



GUIDE TO
EDUCATION
FLEXIBILITY
IN UTAH

*Empowering
Local Innovation
for School
Systems*

Utah State Board of Education
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Sydnee Dickson, Ed.D.
State Superintendent of
Public Instruction

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for School Systems**



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250 East 500 South

Salt Lake City, Utah 84114-4200

Updated February 4, 2022

(First Published May 2020)

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Message From State Superintendent Sydnee Dickson, Ed.D.

Utah's Portrait of a Graduate identifies the ideal characteristics of a Utah Graduate after going through the PreK–12 system. The Portrait of a Graduate serves as our north star for system transformation and is aligned with the Utah State Board of Education's strategic plan for Personalized, Competency Based Learning.

As Utah Schools create new and innovative models for personalized competency based learning, flexibility is essential as it allows us to build the supports necessary to develop a learner-centered culture, while removing barriers that limit student progress towards competency.

The goal of this Flexibility Guide is to provide guidance and first steps for LEAs who value competencies over seat-time, and who support a broad definition of student success. These values are reflected in the language and policy changes outlined in this guide.

Thank you for leading the way for Utah's future. We are eager to support you in your work and look forward to collaborating to create improved conditions for student success.



In an April 2021 update to a report on implementation of the USBE strategic plan¹ Board Chair Mark Huntsman noted that “[S]uccess in a multi-faceted, interconnected system like education requires alignment of effort, vision, and direction... The strategic plan continues to be the guiding light through the uncertainties of the past year. While we learn and adapt in response to the pandemic, we remain laser-focused on advancing the aspirations for our students outlined in our Portrait of a Graduate.” In the two years that have passed since the initial publication of this Guide to Education Flexibility in Utah, educators, students, and families have all come to realize that the availability of flexibility and support for innovation—both of which are emphasized within the strategic plan—have greater value for P–12 public education than ever before.

Through recent executive, legislative, and administrative action, Utah education leaders have continued to strengthen educational opportunities for students by providing “weighted pupil units” that yield additional dollars for schools to improve the academic achievement of students who are at-risk²; advancing personalized, competency based learning program design, and supporting other innovative strategies. USBE and local education agencies (LEAs) across the state are expanding efforts to help all students acquire the characteristics important to the well-rounded Utah graduate described in the Utah Talent MAP and Portrait of a Graduate Competencies.

This guide is designed to empower LEAs to embed the Talent MAP elements within their unique learning models by taking full advantage of existing flexibility and opportunities to personalize learning for Utah students through personalized, competency based learning (PCBL) and other innovative approaches.

Purpose

Utah is a national leader in next generation learning, including PCBL, and the articulation of the specific competencies next generation learners need for success. The Utah State Board of Education (USBE) sees PCBL as an essential innovation—necessary to deliver on its mission to create equitable conditions that empower all Utah students to be prepared and succeed upon completion of their K–12 education.

The purpose for this guide is to bring clarity and transparency to the flexibilities, and related resources, available to local school boards and leaders as they seek to best serve their school communities. This guide includes the following:

- Information on flexibility schools can take advantage of, opportunities to request additional flexibility through waiver of USBE rules, and examples of innovative practices already happening across the State.
- Ideas for using existing flexibility to advance Utah’s journey towards personalized, competency based teaching and learning for all students.
- Up to date information on how USBE is helping districts and schools meet the needs of students, families, and communities during the COVID-19 pandemic, including rule waivers which may be used to personalize learning.

¹Utah State Board of Education Strategic Plan 2020 Implementation Update. <https://www.schools.utah.gov/file/d02dc0e5-62fe-4db9-a333-500adbcb5691>

² Utah Code 53F-2-314 Weighted pupil units for students who are at-risk. https://le.utah.gov/xcode/Title53F/Chapter2/53F-2-S314.html?v=C53F-2-S314_2021050520210505

USBE’s 2023 budget request includes the following: “S.B. 142 from the 2021 GS created the At-Risk WPU Add-On, replacing the Enhancement for At-Risk Students (EARS) program. This request is to increase the weights for the Add-On from .05 to .10 for students from economically disadvantaged backgrounds and from .025 to .04 for students learning English.” USBE Fiscal Year (FY) 2023 Budget Priorities. <https://www.schools.utah.gov/file/76100adb-1263-44ef-83fb-7dc92c525040>

Tips for Using This Guide to Address Frequently Asked Questions

The FAQs below address common questions LEAs encounter and link to more information in relevant sections of this guide

What does “flexibility” mean and why is it relevant to my Local Education Agency (LEA)?

Laws and policies are generally focused on establishing rules; however, they often also create meaningful space for local decision making.

LEA and school leaders can take advantage of several programs created specifically to offer flexibility in the design and implementation of instruction, student supports, and other services, such as the PCBL Grant Program, Work-Based Learning Program, and demonstration of competency as a basis for awarding course credit.

Even where flexibility isn’t explicit in a state-administered program or practice, the Utah Legislature and USBE have established a process through which an LEA or school can seek exemption from a broad array of state requirements (in the form of a waiver of USBE Administrative Rule).

TIP: See Sections 1 and 2 for background on USBE’s rulemaking authority, vision regarding PCBL, and highlights of existing flexibility LEAs can take advantage of today.

What is personalized, competency based education (PCBL)? How can my LEA begin working toward a PCBL system?

PCBL is a system of learning in which the following principles influence the daily actions of the educational community:

- students are empowered daily to make important decisions about the students’ learning experiences, how the students will create and apply knowledge, and how students will demonstrate the students’ learning;
- assessment is a meaningful, positive, and empowering learning experience for students that yields timely, relevant, and actionable evidence;
- students receive timely, differentiated support based on the student’s individual learning needs;
- students progress based on evidence of mastery rather than by hours of attendance;
- students learn actively using different pathways and varied pacing;
- strategies to ensure equity for all students are embedded in the culture, structure, and pedagogy of schools and education systems; and
- rigorous, common expectations for learning, including knowledge, skills, and dispositions, are explicit, transparent, measurable, and transferable.

There are several ways an LEA can begin to design and implement (or expand) PCBL without the need for state approval. For example:

LEAs administering personalized, competency based learning programs, as well as those offering online learning and blended learning programs (collectively described as “learner validated programs”), benefit from funding mechanisms designed specifically to support the use of these personalized learning approaches and the opportunity to seek waiver of certain Administrative Rules.

TIP: See Personalized, Competency Based Programs in Section 3.

LEAs may apply for the PCBL Grants Program to partner with state-supported technical assistance providers, receive funding to support planning efforts, and qualify for additional grants that support implementation and expansion of personalized learning and competency based education initiatives.

An LEA and its local board have the authority to design and implement a work-based learning (WBL) program that combines structured learning and authentic work experiences implemented through industry and education partnerships. In doing so, the LEA can prioritize WBL experiences that allow for credit to be earned for demonstrated mastery and establish rigorous competency based criteria for awarding WBL credit, including credit toward core high school graduation requirements.

TIP: See Work-Based Learning Programs in Section 3.

TIP: See Career and Technical Education in Section 3.

We're not sure if we are ready to design a personalized, competency based model, but we know our students will benefit from greater personalization. Where should we begin?

LEAs could first consider whether they are taking full advantage of the ability to define their LEA's student credit policy. This could include allowing the demonstration of competency as a basis for awarding course credit, permitting students to earn credit from a non-accredited source, maximizing the use of the Statewide Online Education Program (SOEP), and treating each student's plan for College and Career Readiness/CCR as a personalized learning plan.

Tip: See Credit Accumulation for High School Graduation in Section 2.

Other initial steps to consider:

LEAs could use [Utah's Transition Action Guide for Students with Disabilities and Team Members](#) to implement a process for developing plans to ensure students with disabilities experience a successful transition from school to adult life. Additional information on School to Post-School Transitions is available on the [Special Education Services website](#).

Tip: See the USBE Portrait of a Graduate (Utah Talent MAP).

The COVID-19 pandemic has disrupted education. However, this disruption can also be an opportunity to spur innovation. What actions could LEAs take to open the doors to innovation?

In July 2021, R277-419 Pupil Accounting (current rule) was revised to address calculation of MSP and requirements for schools to continue to services. Those amendments were effective only for the 2021-22 school year. As such, a new public comment period (1/9/2022 through 1/31/2022) through which rule revisions (proposed rule) would address the 2022–2023 school year and make further amendments in response to recommendations of the Board's Audit Committee. One significant change that can be leveraged to support innovation is the flexibility to use learner validated programs (online learning programs, blended learning programs, or personalized, competency based learning programs) and learner validated enrollment measurements—as alternatives to traditional Attendance Validated Programs. LEAs can make Learner Validated Programs a central part of their vision, and may take advantage of new flexibility to support implementation.

TIP: See Seat Time: Instructional Hours and School Days in Section 2 and Program Types: Learner Validated and Attendance Validated in Section 3.

Concerns regarding compliance can stifle the desire to innovate. In what instances should we consider a waiver request?

Whether an LEA is ready to try PCBL or just beginning to make personalized learning a more central component of its work, the ability to seek a waiver from USBE rules can be a valuable tool. There are only a few areas for which waivers may not be granted, and the process for requesting a waiver is straightforward.

TIP: See Flexibility Through Waivers in Section 2.

Aspirations for Student Success

The Utah State Board of Education's (USBE's) vision, incorporated within a [Strategic Plan](#) adopted in 2019, is that, **upon completion, all Utah students are prepared to succeed and lead by having the knowledge and skills to learn, engage civically, and lead meaningful lives.** The strategic plan identifies four goals, one of which is **to ensure all students and educators have access to personalized learning experiences** through which instructional practices are adapted to the needs of individual students and groups of students. This is being achieved, in part, through the State's promotion of new school system models for personalized teaching and learning coupled with support for a common learning management system to help LEAs utilize web-based resources, lessons, and more.³

USBE Goals

Early Learning—Each student starts strong through early grades with a foundation in literacy and numeracy.

Effective Educators and Leaders—Each student is taught by effective educators who are supported by effective school leaders.

Safe and Healthy Schools—Each student learns in a safe and healthy school environment.

Personalized Teaching and Learning—Each student and educator has access to personalized teaching and learning experiences.

Utah's Portrait of a Graduate

USBE's goals, targets, and the strategies being used across the state to achieve them, stem from a recognition that today's youth will face a world that looks dramatically different than that of their parents. To succeed, they will need to develop skills for lifelong learning. With this in mind, USBE led an extensive stakeholder engagement process in 2018 to identify the ideal characteristics of a Utah graduate. These characteristics formed the basis for Utah's **Portrait of a Graduate**, called the Utah Talent MAP.⁴ MAP stands for:

- **Mastery** is the ability to demonstrate depth of knowledge and skill proficiency.
- **Autonomy** is having the self-confidence and motivation to think and act independently.
- **Purpose** guides life decisions, influences behavior, shapes goals, offers a sense of direction, and creates meaning.

³Utah State Board of Education. Strategic Direction. <https://schools.utah.gov/file/174006b1-6ad5-44f2-8e1d-81079c6df543>; Utah State Board of Education. Strategic Direction Overview. <https://www.schools.utah.gov/file/7b-8c4d05-a6c5-4499-8f1e-81e6d10b6caa>

⁴Utah State Board of Education. Portrait of a Graduate. <https://schools.utah.gov/portraitgraduate>

“The Portrait of a Graduate is about creating a holistic view of what we expect from students in Utah,” said Board Member Laura Belnap, who chaired the task force that developed the documents. “We want to empower parents, teachers, and students to be a voice in their community and go through a similar process. If our Portrait of a Graduate works for you, use it! But we encourage you to go through your own journey toward discovering the unique values and characteristics within your own communities.”

Utah State Board of Education News Release. Board Approves Statewide ‘Portrait of a Graduate’ Model (2019)

Portrait of a Graduate

KEY

- M** **Mastery** is the ability to demonstrate depth of knowledge and skill proficiency.
- A** **Autonomy** is having the self-confidence and motivation to think and act independently.
- P** **Purpose** guides life decisions, influences behavior, shapes goals, offers a sense of direction, and creates meaning.

Academic Mastery
Demonstrate a depth of knowledge in multiple subject areas to make informed decisions.

Wellness
Develop self-awareness, self-advocacy skills, and the knowledge to maintain healthy lifestyles that provide balance in life and improve physical, mental, social, and emotional well-being.

Civic, Financial and Economic Literacy
Understand various governmental and economic systems, and develop practical financial skills.

Digital Literacy
Adapt, create, consume, and connect in productive, responsible ways to utilize technology in social, academic, and professional settings.

Communication
Communicate effectively through reading, writing, speaking, and listening to understand information in a variety of contexts, media, and languages.

Critical Thinking and Problem Solving
Access, evaluate, and analyze information to make informed decisions, recognize bias, and find solutions.

Creativity and Innovation
Imagine, visualize, and demonstrate creative practices, innovative solutions, and artistic expression.

Collaboration and Teamwork
Contribute ideas, perspectives, and experiences to cultivate a community of shared accountability and leadership.

OUR VISION
Upon completion, all Utah students are prepared to succeed and lead by having the knowledge and skills to learn, engage civically, and lead meaningful lives.

Honesty, Integrity, and Responsibility
Are trustworthy, ethical, reliable, and are accountable for the results they produce.

Hard Work and Resilience
Set personal goals, apply best efforts to achieve them, and persevere when faced with challenges and setbacks.

Lifelong Learning and Personal Growth
Continue to seek knowledge and develop skills in all settings.

Service
Seek opportunities to help when assistance is needed and act without expecting compensation or recognition.

Respect
Acknowledge differences by looking for the good in everyone, including oneself, and show due regard for feelings, rights, cultures, and traditions.

Utah State Board of Education Approved May 2019

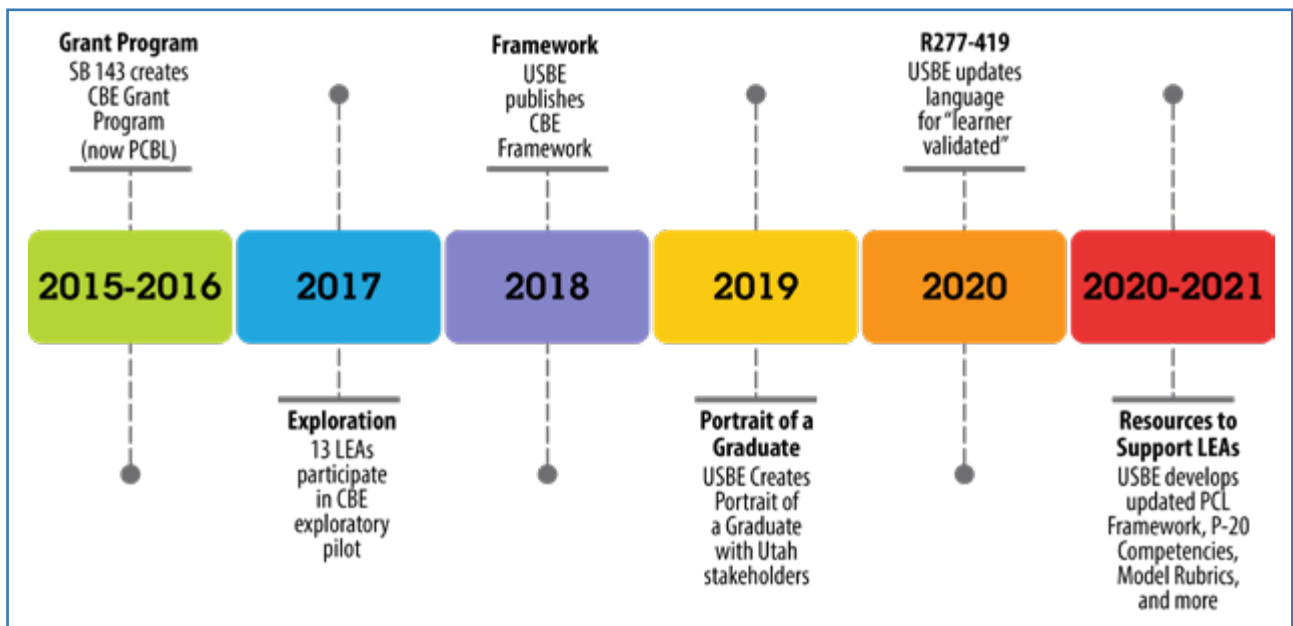
Many districts are working to design their own Portrait of a Graduate. All now have access to and support in the use of the [Utah Portrait of a Graduate Competencies](#). The USBE encourages all schools and districts to develop their own Portrait of a Graduate.

Leading the Nation in Support of Personalized, Competency Based Learning

Utah educators and policymakers are working to meet higher expectations for student learning and goals for personalized learning by defining specific competencies students need to acquire, organizing teaching and learning accordingly, and recognizing the achievement of each student's mastery of competencies. In 2004, Utah's legislature passed, and the Governor signed into law, a bill (SB 185) requiring the USBE to assist school districts and charter schools in the development and implementation of personalized, competency based education. Several significant steps have been taken since, including the creation of a definition of personalized, competency based learning (PCBL) and the creation of a PCBL grant program described in Part III of this guide. These actions put Utah at the forefront of a nation-wide personalized, competency based learning movement. Utah's state and local education leaders continue to pioneer "to improve educational outcomes in public schools by advancing student mastery of concepts and skills"⁵ through competency based learning and flexibility for innovation.

Across the nation, "[M]ost schools currently operate around time-based structures for credit ... adhere to the traditional six-hour school day and nine-month school year. Students are grouped in grade levels mostly by age, learn through discipline-specific courses, and are assessed by standardized tests. These structures are not designed to support personalized learning...that is sufficiently rigorous and relevant to engage all students to reach their greatest potential..."⁶ Unlike school and local district leaders in many states, who are struggling to work within rigid requirements prescribing virtually all aspects of instruction, Utah has already taken significant steps to create flexibility and incentives for districts to pursue innovative approaches while holding firm to the State's commitment to providing all children with an equitable opportunity to a quality education.

Timeline



⁵Utah Code 53F-5-502. competency Based Education Grants Program - State Board Duties - Review Committee - Technical Assistance Training. https://le.utah.gov/xcode/Title53F/Chapter5/53F-5-S502.html?v=C53F-5-S502_2019051420190514

⁶Asia Society. Center for Global Education. Why We Need Competency Based Education. <https://asiasociety.org/education/why-we-need-competency-based-education>

Why are Utah schools and districts moving towards PCBL?

Personalized, competency based learning provides a gradual transition away from seat time, in favor of a structure that creates flexibility and allows students to progress as they demonstrate mastery of academic content, regardless of time, place, or pace of learning. PCBL strategies provide flexibility in the way that credit can be earned or awarded and provide students with personalized learning opportunities. These strategies are listed in [USBÉ's PCBL Framework](#), but also include early college experiences, and project-based and community-based learning, among others. This type of learning leads to better student engagement because the content is relevant to each student and tailored to their unique needs. It also leads to better student outcomes because the pace of learning is customized to each student.

Flexibility to Enable PCBL and Other Innovative Approaches

Adopting PCBL and other innovations often means that students will not always attend a traditional class or course that meets for a set number of minutes each school day or week. They also may not complete the traditional period of instruction before accumulating course credit and being moved on to the next level of study. Through these shifts, long-standing practices of age-based progression (and traditional cost models) give way to progression following demonstration of mastery.

Utah is different from most states in that it does not require a student to spend a minimum amount of time in a class in order to successfully complete the class and, if applicable, earn credit toward graduation. There is not a one-size-fits-all approach. While this provides districts and schools with significant flexibility to innovate, they are likely to need more room to deviate from traditional practices without the risk of falling out of compliance with the state's requirements. The state legislature and USBÉ have defined several opportunities for LEAs to request a waiver of administrative rule. See Flexibility Through Waivers in Section 2. Section 2 of this guide provides a comprehensive overview of flexibility currently made available to LEAs and schools.

Flexibility Overview: Foundations for Innovation 2

Flexibility Through Waivers

Significant flexibility for innovation in education is available to LEAs through waivers to some USBE Administrative Rules. USBE has the statutory authority to enact a rule “creating a justified exception to a rule.” Administrative Rule [R277-121 Board Waiver of Administrative Rules](#) (last amended April 2020) allows an LEA board to request a waiver of one or more administrative rules in certain circumstances. An LEA may use this waiver flexibility to advance nearly any aspect of its planning and implementation of innovative instructional or administrative approaches to personalized, competency based learning.

The Administrative Rule does not restrict a waiver request to certain rules or requirements, nor does it require that a waiver request be designed to achieve a certain purpose. Rather, the rule includes a narrowly defined list of ***waivers that may not be requested***, as follows:

- A waiver of a USBE rule that is required by or adopts criteria from a federal statute, federal regulation, or state law
- A waiver that would negatively affect the health, safety, or welfare of public education students
- A waiver that could reasonably result in discrimination or harassment of public school students or employees
- A waiver that would benefit one element of the public education system to the detriment of another
- A waiver stemming from concerns that could be addressed through means other than a waiver of USBE rules⁷

Different types of waivers may be granted by the Superintendent and Board.

Administrative Rules on Education

The Utah Administrative Code is the body of all effective administrative rules as compiled and organized by the Division of Administrative Rules.

The legislature has tasked USBE with developing administrative rules on various topics. Under the Utah Code, rulemaking is also required in certain circumstances such as when an agency “issues a written interpretation of a state or federal legal mandate” or “authorizes, requires, or prohibits an action explicitly or implicitly authorized by statute.” Within some limits described in the Utah Code, an agency “has full discretion regarding the substantive content of its rules” and may enact a rule “creating a justified exception to a rule.”

Once promulgated through a prescribed process, rules have the effect of law. Any written policies an agency adopts to prescribe goals and guidelines are not considered administrative rules unless they meet the statutory criteria for rules.

Education rules are codified in [Title R277](#).

⁷Utah State Board of Education. Admin. Rule R277-121-2. Procedures for Waiver Requests. <https://www.schools.utah.gov/file/dad6540b-3e38-494d-85b7-cc4639d3704f>

180-Day Requirement Waivers Subject to Superintendent Approval

Effective May 2020, an LEA may apply to the Superintendent for a waiver from the 180-day requirement of R277-419-4(1) if:

1. the LEA closes a school due to excessive snow, inclement weather, or another emergency; and
2. the school closure will result in the LEA not meeting the 180 day requirement described in Section R277-419-4.

An LEA is eligible for this type of waiver if “the LEA has provided contingency school days and hours into the LEA’s calendar as required in Subsection R277-419-4(5), or has another plan in place to minimize the negative impact on the educational process caused by the waiver.” As described in the rule, an LEA may also request such a waiver “pursuant to a directive from the Utah State Health Department or a local health department, that results in the closure of a school in the event of a pandemic or other public health emergency.”

In granting any such waiver, the Superintendent may limit or otherwise designate the time period covered by the waiver and the specific area or LEA, and “shall direct an LEA to comply with health department directives, but to continue to provide any services to students that are not inconsistent with the directive.” If the Superintendent denies an LEA’s request, the LEA may appeal the decision to the Utah State Board of Education.

Waivers Subject to USBE Approval

Any other waiver request must include student achievement data that supports the requested waiver and data demonstrating the cost effectiveness of the waiver request. If a waiver is granted for more than one year, the LEA must annually report to USBE:

- Student achievement data that support continuation of the requested waiver
- Data demonstrating the cost effectiveness of the waiver, if applicable⁸

Prior to making a request, an LEA’s governing board must vote in an open meeting to request the waiver. An LEA’s request must include a proposed agreement with the Utah State Board of Education that includes:

- A proposed effective date
- Provisions for public review and accountability
- Data gathering and reporting timelines
- A sunset date

Upon receipt of a waiver request from an LEA board, submitted to the State Superintendent, the USBE Executive Committee may assign it to a Board standing committee which will make a recommendation for consideration by the full Board. The ultimate decision by USBE, made after consideration of available data, must be data driven.⁹

Personalized, Competency Based Program Waivers Subject to USBE Approval

An LEA applying for the PCBL Grant Program may benefit from a broad waiver authority granted to USBE in [Utah Code 53F-5-506 Waiver from State Board Rule—State Board Recommended Statutory Changes](#), in that USBE is permitted to grant a grant applicant’s request for a waiver of a rule that “inhibits or hinders the LEA from accomplishing its [grant] goals...unless: (a) the waiver would cause the LEA to be in violation of state or

⁸Utah State Board of Education. Admin. Rule R277-121-4. Annual Review of Approved Waivers.
<https://www.schools.utah.gov/file/dad6540b-3e38-494d-85b7-cc4639d3704f>

⁹Utah State Board of Education. Admin. Rule R277-121-3. Board Review of Waiver Requests.
<https://www.schools.utah.gov/file/dad6540b-3e38-494d-85b7-cc4639d3704f>

federal law; or (b) the waiver would threaten the health, safety, or welfare of students in the LEA.”

Statutory authorizations for the PCBL Grant Program waivers took effect on May 12, 2020. The USBE rule governing waivers of administrative rules has not been amended since April of 2020, as such, this waiver opportunity is not specifically addressed in rules. See Section III, below, for additional information on the PCBL Grant Program.

Charter School Considerations

Charter schools must comply with all Board rules except those specifically waived in their charter.¹⁰ If a charter school wants to seek an additional waiver or will be impacted by an LEA’s waiver request, the LEA board’s waiver request must include a recommendation from the board of the school’s authorizer.¹¹

Examples of How Waiver Flexibility is Being Used

USBE currently has waiver agreements with several LEAs, including the following which were granted in 2021.

BOX ELDER SCHOOL DISTRICT: **SNOWVILLE ELEMENTARY SCHOOL**

[REDACTED] (R277-121—Board Waiver of Administrative Rules)

[REDACTED] LEA petitioned the Board for a waiver of the requirements of R277- 419-4 to allow Snowville Elementary School to hold school for less than the 180 days to implement a 4-day school week schedule.

[REDACTED] LEA is exempted from the requirements of R277-419-4, specifically, the requirement that an LEA hold school for a minimum of 180 days per school year is waived for the purpose of implementing a 4-day school week. The effective date of this waiver shall be the 2021–2022 school year and continue until the end of the 2023–2024 school year. During the term of this waiver, LEA shall:

- hold school for at least 990 instructional hours per school year consistent with R277-419 Pupil Accounting;
- hold school-sponsored extracurricular activities on Thursdays after the regular school day ends or on Fridays or Saturdays;
- maintain or increase the level of student achievement at applicable schools; and
- maintain or decrease absenteeism of students attending applicable schools.

TOOELE COUNTY SCHOOL DISTRICT: **DUGWAY, VERNON, AND IBAPAH SCHOOLS**

[REDACTED] (R277-121—Board Waiver of Administrative Rules)

[REDACTED] LEA petitioned the Board for a waiver of the requirements of R277-419-5 applied to Dugway, Vernon, and Ibapah schools to operate on a 4-day school week to expire at the end of the 2022–2023 school year. LEA was previously granted a waiver of the requirements of R277-419-5 for Wendover High School and Anna Smith Elementary

¹⁰Utah State Board of Education. Charter Schools. <https://www.schools.utah.gov/charterschools?mid=1185&tid=4>

¹¹Utah State Board of Education. Admin. Rule R277-121-2. Procedures for Waiver Requests. <https://www.schools.utah.gov/file/dad6540b-3e38-494d-85b7-cc4639d3704f>

to operate on a 4-day school week which will expire at the end of the 2022–2023 school year.

Waiver(s) Granted: LEA is exempted from the requirements of R277-419-5, specifically, the requirement that an LEA hold school at least 180 days per school year is waived for the purpose of instituting a 4-day school week. The effective date of this waiver shall be June 3, 2021 and continue until the end of the 2022–2023 school year. During the term of this waiver, LEA shall:

- Hold school on at least 148 days per school year;
- Hold school for at least 990 hours per school year;
- Hold school for at least 7 hours per school day;
- Teachers will work multiple Fridays during the school year as teacher work days and parent teacher conference days; and
- Schedule sporting events late in the day on Thursdays and on Fridays and Saturdays as far as possible to reduce missed class time.

ITINERIS EARLY COLLEGE HIGH SCHOOL

Waiver Agreement: (R277-121—Board Waiver of Administrative Rules)

Waiver(s) Requested: LEA petitioned the Board for a waiver of the requirements of R277-419-5 as applied to 180 school day minimum; and a waiver of the requirements of R277-700 to allow its students to earn a minimum of 1.5 credit of Physical and Health Education and 1.0 credit of Arts Education to qualify for a high school diploma.

Waiver(s) Granted: LEA is exempted from the requirements of R277-419-5, specifically, the requirement that an LEA conduct school for a minimum of 180 school days in a school year is waived for the purpose of implementing a yearly school schedule which coincides with that of Salt Lake Community College and from the requirements of R277-700, specifically, the requirement that a student earn a minimum of 2.0 credits of Physical and Health Education and a minimum of 1.5 credits of Arts Education to qualify for a high school diploma. The effective date of this waiver shall be the beginning of the 2021–2022 school year and continue until the end of the 2023–2024 school year. During the term of this waiver, LEA shall:

- hold school on at least 168 days for a minimum of 990 instructional hours per school year consistent with the accounting methods prescribed in R277-419 Pupil Accounting;
- require students earn a minimum of 1.5 credit of Physical and Health Education;
- require students earn a minimum of 1.0 credit of Arts;
- maintain or increase the level of student achievement; and
- maintain or increase the number of college credit hours for which students are enrolled

ACADEMY OF MATH, ENGINEERING AND SCIENCE

Waiver Agreement: (R277-121—Board Waiver of Administrative Rules)

Waiver(s) Requested: LEA petitioned the Board for a waiver of the requirements of R277-700 to allow its students to earn a minimum of 1.0 credit of Physical and Health Education and 1.0

credit of Arts Education to qualify for a high school diploma.

Waiver(s) Granted: LEA is exempted from the requirements of R277-700, specifically, the requirement that a student earn a minimum of 1.5 credits of Physical and Health Education and a minimum of 2.0 credits of Arts Education to qualify for a high school diploma. The effective date of this waiver shall be the beginning of the 2022–2023 school year and continue until the end of the 2023–2024 school year. During the term of this waiver, LEA shall:

- require students earn a minimum of 1.0 credit of Physical and Health Education;
- require students earn a minimum of 1.0 credit of Arts;
- maintain or increase the level of student achievement; and
- maintain or increase the number of college credit hours for which students are enrolled.

UTAH COUNTY ACADEMY OF SCIENCE

Waiver Agreement: (R277-121—Board Waiver of Administrative Rules)

Waiver(s) Requested: LEA has petitioned the Board for a waiver of the requirements of R277-419-5 as applied to 180 school day minimum; and a waiver of the requirements of R277-700 to allow its students to earn a minimum of 1 credit of Physical and Health Education and 1 credit of Arts Education to qualify for a high school diploma.

Waiver(s) Granted: LEA is exempted from the requirements of R277-419-5 and R277-700, specifically, the requirements that an LEA conduct school for a minimum of 180 school days in a school year is waived for the purpose of implementing a yearly school schedule which coincides with that of Utah Valley University, and students may earn a minimum of 1 credit of Physical Education or Health, and 1 credit of Arts to qualify for a high school diploma. The effective date of this waiver shall be the beginning of the 2021–2022 school year and continue until the end of the 2023–2024 school year. During the term of this waiver, LEA shall:

- hold school on at least 168 days for a minimum of 990 instructional hours per school year consistent with the accounting methods prescribed in R277-419 Pupil Accounting;
- maintain or increase the level of student achievement;
- maintain or increase the number of college credit hours for which students are enrolled;
- decrease absenteeism of students.

Other Examples of How This Flexibility Might Look in Practice

In accordance with Administrative Rule [R277-705-3 Required LEA Policy Explaining Student Credit](#), an LEA's review of demonstrated competency may utilize tests, interviews, peer evaluations, writing samples, reports or portfolios, and, pursuant to LEA policy, a student may earn credit from a non-accredited source, course work, or education provider. Through a waiver of rule, an LEA might use performance assessments to review demonstrations of competency and award credit including performance based on "anywhere, anytime" learning experiences (i.e., after school or expanded learning programs) made available through community partners and others.

The Necessarily Existent Small Schools (NESS) program assists school districts in operating schools in remote areas with low student populations. The NESS program is part of the Basic School Program in the Minimum School Program and funded by Weighted Pupil Units (WPU). Schools classified as NESS, based on eligibility requirements established in statute and Administrative Rule, benefit from “add-on” WPUs in addition to the WPUs generated through student membership.¹² These schools might also benefit from the USBE’s broad waiver authority to address their unique needs and those of their communities.

Relevant Reference Materials

- [Board Waiver of Administrative Rules—Administrative Rule R277-121](#)
- [Waiver from State Board Rule – State Board Recommended Statutory Changes—Utah Code 53F-5-506](#)

Flexibility for Innovation in School Program Design

Whereas rules are often used—by agencies and those to whom they apply—to define what must or must not be done, there is actually significant room for innovation and a wide range of opportunities for personalization of learning within current USBE rules when they are read with the objective of finding areas of flexibility. The information in this section summarizes the requirements and, more importantly, identifies areas of flexibility and explains which entity has primary responsibility for making decisions on how to use that flexibility. This section has information on:

- Student Membership Eligibility and Enrollment Options
 - Exemptions and Waiver Opportunities
 - Program Types: Attendance Validated Programs and Learner Validated Programs
- Credit Accumulation for High School Graduation

Student Membership Eligibility and Enrollment Options

Administrative Rule [R277-419. Pupil Accounting](#). specifies pupil accounting procedures used in apportioning and distributing state funds for education. In doing so, it is responsive to several state statutory requirements:

- Subsection 53E-3-501(1)(e), which directs the Board to establish rules and standards regarding: (i) cost-effectiveness; (ii) school budget formats; and (iii) financial, statistical, and student accounting requirements;
- Subsection 53E-3-602(2), which requires a local school board’s auditing standards to include financial accounting and student accounting;
- Subsection 53E-3-301(3)(d), which requires the Superintendent to present to the Governor and the Legislature data on the funds allocated to LEAs;
- Section 53G-4-404, which requires annual financial reports from [all]school districts; and
- Subsection 53G-5-404(4), which requires charter schools to make the same annual reports required of other public schools.

Membership, as it relates to student enrollment, is essential to the procedures established for apportioning and distributing state funds for education. As defined in the rule, “Membership” means a public school student is listed on the current roll of a public school class or public school as of a given date.

To be eligible for state funding, a public school must operate a “Minimum School Program”. As defined in

¹²Utah State Legislature. Minimum School Program: Necessarily Existent Small Schools. Issue Brief. 2014 Interim. <https://le.utah.gov/interim/2014/pdf/00005182.pdf>; Utah State Board of Education. Admin. Rule R277-445. Classifying Small Schools as Necessarily Existent. <https://www.schools.utah.gov/file/94309700-24b4-402f-9d21-9cb9291aeeec4>

statute, “The Minimum School Program established in school districts and charter schools shall include the equivalent of a school term of nine months as determined by the state board.” The legislature charged the state board with establishing the “number of days or equivalent instructional hours that school is held for an academic school year.”¹³

As a general rule, unless eligible for an exception, an LEA must provide educational services over a minimum of 180 school days each school year. The required school days may be scheduled at any time during the school year, and an LEA board is to provide “adequate contingency school days in the LEA’s yearly calendar to avoid the necessity of requesting a waiver except in the most extreme circumstances.”¹⁴ [R277-419-5. Minimum School Days.]

Exceptions:

- This requirement has previously been extended to require an LEA not “using a modified 45-day/15-day year-round schedule initiated prior to 1995” to conduct school for at least 990 hours of educational services.
- The rule waives the 990 hour requirement for LEAs with a reopening documentation describing “how the LEA will ensure continuity of teaching and learning by providing high quality instruction that includes blended learning and formative assessment strategies.”

Flexibility for Innovation

- An LEA may seek an exception to the 180-day requirement in any of the following situations:
- For any school or all schools operated by the LEA, by providing the State Superintendent with a written request (usually in the form of a letter) for a waiver of the USBE Administrative Rule R277-419-4 Minimum School Days, including student achievement data that supports the requested waiver, data demonstrating the cost effectiveness of the waiver request, and other information described in Administrative Rule R277-121 Board Waiver of Administrative Rules, described later in this section.
- For an individual student, in accordance with Administrative Rule R277-419-11 Exceptions, a district may seek approval to require a different length of the school day or year in accordance with the student’s IEP or Plan for College and Career Readiness. An LEA may hold school longer some days of the week and shorter other days so long as minimum school day requirements, as provided for in Administrative Rule R277-419-4 Minimum School Days and Subsection R277-419-2(32) Definitions, are satisfied.
- A school day calculation may include recess periods that include organization or instruction from school staff.

Examples of How Waiver Flexibility Is Being Used

AMERICAN LEADERSHIP ACADEMY

Waiver Agreement: (R277-121—Board Waiver of Administrative Rules)

Waiver(s) Requested: LEA petitioned the Board for a waiver of the requirements of R277-419-4 to allow American Leadership Academy to hold school for at least the 180 days 180 days and at least 990 hours per school year to implement a 4-day school week schedule. This Academy requested instead at least 150 days and 990 hours to implement a 4-day school week schedule.

¹³Utah Code 53F-2-53F-2-102. Definitions.

https://le.utah.gov/xcode/Title53F/Chapter2/53F-2-S102.html?v=C53F-2-S102_2020051220200512

¹⁴Administrative Rule R277-419-4. Minimum School Days.

- Waiver(s) Granted:** LEA is exempted from the requirements of R277-419-4, specifically, the requirement that an LEA hold school for a minimum of 180 days per school year is waived for the purpose of implementing a 4-day school week. The effective date of this waiver shall be the 2022–2023 school year. During the term of this waiver, LEA shall:
- provide USBE with periodic reports including data evidencing student achievement and
 - provide evidence of how achievement has remained consistent or improved over the time period the waiver has been in effect.

Decision Making Authority for This Flexibility

The State must approve any exception to the rule. Any request for a waiver from the minimum school days rule must be approved by an LEA board in an open meeting prior to being considered by the State. A request for approval of an adjusted school day or year for an individual student must be approved by USBE; however, prior approval by an LEA board is not required.

If otherwise meeting minimum school day requirements, an LEA does not need state approval in order to hold school longer some days and shorter other days, or to include recess periods that include organization or instruction from school staff in the school day calculation, as described above.

Related Reference Materials

[Minimum School Days - Administrative Rule R277-419-4](#)

Program Types: Learner Validated and Attendance Validated

Since the Utah Legislature established the Personalized, Competency Based Education Grants Program in 2016, USBE has provided incentives and support to a growing number of LEAs who have committed to exploring, planning for, and eventually implementing PCBL systems. In accordance with [Administrative Rule R277-419. Pupil Accounting](#), LEAs administering competency based learning programs, as well as those offering online learning and blended learning programs (collectively described as learner validated programs), have benefited from special funding mechanisms designed specifically to support the use of these personalized learning approaches.

On March 19, 2020, the USBE approved amendments to Administrative Rule [R277-419. Pupil Accounting](#) which created two new categories of programs—attendance validated and learner validated. As defined below, an attendance validated program is what was previously considered a face-to-face learning program in a brick-and-mortar setting, and a learner validated program includes online, blended and competency based programs previously defined as nontraditional programs.

As defined in the rule:

- **Attendance Validated Program** means a program within an LEA that consists of eligible, enrolled public school students who physically attend school in a brick and mortar school.

To “generate membership for funding through the Minimum School Program on any school day” and LEA must ensure that a student counted in membership meets a number of criteria established in the rule, including that a student enrolled in an Attendance Validated Program, “is expected to attend a regular learning facility operated or recognized by an LEA on each regularly-scheduled day”.

■ **Learner Validated Program** means a program within an LEA that consists of eligible, enrolled public school students where the student receives instruction through:

- an online learning program;
- a blended learning program; or
- a personalized, competency based learning program

These program options are defined in the rule as follows:

Online learning program means a program:

- That is under the direction of an LEA in which students receive educational services primarily over the internet.
- In the context of R277-419—the Pupil Accounting Rule, “online learning program” **does not include** the Statewide Online Education Program (SOEP), which is covered by a different set of statutory and rule-based requirements. The SOEP is an online learning program, but student participation in the Statewide Online Education Program does not affect membership calculations or requirements under R277-419.

Blended learning program means a formal education program under the direction of an LEA in which a student learns through an integrated experience that is in part:

- Through online learning, with some element of student control over time, place, path, or pace; and
- In a supervised brick-and-mortar school away from home.

Competency based learning program means an education program that provides instruction through competency based education as defined in Utah Code [53F-5-501 Personalized, Competency-based Learning Grants Program](#).

To “generate membership for funding through the Minimum School Program on any school day” and LEA must ensure that a student counted in membership meets a number of criteria established in the rule, including that a student “does not have unexcused absences, which are determined using one of the learner validated enrollment measurements [described in Subsection (4) of the rule]. (R277-419-7. Student Membership Eligibility and Learner Validated Enrollment Measurements.)

Learner Validated Enrollment Measures are prescribed in the rule. An LEA must adopt a written policy that designated a learner validated enrollment measurement that it will use to document student enrollment and then, in compliance with its policy, document each student’s continued enrollment status at least once every ten consecutive school days. An LEA’s enrollment measurement may include some or all of the following:

- a minimum student login or teacher contact requirement;
- required periodic contact with a licensed educator;
- a minimum hourly requirement, per day or week, when students are engaged in course work; or
- required timelines for a student to provide or demonstrate completed assignments, coursework or progress toward academic goals.

The LEA may not count a student as an eligible LEA student if the LEA has not personally engaged with the student during the prior ten consecutive school days.

Decision Making Authority for This Flexibility

An LEA has complete authority under state law and rules to establish and administer a learner validated program and to designate a learner validated enrollment measurement to be used to document the continuing membership or enrollment status of each student participating in any such program, so long as the program meets USBE's requirements. Administrative Rule [R277-121 Board Waiver of Administrative Rules](#), described earlier in this section, may provide additional opportunities for innovation.

Example of How This Flexibility is Being Used

IRON COUNTY SCHOOL DISTRICT: LAUNCH HIGH SCHOOL

Iron County School District is now offering Launch High School, a “new high-tech high school focused on entrepreneurship and personalized, competency based education.” The mission of this innovative high school is to empower “exceptional students through personalized competency based education that emphasizes experiential hands-on learning with technology, entrepreneurial design thinking, and the essential social-emotional skills to prepare students for future success.” Launch High School partners with Southern Utah University School of Business and Entrepreneurship program, and Southwest Technical College, to create a unique environment that infuses technology and design thinking.

Launch High School focuses on the following:

- Early credit with advancement based on mastery, not seat time
- Experiential hands-on projects with technology and tools to apply learning
- Entrepreneurial, industrial, and post-secondary connections to future success
- Essential skills for future success will be integral to coursework
- Edtech for learning with online and in-person activities
- Elect for smaller school learning environment

Relevant USBE Administrative Rules and Other Resources

- [Student Membership Eligibility and Continuing Enrollment Measurements—Administrative Rule R277-419-5](#)
- [Statewide Online Education Program—Administrative Rule R277-726](#)
- [Statewide Online Education Program \(SOEP\)](#)

Credit Accumulation for High School Graduation

The USBE has established minimum requirements for a high school diploma which include accumulation of at least 24 units of credit. A high school graduation credit may be awarded for completion of a course (a time-based credit approach) or on a demonstration of competency (subject mastery as determined by LEA standards and review). Administrative Board rule also requires that LEAs use Board-approved “summative adaptive assessments to assess student mastery” of reading, language arts through grade 11, and mathematics and science as both subjects are defined in Administrative Rule [R277-700-6 High School Requirements](#).

USBE publishes a list of courses approved for units of credit as well as criteria and procedures for an LEA to award credit for “applied, advanced, or equivalent courses.”¹⁵ An LEA governing board “shall establish a policy, in an open meeting, explaining the process and standards for acceptance and reciprocity of credits earned by a student ... and shall accept credits and grades awarded to a student from a school or a provider

¹⁵Utah State Board of Education. Current Courses Meeting the Criteria for Graduation Requirements. <https://www.schools.utah.gov/file/2d0dd9ea-8413-4e11-9090-ae8cec68ea83>

accredited by an accrediting entity adopted by the USBE.” An LEA must recognize high school credits earned prior to grade 9 through participation in the Statewide Online Education Program (SOEP), within parameters established in Administrative Rule R277-700-6 High School Requirements.

Flexibility for Innovation

- An LEA board may require a student to earn credits for graduation that exceed the minimum USBE requirements described in Administrative Rule [R277-700-6 High School Requirements](#).
- An LEA’s policy explaining student credit “shall provide various methods for a student to earn credit from a non-accredited source, course work, or education provider including: (a) satisfaction of course-work by demonstrated competency, as evaluated at the LEA level; (b) assessment as proctored and determined at the school or school level; (c) review of student work or projects by an LEA administrator; and (d) satisfaction of electronic or correspondence coursework, as approved at the LEA level.”¹⁶ Within limits established in Administrative [Rule R277-705-3 Required LEA Policy Explaining Student Credit](#), LEAs have flexibility in establishing criteria for the evaluation of demonstrated competency, the review of student work or projects, and electronic or correspondence coursework.
- In evaluating “demonstrated competency” an LEA’s review “may include such methods and documentation as: tests, interviews, peer evaluations, writing samples, reports or portfolios.” See Administrative [Rule R277-705-2 Definitions](#).
- An LEA policy for “participation in extracurricular activities, awards, recognitions, and enhanced diplomas may be determined locally ...” See Administrative Rule [R277-705-3 Required LEA Policy Explaining Student Credit](#).
- An LEA may grant a high school diploma to a student participating in a competency based career and technical education course that fulfills high school graduation requirements if the course is provided by a technical college listed in Utah Code Section [53B-2a-105 UTech Composition](#).
- An LEA has the final decision-making authority for the awarding of credit and grades from a non-accredited source. See Administrative Rule [R277-705-3 Required LEA Policy Explaining Student Credit](#).

Decision Making Authority for This Flexibility

Neither USBE approval or waiver of Administrative Rule is required for an LEA board to exercise the flexibility described above; however, Administrative [Rule R277-121 Board Waiver of Administrative Rules](#), described earlier in this section, may provide additional opportunities for innovation.

Credit Accumulation for High School Graduation

Relevant USBE Administrative Rules

- [Dual Enrollment—Administrative Rule R277-438](#)
- The Elementary and Secondary School General Core—[Administrative Rule R277-700](#)
- Procedures for the Utah High School Completion Diploma—[Administrative Rule R277-702](#)
- Financial and Economic Literacy: Integration into Core Curriculum—[Administrative Rule R277-704](#)
- Secondary School Completion and Diploma—[Administrative Rule R277-705](#)
- High School Course Grading Requirements—[Administrative Rule R277-717](#)
- Statewide Online Education Program—[Administrative Rule R277-726](#)

¹⁶Utah State Board of Education. Admin. Rule R277-705-3. Required LEA Policy Explaining Student Credit. <https://www.schools.utah.gov/file/e700dea0-e41d-4aa3-bfed-6a8d0e35f65e>

- Education Programs for Students with Disabilities—[Administrative Rule R277-750](#)

USBE Policies, Guidelines, FAQs, and More

- [Teaching and Learning—Graduation Requirements](#)
- [Frequently Asked Questions on R277-717 High School Course Grading Requirements](#)
- [Demonstrated Competency Policy](#)
- [Graduation Requirements: Demonstrated Competency](#)
- [Special Education Services, Graduation Guidelines for Students with Disabilities \(updated Fall 2021\)](#)
- [Frequently Asked Questions Regarding the Career Development Credential \(CDC\)](#)
- [Frequently Asked Questions Regarding the Alternate Diploma](#)
- [Special Education Rules \(August 2020\) \(Relevant sections: III.J.2.i., VII.B., and VII.C\)](#)

CTE Course Credit Based on Demonstrated Competency or Completion

A CTE course may be completed by demonstrated competencies or by course completion. Program completion is defined to mean “completion of a sequence of approved courses, work-based learning experiences, or other prescribed learning experiences as determined by the Plan for College and Career Readiness.”¹⁷ By definition, CTE instruction is competency based instruction, and LEAs that offer CTE courses, in any of the USBE-defined CTE areas of study (e.g., agriculture; business; family and consumer sciences), can make those courses and many aspects of their administration, such as professional development, student assessments, course credit criteria, part of a PCBL, or CBE model.

Flexibility for Innovation

While Administrative Rule [R277-911 Secondary Career and Technical Education](#) establishes extensive CTE program requirements, there is significant flexibility within the rule for an LEA to design and implement CTE courses and programs that fit within the LEA’s personalized or competency based learning model. For example, the LEA can:

- Establish Secondary CTE program goals that are aligned to goals for non-CTE personalized, competency based learning.
- Determine the composition and some of the duties of the advisory council annually.
- Adopt or select curricula and establish guidelines for instruction.
- Establish local requirements for development of each student’s Plan for College and Career Readiness for all students, which may go beyond the requirements described above, including, for example, student engagement in PCBL for both CTE and non-CTE course credits.
- Develop a skill certification process to verify successful completion of competencies.
- Establish requirements and other criteria for the ongoing professional development of CTE program instructors so that all are able to keep their technical and professional skills current, including through business and industry involvement.

Limitations and Other Requirements to Consider

¹⁷Utah State Board of Education. Admin. Code R277-911-2(11). Definitions.
<https://www.schools.utah.gov/file/84f5cd97-3fb7-4849-a6d1-2eb6309b140e>

¹⁸ Utah State Board of Education. Admin. Rule R277-911-3. CTE Program Approval.
<https://www.schools.utah.gov/file/84f5cd97-3fb7-4849-a6d1-2eb6309b140e>

¹⁹Utah State Board of Education. Admin. Rule R277-911-5. Disbursement of Funds—Added Cost Funds.
<https://www.schools.utah.gov/file/84f5cd97-3fb7-4849-a6d1-2eb6309b140e>

- Counselors and instructional staff shall hold valid Utah teaching licenses with endorsements appropriate for the programs they teach.¹⁸
- Programs and courses provided through technical colleges and higher education institutions do not qualify for added cost funds except for specific contractual arrangements approved by USBE.¹⁹
- An LEA that demonstrates approved student skill certification may receive additional compensation if it can “show its student completer has demonstrated mastery of standards, as established by the Board” and “an approved skill certification assessment is developed for the program.” An authorized test administrator must verify student mastery of the skill standard.²⁰
- To meet reporting requirements defined in Administrative Rule [R277-419-8 Reporting Requirements, LEA Records, and Audits](#), an LEA must ensure that computerized or manually produced records for CTE programs are kept by teacher, class, and classification of instructional program (CIP) code; and that such records accurately show for each student in a CTE class the entry date, exit date, and excused or unexcused status of absence.²¹

Decision Making Authority for This Flexibility

The Superintendent shall approve CTE programs based on verified training needs of the area and the competencies necessary to provide occupational opportunities for students.²² Approval is subject to an LEA meeting all of the approval requirements described above. Administrative Rule [R277-121 Board Waiver of Administrative Rules](#), described later in this section, may provide additional opportunities for innovation.

Relevant USBE Administrative Rules and Resources

- Secondary Career and Technical Education—[Administrative Rule R277-911](#)
- [College and Career Awareness](#)

Options to Support Early Graduation.

Every Utah LEA can establish policies allowing a student to graduate from high school early.

Through the Statewide Online Education Program, a student may exceed yearly credit limitations to accelerate graduation by declaring an intent to graduate early. An eligible student may exceed a full course load during a regular school year if:

- the student’s plan for college and career readiness indicates that the student intends to complete high school graduation requirements and exit high school before the rest of the student’s high school cohort; and
- the student’s schedule demonstrates progress toward early graduation²³

¹⁸Utah State Board of Education. Admin. Rule R277-911-3. CTE Program Approval.
<https://www.schools.utah.gov/file/84f5cd97-3fb7-4849-a6d1-2eb6309b140e>

¹⁹Utah State Board of Education. Admin. Rule R277-911-5. Disbursement of Funds—Added Cost Funds.
<https://www.schools.utah.gov/file/84f5cd97-3fb7-4849-a6d1-2eb6309b140e>

²⁰Utah State Board of Education. Admin. Rule R277-911-6. Disbursement of Funds—Skill Certification.
<https://www.schools.utah.gov/file/84f5cd97-3fb7-4849-a6d1-2eb6309b140e>

²¹Utah State Board of Education. Admin. Rule R277-419-6. Student Membership Calculations.
<https://www.schools.utah.gov/file/88a6384d-8c8e-4b3a-b8d6-8843064602e9>

²²Utah State Board of Education. Admin. Rule R277-911-3. CTE Program Approval.
<https://www.schools.utah.gov/cte/programapproval>

²³Utah State Board of Education. Admin. Rule R277-726-4 Eligible Student and Parent Rights and Responsibilities.
<https://www.schools.utah.gov/file/1cb08c2e-56e4-498c-9155-f0f032b87dcc>

To be eligible for early graduation, a student shall have a current plan for college and career readiness on file at the student's high school as described in Administrative Rule R277-700-6 High School Requirements and shall indicate to school leaders the student's intent to complete early graduation at the beginning of the ninth grade year or as soon thereafter as the intent is known.

Example of How This Flexibility is Being Used

TOOELE SCHOOL DISTRICT

[Tooele School District's Credit Guidelines for Graduation from Secondary Schools](#)²⁴

According to the Tooele School District's Guidelines, within the district, "any student may declare intent to graduate early (TCSO policy #5008)." Early graduation can take place as early as the end of the eleventh-grade year and is contingent on the creation of an "alternative Plan for College and Career Readiness (CCR)" by the school principal.

The district's guidelines on early graduation include:

- a. Credit earned during the summer between the eighth and ninth grade years may be applied toward a high school diploma.
- b. Declaration of intent to graduate early should ideally occur at least one quarter prior to the desired graduation date. Such declarations must be made in writing directly to the principal of the high school where the student is enrolled.
- c. A student intending to graduate early must complete all requirements for graduation mandated for students completing twelve years of schooling and all core requirements including four (4) years of language arts. Some modifications of requirements for purposes of early graduation include:
 - i. Only World Language Level 3, World Language Level 4, Advanced Placement, Concurrent Enrollment, and International Baccalaureate courses, as well as select language arts electives, may count as senior language arts credit. For those students graduating early, these language arts courses/levels, when taken in the 9th, 10th, 11th grade, may be applied toward the senior English language arts credit.
 - ii. Although a student cannot concurrently enroll in junior and senior English language arts, a student enrolled in junior English language arts may take any senior elective English language arts course. (This may be individually negotiated with the student's counselor/administrator, depending upon the acceleration needs of the early graduation student.)

Relevant USBE Administrative Rules and Other Resources

- Statewide Online Education Program—[Administrative Rule R277-726](#)
- [Utah Code 53E-3-501 SBE Establishes Standards](#)
- [Early College](#)

²⁴Tooele County School District Board of Education. Tooele County School District Credit Guidelines Handbook for Graduation from Secondary Schools 2019–2020.

<https://4.files.edl.io/79cc/02/26/20/221838-ad157585-112a-4cf3-9560-2844919fdb65.pdf>

Personalized, Competency Based Learning 3

Utah is one of just a handful of states that have created a program specifically to support LEAs in the design, implementation, and expansion of personalized, competency based learning (PCBL). Initial administration of the program, including significant work undertaken by participating LEAs and USBE, led to the achievement of several PCBL milestones which are described in this section:

- PCBL Defined
- Utah's PCBL Framework and Portrait of a Graduate Competencies
- Reimbursement Program for Early Graduates
- Safeguards for PCBL Students
- Growth of the PCBL Grant Program

What is PCBL?

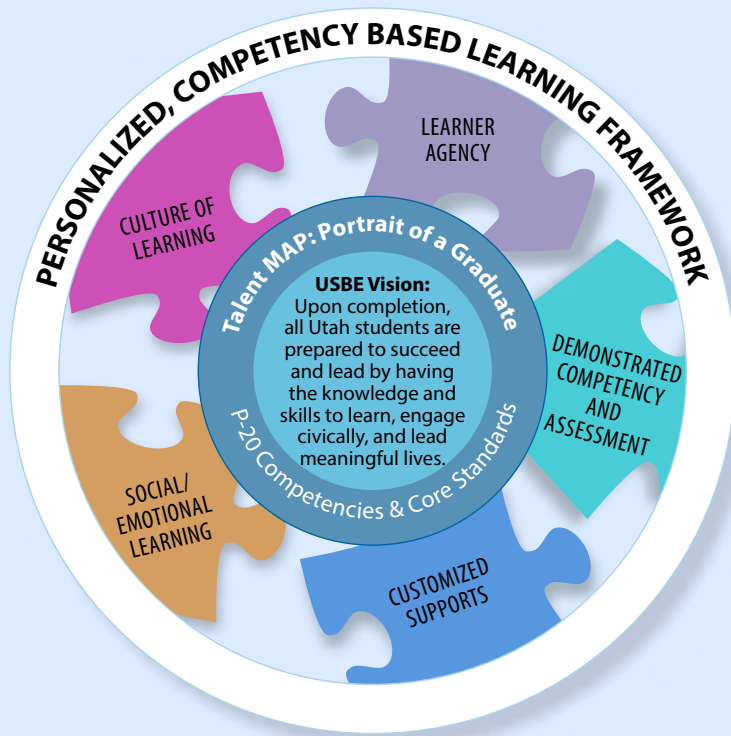
In 2021, the state legislature amended Utah Code [53F-5-501](#) to include a definition of PCBL:

“Personalized, competency based learning” means a system of learning in which the following principles influence the daily actions of the educational community:

- (a) students are empowered daily to make important decisions about the students’ learning experiences, how the students will create and apply knowledge, and how students will demonstrate the students’ learning;
- (b) assessment is a meaningful, positive, and empowering learning experience for students that yields timely, relevant, and actionable evidence;
- (c) students receive timeline, differentiated support based on the students’ individual learning needs;
- (d) students progress based on evidence of mastery rather than by hours of attendance;
- (e) students learn actively using different pathways and varied pacing;
- (f) strategies to ensure equity for all students are embedded in the culture, structure, and pedagogy of schools and education systems; and
- (g) rigorous, common expectations for learning, including knowledge, skills, and dispositions, are explicit, transparent, measurable, and transferable.”

Utah’s Personalized, Competency Based Learning Framework and Portrait of a Graduate Competencies

Utah’s Personalized, Competency Based Learning (PCBL) [Framework](#), published in April 2021, seeks to create a bridge from the USBE’s Strategic Plan and the [Utah Portrait of a Graduate Competencies](#) to the work of educators and students in Utah’s classrooms as they work to achieve the learning outcomes as described in Utah’s Core Standards and the P-20 Competencies.



The **PCBL Framework** leverages five essential components necessary to create a personalized, competency based learning approach:

- 1. Culture of Learning**—Each learner is supported by communities committed to creating the culture, structure, policies and instructional practices that engage them in their journey towards college, career and life readiness. By leveraging a learner’s unique assets, holding high expectations, executing teacher clarity, and fostering meaningful relationships, an inclusive culture of learning allows each learner to define their pathway to success.
- 2. Learner Agency**—Each learner develops understanding, skill, and responsibility to the learning design and process in pursuit of achieving the characteristic of Utah’s Portrait of a Graduate. Learner agency is achieved through a broad range of instructional strategies including goal setting, choice in learning pathways, voice in how to demonstrate competency, and learner self-assessment.

- 3. Demonstrated Competency and Assessment**—Each learner progresses through their learning based upon applying their knowledge, essential skills, and dispositions. Timely, effective feedback, and data from a variety of formative assessment processes to measure learner growth, progress, and advancement based on high expectations.
- 4. Customized Supports**—Each student is provided appropriate support in a timely fashion to achieve their potential. These supports are the product of a system of intentional formative assessment strategies and feedback loops that drive a team of collaborative educators to personalize learning paths for students based on their growth or demonstration of competency.
- 5. Social/Emotional Learning**—The process through which students acquire and effectively apply the knowledge, attitude, and skills necessary to: (a) understand and manage emotions; (b) set and achieve positive goals; (c) feel and show empathy for others; (d) establish and maintain positive relationships; (e) make responsible decisions; and (f) self-advocate.

The Framework was designed to provide clear indicators and promising practices for educators and students needed to create learning conditions that cultivate student learning by being transparent about learning expectations which in turn allows students to know their learning targets and what they need to do to demonstrate mastery.

To accomplish this work, the USBE engaged with **KnowledgeWorks** in the planning process, providing on-site facilitation for local stakeholder groups to develop draft competencies, facilitated public feedback and revision, and submission of the P-20 competencies for publication in September 2020. The prototype competencies would be piloted in the 2020-21 school year, and revised and finalized in the summer of 2021. The Utah Talent MAP identifies 13 elements that are cultivated in educational settings: academic mastery; wellness; civic, financial, and economic literacy; digital literacy; communication; critical thinking and problem solving; creativity and innovation; collaboration and teamwork; honesty, integrity, and responsibility; hard work and resilience; lifelong learning and personal growth; service; and respect.²⁵

²⁵Utah State Board of Education. Utah Talent MAP. <https://schools.utah.gov/file/bccb96eb-e6a6-47cf-9745-cf311675ad8b>

For each element, student competencies have been described by grade level. Example from Utah Portrait of a Graduate Competencies—Academic Mastery:



ACADEMIC MASTERY

Demonstrate a depth of knowledge in multiple subject areas to make informed decisions.

Pre-K	K-2	3-5	6-8	9-12	Postsecondary
Students will be able to recognize, recall and sort academic content knowledge and foundational skills.	With support, students will be able to retrieve, comprehend and analyze academic content knowledge and skills.	Students will be able to comprehend and infer to analyze academic content knowledge and skills across multiple disciplines.	Students will be able to analyze, adapt and apply academic content knowledge, skills and dispositions across multiple disciplines in teacher-driven contexts.	Students will be able to analyze, synthesize and transfer academic content knowledge, skills and dispositions independently across multiple disciplines and contexts.	Lifelong learners will be able to utilize prior knowledge to emerge as contributors in their field of expertise or profession and apply this knowledge across diverse settings and new contexts.

Related USBE Administrative Rules and Other Resources

- [P-20 Competency Exemplars—Utah Talent MAP](#)
- [Utah Portrait of a Graduate: Competency Model Rubrics](#)

Reimbursement Program for Early PCBL Graduates

The Utah Legislature, through Utah Code [53F-2-511 Reimbursement Program for Early Graduation from Competency Based Education](#), created the Reimbursement Program for Early Graduation from competency based education. From such sums as the legislature may appropriate annually to the Reimbursement Program, an LEA may apply to USBE to receive a reimbursement if an eligible student attended the LEA for less than a full school year before the student’s cohort graduated:

- Up to the value of one weighted pupil unit prorated based on the difference between: the number of days of partial pupil in average daily membership (ADM) earned by the LEA while the student was still in attendance and a full pupil in ADM
- The value of one weighted pupil unit for each school year the eligible student graduated ahead of the student’s cohort

An eligible student is defined as one who attended an eligible LEA (for which meeting the core principles of CBE, described above, is required) and graduated by completing graduation requirements earlier than the individual’s cohort because of the individual’s participation in CBE.

To receive a PCBL designation, which is required for reimbursement, an LEA must submit an application to the PCBL Review Committee, using an application prescribed by USBE, no later than April 29th of the school year prior to the school year in which the LEA intends to seek reimbursement and have an approved PCBL plan pursuant to Administrative Rule [R277-712 Personalized, Competency Based Learning Grant Programs](#). Any such designation, once approved by the USBE, acting on a recommendation from the Advisory Committee, shall last for the following three years, provided the school continues to operate on a personalized, competency based learning model. A designation may not be used retroactively for reimbursement of eligible students. An LEA that does not currently have a PCBL education designation may not use the designation for reimbursement of eligible students in the year in which the LEA’s application is approved.²⁶

²⁶Utah State Board of Education. Admin. Rule R277-720-3. Personalized, competency Based Education Learning Designation. <https://www.schools.utah.gov/file/e15c684e-38b6-44c7-a5b8-d0718e0f46c0>

With the enactment of Utah Code [53F-5-507 Cooperation of institutions of higher education—Transferring students not to be penalized](#), the Utah Legislature created important protections for students who graduate from a personalized, competency based program, insuring they will be prepared for postsecondary success and will have their educational accomplishments fully recognized and accepted by any Utah school to which they transfer and by institutions of higher education.²⁷

- An institution of higher education (IHE) must “recognize and accept on equal footing as a traditional high school diploma a high school diploma awarded to a student who successfully completes an educational program that uses, in whole or in part, competency based education;” including by cooperating with an LEA to facilitate the advancement of any such student and to assist the LEA in the development of a competency based education plan. This protection applies to treatment of students by IHEs for purposes of admission, scholarships, and other financial aid consideration.
- A student attending an LEA that establishes competency based education may not be penalized, such as by being required to repeat course work already successfully completed, if the student transfers to another school within the LEA or to another LEA.

This section provides information on the USBE PCBL Grant Program, with examples on work being done already by participating LEAs, requirements for accessing program funding and technical assistance, see below for:

- An Overview of the PCBL Grant Program
- Information on the Phase 3 Program
 - Planning Grants²⁸
 - Implementation Grants
 - Expansion Grants
- Technical Support and Other Resources to Support PCBL Program Design and Implementation
- Information on Current Grant Recipients
- Higher Education Entrance Requirements

After taking initial steps to encourage LEAs to adopt PCBL approaches as early as 2013, the Utah Legislature, in 2016, authorized an incentive grants program for LEAs. It is now known as the PCBL Grants Program. That action—passage of SB 143 in 2016, along with the passage of subsequent bills SB34 in 2017 and SB91 in 2019—put in place additional provisions to support program participating LEAs and students, as described on the next page.

²⁷Utah Code 53F-5-507. Cooperation of Institutions of Higher Education—Transferring Students Not to be Penalized. https://le.utah.gov/xcode/Title53F/Chapter5/53F-5-507.html?v=C53F-5-S507_2019051420190514

²⁸An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than one calendar year after receiving the funds. See Utah Code 53F-5-503. Planning Grants—Requirements. <https://le.utah.gov/xcode/Title53F/Chapter5/53F-5-503.html>

PCBL Grant Types

Three types of grants may be made, as described below:

- Planning grants [one year grant period]
- Implementation grants [two year grant period]²⁹ and
- Expansion grants [two year grant period]³⁰

USBE Administrative Rule [R277-712 Personalized, competency based Learning Grant Programs](#) establishes application, evaluation, and implementation requirements for all three types of grants.

The planning grant seeks to “support local education agencies in their planning for Competency Based Education.”³¹ The initial cohort (cohort A) was awarded in Spring 2019 and the competitive planning grant for Fiscal Year 2021 (Cohort B) is funded from July 1, 2020 until June 30, 2021. These grants cannot exceed \$100,000 per LEA.

The implementation grant for Cohort A is funded from July 1, 2020 until June 30, 2022. The maximum award amount over two years total \$400,000 per LEA. All Cohort A implementation grant activities must conclude by June 30, 2022.³² As Cohort A grantees complete their implementation activities, they will become eligible to apply for an Expansion Grant.

Three Phases of the PCBL Grants Program

Utah Code establishes a 3-phase grant program to support LEAs in the design and implementation of PCBL. See Appendix D for a side-by-side overview of each type of grant.

Planning Grants

An LEA seeking a planning grant must meet the following requirements:

- Prior to submission of a planning grant application, at least two LEA representatives must participate in USBE’s technical assistance training, including: (1) the school district superintendent (or charter school executive director); and (2) the LEA’s curriculum director or proposed PCBL program manager.
- Using an application created by USBE, and within the deadline established by the Superintendent, the LEA must provide:
 - A general description of the program the LEA would like to plan
 - An indication of whether the LEA intends to plan for schoolwide implementation or initial implementation with a population smaller than schoolwide (and phasing to schoolwide or districtwide over a specified period of time)
 - A description of the types of partners who will help with the plan and, eventually, implementation of the PCBL program
 - Information showing how planning activities and the program will focus on the core principles (provided above); use of instructional methods, such as blended learning and extended

²⁹An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than two calendar years after receiving the funds. See Utah Code 53F-5-504. Implementation Grants – Requirements. <https://le.utah.gov/xcode/Title53F/Chapter5/53F-5-5504.html>

³⁰An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than two calendar years after receiving the funds. See Utah Code 53F-5-505. Expansion Grants – Requirements. <https://le.utah.gov/xcode/Title53F/Chapter5/53F-5-5505.html>

³¹Utah State Board of Education. Personalized, competency Based Learning (PCBL). Grant Programs: Planning Grant Program. <https://www.schools.utah.gov/curr/competencybased?mid=4181&tid=3>

³²Utah State Board of Education. Personalized, competency Based Learning (PCBL). Grant Programs: Implementation Grant Program. <https://www.schools.utah.gov/curr/competencybased?mid=4181&tid=4>

learning; and the outcome-based measures the LEA will use to measure its performance of the plan

- Information indicating that the LEA has the capacity, qualifications, local governing body support, and time to successfully plan the program; and, and intentional and feasible planning process
- Information indicating that the LEA will align its budget with the planning process, as necessary
- Information indicating that the LEA will communicate and promote the plan with parents, teachers, and members of the community

Using metrics it has established to analyze the quality of a grant application, the PCBL Review Committee reviews each planning grant application to determine compliance with the criteria listed above, including the proposed budget and outcome based measurements, and makes a recommendation to the Superintendent and Board on whether the grant application should be approved for funding.

An LEA that receives a planning grant must expend its grant funds no later than one calendar year after receipt.

Implementation Grants

An LEA seeking an implementation grant must meet the following requirements:

- The LEA previously received a planning grant and successfully participated in the planning grant phase.
- Prior to submission of an implementation grant application, at least two LEA representatives must participate in USBE's competency based technical assistance training, including: (1) the school district superintendent (or charter school executive director); and (2) the LEA's curriculum director or proposed CBE program manager.
- Using an application created by USBE, and within the deadline established by the Superintendent, the LEA must provide evidence that the LEA:
 - Can logically articulate the proposed program's mission, theory of change, and the program's intended goals and outcomes
 - Plans for schoolwide implementation or initial implementation with a population smaller than schoolwide (and phasing to schoolwide or districtwide over a specified period of time)
 - Has an understanding of similar programs and can use this knowledge to strengthen the LEA's program implementation
 - Plans a program that will focus on the core principles (provided above); use of instructional methods, such as blended learning and extended learning; and the outcome-based measures the LEA will use to measure its performance of the plan
 - Plans a program that will address a need, determined by data, in the LEA or community
 - Has a strong evaluation plan that will clearly measure the success of the LEA's program against the stated goals and objectives
 - Has a list of signatures of key stakeholders and partners who are committed to implementing the program
 - Has the capacity, qualifications, local governing body support, and time to successfully implement the program; and, and intentional and feasible scope of work to implement the program
 - Will align its budget with the planning process, as necessary
 - Will communicate and promote the plan with parents, teachers, and members of the community

Using metrics it has established to analyze the quality of a grant application, the PCBL Review Committee reviews each implementation grant application to determine compliance with the criteria listed above, including the proposed budget and outcome based measurements, and make a recommendation to the Superintendent and Board on whether the grant application should be approved for funding.

An LEA that receives an implementation grant must expend its grant funds no later than two calendar years after receipt.

Expansion Grants

An LEA seeking an expansion grant must meet the following requirements:

- The LEA previously received an implementation grant and successfully participated in the implementation grant phase.
- Prior to submission of an expansion grant application, at least two LEA representatives must participate in USBE's competency based technical assistance training, including: (1) the school district superintendent (or charter school executive director); and (2) the LEA's curriculum director or proposed CBE program manager.
- Using an application created by USBE, and within the deadline established by the Superintendent, the LEA must provide evidence that the LEA:
 - Has an established program that:
 - Has successfully met previous goals
 - Has shown outcomes that are in alignment with the core CBE principles (described above) and used methods such as personalized and blended learning
 - Is supported by LEA management and leadership
 - Is suitable for expansion schoolwide or districtwide
 - Is the program, with any necessary modifications, that the LEA plans to expand if awarded the expansion grant
 - Can logically articulate the proposed program's mission, theory of change, and the program's intended goals and outcomes
 - The program as proposed for expansion is focused on: direct alignment with the core principles (provided above); use of instructional methods, such as blended learning and extended learning, as applicable; and the outcome-based measures the LEA will use to measure its performance of the plan
 - That the program will address a need, determined by data, in the LEA or community
 - Has clearly articulated core components that ensure, when expanded, the program will yield positive outcomes
 - Has a strong evaluation plan that will clearly measure the success of the LEA's program against the stated goals and objectives
 - Has a list of signatures of key stakeholders and partners who are committed to implementing the program
 - Has the capacity, qualifications, local governing body support, and time to successfully expand the program
 - Has an intentional and feasible scope of work to implement the program
 - Has a strategic budget that is aligned with the LEA's scope of work
 - Will communicate and promote the plan with parents, teachers, and members of the community

Using metrics it has established to analyze the quality of a grant application, the PCBL Review Committee reviews each expansion grant application to determine compliance with the criteria listed above, including the proposed budget and outcome based measurements, and make a recommendation to the Superintendent and Board on whether the grant application should be approved for funding.

An LEA that receives an expansion grant must expend its grant funds no later than two calendar years after receipt.³³

Outcome-Based Measurements

An LEA applying for or participating in any PCBL Grant Program described in this part must include outcome-based measurements, including at least one measurement of student growth and proficiency, as part of its competency based program and use such measurements to measure the performance of the LEA's plan. Measurements must be defined in three categories for each phase of the grant program:

- Leading Indicators
- Primary Indicators
- Long-Term Indicators

Qualifying for a Subsequent Grant Phase

An LEA may be awarded each subsequent phase of the grant program, only after:

- Successful participation in the previous phase
- Board approval of the LEA's plan.³⁴

Outcome-Based Measurements

- An LEA's outcome-based measurements must include at least one measurement of student **growth** and **proficiency** and may also include:
 - Parent and student satisfaction with the LEA's competency based program
 - Cost savings
 - LEA's graduation rate increase
 - Increase in number of credits earned by students through the competency based program
 - Program indicators listed in Utah's PCBL Framework, pending approval

Options Following Denial

If an LEA's application is denied by the USBE:

- Following the first denial—the LEA may submit a new grant application the next year.
- Following the second denial—the LEA may only submit a planning grant application the next year if the LEA requests technical assistance from the Superintendent prior to re-applying and demonstrates increased understanding of PCBL implementation upon re-application.³⁵

³³An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than two calendar years after receiving the funds. See Utah Code 53F-5-505. Expansion Grants—Requirements.
<https://le.utah.gov/xcode/Title53F/Chapter5/53F-5-505.html>

³⁴Utah State Board of Education. Admin. Rule R277-712-6. Procedure and Requirements for Awarding a Grant.
<https://www.schools.utah.gov/file/0709cf1c-d171-489f-bd43-702de18a72b9>

³⁵Utah State Board of Education. Admin. Rule R277-712-6. Procedure and Requirements for Awarding a Grant.
<https://www.schools.utah.gov/file/0709cf1c-d171-489f-bd43-702de18a72b9>

Technical Support and Other Resources to Support PCBL Design and Implementation

The USBE is providing two optional types of technical support for LEAs applying for and receiving PCBL grants, including individual coaching through The New Teacher Project (TNTP), and membership in the Mastery Transcript Consortium.³⁶

Individual LEA Coaching (TNTP)³⁷

LEA's have the option to opt in or out of personalized coaching with TNTP, if awarded a competency Based Grant, for the duration of the planning grant. TNTP partners with LEAs to provide technical assistance that will include both individualized and collaborative support in alignment with Utah's competency Based Education Framework. TNTP provides support with drafting applications, monthly webinars and personalized virtual coaching sessions.³⁸

Mastery Transcript Consortium (MTC)³⁹

An LEA that chooses to partner with the MTC will be "supported by a technology platform that allows the complete record of a student's credits and submitted evidence to be submitted to college admissions offices and professional organizations for evaluation."⁴⁰ Partnering with MTC will allow LEAs to receive assistance in developing mastery-based rubrics, making changes to teaching and assessments, and accelerating change, and personalizing transcripts that reflect student competencies, strengths, and interests along with digital portfolio artifacts that demonstrate advanced competencies and accolades.

PCBL Flexibility: Waivers From State Board Rule

As noted in Section II of this Guide, in addition to the waiver opportunities provided pursuant to Administrative Rule [R277-121 Board Waiver of Administrative Rules](#), the Utah Legislature authorized a waiver process specifically for LEAs applying to USBE for participation in the PCBL Grants Program. Under Utah Code [53F-5-506 Waiver from State Board Rule—State Board Recommended Statutory Changes](#), an LEA, in a grant application, may request a waiver of any state board rule that "inhibits or hinders the LEA from accomplishing its goals set out in its grant application."⁴¹ As with [R277-121 Board Waiver of Administrative Rules](#), USBE is prohibited from granting a waiver that would cause the LEA to be in violation of state or federal law; or would threaten the health, safety, or welfare of students in the LEA.

USBE is required to collect information from each LEA that receives a PCBL Grant regarding information on any state statute that hinders the LEA from fully implementing its PCBL program.

Relevant USBE Administrative Rules and Other Resources

- Personalized, Competency Based Learning Grant Programs—[Administrative Rule R277-712](#)
- Reimbursement Program for Early Graduation from Competency Based Education—[Utah Code 53F-2-511](#)

³⁶Utah State Board of Education. Utah State Board of Education Application for competency Based Education Planning Grant. Cohort B: 2020-2021. <https://www.schools.utah.gov/file/fb347f14-4b40-4324-ad95-11ba0fcbcad2>

³⁷See TNTP. <https://tntp.org>

³⁸Utah State Board of Education. Utah State Board of Education Application for competency Based Education Planning Grant. Cohort B: 2020-2021. <https://www.schools.utah.gov/file/fb347f14-4b40-4324-ad95-11ba0fcbcad2>

³⁹See Mastery Transcript Consortium. <https://mastery.org/about/about-us/>

⁴⁰Utah State Board of Education. Utah State Board of Education Application for competency Based Education Planning Grant. Cohort B: 2020-2021. <https://www.schools.utah.gov/file/fb347f14-4b40-4324-ad95-11ba0fcbcad2>

⁴¹Utah Code 53F-5-506. Waiver from State Board Rule – State Board Recommended Statutory Changes. <https://le.utah.gov/xcode/Title53F/Chapter5/53F-5-506.html>

- Competency Based Education Grants Program—[Utah Code 53F-5-5](#) (Note: HB27 and SB91 signed in 2019 amended statute related to competency based education grants)
- Competency Based Education Grants Program – State Board Duties – Review Committee – Technical Assistance Training—[Utah Code 53F-5-502](#)
- Planning grants – Requirements—[Utah Code 53F-5-503](#)
- Implementation grants – Requirements—[Utah Code 53F-5-504](#)
- Expansion grants – Requirements—[Utah Code 53F-5-505](#)
- [Competency Based Education \(Presentation\)](#)
- [Utah Effective Teaching Standards](#)
- [Research Priority Brief—Utah Leading through Effective and Dynamic Education, Exploring Competency Based Education](#)
- [CBE Planning Grant Application Overview - January 15, 2020](#)

What Additional Flexibility Can LEAs Use to Personalize Education? 4

Plans to Support Successful Student Transitions

An LEA must develop a Plan for College and Career Readiness for every student. LEAs, consistent with federal regulations and USBE Special Education Rules, can help prepare students with disabilities for further education, employment, and independent living through the provision of Transition Services—School to Post-School.

Statewide Online Education Program (SOEP)

Students may earn middle school or high school graduation course credit through the Statewide Online Education Program, which consists of publicly funded online courses. Utah Statute notes that one purpose of the SOEP is to “provide personalized learning, where a student can spend as little or as much time as the student needs to master the material.”⁴² The Statewide Online Education Program also allows home school, public school, and private school students to have access to state courses. LEAs are able to partner with programs to provide courses to students outside of the LEA’s boundaries. There are currently 8 of these partnerships in the state.⁴³

College and Career Readiness Plans

A College and Career Readiness plan must include: (i) a student’s education occupation plans (grades 7-12), including job placement when appropriate; (ii) all Board, local board, and local charter board graduation requirements; (iii) evidence of annual parent, student, and school representative involvement; (iv) attainment of approved workplace skill competencies; and (v) identification of a CTE postsecondary goal and an approved sequence of academic and CTE courses.⁴⁴

⁴²Utah Code 53F-4-5. Statewide Online Education Program.

https://le.utah.gov/xcode/Title53F/Chapter4/53F-4-P5.html?v=C53F-4-P5_2018012420180124

⁴³Utah Code 53F-4-5. Statewide Online Education Program.

https://le.utah.gov/xcode/Title53F/Chapter4/53F-4-P5.html?v=C53F-4-P5_2018012420180124;

Utah State Board of Education. Admin. Rule R277-726. Statewide Online Education Program.

<https://www.schools.utah.gov/file/1cb08c2e-56e4-498c-9155-f0f032b87dcc>.

See also Utah State Board of Education. Frequently Asked Questions—State Online Education Program.

<https://www.schools.utah.gov/file/81cb17b5-65ac-4d16-b4d0-0a33cdf2e7d2>

⁴⁴Utah State Board of Education. Admin. Rule R277-911. Secondary Career and Technical Education.

<https://www.schools.utah.gov/file/84f5cd97-3fb7-4849-a6d1-2eb6309b140e>

IEP Transition Services and Plans

As described in USBE's [Transition Services and Activities Examples](#), part of an extensive set of resources on Special Education Services (SES), an IEP must contain a statement of school to post-school transition services for a student with a disability age 14 and older, or younger if determined appropriate by the Individualized Education Program (IEP) team, and updated annually thereafter. The statement, referred to as an individualized transition plan and developed using a form provided by USBE to meet the requirements of the Board's [Special Education Rules](#) (USBSE SER III.J.2.i.; VII.B.; and VII.C.), must include:

- Student's appropriate measurable postsecondary goals, based on the student's needs, strengths, preferences, and interests as measured by transition assessments.
- Documentation of annual age-appropriate transition assessment results in the areas of employment and postsecondary education/training, and, where appropriate, independent living skills.
- Define which transition services, activities, and/or specialized instruction are needed during this annual IEP for the student to develop the skills and knowledge to facilitate movement towards the student's postsecondary goals
- Determine if the transition services, experiences, and/or specialized instruction listed above are likely to be provided or paid for by other agencies.
- Courses of study addressing post-school transition needs for postsecondary adult activities. This should be a multi-year plan, reviewed and revised annually, that specifies the educational courses and experiences that will assist the student in achieving the student's postsecondary goals. This information may be contained in a Plan for College and Career Readiness/SEOP.

USBE's [Special Education Rules](#) and SES resources provide some flexibility for LEAs in developing transition plans and the required goals, including with regard to instructional time and course options for an Alternate Diploma. "Transition services and activities should be individualized based on the student's strengths, interests, preferences, and needs."⁴⁵ Within the limits described above, including adherence with federal law, an LEA might also seek a waiver from Administrative Rule, as appropriate, or take advantage of other flexibility described in this guide.

Flexibility for Innovation

- An LEA may modify graduation requirements for an individual student, consistent with the student's IEP or Plan for College and Career Readiness, "to achieve an appropriate route to student success." The modification, among other things, must maintain "the integrity and rigor expected for high school graduation, as determined by the Board." See Administrative Rule [R277-700-6 High School Requirements](#).
- For purposes of calculating student membership under Administrative Rule [R277-419-6 Student Membership Calculations](#), an LEA may also count a student in membership for the equivalent in hours of up to one period each school day, if the student has been released by the school to participate in an individual learning activity consistent with the student's SEOP/Plan for College and Career Readiness.⁴⁷

⁴⁵Utah State Board of Education. Transition Services and Activities Examples.
<https://www.schools.utah.gov/file/27d26af0-1818-4c9f-a030-ac4ef1121f55>

⁴⁶Utah State Board of Education. Admin. Rule R277-419-6. Student Membership Calculations.
<https://www.schools.utah.gov/file/88a6384d-8c8e-4b3a-b8d6-8843064602e9>

Relevant USBE Administrative Rules and Other Resources

- Secondary Career and Technical Education—[Administrative Rule R277-911](#)
- [Transition Services & Activities Examples](#)
- [Special Education Services \(SES\)](#)
- [Alternate Diploma Graduation Course Options for Students with Significant Cognitive Disabilities - Aligned to USBE Criteria for Graduation Requirements](#)
- [Career Development Credential \(CDC\) Suggested Transition Curriculum](#)

Career and Technical Education (CTE) and Work-Based Learning Programs

Work-Based Learning Programs

Work-Based Learning programs give students opportunities to learn a variety of skills and be introduced to the “working world” outside the traditional educational classroom. LEAs have significant flexibility to design and implement these work-based learning experiences to fit within a next-generation vision.

An LEA may elect to offer one or more Work-Based Learning (WBL) programs. In accordance with USBE Administrative Rule [R277-915 Work-based Learning Programs](#), work-based learning means “a continuum of awareness, exploration, preparation, and training activities that combine structured learning and authentic work experiences implemented through industry and education partnerships.”

As described by USBE, WBL experiences, and nearly all aspects of an LEA’s WBL program administration (i.e., professional learning, student assessment, course credit criteria) can be included in an LEA’s personalized, or competency based education model.

Requirements for WBL Programs

Any WBL program administered by an LEA must meet specified standards.

An LEA’s WBL program(s) must be integrated into all levels of the educational delivery system and coordinated within the LEA and among regions. To be eligible for WBL funds, the LEA must:

- Obtain the LEA board’s approval of the WBL program(s);
- Employ licensed WBL coordination personnel whose salaries and benefits are matched by the local recipient of funds—an LEA participating in the State’s disbursement of funds for WBL programs must provide an “equal match in funds to state appropriated WBL funds”;⁴⁷
- Document that a WBL committee representing all schools within the LEA has been created, is functioning effectively, and regularly addresses WBL issues;
- Conduct WBL activities using information from business and industry, administrators, teachers, counselors, parents, and students;
- Develop work-based preparation, participation, and assessment activities for participating students and teachers involved in WBL activities;
- Maintain evidence that WBL components have been integrated and coordinated with: elementary career awareness; secondary career exploration; integrated core activities; College and Career Awareness; and comprehensive guidance and counseling;
- Maintain evidence of WBL activities and assurances developed in coordination with a student’s IEP, Plan for College and Career Readiness, and 504 requirements;

⁴⁷Utah State Board of Education. Admin. Rule R277-915-4. Disbursement of Funds.
<https://www.schools.utah.gov/file/abd61416-c00f-4169-9120-d6c56ce10a01>

- Require the inclusion of all student groups within the LEA in career development and preparation;
- Demonstrate WBL coordination with employers and with other school and community development activities;
- Verify that sufficient budget for a WBL coordinator, facilities, materials, equipment, and support staff is available;
- Participate in initial state-sponsored WBL coordinated professional development and in periodic ongoing coordination and professional development activities;
- Require that the WBL team utilize a database system developed by the LEA for the LEA's specific needs:
 - Participate in the CTE program approval evaluation every three years.
 - Provide an experience that is consistent with the federal Fair Labor Standards Act.
 - Be administered consistent with USBE rules and LEA policies, including regarding student transportation, credit toward graduation, attendance, and fee waivers.

LEA Policy on Work-Based Learning

An LEA that assigns WBL participating students to off-campus sites or on-campus simulations is required to establish a policy which includes nine elements detailed in Administrative Rule [R277-915-3 Mandatory LEA Policy](#), addressing:

- Training for student participants, their supervisors, and cooperating employers regarding health hazards and safety procedures in the workplace
- Standards and procedures for approval of off-campus work sites
- Transportation options for students to and from the work site
- Appropriate work site supervision by employers
- Adequate insurance coverage provided by the student, program, or LEA
- Appropriate supervision and assessment of the student by the LEA
- Appropriate involvement and approval by the student's parents
- Provision for risk or liability inherent in the program
- A requirement that any WBL credit awarded maintains the integrity and rigor the USBE expects for high school graduation.

Flexibility for Innovation

While Administrative Rule [R277-915 Work-based Learning Programs](#), establishes extensive WBL program requirements, there is significant flexibility within the rule for an LEA to design and implement WBL experiences that fit within the LEA's personalized or competency based learning model. For example, the LEA can:

- Establish WBL program goals that are aligned to goals for personalized, competency based learning
- Determine the composition and duties of the WBL committee
- Select WBL program partners in accordance with personalized, competency based learning objectives
- Prioritize WBL experiences that allow for credit to be earned for demonstrated mastery
- Within any guidelines or expectations established by USBE, establish rigorous competency based criteria for awarding WBL credit, including credit for high school graduation

Decision Making Authority for This Flexibility

An LEA and its board have the authority to design and implement any WBL program that meets the requirements of (and standards specified within) USBE Administrative Rule [R277-915 Work-based Learning Programs](#), including the authority to adopt a WBL policy. State approval is not required. Administrative Rule [R277-121 Board Waiver of Administrative Rules](#), described later in this section may provide additional opportunities for innovation.

Examples of How This Flexibility is Being Used

PARK CITY CENTER FOR ADVANCED PROFESSIONAL STUDIES

[Park City High School's Center for Advanced Professional Studies](#) is a nationally recognized, one-of-a-kind program that focuses on project-based learning education models. Students are “fully immersed into professional culture and are provided with opportunities to explore different career paths.” This program uses specialized instructors and volunteer industry mentors to assist students in participating in real-world projects for companies, while at the same time, receiving high school credit.

Relevant USBE Administrative Rules and Other Resources

- Work-Based Learning Programs—[Administrative Rule R277-915](#)
- Public or Private School Internships—[Utah Code 53G-7-902](#)
- [Work-Based Learning Manual](#)

Career and Technical Education

Career and Technical Education programs in Utah allow students to graduate, prepared for high-skill, high-demand careers. Flexibility is allowed in CTE programs where students may complete courses by demonstrating competencies or by course completion—LEAs may choose to make these CTE programs part of a personalized or CBE model.

An LEA may elect to offer a Secondary Career and Technical Education program. In accordance with USBE Administrative [Rule R277-911 Secondary Career and Technical Education](#), which establishes standards and procedures for LEAs seeking to qualify for funds administered by USBE for CTE programs, career and technical education (CTE) means organized educational programs that:

- Prepare individuals for a wide range of high-skill, high-demand careers;
- Provide all students with a seamless education system from public education to post-secondary education, driven by a Plan for College and Career Readiness; and
- Provide students competency based instruction, hands-on experiences, and certified occupational skills, culminating in further education and meaningful employment.

In accordance with Utah Code, the USBE is allowed to establish minimum standards for CTE programs and is required to “distribute specific amounts and percentages for specific CTE programs and facilitate administration of various programs.”⁴⁸

⁴⁸Utah Code 53E-3-507. Powers of the State Board. <https://le.utah.gov/xcode/Title53E/Chapter3/53E-3-507.html>;

Utah Code 53F-2-311. Weighted Pupil Units for Career and Technical Education Programs - Funding of Approved Programs - Performance Measures - Qualifying Criteria.

https://le.utah.gov/xcode/Title53F/Chapter2/53F-2-311.html?v=C53F-2-311_2018012420180124; Utah Code 53G-6-708.

Career and Technical Education Program Alternatives. <https://le.utah.gov/xcode/Title53G/Chapter6/53G-6-708.html>

Requirements for a Secondary CTE Program

USBE has established requirements for CTE programs, which include the following:

- Programs are supported by a database, including:
 - Manpower projections (local, regional, state and federal);
 - Student occupational/interest surveys;
 - Regional job profile;
 - Advisory committee information; and
 - Follow-up evaluation and reports.
- LEA CTE directors must meet the requirements specified in Administrative Rule [R277-911 Secondary Career and Technical Education](#).
- Within available resources, instructional materials, including textbooks, reference materials, and media, must reflect current technology, processes, and information for the CTE programs.
- An LEA must provide CTE guidance, counseling, and Board approved testing for students enrolled in CTE programs
 - Develop a written plan for placement services with the assistance of local advisory committees, business and industry, and the Utah Department of Workforce Services;
 - Develop a Plan for College and Career Readiness for all students, which includes:
 - a student's education occupation plans (grades 7–12), including job placement when appropriate;
 - all USBE, local board and local charter board graduation requirements;
 - evidence of annual parent, student, and school representative involvement;
 - attainment of approved workplace skill competencies; and
 - identification of a CTE postsecondary goal and an approved sequence of academic and CTE courses;
 - Use curricula and instruction that is directly related to business and industry validated competencies;
 - Use a valid skill certification process to verify successful completion of competencies;
 - Provide instruction in proper and safe use of any equipment required for skill certification within the approved program;
 - Provide and safely maintain equipment and facilities, consistent with the validated competencies identified in the instruction standard and applicable state and federal laws;
 - Conduct CTE programs consistent with Board policies and state and federal laws and regulations on access that prohibit discrimination on the basis of race; creed; color; national origin; religion; age; sex; and disability; and
 - Establish an active advisory council to annually review all CTE programs regarding program offerings, quality of programs, and equipment needs. An advisory council may serve several LEAs or a region.
- Counselors and instructional staff are required to hold valid Utah teaching licenses with endorsements appropriate for the programs they teach. CTE program instructors must keep technical and professional skills current.

- At the LEA or regional level, a program advisory committee made up of individuals who are working in the occupational area must support each state-funded CTE program.
- An LEA, with oversight by local program advisory committee members, must evaluate its CTE programs annually.

LEAs are encouraged to make training available through nationally chartered CTE student leadership organizations in each area of study.

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Areas of Limited Flexibility: 5 Important Design Considerations

As local school boards and charter governing boards know well, state and federal policymakers have a lot to say about the conditions under which public education is provided to K–12 students. Utah Code [53E-3-501 State Board to Establish Miscellaneous Minimum Standards for Public Schools](#) requires USBE to “establish rules and minimum standards for the public schools” in a number of specified areas. Some of these requirements may be eligible for a waiver, as described later in this document; however, many may not be waived because, for example, a waiver would negatively affect the health, safety, or welfare of students or they are required by a federal statute or regulation. Even within waiver constraints, there is insufficient history (both in terms of LEA waiver requests and USBE action) to determine which aspects of the current rules are likely to be waived.

While all of these requirements should be considered when designing any next generation or innovative program, those highlighted in this section can present significant barriers to innovation and merit extensive forethought.

Under Administrative Rule [R277-108 Annual Assurance of Compliance by Local School Boards](#) the Superintendent must, by June 1 of each year, make available a list of laws and a list of administrative rules which require action or compliance and required compliance dates.⁴⁹ The list is to be approved by the USBE. In response, each local school board shall provide, consistent with state law, written assurance of specific requirements listed in administrative rule, state statute, federal code of regulations, and federal law. Each school year, USBE publishes an LEA Compliance and Assurance Checklist.⁵⁰ If an LEA is not able to provide written assurance of compliance with any element on the checklist, a corrective action plan must be attached to the LEA's annual submission.

Administrative Rule Waiver Limitations

Any LEA may request a waiver of USBE Administrative Rule (pursuant to Administrative Rule [R277-121 Board Waiver of Administrative Rules](#)), as described above. However, waivers that may not be requested, as follows:

- A waiver of a USBE rule that is required by or adopts criteria from a federal statute, federal regulation, or state law
- A waiver that would negatively affect the health, safety, or welfare of public education students
- A waiver that could reasonably result in discrimination or harassment of public school students or employees
- A waiver that would benefit one element of the public education system to the detriment of another
- A waiver stemming from concerns that could be addressed through means other than a waiver of USBE rules

⁴⁹“Superintendent” is defined in Administrative Rule to mean “the State Superintendent of Public Instruction or the Superintendent’s designee.” Utah State Board of Education. Admin. Rule R277-100-2(29). Definitions. <https://www.schools.utah.gov/file/07e66fc7-37b4-42d7-a5ab-e5bb7dac21bc>

⁵⁰Utah State Board of Education. LEA Compliance and Assurance Checklist for the 2021–2022 School Year. <https://www.schools.utah.gov/file/4be6daf4-f6ba-4e58-9d2e-a7595200417d>

Effective Educator Standards, Educational Leadership Standards, and Educator Evaluation Systems

[Administrative Rule R277-530 Utah Effective Educator Standards](#) establishes both Effective Teaching Standards, as well as Educational Leadership Standards. The Effective Teaching Standards focus on:

- (a) personalized learning for diverse learners;
- (b) a strong focus on application of knowledge and skills;
- (c) improved assessment literacy;
- (d) a collaborative professional culture; and
- (e) leadership roles for teachers.⁵¹

The Educational Leadership Standards apply to school administrators, who “shall meet the standards of effective teaching and have the knowledge and skills to guide and supervise the work of educators, lead the school learning community, and manage the school’s learning environment ...” focusing on

- (b) ...
 - (i) visionary leadership;
 - (ii) advocacy for high levels of student learning;
 - (iii) leading professional learning communities; and
 - (iv) the facilitation of school and community collaboration.⁵²

Every Utah LEA is required to adopt and implement an educator evaluation system, in order to support educators, school administrators, and school counselors, and that is based on the Utah Effective Teaching Standards and Indicators established in [Administrative Rule R277-530 Utah Effective Educator Standards](#). The standards are also used to create the tiered-licensing system, to “ensure the implementation of Utah’s Core Standards,”⁵³ and as noted above, are incorporated within the USBE PCBL Framework “as elements to define Utah’s Personalized competency Based Learning Framework to emphasize their critical inclusion as part of a comprehensive approach to PCBL for schools.”

An educator evaluation system framework created under [Administrative Rule R277-531 Public Educator Evaluation Requirements \(PEER\)](#) must include “required Board directed expectations and components and additional LEA determined components and procedures”. This rule ensures data is used to determine educator effectiveness. The framework requires that both the teaching and leadership standards be included in a school district’s educator evaluation system, which requires performance expectations for all licensed school district educators using valid and reliable measurement tools. These measurement tools must include, at a minimum: “(i) observations of instructional quality; (ii) evidence of student growth; (iii) parent and student input; and (iv) other indicators as determined by the school district.” [Administrative Rule R277-533 Educator Evaluation](#) then specifies the requirements for district Educator Evaluation.

Utah Code [53E-3-501 State Board to Establish Miscellaneous Minimum Standards for Public Schools](#) requires USBE to “establish rules and minimum standards for the public schools”, including: “The qualification and certification of educators and ancillary personnel who provide direct student services; required school administrative and supervisory services; and the evaluation of instructional personnel.”

⁵¹ Utah State Board of Education. Admin. Rule R277-530-5. Effective Teaching Standards. <https://www.schools.utah.gov/file/db391408-6cee-428e-90b6-7412ce5a3f14>

⁵² Utah State Board of Education. Admin. Rule R277-530-6. Educational Leadership Standards. <https://www.schools.utah.gov/file/db391408-6cee-428e-90b6-7412ce5a3f14>

⁵³ Utah State Board of Education. Admin. Rule R277-530-3. Board Expectations for Effective Teaching, Educational Leadership, and Educational School Counselor Standards. <https://www.schools.utah.gov/file/db391408-6cee-428e-90b6-7412ce5a3f14>

Relevant USBE Administrative Rules include:

- Educator Standards and Local Education Agency (LEA) Reporting—[Administrative Rule R277-217](#)
- Educator Licensing—[Administrative Rule R277-301](#)
- School Leadership License Areas of Concentration and Programs—[Administrative Rule R277-305](#)
- New Educator Induction and Mentoring—[Administrative Rule R277-308](#)
- Appropriate Licensing and Assignment of Teacher—[Administrative Rule R277-309](#)
- Professional Standards and Training for Non-licensed Employees and Volunteers—[Administrative Rule R277-316](#)
- Appropriate Licensing and Assignment of Teachers—[Administrative Rule R277-520](#)
- Utah Effective Educator Standards—[Administrative Rule R277-530](#)
- Public Educator Evaluation Requirements—[Administrative Rule R277-531](#)
- Educator Evaluation Systems—[Administrative Rule R277-533](#)

Any next generation or other innovative program should be designed with thought for how any changes in professional learning and development, instruction, student assessment, and support will impact the evaluation of educators and other personnel. As described below, some aspects of the USBE Effective Teaching Standards and evaluation system requirements may be eligible for waiver.

Possible Flexibility for Innovation

In considering any LEA request for a waiver of any aspect of the State’s requirements regarding educator evaluation systems that are established pursuant to Administrative Rule [R277-533 Educator Evaluation Systems](#), USBE must determine whether the request is for a “waiver of a USBE rule that is required by or adopts criteria from a federal statute, federal regulation, or state law.”⁵⁴ As noted above, the Utah legislature requires USBE to establish rules and minimum standards regarding “[T]he qualification and certification of educators and ancillary personnel who provide direct student services; required school administrative and supervisory services; and the evaluation of instructional personnel.” While it seems clear that an LEA could not be exempted from the educator evaluation system requirements entirely, because the Utah Code requires USBE to promulgate rules and standards on the evaluation of instructional personnel, it is conceivable that USBE could waive or grant exemptions to (or allow for modification of) some of the requirements.

For example, Administrative Rule [R277-533-5 Student Academic Growth and Stakeholder Input](#) requires an LEA to ensure that the student academic growth measurement (used for evaluation) includes the following three components:

- (a) learning goals measuring long-term outcomes linked to the appropriate specific content knowledge and skills from the Utah Core Standards;
- (b) assessments; and
- (c) targets for incremental monitoring of student academic growth.

These three students’ academic growth measurement components were developed and adopted by USBE acting within its regulatory authority, rather than required by state code or federal statute. It would be within the discretion of USBE to consider a request to broaden element (b) assessments to read “(b) assessments or demonstrations of subject matter competency as determined by LEA standards and review.”

⁵⁴Utah State Board of Education. Admin. Rule R277-121-2. Procedures for Waiver Requests. <https://www.schools.utah.gov/file/dad6540b-3e38-494d-85b7-cc4639d3704f>

Student Assessments

In a PCBL system, students can advance to the next level or go deeper into topics that interest them as soon as they submit evidence of learning demonstrating their proficiency and, while aligned to the standards, systems are designed around deeper-level competencies.⁵⁵ However, Administrative Rule, consistent with federal law (which may not be waived by the USBE) requires LEAs to “administer statewide assessments to all students enrolled in the grade level or course to which the assessment applies.” [ii] School districts must take into account State and federal assessment requirements when pursuing innovative and flexible practices.⁵⁶ It is possible for USBE to grant a waiver regarding any state-mandated assessment that is not specifically required by State statute or federal statute or regulations.

School Accountability and Accreditation

The Utah School Accountability System seeks to provide “measurable information about Utah students’ core knowledge, skills, and abilities; acquired through high quality valid and reliable assessments.”⁵⁷ USBE evaluates schools based on each school’s performance level on indicators identified in statute.⁵⁸ These indicators include academic achievement as measured by performance on statewide assessments, academic growth, equitable educational opportunity, and postsecondary readiness.⁵⁹ The accountability system also includes an indicator that measures academic growth of each student and graduation rates, if applicable.

Whereas USBE’s annual determination of school performance under the statewide accountability system is, at least in part, defined in Administrative Rule to meet federal statutory and regulatory requirements, school accreditation is a state statutory requirement (an element of the Minimum Standards for Public Schools requirements of Utah Code 53E-3-501). As such, these requirements are not eligible for waiver.

Relevant Administrative Rules include:

- Requirements for Assessments of Student Achievement—[Administrative Rule R277-404](#)
- Accreditation of Schools—[Administrative Rule R277-410](#)
- School Accountability System—[Administrative Rule R277-497](#)

Data Collection and Reporting

Like school accountability and accreditation, USBE’s data collection and reporting requirements stem from both federal and State law. As such, the authority of USBE to waive data collection and reporting requirements is limited. Data standards and requirements regarding confidentiality, disclosure and retention are established in USBE Administrative Rules:

⁵⁵Utah State Board of Education. Competency Based Education Framework: The Competency Based Education Environment, p 22. <https://www.schools.utah.gov/file/93b6b3c0-85c7-47e5-9f1b-3677b1c9603b>

⁵⁶Utah State Board of Education. Admin. Rule R277-404. Requirements for Assessments of Student Achievement. <https://www.schools.utah.gov/file/98bdad1d-646e-4f46-80df-5fd331fc0ca9>; Utah State Board of Education. Meeting Summary – March 19, 2020. <https://schools.utah.gov/board/utah/meetings?mid=2608&tid=3>

⁵⁷Utah State Board of Education. Assessment and Accountability. <https://schools.utah.gov/assessment>

⁵⁸Utah State Board of Education. Admin. Rule R277-497-2. Assignment of Overall Rating for a School. <https://www.schools.utah.gov/file/2f091556-9a66-49cf-b069-97ec70aa3059>. Note that SB119 (2020) amended existing statute and through the 2019–2020 school year, the State Board is not required to assign an overall rating of A–F. Utah Code 53E-5-204. Rating Schools (as amended by SB119). <https://le.utah.gov/~2020/bills/static/SB0119.html>

⁵⁹For indicators for elementary and middle schools, see Utah Code 53E-5-205. Indicators for Elementary and Middle Schools. https://le.utah.gov/xcode/Title53E/Chapter5/53E-5-S205.html?v=C53E-5-S205_2019051420190514. For indicators for high schools, see Utah Code 53E-5-206. Indicators for High Schools. https://le.utah.gov/xcode/Title53E/Chapter5/53E-5-S206.html?v=C53E-5-S206_2019051420190514

- Educator Licensing—[Administrative Rule R277-301](#)
- Data Standards—[Administrative Rule R277-484](#)
- Public School Data Confidentiality and Disclosure—[Administrative Rule R277-487](#)

USBE Administrative Rule [R277-484 Data Standards](#) prescribes student level data each LEA must submit to the State—this rule supports statewide accountability and financial systems by ensuring that complete data is submitted on time by all LEAs. The Utah Data Warehouse is the sole official source of data for annual school performance reports required by State law, determination of State and federal accountability reports, and submission of data files for the U.S. Department of Education.⁶⁰

Federal statute and regulations require school accountability ratings, made pursuant to the Accountability System rule noted above, and related information to be provided to the public through the Utah School Report Cards. Schools are given the option to include up to two additional quality indicators on school report cards. Report cards include the following information:

- **Performance:** The performance indicator includes information on performance rate, achievement, growth, English learner progress, early literacy, and progress towards goals, as well as consistent attendance. The report cards may also include self-reported indicators that are specific to the school or district.
- **Profiles:** The report cards also include profile information of the schools, including student enrollment, and population by student groups. District and school leaders should consider how new innovative programs may alter how data will be reported to best share PCBL program data and information with students, parents, and others, including through report cards.

Transportation

Utah Code [53E-3-501 State Board to Establish Miscellaneous Minimum Standards for Public Schools](#) requires USBE to “establish rules and minimum standards for the public schools, “including regarding “[S]tate reimbursed bus routes; bus safety and operational requirements; and other transportation needs.” Relevant Administrative Rules include:

- Student Transportation Standards and Procedures—[Administrative Rule R277-600](#)
- Standards for Utah School Buses and Operations—[Administrative Rule R277-601](#)

Waivers of any provisions of these rules may only be considered by USBE to the extent that they are within the limitations described above, including the prohibition of any waiver that would negatively affect the health, safety, or welfare of public education students or that is required by federal or State law.

In a well-developed personalized, competency based system, students have the opportunity to deepen learning and demonstrate competency of concepts and skills with appropriate flexibility of time, place, pace, voice, and choice.⁶¹ LEAs should consider state requirements regarding pupil 62 when designing personalized, competency based programs, particularly those involving instruction or other learning opportunities provided by external partners or taking place outside of school facilities (which may include online/virtual education). USBE maintains information on alternatives to school bus transportation including pedestrian and bicycles, walking school buses, and student neighborhood access programs through the Utah Department of Transportation.

⁶⁰Utah State Board of Education. Admin. Rule R277-484. Data Standards. <https://www.schools.utah.gov/file/6e0775b0-c211-4ba7-93d9-bb4f812ec5e3>

⁶¹Utah State Board of Education. Competency Based Education Framework: The Competency Based Education Environment, p 21. <https://www.schools.utah.gov/file/93b6b3c0-85c7-47e5-9f1b-3677b1c9603b>

⁶²Utah State Board of Education. Financial Operations. Pupil Transportation. <https://www.schools.utah.gov/financialoperations/pupiltransportation>

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What is next for Local Education Agencies?

We hope the information in this guide empowers LEAs to design personalized and competency based instructional approaches that fit the needs of their students and the context of their schools. Utah is on the forefront of PCBL because of the leadership of countless educators throughout the State. In many ways, Utah is not only leading the nation but setting a high bar for others to follow.

- Many other states, for example, are only beginning to think about how to permit students' demonstration of mastery as a basis for awarding course credit. Utah has put competency demonstrations on equal footing with seat time.
- Most state education agencies have some degree of waiver authority. Utah not only has expansive waiver opportunities for LEAs, and a waiver process that is easy to navigate, but also additional waiver opportunities for LEAs participating in the State's PCBL programs.
- Utah is among only a few states whose leaders have created a PCBL Grant Program, with dedicated resources to support LEAs.

The Utah Legislature and USBE continue to support efforts within the State to move to a more personalized learning approach, through legislation and regulations that focus on PCBL models and innovative approaches. This support from the state in implementing innovative approaches is vital to the success of LEAs and will lead to increased educational success for all students.

Through this guide, we sought to provide LEAs with all of the possible options for innovative approaches to education that Utah currently provides.

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