

R277. Education, Administration.

R277-726. Statewide Online Education Program.

R277-726-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
 - (b) Section 53F-4-502, which created the program to enable eligible students, through publicly funded online courses, to:
 - (i) earn college credit by July 1, 2025;
 - (ii) earn high school graduation credit; and
 - (iii) earn middle school credit;
 - (c) Section 53F-4-514, which requires the Board to make rules:
 - (i) providing for the administration of the applicable statewide assessments to students enrolled in online courses;
 - (ii) establishing a course credit acknowledgment form and procedures for completing and submitting the form to the Board; and
 - (iii) establishing protocols for an online course provider to obtain approval to become an authorized or certified online course provider; and
 - (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.
- (2) The purpose of this rule is to:
 - (a) define necessary terms;
 - (b) provide and describe a program registration agreement; and
 - (c) provide other requirements for an LEA, the Superintendent, a parent and a student, and an authorized online course provider for program implementation and accountability.

R277-726-2. Definitions.

- (1) "Active participation" means, for purposes of an initial funding distribution described in Section 53F-4-505, that during the 20 day period allowed for withdrawal at the beginning of a course, a student has:

- (a) logged into the course one or more times;
- (b) submitted one or more graded assignments; and
- (c) not requested to withdraw.

(2) "Administrative withdrawal" means a student was withdrawn due to a violation of an online provider's standard of active participation.

(3)(a) "Certified online course provider" or "certified online provider" means the same as the term is defined in Section 53F-4-501.

(b) After approval, a "certified online provider" shall hereinafter be referred to as an "online provider."

(4) "Confirm" means that a provider certifies that a student has met the criteria outlined in Subsection (1) for active participation.

(5) "Core code" means a USIMS identifier used to identify each subject and grade level.

(6) "Constructive approval" means approval by the Superintendent of a student in accordance with Section 53F-4-508 where a primary LEA fails to respond to enrollment request within 24 business hours.

(7) "Course completion" means that a student has completed a course with a passing grade and the online provider has transmitted the course title, course code, grade, and credit to the primary LEA and the Superintendent.

(8) "Course Credit Acknowledgment" or "CCA" means a contract between an online provider and a primary LEA, which formalizes the outsourcing of instructional services for a student.

(9) "Day of census" means the school day immediately following the expiration of the 20 school days allowed for a student to withdraw from an SOEP course.

(10) "Disciplinary withdrawal" means withdrawal of a student by an online provider as a result of a violation of the online provider's code of conduct.

(11)(a) "Eligible student" means the same as the term is defined in Section 53F-4-501; and

(b) a student up to the age of 19 whose high school cohort has not graduated, including students residing in temporary care through a state-licensed group care facility, and enrolling through a district of residence.

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

(13) "High school" means the same as the term is defined in Section 53F-4-501.

(14) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(15) "Learner validated enrollment measures" means measures for establishing attendance and participation in online coursework every ten days, which shall include:

(a) logging into a course one or more times; and

(b) submitting one or more graded assignments.

(16) "Loss of eligibility" means that a change in circumstances caused a student to lose program eligibility.

(17) "Middle school" means the same as the term is defined in Section 53F-4-501.

(18) "Notice of enrollment" means a certification by the Superintendent allowing an online provider to begin instruction, which indicates that:

(a) a student completed registration procedures;

(b) an online provider accepted the course request, and acknowledged accountability to the Board and the student's primary LEA for the student's course instruction; and

(c) a student's primary LEA or the Superintendent accepted the course request, acknowledging financial responsibility.

(19) "Online course" means the same as the term is defined in Section 53F-4-501.

(20) "Online provider" means the same as the term is defined in Section 53F-4-501.

(21) "Primary LEA" means the LEA in which an eligible student is enrolled and receives membership-based funding.

(22) "Primary school" means:

(a) a student's school of record within a primary LEA;

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

(c) the school responsible for providing a student access to facilities, technology, internet, and other non-instructional amenities required by membership-related funding derived from the minimum school program, and other local, state, and federal funding streams.

(23) "School" means the same as the term is defined in Rule R277-100.

(24) "Section 504" means Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794.

(25) "Small school" means a public school with a student population of less than 1,000 students and at least one student enrolled in grades 9-12.

(26) "Standard of active participation" means a written policy that includes the learner validated enrollment measures used to monitor program outcomes and program financial compliance in accordance with Rule R277-114.

(27) "Statewide Online Education Program" or "program" means the program created in Section 53F-4-502.

(28) "Student withdrawal" means that a student has requested to withdraw from an online course.

(29) "Teacher of record" means the educator assigned by an online provider for instruction, assessment, and oversight of learner activity, progression, interaction with course materials and peers, reporting, and data submissions.

(30) "Underenrolled student" means a student with less than a full course load, as defined by the LEA, during the regular school day at the student's primary school.

(31) "Unexcused absence" means an absence recorded when a student fails to meet participation requirements and the parent or student does not respond to outreach, resulting in an administrative withdrawal.

R277-726-3. Superintendent Responsibilities.

(1) The Superintendent shall establish, publish, and provide training on comprehensive policies and procedures to facilitate the effective operation of the program.

(2) The Superintendent shall prepare and make available program applications and program agreements.

(3) An online provider approved by the Superintendent by June 30 shall begin service on July 1 of the following year.

(4) Before approving an online provider, the Superintendent shall:

(a) review annual financial reports and state-administered test data to establish the capacity of a provider to serve students while meeting program requirements;

(b) disclose problematic findings to the applicant and the Board; and

(c) verify that a prospective non-LEA online provider, before certification:

(i) has a student information system that is compatible with UTREx and USIMS;

(ii) is a 501(c)(3) non-profit entity;

(iii) demonstrates data security and privacy compliance consistent with federal and state law through submission of a report selected by the Superintendent or developed by the American Institute of Certified Public Accountants;

(iv) provides a description of the applicant's academic service experience, including:

(A) familiarity with education broadly;

(B) competency in instruction; and

(C) academic philosophy; and

(v) meets other requirements identified by the Superintendent to establish the capacity of the online provider to act as an LEA for purposes of program participation.

(5)(a) With the exception of the requirements of Subsection 53F-4-514(2), the Superintendent may determine space availability standards and appropriate course load standards for online courses consistent with Subsection 53F-4-512(3)(g).

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

(6) The Superintendent may restrict an online provider from offering coursework if the online provider has repeatedly demonstrated low performance on statewide assessments in English language arts, mathematics, or science taking into consideration the assessment performance of other districts, charters, and online providers.

(7) The Superintendent may refuse to provide funds to an online provider if information has been submitted fraudulently or in violation of law or Board rule by any party to a course credit acknowledgment.

(8) The Superintendent may withhold funds from an online provider for failure to comply with reasonable requests for records or information.

(9) The Superintendent shall receive and investigate complaints concerning course integrity, financial mismanagement, enrollment fraud or inaccuracies, or violations of law or Board rules, and may impose sanction where appropriate.

(10) If an investigation by the Superintendent or a federal agency finds that an online provider has violated the IDEA or Section 504, the online provider shall compensate the student's primary LEA for costs incurred in achieving compliance.

(11) The Superintendent may monitor an LEA or online provider to ensure compliance with law or rule.

(12) The Superintendent may make decisions regarding unresolved questions or issues arising from Title 53F, Chapter 4, Part 5, Statewide Online Education Program, or Board rule on a case-by-case basis.

R277-726-4. Student Rights and Requirements.

(1) A student shall adhere to the student's primary LEA's established deadlines when dropping a physical course for a program course.

(2) A student may enroll in program courses at any time during the calendar year, if the student is underenrolled.

(3) A student shall immediately notify an online provider of any LEA enrollment changes or withdrawals.

(4)(a) A student is not required to meet with the primary school for approval of a program course request.

(b) A program course request constitutes a simultaneous request to drop any identical physical course, which shall result in automatic substitution by the primary school.

(5)(a) A student may take up to six program credits per academic year unless the student's primary school agrees that more credits better meet the academic needs of the student.

(b) A student may only exceed six program credits where there is an approved early graduation plan or exception allowed under the primary LEA's local policy.

(c) The Superintendent may not fund program credits over full-time enrollment unless:

- (i) an approved plan for early graduation is reflected in the student's records; and
- (ii) the student's primary LEA has increased membership to account for excess credits.

(6) A student shall complete courses in a timely manner and meet all attendance and participation standards.

(7) A student enrolling in program courses for grade replacement purposes shall follow the procedures outlined in Rule R277-717.

R277-726-5. LEA Responsibilities.

(1) If a program course aligns with a student's college and career plan, an LEA shall assist a student with scheduling the course if:

- (a) the student has completed any required prerequisites; and
- (b) the course is open for enrollment.

(2) An LEA may not give preference to a specific online provider or LEA online program for a student course request under Subsection (1).

(3) A primary LEA shall include a student's program courses in the student's schedule and enrollment records.

(4) A primary LEA may only receive funding for original credit courses.

(5) A primary LEA shall respond to a course credit acknowledgment in the SEATS within three business days following the Superintendent's established procedures for approval or rejection.

(6)(a) A primary LEA shall determine fee waiver eligibility for participating public school students pursuant to Rule R277-407.

(b) If a student qualifies for a fee waiver, the primary LEA shall provide access to a program course by:

- (i) allowing the student access to necessary technology in a computer lab or other space within the school building during a school period or during the regular school day; or

(ii) providing the student the technology and internet access needed for participation outside of the school building.

(7) A primary school shall provide participating students access to facilities necessary to participate in a program course during the regular school day.

(8) If a student uses an LEA device for program courses, the LEA shall configure the device to allow access, including:

(a) creating a separate user account for the student; and

(b) ensuring the device allows access to an online provider's materials using the credentials provided.

(9) A primary school may not restrict a participating student, regardless of the proportion of in-person versus program courses, from:

(a) special education services;

(b) leadership opportunities;

(c) extracurricular activities;

(d) co-curricular activities;

(e) counseling;

(f) graduation participation;

(g) honors and awards;

(h) school activities and events; or

(i) other non-instructional services offered to all students.

(10) A primary LEA shall include program course grades and credits on a student's transcript, including high school coursework completed before grade 9 using course titles and core codes.

(11) A primary LEA shall inform students taking program courses about the course completion deadlines required for graduation.

(12) The primary LEA has sole authority to certify graduation requirements and issue diplomas.

(13) A primary LEA shall provide information about program courses:

(a) in registration materials; and

(b) on school and LEA websites.

R277-726-6. Online Provider Responsibilities.

(1) An online provider shall function as an LEA for purposes of assessment, accountability, and other program requirements when providing program services.

(2) An online provider shall adhere to all program policies and procedures established by the Superintendent.

(3) An online provider shall ensure that third-party program providers comply with all applicable laws and Board rules.

(4) An online provider may not grade on a pass/fail basis or issue transcripts with a pass/fail grade unless a student is participating in a focused graduation pathway consistent with Rule R277-722.

(5) An online provider shall record teaching assignments in USIMS by October 13 annually.

(6) An online provider shall identify educators and a course start date at the time of CCA acceptance, consistent with Sections 53F-4-506 and 53F-4-508.

(7) An online provider may not encourage a student to withdraw from a course and shall retain a record of any student request to withdraw, including content, date, and rationale.

(8)(a) An online provider shall notify a student, parent, and school counselor of the intent to change a CCA to administrative withdrawal due to inactivity exceeding ten days.

(b) If a student, parent, or school counselor fails to request reinstatement following the notification, the online provider shall withdraw the student on the sixth day after the notice is sent by changing the status of the course to administrative withdrawal, which will automatically notify the student, parent, and primary LEA of the action.

(9) By June 30, an online provider shall ensure appropriate closure of each CCA through selection of a SEATS closeout status.

(10)(a) An online provider may charge fees consistent with Title 53G, Chapter 7, Part 5, Student Fees, and Rule R277-407.

(b) If an online provider charges fees, the provider shall:

(i) notify the primary school of the fee purpose and amount;

(ii) provide timely notice to parents of fees and fee waiver opportunities;

- (iii) post fees on the provider website and include them in course submissions;
- (iv) provide materials for students eligible for fee waiver;
- (v) comply with Rule R277-407; and
- (vi) provide fee waivers to eligible home school students at the online provider's expense.

R277-726-7. Appropriations for Small Schools.

(1) The Superintendent shall incentivize program use for small schools through funding available for the purpose based on the demonstrated inability of eligible schools to provide depth and range in courses.

(2) The Superintendent shall determine eligibility for small school funding using end-of-year UTREx data from the prior year.

(3) The Superintendent shall determine funding and distributions, with annual adjustments, based on an assessment of demonstrated inability to provide needed courses due to:

- (a) insufficient student enrollment to justify full course selections;
- (b) geographic isolation from qualified instructors;
- (c) limited staff capacity to teach courses;
- (d) financial constraints in hiring qualified educators; or
- (e) other similar factors limiting a school's ability to meet student needs in areas specified in this section.

R277-726-8. Online Concurrent Enrollment.

The provisions of code shall govern to the extent there is a conflict for a student enrolled in concurrent enrollment through an online provider, if there is a conflict between this rule and:

- (1) Title 53F, Chapter 4, Part 5, Statewide Online Education Program; or
- (2) Title 53E, Chapter 10, Part 3, Concurrent Enrollment.

KEY: statewide online education program

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-4-510; 53F-4-514; 53E-3-401