

R277. Education, Administration.

R277-111. Board Oversight Framework.

R277-111-1. 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-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
 - (c) Section 53F-1-104, which requires the Board to monitor state-funded education programs and the expenditure of state funds in accordance with certain statutory provisions; and
 - (d) Section 53E-3-301, which requires the Superintendent to:
 - (i) administer programs assigned to the state board in accordance with the policies and the standards established by the state board; and
 - (ii) investigate matters pertaining to public schools.
- (2) The purpose of this rule is to define minimum Board oversight standards, including establishing an oversight framework for public education-related requirements.

R277-111-2. Definitions.

- (1) "Framework" means the Board Oversight Framework established in this rule.
- (2) "Oversight entity" means:
 - (a) an LEA;
 - (b) a regional service agency, as that term is defined in Section 53G-4-410;
 - (c) an entity that enters into a contract with the Board:
 - (i) to provide an educational good or service; or
 - (ii) as the Board is directed by the Legislature;
 - (d) a charter school authorizer, as that term is defined in Section 53G-5-102, if the charter school authorizer has an approved charter school;
 - (e) an institution of higher education that is associated with an educator preparation program, as defined in Section R277-303-2;

(f) an entity that receives a distribution of state funds through a grant program funded by the state board; or

(g) a nonfederal entity that receives an award through the Board to carry out part of a federal program.

(3) "Program or set of requirements" means a requirement or set of requirements in state or federal law that is related to:

(a) the public education system; and

(b) an oversight entity.

R277-111-3. Board Oversight of Public Education Programs and Requirements.

(1) The Superintendent shall create a framework, as described in Section R277-114-4, that sets minimum standards for oversight of a program or set of requirements.

(2) In accordance with Section R277-111-4, the Superintendent shall:

(a) on or before July 31, 2029, designate each program or set of requirements into a framework category for the Board's consideration and codification in Board rule, that corresponds to the Board's oversight role for that program or set of requirements; and

(b) fulfill related oversight duties as described in rule and internal policy and procedures.

(3) In accordance with Rule R277-114, the Board or Superintendent may take investigative or corrective action with regard to any program or set of requirements.

(4) An oversight entity shall provide all information and documents requested by the Board or the Superintendent in a timely manner.

R277-111-4. Board Oversight Framework.

(1) The framework shall consist of four categories that represent an increasing degree of Board oversight for each subsequent category.

(2) Before categorizing a program or set of requirements for the Board's consideration, the Superintendent shall analyze the program or set of requirements based on the following factors:

- (a) the quantity and content of the legal requirements, including explicit monitoring requirements in state or federal law;
- (b) the risk inherent in:
 - (i) the requirements; and
 - (ii) the individual oversight entities subject to the requirements, with regard to the effectiveness of each oversight entity's internal control system;
- (c) all general and dedicated resources available to carry out the requirements, including:
 - (i) the restricted or unrestricted nature of applicable funding; and
 - (ii) options for using dedicated staff; and
 - (d) any other factors the Superintendent considers relevant to the analysis.

(3) Based on the analysis described in Subsection (2), the Superintendent shall categorize a program or set of requirements in the framework as follows:

- (a) a program or set of requirements belongs in category one if the Superintendent determines that:
 - (i) the Superintendent will not dedicate specific staff to the program or set of requirements; and
 - (ii) either:
 - (A) local control is critical to the purpose of the requirements; or
 - (B) the Superintendent will not use resources for implementing the requirements and will typically refer complaints and allegations back to the oversight entity for resolution;
- (b) a program or set of requirements belongs in category two if the Superintendent determines that:
 - (i) the Superintendent will not specifically dedicate staff to the program or set of requirements; and
 - (ii) the Superintendent will provide assistance as needed to an oversight entity implementing the requirements;
- (c) a program or set of requirements belongs in category three if the Superintendent determines:

(i) that the Superintendent will dedicate staff to the program or set of requirements; and

(ii) at least one of the following:

(A) that less frequent than annual desk monitoring is sufficient to fulfill the requirements; or

(B) that resources are limited to either completely fulfill monitoring requirements or to appropriately mitigate identified risks; and

(d) a program or set of requirements belongs in category four if the Superintendent determines that:

(i) the Superintendent will dedicate staff to the program or set of requirements;

(ii) annual or more frequent monitoring is necessary to ensure accountability of the oversight entity;

(iii) monitoring may include on-site visits; and

(iv) resources are sufficient to fulfill the requirements.

(4) When the Board makes, amends, or continues a rule regarding a program or set of requirements, the rule:

(a) shall state the Board's oversight objectives and related duties, based on the Superintendent's analysis and recommended framework categorization of the program or set of requirements; and

(b) may include, as necessary for the intended category of oversight:

(i) designing an internal control system to achieve the Board's oversight objectives and creating an implementation plan;

(ii) creating a mechanism to check the effectiveness of the oversight process; and

(iii) setting a standard for satisfactory outcomes for the program or set of requirements.

(5) For a program or set of requirements that needs monitoring, the details of the monitoring system shall be described:

(a) in the rule relating to the program or set of requirements; or

(b) in contract, if the program or set of requirements is established in contract.

R277-111-5. Framework Standards.

(1) The framework does not supersede or limit the Board's power of general control and supervision and the Board may vote to change part or all of the framework or categorizations within the framework at any time.

(2) The Board's internal audit function is not part of the framework and is not limited by the framework.

R277-111-6. Superintendent Status Reports on Framework.

The Superintendent shall provide a report to the Board that reviews and evaluates the effectiveness of the framework:

- (1) before December 15, 2024; and
- (2) at the request of the Board thereafter.

KEY: monitoring, oversight

Date of Last Change: March 11, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-301; 53F-1-104