-4-510; 53F-4-**
597 **514; 53E-3-401**