

1 **R277. Education, Administration.**

2 **R277-438. Dual Enrollment.**

3 **R277-438-1. 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 over public education in the Board;

7 (b) Subsection [53E-3-501\(1\)\(b\)\(i\)](#), which directs the Board to establish rules and
8 minimum standards for access to programs;

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

11 (d) Section [53G-6-702](#), which governs dual enrollment.

12 (2) The purpose of this rule is to provide consistent statewide procedures and
13 criteria for a home school and private school student's participation in a public school
14 course, co-curricular activity, or program.

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16 **R277-438-2. Definitions.**

17 (1) "Co-curricular activity" means a school district or school activity, course, or
18 experience, outside of school hours, that also includes a required regular school day
19 component.

20 (2) "Dual enrollment student" means a student who is enrolled simultaneously in:

21 (a) a private school or home school; and

22 (b) a public school.

23 (3) "Eligibility" means a student's fitness and availability to participate in a school
24 course, activity, or program governed by this rule that is determined by a number of
25 factors, including:

26 (a) residency;

27 (b) scholarship;

28 (c) age; and

29 (d) the number of semesters of participation in a particular course, activity, or
30 program.

31 (4) "Full-time student" means a student earning the school district designated
32 number and type of credits required for participation in a course, activity, or program in the
33 school district in which the student's parent resides.

34 (5) "Home school" means a school in the state comprised of one or more students
35 officially excused from compulsory public school attendance under Section [53G-6-204](#).

36 (6) "Private school" means a school in the state that:

37 (a) is maintained by a private individual or corporation;

38 (b) is maintained and operated not at public expense;

39 (c) is generally supported, in part at least, by tuition fees or charges;

40 (d) operates as a substitute for, and gives the equivalent of, instruction required in
41 a public school;

42 (e) employs a teacher able to provide the same quality of education as a public
43 school teacher;

44 (f) is established to operate indefinitely and independently, not dependent upon
45 age of the students available or upon individual family situations; and

46 (g) is licensed as a business by the Department of Commerce.

47 (7)(a) "Resident school" means a public school:

48 (i) that is under the control of a local school board elected under Title 20A,
49 Chapter 14, Nomination and Election of State and Local School Boards; and

50 (ii) within whose boundaries a student's custodial parent resides.

51 (b) "Resident school" does not mean a charter school or online school.

52 (8) "Student participation fee" means a fee charged to all participating students by
53 the resident school for enrollment in a course, program, or co-curricular school activity
54 consistent with Rule [R277-407](#).

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56 **R277-438-3. Private and Home School Student Participation in a Public School**

57 **Course, Co-curricular Activity, or Program.**

58 (1) A student who is exempt from compulsory public school education by a local
59 school board for instruction in a private or home school may enroll in the student's resident
60 school as a dual enrollment student and participate in a course, co-curricular activity, or
61 program at the student's resident school if the student:

62 (a) takes courses comparable to resident school courses or earns credit under
63 options outlined in Section [R277-700-6](#) in at least as many of the designated courses as
64 required by the local school board of a student for participation in the course, co-curricular
65 activity, or program; or

66 (b) demonstrates competency to the satisfaction of the LEA in the subject matter
67 taught in the courses required by the local school board of a student for participation the
68 course, co-curricular activity or program.

69 (2) A public school that is not the student's resident school may allow a private or
70 home school student to enroll in the public school, including in a single course or program,
71 as a dual enrollment student, at the discretion of the public school, and in accordance with
72 Subsection [53G-6-703\(2\)\(d\)](#).

73 (3)(a) A private school dual enrollment student is eligible to participate in a course,
74 co-curricular activity, or program consistent with the eligibility standards for a full-time
75 student, including providing a report card to the resident school or other school described
76 in Subsection (2) upon request.

77 (b) A home school dual enrollment student is eligible to participate in a course,
78 co-curricular activity, or program if eligibility standards are met consistent with Subsections
79 [53G-6-703\(5\)](#) through [53G-6-703\(14\)](#).

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81 **R277-438-4. Fees for Private and Home School Students.**

82 A school or school district shall waive a student participation fee for a dual
83 enrollment private or home school student if:

84 (1) the student is eligible; and

85 (2) the parent provides required documentation under Section 53G-7-504 and
86 Rule [R277-407](#), School Fees.

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88 **R277-438-5. Miscellaneous Issues.**

89 (1) A dual enrollment student attending an activity or a portion of a school day
90 under Section [53G-6-702](#) is subject to the same behavior and discipline rights and
91 requirements of a full-time student.

92 (2) A dual enrollment student who attends an activity or a portion of the school day
93 is subject to the administrative scheduling and teacher discretion of the public school.

94 (3)(a) A dual enrollment student with a disability may participate as a dual
95 enrollment student consistent with law, this rule and 34 CFR 300.450 through 300.455.

96 (b) A public school that enrolls a dual enrollment student shall prepare an IEP for
97 a student described in Subsection (3)(a) prior to the student's participation in dual
98 enrollment using comparable procedures to those required for identifying and evaluating
99 public school students.

100 (c) A student with a disability seeking dual enrollment is entitled to services for the
101 time, or for the number of courses, the student is enrolled in the public school, based on
102 the decision of the student's IEP team.

103 (d) Decisions about the scheduling and manner of services provided is the
104 responsibility of the enrolling public school and school district personnel.

105 (e) A school or a school district is not prohibited from providing a service to a
106 student who is not enrolled full time in excess of those required by this section.

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108 **KEY: public education, dual enrollment**

109 **Date of Enactment or Last Substantive Amendment: December 8, 2016**

110 **Notice of Continuation: October 14, 2016**

111 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53E-3-501\(1\)\(b\)\(i\)](#);**
112 **[53E-3-401\(401\)](#); [53G-6-702](#)**