

R277. Education, Administration.

R277-109. Legislative Reporting and Accountability.

R277-109-1. Authority and Purpose.

(1) This rule is authorized by:

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

(b) Subsection 53E-3-501(1), which directs the Board to establish rules and minimum standards for the public schools;

(c) Subsection 53E-3-401(2)(a), which gives the Board general control and supervision of the state's public education system for adoption and enforcement of rules;

(d) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law, and allows the Board to interrupt disbursements of state aid to any district which fails to comply with rules adopted in accordance with Subsection 53E-3-401(8)(a).

(2) The purpose of this rule is to:

(a) require the Superintendent to create data collection plans necessary as determined by the Superintendent to fulfill statutory or Board reporting requirements; and

(b) require LEAs to submit data upon request to the Superintendent.

(3) The rule provides that LEA participation in Minimum School Program funding is conditioned upon LEAs providing complete and accurate data and information to the Superintendent and the Board.

R277-109-2. Definitions.

(1) "Minimum school program funds" or "MSP funds" means the state and local funds appropriated for the Minimum School Program to support educational activities in all grades Kindergarten through 12th grade, including the Basic State-Supported School Program, Related to Basic Program, the State-Supported Voted and Board Leeway Levy Programs, and other programs or allocations appropriated by the Legislature in Title 53F, Chapter 2, Minimum School Program Act.

(2) "Statutory or Board reporting requirement" means a reporting requirement as described in:

- (a) the Utah Code or legislative intent as documented by legislative records; or
- (b) Board rule.

R277-109-3. Board Direction to Superintendent and LEA Appeal Process.

(1) The Superintendent shall, in consultation with LEAs, collect data and prepare data collection reports or plans, as the Board directs or as the Superintendent deems necessary, to fulfill statutory or Board reporting requirements.

(2) The Superintendent is authorized by the Board to assist LEAs to fulfill reporting requests and to complete accountability or reporting plans.

(3) The Superintendent may sanction an LEA, if necessary, if the LEA fails to provide required data or reports by withholding MSP funds due to the LEA's failure to provide complete and accurate data or reports as requested.

(4) The Superintendent shall provide adequate notice to LEAs of reporting requirements and procedures for providing data in requested formats.

(5) If an LEA does not comply with a data program request or requirement, the Superintendent shall provide adequate and timely notice to the LEA that data was not submitted accurately and completely and LEA has 30 days to respond to the Superintendent's request for data or a required data report.

(6) The Superintendent may impose sanctions for noncompliance up to and including the withholding of MSP funds directly related to the data collection or reporting requirement.

(7) The Superintendent may withhold the program funds related to the requested data report or reporting requirement beginning with the next MSP transfer or beginning with subsequent MSP transfers including MSP funding for a subsequent fiscal year.

(8) An LEA may appeal to the Board in writing the Superintendent's decision to withhold program funds within 10 calendar days.

(9) The Board shall respond to the LEA within 30 calendar days.

(10) The Board's response is the final administrative action.

KEY: reporting, accountability

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Notice of Continuation: November 7, 2016

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1);
53E-3-401(2)(a); 53E-3-401**