

1 **R277. Education, Administration.**

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

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

4 (1) This rule is authorized by:

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

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

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

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

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

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

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

17 (a) define necessary terms;

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

19 (c) provide other requirements for an LEA, the Superintendent, a parent and a
20 student, and ~~[a]an authorized online course~~ provider for program implementation and
21 accountability.

22

23 **R277-726-2. Definitions.**

24 (1) "Actively participates" means, for purposes of an initial funding distribution
25 described in Section [53F-4-505](#), the student actively participates as defined by the
26 provider in a written standard of active participation on record with the Superintendent.

27 (2) "Applicable statewide assessments" means:

28 (a) the high school assessment described in Section [53E-4-304](#) and Subsection
29 [R277-404-2\[\(6\)\]\(7\)](#);

30 (b) a standards assessment as defined in Section [53E-4-303](#); and

31 (c) a Utah alternative assessment as defined in Subsection [R277-404](#)~~[-2(13)]~~.

32 ~~_____~~ (3) "Approved absence" means an absence permitted in accordance with
33 Subsection [53G-6-803\(5\)](#).

34 ~~_____~~ (4) "Authorized online course provider" or "provider" means the same as the
35 term is defined in Section [53F-4-501](#).

36 ~~[(3)]~~(5) "Certified online course provider" means the same as the term is defined
37 in ~~[Subs]~~Section [53F-4-501](#)~~[(4)]~~.

38 ~~[(4)]~~(6) "Course completion" means that a student has completed a course with
39 a passing grade and the provider has transmitted the course title, course code, grade
40 and credit to the primary LEA of enrollment and the Superintendent.

41 ~~[(5)(a)]~~(7) "Course Credit Acknowledgment" or "CCA" means an agreement and
42 registration record that:

43 ~~_____~~ (a) ~~[using]~~uses the Statewide Online Education Program application provided by
44 the Superintendent~~[-]; and~~

45 (b) ~~[E]~~except as provided in ~~[Subs]~~Section [53F-4-508](#)~~[(3)(h)]~~, ~~[the CCA shall~~
46 ~~be]~~is signed by the designee of the primary school of enrollment, and the qualified
47 provider.

48 ~~_____~~ (8) "Effective Date" means that, notwithstanding Title 63G, Chapter 3, Utah
49 Administrative Rulemaking Act, a delayed effective date that the Board is required to
50 provide after the school year has ended for changes in administrative rule related to the
51 Statewide Online Education Program, as described in Subsection [53F-4-514\(1\)](#).

52 ~~[(6)]~~(9)(a) "Eligible student" means the same as the term is defined in Section
53 [53F-4-501](#)~~[a student enrolled in grades 7-12 in a secondary environment in a course~~
54 ~~that:~~

55 ~~_____~~(i) ~~is offered by a public school; and~~

56 ~~_____~~(ii) ~~provides the student the opportunity to complete middle school requirements~~
57 ~~or earn high school graduation credit.]~~

58 (b) "Eligible student" does not include a student enrolled in an adult education
59 program.

60 ~~[(7)]~~(10) "Enrollment confirmation" means ~~[the]~~a student who initially registered
61 and actively participated, as defined under Subsection (1).

62 ~~[(8)]~~(11)(a) "Executed CCA" means a CCA that has been executed pursuant to
63 Subsection [53F-4-508](#)(3) and received by the Superintendent.

64 ~~[(b)]~~ Following enrollment confirmation and participation, Superintendent directs
65 funds to the provider, consistent with Sections 53F-4-505 through 53F-4-507.]

66 (12) "Fee" means the same as the term is defined in Rule [R277-407](#).

67 ~~[(9)]~~(12) "High school" means the same as the term is defined in Section [53F-4-](#)
68 [501](#).

69 ~~[(10)]~~(13) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf
70 and the Blind.

71 (14) "Middle school" means the same as the term is defined in Section [53F-4-](#)
72 [501](#).

73 ~~[(11)]~~(15) "Online course" means the same as the term is defined in Section
74 [53F-4-501](#) regardless of whether the student participates in the online course at home,
75 at a school, at another location, or in any combination of these settings[a course of
76 ~~instruction offered through the Statewide Online Education Program]~~.

77 ~~[(12)]~~(16) "Online course payment" means the amount of funds withheld from a
78 student's primary LEA and disbursed, or otherwise paid to the designated provider
79 following satisfaction of the requirements of the law, and as directed in Subsection [53F-](#)
80 [4-507](#)(2) and Section [53F-4-518](#).

81 ~~[(13)]~~ "Online course provider" or "provider" means:

82 ~~——~~(a) a school district school with an approved application described in Subsection
83 ~~R277-726-3(1)(a)~~;

84 ~~——~~(b) a charter school with an approved application described in Subsection ~~R277-~~
85 ~~726-3(1)(a)~~;

86 ~~_____ (c) an LEA program created to serve Utah students in grades 7-12 online with an~~
87 ~~approved application described in Subsection R277-726-3(1)(a); or~~

88 ~~_____ (d) a program of an institution of higher education described in Subsection 53F-~~
89 ~~4-504(3) with an approved application described in Subsection R277-726-3(1)(b).]~~

90 [(14)](17) "Primary LEA of enrollment" means the LEA [in which an eligible
91 student is enrolled for courses other than online courses offered through the Statewide
92 Online Education Program, and which reports]reporting the student to be in regular
93 membership, and special education membership, if applicable.

94 [(15)](18) "Primary school of enrollment" means:

95 (a) a student's school of record within a primary LEA of enrollment; [and]

96 (b) the school that maintains the student's cumulative file, enrollment
97 information, individualized education program, and transcript for purposes of high
98 school graduation[-]; and

99 ~~_____ (c) the school responsible for oversight and implementation of the student's~~
100 ~~educational requirements under the Individuals with Disabilities Education Act.~~

101 [(16)](19) "Resident school" means the district school within whose attendance
102 boundaries the student's custodial parent or legal guardian resides.

103 ~~_____ (20) "School" means the same as the term is defined in Rule R277-100.~~

104 [(17)](21) "Section 504" means Section 504 of the Rehabilitation Act of 1973, 29
105 U.S.C. 794.

106 [(18)](22) "Standard of active participation" means the measure of student
107 engagement[that is] used by [the certified]an authorized online course provider to count
108 a student as in attendance and participation at least once every ten school days for a
109 course consistent with Section R277-419-5.

110 [(19)](23) "Statewide Online Education Program" or "program" means the
111 Statewide Online Education Program created in Section 53F-4-502.~~[courses offered to~~
112 ~~students under Title 53F, Chapter 4, Part 5, Statewide Online Education Program Act.]~~

113 [(20)](24) "Teacher of record" means the teacher who is [employed]assigned by
114 a provider and to whom students are assigned for purposes of reporting and data

115 submissions to the Superintendent in accordance with Section [R277-484-3](#) and this
116 Rule.

117 ~~[(21)]~~(25) "Underenrolled student" means a student with less than a full course
118 load, as defined by the LEA, during the regular school day at the student's primary
119 school of enrollment.

120 ~~[(22)]~~(26) "USBE course code" means a code for a designated subject matter
121 course assigned by the Superintendent.

122 ~~[(23)]~~(27) "Withdrawal from online course" means that a student withdraws from
123 or ceases participation in an online course as follows:

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

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

128 (c) within 20 calendar days after the start date of the second 0.5 credit of a 1.0
129 credit course; [e]

130 (d) as the result of a student suspension from an online course following
131 adequately documented due process by the provider[-]; or

132 (e) as a result of the student losing program eligibility, including when the
133 student moves out of state.

134

135 **R277-726-3. Course Credit Acknowledgment (CCA) Process.**

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

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

139 (i) graduation requirements;

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

141 (iii) the student's IEP;

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

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

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

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

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

150 (4) If a student enrolling in the program has an IEP, Section 504 plan, or
151 qualifies for multilingual supports, the primary LEA or school of enrollment shall:

152 (a) invite a representative of the authorized online course provider to meet as a
153 member of the student's IEP team to determine and coordinate services and
154 accommodations applicable to online course delivery of content and instruction;

155 (b) following an IEP revision or amendment after the meeting described in
156 Subsection (4)(a), ensure that a counselor and special education staff from the LEA
157 forward [the]an existing or amended IEP or description of 504 accommodations, [and
158 other] relevant supports, and related aids, accommodations, and services, to the
159 provider;

160 (i) consistent with IDEA timelines; or

161 (ii) within 72 business hours of receiving notice from the Superintendent that the
162 provider has accepted the enrollment request where IDEA timelines do not apply.

163 (5) The Superintendent shall develop and administer procedures for facilitation
164 of a CCA that informs the appropriate parties.

165 (6) Once a student's enrollment and active participation is confirmed, the
166 Superintendent shall direct funds to the provider, consistent with Sections [53F-4-505](#)
167 through [53F-4-507](#), and Section [53F-4-518](#).

168

169 **R277-726-4. Eligible Student and Parent Rights and Responsibilities.**

170 (1) An eligible student may register for program credits consistent with Section
171 [53F-4-503](#) and this Rule.

172 (2) An eligible student may exceed a full course load during a regular school
173 year if:

174 _____ (a) the student's plan for college and career readiness indicates that the student
175 intends to complete high school graduation requirements and exit high school before
176 the rest of the student's high school cohort; or

177 _____ (b) the student's local school board or charter school governing board has a
178 policy that allows students to enroll in additional courses.

179 _____ (3)(a) Only original credit may be funded through the program.

180 _____ (b) Competency-based award of credit without engagement in a course of
181 digital, teacher-led instruction may not be funded under Statewide Online Education
182 Program and Minimum School Program provisions.

183 ~~[(3) In accordance with Subsection 53F-4-509(5), if a student enrolled in a~~
184 ~~program course exceeds a full course load during a regular school year, a primary LEA~~
185 ~~of enrollment may mark the student as an early graduate and increase membership in~~
186 ~~accordance with Section R277-419-8 and Rule R277-484 to account for credits in~~
187 ~~excess of full-time enrollment in a local student information system.]~~

188 (4)(a) An eligible student is expected to complete courses in which the student
189 enrolls in a timely manner consistent with Section [53F-4-505](#) and requirements for
190 attendance and participation in accordance with Subsection R277-726-7(15) and
191 Subsection R277-726-2(17).

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

195 (5) A student shall enroll in online courses, or declare an intention to enroll,
196 during the school course registration period designated by the primary LEA of
197 enrollment for regular course registration, provided the student's LEA notifies students
198 of the opportunity to enroll in the program as described in Section [53F-4-513](#).

199 (6)(a) A student may alter a course schedule by dropping a traditional course
200 and adding an online course in accordance with the primary school of enrollment's
201 same established deadline for dropping and adding traditional courses.

202 (b) A student may enroll in a course outside of the primary school of enrollment's
203 established deadline for dropping and adding traditional courses if the student is not
204 seeking to alter a course schedule by dropping a traditional course and adding an online
205 course but is instead seeking to add courses above full-time-enrollment consistent with
206 an approved plan for early graduation.

207 (7)(a) Notwithstanding Subsection ~~[(6)](5)~~, an underenrolled student may enroll
208 in an online course at any time during a calendar year.

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

213 (8)(a) An authorized online course provider shall reasonably accommodate a
214 request of a student's parent to visit and observe any class the student attends,
215 including allowing appropriate access to digital systems of course delivery, as required
216 in Section [53G-6-803](#).

217 (b) An authorized online course provider shall reasonably accommodate and
218 record an excused absence at the request of a student's parent as an "approved
219 absence" as described in Subsection [53G-6-803\(5\)](#) if:

220 (i) the parent submits a written statement at least one school day before the
221 scheduled absence; and

222 (ii) the student agrees to make up coursework for school days missed for the
223 scheduled absence in accordance with LEA policy.

224

225 **R277-726-5. LEA Requirements and Responsibilities.**

226 (1) A primary school of enrollment shall facilitate student enrollment with any
227 eligible providers selected by an eligible student consistent with course credit limits.

228 (2) A primary school of enrollment ~~[or]~~and a provider LEA shall use the CCA
229 application, records, and processes provided by the Superintendent for the program.

230 (3) In accordance with Subsection 53F-4-509(5), if a student enrolled in a
231 program course intends to graduate early and exceeds a full course load during a
232 regular school year, a primary LEA of enrollment may mark the student as an early
233 graduate and increase membership in accordance with Section R277-419-6, Section
234 R277-700-6 and Rule R277-484 to account for credits in excess of full-time enrollment
235 in a local student information system.

236 ~~[(3)](4)~~ A primary school or LEA of enrollment shall provide information about
237 available online courses and programs:

- 238 (a) in registration materials;
239 (b) on the LEA's website; and
240 (c) on the school's website.

241 ~~[(4)](5)~~ To facilitate enrollment as required by Section 53F-4-513, [A]a primary
242 school or LEA of enrollment shall provide the notice required under Subsection [(3)](4)
243 concurrent with the high school course registration period designated by the LEA for the
244 upcoming school year~~[to facilitate enrollment as required by Section 53F-4-513].~~

245 ~~[(5)](6)~~ A primary school of enrollment shall include a student's online courses in
246 the student's enrollment records and, upon course completion, include online course
247 grades and credits on the student's transcripts, including appropriate student
248 coursework completed before grade 9, including appropriate student coursework using
249 course title and core codes.

250 ~~[(6)](7)~~ A primary school of enrollment shall recognize credit earned toward high
251 school graduation by a participating ~~[secondary]~~ student through courses completed
252 before grade 9 for purposes of high school graduation, ~~[provided that:~~

- 253 ~~——(a) the student has in the student's records documentation of the student's~~
254 ~~intention to graduate early; and~~
255 ~~——(b) the student is enrolled at a middle school or junior high school and a high~~
256 ~~school accredited in accordance with Rule R277-410.]~~

257 ~~[(7)]~~(8) A primary school of enrollment shall determine fee waiver eligibility for
258 participating public school students pursuant to Rule [R277-407](#).

259 ~~[(8)]~~(9)(a) If a participating student qualifies for a fee waiver, the student's
260 primary LEA or school of enrollment shall provide the participating student access to an
261 online course by:

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

265 (ii) providing a participating student technology and wi-fi needed for the student
266 to participate outside of the school building.

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

270 ~~[(9)]~~(10) A primary school of enrollment shall provide participating students
271 access to facilities for the student to participate in an online course during the regular
272 school day, sports, extracurricular and co-curricular activities, and graduation services
273 consistent with local policies governing participation irrespective of relative levels of
274 participation in traditional courses versus Statewide Online Education courses.

275 ~~[(10)]~~(11) (a) ~~[If a participating student's primary school of enrollment is a middle~~
276 ~~school or junior high as defined in Rule R277-700, course]~~Course completions
277 conferring high school credit shall~~[will]~~ be recorded in a student's record of credit and
278 course completion for grade 9 to allow recognition toward grades 9-12, and high school
279 graduation requirements~~[, and post-secondary requirements]~~.

280 (b) A primary LEA of enrollment accepting credit toward high school
281 requirements is not required to independently verify:

282 (i) early graduation status; or

283 (ii) ~~[the non-supplanting nature of SOEP courses]~~that high school courses taken
284 through the program did not replace middle school courses for a student.

285 ~~[(41)](12)~~ When a student satisfactorily completes an online semester or quarter
286 course;

287 ~~_____~~ (a) for high school credit, in accordance with the LEA's procedures, a designated
288 counselor or registrar at the primary school of enrollment shall forward records of
289 grades and high school graduation credit, listing core codes for each completed course;
290 or

291 ~~_____~~ (b) ~~[for students]~~for a student participating in the program before grade 9, ~~[to]~~ the
292 student's grade 9 primary school of enrollment ~~[for]~~shall record~~[ing]~~ grades and credit
293 per Subsection ~~[(40)](11)~~ once ~~[a]~~the student completes grade 8.

294

295 **R277-726-6. Superintendent Requirements and Responsibilities.**

296 (1) The Superintendent shall provide a website for the program, including
297 information required under Section [53F-4-512](#) and other information as determined by
298 the Board.

299 (2) The Superintendent shall direct a provider to administer the Utah standards
300 and high school assessments, as applicable, consistent with Section [53F-4-514](#) and
301 Rule [R277-404](#).

302 (3)(a) The Superintendent shall prepare and make available applications and
303 program agreements for authorized online course providers:

304 ~~_____~~ (a) LEA providers;

305 ~~_____~~ (b) higher education providers; and

306 ~~_____~~ (c) certified online providers.]

307 ~~_____~~ (b) The Superintendent shall review each application within a reasonable amount
308 of time and may invite prospective providers for interviews or further discussions of
309 qualifications to clarify outstanding issues.

310 (4)(a) With the exception of the requirements of Subsection 53F-5-514(2),
311 the~~[The]~~ Superintendent may determine space availability standards and appropriate
312 course load standards for online courses consistent with Subsection [53F-4-](#)

313 [512](#)(3)~~[(d)](g)~~.

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

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

318 (b) The Superintendent may restrict a provider from offering coursework if the
319 Superintendent determines that the provider demonstrates repeated low performance
320 on statewide assessments in English Language Arts, math, or science.

321 (6) The Superintendent shall withhold funds from a primary LEA of enrollment
322 and make payments to a provider consistent with Sections [53F-4-505](#) through [53F-4-](#)
323 [507](#), and Section [53F-4-518](#).

324 (7) The Superintendent may refuse to provide funds under a CCA if the
325 Superintendent finds that information has been submitted fraudulently or in violation of
326 the law or Board rule by any of the parties to a CCA.

327 (8) The Superintendent shall receive and investigate complaints, and impose
328 sanctions, if appropriate, regarding course integrity, financial mismanagement,
329 enrollment fraud or inaccuracy, or violations of the law or this rule specific to the
330 requirements and provisions of the program.

331 (9) If a Superintendent or federal entity's investigation finds that a provider has
332 violated the IDEA or Section 504 provisions for a student taking online courses, the
333 provider shall compensate the student's primary LEA of enrollment for costs related to
334 compliance.

335 (10) The Superintendent may monitor an LEA's or program provider's
336 compliance with any requirement of state or federal law or Board rule under the
337 program.

338 (11) The Superintendent may withhold funds from a program provider for the
339 participant's failure to comply with a reasonable request for records or information.

340 (12) Program records are available to the public subject to Title 63G, Chapter 2,
341 Government Records Access and Management Act.

342 (13) The Superintendent shall withhold online course payment from a primary
343 LEA of enrollment and payments to an eligible provider at the nearest monthly transfer
344 of funds, subject to verification of information, in an amount consistent with, and when a
345 provider qualifies to receive payment, under Subsections [53F-4-505\(4\)](#), [53F-4-507\(3\)\(b\)](#)
346 and [53F-4-508\(2\)\(b\)](#).

347 (14) The Superintendent shall pay a provider consistent with Minimum School
348 Program funding transfer schedules.

349 (15)(a) The Superintendent may make decisions on questions or issues
350 unresolved by [Title 53F, Chapter 4, Part 5](#), Statewide Online Program Act or this rule on
351 a case-by-case basis.

352 (b) The Superintendent shall report decisions described in Subsection (15)(a) to
353 the Board consistent with the purposes of the law and this rule.

354 (16) In accordance with [Title 53E, Chapter 4, Academic Standards,](#)
355 [Assessments, and Materials](#), the Superintendent shall establish criteria for an
356 authorized online course provider to submit for approval an online course that does not
357 have an existing Board course code.

358

359 **R277-726-7. Provider Requirements and Responsibilities.**

360 (1)(a) A provider shall administer the applicable statewide assessments to a
361 participating private or home school student as directed by the Superintendent,
362 including proctoring the applicable statewide assessments, consistent with Section [53F-](#)
363 [4-510](#) and Rule [R277-404](#).

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

366 (c) A provider shall establish a procedure that a student or parent may complete
367 online to excuse the student from statewide assessments as described in Subsection
368 [53G-6-803\(9\)](#).

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

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

373 (a) consistency with course standards as described in Sections [53F-4-514](#) and
374 [53E-6-201](#);

375 (b) criminal background checks for provider employees consistent with [Title](#)
376 [53G, Chapter 11, Part 4, Background Checks](#);

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

378 (d) compliance with:

379 (i) the IDEA;

380 (ii) Section 504; and

381 (iii) requirements for multilingual students.

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

384 (a) Board procedures;

385 (b) Board timelines; and

386 (c) Sections [53F-4-505](#) through [53F-4-508](#), and Section [53F-4-518](#).

387 (5)(a) A provider may charge a fee consistent with other secondary schools and
388 in accordance with [Title 53G, Chapter 7, Part 5, Student Fees](#), and [R277-407](#).

389 (b) If a provider intends to charge a fee of any kind, the provider:

390 (i) shall notify the primary school of enrollment with whom the provider has the
391 CCA of the purpose for fees and amounts of fees;

392 (ii) shall provide timely notice to a parent of required fees and fee waiver
393 opportunities;

394 (iii) shall post fees on the provider website;

395 (iv) shall be responsible for fee waivers for an eligible student, including
396 materials for a student designated fee waiver eligible by a student's primary school of
397 enrollment;

398 (v) shall satisfy the requirements of Rule [R277-407](#), as applicable; and

399 (vi) shall provide fee waivers to home school or private school students who
400 meet fee waiver eligibility at the provider's expense.

401 (6) A provider shall maintain a student's records and comply with the federal
402 Family Educational Rights and Privacy Act, [Title 53E, Chapter 9, Part 3](#), Student Data
403 Protection, and Rule [R277-487](#), including:

404 (a) protecting the confidentiality of a student's records and providing a parent
405 and an eligible student access to records; and

406 (b) providing a parent or student documentation of educational performance,
407 including:

408 (i) test scores;

409 (ii) grades;

410 (iii) progress and performance measures; and

411 (iv) completion of credit.

412 (7) Except as otherwise provided in this Rule R277-726, a provider shall submit
413 a student's credit and grade to the Superintendent, using processes and applications
414 provided by the Superintendent for this purpose, and listing core codes for each
415 included course, to a designated counselor or registrar at the primary school of
416 enrollment, and the student's parent no later than the earlier of:

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

419 (b) June 30 of the school year.

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

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

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

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

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

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

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

438 (b) [A]Beginning with the 2024-25 school year, a provider [shall]may only code
439 program courses as semester or quarter courses.

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

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

444 (13) A provider shall maintain and provide records and systems as part of a
445 public online school or program, including:

446 (a) financial and enrollment records;

447 (b) information for accountability, program monitoring, and audit purposes; and

448 (c) providing timely documentation of student participation, enrollment, educator
449 credentials, and ~~[ether]~~ additional data for other purposes including giving a student's
450 primary school of enrollment access to the student's records to appropriately support
451 the student.

452 (14) A provider shall maintain the following for at least five calendar years after
453 the student graduates:

454 (a) test scores;

455 (b) student grades;

456 (c) completion of credit; and

457 (d) other progress and performance measures.

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

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

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

466 (16)(a) [A]Before the inception of coursework, as a component of the provider's
467 initial communication of provisions of the provider's standard of active participation, a
468 provider shall inform a student and the student's parent of travel expectations to fulfill
469 course requirements.~~[for active participation before the inception of course work,~~
470 ~~including informing the student and the student's parent of travel expectations to fulfill~~
471 ~~course requirements.]~~

472 (b) Travel expectations to fulfill course requirements as described in Subsection
473 (16)(a) include a requirement to participate in a proctored assessment or other
474 proctored or assessment requirement outside a student's home, including travel to
475 participate in statewide assessments at a secure testing site.

476 (17)(a) An LEA may participate in the program as a provider by offering a school
477 or program consistent with Rule [R277-115](#) to a Utah ~~[secondary]~~ student in grades ~~[7]~~6-
478 12 who is not a resident student of the LEA and a regularly-enrolled student of the LEA
479 consistent with Sections [53F-4-501](#) and [53F-4-503](#).

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

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

483 (ii) record educator assignments consistent with Rule [R277-484](#).

484 (18) A program school or program shall:

- 485 (a) be accredited consistent with Rule [R277-410](#);
- 486 (b) have a designated administrator who meets the requirements of Rule [R277-](#)
487 [309](#);
- 488 (c) ensure that a student who qualifies for a fee waiver receives services offered
489 by and through the public schools consistent with Section 53G-7-504 and Rule [R277-](#)
490 [407](#);
- 491 (d) maintain student records consistent with:
- 492 (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and
493 34 CFR Part 99;
- 494 (ii) Rule [R277-487](#);
- 495 (iii) this Rule R277-726; and
- 496 (e) shall offer course work:
- 497 (i) aligned with Utah Core standards as described in Section 53E-4-202, [53F-4-](#)
498 [505](#), and [53F-4-514](#);
- 499 (ii) in accordance with program requirements; and
- 500 (iii) in accordance with Rules [R277-700](#) and [R277-404](#);
- 501 (f) shall not issue transcripts under the name of a third party provider; and
- 502 (g) shall record teaching assignments by November 15 annually consistent with
503 Rule [R277-484](#) and Section [R277-312](#)-3, either directly or through a partner school in
504 accordance with Subsection (18)(b).
- 505 (19) An LEA that offers an online program or school as a provider under the
506 program:
- 507 (a) shall employ only educators licensed in Utah as teachers;
- 508 (b) may not employ an individual whose educator license has been suspended
509 or revoked;
- 510 (c) shall require employees to meet requirements of [Title 53G, Chapter 11, Part](#)
511 [4, Background Checks](#), before the provider offering services to a student;

512 (d) may only employ teachers who meet the requirements of [~~Rule R277-301,~~
513 ~~Educator Licensing—Highly Qualified Assignment]~~Section 53E-6-201, Section 53F-4-
514 504, and Rule R277-309;

515 (e) for a provider that provides an online course, including to a private or home
516 school student, shall agree to administer and, prior to approval as an authorized online
517 course provider, have the capacity to proctor and carry out the applicable statewide
518 assessments, consistent with Sections [53E-4-302](#), [53F-2-103](#), and Rule [R277-404](#);

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

522 (g) shall submit CCAs to the Superintendent before the provider initiating
523 instruction of a student;

524 (h) may not begin offering instruction to a student until the Superintendent issues
525 a notice of enrollment, and the provider follows other enrollment procedures as
526 prescribed by the Superintendent for the student, and for each course the student
527 participates in; and

528 (i) shall agree that funds [~~shall~~]may be withheld by the Superintendent consistent
529 with Sections [53F-4-505](#), [53F-4-506](#), [~~and~~][53F-4-508](#), and [53F-4-518](#).

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

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

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

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

538 (A) federal law;

539 (B) state law; and

540 (C) Board rules;

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

543 (iii) a third party provider has access to curriculum for alignment and adjustment
544 to ensure the curriculum is consistent with the Utah core standards in Rule [R277-700](#)
545 and a Board approved core code;

546 (iv) supervision of third party facilitation [~~and instruction~~] by an educator licensed
547 in Utah:

548 (A) [~~employed~~]assigned by the provider, and

549 (B) reported as teacher of record per Section [R277-484](#)-3 and Subsection R277-
550 726-2(3); and

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

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

556 [~~(24) A provider shall maintain a course completion rate of at least 80% annually~~
557 ~~to remain in good standing with the program.~~]

558 [~~(25) A provider is~~](24) All authorized online course providers are subject to the
559 same approval and annual performance review as described for a certified online
560 course provider in Subsections R277-726-~~[42]~~(11)(1) through (10) while utilizing the
561 applicable applications for [~~a~~]an authorized online course provider described in
562 Subsections R277-726-3(1)(a) and (b).

563 [~~(26)~~](25) A provider utilizing a third party shall establish contractual and
564 procedural safeguards:

565 (a) retaining legal and procedural authority to open coursework to a participating
566 student only upon issuance of a notice of enrollment regarding a particular course and
567 credit;

568 (b) signifying the provider's authority to interact instructionally with a student not
569 regularly-enrolled in an LEA, but participating in SOEP courses with approval of the
570 student's primary LEA of enrollment; and

571 (c) including acceptance of financial responsibility by a primary LEA of
572 enrollment.

573 ~~[(27)]~~(26) A provider is not required to independently verify:

574 (a) early graduation status; or

575 (b) ~~[the non-supplanting nature of SOEP courses]~~that high school courses taken
576 through the Statewide Online Education Program did not replace Middle School
577 courses.

578 (28)(a) A provider shall adhere to requirements to remain certified and in good
579 standing within the program, including:

580 (b) prior to providing services to students, ensuring that 100% of all educators
581 assigned as teacher of record for all course sections shall be appropriately licensed,
582 endorsed and aligned with core code describing course assignment; and

583 (c) complying with requirements applicable to an authorized online course
584 provider described in this Rule R277-726, including the requirement to maintain a
585 course completion rate of at least 80%.

586

587 **R277-726-8. Services to Students with Disabilities Participating in the Program.**

588 (1)(a) If a student wishes to receive services under Section 504 of the
589 Rehabilitation Act of 1973, the student shall make a request with either the student's
590 primary school of enrollment or a provider.

591 ~~[(b) The primary school of enrollment shall evaluate a student's request under~~
592 ~~Subsection (1)(a) and determine if a student is eligible for Section 504~~
593 ~~accommodations.]~~

594 ~~[(c) If the primary school of enrollment determines the student is eligible, the~~
595 ~~school shall prepare a Section 504 plan and implement the plan in accordance with~~
596 ~~Subsection (2)(b).]~~

597 (b) Responsibility for ensuring a request is evaluated in accordance with federal
598 law, Utah Code, and Board Rule resides with a primary school of enrollment.

599 (c) If a student's request for services is initially directed to a provider, the
600 provider shall immediately contact the 504 coordinator of the student's primary school of
601 enrollment.

602 (d) Under the direction of the primary school of enrollment where feasible, the
603 student's primary school of enrollment and the provider shall jointly evaluate a student's
604 request under Subsection (1)(a) and determine if the student is eligible for related aids,
605 accommodations, and services under Section 504.

606 (e) The provider shall implement the Section 504 plan in accordance with
607 Subsection (1)(d).

608 (2) If a student's request for services is initially directed to a provider and a good
609 faith effort at cooperation with the student's primary school of enrollment is
610 unsuccessful, the provider may determine student eligibility and provide services.

611 ~~[(2)(a) If a student requests services related to an existing Section 504~~
612 ~~accommodation, a provider shall:~~

613 ~~—— (i) except as provided in Subsection (2)(b), review and implement the plan for~~
614 ~~the student; and~~

615 ~~—— (ii) provide the services or accommodations to the student in accordance with~~
616 ~~the student's Section 504 plan.~~

617 ~~—— (b) An LEA of enrollment shall provide a Section 504 plan of a student to a~~
618 ~~provider within 72 business hours if:~~

619 ~~—— (i) the student is enrolled in a primary LEA of enrollment; and~~

620 ~~—— (ii) the primary LEA of enrollment has a current Section 504 plan for the student.]~~

621 (3) If a student with an existing Section 504 plan for related aids,
622 accommodations, or services newly enrolls in online courses or requests amendments
623 related to an existing plan for related aids, accommodations, and services:

624 (a) the primary school of enrollment and the provider shall jointly prepare a
625 Section 504 plan in accordance with Subsection (4); and

626 (b) the provider shall implement the Section 504 plan and provide related aids,
627 accommodations, and services to the student in accordance with the student's Section
628 504 plan.

629 (4) To prepare or amend a 504 plan for related aids, accommodations, and
630 services under Section 504 of the Rehabilitation Act of 1973, the committee evaluating
631 the student shall:

632 (a) be drawn jointly from the student's primary school of enrollment and the
633 provider; and

634 (b) include persons knowledgeable about the student, the meaning of the
635 evaluation data, and placement options available in a virtual environment.

636 (5) If a home or private school student requests services under Section 504 of
637 the Rehabilitation Act of 1973, a provider may determine student eligibility, prepare a
638 504 plan for the home or private school student's online program, and provide related
639 aids, accommodations, and services.

640 ~~[(3)](6)~~ For a student enrolled in a primary LEA of enrollment, if a student
641 participating in the program qualifies to receive services under the IDEA:

642 (a) the student's primary LEA of enrollment shall:

643 (i) working with a provider LEA representative, review or develop an IEP for the
644 student within ten days of enrollment;

645 (ii) working with a provider LEA representative, update an existing IEP with
646 necessary accommodations and services, considering the courses selected by the
647 student;

648 (iii) provide the IEP described in Subsection ~~[(3)](6)~~(a)(i) to the provider within 72
649 business hours of completion of the student's IEP; and

650 (iv) continue to claim the student in the primary LEA of enrollment's membership;

651 and

652 (b) the provider shall provide special education services and accommodations to
653 the student in accordance with the student's IEP described in Subsection ~~[(3)](6)~~(a)(i).

654 ~~[(4)](7)~~ If a home or private school student requests an evaluation for eligibility to
655 receive special education services:

656 (a) the home or private school student's resident school shall:

657 (i) evaluate the student's eligibility for services under the IDEA;

658 (ii) if eligible, the student may enroll in the LEA that will prepare an IEP for the
659 student, with input from the provider LEA, in accordance with the timelines required by
660 the IDEA;

661 (iii) provide the IEP described in Subsection ~~(4)](7)~~(a)(ii) to the provider within 72
662 business hours of completion of the student's IEP; and

663 (b) the provider shall provide special education services and accommodations to
664 the student in accordance with the student's IEP described in Subsection ~~(4)](7)~~(a)(i)
665 including in cases where the provider utilizes a third party provider for delivery of
666 educational or other services.

667

668 **R277-726-9. Limited Appropriations for Special Populations.**

669 (1) The Superintendent shall allocate the annual appropriation for home and
670 private school tuition, along with any carryover or unobligated funds, ~~as follows:~~

671 ~~——(a) Before December 1 annually, the Superintendent shall accommodate home~~
672 ~~school students with at least 50% of the total appropriation for home and private school~~
673 ~~students, unless the home school demand is less.~~

674 ~~——(b) After December 1 annually, until available funds are obligated, the~~
675 ~~Superintendent shall:~~

676 ~~——(i) receive and accept enrollment requests on a first come, first served basis;~~
677 ~~and~~

678 ~~——(ii) offer preference to home school students in the event demand exceeds~~
679 ~~available funding.~~

680 ~~——(3) If home school or private school student funds remain by December 1, the~~
681 ~~Superintendent may release the funds for any pending enrollment requests.]~~

682 (2) The Superintendent shall distribute funds appropriated to the Statewide
683 Online Education Program to support students from small high schools, home schools,
684 or private schools based on the needs of the eligible students.

685 ~~[(4)](3)(a)~~ Subject to legislative appropriations available for this purpose, for
686 each public high school with a student population of less than 1,000 students, the
687 Superintendent shall incentivize program use by small schools by prioritizing small
688 schools to the extent of funding available for this purpose.

689 (b) The Superintendent shall carry forward unallocated funds to meet the needs
690 of eligible students.~~[prioritize available funds to cover at least one course at the highest~~
691 ~~course rate.]~~

692 (4) The Superintendent shall determine student and LEA eligibility using prior-
693 year UTREx end of year data.

694 ~~[(b) After disbursing funds in accordance with Subsection (4)(a), if funds remain,~~
695 ~~the Superintendent shall distribute the remaining funds based on population with 70% to~~
696 ~~qualifying district schools and 30% to charter schools.~~

697 ~~——(c) If unused funds remain after March 1 annually, the Superintendent may~~
698 ~~redistribute available funds to qualifying LEAs whose needs exceeded their initial~~
699 ~~allocation.~~

700 ~~——(d) The Superintendent shall calculate allocations using prior-year UTREx end of~~
701 ~~year extracts.]~~

702

703 **R277-726-10. Other Information.**

704 (1) A primary school of enrollment shall set reasonable timelines and standards
705 and shall inform providers of timelines necessary for reporting grades and credit for
706 graduating seniors.

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

709 (a) school awards and honors;

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

711 (c) high school graduation.

712 (3) If a student is at risk of academic failure or at risk of not graduating with the
713 student's graduation cohort, a provider shall:

714 (a) inform counselors at the student's primary school of enrollment that student
715 is at risk of academic or other failure; and

716 (b) prior to quarter 4 a student's senior school year, inform counselors at the
717 student's primary school of enrollemnt that the senior student is at risk of failure.

718

719 **R277-726-11. Certified and Authorized Online Course Provider Application**
720 **Approval, Program Requirements, and Fees.**

721 (1) An entity other than an authorized online course provider may become a
722 certified online course provider if the entity submits an application on a form provided by
723 the Superintendent.

724 (2) An entity [~~other than an online course provider~~] shall submit an application on
725 or before the annual deadline established by the Superintendent.

726 (3) The Superintendent shall review each application within a reasonable
727 amount of time and may invite prospective providers for interviews or further discussion
728 of qualifications to clarify outstanding issues.

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

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

735 (6) A certified online course provider shall adhere to the following requirements
736 to remain certified and in good standing within the program, including:

737 (a) complying with a process within existing state systems to provide the
738 Superintendent with the provider's educator's licensing, endorsement, certification, and
739 assignment information;

740 (b) if the provider's educator is teaching an online course for the provider, the
741 educator's online course assignments shall be listed in CACTUS or USIMS under an
742 employing school;

743 (c) if an authorized online course provider that is not a certified online course
744 provider forwards an educator to the Board for a provider-specific license as described
745 in Sections [53F-4-514](#) and [53E-6-201](#), the educator's employment and online course
746 assignments shall be listed in CACTUS or USIMS;

747 (d) prior to providing services to students, 100% of the provider's educators
748 assigned as teacher of record for all course sections shall be appropriately licensed and
749 endorsed for any course assignment as required in Rule [R277-309](#);

750 ~~[(a)]~~(e) requirements applicable to an online course provider described in this
751 Rule R277-726, including the requirement to maintain a course completion rate of at
752 least 80%;

753 ~~[(b)]~~(f) additional requirements prescribed in the application; and

754 ~~[(c)]~~(g) state laws applicable to an online course provider, including Sections
755 [53F-4-501](#) et. seq. and Sections [53F-4-504](#) and [514](#).

756 ~~[(7) A certified online course provider shall be subject to an annual performance~~
757 ~~review by the Superintendent.]~~

758 ~~[(8)]~~(7) If the Superintendent finds the certified online course provider is not in
759 compliance with any requirement as outlined in Subsection (6) of this part, the
760 Superintendent shall provide the certified online course provider with a list of non-
761 compliance issues and a reasonable timeline for the certified online course provider to
762 cure the instances of non-compliance.

763 ~~[(9)]~~(8) If ~~the~~a certified online course provider fails to correct instances of non-
764 compliance within the allotted timeline as described in Section [53F-4-504](#), the certified
765 online course provider shall be removed from the program.

766 ~~[(10)]~~(9) A certified online course provider that has been removed from the
767 program may apply in the application round following removal from the program for re-
768 admission to the program using an application provided by the Superintendent.

769 ~~[(11)]~~(10) A certified online course provider shall remit fees to the
770 Superintendent for participation in the program as follows:

771 (a) 5% of revenue collected for the first \$200,000 received pursuant to Section
772 [53F-4-505](#); and

773 (b) 1% of revenue collected after the first \$200,000 received pursuant to Section
774 [53F-4-505](#) and [53F-4-514](#).

775

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

777 For a student enrolled in a concurrent enrollment course through an SOEP
778 provider, to the extent there is a conflict between this rule and [Title 53F, Chapter 4, Part](#)
779 [5](#), Statewide Online Education Program, and [Title 53E, Chapter 10, Part 3](#), Concurrent
780 Enrollment, the concurrent enrollment code provisions shall govern.

781

782 **KEY: statewide online education program**

783 **Date of Last Change: November 7, 2022**

784 **Notice of Continuation: January 13, 2022**

785 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53F-4-510](#); [53F-4-](#)
786 [514](#); [53E-3-401](#)**