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R277. Education, Administration.

R277-100. Definitions for Utah State Board of Education (Board) Rules.

R277-100-1. Authority, Purpose, and Oversight Category.

(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; and

(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.

(2) The purpose of this rule is to provide definitions that are used in the Board rules beginning with Title R277.

(3) This rule is categorized as exempt as described in Rule R277-111.

R277-100-2. Definitions.

(1)(a) "Accountability practice" means any evidence-based practice that increases academic outcomes, decreases behavior that disrupts the learning environment and holds students accountable for their actions by requiring them to take responsibility to repair harm and provide restitution when appropriate.

(b) Some practices include adapting instruction to increase behavior engagement plans, and restorative practices.

(2) "Accreditation" means the formal process for internal and external review and approval under the standards of an accrediting entity adopted by the Board.

(3) "Agency" means:

(a) an entity governed by the Board;

(b) an LEA; or

(c) a grant sub-recipient.

(4) "Board" means the 15 elected members of the State Board of Education.

(5) "Charter school" means a school established as a charter school by a charter school authorizer under Title 53G, Chapter 5, Charter Schools, and Board rule.

(6) "Comprehensive dropout intervention and prevention program" means a program that:

(a) addresses needs of students who are not succeeding in a traditional school environment;

(b) provides targeted instruction that increases student credit-earning rates toward graduation; and

(c) partners with community entities to provide a continuum of services with the focus of preparing students for life after high school.

(7)(a) "Cumulative file" or "cumulative folder" means a physical or digital record maintained by an LEA for each student containing, at a minimum, the following information:

(i) evidence of the student's legal name and date of birth;

(ii) student demographic data, including race, ethnicity, and gender;

(iii) name and contact information for the student's parents;

(iv) a record of the student's courses, teachers, and grades or progress;

(v) a record of the student's performance on statewide assessments;

(vi) documentation concerning a student's eligibility for IDEA or 504 services;

(vii) a record of suspensions and expulsions, in accordance with Subsection 53G-8-208(4)(a);

(viii) known allergies;

(ix) a record of vision and health screening results; and

(x) a record of required student immunizations, and medical or personal exemptions; and

(xi) pertinent legal documents, including protective orders, custody orders, and parenting or education plans.

(b) "Cumulative file" may include additional student information in accordance with an LEA's policies.

(8) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

(9) "Dual enrollment student" means a student who:

(a) is enrolled simultaneously in:

(i) a private school or home school; and

(ii) a public school; and

(b) is counted by an LEA in membership for purposes of generating state or federal funding for only those courses or subjects for which the LEA provides instruction.

(10) "Educator" means an individual licensed under Section 53E-6-201 and who meets the requirements of Board rule.

(11) "ESSA" or the "Every Student Succeeds Act" means the congressional act, which reauthorized the Elementary and Secondary Education Act of 1965, which is found at 20 U.S.C. 6301, et seq.

(12)(a) "Evaluate" or "review" means to observe and assess a program or set of requirements with an objective of making recommendations, if appropriate, for necessary changes or improvement.

(b) An "evaluation" or "review" may include providing training and technical assistance on program-related matters and performing on-site reviews of program operations.

(13)(a) "External audit" means an appraisal activity established under the direction of an individual or entity outside of the subject agency to examine and evaluate the adequacy and effectiveness of:

(i) agency control systems;

(ii) compliance;

(iii) performance; and

(iv) financial position.

(b) An external audit is conducted in accordance with current professional and industry technical standards, as applicable, for external audits.

(14)(a) "Home school student" means a student who:

(a) attends a home school pursuant to Section 53G-6-204; and

(b) is not counted by an LEA in membership for purposes of generating state or federal funding.

(15) "Individualized education program" or "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Part B of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 (2004), and rule.

(16) "Individuals with Disabilities Education Act" or "IDEA," 20 U.S.C. Section 1400 et seq. (2004), is a four part (A-D) piece of federal legislation that ensures a student with a disability is provided with a Free Appropriate Public Education (FAPE) that is tailored to the student's individual needs.

(17)(a) "Internal audit" means an independent appraisal activity established within an agency as a control system to examine and objectively evaluate the adequacy and effectiveness of other internal control systems within the agency or the public education system.

(b) An "internal audit" is conducted in accordance with the current:

(i) International Standards for the Professional Practice of Internal Auditing; or

(ii) Government Auditing Standards, issued by the Comptroller General of the United States.

(18)(a) "LEA" or "local education agency" means a school district or charter school.

(b) For purposes of certain rules, "LEA" or "local education agency" may include the Utah Schools for the Deaf and the Blind (USDB) if indicated in the specific rule.

(19)(a) "LEA governing board" or "local board" means:

(i) for a school district, a local school board; and

(ii) for a charter school, a charter school governing board.

(b) For purposes of certain rules, "LEA governing board" or "local board" may include the State Board of Education as the governing board for the Utah Schools for the Deaf and the Blind if indicated in the specific rule.

(20)(a) "Monitor" means to formally supervise, inspect, or examine the compliance, performance, or finances of a program or set of requirements.

(b) A monitoring program may include:

(i) review of financial and performance reports required of the subject program;

(ii) follow-up to ensure the subject program takes timely and appropriate actions to correct identified deficiencies;

(iii) supervising remedial action recommended by audit or monitoring findings or required by Board rule; and

(iv) any function performed in an evaluation or review.

(21)(a) "Multidisciplinary team" means a group of individuals from multiple disciplines who meet to:

(i) pursue the common goal of evaluating and triaging the academic, social, emotional, physical, and behavioral needs of a student or group of students; and

(ii) create individualized strategies and interventions to address identified needs.

(b) An LEA's multidisciplinary school team as described in Subsection (20)(a) may include:

(i) administrative personnel;

(ii) a local law enforcement officer or school resource officer;

(iii) a mental health professional;

(iv) a general education or special education teacher; and

(v) other community members as determined by the LEA.

(22) "Parent" means a parent or guardian who has established residency of a child under Section 53G-6-302, 53G-6-303, or 53G-6-402, or another applicable Utah guardianship provision.

(23) "Plan for College and Career Readiness" or "SEOP" means a student education occupation plan for college and career readiness that is a developmentally organized intervention process that includes:

(a) a written plan, updated annually, for a secondary student's (grades 7-12) education and occupational preparation;

(b) all Board, local board and local charter board graduation requirements;

(c) evidence of parent or guardian, student, and school representative involvement annually;

(d) attainment of approved workplace skill competencies, including job placement when appropriate; and

(e) identification of post secondary goals and approved sequence of courses.

(24) "Preschool" means a school in which all the students enrolled are pre-kindergarten.

(25)(a) "Private school student" means a student who:

(a) attends a private school; and

(b) is not counted by an LEA in membership for purposes of generating state or federal funding.

(26) "Program" means an instructional environment that does not meet the criteria to be classified as a school, as described in Subsection (27).

(27) "Public school student" means a student who:

(a) attends an LEA governed public school; and

(b) is counted by an LEA in membership for purposes of generating state or federal funding.

(28) "School" means an instructional environment that:

(a) is governed by an LEA board;

(b) has an assigned administrator;

(c) has enrolled students that generate average daily membership hours during the school year;

(d) has assigned instructional staff;

(e) provides instruction in the Utah core standards;

(f) has one or more grade groups in the range from kindergarten through grade 12; and

(g) is not a program for students enrolled in another public school.

(29) "Split enrollment student" means a student who is:

(a) regularly enrolled at two schools within two LEAs at the same time;

(b) eligible for graduation and other services at both schools; and

(c) subject to the split enrollment requirements in Rule R277-419, counted by each LEA in membership for purposes of generating state or federal funding for only those courses or subjects for which each LEA provides instruction.

(30) "State Charter School Board" or "SCSB" means the State Charter School Board created in Section 53G-5-201.

(31) "Student Threat assessment" means a prevention strategy that involves:

(a) identifying student threats including to commit a violent act;

(b) determining the seriousness of the threat;

(c) developing intervention plans that prioritize protecting potential victims and address threatening behavior; and

(d) address underlying behavior contributing to the risk.

(32) "Success sequence" means a three-prong framework for youth and young adults that encourages:

(a) completing at least a high school education and pursuing further educational opportunities;

(b) obtaining full-time employment; and

(c) having children within a health and stable family and marriage.

(33) "Superintendent" means the State Superintendent of Public Instruction or the Superintendent's designee.

(34) "Suspension" means, except for purposes of Rules R277-210 through R277-217:

(a) an in-school suspension that is a temporary removal of a student from the student's regular classroom for disciplinary reasons for at least half a school day but remains under the direct supervision of school personnel; or

(b) an out-of-school suspension that is the removal of a student from school grounds for disciplinary reasons unless the student removed is:

(i) served solely under a Section 504 plan, where an out-of-school suspension is the excluding of the student from school for disciplinary purposes for one day or longer; or

(ii) a student with disabilities under IDEA, where an out-of-school suspension is the temporary removal of the student from the student's regular school for disciplinary reasons to another setting.

(35) "Threat" means an expression of intent to harm someone that is direct, indirect, or implied and may be spoken, written, or expressed in some other way.

(36) "USDB" means the Utah Schools for the Deaf and the Blind.

(37) "USIMS" or "Utah Schools Information Management System" means a software system maintained by the Superintendent for collecting, processing, providing

oversight, and reporting on education data for the state as required by Section 53E-3-518.

KEY: Board of Education, rules, definitions

Date of Last Change: August 7, 2025

Notice of Continuation: June 10, 2025

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

R277. Education, Administration.

R277-101. Public Participation in Utah State Board of Education Meetings.

R277-101-1. 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) Title 52, Chapter 4, Open and Public Meetings Act, which directs that the deliberations and actions of the Board be conducted openly;

(c) Section 52-4-207, which allows the Board to adopt a rule governing the use of electronic meetings; 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 describe procedures to be followed by the Board in its conduct of the public's business in order to:

(a) hear from those who desire to be heard on public education matters in the state;

(b) effectively and efficiently utilize the time of the Board;

(c) balance desire for public information with other demands on the Board's time; and

(d) allow the Board to conduct electronic meetings as needed.

R277-101-2. Definitions.

(1)(a) "Anchor location" means the physical location from which an electronic meeting originates.

(b) The anchor location for an electronic meeting of the Board, unless otherwise designated in the meeting notice, shall be the offices of the Utah State Board of Education, 250 East 500 South, Salt Lake City, Utah 84114.

(2) "Chair" means:

(a) the duly elected Chairperson of the Board;

(b) a Vice-chair when conducting a meeting of the Board; or

(c) the Chair of a Board standing committee.

(3) "Electronic meeting" has the same meaning as defined in Section 52-4-103.

R277-101-3. Public Participation.

(1) The general public may attend meetings of the Board, unless a meeting is closed in accordance with Section 52-4-204.

(2) The general public may speak to the Board regarding any issue when acknowledged and recognized by the Board Chair during scheduled public comment.

(a) The chair may give priority to an individual or group who submits a written request to address the Board prior to the meeting, including a brief description of the issue to be addressed.

(b) The Board may not take action during the public comment portion of a meeting.

(c) A Board member may request that an item raised during public comment be placed on a future agenda for possible action in accordance with Board bylaws.

(d)(i) The Chair may limit the time available for individual comments.

(ii) The Chair may request groups to designate a spokesperson.

(iii) The Board shall include in its meeting agenda the amount of time set aside for public comment and the restrictions on individual speakers or group spokespersons.

(3)(a) A member of the general public may speak to items on the agenda:

(i) during the time designated for public comment; or

(ii) at the discretion of and as invited by the Chair, when the item is properly before the Board or a committee.

(b) The Chair may request that public comment be provided in writing.

(4) All presentations to the Board or one of its committees shall exemplify courteous behavior and appropriate language.

(5) The Chair may invite additional comment to the Board or a committee in the Chair's discretion.

(6) In accordance with Subsection 52-4-202(6)(b), at the discretion of the Chair, the Board may discuss a topic raised by the public in an open meeting even if the item was not included in the public meeting notice.

(7) At the discretion of the Chair, a member of the public may request to comment in the committee meeting by raise of hand.

R277-101-4. Electronic Meetings.

(1) The Board may conduct electronic meetings in accordance with the requirements set forth in Subsection 52-4-207(3).

(2)(a) The Board may allow a member of the Board or member of the public to participate in a Board meeting electronically consistent with available equipment capability.

(b) The chair shall announce the participation of an individual participating in an electronic meeting and the Board secretary shall note the individual's participation in the meeting minutes.

(3) If the Board conducts an electronic meeting a quorum of the Board shall be present at a single anchor location for the meeting.

(4) Notwithstanding Subsection (3), the Board chair may waive the requirement that a quorum be present at a single anchor location in the event of a pandemic or other public emergency so long as a quorum is present, either physically at the anchor location, or electronically, for the meeting.

(5) If the Board conducts an electronic meeting, any member may participate and vote electronically, so long as the Board meets quorum requirements.

KEY: school boards, open government, electronic meetings

Date of Last Change: July 9, 2020

Notice of Continuation: August 19, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 52-4-1; 53E-3-401(4); 52-4-207

R277. Education, Administration.

R277-102. Adjudicative Proceedings.

R277-102-1. Authority and Purpose.

(1) This rule is authorized by:

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

(b) Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its duties and responsibilities under the Utah Constitution and state law; and

(c) Subsection 63G-4-102(6) which allows agencies to make rules regarding adjudicative proceedings in matters subject to UAPA.

(2) The purpose of this rule is:

(a) to specify how to conduct adjudicative proceedings in matters subject to UAPA;

(b) to provide for review of Board actions where no opportunity for administrative review is provided by law and where there is a compelling reason for administrative review to fully and fairly facilitate the Board's decision making process; and

(c) to identify procedures the Board may apply when administrative review of a Board action is provided for by a law other than UAPA and the applicable law fails to identify procedures to be followed for the administrative review.

(3) This rule does not apply to actions for which separate adjudicative procedures are specifically provided for in statute, rule, or negotiated agreement.

(4) Nothing in this rule creates an independent basis for or requirement that the Board review a final Board action.

R277-102-2. Definitions.

(1) "Agency head" means the Board Chair.

(2) "Default" means the failure of a party to an administrative proceeding to meet the requirements or timelines of the proceeding.

(3) "Person" has the same meaning as set forth in Subsection 63G-4-103(1)(g).

(4) "Presiding officer" has the same meaning as set forth in Subsection 63G-4-103(1)(h).

(5) "Utah Administrative Procedures Act" or "UAPA" means Title 63G, Chapter 4, Administrative Procedures Act.

R277-102-3. Adjudicative Proceedings Subject to UAPA.

(1) The Board shall conduct all requests for agency action as informal adjudicative proceedings under UAPA unless another statute or rule specifically designates the proceedings as formal.

(2) The presiding officer designated for a proceeding may convert an informal proceeding to a formal proceeding and vice versa as provided under Subsection 63G-4-202(3).

(3) A person seeking review of a Board action shall:

(a) submit a signed request for agency action in writing to the Board's secretary, which includes the information identified in Subsection 63G-4-201(3)(a);

(b) mail a copy of the request to each person known to have a direct interest in the request; and

(c) if no timeline is provided, submit the request for agency action within 30 days of the action subject to review.

(4) The agency head shall promptly review the request for agency action and shall notify the requesting party in writing that:

(a) the request is granted and that the adjudicative proceeding is completed;

(b) the request requires further consideration, and an informal adjudicative proceeding will be conducted to review the matter; or

(c) the request requires further consideration and, if expressly required by law, a formal adjudicative proceeding will be conducted to review the matter.

(5) If the agency head determines a hearing will be held, whether formal or informal, the agency head:

(a) shall designate a presiding officer for the hearing; and

(b) may designate a hearing panel, consisting of the presiding officer and Board members, to hear the evidence and make recommendations to the full Board.

(6)(a) The presiding officer shall:

(i) chair the proceeding and make rulings on motions and evidentiary issues; and

(ii) if no panel is appointed, shall make all findings of fact, conclusions of law, and recommendations to the Board.

(b) If the agency head designates a hearing panel, the hearing panel shall make all findings of fact, conclusions of law, and recommendations to the Board.

(7)(a) The Superintendent shall make appropriate arrangements for an informal adjudicative proceeding including:

(i) determining the date of the hearing;

(ii) designating the hearing location and other necessary information; and

(iii) on a case by case basis, determine if an informal adjudicative proceeding may be held electronically.

(b) The Superintendent shall maintain a record of all aspects of an informal adjudicative proceeding.

(c) The Superintendent may delegate the hearing arrangements and procedures to the presiding officer.

(8) The presiding officer shall establish timelines for the hearing and shall determine if a hearing is open or closed to the public consistent with the law.

(9)(a) If the agency head determines the Board is legally required to provide a formal adjudicative proceeding or the presiding officer designates a proceeding as formal, the presiding officer shall conduct the proceedings in accordance with Sections 63G-4-204 through 63G-4-208.

(b) The presiding officer shall prescribe the means of discovery at the request of the parties to the extent necessary to allow all parties access to relevant evidence.

(10)(a) For both informal and formal adjudicative proceedings, the presiding officer shall have discretion in managing and making procedural and evidentiary decisions throughout the hearing process.

(b) In ruling on matters raised by the parties, the presiding officer may consider, but is not bound by, the Utah Rules of Evidence and the Utah Rules of Civil Procedure.

(11)(a) A presiding officer designated for a formal or informal adjudicative proceeding may recommend a default to the Board consistent with deadlines set by the presiding officer and the provisions of Section 63G-4-209.

(b) A party in default may seek to have a default set aside consistent with Subsection 63G-4-209(3) and deadlines set by the presiding officer.

(12) The presiding officer shall submit a written hearing report formalizing the hearing recommendation, to the Board and the parties, including findings of fact, conclusions of law, and recommended action for all informal and formal adjudicative proceedings within 20 calendar days of the conclusion of the hearing.

(13) The Board shall consider the recommendation submitted under Subsection (12) and within a reasonable time shall:

(a) approve the recommendation under Subsection (12); or

(b) issue an alternate written determination and action based on the findings of fact made in the hearing report, if the Board disagrees with the proposed outcome in the hearing report.

(14) The Board's decision is the final administrative decision on the issue, subject to a request for reconsideration applying the procedures of Section 63G-4-302.

(15) The Superintendent shall respond to any request for reconsideration in accordance with Subsection 63G-4-302(3).

R277-102-4. Adjudicative Proceedings Not Subject to UAPA.

(1) A person seeking review of a Board action not covered by UAPA shall submit a written request for review of agency action to the secretary of the Board in the same manner provided in Subsections R277-102-3(3).

(2) The agency head shall review the request for agency action in a timely manner and notify the requesting in party in writing:

(a) if the request is insufficient or untimely, that the request for review is denied; or

(b) if the request is sufficient and timely, that the Board will review the matter and which method the Board will employ to conduct the review and make a final determination.

(3)(a) If a hearing is not expressly required by law, the Board may review a request for agency action under this Section R277-102-4 through a documentary review, including consideration of written information submitted by each of the parties.

(b) If the Board conducts a documentary review:

(i) the agency head will establish deadlines for document submission; and

(ii) the full Board will consider all documents submitted and issue a final administrative determination in writing in a timely manner.

(4) If a hearing is expressly provided for by law or the agency head determines the matter will best be determined by means of a hearing, the agency head shall provide for an informal adjudicative proceeding as outlined in Section R277-102-3, except that provisions for reconsideration do not apply under this Section R277-102-4.

(5) In a request under this Section R277-102-4, a party may be found in default by the Board consistent with deadlines set by the agency head or the presiding officer.

KEY: administrative procedures, rules and procedures

Date of Last Change: April 8, 2021

Authorizing, and Implemented or Interpreted Law: 63G-4; 53E-3-401(4); Art X Sec 3

R277. Education, Administration.

R277-104. ADA Complaint Procedure.

R277-104-1. 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; and

(c) 28 CFR 35.107 which adopts, defines, and publishes complaint procedures providing for prompt and equitable resolution of complaints filed in accordance with Title II of the Americans with Disabilities Act, as amended.

(2)(a) The purpose of this rule is to establish procedures for individuals to file complaints under the ADA and to provide appropriate classification of the records of complaints and appeals.

(b) A complaint filed by an employee of the Board is not subject to this rule, but is governed by Section R477-8-15.

R277-104-2. Definitions.

(1) "ADA" means the Americans with Disabilities Act, 42 U.S.C. 12201, including the ADA Amendments Act of 2008, Pub. L. No. 110-325, which provides that no qualified individual with a disability, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination.

(2) "Days" means calendar days.

(3) "Disability" means, with respect to an individual disability, a physical or mental impairment that substantially limits one or more of the major life activities of such an individual as defined in the ADA.

(4) "Major life activities" mean functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(5) "Individual with a disability" or "individual" means a person who has a disability which limits a major life activity and who meets the essential eligibility requirement for the receipt of services or the participation in programs or activities.

R277-104-3. Statement of Non-Discrimination.

The Superintendent shall comply with the ADA in administering the services, programs, and activities of the Board.

R277-104-4. Filing of Complaints.

(1) An individual may file a complaint by submitting a claim with the Superintendent no later than 30 days from the date of the alleged act of discrimination.

(2) A complaint under Subsection (1) shall be made in writing or in another format reasonable for the individual and the Superintendent.

(3) Each complaint shall include:

(a) the individual's name and address;

(b) a description of the nature and extent of the individual's disability;

(c) a description of the alleged discriminatory action in sufficient detail to inform the Superintendent of the nature and date of the alleged violation;

(d) a description of the remedy or accommodation needed; and

(e) the signature of the individual or the individual's legal representative.

R277-104-5. Action on Complaint.

(1) The Superintendent shall investigate each complaint to the extent necessary to assure all relevant facts are determined and documented.

(2) The Superintendent may receive investigative assistance from:

(a) the Attorney General's office;

(b) the Department of Human Resource Management;

(c) State Risk Management; and

(d) Board staff.

(3)(a) The Superintendent shall notify a claimant of the Superintendent's decision in writing within 30 days of receiving a complaint.

(b) If additional time is necessary to reasonably investigate a complaint, the Superintendent shall notify the claimant in writing of:

(i) the reasons for the delay; and

(ii) a date certain by which a decision will be provided.

(4) Unless the claimant files a request for reconsideration under Section R277-104-6, the decision of the Superintendent is the final agency action.

R277-104-6. Reconsideration.

(1) A claimant may file a request with the Superintendent to reconsider a decision under Subsection R277-104-5(3) within ten days of the date of the Superintendent's decision.

(2) A request for reconsideration under Subsection (1) shall outline any error alleged in the Superintendent's decision, which warrants reconsideration of the Superintendent's proposed action.

(3) Following a request for reconsideration, the Superintendent may conduct additional investigation, if warranted.

(4) The Superintendent shall issue a final decision in writing within 30 days of a request for reconsideration under Subsection (1), which action shall be the final agency action.

R277-104-7. Classification of Records.

(1) The investigative record of each complaint and all written records produced or received as part of such investigations, recommendations, or actions, shall be classified as protected under Section 63G-2-305, until the Superintendent's action is final.

(2) The Superintendent shall classify any portion of a record which pertain to an individual's medical condition as private, in accordance with Subsection 63G-2-302(1)(b), or controlled, in accordance with Section 63G-2-304.

(3) The final written decision of the Superintendent shall be public, subject to Title 63G, Chapter 2, Government Records Access and Management Act.

R277-104-8. Relationship to Other Laws.

(1) This rule does not prohibit or limit the use of remedies available to an individual under:

(a) Title 67, Chapter 19a, Grievance Procedures;

(b) 28 CFR, Subpart F, Complaint Procedures; or

(c) any other Utah state or federal law that provides equal or greater protection for the rights of individuals with disabilities.

KEY: complaints, disabled persons

Date of Last Change: May 23, 2023

Notice of Continuation: March 14, 2023

Authorizing, and Implemented or Interpreted Law: Article X, Section 3; 53E-3-401(4); 28 CFR 35.107

R277. Education, Administration.

R277-106. Utah Professional Practices Advisory Commission Appointment Process.

R277-106-1. 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; and

(c) Subsection 53E-6-503(1)(a), which directs the Board to adopt rules establishing procedures for nominating and appointing UPPAC members.

(2) The purpose of this rule is to establish nomination and appointment procedures for UPPAC members.

R277-106-2. Definitions.

(1) "Nomination application" means a form prepared by the Superintendent as described in Subsection R277-106-3(2).

(2) "Utah Professional Practices Advisory Commission" or "UPPAC" means an advisory commission established under Section 53E-6-501 to assist and advise the Board in matters relating to the professional practices of educators.

R277-106-3. UPPAC Nomination and Application Process.

(1) The UPPAC Executive Secretary shall notify school districts, charter schools, and education organizations in writing of openings on UPPAC for the upcoming term by May 1.

(2) The Superintendent shall develop a nomination application through which an applicant expresses interest in serving on UPPAC, which outlines the expectations and time commitment required of a UPPAC member.

(3) A nomination application must be signed by:

(a) the applicant;

(b) in the case of a licensed educator whose primary assignment is teaching or school level, the applicant's principal and superintendent or charter school director;

(c) in the case of a licensed educator whose assignment is as a principal or at the district level, the applicant's superintendent;

(d) in the case of a licensed educator whose assignment is as a district superintendent or charter school director, the applicant's local board or charter school governing board chair; and

(e) in the case of an education organization representative, an officer of the education organization as provided in Subsection 53E-6-502(1).

(4) An educator shall submit a statement of interest and resume or vita along with the nomination application.

(5) An applicant who is interested in serving on UPPAC shall submit a nomination application to the Superintendent by May 31.

R277-106-4. UPPAC Selection Process.

(1) The UPPAC Executive Secretary shall review all complete and properly filed applications and may make recommendations to the Superintendent prior to June 1.

(2) Prior to making the recommendations described in Subsection (1), the Executive Secretary may seek additional information to provide to the Superintendent about the experience and qualification of UPPAC applicants.

(3) Prior to making the recommendations described in Subsection (1), the Executive Secretary shall consider demographic diversity, including:

(i) rural and urban representation;

(ii) geographical balance;

(iii) elementary and secondary representation;

(iv) gender diversity;

(v) ethnic diversity;

(vi) specialized knowledge of an applicant; and

(vii) representation of LEA superintendents, principals, or charter school administrators.

(4) If a current UPPAC member desires to serve a second term, the member shall indicate the desire to serve an additional term in writing to the Superintendent prior to May 1 of the year in which the member's term expires.

(5) The application of a UPPAC member seeking reappointment shall be considered for recommendation at the same time that new appointments are considered.

(6) The Executive Secretary may retain nomination applications for consideration in the event of mid-term vacancies or for vacancies in subsequent years.

R277-106-5. Education Organization Member Appointments.

(1) The state organization or a local chapter of the education organization with the largest membership of parents of students and teachers in the state may nominate community members to serve on UPPAC.

(2) Community members may submit their names to the education organization described in Subsection 53E-6-502(1) for nomination by the organization.

(3) The two education organization members may not serve concurrent terms.

R277-106-6. Filling of Vacancies.

(1) The UPPAC Executive Secretary shall recommend names to the Superintendent to fill UPPAC vacancies that occur midyear.

(2) The UPPAC Executive Secretary may recommend names of previous applicants for UPPAC vacancies or names from school districts or charter schools or other groups or areas of the state that are under represented for midyear vacancies.

KEY: professional competency, professional practices

Date of Last Change: November 7, 2018

Notice of Continuation: September 9, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-503(1)(a); 53E-3-401(4)

R277. Education, Administration.

R277-107. Educational Services Outside of an Educator's Regular Employment.

R277-107-1. 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) Subsection 53E-3-401(4), which permits the Board to adopt rules to carry out its duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53E-3-512, which directs the Board to make rules that establish basic ethical conduct standards for employees who provide public education-related services or activities outside of their regular employment.

(1) The purpose of this rule is to provide direction and parameters for employees who provide or participate in public education-related services or activities outside of their regular public education employment.

(2) The Board recognizes that public school educators have expertise and training in various subjects and skills and should have the opportunity to enrich the community with their skills and expertise while still respecting the unique public trust that public educators have.

R277-107-2. Definitions.

(1) "Activity sponsor" means a private or public individual or entity that employs an employee in any program in which public school students participate.

(2) "Extracurricular activity" means an activity for students recognized or sanctioned by an LEA, which may supplement or complement, but is not part of, the LEA's required program or regular curriculum.

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

(4) "Public education employee" or "employee" means a person who is employed on a full-time, part-time, or contract basis by an LEA.

(5)(a) "Private, but public education-related activity" means any type of activity for which:

(i) a public education employee receives compensation; and

(ii) the principle clients are students at the school where the employee works.

(b) "Private, but public education-related activity" may include:

(i) tutoring;

(ii) lessons;

(iii) clinics;

(iv) camps; or

(v) travel opportunities.

R277-107-3. LEA Relationship to Activities Involving Educators.

(1) An LEA may sponsor extracurricular activities or opportunities for students.

(2) Extracurricular activities are subject to:

(a) school fee laws and rules, including the provisions of R277-407;

(b) fee waivers;

(c) procurement laws; and

(d) all other applicable laws and rules.

(3) An employee that participates in a private, but public education-related activity, is subject to the following requirements:

(a) An employee's participation in the activity shall be separate and distinguishable from the employee's public employment;

(b) An employee may not, in promoting private, but public education-related activity:

(a) contact students at a public school, except as permitted by this rule; or

(b) use education records, resources, or information obtained through the employee's public employment unless the records, resources, or information are readily available to the general public.

(4) An employee may not use school time to discuss, promote, or prepare for:

(a) a private activity; or

(b) a private, but public education-related activity.

(5) An employee may:

(a) offer private, but public education-related services, programs or activities to students provided that they are not advertised or promoted by the employee during school time;

(b) discuss a private, but public education-related activity with students or parents outside of the classroom and the regular school day;

(c) use student directories or online resources which are available to the general public; and

(d) use student or school publications in which commercial advertising is allowed, to advertise and promote the activity.

(6) An employee may not condition credit and participation in a public school program or activity on a student's participation in such activities as clinics, camps, private programs, or travel activities, which are not equally and freely available to all students.

(7) No employee may state or imply to any person that participation in a regular school activity or program is conditioned on participation in a private activity.

(8) No provision of this rule shall preclude a student from requesting or petitioning an LEA for approval of credit based on an extracurricular educational experience consistent with LEA policy.

R277-107-4. Advertising.

(1) An employee may purchase advertising space to advertise an activity or service in a publication, whether or not sponsored by the public schools, that accepts paid or community advertising.

(2) A paid advertisement in a school publication may identify the activity, participants, and leaders or service providers by name, provide non-school contact information, and provide details of the employee's employment experience and qualification.

(3) An employee may post or distribute posters or brochures in the same manner as could be done by a member of the general public, advertising private services, consistent with LEA policy.

(4) Unless an activity is sponsored by the LEA, a paid advertisement in a school publication shall state clearly and distinctly that the activity is NOT sponsored by the LEA.

(5) The name of an LEA may not be used in an advertisement unless the LEA's name relates to the employee's employment history or if school facilities have been rented for the activity.

(6) If the name of an employee offering a service or participating in an activity is stated in any advertisement sent to the employee's students, or is posted, distributed, or otherwise made available in the employee's school, the advertisement shall state that the activity is not school sponsored.

R277-107-5. Public Education Employees.

(1) A public education employee shall comply with Title 63G, Chapter 6a, Utah Procurement Code.

(2) A public education employee shall comply with Title 67, Chapter 16, Public Officers' and Employees' Ethics Act.

(3) Except as provided in Subsection (4), consistent with Section 63G-6a-2404 and Title 67, Chapter 16, Public Officers' and Employees' Ethics Act, a public education employee may not solicit or accept gifts, incentives, honoraria, or stipends from private sources:

(a) for the employee's personal or family use;

(b) in exchange for payment for advertising placed by the employee; or

(c) in exchange for payment for securing agreements, contracts or purchases between private company and public education employer, programs or teams.

(4) A public education employee may accept a gift, incentive, honoraria, or stipend from a private source if the gift, incentive, honoraria, or stipend is:

(a) of nominal value and is for birthdays, holidays, or teacher appreciation occasions; or

(b) a public award in recognition of public service; and

(c) consistent with school or LEA policies and the Utah Public Employees' Ethics Act.

(5) A public education employee who holds a Utah educator license may be subject to license discipline for violation of this Rule R277-107 and related provisions of Utah law.

R277-107-6. Public Education Employee/Sponsor Agreements or Contracts.

(1) An agreement between an employee and a sponsor of a private, but public education-related activity shall be signed by the employee and include the following acknowledgments:

(a) the parties understand that the activity is not sponsored by an LEA;

(b) the employee's responsibilities to the activity sponsor are outside the scope of and unrelated to any public duties or responsibilities the employee may have as a public education employee; and

(c) the employee agrees to comply with laws and rules of the state and policies regarding advertising and employee participation.

(2) An employee shall provide the LEA business administrator, superintendent, or charter school director with a signed copy of all contracts between the employee and a sponsor of a private, but public-education related activity.

(3) An LEA shall maintain a copy of a contract described in Subsection (2) in the employee's personnel file.

KEY: school personnel

Date of Last Change: March 14, 2023

Notice of Continuation: March 14, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-512; 53E-3-401(4)

R277. Education, Administration.

R277-108. Annual Assurance of Compliance by Local School Boards.

R277-108-1. Authority, Purpose, and Oversight Category.

(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; and

(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 and allows the Board to interrupt disbursements of state aid to any district which fails to comply with rules adopted in accordance with the law.

(2) The purpose of this rule is to provide local school boards with a checklist of laws requiring local school board action and a means of assuring that local boards are in compliance.

(3) This Rule R277-108 is categorized as Category 3 as described in Rule R277-111.

R277-108-2. Definitions.

"Assurance document" or "checklist" means the Annual Assurances of Compliance checklist incorporated by reference in Section R277-108-3.

R277-108-3. Incorporation of Annual Assurances of Compliance.

(1) This rule incorporates by reference the Local Education Agency (LEA) Compliance and Assurance Checklist for 2024-2025 School Year, which lists the required state and federal compliance information for identified programs and funds, including:

(a) Board Rule;

(b) State statute;

(c) Federal Code of Regulations; and

(d) Federal Law.

(2) A copy of the current Annual Assurances of Compliance List is located at:

(a) https://schools.utah.gov/administrativerules/documentsincorporated; and

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111.

R277-108-4. Assurance Document Creation and Availability.

(1) The Superintendent shall provide a checklist of laws and State Board of Education Administrative Rules which require action or compliance by June 1 of each year to school district superintendents, the superintendent for the Utah School for the Deaf and the Blind and charter school directors.

(2) The checklist described in Subsection (1) shall be approved by the Board and shall identify laws and rules along with required compliance dates and reporting forms, if different or necessary than or in addition to the annual assurance document.

(3) The Superintendent shall consolidate all required reporting and compliance forms and provide for electronic reporting, to the extent possible and ensure the assurance document is available publicly.

R277-108-5. Process, Procedures, and Penalties.

(1) An LEA shall submit the required annual responses to the assurance document and other compliance forms on or before dates identified by the Board.

(2) An LEA's assurance document shall contain a signed attestation by the appropriate authority attesting to the accuracy and validity of all responses and assurances provided by an LEA.

(3) If an LEA cannot provide required assurances, compliance information or forms by required dates, an LEA shall provide to the Superintendent a written explanation of the LEA's inability and provide an anticipated submission date.

(4) An LEA's request for additional time to provide the assurance shall be reviewed by the Superintendent and accepted or rejected in a timely manner.

(5) The Superintendent shall request a written explanation from an LEA and identified schools that fail to meet the reporting and compliance deadlines and that have not provided an explanation and request for a delayed submission date.

(6) Following an opportunity to provide explanations and request a delayed submission date, an LEA and identified schools shall be notified of penalties assessed by the Board against the LEA in accordance with Rule R277-114, state law, or federal law.

R277-108-6. Reporting Deadlines.

Responses for the assurance document from an LEA are due to the Superintendent no later than July 1 of each year.

R277-108-7. Record Retention.

Responses to the assurance document, as required by the Board, shall be kept on file by the Superintendent for five years, together with letters of explanation and documentation of penalties, as directed by the Board.

KEY: local school boards, compliance, assurances

Date of Last Change: June 7, 2024

Notice of Continuation: December 13, 2022

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

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 Boards 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

Date of Last Change: November 7, 2016

Notice of Continuation: September 9, 2021

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

R277. Education, Administration.

R277-110. Educator Salary Adjustment.

R277-110-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Subsection 53F-2-405(5), which authorizes the Board to make rules to administer the educator salary adjustment program.

(2) The purpose of this rule is to outline a consistent method for enacting educator salary adjustments in accordance with Section 53F-2-405.

(3) This Rule R277-110 is categorized as Category 2 as described in Rule R277-111.

R277-110-2. Definitions.

(1) "Educator" has the same meaning as defined in Subsection 53F-2-405(1).

(2) "Educator Salary Adjustment" or "Adjustment" means funds allocated by the Board to an LEA in accordance with Subsection 53F-2-405(3).

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

(4) "USIMS" has the same meaning as defined in Subsection R277-312-2(6).

R277-110-3. Procedures.

(1) An LEA shall:

(a)(i) have employee evaluation procedures consistent with Title 53G, Chapter 11, Part 5, School District and Utah Schools for the Deaf and the Blind Employee Requirements; or

(ii) if an LEA is exempt from the requirements of Subsection (1)(a)(i), have employee evaluation procedures in place to receive funds under Section 53F-2-405;

(b) put the adjustment appropriation into the LEA's salary schedule each year that funds are appropriated by the Legislature;

(c) ensure the amount of the adjustment is the same for each eligible full-time-equivalent educator position in the LEA;

(d) ensure that each eligible employee who is not a full-time educator receives a proportional salary adjustment based on the number of hours the employee works in the employee's current assignment as an educator; and

(e) ensure that each educator who receives an adjustment has not received an unsatisfactory rating on the educator's three most recent evaluations as described in Subsection 53F-2-405(4)(c).

(2) Notwithstanding Subsection (1)(e), an LEA may grant an adjustment to a new hire who has successfully completed the position hiring process and been selected for an educator position.

(3) Once an educator qualifies for an adjustment in a designated school year, the adjustment becomes an ongoing part of the educator's salary.

(4)(a) Beginning July 1, 2023, an educator shall receive at least the amount described in Subsection 53F-2-405(4)(a) for the educator salary adjustment.

(b) Beginning July 1, 2024, an educator shall receive an annual adjustment of an amount equal to the amount described in Subsection 53F-2-405(4)(d) based upon legislative funding allocations.

(c) The Superintendent shall distribute funds to LEAs for the educator salary adjustment based on LEA educator data submitted by October 15.

(d) An LEA may be required to provide funding to meet benefit costs for educators under this program.

(5) A school building level administrator shall receive an annual adjustment of $2,500 and benefits as provided in Subsection 53F-2-405(7).

(6) Each LEA shall annually note on the appropriate salary schedule:

(a) the amount of the educator salary adjustment;

(b) the positions qualifying for the adjustment; and

(c) performance rating requirements in accordance with Subsection 53F-2-405(4)(c).

(7) Each LEA shall annually maintain record of performance ratings for an educator receiving an adjustment in accordance with this rule.

(8)(a) The Superintendent shall remit to LEAs an estimated educator salary adjustment allotment through monthly bank transfers and allotment memos beginning in July of each year.

(b) The Superintendent shall adjust the allotment amount in November of each year to match the number of qualified educators in CACTUS or USIMS.

(9) An adjustment to CACTUS or USIMS made after October 13 may not count toward an LEA's amount for educator salary adjustments until the following year.

(10) An LEA may not include educator salary adjustments when calculating the weighted average compensation adjustment for non-administrative licensed staff.

(11) For purposes of ensuring that an LEA may not reduce or artificially limit an educator's salary to convert the salary supplement in this section into a windfall to the LEA as required in Section 53F-2-405 an LEA shall:

(a) increase the total wage compensation of each educator, including salary and stipends, by at least $4,200, from the educator's compensation in fiscal year 2022-23; and

(b) appropriately code educator salary and payroll provided through the educator salary adjustment to the educator salary adjustment program code in accordance with Rule R277-113 and the LEA's program accounting policy.

KEY: educators, salary adjustments

Date of Last Change: October 8, 2024

Notice of Continuation: April 15, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-405(5)

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

R277. Education, Administration.

R277-113. LEA Fiscal and Auditing Policies.

R277-113-1. Authority, Purpose, and Oversight Category.

(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) Subsection 53E-3-501(1)(e)(i), which directs the Board to establish rules and minimum standards for school productivity and cost effectiveness measures;

(d) Subsection 53E-3-501(1)(e)(iv), which allows the Board to adopt rules regarding financial, statistical, and student accounting requirements;

(e) Section 53E-3-602, which allows the Board to approve auditing standards for LEA governing boards;

(f) Section 53E-3-603, which requires the Board to verify accounting procedures of LEA governing boards for determining the allocation of Uniform School Funds;

(g) Section 53E-5-202, which directs the Board to adopt rules to implement a statewide accountability system;

(h) Subsection 53G-5-404(4), which requires charter schools to make the same annual reports required of other public schools, including an annual financial audit report;

(i) Subsection 53F-2-209(2), which requires the Board to make rules for flexible use of restricted funds; and

(j) ESSA, which requires states to revise and redesign school accountability systems.

(2) The purpose of this rule is to:

(a) require LEAs to formally adopt and implement policies regarding the management and use of public funds;

(b) provide minimum standards, procedures, and definitions for LEA policies;

(c) direct that LEAs make policies, procedures, and training materials available to the public and readily accessible on LEA or public school websites, to the extent of resources available;

(d) require LEAs to train employees in:

(i) appropriate financial practices;

(ii) necessary accounting procedures; and

(iii) ethical financial practices;

(e) specify uniform budgeting, accounting, and auditing procedures for LEAs consistent with GAAP, GAAS, and GAGAS; and

(f) establish reporting and accounting requirements for LEAs to enable the Board to comply with ESSA.

(3) This Rule R277-113 is categorized as Category 3 as described in Rule R277-111.

R277-113-2. Definitions.

(1) "Administration" means:

(a) an LEA superintendent or director;

(b) a deputy or associate superintendent or director;

(c) a business administrator or manager; or

(d) another LEA educational administrator, designated staff, or a designated educational service provider.

(2) "Arm's length transaction" means a transaction between two unrelated, independent, and unaffiliated parties or a transaction between two parties acting in their own self interest that is conducted as if the parties were strangers so that no conflict of interest exists.

(3) "Cash" or "cash receipts" means cash, checks, credit cards, electronic payments via a website or a mobile payment application, or other items used for payment.

(4) "Exclusive contract or arrangement" means an agreement requiring a buyer to purchase or exchange needed goods or services from one seller.

(5) "GAAP" means Generally Accepted Accounting Principles or a common framework of accounting rules and standards for financial reporting promulgated by GASB.

(6) "GAAS" means Generally Accepted Auditing Standards or a set of auditing standards and guidelines promulgated by the Auditing Standards Board of the American Institute of Certified Public Accountants.

(7) "GAGAS" means Generally Accepted Government Auditing Standards or a set of auditing standards and guidelines promulgated by the Government Accountability Office.

(8) "GASB" means the Governmental Accounting Standards Board whose purpose is to establish GAAP for state and local governments within the United States.

(9) "Internal controls" means a process, implemented by an entity's governing body, administration, or other personnel, designed to:

(a) provide reasonable assurance regarding the achievement of objectives in the following categories:

(i) effectiveness and efficiency of operations;

(ii) reliability of reporting for internal and external use; and

(iii) compliance with applicable laws and regulations;

(b) provide reasonable assurance regarding the achievement of the following objectives over state and federal awards:

(i) proper recording and accounting for transactions, to:

(A) permit the preparation of reliable financial statements and state and federal reports;

(B) maintain accountability over assets; and

(C) demonstrate compliance with state and federal statutes, regulations, and the terms and conditions of state and federal awards; and

(ii) execution of transactions in compliance with:

(A) state and federal statutes and regulations; and

(B) the terms and conditions of state or federal awards; and

(c) safeguard funds, property, and other against loss from unauthorized use or disposition.

(10) "Non-operating LEA" means an LEA that has not received minimum school program funds or federal funds and is not providing educational services during a fiscal year, such as an LEA in a start-up period.

(11) "N-size" means the minimum size necessary to disclose or display data to ensure maximum student group visibility while protecting student privacy.

(12) "Operating LEA" means an LEA that has received state minimum school program funds or federal funds and is providing educational services during a fiscal year.

(13)(a) "Provided, sponsored, or supported by a school" has the same meaning as defined in Section R277-407-2.

(b) "Provided, sponsored, or supported by a school" does not apply to non-curricular clubs specifically authorized and meeting the requirements of Sections 53G-7-704 through 53G-7-707.

(14) "Public funds" has the same meaning as that terms is defined in Subsection 51-7-3(26).

(15) "Title IX" refers to that portion of the United States Education Amendments of 1972 codified as 20 U.S.C. 1681 through 20 U.S.C. 1688.

(16) "Utah Public Officers' and Employees' Ethics Act," means Title 67, Chapter 16, which provides standards of conduct for officers and employees of the state of Utah and its political subdivisions in areas where there are actual or potential conflicts of interest between public duties and private interests.

R277-113-3. Superintendent Responsibilities.

(1) The Superintendent shall provide training, informational materials, and model policies for use by LEAs in developing LEA and public school-specific financial policies.

(2) The Superintendent shall provide online training and resources for LEAs regarding the use and management of public funds and ethical practices for licensed Utah educators who manage, control, participate in fundraising, or expend public funds.

(3) The Superintendent shall provide training and informational materials for use by LEA governing boards in establishing their audit committees and internal audit programs in compliance with Section 53G-7-402.

(4) The Superintendent shall provide and establish a cycle for state review of LEA fiscal policies and standards.

(5) The Superintendent shall work with and provide information upon request to the Utah State Auditor's Office, the Legislative Fiscal Auditors, and other state agencies with the right to information from the Board.

R277-113-4. LEA Audit Responsibilities.

(1) The presiding officer of an LEA governing board shall ensure that the members of the governing board and audit committee are provided with training on the requirements of Title 53G, Chapter 7, Part 4, Internal Audits, and this Section R277-113-4 as part of the member on-boarding process.

(2) The training described in Subsection (1) shall:

(a) comply with Title 63G, Chapter 22, State Training and Certification Requirements; and

(b) use the online training and informational materials provided by the Superintendent in accordance with Subsection R277-113-3(3).

(3) An LEA governing board shall:

(a) designate board members to serve on an audit committee, consistent with Subsection 53G-7-401(1); and

(b) maintain the following information on the LEA's website:

(i) names of the governing board members who serve on the audit committee; and

(ii) if required by Subsection 53G-7-402(2);

(A) the name and contact information of the internal audit director; and

(B) a copy of the LEA's annual audit plan.

(4) An LEA audit committee shall:

(a) ensure the LEA obtains all audits, agreed-upon procedures, engagements, and financial reports required by Section 51-2a-201 and Subsection 53G-5-404(4);

(b) provide an independent forum for internal auditors, internal audit contractors, and other regulatory bodies to report findings of fraud, waste, abuse, non-compliance, or control weaknesses, particularly if LEA administration is involved;

(c) ensure that corrective action on findings, concerns, issues and exceptions reported by independent external auditors, internal auditors, or other regulatory bodies are resolved in a timely manner by LEA administration;

(d) present, as appropriate, information and reports from the audit committee's meetings to the LEA board; and

(e) receive, as appropriate, reports of reviews, monitoring, or investigations conducted by LEA administration and ensure appropriate corrective action is taken in a timely manner.

(5) With regards to engagements completed by an independent external auditor, an LEA audit committee shall:

(a) manage the audit procurement and quality process in compliance with Title 63G, Chapter 6a, State Procurement Code and Rule R123-5;

(b) ensure that the independent external auditor has access to directly communicate with the audit committee;

(c) review disagreements between independent external auditors and LEA administration;

(d) consider LEA responses to audits or agreed-upon procedures; and

(e) determine the scope and objectives of other non-audit services, as necessary.

(6) An LEA audit committee shall if required by Section 53G-7-402:

(a) establish an internal audit program that provides internal audit services for the programs administered by the LEA;

(b) advise the LEA board in the appointment of an audit director or in contracting for internal audit services in accordance with Subsection 53G-7-402(3);

(c) conduct or advise the LEA board in an annual evaluation of the internal audit director or contractors providing internal audit services;

(d) prioritize the internal audit plan based on risk;

(e) receive regular updates on the internal audit plan and internal audit project progress; and

(f) receive final internal audit reports from internal auditors or contractors providing internal audit services.

R277-113-5. LEA Fiscal Responsibilities and Required Fiscal Policies.

(1) An LEA shall review the LEA's fiscal policies and procedures regularly.

(2) An LEA shall develop a plan for annual training of LEA and public school employees on policies and procedures enacted by the LEA specific to job function.

(3) LEA fiscal policies and procedures shall be available at each LEA main office, at individual public schools, and be publicly available on the LEA's website.

(4) LEA fiscal policies, procedures, and training may have different components, specificity, and levels of complexity for public elementary and secondary schools.

(5) An LEA may have one or more policies to satisfy the minimum requirements of this Rule R277-113.

(6) An LEA fiscal policy may reference specific training manuals or other resources that provide detailed descriptions of business practices which are too lengthy or detailed to include in the LEA policy.

(7) A public education foundation established by an LEA shall follow the requirements set forth in Section 53E-3-403.

(8)(a) An LEA shall ensure that the LEA's written fiscal policies and procedures address applicable state and federal statutes and regulations.

(b) The requirements set forth in this Section R277-113-5 are minimum requirements.

(c) An LEA may include other related items, provide LEA specific policy and guidance, and set polices that are more restrictive and inclusive than the minimum provisions established by Board rule.

(9) LEA fiscal policies shall include the following:

(a) a program accounting policy that establishes internal controls and procedures to record program revenues and expenditures in accordance with:

(i) GAAP; and

(ii) the school fee provisions in Section R277-407-12;

(b) a program accounting policy that:

(i) accurately reflects the use of funds for allowable costs and activities;

(ii) requires that transactions be recorded when they occur;

(iii) allows adjusting journal entries during the year and at the end of the year, in accordance with GAAP; and

(iv) requires that initial transactions, and adjusting entries if applicable, be recorded in the proper program, utilizing the following codes as established by the Board approved chart of accounts:

(A) fund;

(B) function;

(C) program;

(D) location; and

(E) object or revenue code, as applicable;

(c) a cash handling policy, which shall address cash receipts, including cash, checks, credit cards, electronic payments via a website or a mobile payment application, and other items used for payment, collected at the LEA and individual public schools and shall include:

(i) establishment of internal controls and procedures over the collection, deposit, and reconciliation of cash receipts received; and

(ii) compliance with Subsection 51-4-2(2) regarding deposits.

(d) an expenditure policy, which shall address expenditures made by the LEA and individual public schools and shall include:

(i) establishment of internal controls and procedures over the initiation, approval and monitoring of expenditures, including:

(A) credit, debit, or purchase card transactions;

(B) employee reimbursements;

(C) travel; and

(D) payroll;

(ii) directives regarding the appropriate use of the LEA's tax exempt status number;

(iii) compliance with Section 63G-6a-1204 regarding length of multi-year contracts;

(iv) compliance with:

(A) Title 63G, Chapter 6a, Utah Procurement Code;

(B) Board rule regarding construction and improvements; and

(C) federal Title IX requirements, found in 20 U.S.C. 1681, et seq.;

(v) requirements for LEA contracts, including:

(A) inclusion of specific scope of work language;

(B) inclusion of federal requirements;

(C) inclusion of language regarding data privacy and use, where appropriate; and

(D) legal review before LEA approval; and

(vi) procedures and documentation maintained by the LEA if the LEA chooses to enter into exclusive contracts or arrangements consistent with state procurement law and the LEA procurement policy; and

(vii) procedures for determining allowability of costs in accordance with relevant regulations and terms and conditions of awards;

(e) a fundraising policy that:

(i) establishes procedures for LEA and public school fundraising in general;

(ii) establishes an approval process for fundraising activities for school sponsored activities;

(iii) provides for compliance with the requirements of Rule R277-408; and

(iv) includes:

(A) specific designation of employees by title or job description who are authorized to approve fundraising and school sponsored fundraising activities;

(B) establishment of internal controls and procedures over the approval of fundraising and school sponsored activities and compliance with associated cash handling and expenditure policies;

(C) directives regarding the appropriate use of the LEA's tax exempt status number and issuance of charitable donation written disclosure in accordance with IRS regulations;

(D) procedures governing LEA or public school employee interaction with parents, donors, and organizations doing fundraisers not provided, supported, or sponsored, by a school or LEA;

(E) disclosure requirements for LEA and public school employees approving, managing, or overseeing fundraising activities, who also have a financial or controlling interest or access to bank accounts in the fundraising organization or company;

(F) provisions establishing compliance with:

(I) Utah Constitution, Article X, Section 2, establishing a free public education system;

(II) Rule R277-408; and

(III) federal Title IX requirements, found in 20 U.S.C. 1681, et seq.

(v) may include procedures governing:

(A) student participation and incentives offered to students;

(B) allowable types of individual or group fundraising activities; and

(C) participation in school sponsored activities by volunteer or outside organizations;

(f) an LEA donation and gift policy that includes:

(i) an acceptance and approval process for:

(A) monetary donations;

(B) donations and gifts with donor restrictions;

(C) donations of gifts, goods, materials, or equipment; and

(D) donation of funds or items designated for construction or improvements of facilities;

(ii) establishment of internal controls and procedures over the acceptance and approval of donations and gifts and compliance with associated cash handling and expenditure policies;

(iii) directives regarding the appropriate use of the LEA's tax exempt status number, and issuance of charitable donation written disclosure in accordance with IRS regulations;

(iv) procedures regarding the objective valuation of donations or gifts if advertising or other services are offered to the donor in exchange for a donation or gift;

(v) procedures governing LEA or public school employee conduct with parents, donors, and nonschool sponsored organizations;

(vi) procedures establishing provisions for direct donations or gifts to the LEA or LEA programs, individual public school or public school programs;

(vii) provisions restricting donations from being directed at specific LEA employees, individual students, vendors, or brand name goods or services;

(viii) compliance with:

(A) Title 63G, Chapter 6a, Utah Procurement Code;

(B) state law and Board rule regarding construction and improvements;

(C) IRS regulations and tax deductible directives; and

(D) Title IX;

(ix) procedures for:

(A) accepting donations and gifts through an LEA's legally organized foundation, if applicable;

(B) recognition of donors; or

(C) granting naming rights; and

(g) an LEA Financial Reporting policy, which shall include the following:

(i) a requirement that the LEA shall ensure external audits of LEA financial reporting, compliance, and performance, in accordance with GAAS and GAGAS;

(ii)(A) a requirement that the LEA shall provide financial reporting in a manner consistent with the basis of accounting as required by GAAP, as applicable to the entity; and

(B) a requirement that the basis of accounting will be GASB; and

(iii) a requirement that the LEA shall provide data and information consistent with budgeting, accounting, including the uniform chart of accounts for LEAs, and auditing standards for Utah LEAs provided online annually by the Superintendent.

(10) The Superintendent shall maintain a School Finance website with applicable Utah statutes, Board rules, and uniform rules for:

(a) budgeting;

(b) financial accounting, including a chart of accounts required for an LEA;

(c) student membership and attendance accounting;

(d) indirect costs and proration;

(e) financial audits;

(f) statistical audits; and

(g) compliance and performance audits.

R277-113-6. LEA Governing Board Fiscal Responsibilities.

An LEA governing board shall have the following responsibilities:

(1) approve written fiscal policies and procedures required by Section R277-113-5;

(2) ensure, considering guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States or the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission, that LEA administration establish, document, and maintain an effective internal control system for the LEA;

(3) develop a process to regularly discuss and review LEA:

(a) budget and financial reporting practices;

(b) financial statements and annual financial and program reports;

(c) financial position;

(d) expenditure of restricted funds to ensure administration is complying with applicable laws, regulations, and award terms and conditions; and

(e) systems and software applications for compliance with financial and student privacy laws;

(4) receive the results of required annual audits from the external auditor in accordance with Section R123-5-5;

(5) oversee procurement processes in compliance with Title 63G, Chapter 6a, Utah Procurement Code, and Rule R277-115, including:

(a) reviewing the scope and objectives of LEA contracts or subawards with entities that provide business or educational services; and

(b) receiving reports regarding the compliance and performance of entities with contracts or subawards;

(6) ensure the procurement process for an external auditor is in compliance with Section R123-5-4; and

(7) ensure LEA administration implements sufficient internal controls over the functions of entities with contracts or subawards to perform services on behalf of the LEA.

R277-113-7. Reporting of School Level Expenditures.

(1) In accordance with ESSA, the Superintendent shall make public the per pupil expenditures of federal, state, and local funds, for each LEA and each school in the state.

(a) The Superintendent shall exclude expenditures that:

(i) are non-current;

(ii) do not reflect the day-to-day operations of an LEA or school;

(iii) do not contribute to k-12 education; or

(iv) are significant, unique expenditures that may skew data in certain years and thwart year-to-year comparison.

(b) The Superintendent shall publish and make available a comprehensive list of expenditures that are excluded from per pupil expenditure information.

(2) The Superintendent's school level report for each school shall include:

(a) average daily membership for the fiscal year covered by the report;

(b) an indicator if the school is:

(i) a Title I School; or

(ii) a Necessarily Existent Small School;

(c) grade levels served by each school;

(d) student demographics;

(e) expenditures recorded at the school level and central expenditures allocated to each school by:

(i) federal program expenditures; and

(ii) state and local combined expenditures;

(f) calculated per pupil expenditures; and

(g) average teacher salary.

(3) The Superintendent may not report expenditure data for a school with an n-size of less than 10.

R277-113-8. LEA Accounting Requirements.

(1) Each LEA shall:

(a) record revenues and expenditures in compliance with the Board approved chart of accounts;

(b) record expenditures using school location codes that can be mapped to official school location codes used in the Board system of record;

(c) record expenditures using approved district and school codes in the Board system of record;

(d) submit expenditures using location codes in the Utah Public Education Financial System;

(e) perform program accounting in accordance with GAAP and this rule; and

(f) ensure that fee and fee waiver accounting aligns with GASB34.

(2) Each LEA shall record and report the following expenditures for each school annually:

(a) salaries;

(b) benefits;

(c) supplies;

(d) contracted services; and

(e) equipment.

(3) If an LEA pays for contracted services that occur at the school level, the LEA shall record the payments to the contractors in the appropriate function and object codes established under Subsection (2) at the school level.

(4)(a) An LEA shall record centralized administrative costs to the administrative location code.

(b) The Superintendent shall allocate such costs to each school based on school enrollment.

(5) The Superintendent shall present one expenditure report for a school receiving more than one report card under Subsection R277-497-4(8).

(6) If an LEA reports expenditures in programs, the LEA shall report the expenditures to one or more schools.

(7) Each LEA shall request reimbursement for federal programs no less than semi-annually as funds are available.

(8) Each LEA shall submit an intent to fully expend or waive a federal award nine months before the end of the federal program grant award period.

R277-113-9. Activities Provided, Sponsored, or Supported by a School.

(1) An LEA or school shall comply with this Section R277-113-9 for all activities provided, sponsored, or supported by a school.

(2) An LEA shall ensure that revenues raised from or during activities provided, sponsored, or supported by a school are classified, recorded, and deposited as public funds in compliance with LEA cash handling, program accounting, and expenditure of funds policies as required by Section R277-113-5.

(3) An LEA shall:

(a) maintain records in sufficient detail to:

(i) track individual contributions and expenditures;

(ii) track overall financial outcomes; and

(iii) verify compliance with relevant regulations; and

(b) make records of activities available to parents, students, and donors, except as restricted by state or federal law;

(4) An LEA may establish LEA specific rules or policies:

(a) designating categories of activities or groups as provided, sponsored, or supported by the school; and

(b) regarding use of facilities or LEA resources.

(5) An LEA shall document their annual review of fundraising activities that support or subsidize LEA or public school-authorized clubs, activities, sports, classes, or programs to determine if the activities are provided, sponsored, or supported by a school.

(6)(a) An LEA may enter into contractual agreements to allow for fundraising and use of LEA facilities.

(b) An agreement under Subsection (6)(a) shall take into consideration the LEA's fiduciary responsibility for the management and use of public funds, resources, and assets.

(c) An LEA shall review an agreement under Subsection (6)(a) with the LEA's insurer or legal counsel to consider risk to the LEA.

(7) An LEA shall comply with this Subsection (7) for any activity not provided, sponsored, or supported by a school:

(a) an LEA shall conduct transactions at arm's length;

(b) an LEA may not co-mingle revenue and expenditures with public funds; and

(c) a public school employee may only provide educational services outside of the employee's regular employment consistent with Rule R277-107.

R277-113-10. LEA Policies and Compliance with State and Federal Law.

(1) An LEA is responsible to ensure that its policies comply with the following:

(a) Utah Constitution Article X, Section 3;

(b) Title 63G, Chapter 6a, Utah Procurement Code;

(c) Title 51, Chapter 4, Deposit of Funds Due State;

(d) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;

(e) Family Educational Rights and Privacy Act, 20 U.S.C. 1232g;

(f) Title 63G, Chapter 2, Government Records Access and Management Act;

(g) Title 53G, Chapter 7, Part 5, Student Fees;

(h) Title 53G, Chapter 7, Part 6, Textbook Fees;

(i) Section 53E-3-403, Establishment of Public Education Foundations;

(j) Title 53G, Chapter 7, Part 7, Student Clubs Act;

(k) Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;

(l) Additional state legal compliance guides for operating LEAs and non-operating LEAs as published by the office of the state Auditor;

(m) Subsection 51-7-3(26), Definition of Public Funds;

(n) Title 53G, Chapter 7, Part 4, Internal Audits;

(o) Rule R277-407, School Fees;

(p) Rule R277-107, Educational Services Outside of Educator's Regular Employment;

(q) Rule R277-217, Utah Educator Standards;

(r) Rule R277-605, Coaching Standards and Athletic Clinics;

(s) Rule R123-5, Audit Requirements for Audits of Political Subdivisions and Governmental Nonprofit Corporations; and

(t) 2 CFR. 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2020).

(2) An LEA shall include the following requirements of Title IX in LEA policies:

(a) Fundraising shall equitably benefit males and females;

(b) Males and females shall have reasonably equal access to facilities, fields, and equipment;

(c) School sponsored activities shall be reasonably equal for males and females.

R277-113-11. LEA Recordkeeping for Flexible Use of Restricted Funds.

(1) An LEA may reallocate funds for flexible uses as described in Section 53F-2-209.

(2) An LEA that makes flexible adjustments as described in Subsection (1) shall report accounting transactions and adjust entries utilizing the Board approved chart of accounts, including:

(a) a dedicated program code;

(b) dedicated other financing codes for program transfers of state restricted funds; and

(c) expenditure details, if applicable.

(3) An LEA that makes flexible adjustments under this section shall ensure that the LEA continues to meet:

(a) federal maintenance of effort requirements; and

(b) other state or federal requirements on restricted funding, including requirements for program-specific effort, matching, and equity.

(4) The Superintendent shall publish online a list of eligible state restricted programs meeting requirements of Section 53F-2-209 no later than May 30 of each year.

R277-113-12. Applicability to the Utah Schools for the Deaf and the Blind.

The Utah Schools for the Deaf and the Blind shall comply with:

(1) Subsection R277-113-5(9)(f);

(2) Section R277-113-9;

(3) Section R277-113-10; and

(4) Section R277-113-11.

KEY: school sponsored activities, public funds, fiscal policies and procedures, audit committee

Date of Last Change: July 8, 2025

Notice of Continuation: September 9, 2021

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401(4); 53E-3-501(1)(e)

R277. Education, Administration.

R277-114. Response to Compliance and Related Issues.

R277-114-1. 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) 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) Subsection 53E-3-401(8), which allows the Board to make rules setting forth the procedures to be followed for enforcing Board rules;

(d) 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

(e) 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 the rule is to provide procedures for responses to compliance and related issues, including corrective action and related appeals procedures.

R277-114-2. Definitions.

(1) "Framework" means the Board Oversight Framework established in Rule R277-111.

(2) "Oversight entity" means the same as that term is defined in Rule R277-111.

(3) "Program or set of requirements" means the same as that term is defined in Rule R277-111.

R277-114-3. Use of Framework for Compliance and Related Issues.

(1)(a) Except as provided in Subsection (1)(b), for an alleged compliance issue regarding a program or set of requirements in framework category one or two, the

Superintendent shall refer reports and complaints back to the oversight entity for resolution.

(b) The Superintendent may work informally with an oversight entity to resolve an alleged compliance issue arising under a program or set of requirements in framework category one or two, including discussing whether:

(i) the oversight entity had adequate time to comply; or

(ii) the oversight entity needs additional training.

(2) For a compliance issue arising under a program or set of requirements in framework category three or four, the Superintendent shall pursue formal corrective action:

(a) as described in Section R277-114-4 or R277-114-5; and

(b) in accordance with a state law, administrative rule, or a contract associated with the program or set of requirements.

(3)(a) In response to an alleged compliance issue regarding a program or set of requirements, Board leadership may work informally with the oversight entity toward resolving the issue, which efforts may include:

(i) for an issue regarding an LEA, meeting with the chair of the LEA's governing board, the LEA's superintendent, or charter director; or

(ii) considering whether training or additional time will allow the oversight entity to resolve the issue.

(b) Before Board leadership works informally with an oversight entity as described in Subsection (3)(a), Board leadership shall notify the Board member or members who represent the area where the oversight entity is located.

(c)(i) For an alleged compliance issue regarding a program or set of requirements uncategorized or in framework category one or two, the Board's audit committee may determine an appropriate method to investigate the alleged compliance issue, including requesting the Board's internal audit function to investigate the alleged issue in accordance with Rule R277-116.

(ii) If the Board's audit committee directs an investigation as described in Subsection (3)(c)(i), the entity conducting the investigation shall notify the oversight entity that the investigation will review an alleged compliance issue in accordance with this section.

(d) Based on the results of an investigation described in Subsection (3)(c), the Board may:

(i) take no further action;

(ii) resolve the issue informally;

(iii) direct the Superintendent to pursue corrective action as described in Section R277-114-4 or R277-114-5; or

(iv) take other action.

R277-114-4. Corrective Action for Contract Requirements.

For corrective action related to a program or set of requirements established or culminating in a contract between the Board and an oversight entity, the Superintendent shall take corrective action in accordance with the provisions of the contract.

R277-114-5. Corrective Action for Non-Contractual Requirements.

(1) For corrective action related to a program or set of requirements not established in contract, the Superintendent may take corrective action as described in this section.

(2)(a) In taking corrective action under this section, the Superintendent shall act in accordance with state and federal law applicable to the program or set of requirements.

(b) Before the Superintendent places an oversight entity on a corrective action plan as described in Subsection (3), the Superintendent shall:

(i) provide written notice of initiating the process 30 days before the day on which the corrective action plan is finalized; and

(ii) during the 30 days, discuss with the LEA's superintendent, charter director or the oversight entity's primary contact the nature of the issue and try to resolve the issue informally, including discussing whether:

(A) the oversight entity has adequate time to comply; or

(B) the oversight entity needs additional training.

(c) If the corrective action plan is due to an oversight entity's failure to provide information, the notice described in Subsection (2)(b)(i) shall include a statement confirming that the information is not available elsewhere.

(3) The Superintendent may place an oversight entity on a corrective action plan if the Board, the Superintendent, or an external or internal audit determines that the oversight entity:

(a) demonstrates non-compliance with published expectations for program outcomes or allowable program expenditures;

(b) demonstrates unsatisfactory outcomes in performance as evidenced by audit results or framework category three or four monitoring;

(c) demonstrates financial fraud, waste, or abuse; or

(d) did not comply with a request to provide timely, accurate and complete program or financial information, in accordance with oversight procedures.

(4) A corrective action plan shall contain the following elements:

(a) the background information that led to corrective action;

(b) each identified issue, including the reasons for the corrective action plan as described in Subsection (3);

(c) details of the identified issue, based on evidence gathered, including dates;

(d) the specific conditions the oversight entity must meet as a result of the issues;

(e) steps required to satisfy the corrective action plan and estimated time frame for completing the steps;

(f) a procedure for communication during the course of the corrective action, including:

(i) designation of a primary contact at the oversight entity;

(ii) a schedule for the frequency of updates provided by the contact;

(iii) the format of required updates; and

(iv) the designated recipient of the updates;

(g) a procedure to close the corrective action, including:

(i) designation of an individual authorized to close the corrective action;

(ii) the criteria for closing the corrective action;

(iii) an estimated schedule for closing the corrective action; and

(iv) how the authorized individual will communicate closure to the oversight entity; and

(h) notice of the option for appeal as described in Section R277-114-6.

(5) In creating a corrective action plan, the Superintendent shall emphasize providing technical support to assist the oversight entity to achieve compliance and performance.

(6) The specific conditions described in Subsection (4)(b) may include:

(a) requiring the oversight entity to obtain technical or management support, including program assistance such as mentoring;

(b) requiring the oversight entity to receive payment as a reimbursement instead of advance payment;

(c) requiring evidence of acceptable performance within a given period before the oversight entity may proceed to the next corrective action step;

(d) requiring more frequent or more intensive monitoring than what is required from the related program or set of requirements;

(e) requiring additional or more detailed financial or compliance reports; or

(f) establishing additional prior approvals.

(7) The Superintendent may also include in a corrective action plan a provision and timeline for:

(a) training for the oversight entity's staff;

(b) a referral for risk-based monitoring, for a program or set of requirements that does not already perform risk-based monitoring;

(c) a referral for an audit or other agreed-upon procedure by:

(i) an external auditor; or

(ii) the Board's internal audit section, with approval of the Board's Audit Committee;

(d) periodic meetings between an oversight entity administrator or governing board member and the Superintendent or a Deputy Superintendent; and

(e) a planned appearance before the Board or a Board committee to provide status updates

(8) For an oversight entity that is a charter school the Superintendent shall:

(a) consult with the charter authorizer in the creation of the corrective action plan; and

(b) report regularly to the charter authorizer about the status of the oversight entity.

(9) The Superintendent may implement escalating restrictive conditions in a corrective action plan based on:

(a) the severity of the violation as determined by the program's monitoring plan or process; or

(b) repeated violations by an oversight entity.

(10)(a) The Superintendent may include penalties for non-compliance with a corrective action plan in accordance with Subsection 53E-3-401(8).

(b) If the Superintendent determines to withhold funding as part of a corrective action plan, the corrective action plan will state:

(i) the circumstances that led to the determination;

(ii) a timeline for withholding funds; and

(iii) the steps the oversight entity is required to satisfy to reinstate funding.

(11) The Superintendent shall give notice and a hard or electronic copy of the corrective action plan to:

(a) the designated primary contact described in Subsection (4)(d)(i);

(b) the respective oversight entity's governing board; and

(c) the charter school authorizer, in accordance with Subsection (8).

(12) As requested, the Superintendent shall report to the Board about the status of a corrective action plan in force for an oversight entity.

R277-114-6. Corrective Action Appeals.

(1) An oversight entity may submit an appeal to the Board relating to:

(a) a reason the Superintendent is imposing the corrective action plan;

(b) the requirements of a corrective action plan; or

(c) an action the Superintendent takes to impose or implement a corrective action plan.

(2) For an appeal described in Subsection (1), the oversight entity shall:

(a) state in the appeal the plan requirement or action with which the oversight entity disagrees; and

(b) submit the appeal to the Board in accordance with Section R277-102-3.

(3) Except for corrective action subject to 34 CFR 76.783, the Board may:

(a) review the appeal as a full board;

(b) refer the matter to the Board audit committee to make a recommendation to the Board for action; or

(c) identify another method to review the appeal.

KEY: monitoring, corrective action, oversight

Date of Last Change: March 11, 2024

Notice of Continuation: August 15, 2024

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

R277. Education, Administration.

R277-115. LEA Supervision and Monitoring Requirements of Third Party Providers and Contracts.

R277-115-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) 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

(b) Subsection 53E-3-401(10), which allows the Board to direct an LEA to require in a contract with a third party provider that the third party provider shall provide, upon request of the LEA, information necessary for the LEA to verify that the educational good or service complies with:

(i) Titles 53E, 53F, and 53G; and

(ii) Board rule.

(2) The purpose of this rule is to provide standards for an LEA working with a third party provider to ensure the third party provider complies with applicable law.

(3) This Rule R277-115 is categorized as Category 2 as described in Rule R277-111.

R277-115-2. Definitions.

(1) "Educational good or service" means the same as that term is defined in Section 53E-3-401.

(2) "Education service provider" means a third party provider that provides academic instruction to students that yields grades or credit.

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

(4) "Third party provider" means a third party who provides an educational good or service on behalf of an LEA.

R277-115-3. LEA Requirements of Education Service Providers.

(1) An LEA shall ensure that each staff member of an education service provider:

(a) receives a background check and has ongoing monitoring in accordance with Title 53G, Chapter 11, Part 4 Background Checks; and

(b) holds appropriate license, license areas of concentration, and endorsements as set forth in Rule R277-309.

(2) An LEA shall ensure that a student identified as having a disability under the IDEA or Section 504 receiving instruction from an education service provider receives a free and appropriate public education.

(3) An LEA shall require each education service provider provide the LEA with information about any student receiving services that the education service provider suspects of having a disability, so that the LEA can conduct child find responsibilities under the IDEA.

(4)(a) An LEA shall register all students receiving services from an education service provider.

(b) An education service provider may not enroll or register a student at an LEA.

(5) An LEA shall pay an education service provider on a reimbursement basis.

(6) An LEA shall:

(a) ensure appropriate coding of expenditures to an education service provider for IDEA services; and

(b) ensure that expenditures classified under Subsection (a) are reportable to the LEA and the Superintendent.

(7) An LEA may not record education service provider staff as teachers with an assignment in CACTUS or USIMS.

(8) An LEA may not utilize or encumber WPU funds for students receiving services from education service providers for expenses or projects that span longer than the length of the LEA's contract with the provider, including termination clauses.

R277-115-4. Third Party Provider Provision of Services.

(1) An LEA that contracts with a third party provider to provide an educational good or service on behalf of the LEA shall:

(a) require in the LEA's contract with a third party provider that the third party provider shall provide, upon request of the LEA, information necessary for the LEA to verify that the educational good or service complies with:

(i) Titles 53E, 53F, and 53G; and

(ii) Board rule;

(b) establish monitoring and compliance procedures to ensure that a third party provider who provides educational services to a student on behalf of the LEA complies with this rule;

(c) develop a written monitoring plan to supervise the educational good or service provided by the third party provider;

(d) ensure the third party provider is complying with:

(i) federal law;

(ii) state law; and

(iii) Board rules;

(e) monitor and supervise all activities of the third party provider related to the educational good or service provided by the third party provider to the LEA;

(f) maintain documentation of the LEA's supervisory activities consistent with the LEA's administrative records retention schedule; and

(g) review the plan described in Subsection (c) and any documentation of supervisory activities with the LEA's audit committee no less than annually.

(2) An LEA shall:

(a) verify the accuracy and validity of a student's enrollment verification data, before enrolling a student in the LEA; and

(b) provide a student and the student's parent or guardian with notification of the student's enrollment in a school or program within the LEA.

(3) In accordance with Section 63A-12-103, an LEA shall maintain records documenting:

(a) services provided by third party providers; and

(b) payments made to third party providers.

(4) In the event an LEA cancels a contract with an educational service provider, the LEA shall:

(a) continue to provide educational goods or services to enrolled students for the rest of the school year; and

(b) notify parents of the following information:

(i) the planned elimination of the specific educational good or service provided by the educational service provider;

(ii) the status of the student's enrollment; and

(iii) any steps required of a student to transfer or unenroll.

(5) When an LEA terminates a contract with an educational service provider, the LEA may incur a loss of hold harmless funds for the loss in student count the next fiscal year.

(6) An LEA has direct and full responsibility for all actions of its third party providers and the third party provider's employees for actions performed in the scope of services provided on behalf of the LEA.

R277-115-5. Corrective Action.

The Board or the Superintendent may withhold funds or require an LEA to repay public funds to the Superintendent if:

(1) the LEA fails to comply with this rule or the law; and

(2) the repayment is made in accordance with the procedures established in Rule R277-114.

KEY: third party providers, contracts, monitoring

Date of Last Change: July 9, 2024

Notice of Continuation: May 10, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4) and (10)

R277. Education, Administration.

R277-116. Audit Procedure.

R277-116-1. 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) Subsection 63I-5-201(4) which requires the Board to direct the establishment of an internal audit department for programs administered by the Board;

(c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Boards duties and responsibilities under the Utah Constitution and state law;

(d) Subsection 53E-3-501(1)(e), which directs the Board to develop rules and minimum standards regarding school productivity and cost effectiveness measures, school budget formats, and financial, statistical, and student accounting requirements for the local school districts;

(e) Subsection 53F-2-204(2), which directs the Board to assess the progress and effectiveness of any programs funded under the State System of Public Education; and

(f) Subsection 53E-3-401(9), which gives the Board authority to audit the use of state funds by an education entity that receives state funds as a distribution from the Board.

(2) The purpose of this rule is to:

(a) outline the role of the Chief Audit Executive and audit client in the audit process; and

(b) outline the Board's procedures for audits of audit clients.

R277-116-2. Definitions.

(1) "Audit client" means an agency or an education entity.

(2) "Audit committee" means the same as that term is defined in Subsection 63I-5-102(5).

(3) "Audit plan" means a prioritized list of audits with associated resource requirements to be performed by the audit program that is reviewed, approved, and adopted at least annually by the Board.

(4) "Audit program" means the department that provides internal audit services for the Board that is directed by the Chief Audit Executive.

(5) "Chief Audit Executive" means the person who directs the audit program of the Board or the Chief Audit Executive's designee. (6) "Draft audit report" means an unfinalized audit report compiled by the Chief Audit Executive that is classified as protected under Subsection 63G-2-305(10).

(7) "Education entity" means the same as that term is defined in Section 53E-3-401.

(8) "Final audit report" means a draft audit report, accepted by the audit committee and the Board, that is generally classified as public under Subsection 63G-2-301(3)(q).

(9) "Improper payment" means:

(a) a payment that should not have been made or that was made in an incorrect amount under statutory, contractual, administrative, or other legally applicable requirements;

(b) an overpayment or underpayment to an eligible recipient;

(c) a payment to an ineligible recipient;

(d) a payment for an ineligible good or service;

(e) a payment for a good or service not received; or

(f) a payment that cannot be appropriately classified through an audit or review as a result of insufficient documentation.

(10) "Local administrator" means the superintendent or director of an audit client.

(11)(a) "Questioned cost" means a cost that is questioned by the auditor because of an audit finding:

(i) which resulted from a violation or possible violation of a statute, regulation, or the terms and conditions of an award;

(ii) where the costs, at the time of the audit, are not supported by adequate documentation; or

(iii) where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances.

(b) A "questioned cost" is not an improper payment unless confirmed to be improper by the Board.

R277-116-3. Chief Audit Executive Authority and Responsibilities.

(1) The Chief Audit Executive shall direct the audit program in accordance with:

(a) Title 63I, Chapter 5, Utah Internal Audit Act;

(b) applicable Board bylaws and Board policies; and

(c) the USBE Internal Audit Policy and Procedures Manual.

(2) The Chief Audit Executive shall make a copy of the USBE Internal Audit Department Policy and Procedure Manual available to the general public upon request.

(3) The Chief Audit Executive may contract with an LEA or other education entity to provide internal audit services if the contract is approved by the audit committee in accordance with Board contract policies.

R277-116-4. Audit Client Responsibilities.

(1) The audit client shall fully cooperate and provide the Chief Audit Executive items, information, and access in accordance with Title 63I, Chapter 5, Utah Internal Audit Act.

(2) If an audit client does not fully cooperate, the Chief Audit Executive shall require the audit client to appear before the Audit Committee to discuss the non-compliance.

(3) If an audit client continues to be non-compliant after appearing before the Audit Committee, the Superintendent may place the audit client on a corrective action plan in accordance with Rule R277-114.

R277-116-5. Audit Process.

(1) At the initiation of an audit, the Chief Audit Executive shall:

(a) send an engagement letter to the local administrator, and if applicable, the audit committee chair of the audit client; and

(b) hold an entrance conference with the individuals specified in Subsection (1)(a).

(2) The Chief Audit Executive shall conduct the audit in conformance with International Standards for the Professional Practice of Internal Auditing, inclusive of:

(a) inquiring with the audit client to gain an understanding of the area being audited; and

(b) requesting and obtaining evidence throughout the audit to perform necessary analyses to meet the scope and objectives of the audit.

(3) After conducting an audit, the Chief Audit Executive shall submit the draft audit report directly to the audit committee.

(4) After complying with Subsection (3), the Chief Audit Executive shall provide the individuals identified in Subsection (1)(a) with notice, which shall include:

(a) the draft audit report;

(b) a cover letter outlining the classification of the draft audit report in accordance with Title 63G, Chapter 2, Government Records Access and Management Act, including any limitations regarding the sharing or dissemination of the audit report;

(c) an opportunity to request an exit conference within seven days of the date the draft report was provided, with the exit conference being held no later than 14 days from the date the draft report was provided; and

(d) an explanation outlining the process to submit a response to the audit, as applicable in accordance with Subsection (7).

(5) If appropriate, and at the discretion of the Chief Audit Executive, the Chief Audit Executive may edit the draft audit report based on feedback and information received pursuant to Subsections (3) and (4).

(6) After finalizing the draft audit report, the Chief Audit Executive shall:

(a) if necessary, submit the draft audit report directly to:

(i) the audit commitee;

(ii) the Superintendent; and

(iii) additional individuals and entities, as appropriate; and

(b) provide notice to the individuals identified in Subsection (1)(a), which shall include the same information required for notice under Subsection (4).

(7) Within 14 days of the Chief Audit Executive's notice to the individuals identified in Subsection (1)(a), the audit client may:

(a) provide a written response to the draft audit report to the Chief Audit Executive; or

(b) file a written request for an extension of time with the Chief Audit Executive setting forth:

(i) the justification for the extension request; and

(ii) the extension time necessary to provide the response.

(8) If a request for extension is filed in accordance with Subsection (7)(b), the Chief Audit Executive shall respond after consulting with the Audit Committee chair.

(9) Upon receiving a written response in accordance with Subsection (7)(a) or if no response to request for extension is received, the Chief Audit Executive shall:

(a) incorporate the written response, if any, into the draft audit report;

(b) prepare Chief Audit Executive concluding remarks, if appropriate; and

(c) submit the draft audit report to the audit committee and Superintendent.

(10) Upon receiving the draft audit report, consistent with Board bylaws, the audit committee shall provide direction to staff or propose recommendations to the Board regarding release of the audit or corrective action, including recommendations to confirm questioned costs as improper payments.

R277-116-6. Due Process.

(1) An audit client who wishes to appeal Board action in response to an audit, shall follow the process outlined in Rule 277-102.

(2) An audit client who wishes to appeal a corrective action plan established by the Superintendent based on Board action in response to an audit, shall follow the process outlined in Section R277-114-5.

KEY: educational administration

Date of Last Change: November 8, 2021

Notice of Continuation: September 9, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-3-501(1)(e); 53E-3-602; 53E-3-603; 53F-2-204

R277. Education, Administration.

R277-120. Licensing of Material Developed with Public Education Funds.

R277-120-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Article X, Section 3 of the Utah Constitution, 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; and

(c) Subsection 53E-3-501(1)(e)(i), which directs the Board to encourage school productivity and cost effectiveness measures.

(2) The purpose of this rule is to:

(a) establish requirements for licensing of courseware and materials produced with public education funds; and

(b) promote a policy that education materials produced with public funds be openly, publicly, and freely accessible for use by others.

R277-120-2. Definitions.

(1)(a) "CC-BY license" means a copyright license developed by Creative Commons, which allows other users to:

(i) copy and redistribute the material in any medium or format; and

(ii) remix, transform, and build upon the material.

(b) Under a CC-BY license, a licensee may share the materials in any manner, including commercially.

(c) Under a CC-BY license, a licensee shall:

(i) give appropriate credit to the licensor;

(ii) provide a link to the license; and

(iii) indicate if the licensee made changes to the licensor's work.

(2) "Public education materials" means courseware and materials developed with public education funds and includes:

(a) syllabi;

(b) instructional materials;

(c) modules;

(d) textbooks, including teacher's editions;

(e) student guides;

(f) supplemental materials;

(g) formative and summative assessment supports;

(h) laboratory activities;

(i) simulations;

(j) musical or dramatic compositions;

(k) audio, video or photographic material;

(l) manuals;

(m) codes; and

(n) software.

(3) "Sensitive materials" means the same as the term is defined in Subsection 53G-10-103(1)(g).

(4) "Utah Education Network" or "UEN" means an online education materials resource maintained by the Utah Education and Telehealth Network offering services to educators and students throughout the state of Utah.

R277-120-3. Public Education Materials Funded by the Board.

(1) The Superintendent shall share public education materials developed with funds controlled by the Board under a CC-BY license.

(2) The Superintendent shall share materials developed in accordance with Subsection (1) through UEN, where appropriate, or through other appropriate means of making public education materials available to educators and the public.

(3)(a) An individual or entity that shares or adapts public education materials identified in Subsection (1) shall:

(i) provide attribution to the Board;

(ii) provide a link to the license; and

(ii) indicate if any changes were made to the original materials.

(b) An individual or entity may make attribution in any reasonable manner, but not in any way that implies the Board endorses any adaptation of the materials without express authorization of the Board.

(4) The Superintendent may request a copy of shared or adapted public education materials be provided to the Board.

(5) If an employee of the Board develops public education materials as part of the employee's employment, the public education materials shall be the property of the Board, subject to licensing in accordance with Section R277-120-3.

(6) An individual or entity may not develop sensitive materials using public funds.

R277-120-4. Public Education Materials Funded by an LEA.

(1) An LEA shall develop and maintain a policy regarding public education materials developed with the LEA's funds.

(2) A policy developed in accordance with Subsection (1) shall identify:

(a) whether the LEA will share public education materials with a CC-BY license or another license approved by the LEA's governing board;

(b) whether use of LEA developed public education materials will require attribution to the LEA;

(c) whether the LEA will charge third parties for use of the materials;

(d) whether the LEA reserves the right to review and approve materials developed by employees on contract time; and

(e) whether the LEA restricts employees from sharing materials purchased with LEA funds or specifically licensed for LEA use.

(3) A policy developed under Subsection (1) shall prohibit the development of sensitive materials with public funds.

(4) An LEA may not charge an educator in a Utah public school for use of materials developed with LEA funds.

R277-120-5. Classroom Materials Developed by Utah Educators.

(1)(a) A public education employee may not sell public education materials developed in whole or in part with funds from the Board or an LEA.

(b) If a public education employee sells public education materials subject to Subsection (1)(a) for personal gain, the employee may be subject to Section 67-16-4.

(2) An LEA may review and approve materials developed by educators on contract time consistent with a policy adopted in accordance with Subsection R277-120-4(1).

(3)(a) A Utah licensed educator need not seek permission from the educator's LEA to share classroom materials developed using the educator's personal time and resources.

(b) An educator may share materials developed in accordance with Subsection (3)(a) through a CC-BY license.

(4)(a) A Utah licensed educator may only share materials that are consistent with the Utah Professional Educator Standards contained in Rule R277-217.

(b) An educator may not share materials that advocate illegal activities or materials that are inconsistent with the educator's legal and role model responsibilities.

(5) The Superintendent may offer professional development programs that offer support, guidance, and instruction to educators who wish to create, use, or continuously improve public education materials shared in accordance with this Rule R277-120.

KEY: licensing, materials

Date of Last Change: October 11, 2022

Notice of Continuation: August 14, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-501(1)(e)(i)

R277. Education, Administration.

R277-121. Board Waiver of Administrative Rules.

R277-121-1. 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; and

(c) Section 53G-7-202, which allows the Board to grant an LEA's request for a waiver from a Board rule.

(2) The purpose of this rule is to establish procedures for an LEA to request a waiver from a Board rule.

R277-121-2. Procedures for Waiver Requests.

(1) An LEA board may request a waiver from a Board rule by filing a written request with the Superintendent.

(2) An LEA board may not request a waiver from a Board rule that is required by or adopts criteria from a federal statute, federal regulation, or state law.

(3) An LEA's written waiver request shall include how the waiver will support the learning environment and lead to educational excellence, and;

(4) Any other additional information that the LEA believes the Board would find helpful to make an informed decision regarding the waiver.

(5) Except for a request for a waiver due to snow, inclement weather, or other emergency school closure described in Section R277-121-5, a written request under Subsection (1)(a) shall include:

(a) verification that the LEA board voted to request the waiver in an open meeting, with the results of the waiver request.

(b) data, if applicable, that support the requested waiver, which shall include:

(i) student achievement data;

(ii) community, staff, and student survey data;

(iii) student enrollment data;

(iv) data demonstrating the cost effectiveness of the waiver request;

(c) a proposed agreement with the Board that includes:

(i) a proposed effective date;

(ii) provisions for public review and accountability;

(iii) data gathering and reporting timelines; and

(iv) a sunset date; and

(d) in the case of a charter school, a recommendation from the board of the school's authorizer.

(6) If an LEA seeks a waiver as outlined in Section R277-121-2 for a 4-day school week, the LEA shall:

(a) hold at least two open and public meetings, held separately from regular board meetings, to engage with stakeholders regarding the waiver request.

(i) At least one of the meetings shall be held before a vote is taken to apply for the waiver, during which the LEA or public school shall:

(A) explain the rationale for seeking the waiver; and

(B) listen to stakeholder concerns; and

(ii) At least one of the meetings shall be held after the decision to apply for the waiver but before the submission of the application, during which the LEA or public school shall:

(A) explain the waiver process; and

(B) describe plans to address stakeholder concerns.

(iii) Meetings described in this section may be held electronically.

(b) Certify that the LEA or public school notified affected school community councils and principals about the potential waiver before holding a vote to apply for the waiver.

(6) An LEA or public school applying for a waiver shall submit the waiver or waiver renewal, as described in Subsection R277-121-4(1), for the 4-day school week to the Board by April 10 of the school year prior to the proposed change.

R277-121-3. Board Review of Waiver Requests.

(1) The Superintendent shall:

(a) review an LEA's waiver request; and

(b) may provide a recommendation to the Board.

(2) The Board Executive Committee may assign a waiver request made under this Rule R277-121 to a Board standing committee.

(3) The standing committee assigned in accordance with Subsection (2):

(a) may solicit additional information or testimony;

(b) shall review the request in an open meeting; and

(c) shall make a recommendation for consideration by the full Board.

(4) The Board Executive Committee may consolidate consideration of duplicate or similar requests.

(5) The Board shall consider available data in evaluating an LEA waiver request and shall make data driven decisions.

R277-121-4. Annual Review of Approved Waivers.

(1) The Board may request an LEA that receives a waiver from Board rule in accordance with this Rule R277-121 for more than one year to report the following to a Board committee:

(a) data that supports continuation of the requested waiver; and

(b) data related to the data the LEA presented as apart of the LEA's request for waiver.

(2) During a review described in Subsection (1), the Board may, with notice to the LEA, move to rescind or modify the waiver, unless the waiver agreement explicitly states otherwise.

R277-121-5. Snow, Inclement Weather, or Other Emergency School Closure Days.

(1) An LEA may seek a waiver directly from the Superintendent from the 180 day requirement described in Subsection R277-419-4(1) if:

(a) the LEA closes a school due to excessive snow, inclement weather, or an other emergency; and

(b) the school closure will result in the LEA not meeting the 180 day requirement described in Section R277-419-4.

(2) The Superintendent may grant a waiver due to excessive snow, inclement weather, or other emergency without Board approval 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.

(3)(a) An LEA may request the Superintendent to waive the school day and hour requirement in the event of a public health emergency.

(b) A waiver described in this Subsection (3) may be for a designated time period, for a specific area, or for a specific LEA in the state, as determined by the health department directive.

(c) A waiver may allow an LEA to continue to receive state funds for pupil services and reimbursements.

(d) A waiver granted by the Superintendent as described in this Subsection (3) shall direct an LEA to provide as much notice to students and parents of the suspension of school services, as is reasonably possible.

(e) A waiver granted as described in this Subsection (3) 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.

(f) The Superintendent may encourage an LEA to provide electronic or distance learning services to affected students for the period of the pandemic or other public health emergency to the extent of personnel and funds available.

(g) Any waiver request granted pursuant to Subsection (3) shall be subject to Board approval no later than 45 days after it is granted.

(4) An LEA request for a waiver due to snow, inclement weather, or other emergency school closure described in this section is not required to include the information described in Subsections R277-121-2(1)(b)(ii) through (iv) unless requested by the Superintendent.

(5) If the Superintendent denies an LEA's request described in this section, the LEA may appeal the Superintendent's decision by making the request of the full Board.

KEY: Utah State Board of Education, waivers, administrative rules

Date of Last Change: June 9, 2025

Notice of Continuation: August 14, 2022

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

R277. Education, Administration.

R277-122. Board of Education Procurement.

R277-122-1. 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; and

(c) Title 63G, Chapter 6a, Utah Procurement Code.

(2) The purpose of this rule is to adopt and incorporate by reference Title R33, Purchasing and General Services, with exceptions as described in this rule.

R277-122-2. Definitions.

(1) "Professional service provider" means a provider of a professional service as defined in Section 63G-6a-103 and includes an expert in educational instruction and teaching.

(2) "Responsible" means the same as that term is defined in Section 63G-6a-103.

(3) "Responsive" means the same as that term is defined in Section 63G-6a-103.

R277-122-3. Incorporation of Title R33 With Exceptions.

(1) The Board adopts and incorporates by reference Title R33, Purchasing and General Services, as in effect on April 1, 2022, with the exceptions described in this section.

(2) The Board does not adopt Section R33-108-101b.

(3) The Board adopts Section R277-122-5 in place of Sections R33-105-104 and R33-105-107.

(4) The Board adopts Section R277-122-6 in place of Section R33-105-108.

(5) The Board adopts Section R277-122-7 in place of Sections R33-109-102 and R33-109-103.

(6) The Board adopts Section R277-122-8 in place of Section R33-112-201.

(7) The Board adopts Section R277-122-9 in place of Section R33-112-608.

R277-122-4. Head of the Procurement Unit Designated.

The Board designates the Board's Director of Purchasing as the head of the procurement unit.

R277-122-5. Small Purchases of Procurement Items Other than Professional Services and Consultants.

(1) The head of the procurement unit shall make small purchases in accordance with the requirements set forth in Section 63G-6a-506 and this Section R277-122-8.

(2) Unless otherwise required as part of another standard procurement process being used in conjunction with a small purchase, the head of the procurement unit need not utilize a solicitation or provide public notice to conduct a small purchase.

(3) The head of the procurement unit may make a small purchase of a procurement item other than a professional service by:

(a) direct award without seeking competitive bids or quotes up to the following threshold amounts:

(i) $10,000 for one or more procurement items purchased at the same time from one source; and

(ii) $75,000 for multiple procurement items purchased in a 12-month period from one source; and

(b) subject to Section R33-104-109, obtaining quotes from a minimum of two vendors and purchasing the procurement item from the responsible vendor offering the lowest quote for a purchase of up to $100,000 for one or more procurement items purchased at the same time from a single source.

(4) When conducting a purchase under Subsection (3)(b) in conjunction with an approved vendor list, the head of the procurement unit:

(a)(i) may obtain quotes from all the vendors on the approved vendor list; or

(ii) may obtain quotes from a minimum of two vendors on the approved vendor list, using one or more of the following methods to select vendors from whom to obtain quotes:

(A) a rotation system, organized alphabetically, numerically, or randomly;

(B) the geographic area serviced by each vendor;

(C) each vendor's particular expertise or field;

(D) solicitation of an additional quote from the vendor that provided the lowest quote on the most recently completed procurement conducted by the Board using the approved vendor list; or

(E) another method approved by the head of the procurement unit;

(b) shall document that all vendors on the approved vendor list have a fair and equitable opportunity to obtain a contract; and

(c) shall purchase the procurement item from the responsible vendor on the approved list offering the lowest quote.

(5) When practicable, the head of the procurement unit shall use a rotation system or other system designed to allow for competition when using a small purchase process.

(6) In the process of obtaining a competitive quote, the head of the procurement unit shall record and maintain the following as a government record:

(a) the names of the vendors from whom quotes were requested and received; and

(b) the date of receipt and amount of each quote.

(7) The head of the procurement unit shall comply with all applicable laws and rules in the conduct of small purchases, including:

(a) Subsection 63G-6a-506(8);

(b) Title 63G, Chapter 6a, Part 24, Unlawful Conduct and Penalties; and

(c) Sections R33-124-104 through R33-124-106.

R277-122-6. Small Purchases of Professional Service Providers and Consultants.

(1) The head of the procurement unit shall make small purchases of professional services in accordance with the requirements set forth in Section 63G-6a-506 and this Section R277-122-11.

(2) Unless otherwise specifically required in this rule or as part of another standard procurement process being used in conjunction with a small purchase, the

head of the procurement unit need not utilize a solicitation or provide public notice to conduct a small purchase of professional services.

(3) The head of the procurement unit may procure professional services:

(a) up to a maximum of $10,000 by direct negotiation with any professional services provider or consultant determined in writing by the head of the procurement unit to be qualified to provide the professional service; and

(b) up to a maximum of $175,000 by:

(i) subject to Section R33-104-109, obtaining quotes from a minimum of three professional services providers or consultants determined in writing by the head of the procurement unit to be qualified to provide the professional services; and

(ii) making the purchase from the professional service provider or consultant determined in writing by the head of the procurement unit to provide the Board with the best value, comparing qualifications and price.

(4) The head of the procurement unit may utilize the process set forth in Subsection (3)(b) to make purchases from multiple professional service providers or consultants if:

(a) multiple professional service providers or consultants of the same type are required to fulfill the need for the professional service;

(b) the total amount awarded to the selected professional service providers or consultants does not exceed $250,000;

(c) a request for qualifications and quotes is published in accordance with Section 63G-6a-112;

(d) the request for qualifications and quotes states that the Board may make a purchase from multiple professional service providers or consultants; and

(e) all responses received are reviewed and considered when selecting the best value professional service providers or consultants.

(5) The head of the procurement unit shall comply with all applicable laws and rules in the conduct of small purchases for professional services, including:

(a) Subsection 63G-6a-506(8);

(b) Title 63G, Chapter 6a, Part 24, Unlawful Conduct and Penalties; and

(c) Sections R33-124-104 through R33-124-106.

R277-122-7. Cancellation Before Award.

(1) A solicitation may be cancelled prior to a contract award if:

(a) the Board does not receive any responsive responses to the solicitation; or

(b) the head of the procurement unit determines the cancellation is:

(i) in the best interest of the Board; and

(ii) supported by a reasonable and good faith justification.

(2) The head of the procurement unit shall include notice of the Board's right of cancellation described in Subsection (1) in each Board solicitation.

(3) A solicitation may be re-issued:

(a) with or without modification, if cancelled pursuant to Subsection (1)(a); or

(b) with modification, if cancelled pursuant to Subsection (1)(b).

R277-122-8. Establishment of Terms and Conditions.

The head of the procurement unit shall develop standard terms and conditions for use with Board contracts and agreements.

R277-122-9. Use of Federal Cost Principles.

The head of the procurement unit shall apply the federal cost principles described in 2 CFR Part 200, Subpart E in determining which costs expended under Board contracts are reasonable, allocable, and allowable.

KEY: procurement, efficiency

Date of Last Change: August 8, 2024

Notice of Continuation: May 16, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 63G-6a

R277. Education, Administration.

R277-123. Process for Reporting Violations of Statute and Board Rule.

R277-123-1. Authority, Purpose, and Oversight Category.

(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) Subsection 53E-3-401(8)(a)(i), which directs the Board to create methods to review, investigate, and resolve compliance issues;

(d) Subsection 53E-3-401(8)(b), which allows the Board to take action for violations of the law, consistent with Subsection 53E-3-401(8)(b);

(e) Subsection 53E-3-401(8)(d), which directs the Board to make rules related to violations of the public education code or Board rule;

(f) Subsection 53E-3-401(8)(e), which allows the Board to establish a process in rule for an individual to bring a violation of statute or board rule to the attention of the Board;

(g) Subsections 53G-2-103(8), 53G-2-104(5), and 53G-2-105(6), which allow a report of violations of these subsections to the Board in accordance with Section 53E-3-401; and

(h) Subsection 53G-10-103(8)(b), which requires the Board to establish a process to allow an individual to report violations of that subsection by an LEA to the Board.

(2) The purpose of this rule is to establish a process for an individual to bring an alleged violation of statute or board rule to the attention of the Board.

(3)(a) Sections R277-123-6 and R277-123-9, insofar as they create requirements for LEAs, are categorized as Category 2 as described in Rule R277-111.

(b) The remainder of the rule is categorized as exempt as described in Rule R277-111.

R277-123-2. Definitions.

(1)(a) "Alleged violation" means an alleged violation of statute or Board rule.

(b) An "alleged violation" does not include a violation of a local school or LEA policy or procedure, except for purposes of Sections R277-123-6 and R277-123-9.

(2) "Complainant" means an individual who submits a complaint to the public education hotline.

(3) "Complaint against an individual Board member" means an alleged violation of law, Board Bylaws, or Board policy by a member of the Board.

(4) "Hotline complaint" means a complaint that includes an alleged violation or other concern submitted to the Board's public education hotline directly or forwarded to the IAD by an individual, entity, or agency, or submitted to a local education hotline and reported to IAD.

(5) "IAD" means the Board's Internal Audit Department.

(6) "Individual with standing" means, for purposes of Section R277-123-6 an individual described in Subsection 53G-10-103(3)(a).

(7) "Other concern" means a hotline complaint or concern that does not meet the requirement of Subsection 53E-3-401(8)(d).

(8) "Local education hotline" means the process maintained by an LEA where an individual may report a hotline complaint to the LEA.

(9) "Public education hotline" means the process maintained by the Board where an individual may report a hotline complaint.

(10)(a) "Resolved" means that an investigation has been completed.

(b) "Resolved" does not mean or require that the findings are satisfactory to any specific individual, LEA, or entity.

R277-123-3. Reports or Allegations of Misconduct to the Public Education Hotline Against Individual Board Members.

(1) Anyone may report an alleged violation or a complaint against an individual Board member to the public education hotline.

(2) For complaints against an individual Board member, the complaint:

(a) shall be filed by an individual having actual knowledge of the facts and circumstances supporting the complaint;

(b) shall identify the law, Board bylaw, or Board policy that is purported to be violated;

(c) may not be anonymous; and

(d) may not be filed during the 60 business days:

(i) immediately preceding a political nominating convention or regular primary election if the accused Board member is a candidate in the election; or

(ii) before a regular general election when an accused Board member is a candidate, unless the accused Board member is unopposed in the election.

R277-123-4. Hotline Complaints: Internal Audit Responsibilities.

(1) The IAD shall conduct a high-level screening of all hotline complaints or request additional information from the complainant within seven business days of receipt of the alleged violation.

(2) If, after two attempts to obtain information from a complainant as described in Subsection (1), the complainant does not respond to the IAD within 14 business days, the IAD shall close the hotline complaint and notify the complainant of closure.

(3) For hotline complaints with sufficient information, the IAD shall make referrals to one or more of the following, as appropriate:

(a) the Complainant;

(b) LEA leadership;

(c) the Board member of the district wherein the LEA is located;

(d) the applicable LEA, USBE section, charter authorizer, and other entity or organization responsible for receiving, investigating or resolving a hotline complaint;

(e) appropriate USBE special education staff for a hotline complaint related to special education, for review and resolution in accordance with Rule R277-750; and

(f) the Utah Professional Practices Advisory Commission, "UPPAC," for hotline complaints with allegations of educator misconduct, for review and resolution in accordance with Rules R277-210 through R277-217 and Title 53E, Chapter 6, Part 6, License Denial and Discipline.

(4)(a) When the IAD makes a referral to an LEA, the referral shall be sent to at least two members of LEA leadership.

(b) If a referral includes allegations about a specific individual, the IAD shall exclude that individual from the referral.

(5) The IAD may make referrals with limited or missing information and may reopen a closed hotline complaint if a complainant provides additional information or may take other action as permitted by law, including recommending corrective action.

(6) If a response is requested by a complainant, the IAD shall respond to the complainant within three business days or as soon as possible.

(7) The IAD may provide additional related resources and information to a complainant, where appropriate.

(8) The IAD shall provide training and informational materials for use by an LEA governing board and administration in maintaining a hotline and investigating alleged violations.

(9) For referrals to LEAs, the IAD shall:

(a) track and review summaries provided by LEAs received in accordance with Section R277-123-7;

(b) notify USBE sections that also received a referral of the summaries received in accordance with Section R277-123-7;

(c) present information on referrals, noncompliance, and relevant summaries of those referrals and noncompliance to the Board Audit Committee at least quarterly; and

(d) notify the Board member representing the district wherein the alleged noncompliance is alleged to have occurred.

(10) For LEAs who do not comply with Section R277-123-7, the IAD shall:

(a) notify the LEA governing board of the noncompliance;

(b) notify the Board Audit Committee, and Board Leadership as needed, for consideration of remedial action in accordance with Subsection 53E-3-401(8)(b);

(c) notify the Superintendency of noncompliance with state laws for consideration of corrective action;

(d) notify the Board member who represents the district where the alleged violation occurred; and

(e) for licensed educators, report noncompliance to UPPAC.

R277-123-5. Alleged Violations of Prohibited Discriminatory Submissions, Trainings, and Practices.

(1) For hotline complaints regarding Sections 53G-2-103, 53G-2-104, and 53G-2-105 and Rule R277-328, which prohibit discriminatory submissions, discriminatory trainings, or discriminatory employment practices, the IAD shall conduct a high-level screening of all hotline complaints within seven business days of receipt of the alleged violation.

(2)(a) The IAD shall notify the Board member representing the district of the involved LEA, and Board leadership, within seven business days of receiving a complaint;

(b) IAD shall continue to provide written status updates to the same recipients every 30 days until the complaint is resolved.

R277-123-6. IAD Reports to Board Members.

(1) Unless a Board member opts out from receiving the report, the IAD shall provide the Board member with a monthly report, no later than the 10th business day of the month, summarizing all hotline complaints received regarding LEAs or schools within the requesting Board member's district.

(2) The summary shall include:

(a) the category of the complaint;

(b) current status;

(c) resolution status; and

(d) if available, the complainant's contact information.

R277-123-7. Reports of Alleged Violations to a Local Education Hotline and Referrals to LEAs -- LEA Responsibilities.

(1) The presiding officer of an LEA governing board shall ensure that members of the governing board and LEA administration are provided with training on the requirements of this rule as part of the member or employee on-boarding process.

(2) The training described in Subsection (1) shall:

(a) comply with Title 63G, Chapter 22, State Training and Certification Requirements; and

(b) use the online training and information materials provided by the IAD in accordance with Subsection R277-123-3(9).

(3)(a) An LEA governing board shall allow individuals to report alleged violations by providing on the home page of the LEA website and each school's website:

(i) a readily accessible local education hotline; or

(ii) a link to the USBE public education hotline.

(4) An LEA that displays information for the public education hotline on its websites shall include a prominent notice that states: "Complaints or concerns can be filed by following the process as outlined here. Hotline complaints go directly to the State Board of Education Internal Audit Department and may be referred back to the LEA.

(5) An LEA shall have a policy outlining how the LEA responds to and resolves hotline complaints, regardless of whether the LEA receives the hotline complaint via referral from the IAD or a direct submission to a local education hotline.

(6)(a) The policy shall include a provision that if contact information for the complainant is available, the LEA must contact the complainant promptly, and document:

(i) the LEA personnel that contacted the complainant;

(ii) the type of contact made, such as phone or email;

(iii) the date of the contact; and

(iv) the resolution of the concern or action steps to be taken.

(b) The LEA shall make at least two good faith attempts to contact the complainant.

(7) An LEA receiving a hotline complaint shall disclose information concerning the allegations only as necessary to investigate the hotline complaint in accordance with the LEA's student and employee privacy policy.

(8) An LEA shall investigate consistent with due process, LEA process, and the law.

(9) An LEA receiving a hotline complaint referral from the IAD shall submit a summary to the IAD as requested by the IAD.

(10) An LEA shall submit a summary in accordance with the following timelines:

(a) An LEA shall submit a summary for a hotline complaint within 45 days of the referral;

(b) An LEA shall submit a summary for a hotline complaint related to prohibited discriminatory practices, prohibited discriminatory trainings, and prohibited discriminatory submissions, as described in Subsections 53G-2-103(8), 53-2-104(5), and 53G-2-105(6) within 14 days of the referral; and

(c) After the initial update, if a hotline complaint is not resolved within the summary submittal timeline the LEA shall provide an update to the IAD every 30 days after the initial IAD request until the hotline complaint is resolved.

(11) Nothing in this rule shall require the disclosure of information that is considered protected from disclosure or private under federal or state law.

(12) An LEA may respond to the IAD that the allegation is an issue that is the sole responsibility of the LEA or the LEA is reviewing the allegation consistent with local policy and the law.

R277-123-8. Superintendent Consultations Under this Rule.

(1) The Superintendent may consult with LEA leaders, staff, and others regarding public education concerns, issues, and problems.

(2) Such consultations do not need to be reported to the public education hotline, unless otherwise required by law.

R277-123-9. Resubmitted Alleged Violations of Statute or Board Rule.

(1) A complainant whose alleged violation is referred to another entity, may resubmit the alleged violation to the public education hotline.

(2) Upon receiving a resubmitted alleged violation, the IAD may complete a risk assessment and submit its assessment to the Board Audit Committee.

(3) At the direction of the Board Audit Committee, the IAD may conduct an investigation of the alleged violation, usings standards and methodologies similar to those used when conducting audits under Rule R277-116.

(4) If the IAD conducts an investigation of a hotline complaint, the Section R277-116-4 apply to the entity at issue in the hotline complaint.

(5) After an investigation, if the IAD determines an alleged violation is substantiated or a significant risk is identified, the IAD may recommend:

(a) the Board Audit Committee recommend prioritization of an audit to the full Board;

(b) the Superintendent implement corrective or other action in accordance with Rule R277-114; or

(c) other appropriate action given the risks identified.

(6) If a complainant provided contact information, the IAD shall:

(a) notify the complainant in a timely manner if the resubmission was investigated or not; and

(b) if the resubmission was investigated, provide a summary of the resolution.

R277-123-10. Board Review of Appeals on LEA Sensitive Materials Decisions.

(1) An individual with standing may request the Board review an LEA determination on a sensitive materials appeal by filing a request on a form provided by the Board's legal counsel within 30 days of the LEA's final decision.

(2) The Board's legal counsel shall review an appeal submitted under Subsection (1) to determine if the request presents an allegation that the LEA violated the procedure outlined in the LEA's sensitive materials appeal policy.

(3)(a) If the Board's legal counsel determines that an appeal presents a question appropriate for Board review, the Board's legal counsel shall refer the appeal to Board leadership to place on a standing committee agenda.

(b) A standing committee shall make a recommendation to the Board for final action.

(c) The Board shall take action on an appeal within 60 days of the Board's legal counsel referring the matter to the Board.

(4) The Board may review an appeal of an LEA decision only to determine if the LEA appeals process violated the procedure outlined in the LEA's sensitive materials policy.

(5)(a) If the Board determines that an LEA did not correctly follow the procedure outlined in the LEA's sensitive materials review policy, the Board shall return the appeal to the LEA with an order stating:

(i) the reasons for the Board's determination;

(ii) recommendations to the LEA, which may include a request to include a governing board review as part of the sensitive materials policy; and

(iii) a requirement that the LEA repeat its review process in compliance with the LEA's policy.

(b) An LEA shall post an order issued under Subsection (5)(a) on its website.

KEY: hotline, report, and violations

Date of Last Change: August 7, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4) and (8)

R277. Education, Administration.

R277-125. Small School District Capital Projects.

R277-125-1. 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; and

(c) Section 53F-10-102, which requires the Board to make rules to establish a process for school districts to submit proposals for funding for capital development projects under Title 53F, Chapter 10, State Funding - Capital Projects.

(2) The purpose of this rule is to establish a process for school districts to submit proposals for funding for capital development projects, including:

(a) the Capital Projects Evaluation Panel's review, prioritization, and recommendations to the Board;

(b) the Board's consideration and approval, if applicable, of proposed capital development projects; and

(c) management of Capital Projects Evaluation Panel processes and administration.

R277-125-2. Definitions.

(1) "Capital development project" or "project" means the same as that term is defined in Section 53F-10-101.

(2) "Capital Projects Evaluation Panel" or "panel" means the same as that term is defined in Section 53F-10-101.

(3) "Eligible school district" means the same as that term is defined in Section 53F-10-101.

R277-125-3. Superintendent Duties and Support for Capital Development Proposal Process.

(1)(a) The Superintendent shall prepare an application for an eligible school district to submit a proposal to the Capital Projects Evaluation Panel for funding for a capital development project.

(b) The application described in Subsection (2)(a) shall include a requirement for an eligible school district to provide at least the following information as part of the eligible school district's proposal:

(i) a cost analysis and estimate for the project;

(ii) a proposed timeline for the project;

(iii) if applicable, the source of the eligible school district's matching funds;

(iv) the LEA's capital local levy imposed for the most recent fiscal year; and

(v) narrative describing how the project will meet the eligible school district's capital needs.

(2) As described in Section 53F-10-201, the Superintendent and staff shall participate on the panel and provide staff support.

(3) The Superintendent shall provide the panel's recommendations for any project described in Subsection R277-125-4(3)(b) that is $2 million or more to the Board by January 10 each year for the Board's evaluation and approval.

(4) For a project described in Subsection R277-125-4(3)(b) that is less than $2 million, the Superintendent shall:

(a) evaluate the panel's recommendations described in Subsection R277-125-4(3)(b);

(b) approve and notify an eligible school district of an approved capital development project; and

(c) provide a report to the Board of the Superintendent's approvals described in Subsection (4)(b).

(5) Subject to the amounts described in Section 53F-10-301 and approval by the Board if applicable, the Superintendent shall distribute funds to an eligible school district with an approved project by March 1.

R277-125-4. Eligible School District Application Requirements -- Panel Review and Consideration of Project Proposals.

(1) On or before November 1 each year, an eligible school district may submit a capital development project proposal to the Superintendent using the application described in Subsection R277-124-3(1) for the Capital Projects Evaluation Panel's consideration.

(2) To perform the duties described in Section 53F-10-202, the panel shall meet quarterly or as needed.

(3) The panel shall:

(a) use the criteria described in Subsection 53F-10-202(1) to evaluate and prioritize capital development project proposals; and

(b) provide recommendations for proposals that the panel recommends be approved to the Superintendent by December 15.

(4) The panel may recommend funds be distributed to an eligible school district for a loan in lieu of a distribution of capital funding for a project as described in Section 53F-10-302.

R277-125-5. Eligible School District Use of Funds.

(1) An eligible school district shall use funds distributed under Section 53F-7-202 and this rule by June 30, 2025.

(2) An LEA shall return any funds distributed under Section 53F-7-202 and this rule on or before October 1, 2025 if the eligible school district does not expend those funds by June 30, 2025.

KEY: small school district; capital; funding

Date of Last Change: August 22, 2022

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-10-102

R277. Education, Administration.

R277-210. Utah Professional Practices Advisory Commission (UPPAC), Definitions.

R277-210-1. 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) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and

(c) 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 establish definitions for terms in UPPAC activities.

(3) The definitions contained in this rule apply to Rules R277-210 through R277-217.

(4) Any calculation of time called for by Rules R277-210 through R277-217 shall be governed by Utah R. Civ. P. 6.

R277-210-2. Definitions.

(1)(a) "Action" means a disciplinary action taken by the Board adversely affecting an educator's license.

(b) "Action" does not include a letter of warning or letter of education.

(c) "Action" includes:

(i) a reprimand;

(ii) a suspension; and

(iii) a revocation.

(2) "Administrative hearing" or "hearing" has the same meaning as that term is defined in Section 53E-6-601.

(3) "Alcohol related offense" means a violation of:

(a) Title 41, Chapter 6a. Part 5, Driving Under the Influence and Reckless Driving, except for offenses not involving alcohol;

(b) Section 76-9-701, Intoxication;

(c) Section 32B-4-403, Unlawful sale, offer for sale, or furnishing to minor; and

(d) any offense under the laws of another state that is substantially equivalent to the offenses described in Subsections (3)(a) through (c).

(4) "Answer" means a written response to a complaint filed by the Executive Secretary alleging educator misconduct.

(5) "Applicant" means a person seeking:

(a) a new license; or

(b) clearance of a criminal background review from Executive Secretary at any stage of the licensing process.

(6)(a) "Boundary violation" means crossing verbal, physical, emotional, and social lines that an educator must maintain to ensure structure, security, and predictability in an educational environment.

(b) "Boundary violation" may include the following, depending on the circumstances:

(i) isolated, one-on-one interactions with students out of the line of sight of others;

(ii) meeting individually with students in rooms with covered or blocked windows;

(iii) telling risqué jokes or using profanity in the presence of a student;

(iv) employing favoritism to a student;

(v) inappropriate gift giving to individual students;

(vi) uninvited or inappropriate touching;

(vii) photographing individual students for a non-educational purpose or use;

(viii) engaging in inappropriate or unprofessional contact outside of educational program activities;

(ix) exchanging personal email or phone numbers with a student for a non-educational purpose or use;

(x) interacting privately with a student through social media, computer, or handheld devices;

(xi) discussing with a student inappropriate details about:

(A) an educator's personal life or personal issues; or

(B) a student's personal life or personal issues;

(xii) discussing issues restricted under Subsection 53E-9-203(1) without authorization.

(c) "Boundary violation" does not include:

(i) offering praise, encouragement, or acknowledgment;

(ii) offering rewards available to all who achieve;

(iii) asking permission to touch for necessary purposes;

(iv) giving pats on the back or a shoulder;

(v) giving side hugs;

(vi) giving handshakes or high fives;

(vii) offering warmth and kindness;

(viii) utilizing public social media alerts to groups of students and parents; or

(ix) contact permitted by an IEP or 504 plan.

(d) UPPAC and the Board may find "boundary violations" to be repetitive when the misconduct occurs more than once.

(e)(i) UPPAC and the Board may find a pattern of "boundary violations" when there are multiple incidents of related misconduct that occur consistently over a prolonged timeframe; and

(ii) UPPAC and the Board find the educator's misconduct is aggravated by the circumstances, including:

(A) the misconduct involves more than one student;

(B) the misconduct occurs in more than one physical setting; or

(C) the misconduct includes multiple types of boundary violations.

(iii) UPPAC and the Board may find a pattern of "boundary violations" most readily when the educator's misconduct continues after documented warnings from administrators in the educator's LEA.

(iv) Notwithstanding the existence of the factors identified in this Subsection (e), UPPAC and the Board may find boundary violations are "repetitive" rather than a "pattern" when there are mitigating circumstances consistent with Section R277-215-3.

(7) "Complaint" means a written allegation or charge against an educator filed by the Executive Secretary against the educator.

(8) "Complainant" means the Executive Secretary.

(9) "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file developed by the Superintendent and maintained on all licensed Utah educators.

(10) "Conflict of interest" means a business, family, monetary or relationship concern that may cause a reasonable educator to be unduly influenced or that creates the appearance of undue influence.

(11) "Consent to discipline" means an agreement between a respondent and the Board:

(a) under which disciplinary action is taken against the educator in lieu of a hearing;

(b) that may be negotiated between the parties and becomes binding:

(i) when approved by the Board; and

(ii) at any time after an investigative letter has been sent;

(c) is a public document under GRAMA unless it contains specific information that requires redaction or separate classification of the agreement.

(12)(a) "Conviction" means the final disposition of a judicial action for a criminal offense, except in cases of a dismissal on the merits.

(b) "Conviction" includes:

(i) a finding of guilty by a judge or jury;

(ii) a guilty or no contest plea;

(iii) a plea in abeyance; and

(iv) for purposes of Rule R277-214, a conviction that has been expunged.

(13) "Criminal background review" means the process by which the Executive Secretary, UPPAC, and the Board review information pertinent to:

(a) a charge revealed by a criminal background check;

(b) a charge revealed by a hit as a result of ongoing monitoring; or

(c) an educator or applicant's self-disclosure.

(14) "Drug" means controlled substance as defined in Section 58-37-2.

(15) "Drug related offense" means any criminal offense under:

(a) Title 58, Chapter 37, Utah Controlled Substances Act;

(b) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

(c) Title 58, Chapter 37b, Imitation Controlled Substances Act;

(d) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;

(e) Title 58, Chapter 37d, Clandestine Drug Lab Act; and

(f) Title 58, Chapter 37e, Drug Dealer's Liability Act.

(16)(a) "Educator" means a person who:

(i) currently holds a Utah educator license; or

(ii) held a license at the time of an alleged offense.

(b) "Educator" does not include a paraprofessional, a volunteer, or an unlicensed teacher in a classroom.

(17) "Educator misconduct" means:

(a) unprofessional conduct;

(b) conduct that renders an educator unfit for duty; or

(c) conduct that is a violation of standards of ethical conduct, performance, or professional competence as provided in Rule R277-217.

(18) "Executive Secretary" means

(a) an employee of the Board appointed by the Superintendent to serve as a non-voting member of UPPAC, consistent with Section 53E-6-502; or

(b) the Executive Secretary's designee.

(19) "Expedited hearing" means an informal hearing aimed at determining if allegations of educator misconduct can be summarily resolved or if an investigation by UPPAC is warranted.

(20) "Expedited hearing panel" means a panel of the following:

(a) the Executive Secretary or the Executive Secretary's designee, who acts as a non-voting hearing officer; and

(b)(i) three voting members of UPPAC; or

(ii) two voting members of UPPAC and a licensed educator with appropriate skills and training to assist on the panel.

(21) "Final action" means an action by the Board that concludes an investigation of an allegation of misconduct against a licensed educator.

(22) "GRAMA" means Title 63G, Chapter 2, Government Records Access and Management Act.

(23) "Hearing officer" means a licensed attorney who:

(a) is experienced in matters relating to administrative procedures;

(b) is appointed by the Executive Secretary to manage the proceedings of a hearing;

(c) is not an acting member of UPPAC;

(d) has authority, subject to the limitations of Board rule, to regulate the course of the hearing and dispose of procedural requests;

(e) drafts a hearing report reflecting the findings and recommendations of the hearing panel; and

(f) does not have a vote as to the recommended disposition of a case.

(24) "Hearing panel" means a panel of three or more individuals designated to:

(a) hear evidence presented at a hearing;

(b) make a recommendation to UPPAC as to disposition consistent with the rebuttable presumptions in Rule R277-215; and

(c) collaborate with the hearing officer in preparing a hearing report.

(25) "Hearing report" means a report that:

(a) is prepared by the hearing officer consistent with the recommendations of the hearing panel at the conclusion of a hearing; and

(b) includes:

(i) a recommended disposition;

(ii) detailed findings of fact and conclusions of law, based upon the evidence presented in the hearing, relevant precedent; and

(iii) applicable law and rule.

(26) "Illegal drug" means a substance included in:

(a) Schedules I, II, III, IV, or V established in Section 58-37-4;

(b) Schedules I, II, III, IV, or V of the federal Controlled Substances Act, Title II, Pub. L. No. 91-513; or

(c) any controlled substance analog.

(27) "Informant" means a person who submits information to UPPAC concerning the alleged misconduct of an educator.

(28)(a) "Investigative letter" means a letter sent by the Executive Secretary to an educator notifying the educator:

(i) that an allegation of misconduct has been received against the educator;

(ii) that UPPAC or the Board has directed that an investigation of the educator's alleged actions take place; and

(iii) if applicable, that the Executive Secretary will place a flag on the educator's CACTUS file.

(b) An "investigative letter" is not evidence of unprofessional conduct.

(29) "Investigative report" means a written report of an investigation addressing allegations of educator misconduct, prepared by an investigator that:

(a) includes a brief summary of the allegations, the investigator's narrative, a summary of the evidence, and a recommendation for UPPAC;

(b) may include a rationale for the recommendation, and mitigating and aggravating circumstances;

(c) is maintained in the UPPAC case file; and

(d) is classified as protected under Subsection 63G-2-305(34).

(30) "Investigator" means an employee of the Board, or independent investigator selected in accordance with Subsection 53E-6-506(3), who:

(a) is assigned to conduct an independent and objective investigation into allegations of educator misconduct under UPPAC supervision;

(b) offers recommendations of educator discipline to UPPAC, supported by Rule R277-215, and the evidence, at the conclusion of the investigation;

(c) provides an independent and objective investigative report for UPPAC and the Board; and

(d) may also be a UPPAC attorney but does not have to be.

(31) "LEA" or "local education agency" for purposes of Rules R277-210 through R277-217 includes the Utah Schools for the Deaf and the Blind.

(32) "Letter of education" is a letter sent by the Board to an educator to instruct and caution the educator in an area of professional conduct when the evidence does not show a violation of the educator standards in Rule R277-217, but the evidence may show conduct that could lead to a violation of the standards in the future.

(33) "Letter of warning" is a letter sent by the Board to an educator:

(a) for misconduct that was inappropriate or unethical; and

(b) that does not warrant longer term or more serious discipline.

(34) "License" means a teaching or administrative credential, including an endorsement, which is issued by the Board to signify authorization for the person holding the license to provide professional services in Utah's public schools.

(35) "Misdemeanor offense," for purposes of Board rule, does not include:

(a) violations of municipal ordinances; or

(b) Class C Misdemeanors or Infractions in violation of Title 41, Utah Motor Vehicle Code.

(36) "National Association of State Directors of Teacher Education and Certification Educator Information Clearinghouse" or "NASDTEC Clearinghouse" means a database maintained by NASDTEC for the members of NASDTEC regarding persons who:

(a) had their license suspended or revoked;

(b) have been placed on probation; or

(c) have received a reprimand.

(37) "Notification of alleged educator misconduct" means the official UPPAC form that may be accessed on UPPAC's internet website, and may be submitted by any person, school, or LEA that alleges educator misconduct.

(38) "Party" means the complainant or a respondent.

(39) "Petitioner" means an individual seeking:

(a) an educator license following a denial of a license; or

(b) reinstatement following a license suspension.

(40) "Plea in abeyance" means the same as described in Subsection 77-2a-1(1).

(41) "Pornographic or indecent material" means the same as the term is defined in Subsection 76-10-1235(1)(a).

(42) "Reprimand" is an action by the Board, which:

(a) is imposed for misconduct that was longer term or more seriously unethical or inappropriate than conduct warranting a letter of warning, but not warranting invalidation of the educator's license;

(b) is accompanied by a flag on the educator's CACTUS file, which the educator may request the Board remove from the educator's CACTUS file two years from the date the educator's CACTUS file was flagged for investigation, or after such other time period as prescribed by the Board; and

(c) may include specific directives that the educator must complete before requesting the flag be removed from the educator's CACTUS file under Subsection (43)(b).

(43) "Respondent" means an educator against whom:

(a) a complaint is filed; or

(b) an investigation is undertaken.

(44) "Revocation" means a permanent invalidation of a Utah educator license.

(45) "School-related activity" means a class, event, activity, or program:

(a) occurring at the school before, during, or after school hours; or

(b) that a student attends at a remote location as a representative of the school or with the school's authorization.

(46) "Serve" or "service," as used to refer to the provision of notice to a person, means:

(a) delivery of a written document to a respondent; and

(b) delivery that may be made in person, by mail, by electronic correspondence, or by any other means reasonably calculated, under all of the circumstances, to notify a

respondent to the extent reasonably practical or practicable of the information contained in the document.

(47) "Sexually explicit conduct" means the same as that term is defined in Section 76-5b-103.

(48) "Suspension" means an invalidation of a Utah educator license, which may be reinstated after:

(a) the educator completes specific conditions identified in the consent to discipline or hearing report;

(b) the passage of the time specified in the consent to discipline or hearing report; and

(c) Board action to reinstate the license following a reinstatement hearing as described in Rule R277-213.

(49)(a) "Under the influence of alcohol or an illegal drug" means that a person:

(i) is under the influence of alcohol, an illegal drug, or the combined influence of alcohol and drugs to a degree that renders the person incapable of effectively working in a public school;

(ii) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .05 grams or greater at the time of the test; or

(iii) has a blood or breath alcohol concentration of .05 grams or greater during work hours at a public school.

(b) An educator is presumed to be "under the influence of alcohol or an illegal drug" if the educator refuses a lawful request, made with reasonable suspicion by the educator's LEA, to submit to a drug or alcohol test.

(50) "Utah Professional Practices Advisory Commission" or "UPPAC" means an advisory commission established to assist and advise the Board in matters relating to the professional practices of educators, established in Section 53E-6-501.

(51) "UPPAC attorney file" means a file:

(a) that is kept by the attorney assigned by UPPAC to investigate or prosecute a case that contains:

(i) the attorney's notes; and

(ii) other documents prepared by the attorney in anticipation of an eventual hearing; and

(b) that is classified as protected pursuant to Subsection 63G-2-305(18).

(52) "UPPAC background check file" means a file maintained securely by UPPAC on a criminal background review that:

(a) contains information obtained from:

(i) BCI; and

(ii) letters, police reports, court documents, and other materials provided by an applicant; and

(b) is classified as private under Subsection 63G-2-302(2).

(53) "UPPAC case file" means a file:

(a) maintained securely by UPPAC on an investigation into educator misconduct;

(b) opened following UPPAC's direction to investigate alleged misconduct;

(c) that contains the original notification of alleged misconduct with supporting documentation, correspondence with the Executive Secretary, the investigative report, the stipulated agreement, the hearing report, and the final disposition of the case;

(d) that is classified as protected under Subsection 63G-2-305(10) until the investigation and any subsequent proceedings before UPPAC and the Board are completed; and

(e) that after a case proceeding is closed, is considered public under GRAMA, unless specific documents contained therein contain non-public information or have been otherwise classified as non-public under GRAMA, in which case the file may be redacted or partially or fully restricted.

(54) "UPPAC evidence file" means a file:

(a) maintained by UPPAC investigator containing materials, written or otherwise, obtained by the UPPAC investigator during the course of the investigation;

(b) that contains correspondence between the investigator and the educator or the educator's counsel;

(c) that is classified as protected under Subsection 63G-2-305(10) until the investigation and any subsequent proceedings before UPPAC and the Board are completed; and

(d) that is considered public under GRAMA after case proceedings are closed, unless specific documents contained therein contain non-public information or have been otherwise classified as non-public under GRAMA.

(55) "Weapon" means an item that in the manner of the item's use or intended use is capable of causing death or serious bodily injury.

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R277. Education, Administration.

R277-211. Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions.

R277-211-1. 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) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and

(c) 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 provide procedures regarding:

(a) notifications of alleged educator misconduct;

(b) review of notifications by UPPAC; and

(c) complaints, consents to discipline, and defaults.

(3) Title 63G, Chapter 4, Administrative Procedures Act, does not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

R277-211-2. Initiating Proceedings Against Educators.

(1)(a) The Executive Secretary shall refer a case to UPPAC to make a determination if an investigation should be opened regarding an educator upon receiving a notification of alleged educator misconduct implicating a violation of the Rule R277-217, Educator Standards or Utah law.

(b) The Executive Secretary may refer a case to UPPAC upon the Executive Secretary's own initiative.

(2) If an informant seeks to report information to UPPAC concerning alleged educator misconduct, the informant shall submit an allegation of misconduct to the Executive Secretary in writing, including the following:

(a) the informant's:

(i) name;

(ii) position, such as administrator, teacher, parent, or student;

(iii) telephone number;

(iv) address; and

(v) contact information;

(b) information about the educator against whom the allegation is made:

(i) name;

(ii) position, such as administrator, teacher, candidate; and

(iii) if known, the address and telephone number; and

(c) the facts on which the allegation is based and supporting information.

(3) If an informant submits a written allegation of misconduct as provided in this rule, the Executive Secretary shall notify the informant of a final action taken by the Board regarding the allegation.

(4)(a) Proceedings initiated upon the Executive Secretary's own initiative may be based on information received through a telephone call, letter, newspaper article, media information, notice from another state, or by other means.

(b) The Executive Secretary may also recommend an investigation based on an anonymous allegation, notwithstanding the provisions of this rule, if the allegation bears sufficient indicia of reliability.

(5)(a) The USBE Internal Audit Department shall refer to UPPAC and the LEA any complaint against an educator that would violate Rule R277-217, Educator Standards, or Utah law.

(b) The Executive Secretary shall consult with the educator's LEA and request any relevant evidence from an educator's LEA concerning a complaint referred under Subsection (5)(a).

(6) The Executive Secretary shall permanently maintain all written allegations, subsequent dismissals, actions, or disciplinary letters related to a case against an educator in the UPPAC case file.

R277-211-3. Review of Notification of Alleged Educator Misconduct.

(1)(a) Upon receipt of a notification of alleged educator misconduct, the Executive Secretary shall review the notification with UPPAC and recommend one of the following actions to UPPAC:

(i) dismiss the matter if the alleged misconduct does not involve an issue that UPPAC should address; or

(ii) open a case if the alleged misconduct involves an issue that may be appropriately addressed by UPPAC and the Board.

(b) In considering whether to open a case regarding an allegation of educator misconduct, UPPAC shall consider the known facts and circumstances surrounding the allegation to determine whether opening a case is warranted.

(c) UPPAC shall open a case most readily when the evidence shows that:

(i) the alleged misconduct involves the physical or emotional safety and well-being of a student;

(ii) the alleged misconduct had a highly visible impact on the educator's school community;

(iii) the alleged misconduct has the potential to damage the integrity of the education profession;

(iv) the educator's LEA recommends the Board investigate the matter; or

(v) the educator has received prior UPPAC discipline.

(c) If UPPAC votes to open a case, UPPAC shall also determine whether to:

(i) initiate an investigation; or

(ii) invite the educator to participate in an expedited hearing as described in Section R277-211-5.

(2)(a) Before a UPPAC investigator's initiation of an investigation, the Executive Secretary shall send an investigative letter to the following:

(i) the educator to be investigated;

(ii) the LEA that employs the educator; and

(iii) the LEA where the alleged activity occurred.

(b) The Executive Secretary shall place a flag on the educator's CACTUS file after:

(i) sending the educator an investigative letter; and

(ii) directing UPPAC staff to begin gathering evidence relating to the allegations.

(c) The Executive Secretary may not place a flag on an educator's CACTUS file if the educator agrees to an expedited hearing under Section R277-211-5 unless the expedited hearing panel recommends a full investigation.

(3)(a) The investigator shall review relevant documentation and interview individuals who may have knowledge of the allegations.

(b) The investigator shall prepare an objective and independent investigative report of the findings of the investigation and a recommendation supported by the evidence and Rule R277-215.

(c) If the investigator discovers additional evidence of unprofessional conduct beyond the original allegations, the investigator may include the additional evidence of misconduct in the investigative report provided that the educator has had the opportunity to respond to the additional evidence.

(d) The investigator shall submit the investigative report to the Executive Secretary.

(e) The Executive Secretary shall add the investigative report described in Subsection (3)(d) to a UPPAC meeting agenda.

(f) The investigative report described in Subsection (3)(d) shall become part of the UPPAC case file.

(4) UPPAC shall review the investigative report and take one of the following actions:

(a) Recommend that the Board clear the CACTUS flag and take no action; or

(b) make an initial recommendation consistent with the evidence and Rule R277-215.

(5) After receiving an initial recommendation from UPPAC for action, the Executive Secretary shall:

(a) prepare and serve a complaint; or

(b) negotiate and prepare a proposed consent to discipline.

(6) Upon request of an educator, UPPAC will provide a copy of the UPPAC case file and evidence file to the educator.

R277-211-4. Expedited Hearings on Criminal Charges in lieu of Initial UPPAC Review.

(1) In a case involving the first report of an arrest, citation, or charge of an educator, which requires self-reporting by the educator under Section R277-217-4 the Executive Secretary, with the consent of the educator, may schedule the matter for an expedited hearing in lieu of initially referring the matter to UPPAC.

(2)(a) The Executive Secretary shall hold an expedited hearing within 60 days of a report of an arrest, citation, or charge, unless otherwise agreed upon by both parties.

(b) An expedited hearing panel shall conduct an expedited hearing on a criminal charge and include the following additional invited participants:

(i) the educator;

(ii) the educator's attorney or representative;

(iii) a UPPAC attorney; and

(iv) a representative of the educator's LEA.

(3) The panel may consider the following matters at an expedited hearing on a criminal charge:

(a) an educator's oral or written explanation of the events;

(b) a police report;

(c) a court docket or transcript;

(d) an LEA's investigative report or employment file; and

(e) additional information offered by a participant in the expedited hearing if the Executive Secretary deems it probative of the issues at the expedited hearing.

(4) After reviewing the evidence described in Subsection (3), the expedited hearing panel shall make written findings and a recommendation to UPPAC consistent with the evidence and Rule R277-215 to do one of the following:

(a) close the case;

(b) close the case upon completion of court requirements;

(c) recommend that the Board issue a letter of education or letter of warning;

(d) open a full investigation; or

(e) recommend action by the Board, subject to an educator's due process rights under Rule 277-210 through Rule R277-217.

(5) An expedited hearing on a criminal charge may be recorded, but the testimony from the expedited hearing is inadmissible during a future UPPAC action related to the allegation unless the educator stipulates to admitting the recording.

(6) If the Board fails to adopt UPPAC's recommendation, UPPAC may open a full investigation or issue a complaint.

(7) An expedited hearing panel may proceed under this section with only two voting panel members with the stipulation of the educator.

R277-211-5. Expedited Hearings on Minor Violations of the Educator Standards.

(1) Upon review of an allegation of educator misconduct, UPPAC may recommend conducting an expedited hearing if:

(a) the material evidence provided by the informant does not appear to be disputed;

(b) the allegations, if true, implicate the presumption for a letter of education or letter of warning under Subsection R277-215-2(9); and

(c) the educator consents to participate.

(2) If an educator elects not to participate in an expedited hearing after UPPAC opens a case, the Executive Secretary shall initiate an investigation into the allegations of misconduct with no prejudice to the educator for not participating in the expedited hearing.

(3) At an expedited hearing under this section, an expedited hearing panel shall conduct the hearing and include the following invited individuals:

(a) the educator;

(b) the educator's attorney or representative;

(c) a UPPAC attorney; and

(d) an administrator from the educator's school or LEA.

(4) At an expedited hearing under this section, the panel may consider:

(a) an educator's oral or written explanation of the events;

(b) an LEA's investigative report or employment file, including witness statements; and

(c) additional information proffered by a participant in the expedited hearing if the Executive Secretary deems it probative of the issues at the expedited hearing.

(5) After reviewing the evidence described in Subsection (4), the expedited hearing panel shall make written findings and a recommendation consistent with the evidence and Rule R277-215 to do one of the following:

(a) close the case;

(b) close the case upon completion of recommended training or other educator requirements;

(c) issue a letter of education or letter of warning; or

(d) open a full investigation.

(6) If an expedited hearing panel recommends a full investigation be opened, the Executive Secretary shall follow the requirements set forth in Subsection R277-211-3(2).

(7) An expedited hearing under this section may be recorded.

(8) Testimony offered at an expedited hearing may be considered in a subsequent report to UPPAC or hearing.

(9) An expedited hearing panel may proceed under this section with only two voting panel members with the stipulation of the educator.

R277-211-6. Complaints.

(1) If UPPAC determines that an allegation is sufficiently supported by evidence discovered in the investigation, the Executive Secretary may direct the UPPAC attorney to serve a complaint upon the educator being investigated.

(2) At a minimum, a complaint shall include:

(a) a statement of legal authority and jurisdiction under which the action is being taken;

(b) a statement of the facts and allegations upon which the complaint is based;

(c) other information necessary to enable the respondent to understand and address the allegations;

(d) a statement of the potential consequences if an allegation is found to be true or substantially true;

(e) a statement that the respondent shall answer the complaint and request a hearing, if desired, within 30 days of the date the complaint is mailed to the respondent;

(f) a statement that the respondent shall file a written answer described in Subsection (2)(e) with the Executive Secretary;

(g) a statement advising the respondent that if the respondent fails to respond within 30 days, the Executive Secretary may issue a default order in accordance with Section R277-211-8;

(h) a statement that, if a hearing is requested, the hearing will be scheduled no less than 45 days, nor more than 180 days, after receipt of the respondent's answer, unless a different date is agreed to by both parties in writing;

(i) a copy of the applicable hearing rules as required by Section 53E-6-607; and

(j) if the respondent is not represented by counsel, a written guide to help the respondent understand the UPPAC investigation and hearing process.

(3) On the Executive Secretary's own motion, the Executive Secretary, or the Executive Secretary's designee, with notice to the parties, may reschedule a hearing date.

(4)(a) A respondent may file an answer to a complaint by filing a written response signed by the respondent or the respondent's attorney with the Executive Secretary within 30 days after the complaint is mailed.

(b) The answer shall include:

(i) a request for a hearing;

(ii) the file number of the complaint;

(iii) the names of the parties; and

(iv) the relief that the respondent seeks at a hearing.

(c) As an alternative to filing an answer, the respondent may file a voluntary surrender pursuant to Rule R277-216.

(5)(a) The Executive Secretary shall schedule a hearing, if requested by the respondent, in accordance with Subsection (2)(h) and Rule R277-212.

(b) If the parties can reach an agreement before the hearing consistent with the terms of UPPAC's initial recommendation, the UPPAC attorney may negotiate a proposed consent to discipline with the respondent.

(c) A proposed consent to discipline described in Subsection (5)(b) shall be submitted to the Board for the Board's consideration in accordance with Section R277-211-7.

(6)(a) If a respondent does not respond to the complaint within 30 days, the Executive Secretary may initiate default proceedings in accordance with the procedures set forth in Section R277-211-8.

(b) If the Executive Secretary enters an order of default, the Executive Secretary shall make a recommendation to the Board for discipline consistent with the evidence and Rule R277-215.

R277-211-7. Proposed Consent to Discipline.

(1) At any time after UPPAC has made an initial recommendation, a respondent may accept UPPAC's initial recommendation, rather than request a hearing, by entering into a proposed consent to discipline.

(2) By entering into a proposed consent to discipline, a respondent waives the respondent's right to a hearing to contest the recommended disposition, contingent on final approval by the Board.

(3) At a minimum, a proposed consent to discipline shall include:

(a) a summary of the facts, the allegations, the presumption described in Rule R277-215, mitigating or aggravating factors described in Rule R277-215, and the evidence relied upon by UPPAC in its recommendation;

(b) a statement that the respondent admits or does not contest the facts recited in the proposed consent to discipline as true for purposes of the Board administrative action;

(c) a statement that the respondent:

(i) waives the respondent's right to a hearing to contest the allegations that gave rise to the investigation; and

(ii) agrees to the proposed action rather than contest the allegations;

(d) a statement that the respondent agrees to the terms of the proposed consent to discipline and other provisions applicable to the case, such as remediation, assessment and recommended counseling, restitution, rehabilitation, and other conditions, if any, under which the respondent may request a reinstatement hearing or a removal of the reprimand;

(e) a statement that the action and the proposed consent to discipline shall be reported to other states through the NASDTEC Educator Information Clearinghouse;

(f) a statement that respondent waives the respondent's right to contest the facts stated in the proposed consent to discipline at a subsequent reinstatement hearing, if any;

(g) a statement that all records related to the proposed consent to discipline shall remain permanently in the UPPAC case file;

(h) a statement reflecting the classification of the proposed consent to discipline under Title 63G, Chapter 2, Government Records Access and Management Act;

(i) a statement that information regarding the proposed reprimand, suspension, or revocation may be included in an online licensing database that is available for public access in accordance with Rule R277-312.

(j) a statement that a violation of the terms of an approved consent to discipline may result in additional disciplinary action and may affect the reinstatement process; and

(k) a statement that the educator understands that the Board is not bound by UPPAC's recommendation or the negotiated proposed consent to discipline unless the Board approves the proposed consent to discipline;

(l) if for a suspension of the educator's license:

(i) specific conditions that an educator must satisfy before requesting a reinstatement hearing; and

(ii) a minimum time period that must elapse before the educator may request a reinstatement hearing;

(m) if for suspension or revocation of a license, a statement that the respondent may not work or volunteer in a public school in accordance with Subsection 53E-6-603(3); and

(n) if for suspension or revocation of a license, a statement that any attempt to represent to any other state a valid Utah license shall result in further licensing action in Utah.

(4)(a) The Executive Secretary shall forward a proposed consent to discipline to the Board for approval.

(b) If the Board does not approve a proposed consent to discipline, the Board may:

(i)(A) remand the case to UPPAC and shall include issues or questions that need to be addressed;

(B) offer respondent the opportunity for a hearing; or

(C) provide alternative terms and disposition to the Executive Secretary, consistent with the available evidence and presumptions described in Rule R277-215, that would be satisfactory to the Board to be submitted to the educator for consideration;

(ii) direct the Executive Secretary to issue a letter of education or letter of warning or dismiss the matter; or

(iii) take other appropriate action consistent with due process and Rule R277-215.

(5) If the respondent accepts a consent to discipline with alternative terms and disposition proposed by the Board, the consent to discipline, as modified, is a final Board administrative action without further Board consideration.

(6) If the terms approved by the Board are rejected by the respondent, the proceedings shall continue from the point under these procedures at which the agreement was negotiated, as if the consent to discipline had not been submitted.

(7) If the Board remands to UPPAC to provide respondent the opportunity for a hearing under Subsection (4)(b)(i)(B), the Executive Secretary shall:

(a) notify the parties of the decision;

(b) direct a UPPAC attorney to issue a complaint; and

(c) direct the proceedings as if the proposed consent to discipline had not been submitted.

(8) If the Board approves a proposed consent to discipline, the approval is a final Board administrative action and the Executive Secretary shall:

(a) notify the parties of the decision;

(b) update CACTUS to reflect the action;

(c) report the action to the NASDTEC Educator Information Clearinghouse if the agreement results in:

(i) a revocation;

(ii) a suspension; or

(iii) a reprimand;

(d) direct the appropriate penalties to begin; and

(e) notify the LEAs throughout the state.

R277-211-8. Default Procedures.

(1) If a respondent does not respond to a complaint within 30 days from the date the complaint is served, the Executive Secretary may issue an order of default against the respondent consistent with the following:

(a) the Executive Secretary shall prepare and serve on the respondent an order of default including:

(i) a statement of the grounds for default; and

(ii) a recommended disposition if the respondent fails to file a response to a complaint;

(b) ten days following service of the order of default, a UPPAC attorney shall attempt to contact respondent or respondent's attorney by telephone or electronically unless the respondent is incarcerated and unrepresented;

(c) UPPAC shall maintain documentation of attempts toward written, telephonic, or electronic contact;

(d) the respondent has 20 days following service of the order of default to respond to UPPAC; and

(e) if UPPAC receives a response from respondent to a default order before the end of the 20 day default period, UPPAC shall allow respondent a final ten day period to respond to a complaint.

(2) The Executive Secretary shall make a recommendation to the Board for discipline consistent with the evidence and Rule R277-215.

(3) If an educator's default results in a suspension, the order of default shall include conditions the educator must meet before requesting a reinstatement hearing.

R277-211-9. Disciplinary Letters and Dismissal.

(1) If UPPAC recommends issuance of a letter of warning, letter of education, or dismissal, the Executive Secretary shall forward the case to the Board for review on a consent calendar.

(2) If the Board does not approve a recommendation for a letter of warning, letter of education, or dismissal described in Subsection (1), the Board may:

(a) remand the case to the Executive Secretary with:

(i) direction as to the issues UPPAC should address;

(ii) alternative terms and disposition that would be satisfactory to the Board to be submitted to the educator for consideration; and

(iii) the opportunity for the educator to participate in a hearing;

(b) dismiss the matter; or

(c) take other appropriate action consistent with due process and Rule R277-215.

(3) If the Board approves a letter of warning or letter of education, the Executive Secretary shall:

(a) prepare the letter of warning or letter of education and mail it to the educator;

(b) place a copy of the letter of warning or letter of education in the UPPAC case file; and

(c) update CACTUS to reflect that the case is closed.

KEY: teacher licensing, conduct, hearings

Date of Last Change: January 10, 2024

Notice of Continuation: October 1, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-506; 53E-3-401(4)

R277. Education, Administration.

R277-212. UPPAC Hearing Procedures and Reports.

R277-212-1. 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) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and

(c) 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 establish procedures regarding UPPAC hearings and hearing reports.

(3) The standards and procedures of Title 63G, Chapter 4, Administrative Procedures Act do not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

(4) Hearings conducted in accordance with this rule are formal adjudicatory proceedings.

R277-212-2. Scheduling a Hearing.

(1)(a) Following receipt of an answer by respondent requesting a hearing, or at the direction of the Board to give the respondent an opportunity to have a hearing:

(i) UPPAC shall select panel members;

(ii) the Executive Secretary shall appoint a hearing officer from among a list of hearing officers identified by the state procurement process and approved by UPPAC; and

(iii) UPPAC shall schedule the date, time, and place for the hearing.

(b) The Executive Secretary shall schedule a hearing for a date that is not less than 45 days nor more than 180 days from the date the Executive Secretary receives the answer unless otherwise stipulated by the parties.

(c) The required scheduling periods may be waived by mutual written consent of the parties or by the hearing officer for good cause shown.

(2)(a) Any party may request a change of hearing date by submitting a request in writing that shall:

(i) include a statement of the reasons for the request; and

(ii) be submitted to the hearing officer at least five days prior to the scheduled date of the hearing.

(b) The hearing officer shall determine whether the reason stated in the request is sufficient to warrant a change.

(c) If the hearing officer finds that the reason for the request for a change of hearing date is sufficient, the hearing officer shall promptly direct the Executive Secretary to reschedule the hearing and send notice to the parties.

(d) If the hearing officer does not find the reason for the request for a change of hearing date to be sufficient, the hearing officer shall immediately notify the parties that the request has been denied.

(e) The hearing officer may, upon stipulation of the parties or upon motion, waive the time period required for requesting a change of hearing date for good cause shown.

(3) An educator is entitled to a hearing on any matter in which an action is recommended.

(4) An educator is not entitled to a hearing on a matter in which a letter of education or letter of warning is recommended.

R277-212-3. Appointment and Duties of the Hearing Officer and Hearing Panel.

(1)(a) The Executive Secretary shall appoint a hearing officer to chair the hearing panel and conduct the hearing.

(b) The Executive Secretary shall select a hearing officer on a random basis from a list of available contracted hearing officers, subject to availability and conflict of interest.

(c) The Executive Secretary shall provide such information about the case as necessary to determine whether the hearing officer has a conflict of interest and shall disqualify any hearing officer that cannot serve under the Utah Rules of Professional Conduct.

(d) A hearing officer:

(i) may require the parties to submit a brief and a list of witnesses prior to the hearing;

(ii) presides at the hearing and regulates the course of the proceeding;

(iii) administers an oath to a witness as follows: "Do you swear or affirm that the testimony you will give is the truth?";

(iv) may take testimony, rule on a question of evidence, and ask a question of a witness to clarify a specific issue; and

(v) prepares and submits a hearing report to the Executive Secretary at the conclusion of the proceedings in consultation with panel members and the timelines of this rule.

(2)(a) UPPAC shall select three or more individuals to serve as members of the hearing panel.

(b) The majority of panel members shall be current UPPAC members.

(c) As directed by UPPAC, a licensed educator or member of the community may serve as a panel member, if needed.

(d) UPPAC shall select panel members on a rotating basis to the extent practicable.

(e) UPPAC shall accommodate each prospective panel member based on the availability of the panel member.

(f) If the respondent is a teacher, at least one panel member shall be a current classroom teacher.

(g) If the respondent is a non-teacher licensed educator, at least one panel member shall be a non-teacher licensed educator.

(3) The requirements of Subsection (2) may be waived only upon the stipulation of both the UPPAC attorney and the respondent.

(4)(a) A UPPAC panel member shall:

(i) assist a hearing officer by providing information concerning professional standards and practices of educators in the respondent's particular field of practice and in the situations alleged;

(ii) ask a question of a witness to clarify a specific issue;

(iii) review all evidence and briefs, if any, presented at the hearing;

(iv) make a recommendation to UPPAC as to the suggested disposition of a complaint; and

(v) assist the hearing officer in preparing the hearing report.

(b) A panel member may only consider the evidence approved for admission by the hearing officer.

(c) The Executive Secretary may make an emergency substitution of a panel member for good cause shown or with the consent of the parties.

(d) An agreement to substitute a panel member shall be in writing.

(e) Parties may agree to a two-member UPPAC panel in an emergency situation.

(5)(a) A party may request that the Executive Secretary disqualify a hearing officer by submitting a written request for disqualification to the Executive Secretary.

(b) A party shall submit a request to disqualify a hearing officer to the Executive Secretary at least 15 days before a scheduled hearing.

(6)(a) The Executive Secretary shall review a request described in Subsection (5) and supporting evidence to determine whether the reasons for the request are substantial and compelling.

(b) If the Executive Secretary determines that the hearing officer should be disqualified, the Executive Secretary shall appoint a new hearing officer and, if necessary, reschedule the hearing.

(7) A hearing officer may recuse himself or herself from a hearing if, in the hearing officer's opinion, the hearing officer's participation would violate any of the Utah Rules of Professional Conduct consistent with the Supreme Court Rules of Professional Practice.

(8)(a) If the Executive Secretary denies a request to disqualify a hearing officer described in Subsection (5), the Executive Secretary shall notify the party within ten days prior to the date of the hearing.

(b) The requesting party may submit a written appeal of the Executive Secretary's denial to the Superintendent no later than five days prior to the hearing date.

(c) If the Superintendent finds that the appeal is justified, the Superintendent shall direct the Executive Secretary to appoint a new hearing officer and, if necessary, reschedule the hearing.

(d) The decision of the Superintendent described in Subsection (8)(c) is final.

(e) If a party fails to file an appeal within the time requirements of Subsection (8)(b), the appeal shall be deemed denied.

(f) If the Executive Secretary fails to meet the time requirements described in Subsection (6) or (8), the request or appeal is approved.

(9)(a) A UPPAC member shall recuse himself or herself as a panel member due to any known financial or personal interest, prior relationship, personal and independent knowledge of the persons or issues in the case, or other association that the panel member believes would compromise the panel member's ability to make an impartial decision.

(b) A party may request that a UPPAC panel member be disqualified by submitting a written request to the hearing officer.

(c) A party shall submit a request described in Subsection (9)(b) no less than 15 days before a scheduled hearing.

(d) The hearing officer shall:

(i) review a request described in Subsection (9)(b) and supporting evidence to determine whether the reasons for the request are substantial and compelling enough to disqualify the panel member; and

(ii) if the reasons for the request described in Subsection (9)(b) are substantial and compelling, disqualify the panel member.

(e) If a panel member is disqualified:

(i) UPPAC shall appoint a replacement; and

(ii) the Executive Secretary shall, if necessary, reschedule the hearing.

(f) If a request described in Subsection (9)(b) is denied, the hearing officer, shall notify the party requesting the panel member's disqualification no less than ten days prior to the date of the hearing.

(10) The Executive Secretary may, at the time the Executive Secretary selects a hearing officer or panel member, select an alternative hearing officer or panel member following the process for selecting those individuals.

(11) The Executive Secretary may substitute a panel member with an alternative panel member if the Executive Secretary notifies the parties of the substitution.

R277-212-4. Preliminary Instructions to Parties to a Hearing.

(1) A hearing shall be scheduled no less than 45 days after receipt of an answer, unless otherwise stipulated by the parties.

(2) No later than 25 days before the date of a hearing, the Executive Secretary shall provide the parties with the following information:

(a) date, time, and location of the hearing;

(b) names and LEA affiliations of each panel member, and the name of the hearing officer; and

(c) instructions for accessing these rules.

(3) No later than 20 days before the date of the hearing, the respondent and the complainant shall provide the following to the other party and to the hearing officer:

(a) a brief, if requested by the hearing officer containing:

(i) any procedural and evidentiary motions along with the party's position regarding the allegations; and

(ii) relevant laws, rules, and precedent;

(b) the name of the person who will represent the party at the hearing;

(c) a list of witnesses expected to be called, including a summary of the testimony that each witness is expected to present;

(d) a summary of documentary evidence that the party intends to submit; and

(e) following receipt of the other party's witness list, a list of anticipated rebuttal witnesses and evidence no later than ten days prior to the hearing.

(4)(a) Except as provided in Subsection (4)(b), a party may not present a witness or evidence at the hearing if the witness or evidence has not been disclosed to the other party as required in Subsection (3).

(b) A party may present a witness or evidence at the hearing even if the witness or hearing has not been disclosed to the other party if:

(i) the parties stipulate to the presentation of the witness or evidence at the hearing; or

(ii) the hearing officer makes a determination of good cause to allow the witness or evidence.

(5) If a party fails to comply in good faith with a directive of the hearing officer, including time requirements, the hearing officer may prohibit introduction of the testimony or evidence or take other steps reasonably appropriate under the circumstances.

(6) A party shall provide materials to the hearing officer, panel members, and UPPAC as directed by the hearing officer.

R277-212-5. Hearing Parties' Representation.

(1) A UPPAC attorney shall represent the complainant.

(2) A respondent may represent himself or herself or be represented, at the respondent's own cost, by legal counsel.

(3) An informant has no right to:

(a) individual representation at the hearing; or

(b) to be present or heard at the hearing unless called as a witness.

(4) A respondent shall notify the Executive Secretary in a timely manner and in writing if the respondent chooses to be represented by legal counsel.

R277-212-6. Discovery Prior to a Hearing.

(1) Discovery is permitted to the extent necessary to obtain relevant information necessary to support claims or defenses, as determined by the hearing officer.

(2) Unduly burdensome legalistic discovery may not be used to delay a hearing.

(3) A hearing officer may limit discovery:

(a) at the discretion of the hearing officer; or

(b) upon a motion by either party.

(4) A hearing officer rules on all discovery requests and motions.

(5) The Executive Secretary shall issue a subpoena or other order to secure the attendance of a witness pursuant to Subsection 53E-6-606(1) if:

(a) requested by either party; and

(b) notice of intent to call the witness has been timely provided as required by Section R277-212-4.

(6) The Executive Secretary shall issue a subpoena to produce evidence if timely requested by either party.

(7)(a) A party may not present an expert witness report or expert witness testimony at a hearing unless the requirements of Section R277-212-10 have been met.

(b) A respondent may not subpoena the UPPAC attorney or investigator as an expert witness.

R277-212-7. Burden and Standard of Proof for UPPAC Proceedings.

(1) In matters other than those involving applicants for licensing, and excepting the presumptions under Subsection R277-212-11, the Board shall have the burden of proving that an action against the license is appropriate.

(2) An applicant for licensing has the burden of proving that licensing is appropriate.

(3) The standard of proof in all UPPAC hearings is a preponderance of the evidence.

(4) The Utah Rules of Evidence are not applicable to UPPAC proceedings.

(5) The criteria to decide an evidentiary question are:

(a) reasonable reliability of the offered evidence;

(b) fairness to both parties; and

(c) usefulness to UPPAC in reaching a decision.

(6) The hearing officer has the sole responsibility to determine the application of the hearing rules and the admissibility of evidence.

R277-212-8. Deportment.

(1) Parties, their representatives, witnesses, and other persons present during a hearing shall conduct themselves in an appropriate manner during a hearing, giving due respect to members of the hearing panel and complying with the instructions of the hearing officer.

(2) A hearing officer may exclude a person from the hearing room who fails to conduct himself or herself in an appropriate manner and may, in response to extreme instances of noncompliance, disallow the person's testimony.

(3) Parties, attorneys for parties, or other participants in the professional practices investigation and hearing process may not harass, intimidate, or pressure witnesses or other hearing participants, nor may they direct others to harass, intimidate, or pressure witnesses or participants.

R277-212-9. Hearing Record.

(1) A hearing shall be recorded at UPPAC's expense, and the recording shall become part of the UPPAC case file, unless otherwise agreed upon by all parties.

(2) An individual party may, at the party's own expense, make a recording or transcript of the proceedings if the party provides notice to the Executive Secretary.

(3) If an exhibit is admitted as evidence, the record shall reflect the contents of the exhibit.

(4) All evidence and statements presented at a hearing shall become part of the UPPAC case file and may not be removed except by direction of the Executive Secretary or by order of the Board.

(5)(a) Upon request of an educator, UPPAC will provide an electronic or paper copy of the UPPAC case file to the educator.

(b) UPPAC may charge fees in accordance with Rule R277-103-5 if the educator requests a paper copy.

R277-212-10. Expert Witnesses in UPPAC Proceedings.

(1) A hearing officer may allow testimony by an expert witness.

(2) A party may call an expert witness at the party's own expense.

(3) A party shall provide a hearing officer and the opposing party with the following information at least 15 days prior to the hearing date:

(a) notice of intent of a party to call an expert witness;

(b) the identity and qualifications of an expert witness;

(c) the purpose for which the expert witness is to be called; and

(d) any prepared expert witness report.

(4) Defects in the qualifications of an expert witness, once a minimum threshold of expertise is established, go to the weight to be given the testimony and not to its admissibility.

(5) An expert witness who is a member of the complainant's staff or staff of an LEA may testify and have the testimony considered as part of the record in the same manner as the testimony of any other expert.

R277-212-11. Evidence and Participation in UPPAC Proceedings.

(1) A hearing officer may not exclude evidence solely because the evidence is hearsay.

(2) Each party has a right to call witnesses, present evidence, argue, respond, cross-examine witnesses who testify in person at the hearing, and submit rebuttal evidence.

(3) Testimony presented at the hearing shall be given under oath if the testimony is offered as evidence to be considered in reaching a decision on the merits.

(4) On the hearing officer's own motion or upon objection by a party, the hearing officer:

(a) may exclude evidence that the hearing officer determines to be irrelevant, immaterial, or unduly repetitious;

(b) shall exclude evidence that is privileged under law applicable to administrative proceedings in the state unless waived;

(c) may receive documentary evidence in the form of a copy or excerpt if the copy or excerpt contains all pertinent portions of the original document;

(d) may take official notice of any facts that could be judicially noticed under judicial or administrative laws of the state, or from the record of other proceedings before the agency.

(5)(a) In addition to a rebuttable presumption described in Subsection 53E-6-506(3)(e), a rebuttable evidentiary presumption exists that a person has committed a sexual offense against a minor if the person has:

(i) been found, pursuant to a criminal, civil, or administrative action to have committed a sexual offense against a minor; or

(ii) failed to defend himself or herself against the charge when given a reasonable opportunity to do so.

(b) A rebuttable evidentiary presumption exists that a person is unfit to serve as an educator if the person has been found pursuant to a criminal, civil, or administrative action to have exhibited behavior evidencing unfitness for duty, including immoral, unprofessional, or incompetent conduct, or other violation of standards of ethical conduct, performance, or professional competence.

(c) Evidence of behavior described in Subsection (11)(b) may include:

(i) conviction of a felony;

(ii) a felony charge and subsequent conviction for a lesser related charge pursuant to a plea bargain or plea in abeyance;

(iii) an investigation of an educator's license, certificate, or authorization in another state; or

(iv) the expiration, surrender, suspension, revocation, or invalidation of an educator's license for any reason.

R277-212-12. Testimony of a Minor Victim or Witness.

(1) For purposes of this section, a "minor victim or witness" is an individual who is less than 18 years old at the time of hearing.

(2) If a case involves allegations of child abuse or of a sexual offense against a minor under applicable federal or state law, either party, or the hearing officer, may request that a minor victim or witness be allowed to testify outside of the respondent's presence.

(3) If the hearing officer determines that a minor victim or witness would suffer undue emotional or mental harm, or that the minor victim or witness's testimony in the presence of the respondent would be unreliable, the minor victim or witness's testimony may be admitted as described in this section.

(4) An oral statement of a minor victim or witness that is recorded prior to the filing of a complaint is admissible as evidence in a hearing regarding the offense if:

(a) no attorney for either party is in the minor victim or witness's presence when the statement is recorded;

(b) the recording is visual and aural and is recorded;

(c) the recording equipment is capable of making an accurate recording;

(d) the operator of the equipment is competent;

(e) the recording is accurate and has not been altered; and

(f) each voice in the recording is identified.

(5) The testimony of a minor victim or witness may be taken in a room other than the hearing room, and may be transmitted by closed circuit equipment to another room where it can be viewed by the respondent if:

(a) only the hearing officer, hearing panel members, attorneys for each party, persons necessary to operate equipment, and a person approved by the hearing officer whose presence contributes to the welfare and emotional well-being of the minor victim or witness may be with the minor victim or witness during the testimony;

(b) the respondent is not present during the minor victim or witness's testimony;

(c) the hearing officer ensures that the minor victim or witness cannot hear or see the respondent;

(d) the respondent is permitted to observe and hear, but not communicate with the minor victim or witness; and

(e) only hearing panel members, the hearing officer, and the attorneys question the minor victim or witness.

(6)(a) If a witness testifies under circumstances described in Subsection (5), a pro se educator, may submit written questions to the hearing officer to ask on the educator's behalf.

(b) A hearing officer shall take appropriate recesses to ensure a pro se educator is allowed to ask all needed follow up questions.

(7) If the hearing officer determines that the testimony of a minor victim or witness may be taken consistent with Subsections (2) through (5), the minor victim or witness may not be required to testify in any proceeding where the recorded testimony is used.

R277-212-13. Hearing Report.

(1) Within 20 days after the hearing, or within 20 days after the deadline imposed for the filing of any post-hearing materials as permitted by the hearing officer, the hearing officer shall sign and issue a hearing report consistent with the recommendations of the panel that includes:

(a) detailed findings of fact and conclusions of law based upon the evidence of record or on facts officially noted;

(b) a statement of relevant precedent, if available;

(c) a statement of applicable law and rule;

(d) presumptions applied by UPPAC;

(e) mitigating and aggravating circumstances considered by UPPAC;

(f) a recommended disposition of UPPAC panel members that shall be one of the following:

(i) dismissal of the complaint;

(ii) letter of education;

(iii) letter of warning;

(iv) reprimand;

(vii) suspension, to include the following terms and conditions:

(A) a recommended minimum time period consistent with R277-215 after which an educator may request a reinstatement hearing under Rule R277-213; and

(B) any recommended conditions precedent to requesting a reinstatement hearing under Section R277-213-2; or

(viii) revocation; and

(g) notice that UPPAC's recommendation is subject to approval by the Board and judicial review as may be allowed by law.

(2) Findings of fact may not be based solely upon hearsay, and conclusions shall be based upon competent evidence.

(3)(a) A hearing officer shall circulate a draft report to hearing panel members prior to the 20 day completion deadline of the hearing report.

(b) Hearing panel members shall notify the hearing officer of any changes to the report:

(i) as soon as possible after receiving the report; and

(ii) prior to the 20 day completion deadline of the hearing report.

(c) The hearing officer shall file the completed hearing report with the Executive Secretary, who shall review the report with UPPAC.

(d) The Executive Secretary may participate in UPPAC's deliberation as a resource to UPPAC in explaining the hearing report and answering any procedural questions raised by UPPAC members.

(e) The hearing officer may confer with the Executive Secretary or the panel members or both while preparing the hearing report.

(f) The hearing officer may request the Executive Secretary to confer with the hearing officer and panel following the hearing.

(g) The Executive Secretary may return a hearing report to a hearing officer if the report is incomplete, unclear, or unreadable, or missing essential components or information.

(h) UPPAC shall vote to uphold the hearing officer's and panel's report if UPPAC finds that:

(i) there are no significant procedural errors;

(ii) the hearing officer's recommendations are based upon a preponderance of the evidence presented at the hearing; and

(iii) that all issues explained in the hearing report are adequately addressed in the conclusions of the report.

(i) After the UPPAC review, the Executive Secretary shall send a copy of the hearing report to:

(i) the Board for further action;

(ii) the respondent; and

(iii) the UPPAC case file.

(4) If the Board does not approve a UPPAC hearing report, the Board may:

(a) remand the case to UPPAC with direction to cure due process issues; or

(b) direct the Executive Secretary to make other evidence available pursuant to Section R277-212-14 before issuing a final decision with official findings; or

(c) issue findings based on the UPPAC hearing record and report:

(i) specifying the reasons, including the evidence, presumptions, and the mitigating and aggravating circumstances the Board considered, for the Board's failure to accept the hearing report;

(ii) adopting the Board's decision on the matter; and

(iii) directing the Executive Secretary to include the findings as an addendum to the hearing report, which findings constitute final Board action; or

(d) take other appropriate action consistent with due process and R277-215.

(5) Following Board adoption of a hearing report or the Board's decision under Subsection (4)(c), the Executive Secretary shall:

(a) notify the educator;

(b) notify the educator's employer;

(c) update CACTUS to reflect the Board's action; and

(d) report the action to the NASDTEC Educator Information Clearing house if the action results in:

(i) a revocation;

(ii) a suspension; or

(iii) reprimand.

(6) The hearing report is a public document under Title 63G, Chapter 2, Government Records Access and Management Act after final action is taken in the case, but may be redacted if it is determined that the hearing report contains particular information, the dissemination of which is otherwise restricted under the law.

(7) A respondent's failure to comply with the terms of a final disposition may result in additional discipline against the educator license.

(8) If a hearing officer fails to satisfy the hearing officer's responsibilities under this rule, the Executive Secretary may:

(a) notify the Utah State Bar of the failure;

(b) reduce the hearing officer's compensation consistent with the failure;

(c) take timely action to avoid disadvantaging either party; or

(d) preclude the hearing officer from further employment by the Board for UPPAC purposes.

(9) The Executive Secretary may waive the deadlines within this section if the Executive Secretary finds good cause.

(10) All criteria of letters of warning and reprimand, probation, suspension, and revocation apply to the comparable sections of the final hearing report.

R277-212-14. Additional Relevant Evidence.

(1) If the Board directs the Executive Secretary to make additional relevant evidence available to the Board for review, before the Board issues a final decision with official findings, the Executive Secretary shall give the educator a notice that includes:

(a) what additional relevant evidence the Board directed UPPAC to make available to review;

(b) the opportunity to file a response described in Subsection (2); and

(c) a statement that the educator's failure to file either a timely written response or request for hearing would be a waiver of the right to either respond, or request a hearing.

(2) An educator who receives a notice described in Subsection (1) may submit one of the following within 30 days of the notice described in Subsection (1) was sent:

(a) a written response to the additional relevant evidence that the Board directed the Executive Secretary to make available for review; or

(b) a written request for a hearing before the Board to respond to the additional relevant evidence.

(3) If the educator fails to timely respond as provided in Subsection (2):

(a) the Executive Secretary shall notify the respondent that the respondent waived the right to respond or request a hearing; and

(b) the Board may proceed to view the additional relevant evidence.

(4) If the educator files a timely written response, the Executive Secretary shall submit the written response to the Board for consideration before the Board issues a final decision.

(5) If the educator files a timely hearing request, before the Board issues a final decision, the Executive Secretary shall:

(a) request a hearing before the Board, as described in Subsection (7);

(b) provide the respondent notice of the hearing meeting the requirements of Section 53E-6-607;

(c) include a copy of the Board rules that apply; and

(d) notify the respondent that if the respondent fails to attend or participate in the hearing:

(i) that the respondent has waived the right to appear and respond to the additional relevant evidence; and

(ii) that the Board may proceed to review the additional relevant evidence.

(6) The Board shall schedule a hearing described in Subsection (5)(b) within no less than 45 days and no more than 90 days from the date the Executive Secretary receives the respondent's written request for a hearing.

(7) If the Board conducts a hearing described in Subsection (6), Sections R277-212-4, R277-212-5, and R277-212-7 through R277-212-12 apply.

(8) The Executive Secretary shall issue a subpoena or other order to secure the attendance of a witness pursuant to Subsection 53E-6-506(3)(c)(i) if:

(a) requested by either party; and

(b) notice of intent to call the witness has been timely provided as required by Section R277-212-4.

(9) Subsection R277-212-3(1) governs the appointment of a hearing officer to conduct a hearing under this section, but no hearing report is required.

(10) After the hearing or viewing the additional relevant evidence, the Board will prepare findings that support the reasons for the Board's decision, including the presumptions and mitigating and aggravating circumstances described in Rule R277-215 that the Board applied.

(11) Findings issued by the Board as described in Subsection (11) may not be based solely upon hearsay.

R277-212-15. Default.

(1)(a) The Executive Secretary shall prepare an order of default if:

(i) the respondent fails to file an answer as described in Subsection R277-211-6(4);

(ii) the respondent fails to attend or participate in a properly scheduled hearing after receiving proper notice; or

(iii) the hearing officer recommends default as a sanction as a result of misconduct by the respondent or the respondent's representative during the course of the hearing process.

(b) The hearing officer may determine that the respondent has failed to attend a properly scheduled hearing if the respondent has not appeared within 30 minutes of the appointed time for the hearing to begin, unless the respondent shows good cause for failing to appear in a timely manner.

(2) The recommendation of default may be executed by the Executive Secretary following all applicable time periods, without further action by UPPAC.

(3) The Executive Secretary shall make a recommendation to the Board for discipline in accordance with Rule R277-215.

R277-212-16. Rights of Victims at Hearings.

(1) If the allegations that gave rise to the underlying allegations involve abuse of a sexual or physical nature, UPPAC shall make reasonable efforts to:

(a) advise the alleged victim that a hearing has been scheduled;

(b) notify the alleged victim of the date, time, and location of the hearing; and

(c) notify the alleged victim of the right to attend the hearing alone or with a victim advocate present.

(2) An alleged victim or guardian entitled to notification of a hearing is permitted, but is not required, to attend the hearing.

(3) An alleged victim or witness may have a criminal justice victim advocate or support person attend the hearing with them.

KEY: hearings, reports, educators

Date of Last Change: February 7, 2020

Notice of Continuation: February 10, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-506; 53E-3-401(4)

R277. Education, Administration.

R277-213. Request for Licensure Reinstatement and Reinstatement Procedures.

R277-213-1. 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) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and

(c) 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 establish procedures regarding educator license reinstatement.

(3) The standards and procedures of the Utah Administrative Procedures Act do not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

R277-213-2. Application for Reinstatement.

(1)(a) An individual with a suspended license, may request a review to consider reinstatement of the license.

(b) A request for review described in Subsection (1)(a) shall:

(i) be in writing;

(ii) be submitted to the UPPAC Executive Secretary; and

(iii) have the following information:

(A) name and address of the individual requesting review;

(B) the action being requested;

(C) specific evidence and documentation of compliance with terms and conditions of any remedial or disciplinary requirements or recommendations from UPPAC or the Board;

(D) reasons that the individual seeks reinstatement; and

(E) signature of the individual requesting review.

(2)(a) The Executive Secretary shall review the request with UPPAC.

(b) If UPPAC determines that the request is incomplete or invalid:

(i) the Executive Secretary shall deny the request; and

(ii) notify the individual requesting reinstatement of the denial.

(c) If UPPAC determines that the request of an individual described in Subsection (1) is complete, timely, and appropriate, the Executive Secretary shall schedule and hold a hearing as soon as practicable in accordance with the provisions of Section R277-213-3.

(3) An educator may file a request for reinstatement at any time one year prior to the expiration of the suspension period if the educator has completed the requirements identified in the educator's consent to discipline or hearing report.

(4)(a) Burden of Persuasion: The burden of persuasion at a reinstatement hearing shall fall on the individual seeking reinstatement.

(b) An individual requesting reinstatement of a suspended license shall:

(i) show sufficient evidence of compliance with any conditions imposed in the past disciplinary action;

(ii) provide sufficient evidence to the reinstatement hearing panel that the educator will not engage in recurrences of the actions that gave rise to the suspension and that reinstatement is appropriate;

(iii) undergo a criminal background check not more than six months prior to the requested hearing; and

(iv) provide materials for review by the hearing panel that demonstrate the individual's compliance with directives from UPPAC or the Board found in petitioner's original consent to discipline or hearing report.

(c) An individual requesting reinstatement shall show sufficient evidence of completion of a rehabilitation or remediation program, if applicable, when requesting reinstatement.

(5) An individual whose license has been suspended or revoked in another state shall seek reinstatement of the individual's license in the other state before a request for a reinstatement hearing may be approved.

R277-213-3. Reinstatement Hearing Procedures.

(1) A hearing officer shall:

(a) preside over a reinstatement hearing; and

(b) rule on all procedural issues during the reinstatement hearing as they arise.

(2) A hearing panel, comprising individuals as set forth in Subsection R277-212-3(2), shall:

(a) hear the evidence; and

(b) along with the UPPAC attorney and hearing officer, question the individual seeking reinstatement regarding the appropriateness of reinstatement.

(3) An individual seeking reinstatement may:

(a) be represented by counsel; and

(b) may present evidence and witnesses.

(4) A party may present evidence and witnesses consistent with Rule R277-212.

(5) A hearing officer of a reinstatement hearing shall direct one or both parties to explain the background of a case to panel members at the beginning of the hearing to provide necessary information about the initial misconduct and subsequent UPPAC and Board action.

(6) An individual seeking reinstatement shall present documentation or evidence that supports reinstatement.

(7) The Executive Secretary, represented by a UPPAC attorney, shall present any evidence or documentation that explains and supports UPPAC's recommendation in the matter.

(8) Other evidence or witnesses may be presented by either party and shall be presented consistent with Rule R277-212.

(9) The individual seeking reinstatement shall:

(a) focus on the individual's actions, rehabilitative efforts, and performance following suspension;

(b) explain item by item how each condition of the hearing report or consent to discipline was satisfied;

(c) provide documentation in the form of evaluations, reports, or plans, as directed by the hearing report or consent to discipline, of satisfaction of all required and outlined conditions;

(d) be prepared to completely and candidly respond to the questions of the UPPAC attorney and hearing panel regarding:

(i) the misconduct that caused the license suspension;

(ii) subsequent rehabilitation activities;

(iii) counseling or therapy received by the individual related to the original misconduct; and

(iv) work, professional actions, and behavior between the suspension and reinstatement request;

(e) present witnesses and be prepared to question witnesses (including counselors, current employers, support group members) at the hearing who can provide substantive corroboration of rehabilitation or current professional fitness to be an educator;

(f) provide copies of all reports and documents to the UPPAC attorney and hearing officer at least five days before a reinstatement hearing; and

(g) bring eight copies of all documents or materials that an individual seeking reinstatement plans to introduce at the hearing.

(10) The UPPAC attorney, the hearing panel, and hearing officer shall thoroughly question the individual seeking reinstatement as to the individual's:

(a) underlying misconduct which is the basis of the sanction on the educator's license;

(b) specific and exact compliance with reinstatement requirements;

(c) counseling, if required for reinstatement;

(d) specific plans for avoiding previous misconduct; and

(e) demeanor and changed understanding of petitioner's professional integrity and actions consistent with Rule R277-217.

(11) If the individual seeking reinstatement sought counseling as described in Subsection(10)(c), the individual shall state, under oath, that he provided all relevant information and background to his counselor or therapist.

(12) A hearing officer shall rule on procedural issues in a reinstatement hearing in a timely manner as they arise.

(13) No more than 20 days following a reinstatement hearing, a hearing officer, with the assistance of the hearing panel, shall:

(a) prepare a hearing report in accordance with the requirements set forth in Section R277-213-5; and

(b) provide the hearing report to the UPPAC Executive Secretary.

(14) The Executive Secretary shall submit the hearing report to UPPAC at the next meeting following receipt of the hearing report by the Executive Secretary.

(15) UPPAC may do the following upon receipt of the hearing report:

(a) accept the hearing panel's recommendation as prepared in the hearing report;

(b) amend the hearing panel's recommendation with conditions or modifications to the hearing panel's recommendation which shall be:

(i) directed by UPPAC;

(ii) prepared by the UPPAC Executive Secretary; and

(iii) attached to the hearing report; or

(c) reject the hearing panel's recommendation.

(16) After UPPAC makes a recommendation on the hearing panel report, the UPPAC recommendation will be forwarded to the Board for final action on the individual's reinstatement request.

(17) If the Board reinstates an educator's license, the Executive Secretary shall:

(a) update CACTUS to reflect the Board's action; and

(b) report the Board's action to the NASDTEC Educator Information Clearing house.

(18) The Executive Secretary shall send notice of the Board's decision no more than 30 days following Board action to:

(a) the educator;

(b) the educator's LEA.

R277-213-4. Rights of a Victim at a Reinstatement Hearing.

(1) If the allegations that gave rise to the underlying suspension involve abuse of a sexual or physical nature, UPPAC shall make reasonable efforts to notify the victim or the victim's family of the reinstatement request.

(2) A UPPAC's notification described in Subsection (1) shall:

(a) advise the victim or the victim's family that a reinstatement hearing has been scheduled;

(b) notify the victim or the victim's family of the date, time, and location of the hearing;

(c) advise the victim or the victim's family of the victim's right to be heard at the reinstatement hearing; and

(d) provide the victim or the victim's family with a form upon which the victim can submit a statement for consideration by the hearing panel.

(3) A victim entitled to notification of the reinstatement proceedings shall be permitted:

(a) to attend the hearing; and

(b) to offer the victim's position on the educator's reinstatement request, either by testifying in person or by submitting a written statement.

(4) A victim choosing to testify at a reinstatement hearing shall be subject to reasonable cross examination in the hearing officer's discretion.

(5) A victim choosing not to respond in writing or appear at the reinstatement hearing waives the victim's right to participate in the reinstatement process.

R277-213-5. Reinstatement Hearing Report.

(1) A hearing officer shall provide the following in a reinstatement hearing report:

(a) a summary of the background of the original disciplinary action;

(b) adequate information, including summary statements of evidence presented, documents provided, and petitioner's testimony and demeanor for both UPPAC and the Board to evaluate petitioner's progress and rehabilitation since petitioner's original disciplinary action;

(c) the hearing panel's conclusions regarding petitioner's appropriateness and fitness to be a public school educator again;

(d) the hearing panel's recommendation;

(e) a statement indicating whether the hearing panel's recommendation to UPPAC was unanimous or identifying how the panel members voted concerning reinstatement; and

(f) if the recommendation is to deny the reinstatement request, a recommended time period the educator must wait and requirements the educator must complete, if any, before requesting another reinstatement hearing.

(2)(a) The hearing panel report is a public document under GRAMA following the conclusion of the reinstatement process unless specific information or evidence contained therein is protected by a specific provision of GRAMA, or another provision of state or federal law.

(b) The Executive Secretary shall add the hearing panel report to the UPPAC case file.

(3) If a license is reinstated, an educator's CACTUS file shall be updated to:

(a) remove the flag;

(b) show that the educator's license was reinstated; and

(c) show the date of formal Board action reinstating the license.

R277-213-6. Reinstatement from Revocation of License.

(1) The Executive Secretary shall deny any request for a reinstatement hearing for a revoked license unless the educator's stipulated agreement or revocation order from the Board allows the educator to request a reinstatement hearing consistent with the law at the time of the revocation.

(2) An educator may request that the Superintendent order a reconsideration of the prior Board licensing action if:

(a) an educator provides:

(i) evidence of mistake or false information that was critical to the revocation action; or

(ii) newly discovered evidence:

(A) that undermines the revocation determination; and

(B) that the educator could not have reasonably obtained during the original disciplinary proceedings; or

(b) an educator identifies material procedural Board error in the revocation process.

(3) A request for reconsideration by the Superintendent must be filed within 30 days of Board action for circumstances identified in Subsection (2)(a)(i) or (b).

(4) A request for reconsideration by the Superintendent must be filed within 90 days of discovery of the new evidence for circumstances identified in Subsection(2)(a)(ii).

(5) The Superintendent:

(a) shall make a determination on a request made under Subsection(2) within 60 days; and

(b) may request briefing from the educator and the UPPAC attorney in making a determination.

(6) If the Superintendent finds that the criteria in Subsection (2)(a) have been established, the Superintendent shall make a recommendation to direct UPPAC to conduct a new hearing consistent with Rule R277-212.

(7) If the Superintendent finds that the criteria in Subsection (2)(b) have been established, the Superintendent shall recommend to the Board that they reconsider their previous action.

KEY: licensure, reinstatement, hearings

Date of Last Change: February 7, 2020

Notice of Continuation: March 15, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-506; 53E-3-401(4)

R277. Education, Administration.

R277-214. Criminal Background Review.

R277-214-1. 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) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and

(c) 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 establish procedures for evaluation of a licensure applicant's criminal background review.

(3) If a licensed educator is charged with a misdemeanor or felony after receiving a license under Rule R277-301, the Executive Secretary shall review the matter with UPPAC in accordance with Rule R277-211 to determine how to proceed.

(4) The standards and procedures of the Utah Administrative Procedures Act do not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

R277-214-2. Initial Submission and Evaluation of Information.

(1) The Executive Secretary shall review all information received as part of a criminal background review.

(2) The Executive Secretary may request any of the following information from an educator in determining how to process a criminal background review:

(a) a letter of explanation for each reported offense that details the circumstances, the final disposition, and any explanation for the offense the applicant may want to provide UPPAC, including any advocacy for approving licensing;

(b) official documentation regarding each offense, including court records and police reports for each offense, or if both court records and police reports are not available, a letter on official police or court stationery from the appropriate court or police department involved, explaining why the records are not available; and

(c) any other information that the Executive Secretary considers relevant under the circumstances in a criminal background review.

(3)(a) The Executive Secretary may only process a criminal background review after receipt of all letters of explanation and documentation requested in good faith by the Executive Secretary.

(b) The Executive Secretary shall provide timely notice if the information provided by an applicant is incomplete.

(4) If an applicant is under court supervision of any kind, including parole, informal or formal probation, or plea in abeyance, the Executive Secretary may not process the background check review until the Executive Secretary receives proof that court supervision has terminated.

(5) It is the applicant's sole responsibility to provide any requested material to the Executive Secretary.

(6) The Executive Secretary shall process criminal background reviews subject to the following criteria:

(a) the Executive Secretary may clear a criminal background review without further action if the arrest, citation, or charge resulted in a dismissal, unless the dismissal resulted from a plea in abeyance agreement;

(b) the Executive Secretary shall forward a recommendation to clear the following criminal background reviews directly to the Board:

(i) singular offenses committed by an applicant, excluding offenses identified in Subsection(6)(c), if the offense occurred more than two years prior to the date of submission to UPPAC for review;

(ii) two offenses committed by an applicant, excluding offenses identified in Subsection(6)(c), if both offenses occurred more than two years prior to the date of submission to UPPAC for review; or

(iii) more than two offenses committed by the applicant, excluding offenses identified in Subsection(6)(c), if all offenses occurred more than five years prior to the date of submission to UPPAC for review;

(c) the Executive Secretary shall forward the following criminal background reviews to UPPAC, which shall make a recommendation to the Board for final action:

(i) any offense where the offense date occurred less than two years prior to the date of submission to UPPAC;

(ii) more than two offenses where at least one offense occurred less than five years prior to the date of submission to UPPAC;

(iii) any felony;

(vi) any sex-related or lewdness offense;

(v) any alcohol-related offense or drug-related offense where the offense date was less than five years prior to the date of submission to UPPAC;

(vi) any offense involving children in any way; and

(vii) any other matter which in the Executive Secretary's discretion, warrants review by UPPAC before consideration by the Board; and

(d) If a criminal background review involves a conviction for an offense identified in Subsection 53E-6-603(2) or an applicant meeting the definition of sex offender under Subsection 77-41-102(17), the Executive Secretary shall forward a recommendation to the Board that clearance be denied.

(7) If, as a result of a criminal background review, it is discovered that an applicant has been convicted of a misdemeanor offense, there is a rebuttable presumption that the following shall apply:

(a) for a single conviction, the individual shall be denied clearance for a period of one year from the date of the conduct giving rise to the charge;

(b) for two convictions:

(i) the individual shall be denied clearance for a period of two years from the date of the conduct giving rise to the most recent charge; and

(ii) if both offenses are alcohol-related offenses or drug-related offenses, the applicant shall present documentation of clinical assessment and recommended treatment before being considered for clearance; and

(c) for three convictions:

(i) the applicant shall be denied clearance for a period of five years from the date of the conduct giving rise to the most recent charge; and

(ii) if two or more of the offenses are alcohol-related offense or drug-related offenses, the applicant shall present documentation of clinical assessment and recommended treatment before being considered for clearance.

(8) UPPAC or the Board may deviate from the presumptions specified in Subsection (7) if aggravating or mitigating circumstances apply, as set forth in Section R277-215-3.

(9) The Executive Secretary shall use reasonable discretion to interpret the information received from the Bureau of Criminal Identification to comply with the provisions of this rule.

(10) If a criminal background review arises as a result of conduct that was cleared in a prior criminal background review by the Executive Secretary, UPPAC, or the Board, the prior action shall be deemed final, and the Executive Secretary shall clear the criminal background review.

R277-214-3. Board Review and Appeals.

(1) In Board consideration of recommendations of the Executive Secretary and UPPAC for a criminal background review, the following shall apply:

(a) the Board shall consider a criminal background review in accordance with the standards described in Section 53E-6-603;

(b) the Board may uphold the recommendation of the Executive Secretary or UPPAC; or

(c) the Board may substitute its own judgment in lieu of the recommendation of the Executive Secretary or UPPAC.

(2) If a criminal background review results in an applicant's denial, the Executive Secretary shall provide notice as required by Subsection 53E-6-603(4)(a).

(3) If an applicant requests a hearing in accordance with Subsection 53E-6-603(4)(b), the Executive Secretary shall schedule a hearing within 90 days.

(4) During a hearing on a criminal background review a hearing panel, composed in the same manner as provided for expedited hearings in Subsection R277-210-2(21) shall hear the evidence.

(5) the applicant, or applicant's attorney, and a UPPAC attorney, may present evidence at a hearing, including:

(a) documents submitted to the Executive Secretary in accordance with Subsection R277-214-2(2); and

(b) relevant evidence or witnesses related to:

(i) the facts surrounding the criminal offenses at issue; and

(ii) the applicant's character and conduct since the time of the offense.

(6) The applicant shall have the burden of persuasion by a preponderance of evidence that the applicant is fit for licensure as an educator.

(7) Following the hearing, the hearing officer, with the assistance of the hearing panel, shall prepare a hearing report within 20 days setting forth findings of fact and recommendations in accordance with Subsection 53E-6-603(1).

(8)(a) The Executive Secretary shall submit the matter to UPPAC at the next available meeting following preparation of the report.

(b) UPPAC may:

(i) approve the hearing report; or

(ii) direct the Executive Secretary to prepare an addendum modifying the hearing recommendation and specifying the evidence supporting the modification.

(9) Following UPPAC's recommendation under Subsection (6), the Executive Secretary shall forward the hearing report to the Board.

(10) The Board shall consider the recommendation submitted under Subsection (7) and within a reasonable time shall:

(a) adopt the UPPAC recommendation; or

(b) issue an alternate written determination and action based on the findings of fact made in the hearing report, if the Board disagrees with the UPPAC recommendation.

KEY: educator licenses, background reviews, background checks

Date of Last Change: May 24, 2021

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-506; 53E-3-401(4)

R277. Education, Administration.

R277-215. Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions.

R277-215-1. 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) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and

(c) 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 establish rebuttable presumptions for UPPAC and Board review of UPPAC cases.

R277-215-2. Rebuttable Presumptions.

(1) UPPAC and the Board shall consider the rebuttable presumptions in this section when evaluating a case of educator misconduct.

(2) Revocation is presumed appropriate if an educator:

(a) is subject to mandatory revocation under Subsection 53E-6-604(5)(b);

(b) is convicted of, admits to, or is found pursuant to an evidentiary hearing to have engaged in viewing or distributing child pornography, whether real or simulated, on or off school property;

(c) is convicted of an offense that requires the educator to register as a sex offender under Subsection 77-41-105(3);

(d) intentionally provides alcohol or illegal drugs to a minor;

(e) is convicted of a violation of:

(i) Section 76-5-202;

(ii) Section 76-5-203;

(iii) Section 76-5-205; or

(iv) Section 76-5-208.

(3)(a) Suspension of ten years or more is presumed appropriate if an educator is convicted of any felony not specified in Subsection (2).

(b) An educator who is suspended based on a felony conviction under Subsection (3)(a) may apply for a reinstatement hearing early if the educator's felony:

(i) is expunged; or

(ii) is reduced pursuant to Section 76-3-402.

(4) Suspension of three years or more is presumed appropriate if an educator:

(a) engages in a boundary violation that is sexual in nature that is not sexually explicit conduct;

(b) is convicted of using physical force with a minor if the conduct results in a conviction of a class A misdemeanor;

(c) is convicted of an offense that results in the educator being placed on court supervision for three or more years;

(d) is convicted of theft or intentional misappropriation of public funds; or

(e) intentionally misappropriates public funds or property in an amount of $500 or more.

(5) Suspension of one to three years is presumed appropriate, if an educator:

(a) willfully or knowingly creates, views, or gains access to sexually inappropriate material on school property or using school equipment;

(b) is convicted of one or more class A misdemeanor violence offenses under Title 76, Chapter 5, Offenses Against the Person, or a comparable statute from a jurisdiction outside of Utah;

(c) is convicted of two or more misdemeanor violence offenses under Title 76, Chapter 5, Offenses Against the Person, or a comparable statute from a jurisdiction outside of Utah, in the last three years;

(d) is convicted of using physical force with a minor if:

(i) the conviction is a class B misdemeanor or lower; and

(ii) the minor is a student in the educator's school;

(e) engages in repeated incidents of or a single egregious incident of excessive physical force or discipline to a student that does not meet the circumstances described in Subsection 53G-8-302(2);

(f) bullies or threatens a student physically, verbally, or electronically;

(g) engages in a pattern of boundary violations with a student under a circumstance not described in Subsection (4)(a);

(h) engages in multiple incidents or a pattern of theft or misappropriation of public funds that does not result in a criminal conviction;

(i) attends a school or school-related activity in an assigned employment-related capacity while possessing, using, or under the influence of alcohol or illegal drugs;

(j) is convicted of two drug-related offenses or alcohol-related offenses in the three years previous to the most recent conviction;

(k) engages in a pattern of or a single egregious incident of:

(i) harassing;

(ii) bullying; or

(iii) threatening a co-worker or community member; or

(l) knowingly and deliberately falsifies or misrepresents information on an education-related document.

(6) A suspension of up to one year is presumed appropriate if an educator:

(a)(i) engages in inappropriate conduct that warrants lesser discipline; and

(ii) has previously received two or more disciplinary letters or actions from UPPAC, including a letter of admonishment, education or warning, related to similar incidents of inappropriate conduct;

(b) fails to report to appropriate authorities suspected child or sexual abuse; or

(c) knowingly teaches, counsels, or assists a minor student in a manner that disregards a legal, written directive, such as a court order or an approved college and career ready plan.

(7) A reprimand is presumed appropriate if an educator:

(a) engages in conduct described in Subsection (8) that is more egregious or repetitive than the conduct described in Subsection (8); or

(b)(i) engages in reportable inappropriate conduct that warrants lesser discipline; and

(ii) within the previous ten years, has received two or more written disciplinary actions from the same LEA for similar inappropriate conduct related to a violation of Board rule or LEA policy.

(8) A letter of warning is presumed appropriate if an educator:

(a) engages in a miscellaneous minimal boundary violation with a student or minor, whether physical, electronic, or verbal;

(b) engages in minimal inappropriate physical contact with a student;

(c) engages in unprofessional communications or conduct with a student, co-worker, community member, or parent;

(d) engages in an inappropriate discussion with a student that violates state or federal law;

(e) knowingly violates a requirement or procedure for special education needs;

(f) knowingly violates a standardized testing protocol;

(g) is convicted of one of the following with or without court probation:

(i) a single driving under the influence of alcohol or drugs offense under Section 41-6a-502;

(ii) impaired driving under Section 41-6a-502.5; or

(iii) a charge that contains identical or substantially similar elements to the state's driving under the influence of alcohol or drugs law or under the law of another state or territory;

(h) carelessly mismanages public funds or fails to accurately account for receipt and expenditure of public funds entrusted to the educator's care;

(i) fails to make a report required by Rule R277-217;

(j) except for a class C misdemeanor under Title 41, Motor Vehicles, is convicted of one or two misdemeanor offenses not otherwise listed;

(k) engages in an activity that constitutes a conflict of interest;

(l)(i) is convicted of using physical force with a minor if the conduct results in a conviction of a class B misdemeanor or lower; and

(ii) the inappropriate conduct does not involve a student at the educator's school; or

(m) engages in other minor violations of the Utah Educator Standards in Rule R277-217.

(9) A letter of education is presumed appropriate if the evidence does not show a violation of the educator standards in Rule R277-217, but the evidence may show conduct that could lead to a violation of the standards in the future.

R277-215-3. Aggravating and Mitigating Circumstances.

(1) In the course of evaluating a presumption described in this rule, UPPAC or the Board may consider deviating from the presumptions if:

(a) the presumption does not involve a revocation mandated by statute; and

(b) relevant aggravating or mitigating factors exist.

(2) An aggravating factor may include evidence of the following:

(a) the educator has engaged in prior misconduct;

(b) the educator presents a serious threat to a student;

(c) the educator's misconduct directly involved a student;

(d) the educator's misconduct involved a particularly vulnerable student;

(e) the educator's misconduct resulted in physical or psychological harm to a student;

(f) the educator violated multiple standards of professional conduct;

(g) the educator's attitude exhibits indifference, flippancy, disregard, or defiance towards the allegations or the consequences;

(h) the educator's misconduct continued after investigation by the LEA or UPPAC;

(i) the educator holds a position of heightened authority as an administrator;

(j) the educator's misconduct had a significant impact on the LEA or the community;

(k) the educator's misconduct was witnessed by a student;

(l) the educator was not honest or cooperative in the course of UPPAC's investigation;

(m) the educator was convicted of crime as a result of the misconduct;

(n) any other factor that, in the view of UPPAC or the Board, warrants a more serious consequence for the educator's misconduct; and

(o) the educator is on criminal probation or parole; or

(p) the Executive Secretary has issued an order of default on the educator's case as described in Rules R277-211 or R277-212.

(3) A mitigating factor may include evidence of the following:

(a) the educator's misconduct was the result of strong provocation;

(b) the educator was young and new to the profession;

(c) the educator's attitude reflects recognition of the nature and consequences of the misconduct and demonstrates a reasonable expectation that the educator will not repeat the misconduct;

(d) the educator's attitude suggests amenability to supervision and training;

(e) the educator has little or no prior disciplinary history;

(f) since the misconduct, the educator has an extended period of misconduct-free classroom time;

(g) the educator was a less active participant in a larger offense;

(h) the educator's misconduct was directed or approved, whether implicitly or explicitly, by a supervisor or person in authority over the educator;

(i) the educator has voluntarily sought treatment, counseling or training specific to the misconduct;

(j) the educator has made a timely, good faith effort to make restitution or rectify the consequences of the educator's misconduct;

(k) there was insufficient training or other policies that might have prevented the misconduct;

(l) there are substantial grounds to partially excuse or justify the educator's behavior though failing to fully excuse the violation;

(m) the educator self-reported the misconduct;

(n) the educator received a plea in abeyance from the court for criminal charges stemming from the alleged misconduct;

(o) any other factor that, in the view of UPPAC or the Board, warrants a less serious consequence for the educator's misconduct.

(4)(a) UPPAC and the Board have sole discretion to determine the weight they give to an aggravating or mitigating factor.

(b) The weight UPPAC or the Board give an aggravating or mitigating factor may vary in each case and any one aggravating or mitigating factor may outweigh some or all other aggravating or mitigating factors.

R277-215-4. Circumstances Warranting Consideration of Deviation from Presumptions.

(1) UPPAC and the Board shall consider reducing a presumed suspension under this Rule R277-215 if the evidence shows that:

(a) the educator's misconduct resulted in a disproportionate period of missed classroom time; or

(b) UPPAC's investigation into a matter with no pending criminal charges took more than six months to present to UPPAC under Subsection R277-211-3(3)(e) due to circumstances beyond the educator's control.

(2) UPPAC and the Board may consider reducing a presumed suspension period to correspond to a probationary period in an educator's court plea in abeyance agreement if the plea results from charges stemming from the educator's alleged misconduct.

KEY: educators, disciplinary presumptions

Date of Last Change: April 8, 2021

Notice of Continuation: October 1, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-506; 53E-3-401(4)

R277. Education, Administration.

R277-216. Surrender of License with UPPAC Investigation Pending.

R277-216-1. 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) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and

(c) 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 establish procedures for Board consideration of an educator request to surrender a license in the face of a UPPAC investigation.

(3) The standards and procedures of the Utah Administrative Procedures Act do not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

R277-216-2. Petition to Surrender.

(1) An educator may surrender an educator license at any point prior to final Board action on the recommendation from a UPPAC investigation.

(2) An educator who requests to surrender an educator license under Subsection (1), shall submit a petition to UPPAC for submission to the Board, which shall include:

(a) a brief statement of the procedural history of the investigation leading up to the voluntary surrender;

(b) a statement that the educator is entitled to due process in UPPAC's investigation and that the educator freely and voluntarily waives the educator's due process rights, including:

(i) a right to a hearing;

(ii) a right to confront and cross examine witnesses;

(iii) a right to present witnesses;

(iv) a right to an impartial decision based upon evidence presented at the hearing; and

(v) a right to subpoena witnesses; and

(c) a statement that the educator surrenders the educator's license freely and voluntarily and without coercion or duress;

(d) a statement that the educator:

(i) is represented by counsel; or

(ii) understands the educator's right to be represented by counsel and knowingly and voluntarily waives the assistance of counsel in UPPAC's investigation;

(e) a statement that the educator is fully aware of the implications of surrendering the educator's license with an investigation pending, including:

(i) that the educator may not work, consult, or volunteer in any K-12 public school in the state of Utah in any capacity;

(ii) that the educator is not eligible for a reinstatement hearing at any time;

(iii) that UPPAC files and case resolution are subject to public disclosure in accordance with state and federal law;

(iv) that notification of the educator's license surrender will be shared with all states through NASDTEC; and

(v) except as provided in Subsection (3), that notification of the educator's license surrender will be:

(A) classified and reported as a voluntary surrender (UPPAC investigation); and

(B) shared with LEAs throughout the state.

(3) If an educator surrenders a license during an investigation of allegations described in Subsection 53E-6-604(5)(b), the surrender will be:

(a) classified and reported as a revocation; and

(b) shared with LEAs through the state.

(4)(a) Voluntary surrender of a license as set forth in this section is permanent.

(b) An educator who surrenders a license as set forth in this section is not eligible for a reinstatement hearing at any time.

R277-216-3. Review of Petition to Surrender.

(1)(a) Upon receiving a petition as provided in Subsection R277-216-2(2), the Executive Secretary shall review the request for surrender to determine if it meets the requirements set forth in the rule.

(b) If the requirements of Subsection R277-216-2(2) are not met, the Executive Secretary shall notify the educator that the request is insufficient and the reasons why the request is insufficient.

(c) If the requirements of Subsection R277-216-2(2) are met, the Executive Secretary shall notify the Board of the voluntary surrender and request direction on whether to continue the investigation.

(2) Upon receipt of a voluntary surrender of an educator license, the Executive Secretary shall:

(a) notify the educator:

(i) that the voluntary surrender was received;

(ii) whether the Board required UPPAC to continue the investigation;

(iii) that the voluntary surrender will be reported in the public record as a voluntary surrender with pending UPPAC investigation except as provided in Subsection R277-216-2(3);

(iv) that the voluntary surrender will be reported to NASDTEC and to LEAs throughout the state; and

(v) that the educator's license cannot be reinstated at any time.

(b) update the educator's licensing file to reflect the disposition;

(c) report the disposition to NASDTEC;

(d) notify the educator's last employer of record;

(e) report the disposition to LEAs through the state; and

(f) provide the educator a copy of the report to LEAs described in Subsection (2)(e).

R277-216-4. Applicability of Rule.

This R277-216 does not apply to an educator's voluntary surrender of the educator's license if the educator is not under investigation by UPPAC.

KEY: educators, license surrender, UPPAC

Date of Last Change: April 8, 2021

Notice of Continuation: February 10, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-506; 53E-3-401(4)

R277. Education, Administration.

R277-217. Educator Standards and LEA Reporting.

R277-217-1. 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) Subsection 53E-3-501(1)(a), which directs the Board to make rules regarding the certification of educators; and

(d) Title 53E, Chapter 6, Educator Licensing and Professional Practices Act, which provides all laws related to educator licensing and professional practices.

(2) The purpose of this rule is to:

(a) establish statewide ethical standards for educators;

(b) establish reporting requirements for educators and LEAs; and

(c) recognize that educators are professionals and share common professional standards, expectations, and role model responsibilities.

R277-217-2. Prohibited Conduct by an Educator.

An educator may not:

(1) be convicted of a felony;

(2) be convicted of a misdemeanor offense that:

(a) adversely affects the educator's ability to perform an assigned duty and carry out the educator's responsibilities; or

(b) adversely affects the well being of students;

(3) be convicted of, or engage in conduct of a sexual nature described in Subsection 53E-6-603(2);

(4) participate in sexual, physical, or emotional harassment towards any colleague or public school-age student;

(5) engage in:

(a) a single egregious instance or pattern of inappropriate contact in any communication, including written, verbal, or electronic, with a minor, student, colleague, or member of the community; or

(b) a single egregious instance or pattern of boundary violations with a student;

(6) solicit, encourage, or consummate an inappropriate relationship, whether written, verbal, or physical, with a student or minor;

(7) accept an inappropriate gift from, or give an inappropriate gift to, a student;

(8) be convicted of or commit a criminal offense involving a child, including physical abuse, cruelty, or exploitation of child;

(9) use corporal punishment, excessive physical force, or inappropriate physical restraint, except as provided in Section 53G-8-302;

(10) provide alcohol or unauthorized drugs to a student or allow a student under the educator's supervision or control to consume or obtain alcohol or unauthorized drugs;

(11) attend school or a school-related activity in an assigned employment-related capacity while possessing, using, or under the influence of alcohol or an illegal drug;

(12) attend school or a school-related activity in an assigned employment-related capacity after intentionally exceeding the prescribed dosage of a prescription medication that may impair the educator;

(13) possess or distribute an illegal drug or be convicted of any crime related to an illegal drug, including a prescription drug not specifically prescribed to the educator;

(14) be convicted of an alcohol-related offense;

(15) use or attempt to use an LEA computer or information system to access information that may be detrimental to young people or inconsistent with the educator's role model responsibility;

(16) knowingly possess, while at school or any school-related activity, any pornographic or indecent material in any form;

(17) use school equipment to intentionally view, create, distribute, or store pornographic or indecent material in any form;

(18) knowingly use, view, create, distribute, or store pornographic or indecent material involving children;

(19) expose students to sensitive materials:

(a) as defined in Section 53G-10-103; and

(b) as determined by the educator's LEA.

(20) violate state laws regarding the possession of a firearm while on school property or at a school-sponsored activity;

(21) knowingly allow a student to violate an LEA policy or law concerning possession or access to a weapon;

(22) interfere with or discourage a student's or colleague's legitimate exercise of constitutional, legal, or civil rights, acting consistent with the law and an LEA's policy;

(23) discriminate against, harass, exclude a student from participating in any program, deny or grant any benefit to a student, or encourage a student to develop a prejudice on the basis of:

(a) race;

(b) color;

(c) creed;

(d) sex;

(e) national origin;

(f) marital status;

(g) political or religious belief;

(h) physical or mental condition;

(i) family, social, or cultural background;

(j) sexual orientation; or

(k) gender identification;

(24) invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity;

(25) use the educator's position, through instruction, materials, or symbols, to actively endorse, promote, or disparage a particular partisan, religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint, in a manner inconsistent with the policy of the educator's LEA;

(26) knowingly or intentionally permit unauthorized collection, sharing, or use of student data;

(27) knowingly violate student confidentiality unless revealing confidential information to an authorized person serves the best interest of the student and serves a lawful purpose;

(28) violate:

(a) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;

(b) Title 53E, Chapter 9, Student Privacy and Data Protection;

(c) Rule R277-107, Educational Services Outside of an Educator's Regular Employment;

(d) Section R277-120-5, Classroom Materials Developed by Utah Educators; or

(e) Sections 53G-10-401 through 53G-10-403, Rule R277-474, or other Utah law regarding sex education; or

(29) cheat or engage in academic dishonesty, whether on behalf of a student, or in the educator's own educational pursuits.

R277-217-3. Required Conduct for an Educator.

An educator shall:

(1) comply with all federal, state, and local laws;

(2) maintain a professional educator/student relationship, including by:

(a) treating a student with dignity and respect by promoting the health, safety and well being of students; and

(b) maintaining appropriate verbal, emotional and social boundaries;

(3) take prompt and appropriate action to stop, mitigate, and prevent harassment or discriminatory conduct toward a student or school employee that the educator knew or should have known may result in a hostile, intimidating, abusive, offensive, or oppressive environment;

(4) take prompt and appropriate action to protect a student from any known condition detrimental to the student's physical health, mental health, safety, or learning;

(5) report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services in accordance with Sections 53E-6-701 and 80-2-602;

(6) cooperate in providing all relevant information and evidence to the proper authority in the course of an investigation by a law enforcement agency or by the

Division of Child and Family Services regarding potential criminal activity, except that an educator may decline to give evidence against himself or herself in an investigation if the evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment of the U.S. Constitution;

(7) take appropriate steps to notify a student's parents and refer a student to appropriate prevention services if a student threatens suicide or self harm as required by Subsections 53E-9-203(7) and 53G-9-604(2);

(8) provide truthful, accurate, and complete information in:

(a) licensing, transfer, and employment applications or other documentation;

(b) evaluations of the educator, other educators, or students;

(c) proceedings related to educator licensure, employment, or related benefits;

(d) student IEP plans and related special education documentation;

(9) be forthcoming with truthful, accurate, and complete information to an appropriate authority regarding known educator misconduct that could adversely impact performance of a professional responsibility, by another educator;

(10) notify the Superintendent at the time of application for licensure of:

(a) current investigations involving professional misconduct in another jurisdiction;

(b) prior licensing disciplinary action in another jurisdiction; and

(c) past criminal convictions;

(11) report an arrest, citation, charge or conviction to the educator's LEA in accordance with Section R277-217-4;

(12) conduct financial business with integrity by honestly accounting for all funds committed to the educator's charge, as school responsibilities require, consistent with LEA policy;

(13) follow an LEA's fiscal policy for collecting money in connection with a school activity, accounting for all money collected, and not commingling LEA or school funds with personal funds as described in Rule R277-113;

(14) demonstrate honesty and integrity by strictly adhering to all state and LEA instructions and protocols in managing and administering a standardized test to a student consistent with Section 53E-4-312 and Rule R277-404; and

(15) use supplemental materials consistent with LEA policy as required by Subsection 53G-4-402(26).

R277-217-4. Educator Reporting of Arrests, Citations, Charges, and Convictions.

(1) An educator who is arrested, cited, or charged with the following alleged offenses shall report the arrest, citation, or charge within 48 hours or as soon as possible to the licensed educator's district superintendent, charter school director, or the LEA's designee, or to the Executive Secretary if not employed:

(a) any matters involving an alleged sex offense;

(b) any matters involving an alleged drug-related offense;

(c) any matters involving an alleged alcohol-related offense;

(d) any matters involving an alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person;

(e) any matters involving an alleged felony offense under Title 76, Chapter 6, Offenses Against Property;

(f) any matters involving an alleged crime of domestic violence under Title 77, Chapter 36, Cohabitant Abuse Procedures Act; and

(g) any matters involving an alleged crime under federal law or the laws of another state comparable to the violations listed in Subsections (1)(a) through (f).

(2) An educator shall report any conviction or plea in abeyance for a felony or misdemeanor offense to the educator's LEA, or the Executive Secretary if not employed, within 48 hours, or as soon as possible thereafter.

(3) An LEA superintendent, director, or designee shall report conviction, arrest, or offense information received from an educator to the Superintendent within 48 hours of receipt of information from an educator.

(4) The Superintendent shall provide a form on the Board's website for reports required under this section.

(5) An educator shall report for work following an arrest and provide notice to the licensed educator's employer unless directed not to report for work by the employer, consistent with LEA policy.

R277-217-5. LEA Reporting of Misconduct to UPPAC.

(1) An LEA shall notify UPPAC if an educator is determined pursuant to a judicial or administrative proceeding, or internal LEA investigation, to have violated the educator standards described in Sections R277-217-2 and R277-217-3.

(2)(a) A district superintendent or a charter school director, or their respective designees, shall notify UPPAC and the educator of any allegation from a parent that an educator's conduct violated Sections R277-217-2 and R277-217-3 within 30 days of receiving the allegation.

(b) The Executive Secretary shall record an allegation received under Subsection (2)(a), but shall defer further investigation pending the LEA's determination of possible LEA discipline.

(c) The Executive Secretary shall classify allegations received under Subsection (1) or Subsection (2)(a) as private under Subsection 63G-2-302(2)(d).

(3) For each allegation referred to UPPAC under Subsections (1) and (2)(a), an LEA shall notify UPPAC of:

(a) the findings of the LEA's internal investigation or administrative proceedings;

(b) criminal charges filed by a prosecuting agency;

(c) the LEA's internal disciplinary action or decision not to take action, and the evidence supporting the decision; and

(d) any evidence that may be relevant if UPPAC chooses to investigate the matter.

(4) The Executive Secretary shall provide a form for an LEA to make a notification required under Subsections (1) and (2).

(5) Upon submitting a notification under Subsection (1) or (2), an LEA may make a recommendation to the Executive Secretary concerning whether an investigation by UPPAC would be appropriate under the circumstances, taking into account any employment action taken by the LEA, but the LEA's recommendation is not binding on UPPAC, which shall make its own independent determination consistent with Section R277-211-3.

KEY: educator standards, professional practices, reporting

Date of Last Change: January 24, 2024

Notice of Continuation: October 1, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-3-501; 53E-6

R277. Education, Administration.

R277-301. Educator Licensing.

R277-301-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Section 53E-6-201, which gives the Board power to issue licenses.

(2) This rule specifies the types of licenses and license areas of concentration available and the requirements and procedures for obtaining a license, required for employment as a licensed educator in the public schools of Utah.

(3) This Rule R277-301 is categorized as Category 4 as described in Rule R277-111.

R277-301-2. Definitions.

(1) "Accredited institution" means an institution that:

(a) offers a competency-based postsecondary general education course online or in person; and

(b) is accredited by an organization recognized by the United States Department of Education.

(2) "Currently enrolled" means:

(a) that an individual has been formally accepted into a Board-approved educator preparation program; and

(b) that the program considers the individual to be an active participant.

(3) "Educator preparation program" means the same as that term is defined in Section R277-303-2.

(4) "Endorsement" means a designation on a license area of concentration earned through demonstrating required competencies established by the Superintendent that qualifies the individual to:

(a) provide instruction in a specific content area; or

(b) apply a specific set of skills in an education setting.

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

(6) "License areas of concentration" or "license area" means a designation on a license of the specific educational setting or role for which the individual is qualified, to include the following:

(a) Early Childhood;

(b) Elementary;

(c) Secondary;

(d) School-Leadership;

(e) Career and Technical Education or "CTE";

(f) School Counselor;

(g) School Psychologist;

(h) Special Education;

(i) Pre-school Special Education;

(j) Deaf Education;

(k) Speech-Language Pathologist;

(l) Speech-Language Technician;

(m) School Social Worker; and

(n) Audiologist.

(7) "Licensing Jurisdiction" means the designated educator licensing authority in any foreign country or state of the United States of America and the Department of Defense Education Activity (DoDEA).

(8) "NASDTEC" means the National Association of State Directors of Teacher Education and Certification.

(9) "NASDTEC Stage 2 Educator License" means a license issued to an individual who holds a bachelor's degree and has completed an approved program but has not met the jurisdiction-specific requirement for a Stage 3 license of a member jurisdiction.

(10) "Renewal" means reissuing or extending the length of a license consistent with Rule R277-302.

R277-301-3. License Structure.

(1) Utah educator licenses include the following licenses:

(a) Associate educator license;

(b) Professional educator license; and

(c) LEA-specific educator license.

(2) The Superintendent may only issue one single active Utah educator license to an individual.

(3) An educator license shall include at least one license area of concentration.

(4) License areas of concentration and endorsements shall have a designation of:

(a) associate;

(b) professional; or

(c) LEA-specific.

(5) An associate educator license may only include associate or LEA-specific license areas of concentration and endorsements.

(6) An LEA-specific educator license may only include LEA-specific license areas of concentration and endorsements.

(7) An educator may add a license area or endorsement to an existing license or license area of concentration by meeting the requirements for an associate, professional, or LEA-specific endorsement as established in this rule.

(8) The Superintendent may establish deadlines and uniform forms and procedures for all aspects of licensing.

(9)(a) All licenses expire on June 30 of the year of expiration and a licensee may renew any time after January 1 of the same year.

(b) Notwithstanding Subsection (9)(a), an LEA-specific license may only renew after July 1 of the year of expiration.

(c) Responsibility for license renewal rests solely with the licensee.

R277-301-4. Associate Educator License Requirements.

(1) The Superintendent shall issue an associate educator license to an individual that applies for the license and that meets all requirements in this Section R277-301-4.

(2) An associate educator license, license area, or endorsement is valid until June 30 of the third school year after the Superintendent issues or renews the license.

(3)(a) Except as provided in Subsection (4), the Superintendent may extend an associate educator license for up to two school years if an LEA or Utah-based accredited private school requests the extension for an employee.

(b) The Superintendent may extend an associate educator license for up to one school year for an educator with a license area in special education or related services, if the educator has up to two years of experience in special education or related services.

(4) The Superintendent may not extend an associate license with a license area in special education or related services, if the educator has three years of experience in special education or related services.

(5) The general requirements for an associate educator license shall include:

(a) completion of a criminal background check, including:

(i) review of any criminal offenses and clearance in accordance with Rule R277-214; and

(ii) continued monitoring in accordance with Subsection 53G-11-403(1);

(b) completion of the educator ethics review within one calendar year before the application;

(c) one of the following:

(i) a bachelor's degree or higher from an accredited institution;

(ii) current enrollment in a university-based Board-approved educator preparation program that will result in a bachelor's degree or higher from an accredited institution; or

(iii) skill certification in a specific CTE area as established by the Superintendent; and

(d) minimum competencies, as defined by the Superintendent.

(6) The content knowledge requirements for an associate educator license shall include:

(a) for an elementary license area, demonstration of the content competency criteria established by the Superintendent;

(b) for a secondary or CTE license area with a content endorsement, or for an endorsement being added to a professional license area, one of the following:

(i)(A) passage of a content knowledge test approved by the Superintendent, where required; or

(B) demonstration of the competency criteria established by the Superintendent if no content knowledge test is required;

(ii) a bachelor's degree or higher with a major in the content area from an accredited university; or

(iii) enrollment in a program that will result in a bachelor's degree and complete all requirements except completion of capstone school-based clinical experience and any co-requisite coursework;

(c) for an early childhood license area, demonstration of the content competency criteria established by the Superintendent; and

(d) for a school leadership license area, enrollment in:

(i) a university-based Board-approved educator preparation program; or

(ii) an educator preparation program administered by the Superintendent.

(7) Notwithstanding, Subsection (5)(c)(ii);

(a) an applicant for an associate educator license with the following license areas:

(i) special education (K-12);

(ii) pre-school special education;

(iii) deaf education;

(iv) audiologist;

(v) speech-language technician; or

(vi) speech-language pathologist;

(b) shall meet the following requirements for an associate educator license:

(i) demonstrate content knowledge competencies approved by the Superintendent;

(ii) complete a special education law and instruction training approved by the Superintendent;

(iii) earn a bachelor's degree in a field approved by the Superintendent; and

(iv) enroll in a preparation program as provided in Subsection (9).

(8)(a) For a special education or pre-school special education license area, an applicant for an associate educator license shall enroll in a:

(i) Board-approved non-university-based special education preparation program; or

(ii) a special education program at an accredited institution that will yield a NASDTEC Stage 2 educator license.

(b) For a deaf education license area, an applicant shall enroll in a deaf education program at an accredited institution that will yield a NASDTEC Stage 2 educator license.

(c) For a speech-language pathologist license area, an applicant shall enroll in a speech-language pathologist program at an accredited institution of higher education that:

(i) results in a master's degree or higher in speech-language pathology; and

(ii) will yield a NASDTEC Stage 2 educator license.

(d) For a school counselor license area, an applicant shall:

(i) enroll in a school counselor program at an accredited institution of higher education that:

(A) results in a masters degree or higher in school counseling; and

(B) will yield a NASDTEC Stage 2 educator license; or

(ii) demonstrate minimum school counselor competencies as defined by the Superintendent.

(e) For a speech-language technician license area, an applicant shall:

(i) enroll in a speech-language technician program that is:

(A) approved by the Board; or

(B) administered by the Superintendent; or

(ii) complete the requirements of certified speech-language pathology assistant through the American Speech-Language Hearing Association.

(f) For an audiologist license area, an applicant shall enroll in an audiology program at an accredited institution of higher education that will yield a NASDTEC Stage 2 educator license.

(9) Notwithstanding Subsection (5)(c)(ii), an applicant for an associate educator license with a license area in school psychologist or school social worker shall meet the following requirements:

(a) demonstrate content knowledge competencies approved by the Superintendent;

(b) earn a bachelor's degree; and

(c) complete all requirements for an accredited master's level preparation program, except completion of capstone school-based clinical experience and any co-requisite coursework.

(10) Additional requirements for an associate educator license shall include:

(a) successful completion of professional learning modules created or approved by the Superintendent in:

(i) educator ethics;

(ii) classroom management and instruction;

(iii) basic special education law and instruction;

(iv) the Utah Effective Educator Standards described in Rule R277-330; or

(b) enrollment in a university-based Board-approved educator preparation program.

(c) Notwithstanding Subsection (10)(a), the Superintendent may waive an individual module, if the module is not necessary given the preparation of an applicant.

(11) An educator that holds a professional license area of concentration and has met the competency criteria established by the Superintendent need not complete the requirements detailed in Subsection (10).

(12) A license applicant who has received or completed license preparation activities inconsistent with this rule may present compelling information and documentation for review and approval by the Superintendent to satisfy the associate educator license requirements.

(13) The Superintendent shall designate a panel of at least three Board staff members to review an appeal made under Subsection (12).

(14) An LEA that employs an individual that holds an associate educator license shall develop a personalized professional learning plan designed to support the educator in meeting the requirements for a professional educator license no later than 60 days after beginning work in the classroom, which shall:

(a) be provided to the Superintendent upon request;

(b) include a formal discussion and observation process no later than 30 days after beginning work in the classroom; and

(c) consider:

(i) previous education related experience; and

(ii) previous educational preparation activities.

(15) An educator with an associate educator license may upgrade to a professional educator license at any time before expiration of the associate educator license if the educator meets all requirements of Section R277-301-5.

R277-301-5. Professional Educator License Requirements.

(1) The Superintendent shall issue a professional educator license to an individual that applies for the license and meets all requirements in this Section R277-301-5.

(2) A professional educator license, license area, or endorsement is valid until June 30 of the fifth school year after the Superintendent issues or renews the license.

(3) The general requirements for a professional educator license shall include:

(a) all general requirements for an associate educator license under Subsection R277-301-5(4);

(b) completion of:

(i) a bachelor's degree or higher from an accredited institution; or

(ii) skill certification in a specific CTE area as established by the Superintendent;

(c) for an individual with an early childhood, elementary, or special education license area of concentration, completion of a literacy preparation assessment;

(d) for an individual with a pre-school special education license area of concentration, demonstration of emergent literacy competencies, as defined by the Superintendent; and

(e) one of the following:

(i) a recommendation from a Board-approved educator preparation program; or

(ii) a standard educator license in the area issued by a licensing jurisdiction outside of Utah that is currently valid or is renewable consistent with Section 53E-6-307.

(f) Notwithstanding, Subsection (c), a license applicant in an APPEL program who has an established professional learning plan before August 31, 2022, need not complete a literacy preparation assessment.

(4) If an educator preparation program makes a recommendation and the Superintendent determines that the candidate does not meet all requirements in this rule, the candidate may appeal as provided Subsection (12).

(5) The content knowledge requirements for a professional educator license, license area, and endorsement shall include:

(a) all content knowledge requirements for an associate educator license under Subsection R277-301-4(5);

(b) demonstration of all content knowledge competencies as established by the Superintendent; and

(c) passage of a content knowledge test provided by the Superintendent, where required by the Superintendent.

(6) An applicant for a secondary or CTE content area endorsement that holds a bachelor's degree or higher with a major in the content area from an accredited university need not complete the requirement described in Subsection (5)(c).

(7) The pedagogical requirements for a professional educator license shall include demonstration of all pedagogical competencies as established by the Superintendent.

(8) An individual holding a Utah level 1, level 2, or level 3 educator license on January 1, 2020 meets the pedagogical requirements described in Subsection (7).

(9) An individual holding a Utah professional educator license and license area in early childhood education, elementary, secondary, CTE, special education, or deaf education is considered to have met the general teacher pedagogical competencies requirement of Subsection (7) if applying to add any of the license areas in the subsection.

(10) An individual with an associate license with a speech-language technician license area who completes a school-based clinical experience meeting requirements established by the Superintendent meets the requirements for a professional license.

(11) A license applicant who has received or completed license preparation activities inconsistent with this rule may present compelling information and documentation for review and approval or denial by the Superintendent to satisfy the professional educator license requirements.

(12) The Superintendent shall designate a panel of at least three individuals, including the director of an LEA-based educator preparation program and a Board licensed educator not employed by the Board, to review an appeal and make a recommendation to the Superintendent for the Superintendent's review and decision described in Subsection (11).

R277-301-6. Educator Licenses Issued by Licensing Jurisdictions Outside of Utah.

(1) The Superintendent shall review applications for a Utah educator license for individuals holding educator licenses issued by licensing jurisdictions outside of Utah to determine if the applicant has met the requirements for a Utah license under this rule.

(2) The Superintendent shall accept scores from an applicant that meet the Utah standard for passing on assessments from licensing jurisdictions outside of Utah that utilize the same assessment as Utah as meeting the requirements of this rule.

(3) The Superintendent shall accept scores from an applicant on reasonably equivalent content knowledge assessments utilized by licensing jurisdictions outside of Utah that meet the passing standard of that jurisdiction as meeting the requirements of this rule.

(4) The Superintendent shall accept demonstrations of content knowledge and pedagogical competencies from an applicant utilized by licensing jurisdictions outside of Utah that are reasonably equivalent to Utah competencies.

(5) An individual with a NASDTEC Stage 2 educator license need not complete the content knowledge and pedagogical assessment requirements in the areas and subjects taught.

(6) An individual holding a standard license from another jurisdiction that was enrolled in a preparation program before January 1, 2020 and received the standard license before August 1, 2021 need not complete the requirements of Subsection R277-301-5(7)(b).

R277-301-7. LEA-specific Educator License Requirements.

(1) The Superintendent may issue an LEA-specific educator license to a candidate if:

(a) the LEA requesting the LEA-specific educator license has an adopted policy, posted on the LEA's website, which includes:

(i) educator preparation and support:

(A) as established by the LEA; and

(B) aligned with the Utah Effective Teaching Standards described in Rule R277-330;

(ii) criteria for employing educators with an LEA-specific license; and

(iii) compliance with all requirements of this rule;

(b) an LEA governing board applies on behalf of the candidate;

(c) the candidate meets all the requirements in this Section R277-301-7; and

(d) the candidate successfully completes professional learning modules created or approved by the Superintendent in:

(i) educator ethics;

(ii) classroom management and instruction;

(iii) basic special education law and instruction; and

(iv) the Utah Effective Educator Standards described in Rule R277-330.

(2) An LEA-specific license, license area, or endorsement is valid only within the requesting LEA for the educator's current assignment.

(3) An LEA-specific license, license area, or endorsement is valid until June 30 of the third school year after the after the Superintendent issues the license.

(4) An LEA may not issue an LEA-specific license area of concentration to an educator for the following license areas:

(a) special education;

(b) pre-school special education;

(c) deaf education;

(d) school psychologist;

(e) school social worker;

(f) audiologist;

(g) speech-language technician;

(h) speech-language pathologist; or

(i) school counselor.

(5) An LEA may not issue an LEA-specific endorsement in drivers education.

(6) An LEA-specific license expires immediately if the educator's employment with the LEA that requested the license ends.

(7) An LEA may request renewal of an LEA-specific license if an educator meets professional learning requirements established by the Superintendent.

(8) The general requirements for an LEA-specific educator license shall include:

(a) completion of a criminal background check, including:

(i) review of any criminal offenses and clearance in accordance with Rule R277-214; and

(ii) continued monitoring in accordance with Subsection 53G-11-403(1);

(b) completion of the educator ethics review within one calendar year before the application; and

(c) approval of the request by the LEA governing board in a public meeting no more than 60 days before the application, which includes the LEA's rationale for the request.

(9) The content knowledge and pedagogical requirements for an LEA-specific educator license shall be established by the LEA governing board.

(10) An LEA school that requests an LEA-specific license, license area, or endorsement shall prominently post the following information on each school's website:

(a) disclosure of the fact that the school employs individuals holding LEA-specific educator licenses, license areas, or endorsements;

(b) an explanation of the types of licenses issued by the board;

(c) the percentage of the types of licenses, license areas, and endorsements held by educators employed in the school-based on the employees' FTE as reported to the Superintendent; and

(d) a link to the Utah Educator Look-up tool provided by the Superintendent in accordance with Subsection R277-312-7(6).

R277-301-9. Superintendent Annual Report to the Board.

(1) The Superintendent shall annually report to the Board on licensing, including:

(a) educator licensing;

(b) educator preparation; and

(c) equitable distribution of teachers.

(2) The Superintendent shall use a process approved by the Board to:

(a) establish the content knowledge competency requirements required for associate and professional endorsements; and

(b) review, adopt, and establish passing standards for all assessments required for educator licensing.

(3) The Superintendent shall create an ethics review for all licensed educators based upon Rule R277-217, Educator Standards and Local Education Agency (LEA) Reporting.

(4) The Superintendent may correct identified errors in licensing information with notice to the license holder.

R277-301-10. Licensee Enrollment in FBI Rapback.

(1) An individual with an assignment in CACTUS or USIMS shall have a cleared background check and current enrollment in FBI Rapback in accordance with Section 53G-11-403.

(2) Notwithstanding Subsection (1), if an individual cannot enroll in FBI Rapback due to physiological limitations, the educator shall submit fingerprints and complete a new background check every two years.

(3)(a) An LEA may not receive funding for an educator who is not in compliance with this section.

(b) An LEA may be subject to corrective action under Rule R277-114 for continued non-compliance with Subsection (1).

KEY: professional competency, educator licensing

Date of Last Change: December 10, 2024

Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-102; 53E-3-401

R277. Education, Administration.

R277-302. Educator Licensing Renewal.

R277-302-1. 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; and

(c) Section 53E-6-201, which gives the Board power to issue licenses.

(2) The purpose of this rule is to ensure that licensed educators maintain and enhance their education-related skills and knowledge throughout the duration of the license.

R277-302-2. Definitions.

(1) "Alternate professional learning activities" means activities that enhance or improve the education-related skills and knowledge of an educator serving in school, but not in a role as a primary educator, including:

(a) work as a paraprofessional;

(b) substitute teaching in a public school;

(c) volunteering in a public school;

(d) travel with an educational purpose or component;

(e) presenting at professional conferences, including the time to design or prepare the presentation;

(f) educational research;

(g) work as a department chair in a public school.

(2) "Conflict of interest" means a business, family, monetary, or relationship concern that may cause a reasonable educator to be unduly influenced or that creates the appearance of undue influence.

(3) "Educator" has the same meaning as defined in Section 53E-6-102.

(4) "Educator collaboration opportunities" mean opportunities in which educators engage in data analysis in collaboration with colleagues to inform instructional adjustments and student need, including through professional learning communities.

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

(6) "Licensed administrator" means:

(a) an individual holding a current Utah educator license with a school leadership license area of concentration;

(b) an individual, familiar with the requirements of this rule, holding an equivalent license in another jurisdiction; or

(c) an individual currently employed in an administrative position in a Utah charter school or accredited private school.

(7)(a) "Professional education entity" means a public or private organization engaged in services related, in whole or in part, to promoting education.

(b) "Professional education entity" includes:

(i) an LEA;

(ii) the Board, including its staff;

(iii) another elected or appointed government body responsible for education policy;

(iv) a regional service center;

(v) a union or association of professional educators;

(vi) an association whose members are comprised of Utah LEAs or schools;

(vii) an accredited p-12 private institution; and

(viii) a regionally accredited college or university.

(8) "Professional learning experiences" means learning experiences in:

(a) curriculum development;

(b) school improvement;

(c) mentoring and training new teachers; and

(d) instructional coaching.

(9) "Professional service" means service in a local, state, or national government or professional education association leadership role.

R277-302-3. Educator License Renewal Requirements.

(1) An individual that holds a current Utah educator license may apply to the Superintendent for renewal of the license after meeting all requirements detailed in this rule between January 1 and June 30 of the year in which the educator's license expires.

(2) An individual that holds an expired associate or professional Utah educator license may apply to the Superintendent for renewal of the license after meeting all requirements detailed in this rule.

(3) A Utah educator license holder shall accrue 100 license renewal hours prior to license renewal, beginning with the date of each new renewal.

(4) Prior to applying for renewal, an individual that holds a professional Utah educator license shall:

(a) complete license renewal hours as detailed in Section R277-302-7 during the five years prior to the date of renewal;

(b) complete the USBE educator ethics review during the year prior to the date of renewal; and

(c) maintain ongoing background monitoring in accordance with Section 53G-11-403.

(5) Prior to applying for renewal, an individual that holds an associate Utah educator license shall:

(a) have less than three years of experience in an educator position related to the area of licensure in a public or accredited private school in Utah;

(b) meet the current content knowledge requirements for an associate educator license related to the educator's area of licensure detailed in Section R277-301-4;

(c) redo the professional learning modules required for an associate educator license detailed in Section R277-301-4 during the six months prior to the date of renewal;

(d) complete the USBE educator ethics review during the year prior to the date of renewal; and

(e) maintain ongoing background monitoring in accordance with Section 53E-6-401.

(6) Prior to qualifying for renewal, an individual that holds an LEA-specific Utah educator license shall:

(a) comply with the LEA's policy for employment and professional learning;

(b) provide documentation of 60 renewal hours, consistent with Section R277-302-7;

(c) complete the USBE educator ethics review during the year prior to the date of renewal; and

(d) maintain ongoing background monitoring in accordance with Section 53E-6-401.

R277-302-4. Superintendent Responsibilities.

(1) The Superintendent shall establish application procedures for Utah educator license renewal that:

(a) include simplified procedures for an educator that:

(i) is currently employed in an educator position by a professional education entity;

(ii) has been employed in an educator position by a professional education entity in each of the years covered by the individual's Utah educator license; and

(iii) has participated in professional learning activities as required by Subsection R277-302-6(1);

(b) where Subsection (1)(a) does not apply, require verification of the educator's completed license renewal hours by the signature of a current licensed administrator without a conflict of interest with the educator; and

(c) is completed through an automated, online platform, to the extent reasonably possible given existing technology and resources.

(2) The Superintendent shall monitor a random sample of approximately 10% of annual renewals that utilize automated or online procedures.

(3) The Superintendent shall provide guidance to educators to the extent that funding allows that:

(a) promotes participation in activities that are not cost intensive;

(b) encourages licensed administrators to consider a broad variety of activities under Subsection R277-302-7(4)(d); and

(c) supports educators in learning how and where to earn renewal hours without directly referring educators to paid services.

(4)(a) The Superintendent may monitor any renewal transaction for accuracy and compliance with this rule.

(b) The Superintendent may void a license transaction that was completed on the basis of inaccurate information at any time with notice to the license holder.

(5) If the Superintendent identifies evidence of intentional misconduct, which violates Rule R277-217 during monitoring in accordance with Subsection (4), the Superintendent shall report the allegations to UPPAC.

(6) The Superintendent shall provide a model policy to facilitate the resolution of a conflict between a licensed educator and a licensed administrator that arises based on the requirement detailed in Subsection R277-302-4(1)(b), which may include a provision for review of the issues by the Superintendent.

R277-302-5. Educator Responsibilities.

(1) An educator is responsible for acquiring and retaining documentation and signatures related to the completion of professional learning activities used to meet the requirements of this rule.

(2) An educator shall finalize all renewal documentation during the six months prior to the date of renewal.

(3) An educator shall retain all documentation related to a renewal application under this rule for no less than one year from the date of renewal.

(4) If an educator's renewal application is identified for monitoring in accordance with Subsections R277-302-4(2) and (3), the educator shall submit any requested documentation to the Superintendent in a timely manner.

R277-302-6. LEA Responsibilities.

(1) An LEA that employs an individual holding a professional Utah educator license shall provide opportunities for the individual to complete a minimum of the equivalent of 20 license renewal hours as defined in Section R277-302-7 of professional learning activities to all such license holders annually, which shall include trainings required by state law or Board rule.

(2) An LEA shall maintain or provide to the educator documentation of professional learning activities under Subsection (1).

(3) If an individual that holds a professional Utah educator license does not participate in the activities provided under Subsection (1), the educator's LEA shall notify the educator and the Superintendent that the educator is not eligible to utilize the simplified procedures described in Subsection R277-302-4(1)(a).

R277-302-7. Professional Renewal Activities.

(1) An educator with a current assignment in a Utah LEA shall complete renewal hours in at least two of the areas identified in this Section R277-302-7, subject to the maximum renewal hours in Subsection (4).

(2) An educator without a current assignment in a Utah LEA shall complete renewal hours in any area identified in this Section R277-302-7 with no maximum renewal hours in any given area.

(3) Notwithstanding Subsections (1) and (2):

(a) an educator may receive 100 hours toward renewal for earning national board certification, with no further renewal hours required;

(b) an educator may receive 20 hours per national board certification component completed during any given renewal cycle; or

(c) an educator who held a Level 3 license prior to July 1, 2020, may receive 25 renewal hours in recognition of the Level 3 requirements in the educator's first renewal after July 1, 2020.

(4) An educator may complete renewal hours in the following areas:

(a) Professional learning experiences, up to a maximum of 90 hours, as follows:

(i) one renewal hour for each clock hour of scheduled professional learning activities sponsored or approved by a professional education entity in the following areas:

(A) university coursework;

(B) USBE professional learning;

(C) curriculum development;

(D) school improvement;

(E) mentoring and training of new teachers;

(F) training and support designed specifically for new teachers or teachers identified as ineffective on the teacher's annual evaluation;

(G) instructional coaching; or

(H) conferences, workshops, institutes, trainings, symposia, or staff-development programs; or

(ii) ten renewal hours per year for a teacher evaluation deemed highly effective;

(b) Educator collaboration opportunities, with one renewal hour for each clock hour up to a maximum of 30 hours;

(c) Professional service, with one renewal hour for each clock hour up to a maximum of 50 hours;

(d) Alternate learning opportunities, with one renewal hour for each clock hour up to a maximum of 30 hours; and

(e) Teaching during the COVID-19 pandemic, with 20 hours for each year the educator had a teaching assignment during:

(i) the 2019-20 school year;

(ii) the 2020-21 school year; and

(iii) the 2021-22 school year.

R277-302-8. Licensing Renewal Point Options for Grandfathered Licenses.

(1) Notwithstanding Subsection R277-302-3(4)(a), an educator whose professional Utah educator license has an expiration date prior June 30, 2025 may earn license renewal points in accordance with this Section R277-302-8 on the educator's first subsequent renewal, in addition to the options described in Section R277-302-7 if the educator does not meet the renewal requirements detailed in this rule.

(2) If an educator chooses to earn license renewal points under this Section R277-302-8:

(a) an educator who held a level two or three license prior to June 30, 2020, shall accrue 200 points in the five years prior to applying for renewal; and

(b) an educator who held a level one license prior to June 30, 2020 shall accrue 100 points in the three years prior to applying for renewal.

(3) An educator may earn license renewal points for employment in a position requiring a Utah educator license, as follows:

(a) An educator may earn 35 license renewal points per year of employment, up to a maximum of 105 points per license cycle; and

(b) An educator may only count years of employment with satisfactory performance evaluations for license renewal points.

(4) An educator may earn license renewal points for content and pedagogy testing, as follows:

(a) A qualifying test must be approved by the Superintendent;

(b) For each qualifying test submitted with a passing score, the educator qualifies for 25 license renewal points; and

(c) An educator may submit no more than two qualifying test scores per license cycle.

(5) An educator may receive license renewal points for service in a leadership role in a national, state-wide, or LEA-recognized professional education organization, as follows:

(a) The educator's direct administrative supervisor shall approve qualifying service under Subsection (5); and

(b) Each clock hour of participation qualifies for one license renewal point, not to exceed ten points per year.

(6) An educator may receive license renewal points for substituting in a public school or accredited private school in Utah, as follows:

(a) The educator must have an inactive license during the school year the points are earned;

(b) Two hours of documented substitute time equals one license renewal point, not to exceed 25 points per year or 50 points per license cycle; and

(c) A licensed administrator at the LEA where the substitute teaching occurred shall verify hours on LEA or school letterhead;

(7) An educator may receive license renewal points for paraprofessional or volunteer service in a public school or accredited private school in Utah, as follows:

(a) The educator must have an inactive license during the school year the points are earned;

(b) Three hours of documented paraprofessional or volunteer service equals one license renewal point, not to exceed 25 points per year or 50 points per license cycle; and

(c) A licensed administrator at the LEA where the paraprofessional or volunteer service occurred shall verify hours on LEA or school letterhead.

KEY: license renewal, educators

Date of Last Change: May 8, 2024

Notice of Continuation: March 11, 2024

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

R277. Education, Administration.

R277-303. Educator Preparation Programs.

R277-303-1. Authority, Purpose and Oversight Category.

(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) Subsection 53E-6-201(3)(a), which directs the Board to establish the criteria for obtaining licenses; and

(d) Section 53E-6-302, which requires the Board to establish standards for approval of educator preparation programs.

(2) The purpose of this rule is to establish flexible criteria for demonstration of competency in educator preparation programs in Utah.

(3) This Rule R277-303 is categorized as Category 4 as described in Rule R277-111.

R277-303-2. Definitions.

(1) "Candidate" means an individual enrolled in an approved educator preparation program who is working toward completing the requirements for a Utah professional educator license.

(2) "Clinical experience" means a structured opportunity in which:

(a) a licensed educator mentors a program candidate;

(b) a school or district administrator or institution of higher education preparation program faculty member with appropriate training evaluates program candidates; and

(c) a program candidate develops and demonstrates competency in the skills and knowledge necessary to be an effective educator.

(3) "Competency" means evidence of successful application of knowledge and skills shown through demonstration in a higher education or prek-12 classroom setting.

(4) "Completer" means a candidate who has completed licensure requirements and been endorsed for licensure by an approved educator preparation program.

(5)(a) "Educator preparation program" means a comprehensive program administered by an entity that is intended to prepare individuals to meet the requirements for a Utah professional license or license area of concentration.

(b) "Educator preparation program" may include a program developed by or associated with an institution of higher education, individual LEA, a consortium of LEAs, or the Board.

(6) "Flexibility," for alternative preparation programs, means the process by which a program exercises local decision-making to design and implement focused options to meet program and applicant licensing needs, without adding additional requirements beyond those outlined in Board rule, and allowing a teacher to demonstrate competency where reasonably possible in lieu of coursework or other requirements, consistent with the purpose of Board licensing rules.

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

(8) "License area" has the same meaning as set forth in Subsection R277-301-2(6).

(9) "Mentor" means an educator with a professional license with training that may include how to advise, coach, consult, and guide the development of a new educator.

(10) "Professional license" means the educator license described in Section R277-301-5.

R277-303-3. Utah Educator Preparation Program Standards.

An approved Utah Educator Preparation Program shall meet the following standards:

(1) Program completer competency:

(a) a completer can effectively demonstrate the educator preparation competencies established in Board rule;

(b) a completer has the experience, knowledge, and skills needed to serve students with a variety of educational needs; and

(c) a completer establishes goals for their own professional growth and engages in self-assessment, goal setting, and reflection.

(2) Systems of support for candidate competency:

(a) a program provides high quality learning experiences aligned to Utah competencies and standards while offering multiple opportunities for a candidate to demonstrate that the candidate has the knowledge and skills to serve all students;

(b) a program seeks out and supports high quality clinical experiences for a candidate where the candidate has opportunities to practice and receive feedback on their knowledge and skills;

(c) a program develops and supports high quality mentors who support program candidates in demonstrating competencies in Board rule; and

(d) a program prioritizes capacity to support candidates as reflected in staffing and institutional resources.

(3) Program continuous improvement and impact:

(a) a program engages in thoughtful continuous improvement practices by reviewing program performance data and seeking opportunities for innovations and enhancement; and

(b) a program seeks partnerships with stakeholders to strengthen the Utah education system.

R277-303-4. Educator Preparation Program Review and Approval.

(1) The Superintendent shall establish uniform procedures for initial approval and review of educator preparation programs to ensure compliance with this rule.

(2) The Superintendent shall approve an educator preparation program that meets the requirements of this rule and the standards for program approval established in:

(a) Rule R277-304;

(b) Rule R277-305;

(c) Rule R277-306; and

(d) all other applicable Board rules.

(3)(a) The Superintendent shall conduct an ongoing review of approved educator preparation programs and shall renew or deny approval for a program at least every seven years.

(b) The review described in Subsection (3)(a) shall include monitoring whether:

(i) an educational preparation program is in compliance with Board rules; and

(ii) an alternative preparation program has reasonable flexibility for candidates to demonstrate required competencies.

(4) The Superintendent may grant preliminary approval to a new educator preparation program within a Utah public college or university pending approval by the Utah Board of Higher Education.

(5) The Superintendent shall make a report to the Board when an educator preparation program's initial application for approval is granted or denied.

(6) The Superintendent may place an approved educator preparation program on probation for:

(a) failure to meet program requirements detailed in applicable Board rules; or

(b) failure to submit complete and accurate information in a report required under this rule.

(7) The Board may revoke the approval of a probationary program that fails to meet probationary requirements with at least one year's notice to the educator preparation program.

(8) The Superintendent may require a program or subset of programs to submit reports to inform the annual report to the Board required in Section R277-301-9.

(9) The Superintendent shall accept an approved educator preparation program's recommendations for a professional license or license area if the prospective licensee meets all other requirements of Board rule.

R277-303-5. Educator Preparation Programs.

(1) An educator preparation program that applies for approval by the Superintendent shall demonstrate how it will ensure that participants:

(a) are prepared to meet the Utah Effective Educator Standards established in Rule R277-330; and

(b) demonstrate all competencies applicable to the license area and subject area as established by the Superintendent.

(2) In addition to the requirements of Subsection (1), an educator preparation program that is not also a Utah LEA shall:

(a) have a physical location in Utah where participants attend classes; or

(b) if the program provides only online instruction:

(i) have the program's primary headquarters located in Utah; and

(ii) be licensed to do business through the Utah Department of Commerce; and

(c) establish entry requirements that are designed to ensure that only high quality individuals enter the preparation program, which include measures of:

(i) previous academic success;

(ii) disposition for employment in an educational setting; and

(iii) basic skills in reading, writing, and mathematics.

(3)(a) If the Superintendent denies an application from an educator preparation program, the proposed educator preparation program may appeal the Superintendent's decision to the Board by submitting a written appeal to the Board Secretary.

(b) The Board shall assign an appeal under Subsection (3)(a) to a standing committee to make a recommendation to the full Board for final action.

(4) An approved educator preparation program may recommend an individual that completed the program for a professional license or license area for up to five years after the individual completed the program, as long as all current license requirements have been met.

(5) If five years have passed since an individual completed an approved educator preparation program, the program may recommend the individual for a professional license or license area if the program:

(a) reviews the individual's program; and

(b) requires the individual to complete any additional necessary requirements to meet current programs standards before making a licensing recommendation.

R277-303-6. Superintendent Responsibilities.

(1) The Superintendent shall provide support to educator preparation programs and potential licensees to the extent that funding allows by:

(a) maintaining a website to:

(i) facilitate collaboration between educator preparation programs;

(ii) facilitate communication between potential educators and approved programs; and

(iii) provide access to up-to-date research on educator preparation and education practices;

(b) reviewing third-party preparation materials for alignment with the Utah Effective Educator Standards in Rule R277-330;

(c) working with potential licensed educators to help them become licensed educators; and

(d) ensuring that alternative preparation program applicants be grandfathered from new program requirements added after an applicant's acceptance into the program.

(2) The Superintendent shall design and maintain a model educator preparation program that:

(a) meets all requirements of all applicable Board rules;

(b) may be adopted by:

(i) an LEA; or

(ii) subject to Section R277-303-5:

(A) an accredited private school; or

(B) a consortium of accredited private schools; and

(c) is overseen by staff distinct from the staff responsible for ensuring educator preparation program compliance with all applicable Board rules.

KEY: educator preparation program

Date of Last Change: August 7, 2025

Notice of Continuation: June 10, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201(3)(a)

R277. Education, Administration.

R277-304. Teacher Preparation Programs.

R277-304-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Subsection 53E-6-201(3)(a), which directs the Board to make rules to establish the criteria for obtaining an educator license.

(2)(a) The purpose of this rule is to specify the standards which the Board expects of a teacher preparation institution before program approval in specified areas.

(b) The standards in this rule apply to the specific educational area and grade level for which the preparation program is designed.

(3) This Rule R277-304 is categorized as Category 4 as described in Rule R277-111.

R277-304-2. Definitions.

(1)(a) "Career and technical education" or "CTE" means organized educational programs or competencies which directly or indirectly prepare students for employment, or for additional preparation leading to employment, in occupations where entry requirements do not generally require a baccalaureate or advanced degree.

(b) CTE programs provide all students a continuous education system, driven by a student's college and career readiness plan, through competency-based instruction, culminating in essential life skills, certified occupational skills, and meaningful employment.

(2) "Clinical experience" means a structured opportunity in which a program candidate is mentored by a licensed educator and evaluated by a teacher leader, school administrator, or university preparation program faculty member, in order to develop and demonstrate competency in the skills and knowledge necessary to be an effective teacher, in a physical classroom, which may include experiences in a virtual classroom.

(3) "Competency" means evidence through demonstration in a higher education or prek-12 classroom setting of successful application of knowledge and skills.

(4) "Essential Elements" means the alternate academic achievement standards for students with significant cognitive disabilities, established by the Board in the Special Education Rules Manual, dated June 2023, incorporated by reference in Section R277-750-2.

(5) "Diverse student populations" means unique student groups as identified by:

(a) disability;

(b) academic learning needs; or

(c) linguistic needs.

(6)(a) "Multi-tiered system of supports" or "MTSS" means a framework for integrating assessment and intervention to maximize student achievement, reduce behavior problems, and increase long-term success.

(b) The combination of systematic implementation of increasingly intensive intervention, referred to as tiers, and carefully monitoring students' progress, distinguishes MTSS from typical prevention measures.

(c) Emphasis, in MTSS, is placed on ensuring interventions are implemented effectively.

(7) "Personalize" means to engage all students with high expectations for their learning goals and to empower each learner to take ownership of individual strengths, needs, and interests, while tailoring flexible supports to maximize student growth and competence.

(8) "Utah Core Standards" means the core standards established by the Board in Rule R277-700 for grades K-12 and the Core Standards for Early Learning, adopted June 2023.

R277-304-3. Incorporation by Reference of Educator Preparation Program Competencies.

(1) This rule incorporates by reference:

(a) the General Teacher Preparation Competencies dated June 2024;

(b) the Educator Preparation Program Competencies for Elementary Literacy dated May 2022;

(c) the Elementary Content Competencies dated January 2024;

(d) the Standards for Special Education Educator Preparation Program Approval dated August 2024; and

(e) the Special Education Preparation Foundational Competencies dated March 2025.

(2) A copy of these documents is located at:

(a) https://schools.utah.gov/administrativerules/documentsincorporated; and

(b) the offices of the Utah State Board of Education.

R277-304-4. General Teacher Preparation.

Before approval by the Board, a teacher preparation program shall provide evidence that the program:

(1) prepares candidates to meet the Utah Effective Teaching Standards in Rule R277-330;

(2) prepares candidates to teach:

(a) the Utah Core Standards; and

(b) the Essential Elements, as appropriate to a candidate's prospective area of licensure as established by the Board;

(3) includes school-based clinical experiences for a candidate to observe, practice skills, and reflect on teaching that:

(a) are significant in number, depth, breadth, and duration;

(b) are progressively more complex; and

(c) include working with all types of students;

(4) for candidates who enroll in a preparation program before September 1, 2026, requires competency in:

(a) content and content specific pedagogy appropriate for the area of licensure;

(b) knowledge of the Educator Standards contained in Rule R277-217;

(c) designing, administering, and reviewing formative and summative assessments in a meaningful and ethical manner;

(d) improving student outcomes by:

(i) using student assessment data, both formative and summative;

(ii) analyzing instructional practices; and

(iii) making necessary adjustments to personalize learning;

(e) using strategies to promote active student engagement;

(f) systematically designing instruction toward a specific learning goal by:

(i) providing tier one and tier two instruction and intervention on the Utah core standards including the use of competency-based learning;

(ii) using a variety of evidence-based instructional strategies, including explicit instruction and scaffolded supports;

(iii) integrating technology to support and meaningfully supplement the learning of students;

(iv) designing developmentally appropriate and authentic learning experiences;

(v) developing higher order thinking and metacognitive skills; and

(vi) integrating cross-disciplinary skills, such as literacy and numeracy, into instruction;

(g) providing positive and constructive feedback to guide students' learning and behavior;

(h) establishing a consistent, organized, and respectful learning environment, including:

(i) positive behavior interventions and supports within a multi-tiered system of support;

(ii) classroom procedures and routines;

(iii) trauma-informed practices; and

(iv) accountability practices;

(i) knowledge and skills to assist in the identification of and instruction for students with disabilities in the general classroom, including:

(i) knowledge of the IDEA and Section 504 of the Rehabilitation Act;

(ii) knowledge of the role of non-special education teachers in the education of students with disabilities;

(iii) knowledge and skills in implementing least restrictive behavior interventions;

(iv) skills in implementing and assessing the results of interventions; and

(v) skills in the implementation of an educational program with accommodations, modifications, services, and supports established by an IEP or a 504 plan for students with disabilities in the general education classroom;

(j) knowledge and skills designed to meet the needs of diverse student populations in the general education classroom, including:

(i) allowing students alternative ways to demonstrate learning that are sensitive to student diversity;

(ii) creating an environment that is sensitive to multiple experiences and diversity;

(iii) designing, adapting, and delivering instruction to address each student's diverse learning strengths and needs; and

(iv) incorporating language development into planning, instruction, and intervention for students learning English, using their first language as an asset while supporting development of English proficiency; and

(k) effectively communicating and collaborating with parents, colleagues, and administration;

(5) for candidates who enroll in a preparation program on or after September 1, 2026, requires competence in the General Teacher Preparation Competencies;

(6) for a program candidate accepted on or after January 1, 2020, provides multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in one or more clinical experiences in collaboration with a licensed teacher over an extended period in each of the following competencies:

(a) implementing the planning and design, delivery, facilitation, assessment, evaluation, and reflection of a unit of instruction;

(b) revising instructional plans for future implementation or reteaching concepts as appropriate;

(c) implementing the accommodations, modifications, services, and supports as outlined in a student's IEP or 504 plan;

(d) evaluating student artifacts and assessments;

(e) establishing and maintaining classroom procedures and routines that include positive behavior interventions and supports;

(f) establishing and maintaining a positive learning climate;

(g) reflecting on the teaching process and justifying instructional decisions;

(h) participating in at least one IEP meeting or parental consultation regarding a student that the program candidate has instructed; and

(i) consulting and collaborating with qualified personnel, such as a school counselor or school social worker, regarding the emotional well-being of students;

(7) include consideration of a candidate's dispositions and suitability for teaching; and

(8) include plans for candidate remediation and exit counseling, if appropriate.

R277-304-5. Early Childhood and Elementary Preparation Programs.

(1) Before approval by the Board, a preparation program for early childhood education or elementary education shall demonstrate how the program requires candidate competency in:

(a) the areas outlined in Section R277-304-3;

(b) early childhood development and learning;

(c) the Educator Preparation Program Competencies for Elementary Literacy;

(d) for candidates who enroll in a preparation program before September 1, 2026, the appropriate content knowledge needed to teach:

(i) the science of literacy instruction including:

(A) phonemic awareness;

(B) phonics;

(C) fluency;

(D) vocabulary;

(E) comprehension; and

(ii) the science of mathematics instruction, including:

(A) quantitative reasoning;

(B) problem solving;

(C) representation;

(D) numeracy; and

(E) a balance of procedural and conceptual understanding;

(iii) physical and life science;

(iv) health and physical education;

(v) social studies; and

(vi) fine arts; or

(2) for candidates who enroll in a preparation program on or after September 1, 2026, the Elementary Content Competencies and the Educator Preparation Program Competencies for Early Literacy.

(3) For a program candidate accepted after January 1, 2020, a preparation program for early childhood or elementary education shall provide multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) all requirements outlined in Subsections R277-304-4(4) through (7);

(b) demonstrating content-specific pedagogy in each of the areas outlined in Subsection R277-304-5(1);

(c) diagnosing students struggling with reading and planning and implementing remediation for those students; and

(d) diagnosing students struggling with mathematics and planning and implementing remediation for those students.

(4) An educator preparation program shall apply the standards in this Section R277-304-4 to the specific age group or grade level for which the preparation program is designed.

(a) An early childhood education program shall focus primarily on early childhood development and learning in preschool through grade 3.

(b) An elementary program shall include both early childhood development and learning and elementary content and pedagogy in kindergarten through grade 6.

R277-304-6. Secondary Preparation Programs.

(1) Before approval by the Board, a secondary preparation program shall demonstrate that it requires competency in:

(a) all content competencies established by the Superintendent for a professional educator license in at least one endorsement;

(b) all areas outlined in Subsections R277-304-4(4) through (7);

(c) including literacy and quantitative learning objectives in content-specific classes in alignment with the Utah Core Standards; and

(d) planning instruction and assessment in content-specific teams and in cross-curricular teams.

(2) For a program candidate accepted after January 1, 2020, a secondary preparation program shall provide multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) all requirements outlined in Subsections R277-304-4(4) through (7); and

(b) ensuring student safety and learning in educational labs or shops and extra-curricular settings.

R277-304-7. Special Education and Preschool Special Education Programs.

(1) Before approval by the Board, a special education or preschool special education preparation program shall demonstrate that:

(a) the program is operated by or partnered with a Utah institution of higher education or the Board;

(b) it requires competency in Board approved special education teacher preparation competencies in one or more of the following special education areas:

(i) Mild/Moderate Support Needs;

(ii) Complex Support Needs;

(iii) Deaf and Hard of Hearing;

(iv) Blind and Visually Impaired;

(v) Deafblind; or

(vi) Preschool Special Education (Birth-Age 5);

(c) the program requires the passage of a Braille assessment approved by the Superintendent for a program in the Blind and Visually Impaired area;

(d) For a candidate enrolled in a special education preparation program before September 1, 2027 or enrolled in a preschool special education preparation program, the program requires competency in:

(i) all areas detailed in Subsections R277-304-4(4) through (7);

(ii) legal and ethical issues surrounding special education, including:

(A) the IDEA;

(B) the Special Education Rules Manual incorporated by reference in Section R277-750-2; and

(C) all other applicable statutes and Board rules;

(iii) working with other school personnel to implement and evaluate academic, behavioral, and developmental supports and interventions for students with disabilities within a multi-tiered system of supports as appropriate for the area of licensure;

(iv) training in and supervising the services and supports provided to students with disabilities by general education teachers, related service providers, and paraprofessionals; and

(v) providing specially designed instruction, including content-specific pedagogy, as per IEPs, to students with disabilities, including:

(A) the Utah Core Standards; and

(B) the Essential Elements as appropriate to a candidate's prospective area of licensure as established by the Board;

(C) skills in assessing and addressing the educational, developmental, and functional needs and progress of students with disabilities;

(D) skills in implementing and assessing the results of research and evidence-based interventions for students with disabilities; and

(E) skills in implementing an educational program with accommodations, modifications, services, and supports established by an IEP for students with disabilities.

(2) For a program candidate accepted after January 1, 2020, a special education or preschool special education preparation program shall require multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) all requirements outlined in Subsections R277-304-4(4) through (7);

(b) creating learning goals and objectives for a student with disabilities that are specific, measurable, time-bound, and aligned to identified student needs and the Utah Core Standards;

(c) designing or adapting learning environments for diverse student populations that encourage active participation in individual and group activities;

(d) monitoring school compliance with multiple student IEP and Section 504 plans;

(e) conducting a student IEP meeting under the supervision of a licensed special education teacher;

(f) using knowledge of measurement principles and practices to interpret assessment information in making instructional, eligibility, program, and placement decisions for students with disabilities, including those from culturally or linguistically diverse backgrounds;

(g) communicating with parents of students with disabilities to ensure they are informed regarding the progress of their student and their right to due process; and

(h) if the program is designed to prepare an individual for a special education license area, developing and implementing a secondary transition plan as it relates to post-secondary education and training, competitive employment, and independent living.

(3) For a program candidate accepted on or after September 1, 2027, a special education preparation program shall require demonstration of:

(a) the Special Education Preparation Foundational Competencies; and

(b) the competencies for at least one special education endorsement.

R277-304-8. Deaf Education Preparation Programs.

(1) Before approval by the Board, a deaf education preparation program shall:

(a) be operated by or partnered with a Utah institution of higher education or the Board;

(b) be aligned with the National Association of State Directors of Special Education, Inc., Optimizing Outcomes for Students who are Deaf or Hard of Hearing, Educational Service Guidelines, Third Edition;

(c) be focused on one or more of the following areas:

(i) teaching students who are deaf or hard of hearing from birth to age five using both listening and spoken language strategies and American Sign Language;

(ii) teaching students who are deaf or hard of hearing with listening and spoken language strategies; or

(iii) teaching students who are deaf or hard of hearing with strategies that promote the development of American Sign Language and English literacy across the curriculum;

(d) require competency in:

(i) the areas detailed in Subsections R277-304-4(4) through (7).

(ii) legal and ethical issues surrounding special education, including:

(A) the IDEA;

(B) the Special Education Rules Manual incorporated by reference in Section R277-750-2; and

(C) all other applicable statutes and Board rules;

(iii) addressing specific linguistic and cultural needs of deaf and hard of hearing students throughout the curriculum;

(iv) skills for incorporating language into all aspects of the curriculum;

(v) pedagogical skills unique to teaching reading, writing, mathematics, and other content areas to deaf and hard of hearing students;

(vi) basic fluency in the use of American Sign Language;

(vii) knowledge of the audiological and physiological components of audition;

(viii) skills for teaching speech to deaf and hard of hearing students;

(ix) the socio-cultural and psychological implications of hearing loss; and

(x) assessing and addressing the educational needs and educational progress of deaf and hard of hearing students.

(2) For a program candidate accepted after January 1, 2020, a deaf or hard of hearing education preparation program shall require multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) all requirements outlined in Subsections R277-304-4(4) through (7);

(b) for a program focused on Subsection R277-304-8(1)(c)(i):

(i) assessing early childhood language development and assessment in American Sign Language and spoken English;

(ii) working with families with students who are deaf or hard of hearing while respecting a variety of communication modalities;

(iii) integrating language, speech, and listening into everyday activities;

(iv) sharing knowledge with families with students who are deaf or hard of hearing about the complexities of deaf culture, including norms and behaviors of the deaf community;

(v) developing auditory perception in children and educating parents about developmental milestones for listening skills; and

(vi) proficiency in American Sign Language as demonstrate by passing an assessment approved by the Superintendent;

(c) for a program focused on Subsection R277-304-8(1)(c)(ii):

(i) developing auditory perception in children and strategies for developing listening and spoken language in deaf and hard of hearing students;

(ii) demonstrating understanding and expertise regarding early childhood spoken language development;

(iii) involving family members with students who are deaf or hard of hearing in learning and therapeutic activities;

(iv) integrating speech, listening, and spoken language in preschool and early elementary content areas; and

(v) integrating current listening technology, including troubleshooting such technology; and

(d) for a program focused on Subsection R277-304-8(1)(c)(iii):

(i) integrating American Sign Language into instruction of core academic content for all school-age students;

(ii) enhancing bilingual literacy of students who are deaf or hard of hearing in both American Sign Language and English;

(iii) integrating respect and understanding of deaf culture into instruction;

(iv) demonstrating understanding and expertise regarding American Sign Language, language development; and

(v) proficiency in American Sign Language as demonstrated by passing an assessment approved by the Superintendent.

R277-304-9. Career and Technical Education Preparation Programs.

(1) Before approval by the Board, a CTE teacher preparation program designed for individuals that do not hold a bachelor's degree or higher shall:

(a) focus on one or more of the following areas:

(i) family and consumer sciences;

(ii) health sciences;

(iii) information technology;

(iv) skilled and technical sciences; or

(v) work-based learning;

(b) require that candidates have six years of documented, related occupational experiences within the 10 years before the program application in an approved CTE license area;

(c) require competency in all areas detailed in Section R277-304-4;

(d) for a program candidate accepted after January 1, 2020, a CTE preparation program shall require multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in all requirements outlined in Section R277-304-4; and

(e) require candidates to hold the applicable license or certificate issued by the Utah State Department of Commerce, Division of Professional Licensing in any area where such licensure or certification exists.

(2) A program may count an associate's degree in a related area for up to two years of occupational experience to satisfy the requirement in Subsection R277-304-9(1)(b).

(3)(a) An approved program may request a waiver from the Superintendent of the occupational experience required for a candidate if the candidate has passed an approved competency examination in the respective field at or above the passing score established by the Superintendent.

(b) The Superintendent may grant a waiver under Subsection (3)(a) for up to five years from the date the candidate passed the examination.

KEY: teacher preparation, programs, educators

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Notice of Continuation: March 15, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-6-201

R277. Education, Administration.

R277-305. School Leadership License Areas of Concentration and Programs.

R277-305-1. 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) 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

(c) Section 53E-6-201, which permits the Board to issue certificates for educators.

(2) The purpose of this rule is to:

(a) specify the requirements for a professional school leadership license area of concentration;

(b) specify the standards which the Board expects of a school leadership preparation program prior to program approval.

R277-305-2. Definitions.

(1) "Clinical experience" means a structured opportunity in which a program candidate is mentored by a licensed educator and evaluated by an LEA administrator or university preparation program faculty member, in order to develop and demonstrate competency in the skills and knowledge necessary to be an effective school leader.

(2) "School leadership license area of concentration" means the initial credential issued by the Board that authorizes a holder to be employed as a school principal, vice-principal, or assistant principal.

R277-305-3. School Leadership License Area of Concentration Requirements.

(1) The Superintendent shall issue a professional school leadership license area of concentration to an individual that applies for the license and meets all requirements in this section.

(2) The requirements for a professional school leadership license area of concentration shall include either:

(a)(i) a master's degree or more advanced degree;

(ii) passage of a school leadership assessment approved by the Superintendent; and

(iii) a recommendation from a Board-approved school leadership preparation program pursuant to the process described in Rule R277-303; or

(b) a valid school leadership license in another jurisdiction under the NASDTEC interstate agreement.

R277-305-4. School Leadership Preparation Programs.

(1) Prior to approval by the Superintendent, a preparation program for school leadership shall:

(a) demonstrate how it will prepare candidates to meet the Utah Educational Leadership Standards described in Rule R277-330;

(b) subject to Subsection (2), establish weighted entry requirements that consider prior leadership experiences of applicants and are designed to select high quality candidates to enter the licensure program;

(c) include school-based clinical experiences for a candidate to observe, practice skills, and reflect on school leadership that:

(i) are significant in number, depth, breadth, and duration;

(ii) are progressively more complex;

(iii) occur in multiple schools;

(iv) include working with both elementary and secondary teachers and students; and

(v) occur throughout the preparation program;

(d) require the demonstration of competency in:

(i) properly utilizing data, including student performance data, to evaluate educator and school performance and provide actionable information to educators to improve instruction;

(ii) facilitating educator use of technology to support and meaningfully supplement the learning of students;

(iii) collaborating with stakeholder groups to create a shared vision, mission, and goals for a school;

(iv) implementing the shared vision, mission, and goals for a school:

(A) as a principal; and

(B) as an assistant principal supporting the school principal;

(v) communicating effectively with parents, community groups, staff, and students;

(vi) recognizing effective and ineffective instructional practice in order to ensure authentic learning and assessment experiences for all students;

(vii) implementing a multi-tiered system of supports in individual classrooms and the school as a whole;

(viii) counseling and coaching educators in relation to the educator's evaluation, professional learning, and student performance to improve the educator's practice;

(ix) understanding the laws and legal ramifications surrounding school leadership decisions and practices;

(x) understanding the requirements and LEA responsibilities of the IDEA;

(xi) ensuring a safe, secure, emotionally protective, and healthy school environment, including the prevention of bullying and youth suicide;

(xii) establishing and maintaining a school culture that supports inquiry, risk-taking, innovation, and learning of both students and teachers; and

(xiii) connecting management operations, policies, and resources to the vision and values of the school.

(2) Beginning on January 1, 2020, the entry requirements described in Subsection (1)(b) shall require an individual entering a Board-approved education leadership licensure program to:

(a) clear a USBE fingerprint background check described in:

(i) statute; and

(ii) background check rule;

(b) hold a:

(i) Utah professional educator license; or

(ii) an equivalent out of state license;

(c) have been deemed effective or higher by:

(i) an evaluation system meeting the standards of Rule R277-531; or

(ii) the LEA's equivalent on the applicant's most recent evaluation;

(d) have a confidential recommendation from:

(i) the individual's immediate administrative supervisor; or

(ii) an LEA-level administrator with knowledge regarding the individual's potential as a school leader; and

(e) pass an interview conducted by the program to measure the potential of the individual as a school leader.

(3) Board-approved education leadership licensure program may waive the entrance requirements described in Subsections (2)(b) through (e) based on program established guidelines for no more than 10% of an incoming cohort.

(4) For a program applicant accepted on or after January 1, 2020, an -approved school leadership licensure program shall require multiple opportunities for a program applicant to successfully demonstrate application of knowledge and skills gained through the program in one or more clinical experiences in each of the following competencies:

(a) analyzing school assessment data from common formative assessments, summative assessments, standardized assessments, and interim or benchmark assessments with school staff and with individual teachers;

(b) administering all aspects of a teacher evaluation system that meets the requirements of:

(i) Rule R277-531; or

(ii) the LEA's equivalent;

(c) administering all aspects of an evaluation system for a classified employee;

(d) planning, organizing, conducting, and evaluating the effectiveness of a professional learning activity for school staff;

(e) supporting or overseeing a school-based learning team;

(f) working with a School Community Council, including the annual development and evaluation of a school's Teacher and Student Success Act plan and School LAND Trust plan;

(g) performing formal and informal classroom observations for the purpose of improving instruction;

(h) acting as the LEA representative in IEP and 504 accommodation plan meetings;

(i) appropriately handling cases of student discipline referred to the school office;

(j) supervising school activities and monitoring the process for collecting and handling fees and gate receipts; and

(k) implementing a school's screening and hiring process, including interviews and the notification of successful and unsuccessful applicants.

R277-305-5. Superintendent Responsibilities.

(1) The Superintendent shall ensure that the model mentoring program required under Rule R277-308 includes induction for new school leaders.

(2) The Superintendent shall explore the adoption of a performance-based school leadership assessment and make related recommendations to the Board by September 1, 2020.

(3) The Superintendent shall include a list of resources for potential school leadership candidates to help them prepare for school leadership on the Utah Leading through Effective and Dynamic Education website.

(4) The Superintendent shall implement a network for principal.

(5) The Superintendent shall create a depository of school principal learning resources that can be utilized by LEAs in the Utah Leading through Effective and Dynamic Education website.

KEY: school leadership license, program

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201

R277. Education, Administration.

R277-306. Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers.

R277-306-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Subsection 53E-6-201(3)(a), which allows the Board to establish criteria for obtaining educator licenses.

(2) The purpose of this rule is to establish standards for educator preparation programs for:

(a) School Psychologists;

(b) Audiologists;

(c) Speech-Language Pathologists;

(d) Speech-Language Technicians;

(e) School Counselors; and

(f) School Social Workers.

(3) This rule is categorized as Category 3 as described in Rule R277-111.

R277-306-2. School Psychologist Preparation Programs.

(1) A Utah institution of higher education may seek approval by the Board for a school psychologist preparation program if the program:

(a) results in a masters degree or higher in school psychology;

(b) meets the 2020 Standards for Graduate Preparation of School Psychologists created by the National Association of School Psychologists (NASP);

(c) prepares candidates to provide comprehensive and integrated services across the ten general domains of school psychology as defined in the 2020 Model for Comprehensive and Integrated School Psychological Services;

(d) prepares candidates to follow the 2020 National Association of School Psychologists Professional Standards and apply those standards and competencies in compliance with Utah law; and

(e) includes school-based clinical experiences for a candidate to observe, practice skills, and reflect on practices that:

(i) are significant in number, depth, breadth, and duration; and

(ii) are progressively more complex.

(2) For a program applicant accepted after January 1, 2020, a school psychologist preparation program shall require multiple opportunities for a program applicant to successfully demonstrate the application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) administering varied models and methods of assessment and data collection for:

(i) identifying strengths and needs of students;

(ii) developing effective services and programs for students; and

(iii) measuring progress and outcomes for students;

(b) implementing varied models and strategies of consultation, collaboration, and communication with individuals, families, groups, and systems;

(c) implementing varied strategies that promote social-emotional functioning and mental health in students; and collecting and analyzing data for evaluation and support of effective practices at the individual, group, and systems levels.

(3) An individual that holds the Nationally Certified School Psychologist (NCSP) credential issued by NASP meets the out of state licensing requirement for a professional school psychologist license area of concentration detailed in Subsection R277-301-6(6).

R277-306-3. School Audiologist Preparation Program.

(1) A Utah institution of higher education may seek approval by the Board for a school audiologist preparation program if the program:

(a) is accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology; and

(b) prepares candidates to provide comprehensive and integrated services in a school setting as detailed in the 2018 Scope of Practice in Audiology created by the American Speech-Language-Hearing Association;

(2) An individual that completes a program accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology outside of Utah qualifies for an associate license with an associate school audiologist license area of concentration detailed in Subsections R277-301-4(5) and (6).

(3) An individual that holds a current Certificate of Clinical Competence in Audiology (CCC-A) issued by the American Speech-Language-Hearing Association meets the out of state licensing requirement for a professional audiologist license area of concentration detailed in Subsection R277-301-6(6).

R277-306-4. Speech-Language Pathologist (SLP) Preparation Program.

(1) A Utah institution of higher education may seek approval by the Board for a speech-language pathologist (SLP) preparation program if the program:

(a) is accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology; and

(b) prepares candidates to provide comprehensive and integrated services in a school setting as detailed in the 2016 Scope of Practice in Speech-Language Pathology created by the American Speech-Language-Hearing Association.

(2) An individual that completes a program accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology outside of Utah qualifies for an associate license with a speech-language pathologist license area of concentration detailed in Subsections R277-301-4(5) and (6).

(3) An individual that holds a current Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP) issued by the American Speech-Language-Hearing Association meets the out of state licensing requirements for a professional speech-language pathologist license area of concentration detailed in Subsection R277-301-6(6).

R277-306-5. Speech-Language Technician (SLT) Preparation Program.

(1) The Superintendent shall create and administer an SLT preparation program that:

(a) requires applicants to hold a bachelor's degree in communication disorders or the equivalent;

(b) requires significant clinical experiences under the supervision of an individual holding a professional speech-language pathologist license area of concentration; and

(c) prepares candidate to provide services in a school setting as detailed in the Utah State Board of Education Handbook for Speech-Language Technicians Working in Utah Public Schools.

(2) The Superintendent shall periodically review and revise the handbook for SLTs referenced in Subsection (1)(c).

R277-306-6. School Counselor Preparation Programs.

(1) A Utah institution of higher education may seek approval by the Board for a school counselor preparation program if the program:

(a) prepares candidates to meet the 2019 American School Counselor Association Professional Standards and Competencies, incorporated by reference in Rule R277-330 and apply those standards and competencies in compliance with Utah law;

(b)(i) results in a master's degree in school counseling; or

(ii) requires a master's degree or higher from a regionally accredited institution in a related field for entrance into the program; and

(c) requires candidates to demonstrate all competencies required for the College and Career Readiness Certificate.

(2) For a program applicant accepted after January 1, 2020, a school counselor preparation program shall require multiple opportunities for a program applicant to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) collaborating with learners, families, colleagues, and community members to build or implement a shared vision and supportive professional culture focused on student growth and success;

(b) delivering a sequential school counseling curriculum aligned with the Utah Model for College and Career Readiness School Counseling Program;

(c) leading individuals and groups of students and their parents or guardians through the development of educational and career plans;

(d) counseling individuals and small groups of students with identified needs and concerns;

(e) developing or maintaining a crisis prevention/youth protection response plan; and

(f) collecting and analyzing data for the purpose of accountability and program evaluation.

R277-306-7. School Social Worker Preparation Programs.

(1) A Utah institution of higher education may seek approval by the Board for a school social worker preparation program if the program:

(a) results in a masters of social work degree;

(b) is accredited by the Council of Social Work Education;

(c) includes school-based clinical experiences for a candidate to observe, practice skills, and reflect on practice that:

(i) are significant in number, depth, breadth, and duration; and

(ii) are progressively more complex;

(d) requires demonstration of competency in:

(i) knowledge of the role of a school social worker in furthering the educational mission of an LEA;

(ii) applying theoretical social work concepts and practical skills to the k-12 educational setting, including:

(A) social, emotional, family, and community assessment;

(B) individual, group, and family counseling;

(C) casework; and

(D) crisis intervention;

(iii) knowledge and application of rules regarding data and record keeping that apply to data available in a school, including:

(A) the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g; and

(B) Title 53E, Chapter 9, Student Privacy and Data Protection;

(iv) knowledge of laws regarding disabilities and their application to school social worker practices and the school setting, including:

(A) the IDEA; and

(B) the Americans with Disabilities Act of 1990, 42 U.S.C. 12101;

(v) utilizing information from assessments in an educational setting to develop student-focused programs and interventions;

(vi) implementation of evidence-based curriculum in response to current social and emotional aspects of education; and

(vii) providing and advocating for services that support the social and emotional aspects of education;

(e) requires multiple opportunities for a program applicant admitted after January 1, 2020 to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following areas:

(i) utilizing information from assessments in the development of student-focused and system-focused programs and interventions in a school setting;

(ii) counseling individuals and small groups of students with identified needs and concerns;

(iii) implementing varied models and strategies of consultation, collaboration, and communication with teachers, individuals, and families; and

(iv) developing or updating a crisis prevention/youth protection response plan.

(2) An individual holding a licensed certified social worker "CSW" license or licensed clinical social worker "LCSW" license through the Division of Professional Licensing in accordance with Rule R156-60a qualifies for an associate educator license with an associate school social worker license area of concentration detailed in Section R277-301-4 if the individual, no more than one calendar year prior to the application:

(a) completes a criminal background check, including review of any criminal offenses and clearance in accordance with Rule R277-214; and

(b) completes the educator ethics review described in Rule R277-302.

(3)(a) The Superintendent shall work with Utah universities and LEAs to create and administer a non-degree professional license preparation program for individuals described in Subsection (2) that meets all the requirements of Subsections (1)(c) through (1)(e).

KEY: preparation, psychologists, audiologists, speech-language pathologists, speech-language technicians, counselors

Date of Last Change: February 7, 2025

Notice of Continuation: December 16, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201

R277. Education, Administration.

R277-307. Teacher Leader.

R277-307-1. 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) Section 53E-6-902, which requires the Board to:

(i) define the role of a teacher leader; and

(ii) establish the minimum criteria for a teacher to qualify as a teacher leader; and

(c) 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 the role of a teacher leader; and

(b) establish the minimum criteria for a teacher to qualify as a teacher leader.

R277-307-2. Definitions.

(1) "Teacher" has the same meaning as defined in Subsection 53E-6-902(1).

(2) "Teacher leader" has the same meaning as defined in Subsection 53E-6-902(2).

R277-307-3. Minimum Criteria for a Teacher Leader.

An LEA may designate a teacher as a teacher leader if the teacher:

(1) has a professional educator license;

(2)(a) has an educator evaluation effectiveness rating of effective or highly effective for at least the two years prior to being designated as a teacher leader; or

(b) has a successful or equivalent evaluation rating using a local board-approved evaluation system for at least the two years prior to being designated as a teacher leader;

(3) demonstrates competence in working with adult learners and peers;

(4) demonstrates:

(a) consistent leadership;

(b) focused collaboration;

(c) distinguished teaching; and

(d) a commitment to ongoing professional growth; and

(5) is recommended by the building administrator to be designated as a teacher leader.

R277-307-4. Roles of a Teacher Leader.

(1) A teacher leader may exhibit leadership in a school through formally or informally designated responsibilities.

(2) A teacher leader shall maintain the teacher leader's assignment as a classroom teacher while exercising appropriate leadership responsibilities, consistent with this section.

(3) A teacher leader may perform the following functions:

(a) Professional learning lead, including:

(i) generally supporting school-based professional learning; or

(ii) serving as a learning designed or facilitator for professional learning activities;

(b) Formally trained and recognized mentor, including:

(i) modeling effective instructional strategies for other teachers;

(ii) training, supervising, and mentoring:

(A) student teachers;

(B) new teachers; or

(C) teachers that supervise student teachers; or

(iii) coaching the development of effective instruction;

(c) Lead or master teacher, including:

(i) guiding other educators in collecting, understanding, analyzing, and interpreting student-achievement data and using those findings to improve instruction;

(ii) leading efforts to modify or improve curriculum; or

(iii) facilitating and coordinating professional learning communities;

(d) Education policy advocate, including:

(i) positively contributing to informed decisions made by policy makers; or

(ii) sharing information with colleagues regarding impact of policy on classroom practices;

(e) School outreach lead, including:

(i) leading specific school improvement initiatives; or

(ii) acting as a liaison for community projects; or

(f) Education ambassador, including:

(i) networking within and beyond local, state, and national education organizations; or

(ii) serving on task forces, committees, and advisory boards.

(4) An LEA may provide additional incentives to teacher leaders for fulfilling the responsibilities outlined in this section, including:

(a) a pay increase, bonus, or other financial incentive; or

(b) a reduction in the teacher leader's regular classroom workload.

KEY: teacher, leader, qualification

Date of Last Change: January 11, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-902; 53E-3-401(4)

R277. Education, Administration.

R277-308. New Educator Induction and Mentoring.

R277-308-1. 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; and

(c) Section 53E-6-201, which gives the Board power to issue licenses.

(2) The purpose of this rule is to establish requirements for induction of new educators.

R277-308-2. Definitions.

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

(2) "Mentor" means an educator with a professional educator license who is trained to advise, coach, consult, and guide the development of a new educator.

R277-308-3. LEA Induction Programs.

(1) An LEA shall provide an induction program for the LEA's licensed employees if:

(a) an educator holds an associate educator license; or

(b) an educator holds a professional educator license with less than three years experience.

(2) An LEA shall provide an induction program for at least three years for employees with an LEA-specific educator license.

(3) An induction program under this rule shall include, at a minimum:

(a) a plan for on-going support and development of an educator, which may include reflective goal setting, implementation of action steps, and evaluation of outcomes that lead to refinement in instructional practice;

(b) LEA support in meeting the requirements of a professional license for an individual who holds an associate license;

(c) mentor observation and feedback for each educator beginning early in the program;

(d) principal observation and feedback for each educator as required by Rule R277-533; and

(e) assistance in meeting the pedagogical requirements described in Subsection R277-301-5(5).

(4) An induction plan under Subsection (1) shall provide a new educator with a trained mentor educator with a professional educator license.

(5) A trained mentor educator under Subsection (3) shall assist the educator to meet the Utah Effective Educator Standards established in Rule R277-330.

(6) A trained mentor educator may not have responsibility to evaluate a new educator for whom the educator acts as mentor.

(7) An LEA and a Utah approved education preparation program may partner in implementing the induction program required by Subsection (1).

(8) The Superintendent shall:

(a) develop a model induction program, including model competencies for mentors;

(b) provide training for mentors based on the competencies developed in accordance with Subsection (8)(a);

(c) provide training for principals to oversee and support mentor training; and

(d) facilitate the sharing of best practices among LEAs.

KEY: new educators, mentors, programs

Date of Last Change: April 9, 2024

Notice of Continuation: February 5, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201

R277. Education, Administration.

R277-309. Appropriate Licensing and Assignment of Teachers.

R277-309-1. 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; and

(c) Subsection 53E-6-201(2)(a), which authorizes the Board to rank, endorse, or classify licenses.

(2) The purpose of this rule is to provide criteria for:

(a) local school boards to employ educators in appropriate assignments;

(b) the Board to provide state funding to local school boards for appropriately qualified and assigned staff; and

(c) the Board and local school boards to satisfy the requirements of ESEA for local school boards to receive federal funds.

R277-309-2. Definitions.

(1) "Co-teaching" means the instructional arrangement in which a general education teacher and a special education teacher deliver core instruction along with specialized instruction, as needed, to a diverse group of students in a single instructional space or class.

(2) "Content specialist" means a licensed educator who provides instruction or specialized support for students and teachers in a school setting.

(3) "Educator license" means an associate, professional, or LEA-specific license issued by the Superintendent under Rule R277-301.

(4) "Elementary setting" means an instructional model where students typically have a single class with a single teacher primarily responsible for instruction in all core standards established in Rule R277-700.

(5) "License areas of concentration" has the same meaning as described in Section R277-301-2, including elementary education, secondary education, special education, and career and technical education.

(6) "License endorsement" or "endorsement" has the same meaning as described in Section R277-301-2, including special education mild/moderate, special education severe disabilities, mathematics, English language arts, and dance.

(7) "Secondary setting" means an instructional model where students typically rotate among classes taught by multiple teachers that are considered subject matter experts, primarily responsible for instruction in the core standards in an area as established by the Board in Rule R277-700.

R277-309-3. Required Licensing.

(1) All teachers in public schools shall hold a current educator license along with appropriate license areas of concentration and endorsements that is not suspended or revoked by the Board under Section 53E-6-604.

(2) An LEA shall receive assistance from the Superintendent to the extent of resources available to have all teachers hold a professional license, license area, and endorsement in all areas in which the teacher is assigned.

(3) An LEA shall only hire a teacher who:

(a) holds a current educator license; or

(b) is in the process of becoming fully licensed and endorsed.

(4) In accordance with Section 53E-3-401, if an LEA hires an educator without appropriate licensure, the Superintendent may recommend that the Board withhold the following until the LEA's educators are appropriately licensed:

(a) LEA salary supplement funds under Section 53F-2-405 and Rule R277-110; and

(b) Educator quality funds under Subsection 53F-2-305(2) and Rule R277-486.

R277-309-4. Appropriate Licenses, License Areas of Concentration, and Endorsements.

(1) An educator assigned to teach a class in kindergarten through grade 3 shall hold a current educator license with:

(a) an early childhood license area of concentration;

(b) an elementary license area of concentration; or

(c) for an educator assigned to teach a class composed of deaf and hard of hearing students, a deaf education license area of concentration.

(2) An educator assigned to teach a class in grade 4 through grade 8 in an elementary setting shall hold a current educator license with:

(a) an elementary license area of concentration; or

(b) for an educator assigned to teach a class composed of deaf and hard of hearing students, a deaf education license area of concentration.

(3) An elementary content specialist in Fine Arts or Physical Education shall hold a current educator license with an elementary or secondary license area of concentration with the appropriate K-12 endorsement.

(4) An elementary content specialist in reading or English as a Second Language shall hold a current educator license with an elementary or secondary license area of concentration with the appropriate endorsement.

(5) An elementary content specialist in any content area not listed in Subsections (3) and (4) shall hold a current educator license with an elementary, secondary, special education, or deaf education license area of concentration.

(6) An educator assigned to teach a class in grade 6 in a secondary setting shall hold a current educator license with:

(a) an elementary license area of concentration;

(b) a secondary license area of concentration with the appropriate endorsement for all assigned courses; or

(c) for an educator assigned to teach a class composed of deaf and hard of hearing students, a deaf education license area of concentration.

(7) An educator assigned to teach a class in grade 7 or grade 8 in a secondary setting shall hold a current educator license with:

(a) an elementary or secondary license area of concentration with the appropriate endorsement for all assigned courses; or

(b) for an educator assigned to teach deaf and hard of hearing students, a deaf education license area of concentration with the appropriate endorsement for all assigned courses.

(8) An educator assigned to teach a class in grade 9 through grade 12 shall hold a current educator license with:

(a) a secondary or a career and technical education license area of concentration with the appropriate endorsement for all assigned courses; or

(b) for an educator assigned to teach deaf and hard of hearing students, a deaf education license area of concentration with the appropriate endorsement for all assigned courses.

(9) A general education teacher in a co-teaching setting shall hold:

(a) a current educator license;

(b) an appropriate license area of concentration; and

(c) an endorsement appropriate for the course.

(10)(a) An educator assigned to serve or teach a class of students with disabilities shall hold a current educator license with a special education license area of concentration and special education endorsement; and

(b) If an educator is the teacher of record of secondary mathematics for students with disabilities, the educator shall also hold the appropriate endorsement for the course, unless in a co-teaching setting with a general educator who is properly licensed and endorsed.

(c) A special education teacher in a co-teaching setting shall hold a special education license area of concentration and special education endorsement.

(11) An educator assigned to serve preschool-aged students with disabilities shall hold a current educator license with a preschool special education license area of concentration.

(12) An educator assigned to serve deaf and hard of hearing students shall hold:

(a) a current educator license with a special education license area of concentration and deaf and hard of hearing endorsement; or

(b) a deaf education license area of concentration.

(13) An educator assigned to provide student support services as defined in Rule R277-306 shall hold a current educator license with the appropriate support service license area of concentration.

(14) An educator assigned as a school-based or LEA-based specialist shall hold a current educator license with the appropriate license area of concentration and endorsement as defined by the LEA.

(15) An educator assigned as a principal or vice principal in a school district shall hold a current educator license and a school leadership license area of concentration.

(16) A special education director for a charter school shall hold a current educator license with a license area of concentration in one of the following areas consistent with Section 53G-5-407:

(a) special education;

(b) preschool special education;

(c) speech language pathologist; or

(d) school psychologist.

(17) An educator assigned in any other position that requires an educator license, as defined by the LEA, shall hold a current educator license with the appropriate license area of concentration and endorsement as defined by the district.

(18) An educator assigned in an administrative position in a charter school is exempt from Subsections (14) and (15) consistent with Section 53G-5-405.

(19) Notwithstanding Subsection R277-309-3(1), an individual may hold a school social work assignment in an LEA without a school social worker license area of concentration.

KEY: educator, license, assignment

Date of Last Change: August 22, 2022

Notice of Continuation: June 4, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201(2)(a)

R277. Education, Administration.

R277-310. International Guest Teachers.

R277-310-1. 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) 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

(c) Subsection 53E-6-201(3)(a), which allows the Board to establish the criteria for obtaining educator licenses.

(2) The purpose of this rule is to establish procedures for qualified international guest teachers to be effectively hired and placed by a Utah LEA with assistance and direction from the Superintendent to encourage cultural exchange and foreign language development among Utah public school students.

R277-310-2. Definitions.

(1) "International guest teacher" or "guest teacher" means a foreign educator who:

(a) has earned a public teaching credential or license in a foreign country;

(b) is currently legally residing in the United States and the state of Utah with the specific purpose to teach in Utah public schools; and

(c) is a resident of a foreign country that has a memorandum of understanding with the Board as described in Subsection R277-301-3(1).

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

R277-310-3. Superintendent Responsibilities.

(1) On behalf of the Board, the Superintendent shall sign a Board-approved memorandum of understanding with the appropriate government agency of the country of origin.

(2) The Superintendent may work with guest teachers and their resident countries and the United States Department of State, if necessary, to secure appropriate visas or travel and work documents for guest teachers to legally teach in the public schools in Utah.

(3) The Superintendent shall verify that guest teachers have appropriate licenses or credentials from the guest teachers' resident countries that satisfy the requirements of Utah law and any applicable federal requirements.

(4) The Superintendent shall work with interested LEAs to make schools aware of guest teachers with specific credentials and language skills and to inform guest teachers about openings in specific grade levels and curriculum areas in various geographic locations in Utah.

(5)(a) The Superintendent shall review and approve a sending country's background check process.

(b) If an applicant successfully passes an approved background vetting process, the applicant meets the requirements of Subsection 53G-11-403(1) and Subsection R277-301-4(4)(a).

(6) The Board may determine that it will seek guest teachers only from foreign countries that provide transportation or per diem expenses or both for the Superintendent representatives to screen and interview potential guest teachers.

(7)(a) Following review and approval of a guest teacher's credentials and background, a guest teacher may receive a professional license.

(b) Notwithstanding Subsection R277-301-5(2), a professional license issued in accordance with this Rule R277-310 is valid until June 30 of the fifth school year after the license was issued.

R277-310-4. International Guest Teacher Requirements.

(1) A guest teacher shall have a United States issued social security number prior to an LEA processing any payment to the guest teacher.

(2) A guest teacher shall cooperate with the Superintendent in required submission of information including criminal background check information, copies of credentials, copies of transcripts in the language and format designated by the Superintendent.

(3) A guest teacher shall assume all responsibility for living and transportation expenses while participating in the international guest teachers program.

(4) A guest teacher shall be responsible for compliance with all professional and ethical public school educator requirements.

(5) A guest teacher who violates an LEA employment policy or the Educator standards under Rule R277-217 may have the teacher's guest employment contract terminated consistent with at will employment provisions.

(6) The conduct of an individual guest teacher may influence continued participation in an international guest teacher program between the Board and a guest teacher's resident country.

R277-310-5. Other Provisions.

(1) The opportunity for a teacher from outside the United States to be licensed to teach in Utah schools with assistance provided by the Superintendent under this rule shall be available only to individuals from countries with which the Board has a memorandum of understanding.

(2) A business or third party may not facilitate a memorandum of understanding between a foreign country and the Board, but may facilitate the hiring process at the request of an LEA.

(3) Notwithstanding this Rule R277-310, an internationally credentialed educator may seek appropriate licensing to teach in Utah schools in accordance with Rule R277-301, even without a host country with a memorandum of understanding with the Board.

(4) It is the responsibility of a prospective guest teacher or the guest teacher's home country to ensure that the guest teacher has the appropriate visa or authorization or both to live and teach in the United States for the agreed upon time period and teaching assignment.

KEY: international guest teachers

Date of Last Change: May 8, 2024

Notice of Continuation: March 11, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201(3)(a)

R277. Education, Administration.

R277-311. Specialized Endorsements.

R277-311-1. 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) Section 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 53E-3-501(1)(a), which directs the Board to make rules regarding the certification of educators; and

(d) Section 53G-10-507, which directs the Board to establish procedures and standards to certify teachers of driver education classes as driver license examiners.

(2) The purpose of this rule is establish standards for earning specialized endorsements in:

(a) driver education; and

(b) physical education.

R277-311-2. Definitions.

(1) "Driver License Division" or "DLD" means the Driver License Division of the Department of Public Safety.

(2) "Endorsement" means a designation on a license area of concentration earned through demonstrating required competencies established by the Superintendent that qualifies the individual to:

(a) provide instruction in a specific content area; or

(b) apply a specific set of skills in an education setting.

(3) "Satisfactory driving record" means that an educator:

(a) holds a valid Utah automobile operator's license;

(b) has not had an automobile operator's license suspended or revoked during the three years immediately prior to applying for the endorsement;

(c) has not received an automobile operator's license suspension from a court for a non-traffic related issue;

(d) has not been convicted of more than one moving violation under Title 41, Chapter 6a, Traffic Code in any twelve month period over the last 36 months prior to applying for a driver education endorsement;

(e) has not been convicted of any moving violation under Title 41, Chapter 6a, Traffic Code, which resulted in a fatality;

(f) has not been convicted of a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving during the five years immediately prior to applying for a driver education endorsement;

(g) has not been convicted of two or more violations of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; and

(h) has not been convicted of a violation of Section 53-3-227 during the five years immediately prior to applying for a driver education endorsement.

R277-311-3. Driver Education Endorsement.

(1) The Superintendent shall issue a driver education endorsement to a licensee that meets the requirements of this Section R277-311-3 and holds a license area of concentration in one or more of the following areas:

(a) Secondary Education;

(b) Special Education;

(c) School Counselor; or

(d) Career and Technical Education.

(2) A driver education endorsement shall be valid for the same term as the underlying educator license.

(3) The Superintendent shall award a driver education endorsement if an educator:

(a) has a satisfactory driving record; and

(b) completes the following professional preparation:

(i) a minimum of twelve semester hours of professional learning in the area of driver and safety education, including a practicum covering classroom, on-street, simulator, and driving range instruction;

(ii) a minimum of two semester hours of driver education state law and policy through Utah Education Network;

(iii) a minimum of one semester hour of current first aid and CPR training approved by the Superintendent; and

(iv) a minimum of one semester hour of DLD online examiners training.

(4) An educator shall hold a current driver education endorsement to administer written and driving tests for driver education classes under Section 53G-10-507.

(5) An educator shall hold a current driver education endorsement to be certified as a driver license examiner by the DLD.

(6) To renew a driver education endorsement, an educator shall:

(a) complete:

(i) eight hours of professional development training every year; or

(ii) 40 hours of professional development training every five years prior to license renewal, which shall include at least one hour of DLD online examiners training; and

(b) provide proof of current first aid and CPR certification from a provider approved by the Superintendent.

(7) An educator may complete professional development under Subsection (6), as follows:

(a) workshops provided by the DLD; or

(b) driver education and traffic safety training pre-approved by the Superintendent through:

(i) a state agency;

(ii) college or university; or

(iii) a professional education organization.

(8)(a) The Superintendent shall administratively dissolve a driver education endorsement if an educator fails to maintain a satisfactory driving record.

(b) An administrative dissolution under Subsection (8)(a) shall have no effect on the underlying educator license or license area absent further Board action in accordance with Section 53E-6-604.

(9) An educator whose endorsement was administratively dissolved under Subsection (8)(a), may apply for reinstatement of the endorsement upon re-obtaining a satisfactory driving record and meeting the renewal requirements of Subsection (6).

R277-311-4. Physical Education Endorsement.

(1) The Superintendent shall issue a physical education endorsement to a licensee that meets the requirements of this Section R277-311-4 and holds a license area of concentration in one or more of the following areas:

(a) Elementary Education;

(b) Secondary Education; or

(c) Special Education.

(2) A physical education endorsement shall be valid for the same term as the underlying educator license.

(3) The Superintendent shall issue a physical education endorsement if an educator:

(a)(i) completes university and professional development courses as required by the Superintendent; or

(ii) demonstrates competency, as required by the Superintendent; and

(b) provides proof of current first aid and CPR certification from a provider approved by the Superintendent.

(4) To renew a physical education endorsement, an educator must provide proof of current first aid and CPR certification from a provider approved by the Superintendent.

KEY: endorsement; driver education; physical education

Date of Enactment of Last Substantive Amendment: January 8, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-3-501; 53G-10-507

R277. Education, Administration.

R277-312. Online Educator Licensure.

R277-312-1. 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)(a), which directs the Board to make rules regarding the certification of educators; and

(c) 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 provide procedures to ensure that consistency, quality, and fairness are maintained for online educator license transaction processes.

R277-312-2. Definitions.

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

(2) "License," for purposes of this rule, has the same meaning as described in 29 Subsection 53E-6-102(3).

(3) "License record" means the electronic record of license holder and license applicant personal information and credentials maintained by the Superintendent in CACTUS or USIMS.

(4) "License transaction" means the interactions between a license holder or applicant and the Superintendent that may result in issuance of:

(a) a license;

(b) a renewal of a license; or

(c) a modification of a license or license record.

(5) "Online license transaction" means those license transactions that take place through CACTUS or USIMS.

(6)(a) "USIMS" or "Utah Schools Information Management System" means a comprehensive tool maintained by the Superintendent for collecting, processing, providing oversight, and reporting on education data for the state.

(b) USIMS is the successor to the CACTUS database, which maintains data on educator licenses and license applications, which may include:

(i) personal directory information;

(ii) educational background;

(iii) endorsements;

(iv) employment history;

(v) professional development information;

(vi) evidence of criminal background checks; and

(vii) a record of disciplinary action taken by the Board against the educator.

(c) Information contained in an individual's license record may only be released in accordance with Title 63G, Chapter 2, Government Records Access Management Act.

(7) "Utah Professional Practices Advisory Commission" or "UPPAC" means a Commission established to assist and advise the Board in matters relating to the professional practices of educators, consistent with Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission.

R277-312-3. Procedures.

(1) Board rules, statutory and Board definitions, and requirements established by statute and Board rules shall apply to any license transaction, regardless of whether the transactions occur online or by other means.

(2)(a) Educators may receive an electronic or paper verification of a licensure transaction.

(b) A verification provided under Subsection (2)(a) is not an educator license.

(3) USIMSs shall be the final repository of educator information and credentials for LEAs and other authorized USIMS users.

(4) Timelines, electronic processes and procedures, payment procedures, formats, and other elements of online licensure transactions shall meet standards of quality, ease of use, and accessibility consistent with those generally found in other wide-spread online processes.

(5) The Superintendent shall conduct educator licensing transactions electronically.

(6) An online application for a license transaction shall remain open for one year, at which time the Superintendent may delete the application if the license transaction is not complete.

(7) Approved Utah educator preparation institutions, LEAs, and other CACTUS and USIMS users shall cooperate with the Superintendent by using the online tools and procedures provided by the Superintendent for transmission of information related to licensing.

(8)(a) An LEA shall maintain accurate records in CACTUS and USIMS.

(b) An LEA shall update the license record of a licensee with a change in employment status within two weeks of the change of status.

(9) The Superintendent may suspend access to CACTUS or USIMS for any user found negligent in maintaining accurate records until the user completes additional training.

R277-312-4. Monitoring by the Superintendent.

(1) The Superintendent shall establish a monitoring program that provides for review of online licensure transactions for:

(a) accuracy;

(b) reliability; and

(c) completeness.

(2) The Superintendent may subject any licensure transaction to monitoring:

(a) within one year without cause; or

(b) at any time with cause.

(3) An LEA may designate individuals, subject to approval by the Superintendent, to have the opportunity to access and review licenses acquired or renewed online to verify licensure of employees.

(4)(a) Monitoring conducted under Subsection (2) may include a review of license holder documentation to verify the statements made by the license holder as part of the online license transaction.

(b) In order to verify that the assertions made by a license holder were accurate, a license holder may be required to submit:

(i) transcripts;

(ii) records of participation in professional development activities;

(iii) supervisor letters or endorsements; and

(iv) other documentation requested by the Superintendent.

(5) If the Superintendent finds that a license applicant or license holder intentionally provided false, misleading, or otherwise inaccurate information in a license transaction, the Superintendent shall forward the information to UPPAC.

(6) The Superintendent may void a license transaction that was completed on the basis of inaccurate information at any time with notice to the license holder.

R277-312-5. License Applicant and License Holder Responsibilities.

(1) A license applicant or license holder shall supply accurate and complete information in all license transactions.

(2) A license applicant or license holder shall maintain files and documentation of the information provided in a license transaction for a period of one year after the completion of the license transaction.

(3) A license applicant or license holder that intentionally supplies inaccurate, misleading, false, or otherwise unreliable information in any license transaction shall be subject to the full range of disciplinary actions that may be applied by UPPAC and the Board, consistent with Rule R277-215.

R277-312-6. Licensing Costs.

(1) The Superintendent shall maintain an automated and self-sustaining licensing process.

(2) The Superintendent shall incorporate current and emerging electronic and information technologies to better meet the needs of applicants for new licenses, for current license holders, for recommending institutions, for LEAs and the general public, to the extent funds are available.

(3) The Superintendent shall maintain accurate records and documentation of:

(a) the costs of online licensing; and

(b) the costs of any Superintendent review responsibilities.

R277-312-7. Licensing Records.

(1) The Superintendent shall record documentation of online licensure transactions in CACTUS or USIMS.

(2)(a) A license applicant shall submit a social security number as part of the license application process.

(b) A license applicant's social security number shall be classified as private in accordance with Subsection 63G-2-302(2)(d).

(3) A license applicant or license holder shall update personal information in the educator's licensing record in a timely manner.

(4) The Superintendent may use licensing data for research and other valid educational purposes, consistent with Board data release policies.

(5) The following records shall be classified as public pursuant to Title 63G, Chapter 2, Government Records Access and Management Act:

(a) licenses issued by the Board;

(b) endorsements on an educator's license;

(c) an educator's current assignment;

(d) an educator's assignment history in Utah public schools;

(e) an educator's education background;

(f) Board disciplinary action against an educator's license, which resulted in:

(i) a reprimand;

(ii) a suspension;

(iii) a revocation; or

(iv) license reinstatement; and

(g) an educator's voluntary surrender under Rule R277-216.

(6) The Superintendent shall provide an online licensing database where the general public may access the information classified as public in Subsection (5).

KEY: online, licensure

Date of Last Change: June 7, 2023

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-501(1)(a); 53E-3-401(4)

R277. Education, Administration.

R277-313. Student Support License Areas of Concentration.

R277-313-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Subsection 53E-6-201(1), which allows the board to establish a system for educator licensing.

(2) The purpose of this rule is to establish guidelines for student support license areas of concentration.

(3) This Rule R277-313 is categorized as Category 2 as described in Rule R277-111.

R277-313-2. Definitions.

(1) "Authorized personnel" has the same meaning as defined in Section 53G-9-901.

(2) "Counseling" means a method used by school counselors, school psychologists, and school social workers to assist individuals and groups in learning how to solve problems, develop coping strategies, and make decisions about personal, health, social, emotional, behavioral, educational, vocational, financial, and other interpersonal concerns.

(3) "Mental health services" has the same definition as "practicing mental health therapy" contained in Subsection 58-60-102(17).

(4) "Practicing mental health therapy" has the same meaning as set forth in Subsection 58-60-102(17).

(5) "Psychological services" includes:

(a) administering psychological and education assessments, and other assessment procedures;

(b) interpreting assessment results;

(c) obtaining, integrating, and interpreting information about student behavior and conditions relating to learning;

(d) consulting with other staff members in planning school programs to meet the special educational needs of student as indicated by psychological assessments, interviews, direct observation, and behavioral evaluations;

(e) planning and managing a program of psychological services, including psychological counseling for students and parents; and

(f) assisting in developing positive behavior intervention strategies.

(6) "Student support license areas" mean the following license areas of concentration:

(a) school counselor;

(b) school psychologist; and

(c) school social worker.

R277-313-3. Student Support License Areas Scope of Practice.

(1) An educator with a student support license area may:

(a) make referrals for students and families to community mental and behavioral health resources;

(b) provide professional learning to staff and information regarding prevention and mental health related topics to students and families, within the scope of their licensure;

(c) provide counseling to individuals and small groups of students with identified needs and concerns;

(d) provide, coordinate, and participate in crisis intervention and prevention, including assessing students for risk of suicide;

(e) participate in a multidisciplinary team for the development of student special services, including:

(i) behavior intervention plans;

(ii) Section 504 accommodations; and

(iii) individualized education program services;

(f) conduct assessments in which the individual is trained in the ethical administration, scoring, and interpretation related to the intended use of the assessment and meet the assessment publisher's criteria for administration; and

(g) act as a related service provider to provide counseling services for students with a 504 plan or with an individualized education program consistent with Rule R277-750 and the Special Education Rules manual.

(2) A school counselor may implement a school counseling program as outlined in Rule R277-462 and the Utah K-12 comprehensive school counseling program components.

(3) A school counselor may provide services in a school as described in Section R277-306-6 and Subsection 53G-9-901(2)(b).

(4) A school psychologist may provide psychological services for special education.

(5) Authorized personnel may provide a mental health service in a school.

R277-313-4. Parent Consent.

(1) A school counselor shall obtain written parent consent prior to providing services authorized under this rule.

(2) Authorized personnel shall obtain consent as required in Section 53G-9-902 prior to providing mental health services.

(3) Notwithstanding Subsection (2), consistent with Subsection 53G-9-902(3)(b), authorized personnel may provide services without parent consent if a delay could create an immediate serious risk of suicide or serious bodily injury to the student or another individual.

(2) A school or LEA shall:

(a) provide training to educators on the parent consent requirement; and

(b) ensure compliance by the educators employed by the LEA.

KEY: honors

Date of Last Change: August 7, 2025

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

R277. Education, Administration.

R277-314. Provider-Specific Licenses.

R277-314-1. 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; and

(c) Subsection 53E-6-201(1)(d), which requires the Board to establish a provider-specific license for educators providing academic instruction in online programs.

(2) The purpose of this rule is to set requirements and procedures for obtaining and using a provider-specific educator license.

R277-314-2. Definitions.

(1) "Authorized online course provider" or "provider" means the same as the term is defined in Subsection 53F-4-501(1).

(2) "Endorsement" means the same as the term is defined in Section R277-301-2.

(3) "License areas of concentration" or "license area" means the same as the term is defined in Section R277-301-2.

(4) "Renew" means to reissue or extend the length of time an educator license is valid consistent with Rule R277-302.

R277-314-3. Provider-Specific Educator License Structure.

(1) A provider-specific educator license shall include at least one of the following license areas of concentration:

(a) Elementary;

(b) Secondary; or

(c) Career and Technical Education;

(2) A provider may only request a license area identified in Subsection (1).

(3) A provider-specific license may only include provider-specific license areas and endorsements.

R277-314-4. Provider-Specific Educator License Requirements.

(1) The general requirements for a provider-specific educator license shall include:

(a) completion of a criminal background check, including:

(i) review of any criminal offenses and clearance in accordance with Rule R277-214; and

(ii) continued monitoring in accordance with Subsection 53G-11-403(1);

(b) completion of the educator ethics review no more than one calendar year before the application; and

(c) submission of a request by the provider no more than 60 days before the application, which includes the rationale for the request.

(2) The Superintendent may issue a provider-specific educator license to a candidate if:

(a) the provider requesting the provider-specific educator license has an adopted policy, posted on the provider's website, which includes:

(i) educator preparation and support:

(A) as established by the authorized online course provider; and

(B) aligned with the Utah Effective Teaching Standards described in Rule R277-530;

(ii) criteria for utilizing educators with a provider-specific license; and

(iii) compliance with all requirements of this rule;

(b) the provider applies on behalf of the candidate;

(c) the candidate meets all the requirements in this Section R277-314-4; and

(d) within the first year of employment, the provider trains the candidate on:

(i) educator ethics, including the educator standards described in Rule R277-217;

(ii) classroom management and instruction;

(iii) basic special education law and instruction; and

(iv) the Utah Effective Teaching Standards, described in Rule R277-530.

(3) A provider-specific license, license area, or endorsement is valid only for an authorized online course provider's programs and the educator's current assignment.

(4)(a) A provider-specific license, license area, or endorsement is valid for three years.

(b) A provider-specific license may renew after July 1 of the year of expiration.

(c) Prior to qualifying for renewal, an individual that holds a provider-specific Utah educator license shall:

(i) comply with the provider's policy for employment and professional learning;

(ii) provide documentation of 60 renewal hours, consistent with Section R277-302-7;

(iii) complete the USBE educator ethics review during the year prior to the date of renewal;

(iv) maintain ongoing background monitoring in accordance with Section 53E-6-401; and

(v) complete student and data security and privacy training for educators as described in Section R277-487-9.

(5) A provider may not issue a provider-specific endorsement in driver education.

(6) A provider-specific license expires immediately if the educator's assignment with the authorized online course provider that requested the license ends.

(7) A provider may request renewal of a provider-specific license if an educator meets professional learning requirements established by the Superintendent.

(8) The content knowledge and pedagogical requirements for a provider-specific educator license shall be established by the authorized online course provider.

(9) A provider that requests a provider-specific license, license area; or endorsement shall prominently post the following information on the provider's website:

(a) disclosure of the fact that the provider utilizes individuals holding provider-specific educator licenses, license areas, or endorsements;

(b) an explanation of the types of licenses issued by the provider;

(c) the percentage of the types of licenses, license areas, and endorsements held by educators employed by the provider, based on the employees' FTE as reported to the Superintendent; and

(d) a link to the Utah Educator Look-up tool provided by the Superintendent in accordance with Subsection R277-312-7(6).

KEY: License, Provider-specific

Date of Last Change: August 22, 2023

Authorizing, and Implemented, or Interpreted Law: Art X, Sec 3; 53E-3-401(4); 53E-6-201(1)(d)

R277. Education, Administration.

R277-315. Educator Professional Learning Procedures and USBE Credit.

R277-315-1. 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)(a), which allows the Board to make rules regarding the qualifications of personnel providing direct student services and the certification of educators; and

(c) 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 establish standards for awarding USBE credit for professional learning.

R277-315-2. Definitions.

"Professional learning" has the same meaning as provided in Subsection 53G-11-303(1).

R277-315-3. Professional Learning Requirements for Course Submission.

(1) The Superintendent shall approve proposals for USBE professional learning.

(2) A professional learning proposal described in Subsection (1) shall include:

(a) a description of how the proposal provides fidelity to the professional learning standards as provided in Section 53G-11-303;

(b) a descriptive outline of the professional learning;

(c) a schedule of meeting dates and times; and

(d) professional qualifications of each instructor.

(3) An LEA or other organization approved by the Superintendent shall request approval for USBE professional learning credit through the online professional learning system connected to the online Board certification system.

(4) An LEA or other organization approved by the Superintendent shall make a request under Subsection (3) at least three weeks prior to the beginning of the scheduled professional learning.

R277-315-4. USBE Professional Learning Credit.

The Superintendent shall award USBE credit upon completion of professional learning as follows:

(1) one-half credit for seven to 13 contact hours plus a two hour assigned learning task or reflection;

(2) one credit for 14 to 20 contact hours plus a four hour assigned learning task or reflection.

KEY: teacher certification, professional competency

Date of Last Change: November 8, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(a); 53E-3-401(4)

R277. Education, Administration.

R277-316. Professional Standards and Training for Non-licensed Employees and Volunteers.

R277-316-1. Authority, Purpose, and Oversight Category.

(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) Subsections 53E-3-501(1)(a)(i) and (iii), which direct the Board to:

(i) establish rules and minimum standards for the public schools regarding the qualification and certification of educators and ancillary personnel who provide direct student services; and

(ii) the evaluation of instructional personnel; and

(c) Section 53G-11-402, which requires an LEA to conduct background checks for:

(i) non-licensed employees;

(ii) contract employees;

(iii) volunteers; and

(iv) charter school governing board members.

(2) The purpose of this rule is to require LEAs to have appropriate policies in place to ensure that:

(a) individuals are appropriately background checked; and

(b) LEAs have procedures for reviewing criminal charges, as appropriate.

(3) This rule is categorized as Category 2 as described in Rule R277-111.

R277-316-2. Definitions.

(1) "Alcohol related offense" means the same as the term is defined in Subsection R277-210-2(3).

(2) "Association" means the same as that term is defined in Subsection 53G-7-1101(3).

(3) "Charter school governing board" means a board designated by a charter school to make decisions for the operation of the charter school.

(4) "Charter school board member" means a current member of a charter school governing board.

(5) "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the database maintained on all licensed Utah educators, which includes information such as:

(a) personal directory information;

(b) educational background;

(c) endorsements;

(d) employment history;

(e) professional development information;

(f) completion of employee background checks; and

(g) a record of disciplinary action taken against the educator.

(6) "Contract employee" means an employee of a staffing service who works at a public school under a contract between the staffing service and the public school.

(7) "DPS" means the Department of Public Safety.

(8) "Drug related offense" means the same as defined in Subsection R277-210-2(15).

(9) "LEA" or "local education agency" for purposes of this rule includes the Utah Schools for the Deaf and the Blind.

(10)(a) "Licensed educator" means an individual who holds a valid Utah educator license and has satisfied all requirements to be a licensed educator in the Utah public school system.

(11) "Non-licensed public education employee" means an employee of a an LEA who:

(a) does not hold a current Utah educator license issued by the Board under Title 53E, Chapter 6, Educator Licensing and Professional Practices Act; or

(b) is a contract employee.

(12) "Public education employer" means the education entity that hires and employs an individual, including public school districts, the Utah State Office of Education, Regional Service Centers, and charter schools.

(13) "Volunteer" means a volunteer who may be given significant unsupervised access to children in connection with the volunteer's assignment.

R277-316-3. Non-Licensed Public Education Employee, Volunteer, and Charter School Board Member Background Check Policies.

(1) An LEA shall adopt a policy for non-licensed public education employee, volunteer, and charter school board member background checks that includes at least the following components:

(a) a requirement that the individual submit to a background check and ongoing monitoring through registration with the systems described in Section 53G-11-404 as a condition of employment or appointment; and

(b) identification of the appropriate privacy risk mitigation strategy that will be used to ensure that the LEA only receives notifications for individuals with whom the LEA maintains an authorizing relationship.

(2) An LEA policy shall describe the background check process necessary based on the individual's duties.

R277-316-4. Non-Licensed Public Education Employee, Volunteer, or Charter School Board Member Arrest Reporting Policy Required from LEAs.

(1) An LEA shall have a policy requiring a non-licensed public employee, a volunteer, or a charter school board member, to report offenses specified in Subsection (3).

(2) An LEA shall post the policy described in Subsection (1) on the LEA's website.

(3) An LEA's policy described in Subsection (1) shall include the following minimum components:

(a) reporting of the following:

(i) convictions or pleas in abeyance;

(ii) any arrest, citation, or charge for an alleged sex offense;

(iii) any arrest, citation, or charge for an alleged drug related offense;

(iv) any arrest, citation, or charge for an alleged alcohol related offense; and

(v) any arrest, citation, or charge for alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Person.

(b) a timeline for receiving reports described in Subsection (3)(a);

(c) immediate suspension from student supervision responsibilities for alleged sex offenses and other alleged offenses which may endanger students during the period of investigation;

(d) immediate suspension from transporting students or public education vehicle operation or maintenance for alleged offenses involving alcohol or drugs during the period of investigation;

(e) adequate due process for the accused employee consistent with Section 53G-11-405;

(f) a process to review arrest information and make employment or appointment decisions that protect both the safety of students and the confidentiality and due process rights of employees and charter school board members; and

(g) timelines and procedures for maintaining records of arrests and convictions of non-licensed public education employees and charter school board members.

(4) An LEA shall ensure that the records described in Subsection R277-316-4(3)(g):

(a) include final administrative determinations and actions following investigation; and

(b) are maintained:

(i) only as necessary to protect the safety of students; and

(ii) with strict requirements for the protection of confidential employment information.

R277-316-5. Association Professional Standard Setting, Training, and Monitoring.

(1) A public school may not be a member of, or pay dues to an association, that adopts rules or policies that are inconsistent with this Section R277-316-5.

(2) An association shall establish policies or rules that require:

(a) coaches and individuals who oversee interscholastic activities or work with students as part of an interscholastic activity to meet a set of professional standards that are consistent with the Utah Educator Professional Standards described in Rule R277-217; and

(b) the association or public school to annually train each coach or other individual who oversees or works with students as part of an interscholastic activity of a public school on the following:

(i) child sexual abuse prevention as described in Section 53G-9-207;

(ii) the prevention of bullying, cyber-bullying, hazing, harassment, and retaliation as described in:

(A) Title 53G, Chapter 9, Part 6, Bullying and Hazing; and

(B) Rule R277-613; and

(iii) the professional standards described in Subsection (2)(a).

(3) An association shall establish procedures and mechanisms to:

(a) monitor LEA compliance with the association's training requirements described in Subsection (2); and

(b) track the employment history of individuals who receive a certification from the association.

R277-316-6. Public Education Employer Responsibilities Upon Receipt of Arrest Information.

(1) A public education employer that receives arrest information about a licensed public education employee shall review the arrest information and assess the employment status consistent with Section 53E-6-604, Rule R277-217, and the LEA's policy.

(2) A public education employer that receives arrest information about a non-licensed public education employee, volunteer, or charter school board member shall review the arrest information and assess the individual's employment or appointment status:

(a) considering the individual's assignment and duties; and

(b) consistent with a local board-approved policy for ethical behavior of non-licensed employees, volunteers, and charter school board members.

(3) A local board shall provide appropriate training to non-licensed public education employees, volunteers, and charter school board members about the provisions of the local board's policy for self-reporting and ethical behavior of non-licensed public education employees, volunteers, and charter school board members.

KEY: school employees, self reporting, background check

Date of Last Change: January 10, 2025

Notice of Continuation: November 15, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-301(3)(a); 53E-3-301(3)(d)(x); 53E-3-501(1)(a)(i); 53E-3-501(1)(a)(iii)

R277. Education, Administration.

R277-317. Incentives for National Board Certification.

R277-317-1. Authority, Purpose, and Oversight Category.

(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-5-202, which requires the Board to make rules to specify procedures and timelines for reimbursing educators for the cost to attain or renew a National Board certification; and

(d) Section 53F-2-523, which requires the Board to implement a salary supplement for eligible educators.

(2) The purpose of this rule is to specify procedures and timelines for:

(a) reimbursements to educators under Section 53F-5-202; and

(b) applications for the salary supplement under Section 53F-2-523.

(3) This Rule R277-317 is categorized as exempt from the framework outlined in Rule R277-111 because the rule's requirements apply to the Superintendent and not LEAs.

R277-317-2. Definitions.

(1) "Eligible educator" means an educator who holds a current professional license and current National Board certification attained or renewed:

(a) after July 1, 2016; and

(b) while employed as an educator by an LEA in Utah.

(2) "Local education agency" or "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(3) "National Board certification" means the same as that term is defined in Section 53E-6-102.

R277-317-3. Salary Supplement for Eligible Educators.

(1) The Superintendent shall allocate funds for salary supplements to eligible educators in accordance with Subsection 53F-2-523(3).

(2) The Superintendent shall maintain an online application system for eligible educators and make it available to educators no later than October 1 each school year.

(3) An applicant for the Board-certified salary supplement shall apply to the Superintendent by March 31.

(4)(a) If an applicant is denied funds under this rule, the applicant may submit a written appeal to the Superintendent prior to April 30.

(b) An appeal under Subsection (4)(a) is limited to the following issues:

(i) whether the applicant is an eligible educator;

(ii) whether the applicant was assigned to teach at a Title I school during the school year at issue;

(iii) whether the Superintendent's initial denial was inconsistent with Section 53F-2-523 or this Rule R277-317; or

(iv) whether the Superintendent's initial denial was based on inaccurate or missing information.

(c) The Superintendent may designate a panel of at least two Board staff members to review an appeal made under Subsection (4)(a) and make a recommendation to the Superintendent within 30 days of receipt of the written appeal.

(5) The Superintendent shall issue a ruling on an appeal within 15 days of receipt of the panel's recommendation.

(6) The decision of the Superintendent on an appeal is the final Board administrative action.

R277-317-4. Grants for National Board Certification.

(1) The Superintendent shall establish and maintain an online application system through which an educator may apply for a grant to pay for fees and costs to pursue or renew a National Board certification.

(2) An applicant for a grant under Subsection (1) shall pay a registration fee to the National Board for Professional Teaching Standards or "NBPTS" prior to submitting the application.

(3) The Superintendent shall pay a grant under Subsection (1) directly to NBPTS.

(4)(a) To receive a grant under Subsection (1), an educator shall submit an application through the application system, including all information required by Section 53F-5-202.

(b) The Superintendent shall accept applications from July 1 through January 31 annually.

(5) The Superintendent may not award a grant under this section to an educator with a currently suspended license.

(6)(a) The Superintendent shall annually determine the number of new grant awards available based on:

(i) legislative appropriations;

(ii) estimated costs under Section R277-317-3;

(iii) encumbered costs for grants previously awarded under this section; and

(iv) costs associated with obtaining National Board Certification.

(b) The Superintendent shall publish the number of new grants available by October 15 annually.

(c) If the number of applicants exceeds the number of available grant awards, the Superintendent shall randomly choose grant recipients from all complete applications.

(7) In order for an educator to receive a grant under this section, the Superintendent shall require the educator to attest that the educator will not accept payment of National Board certification costs covered under the grant from any other party.

(8) A grant recipient shall notify the Superintendent as soon as possible if:

(a) the individual discontinues pursuit of National Board Certification;

(b) the individual becomes ineligible to receive a grant under this section;

(c) the individual becomes ineligible to pursue National Board Certification under rules established by the National Board for Professional Teaching Standards; or

(d) the individual requests approval for an amendment to the individual's application plan.

KEY: national board certification, grants, salary supplements

Date of Last Change: June 9, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-5-202; 53F-2-523

R277. Education, Administration.

R277-318. Teacher Salary Supplement Program.

R277-318-1. 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; and

(c) Section 53F-2-504, which directs the Board to make rules regarding the administration of the Teacher Salary Supplement Program.

(2) The purpose of this rule is to establish application and appeal procedures for administration of the Teacher Salary Supplement Program.

R277-318-2. Definitions.

(1) "Eligible teacher" means the same as that term is defined in Subsection 53F-2-504(1)(a).

(2) "Substantially equivalent" means commonly recognized by a Utah university for a degree in a specific subject.

(3) "Teacher Salary Supplement Program" or "TSSP" means the salary supplement program authorized by the Legislature in Section 53F-2-504.

R277-318-3. Program Administration.

(1) The Superintendent shall allocate funds for salary supplements to eligible teachers in accordance with Subsection 53F-2-504(3).

(2) The Superintendent shall maintain an online application system for the TSSP and make it available to educators no later than October 1 of each school year.

(3) To receive an award under this program, an applicant for the TSSP shall apply to the Superintendent by the following deadlines for each school year in which the applicant is an eligible teacher:

(a) for trimester payments to the educator, prior to November 15;

(b) for semester payments to the educator, prior to January 31; and

(c) for an annual payment to the educator, prior to April 30.

(4)(a) Beginning in the 2020-21 school year, an applicant shall submit an application to receive funds as an eligible teacher.

(b) Once an applicant has established eligibility in accordance with Subsection (4)(a), the applicant shall maintain eligibility in all subsequent years in which the applicant has an eligible Utah teaching assignment, without the need for the applicant to reapply, even if an applicant later has a lapse in eligibility.

(5)(a) If an applicant is denied funds under this rule, the applicant may submit a written appeal to the Superintendent prior to June 1 of each school year.

(b) An appeal under Subsection (5)(a) is limited to the following issues:

(i) whether the applicant has a degree or degree major with course requirements that are substantially equivalent to the course requirements for a degree listed in Section 53F-2-504;

(ii) whether the applicant has met the qualifying teaching background requirements described in Section 53F-2-504;

(iii) whether the Superintendent's initial denial was inconsistent with Section 53F-2-504 or this Rule R277-318; or

(iv) whether the Superintendent's initial denial was based on inaccurate or incomplete information.

(c) The Superintendent may designate a panel of at least two Board staff members to review an appeal made under Subsection (4)(a) and to make a recommendation to the Superintendent.

(i) A panel designated in accordance with Subsection (5)(c) shall make a recommendation in accordance with Section 53F-2-504 or this Rule R277-318.

(ii) The panel shall make a recommendation on an appeal within 30 days of receipt of the written appeal.

(6) The Superintendent shall issue a ruling on an appeal within 15 days of receipt of the panel's recommendation.

(7) The decision of the Superintendent on an appeal is the final Board administrative action.

(8) If the appropriation for TSSP is insufficient to cover eligible teachers entitled to awards, the Superintendent may reduce all awards by the same ratio and proportion.

KEY: Teacher Salary Supplement Program, salary

Date of Last Change: December 9, 2021

Notice of Continuation: October 7, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53F-2-504

R277. Education, Administration.

R277-319. Special Educator Stipends.

R277-319-1. 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) 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

(c) Subsection 53F-2-310(2), which requires the Board to distribute money appropriated for stipends for special educators for additional days of work.

(2) The purpose of this rule is providing standards and procedures for distributing money appropriated for stipends for special educators for additional days of work, recognizing:

(a) the added duties and responsibilities assumed by special educators to comply with federal law and Board special education rules regulating the education of students with disabilities; and

(b) the need to attract and retain qualified special educators.

R277-319-2. Definitions.

(1) "After the school year" means two weeks after the final day of the required contract period, as determined by the employer.

(2) "Before the school year" means two weeks before the first day of the required contract period, as determined by the employer.

(3)(a) "Duties related to the IEP process" means the duties and responsibilities provided in Subsection 53F-2-310(4);

(b) "Duties related to the IEP process" do not include:

(i) professional development;

(ii) instructional planning;

(iii) classroom set-up and tear-down;

(iv) district level planning; and

(v) direct student instruction.

(4)(a) "Special educator" has the same meaning as described in Subsection 53F-2-310(1)(b).

(b) "Special educator" includes a pre-kindergarten special education teacher.

(5) "Work day" means a special educator's contract day as determined by the employer.

R277-319-3. Special Educator Stipend.

(1) A special educator eligible for funding shall complete a survey through an online provider approved by the Superintendent as follows:

(a) by a date determined by the special educator's LEA, but no later than September 30 for a special educator who worked before the school year began; and

(b) by a date determined by the special educator's LEA, but no later than July 31 for a special educator who worked after the school year ended.

(2) A special educator may only receive a stipend under this rule for actual days worked.

(3) An LEA may not transfer stipend workdays under this rule among special educators.

(4) A special educator hired by an LEA after the beginning of the school year may receive funding for extra days to the extent of funds available.

R277-319-4. Superintendent Responsibilities.

(1) The Superintendent shall annually review this program and determine, based upon the annual appropriation, the number of special education days to be funded.

(2) To simplify accounting and evaluation requirements for LEAs, the Superintendent shall:

(a) provide a methodology for tracking and accounting for special educator days to LEAs;

(b) provide a checklist of appropriate duties related to the IEP process for special educators; and

(c) distribute reimbursements to participating LEAs for eligible special educators on a semiannual basis.

R277-319-5. LEA Responsibilities.

(1) An LEA shall distribute the survey required under Subsection R277-319-3(1) to special educators semi-annually in time to meet the reporting deadlines of this rule.

(2)(a) An LEA shall submit a semi-annual report in a form approved by the Superintendent no later than September 30 and July 31 annually.

(b) In its report an LEA shall verify:

(i) that special educators have not exceeded the allowed days; and

(ii) that information submitted is complete and correct with no duplicate entries.

KEY: special educators, stipends

Date of Last Change: November 9, 2020

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-310

R277. Education, Administration.

R277-320. Grow Your Own Educator Pipeline Program.

R277-320-1. 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; and

(c) Section 53F-5-218, which directs the Board to make rules to implement the Grow Your Own Educator Pipeline Program.

(2) The purpose of this rule is to establish requirements for administration of the grant program.

R277-320-2. Definitions.

(1) "Grant program" means the Grow Your Own Educator Program established in Section 53F-5-218.

(2) "Grant program candidate" or "candidate" means:

(a) for a school counselor, a student who is:

(i) enrolled in an accredited school counseling master's degree program; or

(ii) completing the candidate's hours of a supervised practicum or internship by applying appropriate school counseling practices under the supervision of a licensed school counselor;

(b) for a school psychologist, a student who is:

(i) enrolled in an accredited school psychology degree program; or

(ii) completing the candidate's hours of a supervised practicum or internship by applying appropriate school psychology practices under the supervision of a licensed school psychologist;

(c) for a school social worker, a student who is:

(i) enrolled in an accredited social work master's degree program; or

(ii) completing the candidate's hours of a supervised practicum or internship by applying appropriate school social work practices under the supervision of a licensed social worker; or

(d) for a teacher, meets the requirements of Section 53F-5-218.

(3) "High leverage" means critical instructional practices that research has demonstrated can impact student achievement and be used across different content areas and grade levels, including:

(a) collective efficacy;

(b) student engagement;

(c) systematically designed instruction;

(d) feedback; and

(e) learning environment.

(4) "Mentor" means an educator selected in consultation with a candidate's principal who:

(a) has a professional educator license and license area in the field for which the educator is mentoring;

(b) has no less than three years full-time experience in the appropriate license area;

(c) has effective or highly effective evaluations in accordance with Rule R277-533;

(d) has proven successful in positively improving student outcomes;

(e) follows all applicable supervision and mentoring requirements from a candidate's educator preparation program and Rule R277-308; and

(f) for a mentor teacher:

(i) models the use of high leverage teaching practices that meets the needs of diverse learners;

(ii) demonstrates content and grade level expertise; and

(iii) effectively collaborates with colleagues, families, and the broader community.

(5) "Regional Education Service Agency or "RESA" has the same meaning as the term is defined in Section 53G-4-410.

(6) "School counselor assistant" has the same meaning as defined in Section 53F-5-218.

R277-320-3. Program Administration.

(1) The Superintendent shall prepare an application for participation in the grant program and post the application on the Board website.

(2)(a) An LEA shall submit an application, based upon the recommendation of a principal, to the Superintendent by the third Monday in May annually.

(b) A RESA may submit an application, based upon the recommendation of a principal, on behalf of one or more of its member LEAs.

(3) The Superintendent shall determine awards under the grant program taking into consideration the number of applicants and the needs of LEAs for grant program funds in each cohort and subject to the following:

(a) The Superintendent may allocate funds to an LEA or RESA annually as follows, subject to Subsection 53F-5-218(6)(a):

(i) up to $12,000 for a candidate in an undergraduate program; and

(ii) up to $14,000 for a candidate in a graduate program;

(b) The Superintendent may annually allocate FTE costs up to $9,000 per candidate per eligible semester subject to the internship limits established in Subsection 53F-5-218(6)(c);

(c) The Superintendent may award mentor stipends as follows:

(i) $500 for mentors serving 1-2 candidates;

(ii) $750 for mentors serving 3-4 candidates; and

(iii) $1,000 for mentors serving 5 candidates;

(d) The Superintendent may award stipends for school counselor assistants up to $7,000 annually.

(e) The Superintendent may annually allocate up to $150,000 for RESA administrative costs.

(5) An LEA applicant shall provide documentation of efforts by each candidate to maximize financial aid opportunities and programs, including the Free Application for Federal Student Aid.

(6) The Superintendent shall disburse approved funds to an LEA by July 1 annually.

(7) The Superintendent shall monitor LEA expenditures of program funds consistent with Rule R277-113:

(a) to ensure compliance with Section 53F-5-218 and this rule; and

(b) to collect data required for performance measures and required legislative reporting.

(8) An LEA shall maintain documentation of information required in Subsection (7) consistent with Rule R277-113.

(9) The Superintendent may reallocate any funds not expended by an LEA by the end of the fiscal year in which the funds were disbursed.

R277-320-4. Candidate Learning Pathways.

(1) A grant program candidate's educator preparation pathway:

(a) shall result in a Utah professional educator license in accordance with Rule R277-303 and Section R277-306-6;

(b) shall provide courses outside of the candidate's LEA work hours;

(c) shall incorporate opportunities, where available, for candidates to demonstrate competency in lieu of course completion, assignments, and other preparation requirements for the institution and;

(d) may not require qualifying exams or prerequisites for program admission.

(2) A majority of a grant program candidate's clinical experiences, required by the candidate's educator preparation program, shall be at the site of the candidate's school of employment.

KEY: school counselor program, grant program

Date of Last Change: July 11, 2023

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4), 53F-5-218

R277. Education, Administration.

R277-322. LEA Codes of Conduct.

R277-322-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Section 63G-7-301, which requires the Board to create a model policy that regulates behavior of a school employee toward a student.

(2) The purpose of this rule is to require LEAs to create a code of conduct or appropriate behavior policy applicable to the LEA's staff.

(3) This Rule R277-326 is categorized as Category 2 as described in Rule R277-111.

R277-322-2. Definitions.

(1) "Boundary violation" means the same as that term is defined in Rule R277-210.

(2) "Personal identity characteristics" has the same meaning as defined in Section 53B-1-118.

(3) "Staff" or "staff member" means an employee, contractor, or volunteer with unsupervised access to students.

(4) "Sexual conduct" means any sexual contact or communication between a staff member and a student, including:

(a) "sexual abuse" as defined in Section 76-5-404.1;

(b) "sexual battery" as defined in Section 76-9-702.1; or

(c) a staff member and student sharing any sexually explicit or lewd communication, image, or photograph.

R277-322-3. Required Code of Conduct Policy.

(1) The Superintendent shall create a model code of conduct or appropriate behavior policy.

(2) Each LEA shall adopt a code of conduct or appropriate behavior policy applicable to the LEA's staff.

(3) An LEA's code of conduct or appropriate behavior policy, adopted pursuant to Subsection (2), may not be less stringent than the model code of conduct or appropriate behavior policy described in Subsection (1) and shall include, at a minimum:

(a) a statement that a staff member shall avoid boundary violations, as defined in Rule R277-210, with students;

(b) a statement that a staff member may not subject a student to:

(i) physical abuse;

(ii) verbal abuse;

(iii) sexual abuse; or

(iv) mental abuse;

(c) a statement that a staff member shall report any suspected incidents of:

(i) physical abuse;

(ii) verbal abuse;

(iii) sexual abuse;

(iv) mental abuse; or

(v) neglect;

(d) a statement that a staff member may not touch a student in a way that makes a reasonably objective student feel uncomfortable;

(e) a statement that a staff member may not participate in sexual conduct with a student;

(f) a statement regarding appropriate verbal or electronic communication between a staff member and a student;

(g) a statement regarding providing gifts, special favors, or preferential treatment to a student or group of students;

(h) a statement that a staff member may not discriminate against a student on the basis of the student's personal identity characteristics;

(i) a statement regarding appropriate use of electronic devices and social media for communication between a staff member and a student;

(j) a statement regarding use of alcohol, tobacco, and illegal substances during work hours and on school property;

(k) a statement that a staff member shall:

(i) report any suspicion of child abuse or bullying to the proper authorities;

(ii) annually read and sign all policies related to identifying, documenting, and reporting child abuse; and

(iii) for an employee or contractor, annually attend abuse prevention training required in Section 53G-9-207; and

(4) An LEA shall post the LEA's code of conduct or appropriate behavior policy adopted pursuant to Subsection (2) on the LEA's website.

(5) An LEA shall annually provide training to staff regarding the policy, including the staff member's responsibility to report and how to report:

(a) known violations of the LEA's code of conduct or appropriate behavior policy; and

(b) known violations of the Utah Educator Standards contained in Rule R277-217.

(6) A staff member shall annually sign a statement acknowledging that the staff member has read and understands the code of conduct or appropriate behavior policy.

KEY: codes of conduct, appropriate behavior, employee conduct

Date of Last Change: August 7, 2024

Notice of Continuation: June 7, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63G-7-301

R277. Education, Administration.

R277-323. Public Educator Evaluation.

R277-323-1. Authority, Purpose, and Oversight Category.

(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) Title 53G, Chapter 11, Part 5, School District and Utah Schools for the Deaf and the Blind Employee Requirements, which requires the Board to make rules to establish a framework for the evaluation of educators and set policies and procedures related to educator evaluations; and

(d) Subsections 53E-3-501(1)(a)(i) and (ii), which require the Board to establish rules and minimum standards for the qualification and certification of educators and for required school administrative and supervisory services.

(2) The purpose of this rule is to:

(a) provide a framework for educator evaluation systems;

(b) describe the requirements for district policies related to educator evaluation; and

(c) establish requirements for determining annual summative educator effectiveness ratings.

(3) This rule is categorized as Category 3 as described in Rule R277-111.

R277-323-2. Definitions.

(1) "Academic growth" means demonstration of student learning through formative assessment measures identified by the LEA, school, or educator within the school year.

(2) "Administrator" has the same meaning as that term is defined in Section 53G-11-501.

(3) "Certified evaluator" means an educator with training in evaluating educator performance and demonstrated competency in using an educator evaluation tool to rate educator performance according to established standards.

(4) "Chronically absent" means that a student:

(a) was enrolled in an LEA for at least 60 calendar days; and

(b) missed 10% or more of the student's instructional days, whether the absence was excused or not.

(5) "Continued professional growth" means incremental measures of improvement relevant to the Utah Effective Educator Standards.

(6) "Educator" has the same meaning as that term is defined in Section 53G-11-501.

(7) "Educator evaluation system" means a school district's process, policies, and procedures for evaluating an educator's performance in the educator's assignments.

(8) "Formative assessment measures" means planned, ongoing processes used for educators to engage in reflection and growth of professional skills and includes opportunities to receive feedback on strengths or weaknesses of specific knowledge, skills, and abilities.

(9) "Evaluator" means an individual who is responsible for an educator's summative evaluation in accordance with this Rule R277-323.

(10) "Local board" means a school district's elected board of education or for the Utah Schools of the Deaf and the Blind, the Board.

(11) "Observation" means a formal or informal visit made by an administrator to an educator's classroom for the purpose of gathering formative information, providing feedback for growth, and informing decisions related to the educator's summative evaluation.

(12) "Performance" means the combination of an educator's professionalism consistent with:

(a) the Utah Effective Educator Standards;

(b) student academic growth; and

(c) continued professional growth as an educator.

(13) "Summative evaluation" means an evaluation that is used to make decisions or ratings of an educator's performance and that may inform decisions on salary, continued employment, personnel assignments, transfers, or dismissals, consistent with a school district's policies.

(14) "Summative evaluation rating" means an annual rating of an educator's performance that assigns one of three levels, that may be defined as:

(a) One -- The educator did not meet performance expectations;

(b) Two -- The educator partially met performance expectations by demonstrating evidence of continued professional growth or demonstrating evidence of student academic growth;

(c) Three -- The educator met performance expectations by demonstrating evidence of continued professional growth and demonstrating evidence of student academic growth.

(15) "Unsatisfactory performance" means a level one summative evaluation rating.

(16) "Utah Effective Educator Standards" means the standards established in Rule R277-330, as applicable to the assignment for which an evaluator evaluates an educator.

R277-323-3. School District Educator Evaluation Systems.

(1) A local board shall adopt a district educator evaluation system in consultation with a joint committee established by the local board as required by Section 53G-11-506.

(2) A local board shall review and approve its educator evaluation system in an open meeting.

(3) A district educator evaluation system shall:

(a) evaluate educators based on the Utah Effective Educator Standards;

(b) include a description of school district processes for gathering, using, and protecting individual educator evaluation data;

(c) include valid and reliable methods and tools to implement an evaluation;

(d) include a systematic process for evaluating all educators holding an educator license during an evaluation cycle of up to four years;

(e) include a summative evaluation rating consistent with this Rule R277-323; and

(f) take into account multiple inputs as required by Section 53G-11-507, including:

(i) self-evaluation of performance in relation to the Utah Effective Educator Standards;

(ii) student and parent input;

(iii) for administrators, feedback from teachers, including input on the effectiveness of evaluating employee performance in a school or school district for which the administrator has responsibility;

(iv) results of multiple observations done with tools aligned to the Utah Effective Educator Standards;

(v) evidence of student academic growth, as specified by the school district; and

(vi) other indicators of professional improvement as specified by the school district.

(4) A school district may use an evaluation cycle extending up to four years, which includes:

(a) a summative evaluation at least once every four years; and

(b) annual formative assessment measures, including:

(i) at least one observation conducted by an administrator;

(ii) additional observations, with feedback, which may be provided by a peer, mentor, instructional coach, administrator or other professional designated by the district; and

(iii) a planned ongoing process for the educator to engage in reflection and growth related to the Utah Effective Teaching Standards.

(5) A school district may not use year-end state testing data in determining an educator's summative evaluation rating.

(6) A school district may not use data from a student who is chronically absent in determining an educator's summative evaluation rating.

(7) A school district shall align its employee compensation system, with the district's educator evaluation system in accordance with Subsection 53G-11-518(1).

(8) To form the school district's educator evaluation system, a local school board may adopt:

(a) the Utah Model Educator Evaluation System approved by the Board;

(b) an adapted system; or

(c) a system developed by the school district consistent with this rule and Rule R277-330.

R277-323-4. Systems Reliability.

A school district shall establish an evaluator reliability process to ensure the reliability of its educator evaluation system that:

(1) identifies criteria for use in assigning evaluation ratings

(2) provides professional development opportunities for all evaluators that:

(a) assures evaluators understand the Utah Effective Educator Standards;

(b) improve evaluator proficiency in recognizing the criteria described in Subsection (1)(a); and

(c) give the evaluator an opportunity to demonstrate their abilities to rate an educator in accordance with the Utah Effective Educator Standards;

(3) designate qualified raters as certified;

(4) assure that each educator is rated by a certified evaluator; and

(5) include a process for maintaining a certified evaluator's skills.

R277-323-5. Notice and Review.

(1) At least 15 days before an educator's first evaluation, a school district shall provide an educator with:

(a) notification of the evaluation process;

(b) access to relevant evaluation instruments; and

(c) notice of potential consequences, including discipline and termination, if an educator fails to meet performance expectations.

(2) A school district's educator evaluation system shall:

(a) provide for clear and timely discussion of an evaluation with the educator;

(b) provide a written copy of the evaluation to the educator;

(c) allow an educator to respond to any part of the evaluation; and

(d) attach the educator's response to the evaluation if the response is provided in writing.

(3) An educator who is dissatisfied with an evaluation may submit a written request for review within 15 days after receiving notice of the written evaluation.

(4) A school district shall conduct a review as described in this section and Section 53G-11-508.

(5) A school district conducting a review under Subsection (4) shall:

(a) use a certified evaluator;

(i) with experience in evaluating educators; and

(ii) who is not employed by the school district; and

(b) conduct the review in accordance with Utah Effective Educator Standards.

(6) A certified evaluator described in Subsection (5)(a) shall:

(a) review the school district's educator evaluation policies and procedures;

(b) review the evaluation process conducted for the educator;

(c) review the evaluation data from the professional performance, student academic growth, and stakeholder input components;

(d) review an educator's written response, if submitted in accordance with Subsection 53G-11-508(1)(b); and

(e) report findings, in writing, to the school district's superintendent for action.

(7) The school district superintendent shall determine if the initial educator evaluation was issued in accordance with:

(a) the school district's educator evaluation policies;

(b) the requirements of the Utah Effective Educator Standards;

(c) Title 53G, Chapter 11, Employees; and

(d) this Rule R277-323.

R277-323-6. Support for Educators.

(1) If an educator receives an unsatisfactory performance rating, a school district shall provide the educator with support for academic impact improvement consistent with Title 53G, Chapter 11, Part 5, School District and Utah School for the Deaf and the Blind Employee Requirements, including:

(a) assessing the professional learning needs of the educator; and

(b) providing mentors, coaches, or instructional specialists to assist the educator in establishing timelines and benchmarks for improving academic impact.

(2) A school district may provide assistance to any educator in need of support with professional growth as an educator or student academic growth.

R277-323-7. Superintendent Responsibilities.

(1) The Superintendent shall develop a model educator evaluation system that includes performance expectations consistent with this rule.

(2) The Superintendent shall evaluate and recommend tools and measures for use by school districts in developing and implementing educator evaluation systems.

(3) The Superintendent shall annually monitor 10% of school district educator evaluation systems.

R277-323-8. School District Revisions.

A school district shall amend the district educator evaluation system to align with any future revisions to the Utah Effective Educator Standards and implement any changes within two years from the effective date of revisions to Rule R277-330.

R277-323-9. Applicability.

(1) This rule shall become effective beginning in the 2024-2025 school year, except for the following subsections, which a district shall implement no later than June 30, 2029:

(a) Subsection R277-323-3(3)(e);

(b) Subsection R277-323-3(4); and

(c) Subsection R277-323-3(6).

(2) A requirement for a school district under this Rule R277-323 is also applicable to the Utah Schools for the Deaf and the Blind.

KEY: evaluation

Date of Last Change: December 10, 2024

Authorizing, and Implemented or Interpreted Law: Article X, Section 3; 53E-3-401(4); 53G, Chapter 11, Part 5; 53E-3-501(1)(a)(i) and (ii)

R277. Education, Administration.

R277-324. Paraprofessional/Paraeducator Programs, Assignments, and Qualifications.

R277-324-1. Authority, Purpose, and Oversight Category.

(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) Subsection 53E-3-401(4), which gives the Board authority to adopt rules in accordance with its responsibilities; and

(c) Subsection 53E-3-501(1)(a)(i), which requires the Board to establish rules and minimum standards for the public schools regarding the qualification and certification of educators and ancillary personnel who provide direct student services.

(2) The purpose of this rule is to designate appropriate assignments of paraprofessionals and qualifications for paraprofessionals;

(3) This Rule R277-324 is categorized as Category 2 as described in Rule R277-111.

R277-324-2. Definitions.

(1)(a) "Paraprofessional" or "paraeducator" means an individual who performs a non-instructional or instructional supporting role in various educational settings and may provide support in a non-instructional role, such as providing parental or guardian involvement activities or by providing support in a specific setting.

(b) A "paraprofessional" or "paraeducator" provides instructional support under the direct supervision of a licensed educator or other licensed or certified professional as described in Section 53F-2-411.

(2) "Paraprofessional training" means professional development consistent with or using information provided in this rule and the Utah Standards for Instructional Paraeducators.

R277-324-3. Incorporation by Reference of Utah Standards for Instructional Paraeducators.

(1) This rule incorporates by reference the Utah Standards for Instructional Paraeducators, dated December 4, 2018.

(2) A copy of the Utah Standards for Instructional Paraeducators is available at:

(a) https://schools.utah.gov/administrativerules/documentsincorporated; and

(b) the offices of the Utah State Board of Education, 250 E. 500 So., Salt Lake City, Utah, 84111.

R277-324-4. Appropriate Assignments or Duties for Paraprofessionals.

(1) A paraprofessional may:

(a) upon completion of explicit training from appropriately licensed teachers or related service providers, provide individual or small group instructional assistance or tutoring to students as designed by an appropriately licensed teacher or related service provider during times when students would not otherwise receive instruction from an appropriately licensed teacher or related service provider;

(b) assist with classroom organization and management, such as organizing instructional or other materials;

(c) provide assistance with supplementary aids and services, program modifications, and support, such as assistive technology devices and services;

(d) conduct parental involvement activities;

(e) provide support in library or media centers; or

(f) provide supervision for students in non-instructional settings.

(2) A paraprofessional may not:

(a) be responsible for selecting or administering formal diagnostic or psychological instruments or for interpreting the results of those instruments if the paraprofessional's training, licensure, or other forms of certification do not align with the administration and interpretation requirements stated in an instrument's technical manual;

(b) be responsible for selecting programming or prescribing educational activities or materials for the students without the supervision and guidance of an appropriately licensed teacher or related service provider;

(c) be solely responsible for designing lesson plans;

(d) be assigned to implement elements of an IEP for a student with disabilities without direct training, supervision, and involvement from an appropriately licensed teacher or related service provider;

(e) employed to fulfill the responsibilities that may only be provided by an appropriately licensed and otherwise qualified teacher or related service provider; or

(f) perform nursing procedures or administer medications without appropriate supervision and training from an appropriately licensed health care professional.

(3) A licensed teacher shall:

(a) prepare a lesson and plan the instruction support activities to be carried out by a paraprofessional;

(b) evaluate the achievement of the students with whom a paraprofessional works; and

(c) provide the supervision and support to the paraprofessional that the teacher deems appropriate for the paraprofessional to work effectively in the paraprofessional's role and responsibilities.

(4) If a paraeducator is working in a special education program, the LEA shall appropriately train the special education teacher to supervise and direct the work of the paraeducator in the paraeducator's assigned roles and responsibilities.

(5) An LEA that employs a paraprofessional shall establish and maintain documentation of training provided by the LEA as required in:

(a) Subsection (1)(a); and

(b) for a paraprofessional who works with a student with a disability, Utah State Board of Education Special Education Rules Section IX.E, incorporated by reference into Rule R277-750.

R277-324-5. Requirements for Paraprofessionals in Title I Schoolwide and Targeted Assistance Programs.

(1) A paraprofessional hired to work in Title I schoolwide or targeted assistance programs supported by Title I funds shall be a high school graduate or equivalent and shall meet at least one of the following requirements:

(a) complete at least two years, or a minimum of 48 semester hours, at an accredited higher education institution;

(b) obtain an associate, or higher, degree from an accredited higher education institution; or

(c) satisfy a rigorous Board approved assessment that demonstrates:

(i) knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or

(ii) knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

(2) A paraprofessional shall satisfactorily complete a criminal background check consistent with Section 53G-11-402 and Rule R277-316.

R277-324-6. Exceptions in Title I Schoolwide and Targeted Assistance Programs.

The requirements in Section R277-324-4 do not apply to a paraprofessional with a high school diploma or equivalent solely providing:

(1) support through translator services;

(2) support as a parent engagement liaison; or

(3) personal care for students with disabilities.

R277-324-7. Use of Funds.

An LEA may use Title I funds in addition to other funds available and identified by the LEA to support ongoing training and professional development for paraprofessionals.

KEY: paraprofessional qualifications

Date of Last Change: October 8, 2024

Notice of Continuation: September 9, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-501(1)(a)(i); 53F-2-411(4)

R277. Education, Administration.

R277-325. Public Education Exit and Engagement Surveys.

R277-325-1. Authority Purpose, and Oversight Category.

(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; and

(c) Section 53G-11-304, which requires the Board to make rules for the creation and administration of a public education exit survey.

(2) The purpose of this rule is to:

(a) adopt minimum standards for LEAs to administer a public education exit and engagement survey; and

(b) adopt a model public education exit and engagement survey for use by LEAs.

(3) This Rule R277-325 is categorized as Category 3 as described in Rule R277-111.

R277-325-2. Definitions.

(1) "Educator" means, for purposes of this rule:

(a) a general education classroom teacher;

(b) a preschool teacher;

(c) a special education teacher;

(d) a school based administrator; or

(e) a school based specialist.

(2) "Survey" means the Model Public Education Exit and Engagement Surveys incorporated by reference in Section R277-325-3.

R277-325-3. Incorporation of Model Public Education Exit and Engagement Surveys by Reference.

(1) This rule incorporates by reference the Model Public Education Exit and Engagement Surveys (October 2024).

(2) A copy of the model surveys are located at:

(b) https://schools.utah.gov/administrativerules/documentsincorporated; and

(c) the Utah State Board of Education.

R277-325-4. Survey Administration.

(1)(a) Each LEA shall request that the LEA's educators complete the model public education engagement survey, at a minimum, every other year through:

(i) a Board approved online provider; or

(ii) a provider approved by the LEA.

(b) If an LEA administers the school climate survey every other year, as described in Rule R277-623, the model public education engagement survey shall be administered in the opposite years.

(2) Each LEA shall request that an educator leaving the LEA complete the model public education exit survey at the time of their separation from employment through:

(a) a Board approved online provider; or

(b) a provider approved by the LEA.

(3) If an LEA administers the surveys through a provider other than a Board approved online provider, the LEA shall provide the data from the surveys to the Superintendent by June 30 annually in a manner prescribed by the Superintendent.

(4) The surveys:

(a) shall allow each educator to remain anonymous;

(b) may not request the educator's CACTUS ID number;

(c) shall ask each educator to identify the educator's LEA;

(d) may ask each educator to voluntarily identify the educator's school; and

(e) may ask each educator to provide basic non-identifying demographic data as requested by the Superintendent.

(5) An LEA shall adopt written policies to:

(a) restrict access to survey results to appropriate personnel; and

(b) prevent identification of educators who complete the survey.

(6)(a) An LEA may include additional questions along with the required survey questions at the time the LEA administers the surveys.

(b) An LEA may limit dissemination of data from educator answers to questions included in accordance with Subsection (6)(a) in accordance with the LEA's written policies.

(7) If an LEA fails to administer the surveys, the Superintendent may pursue corrective action in accordance with Rule R277-114.

KEY: exit, survey

Date of Last Change: February 7, 2025

Notice of Continuation: December 16, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-11-304

R277. Education, Administration.

R277-326. Early Literacy Coaches.

R277-326-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Subsection 53E-3-1002(2), which directs the Board to make rules to allocate funding for early literacy coaches.

(2) The purpose of this rule is to establish criteria for assignment of early literacy coaches in accordance with Section 53E-3-1002.

(3) This Rule R277-326 is categorized as exempt as described in Rule R277-111.

R277-326-2. Definitions.

"Early literacy coach" means a coach provided by the Board to assist LEAs with early literacy in accordance with Section 53E-3-1002.

R277-326-3. Early Literacy Coaches.

(1)(a) The Superintendent shall provide, train, and assign early literacy coaches in accordance with Section 53E-3-1002.

(b) An early literacy coach shall meet minimum qualifications established by the Superintendent.

(c) An early literacy coach may perform responsibilities as directed by the Superintendent including those identified in Subsections 53E-3-1002(2)(c)(i) through (viii).

(d) An early literacy coach may not undertake duties unrelated to literacy coaches, as outlined in Subsection 53E-3-1002(2)(d).

(2) An LEA receiving funds for early literacy coaches may not charge indirect costs.

(3)(a) The Superintendent will determine which schools qualify for assistance from early literacy coaches taking into account the previous year's end-of year assessment data from:

(i) Acadience Reading, benchmark, and growth; and

(ii) RISE, English Language Arts proficiency.

(b) The Superintendent shall exclude data:

(i) for students who were not enrolled a full academic year; and

(ii) for schools scheduled to close the following year.

(4)(a) The Superintendent shall prioritize services under this program for schools identified in Subsections 53E-3-1002(a)(i) and (ii).

KEY: professional learning, prek-3, early learning, teacher development

Date of Last Change: August 7, 2025

Notice of Continuation: June 10, 2025

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-5-214

R277. Education, Administration.

R277-328. Equal Opportunity in Education.

R277-328-1. 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) Subsection 53E-3-501(1)(c)(iv) which states the board shall establish rules and minimum standards governing curriculum and instruction requirements;

(d) Subsection 53E-3-502(8) which requests the Board help school districts develop and implement guidelines, strategies, and professional development programs for administrators and teachers consistent with Subsections 53E-2-302(7) and 53E-6-103(1)(b), (2)(a) and (b) focused on improving interaction with parents and promoting greater parental involvement in the public schools; and

(e) Section 53G-10-206, which requires the Board, LEAs, and the Superintendent to ensure that instructional materials and classroom instruction are consistent with certain principles of educational freedom.

(2) The purpose of this rule is to provide LEAs with the standards for educators and LEAs for professional learning regarding equal opportunities in education and prohibited discriminatory practices.

R277-328-2. Definitions.

(1) "Equal Opportunity in Education" means acknowledging that all students are capable of learning and may need additional guidance, resources, and support based on their academic needs.

(2) "Inclusion" means ensuring that students are accepted and valued as members of the school community with equal opportunities to contribute by creating conditions for meaningful participation, including students with a disability as described in Rule R277-750.

(3) "Important governmental interest" means the same as defined in Section 53B-1-118.

(4) "Personal identity characteristic" means the same as defined in Section 53B-1-118.

(5) "Prohibited discriminatory practice" means the same as defined in Section 53B-1-118.

R277-328-3. Professional Learning Regarding Equal Opportunities in Education and Prohibited Discriminatory Practices.

(1) An LEA shall provide professional learning to educators concerning equal opportunity in education.

(2) The professional learning described in Subsection (1) shall include instruction in:

(a) fostering a learning environment which is safe, conducive to the learning process, and free from unnecessary disruption as consistent with Section 53G-8-202;

(b) identifying students in need of additional academic supports;

(c) implementing principles and strategies of inclusion so that:

(i) a student with a disability is educated with peers without a disability to the maximum extent appropriate, consistent with IDEA; and

(ii) specially designed instruction is provided in addition to, not instead of, high-quality core instruction as consistent with IDEA;

(d) recognizing the constitutionally protected rights of all students; and

(e) recognizing the constitutionally protected rights of all students; and

(f) developing strategies to promote the examination of various viewpoints on a topic in an impartial and politically neutral manner.

(3) The professional learning provided by an LEA shall include instruction that educators may not promote prohibited discriminatory practices as described in Section 53B-1-118:

(a) one personal identity characteristic is inherently superior or inferior to another personal identity characteristic;

(b) an individual, by virtue of the individual's personal identity characteristics, is inherently privileged, oppressed, racist, sexist, oppressive, or a victim, whether consciously or unconsciously;

(c) an individual should be discriminated against in violation of Titles VI & VII of the Civil Rights Act of 1964, IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, receive adverse treatment, be advanced, or receive beneficial treatment because of the individual's personal identity characteristics;

(d) an individual's moral character is determined by the individual's personal identity characteristics;

(e) an individual, by virtue of the individual's personal identity characteristics, bears responsibility for actions committed in the past by other individuals with the same personal identity characteristics;

(f) an individual should feel discomfort, guilt, anguish, or other psychological distress solely because of the individual's personal identity characteristics;

(g) asserts that meritocracy is inherently racist or sexist;

(h) asserts that socio-political structures are inherently a series of power relationships and struggles among racial groups;

(i) promotes resentment between, or resentment of, individuals by virtue of their personal identity characteristics;

(j) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual because of the individual's race, color, ethnicity, sex, sexual orientation, national origin, or gender identity;

(k) is referred to or named diversity, equity, and inclusion, used in conjunction; or

(l) includes or relates to, a prohibited submission as outlined in Section 67-27-105.

(4) Prohibited instruction does not include a training on policies or procedures required by state or federal law, including laws relating to prohibited discrimination or harassment.

(5) The professional learning provided by an LEA shall be done in accordance with all state and federal laws.

(6) The content of professional learning provided by an LEA shall be made freely available by the LEA to parents with a student in the LEA within a reasonable amount of time from when the training is offered upon request and include a copy of this rule.

(7) If an alleged violation of this section is reported to the Board as described in Rule R277-123, the Board may investigate the alleged violation as described in Rule R277-114, including taking action as described in Subsection R277-114-3(3).

(8) An LEA shall ensure a formal complaint process is in place pursuant to Rule R277-113.

(9) The professional learning referred to in Subsection (6) does not include remediation sessions for a specific educator.

R277-328-4. Educational Opportunities Within an LEA.

(1) An LEA may establish or maintain an office, division, employment position, or other unit of an LEA that provides support, guidance, and resources that equip all students, including all students in public schools at higher risk of not completing high school, with experiences and opportunities for success in each student's academic and career goals, and without excluding individuals on the basis of an individual's personal identity characteristics consistent with Section 53G-2-105.

(2) No part of this rule shall be construed by an LEA or educator to:

(a) prohibit or ban discussions of events, ideas, attitudes, beliefs, or concepts in the marketplace of ideas if consistent with Sections 53G-10-202, 53G-10-206, and 53G-2-104;

(b) prohibit disaggregation of data based on personal identity characteristics to meet state and federal requirements, including those in Section 53E-3-501 or 53E-5-302; or

(c) allow for discriminatory treatment of individual students based disaggregated group data.

(3) An LEA may not promote differential treatment of an individual based on the individual's personal identity characteristics unless the LEA:

(a) has an important governmental interest; or

(b) is complying with state or federal law.

(4) An LEA may not exclude any student from participating in Curricular, co-curricular, and extra-curricular activities designated specifically for students based on a different personal identity characteristic.

(5) An LEA shall submit an annual assurance to the Board that the LEA's professional learning is consistent with this rule and Section 53G-10-206.

(6) An individual may bring a violation of this section to the Board in accordance with the process described in Rule R277-123.

(7) If the Board identifies a reported violation of this section, the state board shall provide an update to the Education Interim Committee as described in Section 53G-2-103.

KEY: equal opportunities, professional learning, instruction

Date of Last Change: April 9, 2024

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

R277. Education, Administration.

R277-329. Local School District Board Policies for Evaluation of Classified Employees.

R277-329-1. 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) 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

(c) Section 53G-11-504, which directs the Board to develop rules requiring that school districts evaluate all employees.

(2) The purpose of this rule is to direct public school districts to adopt policies for the evaluation and dismissal of classified employees.

R277-329-2. Definitions.

"Classified employee" means a school district employee who is working in a position that does not require a Utah educator license.

R277-329-3. School District Policies.

(1) A school district shall adopt policies for classified employees, including:

(a) policies for evaluation and dismissal consistent with minimum standards of:

(i) Sections 53G-11-504 through 53G-11-505; and

(ii) Sections 53G-11-512 through 53G-11-517; and

(b) evaluation procedures with the following components:

(i) the annual evaluation of classified employees;

(ii) the use of appropriate tools for classified employee evaluations;

(iii) classified employee evaluation criteria tied to specific job descriptions or assignments;

(iv) the administration of the evaluation by the school principal, an appropriate administrator, or the principal's or administrator's designee; and

(v) an appeals process that allows classified employees to appeal procedural violations of the evaluation process.

(2) School district evaluation policies for classified employees may include additional components beyond those specified in Subsection (1).

(3) A school district's policies may exclude temporary or part-time classified employees from performance evaluations, as provided in Subsection 53G-11-504(2).

KEY: policies, evaluations, non-licensed public education employees

Date of Last Change: May 23, 2023

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401; 53G-11-504

R277. Education, Administration.

R277-330. Utah Effective Educator Standards.

R277-330-1. 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; and

(c) Subsection 53E-3-501(1)(a), which requires the Board to establish rules and minimum standards for the qualification and certification educators and for required school administrative and supervisory services.

(2) The purpose of this rule is to establish statewide effective educational standards for:

(a) teachers;

(b) administrators;

(c) school counselors;

(d) school psychologists;

(e) speech-language pathologists;

(f) speech-language technicians;

(g) audiologists; and

(h) school social workers.

R277-330-2. Definitions.

(1) "Administrator" has the same meaning as defined in Subsection 53G-11-501(1).

(2) "Educator" has the same meaning as defined in Subsection 53G-11-501(6).

(3) "Utah Effective Educator Standards means:

(a) the Effective Teaching Standards described in Section R277-330-6;

(b) the Educational Leadership Standards described in Section R277-330-7;

(c) the Speech-Language Technician standards described in Subsection R277-306-5(1)(c);

(d) the 2019 American School Counselors Association Professional Standards and Competencies;

(e) the 2020 National Association of School Psychologists Professional Standards;

(f) the 2020 American Speech-Language-Hearing Association Standards and Implementation Procedures for the Certificate of Clinical Competence in Speech-Language Pathology;

(g) the 2020American Speech-Language-Hearing Association Standards and Implementation Procedures for the Certificate of Clinical Competence in Audiology; and

(h) the 2012 National Association of Social Workers Standards for School Social Work Services.

R277-330-3. Incorporation by Reference.

(1) This rule incorporates by reference:

(a) the 2019 American School Counselor Association Professional Standards and Competencies;

(b) the 2020 National Association of School Psychologists Professional Standards;

(c) the 2020 American Speech-Language-Hearing Association Standards and Implementation Procedures for the Certificate of Clinical Competence in Speech-Language Pathology;

(d) the 2020 American Speech-Language-Hearing Association Standards and Implementation Procedures for the Certificate of Clinical Competence in Audiology; and

(e) the 2012 National Association of Social Workers Standards for School Work Services.

(2) A copy of these resources can be located at the offices of the Utah State Board of Education, https://schools.utah.gov/administrativerules/documentsincorporated, and:

(a) for Subsection (1)(a), https://www.schoolcounselor.org/getmedia/a8d59c2c-51de-4ec3-a565-a3235f3b93c3/SC-Competencies.pdf;

(b) for Subsection (1)(b), https://www.nasponline.org/standards-and-certification/nasp-2020-professional-standards-adopted;

(c) for Subsection (1)(c), https://www.asha.org/certification/2020-slp-certification-standards/;

(d) for Subsection (1)(d), https://www.asha.org/certification/2020-audiology-certification-standards/; and

(e) for Subsection (1)(e), https://www.socialworkers.org/LinkClick.aspx?fileticket=1Ze4-9-Os7E%3D&portalid=0.

R277-330-4. Establishment of Standards.

(1) The Board hereby establishes the Utah Effective Educator Standards as the foundation of educator development, which includes:

(a) alignment of teacher and school administrator programs;

(b) expectations for licensure; and

(c) screening, hiring, induction, and mentoring of beginning educators in all license areas.

(2) The Utah Effective Educator Standards:

(a) ensure implementation of Utah's core standards; and

(b) serve as the basis for evaluation.

(3) The Superintendent shall:

(a) base the model educator assessment system described in Subsection R277-323-8(1) on the Utah Effective Educator Standards; and

(b) provide resources, including professional learning opportunities, which assist LEAs in integrating the Utah Effective Educator Standards into educator practices.

R277-330-5. LEA Responsibilities.

(1) An LEA shall develop policies to support teachers, school administrators, and other licensees in implementation of the Utah Effective Educator Standards.

(2) An LEA shall develop and support professional learning experiences in connection with an educator's professional learning plan for re-licensure using the

Effective Educator Standards to assess educator progress toward implementation of the standards.

(3) An LEA shall adopt educator assessment systems aligned with the Utah Effective Educator Standards and consistent with Rule R277-323.

(4) An LEA shall use the Utah Effective Educator Standards as a basis for the development of a collaborative professional culture to facilitate student learning.

(5) An LEA shall implement induction and mentoring activities for beginning educators that support implementation of the Utah Effective Educator Standards.

R277-330-6. Effective Teaching Standards.

(1) The Effective Teaching Standards described in this Section:

(a) describe the knowledge, skills, and dispositions that are the hallmark of effective instruction; and

(b) highlight practices associated with effective teaching.

(2) A Utah educator shall demonstrate a commitment to ongoing growth and development of instructional competency within the following areas:

(a) Learners and Learning -- demonstrating attention to the impact of unique learner characteristics on development and growth;

(b) Instructional Design Clarity:

(i) previewing classroom content;

(ii) demonstrating clarity in organizing and sequencing instruction; and

(iii) effective planning for learning and student engagement.

(c) Instructional Practice:

(i) engaging in high quality instructional practices that are data informed;

(ii) exhibiting a collaborative approach to teaching and learning; and

(iii) meeting the learning needs of each student.

(d) Classroom Climate -- creating academic, physical, social, and emotional conditions with emphasis on academic performance; and

(e) Professional Responsibility -- demonstrating an awareness of and adherence to professional and ethical standards within their school and with families and communities, as required in Rule R277-217, Educator Standards and LEA Reporting.

R277-330-7. Educational Leadership Standards.

(1) The Educational Leadership Standards described in this Section describe expectations for school administrators, including:

(a) meeting the Effective Teaching standards;

(b) having the knowledge and skills to guide and supervise the work of educators;

(c) leading the school learning community; and

(d) managing the school's learning environment in order to provide effective, high quality instruction to all Utah students.

(2) In addition to meeting the Effective Teaching Standards, a school administrator shall demonstrate the traits, skills, and work functions designated in the following areas:

(a) Visionary Leadership -- promoting the success of every student by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is largely shared and supported by stakeholders;

(b) Teaching and Learning - promoting the success of every student by advocating, nurturing, and sustaining a school focused on teaching and learning conducive to student, faculty, and staff growth;

(c) Management for Learning -- promoting the success of every student by ensuring management of the organization, operation, and resources for a safe, efficient, and effective learning environment;

(d) Community Collaboration:

(i) promoting the success of every student by collaborating with faculty, staff, parents, and community members;

(ii) responding to diverse community interests; and

(iii) mobilizing community resources;

(e) Ethical Leadership -- promoting the success of every student by acting with, and ensuring a system of, integrity, fairness, equity, and ethical behavior; and

(f) Systems Leadership -- promoting the success of every student by understanding, responding to, and influencing the interrelated systems of political, social, economic, legal, and policy contexts affecting education.

KEY: effective, standards

Date of Last Change: October 11, 2023

Authorizing, and Implemented or Interpreted Law: Article X, Section 3; 53E-3-401(4); 53E-3-501(1)(a)

R277. Education, Administration.

R277-331. Stipends for Future Educators.

R277-331-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Section 53F-5-223, which creates a stipend for eligible student teachers and directs the Board to determine how the grant is distributed.

(2) The purpose of this rule is to create rules for distribution of stipends to eligible student teachers.

(3) This Rule R277-331 is categorized as Category 4 as described in Rule R277-111.

R277-331-2. Definitions.

(1) "Accredited institution" means the same as that term is defined in Rule R277-301.

(2) "Eligible student teacher" means the same as defined in Section 53F-5-223.

(3) "Program" means the Stipends for Future Educators program established in Section 53F-5-223.

R277-331-3. Student Teachers Stipends.

(1)(a) An eligible student teacher may apply for a stipend under the program by filling out an application on a form provided by the Superintendent.

(b) An eligible student teacher shall submit an affidavit demonstrating the student teacher's intent to pursue a Utah professional educator license and work in Utah as a teacher.

(2)(a) An eligible student teacher shall be a student in an accredited institution of higher education.

(b) An eligible student teacher's institution of higher education shall confirm the student's enrollment with the Superintendent in order for the teacher to qualify for a program stipend.

(3) An eligible student teacher may only receive a program stipend for student teaching done in a Utah k-12 public school.

(4)(a) The Superintendent shall distribute funds to LEAs under the program of $6,500 per semester for each eligible student.

(b) The Superintendent may pro rate the stipend for a teacher working in an LEA with a class schedule that varies from a standard two semester school year.

(c) The Superintendent shall determine a schedule for disbursing funds to LEAs with eligible student teachers no less than four times a year.

(d) An eligible student teacher shall receive no less than $6,000 before applicable payroll deductions, unless the stipend is reduced under Subsection (b).

(e) An LEA may use up to $500 to cover benefit costs associated with the stipend.

(5)(a) An eligible student shall receive payment of the stipend through the student teacher's cooperating LEA.

(b) An LEA may not claim indirect costs in relation to this program.

(c) An LEA shall disburse the stipend in one lump sum within 30 days of the beginning of the student teaching experience.

(d) An LEA shall record an eligible student teacher's placement in CACTUS or USIMS, as appropriate.

(6) The Superintendent may not penalize an LEA if a student teacher does not complete the student teaching experience.

(7) An eligible student teacher may be employed by the student teacher's cooperating LEA on a part-time basis to provide substitute teaching services or to support an extracurricular activity during the student teaching period.

(8) An individual who has received a stipend under this program is ineligible for any subsequent stipend.

(9) An individual who receives any funding from another state program in compensation for student teaching is ineligible for the stipend.

(10) Each Board-approved Utah educator preparation program that is an accredited institution of higher education shall provide written notification to the

Superintendent, by September 15 annually, of the projected number of student teachers for that school year.

KEY: stipends, student teachers

Date of Last Change: July 8, 2025

Authorizing, and Implemented, or Interpreted Law: Art. X, Sec. 3, 53E-3-401(4), 53F-5-223

R277. Education, Administration.

R277-332. MASTER Pilot Program.

R277-332-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Subsection 53F-5-222(5), which directs the Board to make rules to implement the MASTER pilot program.

(2) The purpose of this rule is to establish rules for implementation of the MASTER pilot program consistent with state law.

(3) This Rule R277-332 is categorized as Category 3 as described in Rule R277-111.

R277-332-2. Definitions.

"MASTER Pilot Program" means the Mentoring and Supporting Teacher Excellence and Refinement Pilot Program created in Section 53F-5-222.

R277-332-3. Incorporation by Reference of Application Scoring Rubric.

(1) This rule incorporates by reference the MASTER Pilot Program Scoring Rubric, dated June 2024.

(2) A copy of the rubric is located at:

(a) https://schools.utah.gov/administrativerules/documentsincorporated; and

(b) the Utah State Board of Education.

R277-332-4. MASTER Pilot Program.

(1) The Superintendent shall award grants to LEAs and RESAs under the MASTER pilot program in accordance with Section 53F-5-222.

(2)(a) An LEA or RESA shall apply for a grant under the MASTER pilot program using an application provided by the Superintendent by June 30, 2024.

(b) The Superintendent may accept applications again for the 2025-26 school year if additional funds remain undistributed.

(3) As part of the application, each LEA or RESA shall identify:

(a) the program tier for which the LEA or RESA is applying;

(b) a plan for use of the program funds; and

(c) reporting and performance measures for evaluation of the LEA's or RESA's use of program funds.

(4) The Superintendent shall award grants under the MASTER pilot program, as follows:

(a) up to $25,000 for a tier one grant applicant, with a 10% match;

(b) up to $75,000 for a tier two grant applicant, with a 15% match; and

(c) up to $150,000 for a tier three grant applicant, with a 20% match.

(5) An LEA or RESA shall use program funds as described in Subsection 53F-5-222(6).

KEY: MASTER pilot program, mentoring, support

Date of Last Change: August 7, 2024

Authorizing, and Implemented, or Interpreted Law: Art. X, Sec. 3, 53E-3-401(4); 53F-5-222

R277. Education, Administration.

R277-333. Registered Apprenticeship Program for Teachers.

R277-333-1. Authority, Purpose, and Oversight Category.

(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) Subsection 53E-6-201(3)(a), which gives the Board authority to make rules establishing the criteria for obtaining a license; and

(d) Section 53E-6-206, which directs the Board to work with the Utah Board of Higher Education to develop a strategy for modifying traditional and alternative programs for training teachers.

(2) The purpose of this rule is to establish requirements for the RAPT, which allows a teacher to earn a professional license through an approved apprenticeship program.

(3) This Rule R277-333 is categorized as Category 4 as described in Rule R277-111.

R277-333-2. Definitions.

(1)(a) "Apprentice" means a paid employee of an LEA who participates in structured on-the-job learning to prepare for a successful career as a teacher.

(b) An apprentice earns a progressive wage as the apprentice's skills and productivity increase.

(c) An apprentice may not be a teacher of record or long-term substitute teacher for an LEA.

(2) "Competency" means evidence established through demonstration in a higher education setting or pre-kindergarten to grade 12 classroom setting of successful application of knowledge and skills.

(3) "DOL" means the United States Department of Labor.

(4) "Education related expenses" may include:

(a) tuition;

(b) books;

(c) fees; or

(d) supplies.

(5) "Employer partner" means an LEA employing a participant, whether or not the LEA is a party to an apprenticeship agreement with the participant.

(6) "Individualized Professional Learning Plan" or "IPLP" means a plan developed for each participant, which shall include:

(a) for an apprentice:

(i) all requirements for a professional license, as described in Rule R277-301; and

(ii) all competencies for an apprentice's professional license areas of concentration and endorsements; or

(b) for a pre-apprentice:

(i) all requirements for a paraeducator as described in Section R277-324-5; and

(ii) the Utah Standards for Instructional Paraeducators incorporated by reference in Section R277-324-3.

(7) "Institution of higher education" or "IHE" means:

(a) a college or university that has a physical location in Utah where students attend classes; or

(b) an online college or university, which:

(i) has its primary headquarters in the state; and

(ii) is licensed to do business through the Utah Department of Commerce.

(8) "Journeyworker paraeducator" means an experienced paraeducator who:

(a) has attained a mastery level of skill, abilities, and competencies required for the profession;

(b) has met the paraeducator qualifications as described in Section R277-324-5; and

(c) may evaluate a pre-apprentice's competencies.

(9) "Journeyworker teacher" means an experienced teacher who:

(a) has attained a mastery level of skill, abilities, and competencies required for the profession;

(b) oversees and guides the work of an apprentice in an on-the-job placement;

(c) has an assignment from an LEA as a teacher in a Utah public school;

(d) has a professional license area of concentration in:

(i) Deaf education;

(ii) Early Childhood education;

(iii) Elementary education;

(iv) Secondary education;

(v) Special education; or

(vi) Preschool special education;

(e) has a professional or associate endorsement in:

(i) instructional coaching;

(iii) journeyworking teaching; or

(ii) teacher mentoring; and

(f) may evaluate an apprentice's competencies.

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

(11) "On-the-job learning" means:

(a) time spent in a public school working directly with a journeyworker;

(b) experiences that provide fully supported, increasingly demanding opportunities to apply learning, reflect on practice, and demonstrate competency under supervision of a journeyworker; and

(c) time spent directly with students or performing other aspects of teaching under supervision of a journeyworker, such as:

(i) professional learning;

(ii) extracurricular activities;

(iii) lesson planning; and

(iv) parent communication, as outlined by the LEA.

(12) "Participant" means a registered apprentice or registered pre-apprentice.

(13) "Pre-apprentice" means a paid employee of an LEA who:

(a) participates in structured on-the-job learning to prepare for a successful career as a teacher;

(b) earns a progressive wage as the apprentice's skills and productivity increase; and

(c) may not serve as a teacher of record or long-term substitute teacher.

(14) "Registered Apprentice Partners Information Database System" or "RAPIDS" means the DOL case management system for all registered apprenticeship programs.

(15)(a) "Registered Apprentice Program for Teachers" or "RAPT" means an industry-driven, high quality career pathway where:

(i) employers can develop and prepare the future workforce; and

(ii) an individual can:

(A) obtain paid work experience;

(B) receive progressive wage increases;

(C) receive supplemental education; and

(D) qualify for a Utah professional educator license, which is a portable, nationally-recognized credential.

(b) The "RAPT" is industry-vetted and approved and validated by the DOL and the Board.

(16) "Related instruction provider" means an entity that:

(a) provides related supplemental education to a participant;

(b) offers a competency-based postsecondary general education course online or in person; and

(c) is accredited by an organization recognized by the United States Department of Education.

(17) "Sponsor" means the Superintendent operating in coordination with the Utah Department of Workforce Services and the DOL to coordinate, administer, and oversee all aspects of the apprenticeship program.

(18) "Supplemental education" means learning experiences required to successfully demonstrate all required competencies and meet professional educator license requirements.

R277-333-3. RAPT.

(1) There is one RAPT in the state.

(2) The Superintendent may partner with an LEA as an employer partner.

(3) The Superintendent may partner with an IHE as a related instruction provider.

(4) The Superintendent shall register the RAPT and all related standards with the DOL.

(5) The Superintendent shall register all apprenticeship agreements with the DOL within 45 days of a participant's enrollment.

(6) The Superintendent shall notify the DOL of any change of status of a participant through RAPIDS.

(7) An apprentice may pursue a professional license with a license area of concentration in the following eligible license areas:

(a) Deaf education;

(b) Early Childhood education;

(c) Elementary education;

(d) Secondary education;

(e) Special education;

(f) Preschool special education.

(8) The Superintendent shall provide an application for participation in the RAPT.

(9) The Superintendent shall establish deadlines for the RAPT application.

(10) The Superintendent shall provide documentation related to the RAPT as required by the DOL.

(11) The Superintendent shall require periodic evaluation of a participant's progress in skills and technical knowledge and maintain appropriate progress records.

(12) The Superintendent may award an apprentice education related expenses of up to $10,000 annually.

(13) The Superintendent shall develop and maintain a model IPLP for an apprentice and a pre-apprentice.

(14) The Superintendent may award a pre-apprentice education related expenses of up to $4,000 annually.

R277-333-4. Apprentice Requirements.

(1) A participant must be at least 18 years old.

(2) A participant must have a high school diploma or GED.

(3) An apprentice shall have a cleared background check and must enroll in FBI Rapback as set forth in Section R277-301-10.

(4)(a) An LEA may not record a participant as a teacher of record or long-term substitute teacher in the LEA.

(b) If an individual is a teacher of record or long-term substitute teacher:

(i) the Superintendent may not enroll the individual in the RAPT; and

(ii) the Superintendent may require the individual to repay education related expenses provided through the RAPT.

(5) A participant shall complete a FAFSA, if enrolled in an IHE program.

(6) A participant shall be physically capable to perform the basic functions of teaching, with or without reasonable accommodation, and without jeopardizing the safety of the participant or others.

(7) If a participant is a military veteran, the participant may be eligible for GI Bill training programs while registered as a participant.

(8) A participant shall provide transcripts from an IHE as requested by the Superintendent.

(9) An apprentice shall serve under the direction of a journeyworker teacher.

(10) A pre-apprentice shall serve under the direction of a journeyworker paraeducator.

(11) A participant shall serve a probationary period until the completion of 1,000 hours of on-the-job learning.

(12) An apprentice shall demonstrate competency in all 37 general teacher preparation competencies, as incorporated by reference in Rule R277-304.

(13) An apprentice shall demonstrate all competencies required for the apprentice's desired license area of concentration as described in Rule R277-304.

(13) A pre-apprentice shall demonstrate all competencies aligned to the Utah Standards for Instructional Paraeducators incorporated by reference in Section R277-324-3.

(15) If an apprentice is seeking a secondary endorsement, the apprentice shall demonstrate additional content specific training as recorded in the apprentice's IPLP.

(16) A pre-apprentice shall complete the pre-apprenticeship in no more than two years.

(17) An apprentice shall complete the RAPT in no more than three years.

(18) The Superintendent shall award a professional license to an apprentice upon completion of all requirements identified in this rule and Rule R277-301.

R277-333-5. Employer Partners.

(1) An employer partner shall establish a RAPT employer partner agreement with the Superintendent, which shall include the following terms:

(a) An employer partner shall employ each participant, which may be full-time.

(b) An employer partner shall establish progressive wage rates that are compliant with the RAPT.

(c) Apprentice wages shall increase at least once during the apprenticeship period.

(d) Apprentice wages shall progress based on the demonstration of the General Teacher Preparation competencies, as follows:

(i) Minimum of $18.21 hourly for up to 20 demonstrated competencies;

(ii) Minimum of $22.18 hourly for 21-29 demonstrated competencies; and

(iii) Minimum of $26.49 hourly for 30-37 demonstrated competencies;

(e) An employer partner may not employ an apprentice as a teacher or long-term substitute teacher.

(f) Pre-apprentice wages shall increase at least once during the pre-apprenticeship period.

(g) Pre-apprentice wages shall progress based on the number of hours worked within the pre-apprenticeship, as follows:

(i) Minimum of $7.75 hourly for 0-1000 hours worked;

(ii) Minimum of $8.73 hourly for 1001-2000 hours worked;

(iii) Minimum of $9.30 hourly for 2001-3000 hours worked; and

(iv) Minimum of 10.08 hourly for 3001-4000 hours worked.

(h) An employer partner may not employe a pre-apprentice as a teacher.

(2) An employer partner may adapt its RAPT agreement to fit local context with approval from the Superintendent.

(3) The Superintendent may reimburse an employer partner for on-the-job learning for up to 50% of an apprentice's salary.

(4) An employer partner shall develop and maintain an IPLP for a participant, in collaboration with the Superintendent, for each year the participant is part of the RAPT.

(5) An employer partner shall assign a journeyworker teacher to each apprentice.

(6) An employer partner may not assign more than two apprentices to an individual journeyworker teacher.

(7) An employer partner may not assign more than one pre-apprentice to an individual journeyworker paraeducator.

(8) An employer partner shall ensure each journeyworker teacher, journeyworker paraeducator, and school administrator has training to evaluate participant competency.

(9) A journeyworker teacher shall have a similar license area of concentration as the one defined in the assigned apprentice's IPLP, as defined by the Superintendent.

(10) A journeyworker teacher or school administrator shall evaluate each apprentice annually using the general teacher preparation competencies incorporated by reference in Rule R277-304.

(11) A journeyworker paraeducator shall evaluate each pre-apprentice annually using the Utah Standards for Instructional Paraeducators incorporated by reference in Rule R277-324.

(12) An employer partner may not report an apprentice as an educator preparation program enrollee or completer.

(13) The Superintendent may reimburse an LEA for journeyworker teacher compensation for apprenticeship related work completed outside an LEA employment contract for up to $1,000 per assigned apprentice per year.

R277-333-6. Related Instruction Providers.

(1)(a) An IHE shall establish a related instruction provider agreement with the Superintendent to participate in the RAPT.

(b) An IHE may adapt a related instruction provider agreement to fit local context, with the approval of the Superintendent.

(2) A related instruction provider may enroll a participant.

(3) A related instruction provider may award college or university credit for competency demonstrated in on-the-job learning.

(4) A related instruction provider may evaluate participant competency.

KEY: apprentice, license, RAPT

Date of Last Change: October 8, 2025

Authorizing, and Implemented or Interpreted Law: Article X, Section 3; 53E-3-401(4); 53E-6-201(3)(a); 53E-6-206

R277. Education, Administration.

R277-400. School Facility Emergency and Safety.

R277-400-1. 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; and

(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.

(2) The purpose of this rule is to:

(a) establish general criteria for emergency preparedness and emergency response plans; and

(b) direct an LEA to:

(i) develop prevention, intervention, and response measures; and

(ii) prepare staff and students to respond promptly and appropriately to school emergencies; and

(c) protect the health and safety of all students.

R277-400-2. Definitions.

(1) "Active threat" means any incident which creates an immediate threat or imminent danger to the school campus community, facilities and transportation systems.

(2) "Crisis" means an event that leads to physical or emotional distress;

(3) "Crisis Response" means a protocol for the actions to take and individuals to involve following a crisis event.

(4) "Developmentally appropriate" means adapted to what a student is able to do chronologically, cognitively, physically, or emotionally.

(5) "Elementary School" means a school with grades K-6.

(6) "Emergency" means a natural or man-made disaster, accident, act of war, or other circumstance that could reasonably endanger the safety of school children or disrupt the operation of the school.

(7) "Emergency Preparedness Plan" means policies and procedures developed to promote the safety and welfare of students, protect school property, or regulate the operation of schools during an emergency occurring within an LEA or a school.

(8) "Emergency Response Plan" means a plan developed by an LEA or a school to prepare and protect students and staff in the event of school violence emergencies.

(9) "Evidence-based" has the same meaning as defined in Subsection 53G-11-303(1)(a).

(10) "Evidence-informed" has the same meaning as defined in Subsection 53G-11-303(1)(b).

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

(12) "Plan" means an LEA's or a school's emergency preparedness and emergency response plan.

(13) "Safe Messaging" means strategies and styles for communicating about the topic of suicide.

(14) "SafeUT" means the crisis line established in Section 53B-17-1202.

(15) "School safety specialist" means a school employee who is responsible for supporting school safety initiatives, including the threat assessment described in Subsection 53G-8-802(2)(g)(i).

(16) "Secondary School" means a school with any of the grades 7-12.

(17) "Threat assessment" means a prevention strategy that involves:

(a) identifying threats;

(b) determining the seriousness of the threat; and

(c) developing intervention plans that address the threat.

R277-400-3. Establishing LEA Emergency Preparedness and Emergency Response Plans.

(1) By July 1 of each year, an LEA shall certify to the Superintendent that the LEA's emergency preparedness and emergency response plan has been:

(a) practiced at the school level; and

(b) presented to and reviewed by its teachers, administrators, students and parents, local law enforcement, and public safety representatives consistent with Subsection 53G-4-402(18).

(2)(a) An LEA's plans shall be designed to meet individual school needs and features.

(b) An LEA may direct schools within the LEA to develop and implement individual plans.

(3)(a) An LEA shall appoint a committee to prepare or modify plans to satisfy this Rule R277-400 and Section 53G-4-402(18).

(b) The committee shall consist of appropriate school and community representatives, which may include:

(i) school and LEA administrators;

(ii) teachers;

(iii) parents;

(iv) community and municipal governmental officers; and

(v) fire and law enforcement personnel.

(c) The committee shall include governmental agencies and bodies vested with responsibility for directing and coordinating emergency services on local and state levels.

(4) An LEA shall review plans at least once every three years.

(5) The Superintendent shall develop Emergency Response Plan models under Subsection 53G-4-402(18)(c).

R277-400-4. Notice and Preparation.

(1) Each school shall file a copy of plans required by this Rule R277-400 with the LEA superintendent or charter school director.

(2) At the beginning of each school year, an LEA or school shall provide a written notice to parents and staff of sections of an LEA's and school's plans that are applicable to that school.

(3) A school shall designate an Emergency Preparedness/Emergency Response week each year before April 30 which shall have activities that may include:

(a) community, student and teacher awareness;

(b) emergency preparedness or active threat response training; or

(c) other activities as outlined in Sections R277-400-7 and R277-400-8.

(4) A school's emergency response plan shall include procedures to notify students, to the extent practicable, who are off campus at the time of a school violence emergency consistent with Subsection 53G-4-402(18)(b)(v).

R277-400-5. Plan Content--Educational Services and Student Supervision and Building Access.

(1) An LEA's or a school's plan shall include:

(a) procedures to ensure reasonably adequate educational services and supervision are provided for during an emergency including an extended emergency situation;

(b) evacuation procedures that provide reasonable care and supervision of a student until the student is released to a responsible party.

(i) An LEA or school shall not release a student grade 8 or below unless a parent or other responsible person has been notified and assumed responsibility for the student.

(ii) A school official may release a student grade 9 and above without such notification if authorized by the LEA or school and the school official determines:

(A) the student is reasonably responsible; and

(B) notification is not practicable.

(c)(i) as determined by a local board or governing authority, procedures regarding access to public school buildings by:

(A) students;

(B) community members;

(C) lessees;

(D) invitees; and

(E) others.

(ii) procedures regarding access:

(A) may include restricted access for some individuals;

(B) shall address building access during identified time periods; and

(C) shall address possession and use of school keys by designated administrators and employees.

(d) resources and materials available for emergency training for an LEA's employees.

R277-400-6. Emergency Preparedness Training for School Occupants.

(1) An LEA's or a school's plan shall include standard response protocols and shall provide procedures for students and adults to receive developmentally appropriate and age-appropriate emergency preparedness training including:

(a) rescue techniques;

(b) first aid;

(c) safety measures appropriate for specific emergencies; and

(d) other emergency skills.

(2) An LEA shall conduct emergency and fire drills in accordance with Section 15A-5-202.5.

R277-400-7. Emergency Response Review and Coordination.

(1) For purposes of emergency response review and coordination an LEA shall:

(a) provide an annual training for LEA and school building staff regarding an employee's roles, responsibilities, and priorities in the emergency response plan.

(b) require a school to review existing security measures and procedures within the school and make necessary adjustments as funding permits.

(c) develop standards and protections for participants and attendees at school-related activities, especially school-related activities off school property.

(2) An LEA or school shall coordinate with local law enforcement and other public safety representatives in appropriate drills for school safety emergencies.

R277-400-8. Prevention and Intervention.

(1)(a) Each k-12 public school shall implement an evidence-based threat assessment that provides a process for multidisciplinary teams to determine the severity of a threat and what course of action to take.

(b) Each k-12 public school shall utilize a multidisciplinary team that may:

(i) review school safety related data;

(ii) consult on case-specific interventions and disciplinary actions;

(iii) use threat assessment outcomes to inform the disciplinary process;

(iv) involve parents in the intervention process; and

(v) suggest referrals to evidence-informed resources as appropriate.

(2) An LEA's multidisciplinary team shall include a school administrator and other individuals as determined by the LEA to meet the school's needs, which may include:

(a) a school resource officer or local law enforcement officer;

(b) a mental health professional; and

(c) a classroom teacher.

(3) In developing student assistance programs, an LEA may coordinate with other agencies and the Superintendent.

(4) Each k-12 public school shall designate a school safety specialist who:

(a) is employed at the school;

(b) attends relevant school safety specialist training provided by the Superintendent; and

(c) supports the school administration with implementing school safety policy, initiatives, training, and programs.

(5) An LEA shall provide a school comprehensive violence prevention and intervention strategies as part of a school's regular curriculum including:

(a) resource lessons and materials on anger management;

(b) conflict resolution; and

(c) respect for diversity and other cultures.

(6) As part of a violence prevention and intervention strategy in Subsection (5), a school may provide age-appropriate instruction on firearm safety including appropriate steps to take if a student sees a firearm or facsimile in school.

(7) An LEA shall also develop or incorporate tiered student assistance programs to the extent resources permit.

R277-400-9. School and Individual Crisis Response Protocol.

(1) An LEA shall be able to respond to a school or community crisis by:

(a) developing a staff notification process to inform staff of a crisis in a timely manner;

(b) identifying and keeping record of:

(i) crisis response professionals who may assist in crisis response; and

(ii) resources and community partnerships for follow-up or intensive care after a crisis.

(c) adopting a student and parent notification policy that utilizes safe messaging; and

(d) establishing a multi-disciplinary team as described in Subsection R277-400-8(3) to identify interventions for students who may be highly impacted by a crisis.

(2) If an LEA has implemented SafeUT, the LEA shall identify one or more SafeUT liaisons who:

(a) provide information from SafeUT to relevant stakeholders;

(b) communicate with SafeUT concerning updates and feedback; and

(c) attend an annual SafeUT training provided by the Superintendent.

R277-400-10. Cooperation With Governmental Entities.

(1) As appropriate, an LEA may enter into cooperative agreements with other governmental entities to establish proper coordination and support during emergencies.

(2)(a) An LEA shall cooperate with other governmental entities to provide emergency relief services.

(b) An LEA's or a school's plans shall contain procedures for assessing and providing the following for public emergency needs:

(a) school facilities;

(b) equipment; and

(c) personnel.

(3) A plan shall delineate communication channels and lines of authority within the LEA, city, county, and state.

(a) The Superintendent, is the chief officer for emergencies involving more than one LEA, or for state or federal assistance; and

(b) A local governing board, through its superintendent or director, is the chief officer for an LEA emergencies.

R277-400-11. Fiscal Accountability.

(1) An LEA or a school plan shall address procedures for recording an LEA's funds expected for:

(a) emergencies;

(b) assessing and repairing damage; and

(c) seeking reimbursement for emergency expenditures.

R277-400-12. School Carbon Monoxide Detection.

(1) A new educational facility shall have a carbon monoxide detection system installed consistent with International Fire Code (IFC), Chapter 9, Sections 915 through 915.4.5

(2) An existing educational facility shall have a carbon monoxide detection system installed consistent with International Fire Code (IFC), Chapter 11, Section 1103.9.

(3) Where required, an LEA shall provide a carbon monoxide detection system where a fuel-burning appliance, a fuel-burning fireplace, or a fuel-burning forced air furnace is present consistent with IFC 915.1.

(4) An LEA shall install each carbon monoxide detection system consistent with NFPA 720 and the manufacturer's instructions, and listed systems as complying with UL 2034 and UL 2075.

(5) An LEA shall install each carbon monoxide detection system in the locations specified in NFPA 720.

(6) A combination carbon monoxide smoke detector is an acceptable alternative to a carbon monoxide detection system if the combination carbon monoxide and smoke detector is listed consistent with UL 2075 and UL 268.

(7)(a) Each carbon monoxide detection system shall receive primary power from the building wiring if the wiring is served from a commercial source.

(b) If primary power is interrupted, a battery shall provide each carbon monoxide detection system with power.

(c) The wiring for a carbon monoxide detection system shall be permanent and without a disconnecting switch other than that required for over-current protection.

(8) An LEA shall maintain all carbon monoxide detection systems consistent with IFC 915 and NFPA 720.

(9) Performance-based alternative design of carbon monoxide detection systems is acceptable consistent with NFPA 720, Section 6.5.5.6.

(10) An LEA shall monitor carbon monoxide detection systems remotely consistent with NFPA 720.

(11) An LEA shall replace a carbon monoxide detection system that becomes inoperable or begins to produce end-of-life signals.

KEY: carbon monoxide detectors, emergency preparedness, disasters, safety education

Date of Last Change: August 22, 2023

Notice of Continuation: September 13, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-4-402(1)(b)

R277. Education, Administration.

R277-401. Child Abuse-Neglect Reporting by Education Personnel.

R277-401-1. 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) Section 80-2-602, which requires individuals to report suspected child abuse or neglect to appropriate authorities; and

(c) 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 clarify:

(a) the Board's support for taking early protective measures towards allegations of child abuse by education personnel whose daily contact with children places them in a unique position to identify and refer suspected cases of abuse or neglect; and

(b) the role of all school employees in reporting and participating in investigations of suspected child abuse and neglect.

R277-401-2. Definitions.

(1) "Abused child" has the same meaning as defined in Subsection 80-1-102(2).

(2) "DCFS" means the Utah Division of Child and Family Services.

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

(4) "Neglected child" has the same meaning as defined in Subsection)80-1-102(59).

R277-401-3. Policies and Procedures.

(1) Each LEA shall develop and adopt a child abuse-neglect policy, which shall include, at a minimum, the following provisions:

(a) an LEA employee shall cooperate with social service and law enforcement agency employees authorized to investigate charges of child abuse and neglect, including:

(i) allowing appropriate access to students;

(ii) allowing authorized agency employees to interview children consistent with DCFS and local law enforcement protocols;

(iii) making no contact with the parents or legal guardians of children being questioned by DCFs or law enforcement authorities; and

(iv) maintaining appropriate confidentiality;

(b) an LEA shall preserve the anonymity of those reporting or investigating child abuse or neglect; and

(c)(i) any school employee who knows or reasonably believes that a child has been neglected, or physically or sexually abused, shall immediately notify the nearest peace officer, law enforcement agency, or DCFS.

(ii) If a school employee reasonably suspects child abuse or neglect, it is not the responsibility of the school employee to prove that the child has been abused or neglected, or determine whether the child is in need of protection.

(iii) Investigation by education personnel prior to submitting a report should not go beyond that necessary to support a reason to believe that a reportable problem exists.

(2) An LEA policy may direct a school employee to notify a school official of suspected neglect or abuse, but any such requirement shall clarify that notifying a school official does not satisfy the employee's personal duty to report to law enforcement or DCFS.

(3) Persons making reports or participating in an investigation of alleged child abuse or neglect in good faith are immune from any civil or criminal liability that otherwise might arise from those actions, as provided by law.

(4) An LEA shall annually notify an employee of the employee's legal responsibility to report suspected child abuse or neglect to appropriate authorities as described in Section 80-2-602.

KEY: child abuse, employees, reporting, students

Date of Last Change: October 4, 2022

Notice of Continuation: June 28, 2022

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

R277. Education, Administration.

R277-404. Requirements for Assessments of Student Achievement.

R277-404-1. Authority, Purpose, and Oversight Category.

(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 53E-4-302, which directs the Board to adopt rules for the administration of statewide assessments; and

(d) Subsection 53G-6-803(9)(b), which requires the Board to adopt rules to establish a statewide procedure for exempting a student from taking certain assessments.

(2) The purpose of this rule is to:

(a) provide consistent definitions; and

(b) assign responsibilities and procedures for the administration of statewide assessments, as required by state and federal law.

(3) This Rule R277-404 is categorized as Category 3 as described in Rule R277-111.

R277-404-2. Definitions.

(1) "Benchmark reading assessment" means the same as the term is defined in Section R277-406-2.

(2) "Benchmark mathematics assessment" means the same as the term is defined in Section R277-406-2.

(3) "College readiness assessment" means the:

(a) same as that term is described in Section 53E-4-305; and

(b) the ACT.

(4) "English Learner" or "EL student" means a student who is learning in English as a second language.

(5) "English language proficiency assessment" means the WIDA Assessing Comprehension in English State-to-State (ACCESS), which is designed to measure the acquisition of the academic English language for an English Learner student.

(6) "Family Educational Rights and Privacy Act of 1974" or "FERPA," 20 U.S.C. 1232g, means a federal law designed to protect the privacy of students' education records.

(7) "High school assessment":

(a) means the same as that term is described in Section 53E-4-304;

(b) means the "Utah Aspire Plus"; and

(c) includes the Utah Aspire Plus assessment of proficiency in:

(i) math;

(ii) science; and

(iii) reading.

(8) "National Assessment of Education Progress" or "NAEP" means the national achievement assessment administered by the United States Department of Education to measure and track student academic progress.

(9) "Statewide assessment" means an assessment described in Subsection 53G-6-803(9)(a).

(10) "Standards Assessment":

(a) means the same as that term is described in Subsection 53E-4-303(2)(a);

(b) means the "Readiness Improvement Success Empowerment" or "RISE"; and

(c) for each school year, includes one writing prompt from the writing portion of the RISE English language arts assessment for grades 5 and 8.

(11) "Statewide assessment" means the:

(a) the same as that term is defined in Subsection 53E-4-301(2);

(b) Utah alternate assessment; and

(c) English language proficiency assessment.

(12) "Section 504 accommodation plan" means a plan:

(a) required by Section 504 of the Rehabilitation Act of 1973; and

(b) designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

(13)(a) "Utah alternate assessment" means an assessment instrument:

(i) for a student in special education with a disability so severe the student is not able to participate in a statewide assessment even with an assessment accommodation or modification; and

(ii) that measures progress on the Utah core instructional goals and objectives in the student's IEP.

(b) "Utah alternate assessment" means, for English language arts, science and mathematics, the Dynamic Learning Maps (DLM).

(14) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows:

(a) an LEA and the Superintendent to electronically exchange an individual detailed student record; and

(b) electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

R277-404-3. Incorporation of Standard Test Administration and Testing Ethics Policy by Reference.

(1) This rule incorporates by reference the Standard Test Administration and Testing Ethics Policy, dated May 2024, which establishes:

(a) the purpose of testing;

(b) the statewide assessments to which the policy applies;

(c) direction to reference the formative tools' guidance documentation;

(d) teaching practices before assessment occurs;

(e) required procedures for after an assessment is complete and for providing assessment results;

(f) unethical practices;

(g) accountability for ethical test administration;

(h) procedures related to testing ethics violations; and

(i) additional resources.

(2) A copy of the Standard Test Administration and Testing Ethics Policy is located at:

(a) https://schools.utah.gov/administrativerules/documentsincorporated; and

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111.

R277-404-4. Superintendent Responsibilities.

(1) The Superintendent shall facilitate:

(a) administration of statewide assessments; and

(b) participation in NAEP, in accordance with Subsection 53E-4-302(1)(b).

(2) The Superintendent shall provide guidelines, timelines, procedures, and assessment ethics training and requirements for all statewide assessments.

(3) The Superintendent shall designate a testing schedule for each statewide assessment and publish the testing window dates on the Board's website before the beginning of the school year.

R277-404-5. LEA Responsibilities - Time Periods for Assessment Administration.

(1)(a) Except as provided in Subsection (1)(b) and Section R277-404-7 an LEA shall administer statewide assessments to all students enrolled in the grade level or course to which the assessment applies.

(b) A student's IEP team, English Learner team, or Section 504 accommodation plan team shall determine an individual student's participation in statewide assessments consistent with the Utah Participation and Accommodations Policy.

(2) An LEA shall develop a plan to administer statewide assessments.

(3) The plan shall include:

(a) the dates that the LEA will administer each statewide assessment;

(b) professional development for an educator to fully implement the assessment system;

(c) training for an educator, appropriate paraprofessional, or third party proctor in the requirements of assessment administration ethics; and

(d) training for an educator and an appropriate paraprofessional to use statewide assessment results effectively to inform instruction.

(4) An LEA shall provide assurance that the LEA has met the requirements of the LEA's plan to the Superintendent by August 15 annually.

(5) At least once each school year, an LEA shall provide professional development for all educators, administrators, and assessment administrators, including third party proctors, concerning guidelines and procedures for statewide assessment administration, including educator responsibility for assessment security and proper professional practices.

(6) LEA assessment staff or third party proctor staff shall use the Standard Test Administration and Testing Ethics Policy in providing training for all assessment administrators and proctors.

(7) An LEA may not release statewide assessment data publicly until authorized to do so by the Superintendent.

(8) An LEA educator, third party proctor, or trained employee shall administer statewide assessments consistent with the testing schedule published on the Board's website.

(9) An LEA educator, third party proctor, or trained employee shall complete all required assessment procedures before the end of the assessment window defined by the Superintendent.

(10)(a) If an LEA requires an alternative schedule with assessment dates outside of the Superintendent's published schedule, the LEA shall submit the alternative testing plan to the Superintendent by September 15 annually.

(b) The alternative testing plan shall set dates for assessment administration for courses taught face-to-face or online.

R277-404-6. School Responsibilities.

(1) An LEA may not prohibit a student from enrolling in an honors, advanced placement, or International Baccalaureate course:

(a) based solely on a student's score on a statewide assessment; or

(b) because the student was exempted from taking a statewide assessment.

(2) An LEA and school shall require an educator, assessment administrator, and proctor, including a third party proctor, to individually sign a document provided by the

Superintendent acknowledging or assuring that the educator administers statewide assessments consistent with ethics and protocol requirements.

(3) An educator and assessment administrator shall conduct assessment preparation, supervise assessment administration, and certify assessment results before providing results to the Superintendent.

(4) An educator, assessment administrator, and proctor shall securely handle and return all protected assessment materials, where instructed, in strict accordance with the procedures and directions specified in assessment administration manuals, LEA rules and policies, and the Standard Test Administration and Testing Ethics Policy.

R277-404-7. Student and Parent Participation in Student Assessments in Public Schools; Parental Exclusion from Testing and Safe Harbor Provisions.

(1) As used in this section, "penalize" means to put in an unfavorable position or at an unfair disadvantage.

(2)(a) A parent is primarily responsible for a child's education and has the constitutional right to determine which aspects of public education the child participates in, including assessment systems.

(b) Parents may further exercise their inherent rights to exempt their children from a statewide assessment without further consequence by an LEA.

(3)(a) A parent may exercise the right to exempt their child from a statewide assessment.

(b) Except as provided in Subsection (3)(c), an LEA may not penalize a student who is exempted from a statewide assessment under this section.

(c) If a parent exempts the parent's child from the basic civics test required in Sections 53E-4-205 and R277-700-8, the parent's child is not exempt from the graduation requirement in Subsection 53E-4-205(2), and may not graduate without successfully completing the requirements of Sections 53E-4-205 and R277-700-8.

(4)(a) To exercise the right to exempt a child from a statewide assessment under this provision and ensure the protections of this provision, a parent shall:

(i) fill out:

(A) the Parental Exclusion from State Assessment Form provided on the Board's website; or

(B) an LEA specific form as described in Subsection (4)(b); and

(ii) submit the form:

(A) to the principal or LEA either by email, mail, or in person; and

(B) on an annual basis; and

(C) except as provided in Subsection (4)(b), at least one day before the beginning of the assessment.

(b) An LEA may allow a parent to exempt a student from taking a statewide assessment less than one day before the beginning of the assessment upon parental request.

(c) An LEA may create an LEA specific form for a parent to fill out as described in Subsection (4)(a)(i)(B) if:

(i) the LEA includes a list of local LEA assessments that a parent may exempt the parent's student from as part of the LEA specific form; and

(ii) the LEA specific form includes information described in the Parental Exclusion from State Assessment Form provided on the Board's website as described in Subsection (4)(a)(i)(A).

(5)(a) A teacher, principal, or other LEA administrator may contact a parent to verify that the parent submitted a parental exclusion form described in Subsection (4)(a)(i).

(b) An LEA may request, but may not require, a parent to meet with a teacher, principal, or other LEA administrator regarding the parent's request to exclude the parent's student from taking a statewide assessment.

(6) The administration of any assessment that is not a statewide assessment, including consequences associated with taking or failing to take the assessment, is governed by policy adopted by each LEA.

(7) An LEA shall provide a student's individual test results and scores to the student's parent or guardian upon request and consistent with the protection of student privacy.

(8) An LEA may not provide a nonacademic reward to a student for a student's participation in or performance on a statewide assessment.

(9) An LEA shall allow an educator to provide an academic incentive for a student's performance on a statewide assessment in accordance with Subsections 53E-4-303(4)(b), 53E-4-304(3), and 53E-4-305(4).

(10) An LEA shall ensure that a student who has been exempted from participating in a statewide assessment under this section is provided with an alternative learning experience if the student is in attendance during test administration.

(11) An LEA may allow a student who has been exempted from participating in a statewide assessment under this section to be physically present in the room during test administration.

R277-404-8. Public Education Employee Compliance with Assessment Requirements, Protocols, and Security.

(1) An educator, test administrator or proctor, administrator, or school employee may not:

(a) violate any specific assessment administrative procedure specified in the assessment administration manual, violate any state or LEA statewide assessment policy or procedure, or violate any procedure specified in the Standard Test Administration and Testing Ethics Policy;

(b) fail to administer a statewide assessment;

(c) fail to administer a statewide assessment within the designated assessment window;

(d) submit falsified data;

(e) allow a student to copy, reproduce, or photograph an assessment item or component; or

(f) knowingly do anything that would affect the security, validity, or reliability of statewide assessment scores of any individual student, class, or school.

(2) A school employee or third party proctor shall promptly report an assessment violation or irregularity to a building administrator, an LEA superintendent or director, or the Superintendent.

(3) An educator who violates this rule or an assessment protocol is subject to Utah Professional Practices Advisory Commission or Board disciplinary action consistent with Rule R277-215.

(4) All assessment material, questions, and student responses for required assessments is designated protected, consistent with Subsection 63G-2-305(5), until released by the Superintendent.

(5)(a) Each LEA shall ensure that all assessment content is secured so that only authorized personnel have access and that assessment materials are returned to Superintendent following testing, as required by the Superintendent.

(b) An individual educator, third party proctor, or school employee may not retain or distribute test materials, in either paper or electronic form, for purposes inconsistent with ethical test administration or beyond the time period allowed for test administration.

R277-404-9. Data Exchanges.

(1) The Board's IT Section shall communicate regularly with an LEA regarding the required format for electronic submission of required data.

(2) An LEA shall update UTREx data using the processes and according to schedules determined by the Superintendent.

(3) An LEA shall ensure that any computer software for maintaining or submitting LEA data is compatible with data reporting requirements established in Rule R277-484.

(4) The Superintendent shall provide direction to an LEA detailing the data exchange requirements for each statewide assessment.

(5) An LEA shall ensure that all statewide assessment data have been collected and certify that the data are ready for accountability purposes no later than July 12.

(6) An LEA shall verify that it has satisfied all the requirements of the Superintendent's directions described in this section.

(7) Beginning with the 2022-2023 school year and consistent with Utah law, the Superintendent shall return assessment results from all statewide assessments to the school before the end of the school year.

KEY: assessments, student achievements

Date of Last Change: March 10, 2025

Notice of Continuation: July 28, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-4-302; 53E-3-401(4); 53G-6-803(9)(b)

R277. Education, Administration.

R277-406. Early Learning Program and Assessments.

R277-406-1. Authority, Purpose, and Oversight Category.

(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 53E-3-521, which requires the board to define the components of the early mathematics plan and establish a statewide target using data from the mathematics benchmark assessment;

(d) Section 53E-4-307, which requires the Board to approve a benchmark assessment for statewide use to assess the reading and mathematics competency of students in grades one, two, and three; and

(e) Section 53G-7-203, which requires the Board to establish rules regarding the administration of and reporting regarding the kindergarten assessment.

(2) The purpose of this rule is:

(a) to outline the responsibilities of the Superintendent and LEAs for implementation of Section 53E-3-521 and the Board's administration of Early Learning in the state, including to:

(i) set expectations for LEA Early Learning Plans;

(ii) establish timelines for LEA Early Learning Plans;

(iii) provide definitions and designate assessments required in Sections 53E-4-307 and 53E-4-307.5;

(iv) provide testing reporting windows, and timelines; and

(v) require LEAs to submit student reading and mathematics assessment data to the Board; and

(b) designate the kindergarten assessment and establish timelines and requirements for administration and reporting kindergarten assessment results and enrollment.

(3) This Rule R277-406 is categorized as Category 3 as described in Rule R277-111.

R277-406-2. Definitions.

(1)(a) "Benchmark reading assessment" means the Acadience Reading assessment.

(b) The "benchmark reading assessment:"

(i) is given three times each year;

(ii) gives teachers information to:

(A) plan appropriate instruction; and

(B) evaluate the effects of instruction; and

(iii) provides data about student preparation for success on an end of year criterion referenced test.

(2)(a) "Benchmark mathematics assessment" means the Acadience Math assessment;

(b) The "benchmark mathematics assessment:

(i) is given three times each year;

(ii) gives teachers information to:

(A) plan appropriate instruction; and

(B) evaluate the effects of instruction; and

(iii) provides data about student preparation for success on an end of year criterion referenced test.

(3) "Components of early mathematics" means the key areas of mathematical learning including:

(a) conceptual understanding;

(b) procedural fluency;

(c) strategic and adaptive mathematical thinking; and

(d) productive disposition.

(4) "Conceptual understanding" means the comprehension and connection of concepts, operations, and relations.

(5) "Evidence-based" means a strategy that has demonstrated a statistically significant effect on improving student outcomes.

(6) "Parental notification requirements" means notice by any reasonable means, including electronic notice, notice by telephone, written notice, or personal notice.

(7) "Plan" means the Early Learning plan described in Section 53G-7-218.

(8) "Procedural fluency" means the meaningful, flexible, accurate, and efficient use of procedures to solve problems.

(9) "Productive disposition" means the attitude of a student who sees mathematics as useful and worthwhile while exercising a steady effort to learn mathematics.

(10) "Reading on Grade Level" or "ROGL" means a third grade student is scoring above benchmark and meets or exceeds 405 on the end of year benchmark reading assessment to achieve the strenuous statewide goal of 70% third grade-level proficiency as required by Section 53E-3-1001.

(11) "Scoring above benchmark" means that a student will likely need effective core instruction to meet subsequent learning goals and may benefit from instruction on more advanced skills.

(12) "Scoring below or well below benchmark" means that a student:

(a) performs below or well below the benchmark score on the benchmark reading or benchmark mathematics assessment; and

(b) requires additional instruction beyond that provided to typically-developing peers to close the gap between the student's current level of achievement and that expected of all students in that grade.

(13) "Remediation interventions" means reading or mathematics instruction or activities, or both, given to students in addition to their regular instruction, during another time in the school day, outside regular instructional time, or in the summer, which is focused on specific needs as identified by reliable and valid assessments.

(14) "Strategic and adaptive mathematical thinking" means the ability to formulate, represent, and solve mathematical problems with the capacity to justify the logic used to arrive at the solution.

(15) "Utah eTranscript and Record Exchange" or "UTREx" means the same as that term is defined in Section R277-404-2.

R277-406-3. Incorporation by Reference of Science of Reading Resources.

(1) This rule incorporates by reference the Science of Reading Elementary English Language Arts Curriculum Checklist, as of June 2025; and

(2) A copy of this document is located at:

(a) https://www.schools.utah.gov/administrativerules/documentsincorporated; and

(b) the offices of the Utah State Board of Education.

R277-406-4. Benchmark Reading and Mathematics Assessments.

(1) Subject to legislative appropriations, and except as provided in Subsection (2), an LEA shall administer the benchmark reading and mathematics assessments:

(a) annually:

(i) in grade 1, grade 2, and grade 3; and

(ii) beginning with the 2024-25 school year, in kindergarten; and

(b) within the following testing windows:

(i) the first benchmark between the first day of school and September 30;

(ii) the second benchmark between December 1 and January 31; and

(iii) the third benchmark between April 15 and June 15.

(2) An LEA shall annually report benchmark reading and mathematics assessment results to the Superintendent by:

(a) October 30;

(b) February 28; and

(c) June 30.

(3) If the benchmark reading or mathematics assessment indicates a student is scoring below or well below benchmark:

(a) for reading, the LEA shall implement the parental notification requirements and evidence-based reading remediation interventions described in Section 53E-4-307;

(b) for mathematics, the LEA shall implement parental notification requirements similar to those described for reading in Subsection (4)(a) and evidence-based mathematics remediation interventions.

(4) An LEA shall report benchmark reading and mathematics assessment results annually to parents of students in grade 1, grade 2, and grade 3 by:

(a) October 30;

(b) February 28; and

(c) June 30.

(5) An LEA shall report benchmark reading and mathematics assessment results annually to parents of students in kindergarten by the deadlines described in Subsection (4).

(6) An LEA shall annually submit to UTREx the following information from the benchmark reading and mathematics assessment:

(a) whether or not each student received remediation intervention; and

(b) UTREx Special Codes related to the benchmark reading and mathematics assessment.

R277-406-5. Early Learning Plans -- LEA and Superintendent Requirements - Timelines.

(1) An LEA shall submit a plan in accordance with Section 53G-7-218 that contains:

(a) the components of early mathematics as defined in Section 53E-3-521;

(b) an assurance that:

(i) the LEA has adopted high quality instructional materials and intervention programs aligned with the effective research regarding the science of reading; and

(ii) the LEA's reading strategies meet the criteria outlined in Section 53G-11-303;

(c) the reading curriculum currently adopted by the LEA; and

(d) other required materials within established deadlines.

(2) An LEA shall submit its plan to the Superintendent before August 1 for approval.

(3)(a) An LEA shall present the plan in an open and public meeting of the LEA's governing board.

(b) The LEA shall also report on the outcomes of the previous year's plan during the same meeting or a subsequent open and public meeting.

(4) Within three weeks of an LEA submitting a plan to the Superintendent, the Superintendent shall notify the LEA if the plan was approved or if modifications to the plan are required.

(5) If the Superintendent does not approve an LEA's plan, the LEA may, by September 15:

(a) incorporate needed changes or provisions; and

(b) resubmit the amended plan in accordance with Subsection (2)(a) of this part.

(6) If an LEA timely resubmits a plan that includes the required modifications, the Superintendent shall approve the plan by October 1.

(7) When reviewing an LEA plan for approval, the Superintendent shall evaluate the extent to which the LEA's goals within the plan are ambitious, yet attainable.

R277-406-6. Accountability and Reporting on Early Learning Plans.

(1) An LEA shall annually report progress toward the goals outlined in the LEA's plan to the Superintendent by June 30.

(2) In accordance with Section 53G-7-218, a growth goal in an LEA's plan:

(a) is calculated using the percentage of students in an LEA's grades 1 through 3 who made typical, above typical, or well-above typical progress from the beginning of the year to the end of the year, as measured by the benchmark mathematics assessment; and

(b) sets the mathematics target percentage of students in grades 1 through 3 making typical or better progress at a minimum of 60%.

(3) The Superintendent shall use the information provided by an LEA described in Section R277-406-5 to determine the progress of each student in grades 1 through 3 within the following categories:

(i) well-above typical;

(ii) above typical;

(iii) typical;

(iv) below typical; or

(v) well below typical.

(4) The Superintendent shall report the percentage of students reading on grade level in Grade 3 annually.

(5) If an LEA does not make sufficient progress toward its goals as defined in Subsection (6), the Superintendent shall assign the LEA to the Early Learning System of Support to participate in interventions to improve early mathematics.

(6) Except as provided in Subsection (7), consistent with Section 53G-7-218, sufficient progress toward plan goals means the LEA meets:

(a) the state's growth goals for math; and

(b) at least one of the LEA-designated goals addressing performance gaps.

(7) In accordance with Subsection 53-G-7-218(3) the Superintendent shall implement strategies to provide support to LEA's assigned to the Early Learning System of Support, designed to assist the LEA in meeting the early learning plan goals as outlined in Section 53-G-7-218.

R277-406-7. Kindergarten Enrollment Reporting.

(1) An LEA shall submit student membership information daily to the Superintendent using the appropriate kindergarten code through UTREx.

(2) The Superintendent shall review October 1 and June 15 kindergarten membership information annually to inform LEA funding allocations.

KEY: reading, improvement, goals

Date of Last Change: August 7, 2025

Notice of Continuation: January 13, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-521; 53E-4-307; 53E-4-307.5; 53G-7-203

R277. Education, Administration.

R277-407. School Fees.

R277-407-1. Authority and Purpose.

(1) This rule is authorized under:

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

(b) Utah Constitution Article X, Section 2, which provides that:

(i) public elementary schools shall be free; and

(ii) secondary schools shall be free, unless the Legislature authorizes the imposition of fees;

(c) 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;

(d) Subsection 53G-7-503(4), which requires the Board to adopt rules regarding student fees; and

(e) Section 53G-7-504 which authorizes waiver of fees for eligible students with appropriate documentation.

(2) The purpose of this rule is to:

(a) permit the orderly establishment of a system of reasonable fees;

(b) provide adequate notice to students and families of fees and fee waiver requirements; and

(c) prohibit practices that would:

(i) exclude those unable to pay from participation in school-sponsored activities; or

(ii) create a burden on a student or family as to have a detrimental impact on participation.

(3) This R277-407 is categorized as Category 3 as described in Rule R277-111.

R277-407-2. Definitions.

(1) "Common education expense" means the same as that term is defined in Section 53G-7-501.

(2) "Course" means the same as that term is defined in Section 53G-7-501.

(3) "Discretionary Project" means the same as that term is defined in Section 53G-7-501.

(4) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.

(5) "Fee" means the same as that term is defined in Section 53G-7-501.

(6) "Fee course" means the same as that term is defined in Section 53G-7-501.

(7) "Fundraiser," "fundraising," or "fundraising activity" means the same as that term is defined in Rule R277-408.

(8) "Individual fundraiser" or "individual fundraising" means the same as that term is defined in Rule R277-408.

(9) "Instructional equipment" means the same as that term is defined in Section 53G-7-501.

(10) "Instructional supply" means the same as that term is defined in Section 53G-7-501.

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

(12) "Noncurricular club" has the same meaning as that term is defined in Section 53G-7-701.

(13) "Non-fee course" means the same as that term is defined in Section 53G-7-501.

(14) "Non-waivable charge" means a cost, payment, or expenditure that:

(a) is a personal discretionary charge or purchase, including:

(i) a charge for insurance, unless the insurance is required for a student to participate in an activity, class, or program;

(ii) a charge for college credit related to the successful completion of:

(A) a concurrent enrollment class; or

(B) an advanced placement examination; or

(iii) except when requested or required by an LEA, a charge for a personal consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar item;

(b) is subject to sales tax as described in Utah State Tax Commission Publication 35, Sales Tax Information for Public and Private Elementary and Secondary Schools; or

(c) by Utah Code, federal law, or Board rule is designated not to be a fee, including:

(i) a school uniform as provided in Section 53G-7-801;

(ii) a school lunch; or

(iii) a charge for a replacement for damaged or lost school equipment or supplies.

(15)(a) "Personal student supplies" means items which are the personal property of a student which, although used in the instructional process, are also commonly purchased and used by persons not enrolled in the class or activity in question and have a high probability of regular use in other than school-sponsored activities.

(b) "Personal student supplies" include:

(i) pencils;

(ii) paper;

(iii) notebooks;

(iv) crayons;

(v) scissors;

(vi) basic clothing for healthy lifestyle classes; and

(vii) similar personal or consumable items over which a student retains ownership.

(c) "Personal student supplies" does not include items listed in Subsection (15)(b) if the requirement from the school for the student supply includes specific requirements such as brand, color, or a special imprint to create a uniform appearance not related to basic function.

(16)(a) "Provided, sponsored, or supported by a school" means an activity, class, program, club, camp, clinic, or other event that:

(i) is authorized by an LEA or school, according to local education board policy; or

(ii) satisfies at least one of the following conditions:

(A) the activity, class, program, club, camp, clinic, or other event is managed or supervised by an LEA or school, or an LEA or school employee in the employee's school employment capacity;

(B) the activity, class, program, club, camp, clinic, or other event uses, more than inconsequentially, the LEA or school's facilities, equipment, or other school resources; or

(C) the activity, class, program, club, camp, clinic, or other event is supported or subsidized, more than inconsequentially, by public funds, including the school's activity funds or minimum school program dollars.

(b) "Provided, sponsored, or supported by a school" does not include an activity, class, or program that meets the criteria of a noncurricular club as described in Title 53G, Chapter 7, Part 7, Student Clubs.

(17)(a) "Provision in lieu of fee" means an alternative to fee payment.

(b) "Provision in lieu of fee" may include a plan under which fees are paid in installments or under some other delayed payment arrangement or a service in lieu of fee payment agreement.

(18) "Regular school day" has the same meaning as the term "school day" described in Section R277-419-2.

(19) "Requested or required by an LEA as a condition to a student's participation" means something of monetary value that is impliedly or explicitly mandated or necessary for a student, parent, or family to provide so that a student may:

(a) fully participate in school or in a school activity, class, or program;

(b) successfully complete a school class for the highest grade; or

(c) avoid a direct or indirect limitation on full participation in a school activity, class, or program, including limitations created by:

(i) peer pressure, shaming, stigmatizing, bullying, or the like; or

(ii) withholding or curtailing any privilege that is otherwise provided to any other student.

(20) "Scholarship expense" means the same as that term is defined in Section 53F-6-401.

(21) "Scholarship student" means the same as that term is defined in Section 53F-6-401.

(22) "School activity clothing" means the same as that term is defined in Section 53G-7-501.

(23)(a) "School equipment" means the same as that term is defined in Section 53G-7-501.

(b) "School equipment" includes a saw or 3D printer.

(24)(a) "Something of monetary value" means a charge, expense, deposit, rental, fine, or payment, regardless of how the payment is termed, described, requested or required directly or indirectly, in the form of money, goods or services.

(b) "Something of monetary value" includes:

(i) charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges;

(ii) payments made to a third party that provide a part of a school activity, class, or program;

(iii) classroom supplies or materials; and

(iv) a fine, except for a student fine specifically approved by an LEA for:

(A) failing to return school property;

(B) losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior; or

(C) improper use of school property, including a parking violation.

(c) "Something of monetary value" does not include a payment or charge for damages, which may reasonably be attributed to normal wear and tear.

(25) "Supplemental Nutrition Assistance Program" or "SNAP" means a program, formerly known as food stamps, which provides nutrition benefits to supplement the food budget of low income families through the Utah Department of Workforce Services.

(26) "Supplemental Security Income for children with disabilities" or "SSI" means a benefit administered through the Social Security Administration that provides payments for qualified children with disabilities in low income families.

(27) "Temporary Assistance for Needy Families" or "TANF," means a program, formerly known as AFDC, which provides monthly cash assistance and food stamps to low income families with children under age 18 through the Utah Department of Workforce Services.

(28) "Textbook" means the same as that term is defined in Section 53G-7-501.

(29) "Waiver" means the same as that term is defined in Section 53G-7-501.

R277-407-3. Classes and Activities During the Regular School Day.

(1) An LEA may not charge a fee in kindergarten through grade six for:

(a) materials;

(b) textbooks;

(c) supplies, except for student supplies described in Subsection (6); or

(d) any class or regular school day activity, including assemblies and field trips.

(2)(a) An LEA may charge a fee related to an activity, class, or program provided, sponsored, or supported by a school for a student in a secondary school that takes place during the regular school day if:

(i) the fee is allowed to be charged under Title 53G, Chapter 7, Student Fees; and

(ii) the fee is noticed and approved as provided in this rule.

(b) All fees are subject to the fee waiver requirements of Section R277-407-8.

(3)(a) Notwithstanding, Subsection (1) and except as provided in Subsection (3)(b), a school may charge a fee to a student in grade six if the student attends a school that includes any of grades seven through twelve.

(b) A school that provides instruction to students in grades other than grades six through twelve may not charge fees for grade six unless the school follows a secondary model of delivering instruction to the school's grade six students.

(c) If a school charges fees in accordance with Subsection (3)(a), the school shall annually provide notice to parents that the school will collect fees from grade six students and that the fees are subject to waiver.

(4) If a class is established or approved, which requires payment of fees or purchase of items in order for students to participate fully and to have the opportunity to acquire skills and knowledge required for full credit and highest grades, the fees or costs for the class shall be subject to the fee waiver requirements of Section R277-407-8.

(5)(a) In project related courses, projects required for course completion shall be included in the course fee.

(b) A school may require a student at any grade level to provide materials or pay for an additional discretionary project if the student chooses a project in lieu of, or in addition to a required classroom project.

(c) A school shall avoid allowing high cost additional projects, particularly if authorization of an additional discretionary project results in pressure on a student by teachers or peers to also complete a similar high cost project.

(d) A school may not require a student to select an additional project as a condition to enrolling, completing, or receiving the highest possible grade for a course.

(6) An elementary school or elementary school teacher may provide to a student's parent or guardian, a suggested list of student supplies for use during the regular school day so that a parent or guardian may furnish, on a voluntary basis, student supplies for student use, provided that, in accordance with Section 53G-7-503, the following notice is provided with the list:

"NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS, OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

(7) A school may require a secondary student to provide student supplies, subject to the requirements of Section 53G-7-503 and Section R277-407-8.

(8)(a) A school may require a secondary student to provide school activity clothing.

(b) School activity clothing is considered a fee and is subject to fee waiver.

(9) As provided in Subsection 53G-7-802(4), an LEA's school uniform policy, including a requirement for a student to wear a school uniform, is not considered a fee for either an elementary or a secondary school if the LEA's school uniform policy is consistent with the requirements of Title 53G, Chapter 7, Part 8, School Uniforms.

R277-407-4. School Activities Outside of the Regular School Day.

(1) A school may charge a fee, subject to the requirements of Section R277-407-8, related to any school-sponsored activity, that does not take place during the regular school day, regardless of the age or grade level of the student, if participation in the activity is voluntary and does not affect a student's grade or ability to participate fully in any course taught during the regular school day.

(2) A fee related to a fee course may not exceed the maximum fee amounts for the fee course adopted by the LEA governing board as described in Subsection R277-407-6(2).

(3) A school may only collect a fee for an activity, class, or program provided, sponsored, or supported by a school consistent with LEA policies and state law.

(4) An LEA that provides, sponsors, or supports an activity, class, or program outside of the regular school day or school calendar is subject to the requirements of this rule regardless of the time or season of the activity, class, or program.

R277-407-5. Fee Waivable Activities, Classes, or Programs Provided, Sponsored, or Supported by a School.

Fees for the following are waivable:

(1) an activity, class, or program that is:

(a) primarily intended to serve school-age children, including a student participating in an activity, class, or program through dual enrollment as described in Rule R277-438 or as described in Rule R277-494; and

(b) taught or administered, more than inconsequentially, by a school employee as part of the employee's assignment;

(2) an activity, class, or program that is explicitly or implicitly required:

(a) as a condition to receive a higher grade, or for successful completion of a school class or to receive credit, including a requirement for a student to attend a concert or museum as part of a music or art class for extra credit; or

(b) as a condition to participate in a school activity, class, program, or team, including, a requirement for a student to participate in a summer camp or clinic for students who seek to participate on a school team, such as cheerleading, football, soccer, dance, or another team;

(3) an activity or program that is promoted by a school employee, such as a coach, advisor, teacher, school-recognized volunteer, or similar person, during school hours where it could be reasonably understood that the school employee is acting in the employee's official capacity;

(4) an activity or program where full participation in the activity or program includes:

(a) travel for state or national educational experiences or competitions;

(b) debate camps or competitions; or

(c) music camps or competitions;

(5) a concurrent enrollment, CTE, IB, or AP course; and

(6) the cost to access software, digital content, or other instructional materials required as part of an activity, course, or program.

R277-407-6. LEA Requirements to Establish a Fee Schedule -- Maximum Fee Amounts -- Notice to Parents.

(1) An LEA, school, school official, or employee may not charge or assess a fee or request or require something of monetary value related to an activity, class, or program provided, sponsored, or supported by, and including for a fee course, unless the fee:

(a) has been set and approved by the LEA's governing board;

(b) is equal to or less than the maximum fee amount established by the LEA governing board as described in Subsection (4); and

(c) is included in an approved fee schedule.

(2)(a) If an LEA charges a fee, on or before June 1 and in consultation with stakeholders, the LEA governing board shall annually adopt a fee schedule and fee policies for the LEA in a regularly scheduled public meeting.

(b) Before approving the LEA's fee schedule described in this section, an LEA shall provide an opportunity for the public to comment on the proposed fee schedule during a minimum of two public LEA governing board meetings.

(c) An LEA shall:

(i) provide public notice of the meetings described in Subsections (2)(a) and (b) in accordance with Title 52, Chapter 4, Open and Public Meetings Act; and

(ii) encourage public participation in the development of fee schedules and waiver policies.

(d) In addition to the notice requirements of Subsection (2)(c), an LEA shall provide notice to parents and students of the meetings described in Subsections (2)(a) and (b) using the same form of communication regularly used by the LEA to communicate with parents, including notice by email, text, flyer, or phone call.

(e) An LEA shall keep minutes of meetings during which fee and waiver policies are developed or adopted, together with copies of approved policies, in accordance with Section 52-4-203.

(3) After the fee schedule described in Subsection (2)(a) is adopted, an LEA may amend the LEA's fee schedule if the LEA follows the process described in Subsection (2) before approving the amended fee schedule.

(4)(a) As part of an LEA's fee setting process, an LEA shall establish:

(i) a maximum fee amount per student for each activity; and

(ii) a maximum total aggregate fee amount per student per school year.

(b) An LEA may establish a reasonable number of activities, courses, or programs that will be covered by the annual maximum fee amount described in Subsection (4)(a).

(5) As part of an LEA's fee setting process described in this section, the LEA may review and consider the following per school:

(a) the school's cost to provide the activity, class, or program;

(b) the school's student enrollment;

(c) the median income of families:

(i) within the school's boundary; or

(ii) enrolled in the school;

(d) the number and monetary amount of fee waivers, designated by individual fee, annually granted within the prior three years;

(e) the historical participation and school interest in certain activities;

(f) the prior year fee schedule;

(g) the amount of revenue collected from each fee in the prior year;

(h) fundraising capacity;

(i) prior year community donors; and

(j) other resources available, including through donations and fundraising.

(6)(a) If an LEA charges a fee, the LEA shall:

(i) annually publish the following on each of the LEA's schools' publicly available websites:

(A) the LEA's fee waiver policies and fee schedule, including the fee maximums described in Subsection (4);

(B) the LEA's fee waiver application;

(C) the LEA's fee waiver decision and appeals form; and

(D) the LEA's school fee notice for families;

(ii) annually include a copy of the LEA's fee schedule and fee waiver policies with the LEA's registration materials;

(iii) beginning in the 2026-2027 school year, clearly identify any fee for each activity, course, or program alongside the description of the activity, course, or program in the LEA's registration materials; and

(iv) provide a copy of the LEA's fee schedule and fee waiver policies to a student's parent who enrolls a student after the initial enrollment period.

(b) If an LEA's student or parent population in a single written language other than English exceeds 20%, the LEA shall also publish the LEA's fee schedule and fee waiver policies in the language of those families.

(c) An LEA representative shall meet personally with each student's parent or family and make available an interpreter for the parent to understand the LEA's fee waiver schedules and policies if:

(i) the student or parent's first language is a language other than English; and

(ii) the LEA has not published the LEA's fee schedule and fee waiver policies in the parent's first language.

(7)(a) An LEA policy shall include easily understandable procedures for obtaining a fee waiver and for appealing an LEA's denial of a fee waiver, as soon as possible before the fee becomes due.

(b) If an LEA denies a student or parent request for a fee waiver, the LEA shall provide the student or parent:

(i) the LEA's decision to deny a waiver; and

(ii) the procedure for the appeal in the form approved by the Board.

(8)(a) A school may not deny a present or former student receipt of transcripts or a diploma, nor may a school refuse to issue a grade for a course for failure to pay school fees.

(b) A school may impose a reasonable charge to cover the cost of duplicating, mailing, or transmitting transcripts and other school records.

(c) A school may not charge for duplicating, mailing, or transmitting copies of school records to an elementary or secondary school in which a former student is enrolled or intends to enroll.

(9) To preserve equal opportunity for all students and to limit diversion of money and school and staff resources from the basic school program, each LEA's fee policies shall be designed to limit student expenditures for school-sponsored activities, including expenditures for activities, uniforms, clubs, clinics, travel, and subject area and vocational leadership organizations, whether local, state, or national.

(10)(a) Beginning with the 2026-2027 school year, each LEA shall ensure that each school that awards credit toward graduation provides at least one option for each graduation requirement that:

(i) fulfills the graduation requirement; and

(ii) does not require the payment or waiver of any fee.

(b) Notwithstanding Subsection (10)(a), a charter school that only offers one of the following for a given graduation requirement is not required to provide an option that does not require the payment or waiver of any fee:

(i) an Advanced Placement course;

(ii) an International Baccalaureate course; or

(iii) a concurrent enrollment course, as described in Section 53E-10-302.

(c) Nothing in Subsection (10) requires an LEA or a school to provide, without a fee or fee waiver:

(i) a specific activity, course, or program; or

(ii) the student's preferred activity, course, or program.

R277-407-7. Fee Structure for Scholarship Student Expenses.

(1) An LEA that offers classes, programs, or services to scholarship students that include expenses beyond tuition shall establish a transparent and fair fee structure for those expenses.

(2) An LEA may establish the fee structure required under this Subsection (1) without adhering to the requirements of Sections R277-407-1 through R277-407-6.

(3) The fee schedule required under this Subsection (7) shall:

(a) be based on actual costs of providing the services or items covered by the scholarship;

(b) be consistent with fees charged to enrolled students for the same services or items, if applicable;

(c) itemize all charges and fees;

(d) explain the basis for each fee; and

(e) be updated annually.

R277-407-8. Donations in Lieu of Fees.

(1)(a) A school may not request or accept a donation in lieu of a fee from a student or parent unless the activity, class, or program for which the donation is solicited will otherwise be fully funded by the LEA and receipt of the donation will not affect participation by an individual student.

(b) A donation is a fee if a student or parent is required to make the donation as a condition to the student's participation in an activity, class, or program.

(c) An LEA may solicit and accept a donation or contribution in accordance with the LEA's policies, but such requests must clearly state that donations and contributions by a student or parent are voluntary.

(2) If an LEA solicits donations, the LEA:

(a) shall solicit and handle donations in accordance with policies established by the LEA; and

(b) may not place any undue burden on a student or family in relation to a donation.

(3) An LEA may raise money to offset the cost to the LEA attributed to fee waivers granted to students through the LEA's foundation.

(4) An LEA shall direct donations provided to the LEA through the LEA's foundation in accordance with the LEA's policies governing the foundation.

(5) If an LEA accepts a donation, the LEA shall prevent potential inequities in schools within the LEA when distributing the donation.

R277-407-9. Fee Waivers.

(1)(a) All fees are subject to waiver.

(b) Fees charged for an activity, class, or program held outside of the regular school day, during the summer, or outside of an LEA's regular school year are subject to waiver.

(c) Non-waivable charges are not subject to waiver.

(2)(a) Except as provided in Subsection (2)(b), an LEA may not use revenue collected through fees to offset the cost of fee waivers by requiring students and families who do not qualify for fee waivers to pay an increased fee amount to cover the costs of students and families who qualify for fee waivers.

(b) An LEA may notify students and families that the students and families may voluntarily pay an increased fee amount or provide a donation to cover the costs of other students and families.

(3) An LEA shall provide, as part of any fee policy or schedule, for adequate waivers or other provisions in lieu of a fee to ensure that no student is denied the opportunity to participate in a class or school-sponsored or supported activity because of an inability to pay a fee.

(4) An LEA shall designate at least one person at an appropriate administrative level in each school to review and grant fee waiver requests.

(5) An LEA shall administer the process for obtaining a fee waiver or pursuing an alternative fairly, objectively, without delay, and in a manner that avoids stigma, embarrassment, undue attention, and unreasonable burdens on students and parents.

(6) An LEA may not treat a student receiving a fee waiver or provision in lieu of a fee waiver differently from other students.

(7) A school may not identify a student on fee waiver to students, staff members, or other persons who do not need to know.

(8)(a) An LEA shall ensure that a fee waiver or other provision in lieu of a fee payment is available to any student whose parent cannot pay a fee.

(b) A school or LEA administrator shall verify fee waivers consistent with this rule.

(9) An LEA shall adopt a fee waiver policy for review and appeal of fee waiver requests which:

(a) provides parents the opportunity to review proposed alternatives to fee waivers;

(b) establishes a timely appeal process, which shall include the opportunity to appeal to the LEA or its designee; and

(c) suspends any requirement that a given student pay a fee during any period for which the student's eligibility for waiver is under consideration or during which an appeal of denial of a fee waiver is in process.

(10) An LEA may pursue reasonable methods for collecting student fees, but may not, as a result of unpaid fees:

(a) exclude a student from a school, an activity, class, or program that is provided, sponsored, or supported by a school during the regular school day;

(b) refuse to issue a course grade; or

(c) withhold official student records, including written or electronic grade reports, class schedules, diplomas or transcripts.

(11)(a) A school may withhold student records in accordance with Subsection 53G-8-212(2)(a).

(b) Notwithstanding Subsection (13)(a), a school may not withhold any records required for student enrollment or placement in a subsequent school.

(12) A school is not required to waive a non-waivable charge.

R277-407-10. Service In Lieu of Fees -- Provisions In Lieu of Fees -- Voluntary Requests for Installment Plans.

(1) Subject to the requirements of Subsection (2), an LEA may allow a student to perform service in lieu of a fee, but service in lieu of a fee may not be required.

(2) An LEA may allow a student to perform service in lieu of a fee if the LEA establishes a policy as described in Subsection R277-407-14(2).

(3)(a) A student who performs service may not be treated differently than other students who pay a fee.

(b) The service may not create an unreasonable burden for a student or parent and may not be of such a nature as to demean or stigmatize the student.

(4) An LEA shall transfer a student's service credit to:

(a) another school within the LEA; or

(b) another LEA upon request of the student.

(5)(a) An LEA may make an installment payment plan available to a parent or student to pay for a fee.

(b) An installment payment plan described in Subsection (5)(a) may not be required in lieu of a fee waiver.

(6) An LEA may provide optional individual fundraising opportunities for students to raise money to offset the cost of the student's fees as provided in Rule R277-408.

R277-407-11. Fee Waiver Eligibility.

(1) A student is eligible for fee waiver if an LEA receives verification that:

(a) in accordance with Subsection 53G-7-504(4), based on the family income levels established by the Superintendent as described in Subsection (2);

(b) the student to whom the fee applies receives SSI;

(c) the family receives TANF or SNAP funding;

(d) the student is in foster care through the Division of Child and Family Services;

(e) the student is in state care; or

(f) the student qualifies for McKinney-Vento Homeless Assistance Act assistance.

(2) The Superintendent shall annually establish income levels for fee waiver eligibility and publish the income levels on the Board's website.

(3) In lieu of income verification, an LEA may require alternative verification under the following circumstances:

(a) If a student's family receives TANF or SNAP, an LEA may require the student's family to provide to the LEA an electronic copy or screenshot of the student's family's eligibility determination or eligibility status covering the period for which a fee waiver is sought from the Utah Department of Workforce Services;

(b) If a student receives SSI, an LEA may require a benefit verification letter from the Social Security Administration;

(c) If a student is in state care or foster care, an LEA may rely on the youth in care required intake form and school enrollment letter or both provided by a case

worker from the Utah Division of Child and Family Services or the Utah Juvenile Justice Department; or

(d) If a student qualifies for McKenny-Vento, verification is obtained through the LEAs McKinney-Vento liaison.

(4)(a) An LEA may not subject a family to unreasonable demands for re-qualification.

(b) A school may grant a fee waiver to a student, on a case-by-case basis, who does not qualify for a fee waiver under Subsection (1), but who, because of extenuating circumstances is not reasonably capable of paying the fee.

(5) An LEA may charge a proportional share of a fee or reduced fee if circumstances change for a student or family so that fee waiver eligibility no longer exists.

(6) An LEA may retroactively waive fees if eligibility can be determined to exist before the date of the fee waiver application.

R277-407-12. Fees for Textbooks.

(1) An LEA may not charge a fee for a textbook as provided in Section 53G-7-506, except for a textbook used for a concurrent enrollment, International Baccalaureate, or Advanced Placement course as described in Subsection (2).

(2)(a) An LEA may charge a fee for a textbook used for a concurrent enrollment, International Baccalaureate, or Advanced Placement course.

(b) A fee for a textbook used for a concurrent enrollment, International Baccalaureate, or Advanced Placement course is fee waivable as described in Section R277-407-9.

R277-407-13. Budgeting and Spending Revenue Collected Through Fees -- Fee Revenue Sharing Requirements.

(1) An LEA shall follow the general accounting standards described in Rule R277-113 for treatment of fee revenue.

(2) An LEA shall establish a spend plan for the revenue collected from each fee charged.

(3)(a) A spend plan described in Subsection (2)(a) provides students, parents, and employees transparency by identifying a fee's funding uses.

(b) An LEA or school's spend plan shall identify the needs of the activity, course, or program for the fee being charged and shall include a list or description of anticipated types of expenditures, for the current fiscal year or as carryover for use in a future fiscal year, funded by the fee charged.

(4)(a) An LEA that has multiple schools shall establish a procedure to identify and address potential inequities due to the impact of the number of students who receive fee waivers within each of the LEA's schools.

(b) For an LEA with multiple schools, the LEA shall distribute the impact of fee waivers across the LEA so that no school carries a disproportionate share of the LEA's total fee waiver burden.

R277-407-14. Fee Waiver Reporting Requirements.

(1) An LEA shall collect the following information, which may be requested by the Superintendent as part of the Superintendent's monitoring of the LEA's school fees practices:

(a) a summary of:

(i) the number of students in the LEA given fee waivers;

(ii) the number of students who worked in lieu of a waiver;

(iii) the number of students denied fee waivers; and

(iv) the total dollar value of student fees waived by the LEA; and

(b) the total dollar amount of all fees charged to students within all schools within the LEA.

(2) An LEA shall submit school fee revenue information in the Utah Public Education Financial System as provided in Rule R277-113.

R277-407-15. LEA Required Policies -- Superintendent and LEA Policy and Training Requirements.

(1) An LEA that charges fees shall adopt policies that include at least the following:

(a) a process for obtaining waivers or pursuing alternatives that is administered fairly, objectively, and without delay, and avoids stigma and unreasonable burdens on students and families;

(b) a process with no visible indicators that could lead to identification of fee waiver applicants;

(c) a process that complies with the privacy requirements of The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA);

(d) a student may not collect fees or assist in the fee waiver approval process;

(e) a standard written decision and appeal form is provided to every applicant; and

(f) during an appeal the requirement that the fee be paid is suspended.

(2) An LEA may allow a student to perform service in lieu of a fee as described in Section R277-407-10 if:

(a) the LEA establishes a service policy that ensures that a service assignment is appropriate to the:

(i) age of the student;

(ii) physical condition of the student; and

(iii) maturity of the student;

(b) the LEA's service policy is consistent with state and federal laws, including:

(i) Section 53G-7-504; and

(ii) the Federal Fair Labor Standards Act, 29 U.S.C. 201;

(c) the service can be performed within a reasonable period; and

(d) the service is at least equal to the minimum wage for each hour of service.

(3) The Superintendent shall provide ongoing training, informational materials, and model policies, as available, for use by LEAs.

(4) The Superintendent shall provide online training and resources for LEAs regarding:

(a) an LEA's fee approval process;

(b) LEA notification requirements;

(c) LEA requirements to establish maximum fees; and

(d) fee waiver eligibility requirements, including requirements to maintain student and family confidentiality.

(5) An LEA governing board shall annually review the LEA's policies on school fees and fee waivers.

(6) An LEA shall develop a plan for, at a minimum, annual training of LEA and school employees on fee related policies enacted by the LEA specific to each employee's job function.

R277-407-16. Enforcement.

(1) The Superintendent shall monitor LEA compliance with this rule.

(2) If an LEA fails to comply with the terms of this rule or request of the Superintendent, the Superintendent shall send the LEA a first written notice of non-compliance, which shall include a proposed corrective action plan.

(3) Within 45 days of the LEA's receipt of a notice of non-compliance, the LEA shall:

(a) respond to the allegations of non-compliance described in Subsection (2); and

(b) work with the Superintendent on the Superintendent's proposed corrective action plan to remedy the LEA's non-compliance.

(4)(a) Within 15 days after receipt of a proposed corrective action plan described in Subsection (3)(b), an LEA may request an informal hearing with the Superintendent to respond to allegations of non-compliance or to address the appropriateness of the proposed corrective action plan.

(b) The form of an informal hearing described in Subsection (4)(a) shall be as directed by the Superintendent.

(5) The Superintendent shall send an LEA a second written notice of non-compliance and request for the LEA to appear before a Board standing committee if:

(a) the LEA fails to respond to the first notice of non-compliance within 60 days; or

(b) the LEA fails to comply with a corrective action plan described in Subsection (3)(b) within the time period established in the LEA's corrective action plan.

(6) If an LEA receives a second written notice of non-compliance, the LEA may:

(a)(i) respond to the notice of non-compliance described in Subsection (5); and

(ii) work with the Superintendent on a corrective action plan within 30 days of receiving the second written notice of non-compliance; or

(b) within 15 days after receipt of the second notice seek an appeal before a Board standing committee.

(7) If an LEA that fails to respond to a first notice of non-compliance, and fails to respond to a second notice of non-compliance, nor seeks an appeal as described in Subsection (6)(b), the Superintendent shall impose one of the financial consequences described in Subsection (10).

(8)(a) Before imposing a financial consequence described in Subsection (10), the Superintendent shall provide an LEA 30 days' notice of any proposed action.

(b) The LEA may, within 15 days after receipt of a notice described in Subsection (8)(a), request an appeal before a Board standing committee.

(9) If the LEA does not request an appeal described in Subsection (8)(b), or if after the appeal the Board finds that the allegations of non-compliance are substantially true, the Superintendent may continue with the suggested corrective action, formulate a new form of corrective action or additional terms and conditions which must be met and may proceed with the appropriate remedy which may include an order to return funds improperly collected.

(10) A financial consequence may include:

(a) requiring an LEA to repay an improperly charged fee, commensurate with the level of non-compliance;

(b) withholding all or part of an LEA's monthly Minimum School Program funds until the LEA comes into full compliance with the corrective action plan; and

(c) suspending the LEA's authority to charge fees for an amount of time specified by the Superintendent or Board in the determination.

(11) The Board's decision described in Subsection (9) is final and no further appeals are provided.

R277-407-17. Distribution of Legislative Funds for School Fees.

(1) When funds are appropriated by the Legislature for school fees, the Superintendent shall determine LEA allocations by April 30 before distributing the funds as described in Subsection (2) and using prior year average daily membership.

(2) The Superintendent shall distribute available funds to LEAs with students enrolled in grades 7-12, proportionately based on an LEA's number of students in the applicable grades, weighting each student in grade 7 or 8 at .99 and each student in grade 9, 10, 11, or 12 at 1.2.

(3) For funds appropriated by the Legislature during the 2024 Legislative General Session, the Superintendent shall distribute the following to LEAs in operation with enrolled students before July 1, 2025:

(a) 50% of the funds to LEAs for the fiscal year beginning on July 1, 2025;

(b) 30% of the funds to LEAs for the fiscal year beginning on July 1, 2026; and

(c) 20% of the funds to LEAs for the fiscal year beginning on July 1, 2027.

KEY: education, school fees, policies, training

Date of Last Change: July 8, 2025

Notice of Continuation: August 19, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 2; Art X Sec 3; 53E-3-401(4); 53G-7-503

R277. Education, Administration.

R277-408. School Fundraising.

R277-408-1. Authority, Purpose, and Oversight Category.

(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; and

(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; and

(c) Subsection 53E-3-501(1)(e), which allows the Board to adopt rules regarding financial, statistical, and student accounting requirements.

(2) The purpose of this rule is to establish fundraising requirements for LEAs.

(3) Rule R277-408 is categorized as Category 2 as described in Rule R277-111.

R277-408-2. Definitions.

(1) "Cash" or "cash receipts" means the same as that term is defined in Rule R277-113.

(2)(a) "Fundraiser," "fundraising," or "fundraising activity" means an activity or event provided, sponsored, or supported by a school to generate funds or raise money to:

(i) provide financial support to a school or any of the school's classes, groups, teams, or programs; or

(ii) benefit a particular charity or for other charitable purposes.

(b) "Fundraiser," "fundraising," or "fundraising activity" may include:

(i) the sale of goods or services;

(ii) the solicitation of monetary contributions from individuals or businesses; or

(iii) other lawful means or methods to generate funds.

(3) "Group fundraiser" or "group fundraising" means a fundraising activity where the money raised is used for the benefit of a group, team, or organization.

(4) "Individual fundraiser" or "individual fundraising" means a fundraising activity where money is raised by an individual student to pay the individual student's fees.

R277-408-3. LEA Fundraising Requirements.

(1) An LEA may use funds raised through fundraising or donations to offset the cost of waivers and to offset the cost of program expenses for the program for which the funds were raised.

(2) An individual or private organization, including a booster club, that engages in fundraising or collects a donation on behalf of a school shall comply with the requirements of this Rule R277-408 and Rule R277-113.

(3) If an LEA allows a booster club, a parent organization, employee, coach, or volunteer, to fundraise or collect a donation related to the school, the LEA shall have a policy that:

(a) establishes requirements and guidance for the booster club, parent organization, employee, coach, or volunteer;

(b) requires a booster club, parent organization, employee, coach, or volunteer to comply with requirements of this Rule R277-408 and Rule R277-113, including following the LEA's cash handling policy required in Section R277-113-5; and

(c) complies with federal Title IX requirements, found in 20 U.S.C. 1681, et seq.

(4)(a) An LEA shall ensure that a booster club, parent organization, employee, coach, or volunteer deposits money received by the employee, booster club, or parent organization within 3 days of receiving the money.

(b) An LEA shall establish a policy regarding the requirements in Subsection (4)(a).

R277-408-4. LEA Fundraising Policies.

(1) An LEA governing board shall establish a fundraising policy that includes a process for approving a fundraising activity.

(2) An LEA's fundraising policy described in Subsection (1):

(a) may not authorize, establish, or allow for required individual student fundraising;

(b) may provide optional individual fundraising opportunities for students to raise money to offset the cost of the student's fees;

(c) may allow for required group fundraisers;

(d) may not deny a student membership on a team or group nor impact a student's grade for a course, based on the student's effort or non-participation in a fundraiser;

(e) shall require compliance with Rule R277-113;

(f) shall comply with federal Title IX requirements, found in 20 U.S.C. 1681, et seq.; and

(g) shall include a requirement that a school notify parents of required group fundraising, letting parents and students know how and when specific details, as described in Subsection (4), will be provided.

(3) Notwithstanding Subsection (2)(d) and except as provided in Section 53G-10-205, an LEA may reduce a student's participation in a program or activity if the student does not participate in the related activity or program's required group fundraiser.

(4) The specific details described in Subsection (2)(g) shall include a description of the nature of the required group fundraiser and the estimated participation time required of the student or parent for the required group fundraiser.

(5) An LEA governing board shall annually review the LEA's policies on fundraising and donations.

KEY: fundraising; policies; donation; booster

Date of Last Change: August 7, 2024

Authorizing, and Implemented, or Interpreted Law: 53E-3-401; 53E-3-501(1)(e)

R277. Education, Administration.

R277-409. Public School Membership in Associations.

R277-409-1. 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; and

(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.

(2) The purpose of this rule is to place limitations on public school membership in certain associations with rules or policies that conflict with Board policies.

R277-409-2. Definitions.

(1) "Association" means an organization that governs or regulates a student's participation in an interscholastic activity.

(2) "Interscholastic activity" means an activity within the state in which the students that participate represent a school in the activity.

(3) "Recruiting" means a solicitation or conversation:

(a) initiated by:

(i) an employee of a school or school district;

(ii) a coach or advisor of an interscholastic activity; or

(iii) a member of a booster, alumni, or other organization that performs a substantially similar role as a booster organization, affiliated with a school or school district; and

(b) to influence a student, or the student's relative or legal guardian, to transfer to a school for the purpose of participating in an interscholastic activity at the school.

(4) "Sex offender" has the same meaning as described in Section 77-27-21.7.

R277-409-3. Membership Restrictions.

(1) Beginning with the 2017-2018 school year, a public school may not be a member of, or pay dues to an association that adopts rules or policies that are inconsistent with this R277-409-3.

(2) An association shall permit the Board to audit the association's:

(a) financial statements; and

(b) compliance with Utah Code, Board rule, and the association's bylaws, policies, rules, and best practices.

(3) An association may not treat similarly situated schools differently in the association's designation of division classifications, or in applying other association policies, based solely on the school's status as a charter school or district public school.

(4) An association may sanction a school, coach, or individual who oversees or works with students as part of an interscholastic activity of a public school if the association finds that the coach or individual:

(a) engaged in recruiting activities; or

(b) violated any other rule or policy of the association.

(5) An association shall establish a policy or rule to govern the association's use of student data that complies with the student data privacy requirements of:

(a) FERPA;

(b) Title 53E, Chapter 9, Part 3, Student Data Protection Act;

(c) Title 53E, Chapter 9, Part 2, Utah Family Educational Rights and Privacy Act; and

(d) R277-484.

(6) An association shall establish policies or rules that require:

(a) coaches and individuals who oversee interscholastic activities or work with students as part of an interscholastic activity to meet a set of professional standards that are consistent with the Utah Educator Professional Standards described in Rule R277-217; and

(b) the association or public school to annually train each coach or other individual who oversees or works with students as part of an interscholastic activity of a public school on the following:

(i) child sexual abuse prevention as described in Section 53G-9-207;

(ii) the prevention of bullying, cyber-bullying, hazing, harassment, and retaliation as described in:

(A) Title 53G, Chapter 9, Part 6, Bullying and Hazing; and

(B) R277-613; and

(iii) the professional standards described in Subsection (6)(a).

(7) An association shall establish procedures and mechanisms to:

(a) monitor LEA compliance with the association's training requirements described in Subsection (6);

(b) sanction individuals who violate the association's professional standards described in Subsection (6)(a);

(c) track individuals who violate the association's standards described in Subsection (6)(a); and

(d) prohibit individuals who have violated the association's standards described in Subsection (6)(a), including sex offenders, from coaching, managing, overseeing, training, or working with students as part of an interscholastic activity.

(8) An association shall establish a policy or rule that requires the association to follow requirements similar to the requirements of:

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63G, Chapter 2, Government Records Access and Management Act.

KEY: schools, memberships, associations

Date of Last Change: August 12, 2020

Notice of Continuation: August 19, 2021

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

R277. Education, Administration.

R277-410. Accreditation of Schools.

R277-410-1. 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; and

(c) Section 53E-3-501, which directs the Board to establish rules governing school accreditation.

(2) The purpose of this rule is to require qualifying secondary schools to be accredited.

R277-410-2. Definitions.

For the purposes of this rule:

"Qualifying secondary school" means a public school that:

(1) includes any of grades 9-12; or

(2) offers credits toward high school graduation.

R277-410-3. Accreditation of Public Schools.

(1) A qualifying secondary school shall obtain accreditation from a regional accrediting body.

(2) If a qualifying secondary school does not obtain accreditation before the beginning of the school's second year of operation, the credit awarded by the qualifying secondary school is considered earned from a non-accredited source as described in Section R277-705-3:

(a) for the school's first year of operation; and

(b) until the school becomes accredited.

(3)(a) The Superintendent shall establish Utah-specific assurances demonstrating compliance with state law and Board rule to be followed by the accrediting body.

(b) The Superintendent shall ensure that qualified secondary schools meet the Utah-specific assurances described in Subsection (3)(a).

(4) The Superintendent may require on-site visits as part of the accreditation process.

R277-410-4. Transfer or Acceptance of Credit.

(1) A qualifying secondary school shall accept transfer credits from an accredited qualifying secondary school consistent with Section 53G-7-206 and Section R277-705-3.

(2) A qualifying secondary school may accept transfer credits from other credit sources consistent with Section R277-705-3.

KEY: accreditation, public schools, nonpublic schools

Date of Last Change: July 22, 2022

Notice of Continuation: May 16, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(c); 53E-3-401(4)

R277. Education, Administration.

R277-415. School Health Reporting.

R277-415-1. 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) Section 53E-3-401, which:

(i) allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(ii) allows the Board to audit LEA use of state funds; and

(c) Section 53F-2-204, which requires the Board to assess the progress and degree of effectiveness of programs funded by the minimum school program.

(2) The purpose of the rule is to specify data collection requirements in connection with funds received for school nursing by LEAs through the minimum school program.

R277-415-3. LEA Report Submission.

An LEA shall:

(1) submit the School Health Workload Report to the Superintendent and Utah Department of Health and Human Services; and

(2) participate in standardized data collection as established by the Utah Department of Health and Human Services in cooperation with the Superintendent, including the Annual School Health Workload Report.

KEY: school health, data

Date of Last Change: November 7, 2023

Notice of Continuation: December 15, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53F-2-204

R277. Education, Administration.

R277-417. Prohibiting LEAs and Third Party Providers from Offering Incentives or Disbursement for Enrollment or Participation.

R277-417-1. Authority, Purpose, and Oversight Category.

(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; and

(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.

(2) The purpose of this rule is to provide standards and procedures for prohibiting LEAs and third party providers from offering incentives for student enrollment.

(3) This rule is categorized as Category 2 as described in Rule R277-111.

R277-417-2. Definitions.

(1)(a) "Disbursement" means the payment of money or provision of other item of value greater than $10, per school year, offered as payment or compensation to a student or to a parent or guardian for:

(i) a student's enrollment in an LEA; or

(ii) a student's participation in an LEA's program.

(b) "Disbursement" does not include a reimbursement paid by an LEA to a student, parent or guardian, for an expenditure incurred by the student, parent or guardian on behalf of the LEA if:

(i) the expenditure is for an item that will be the property of the LEA; and

(ii) the expenditure was preauthorized by the LEA, as evidenced by preauthorization documentation.

(2) "Educational good or service" means the same as that term is defined in Section 53E-3-401.

(3) "Incentive" means one of the following given to a student or to the student's parent or guardian by an LEA or by a third-party provider as a condition of the student's enrollment in an LEA or specific program for any length of time, during any school year:

(a) money greater than $10; or

(b) an item of value greater than $10.

(4) "Program" means a program within a school that is designed to accomplish a predetermined curricular objective or set of objectives.

(5) "Section 504 accommodation plan" required by Section 504 of the Rehabilitation Act of 1973, means a plan designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

(6) "Third-party provider" means a third-party who provides an educational good or service on behalf of an LEA.

R277-417-3. LEA and Third-Party Provider Use of Public Funds for Incentives and Disbursement.

(1) An LEA or a third-party provider may not use public funds, as defined under Subsection 51-7-3(26), to provide the following to a student, parent or guardian, individual, or group of individuals:

(a) an incentive for a student's:

(i) enrollment in an LEA; or

(ii) participation in an LEA's program; or

(b) a referral bonus for a student's:

(i) enrollment in an LEA; or

(ii) participation in an LEA's program.

(2) An LEA or third-party provider may not use public funds to provide a disbursement to a student or the student's parent or guardian for:

(a) curriculum exclusively selected by a parent;

(b) instruction not provided by the LEA;

(c) private lessons or classes not provided by:

(i) an employee of the LEA; or

(ii) a third-party provider who meets all of the requirements of Rule R277-115;

(d) technology devices exclusively selected by a parent; or

(e) other educational expense exclusively selected by a parent.

(3) An LEA may use public funds to provide:

(a) uniforms, technology devices, curriculum, or materials and supplies to a student if the uniforms, technology devices, curriculum, or materials and supplies are:

(i) available to all students enrolled in the LEA or program within the LEA; or

(ii) authorized by the student's college and career readiness plan, IEP, or Section 504 accommodation plan; or

(b) internet access for instructional purposes to a student:

(i) in kindergarten through grade 6; or

(ii) in grade 7 through grade 12 if:

(A) the internet access is provided in accordance with the fee waiver policy requirements of Section R277-407-8; or

(B) failure to provide the internet access will cause economic hardship on the student or parent.

(4) An LEA or third-party provider shall ensure that equipment purchased or leased by the LEA or third party provider remains the property of the LEA and is subject to the LEA's asset policies if:

(a) the LEA or third-party provider purchases equipment; and

(b) provides the equipment to a student or to the student's parent or guardian.

KEY: students, enrollment, incentives

Date of Last Change: May 8, 2025

Notice of Continuation: March 14, 2025

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

R277. Education, Administration.

R277-419. Pupil Accounting.

R277-419-1. Authority, Purpose, and Oversight Category.

(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) 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;

(d) Subsection 53E-3-602(2), which requires a local school board's auditing standards to include financial accounting and student accounting;

(e) 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;

(f) Section 53G-4-404, which requires annual financial reports from school districts; and

(g) Subsection 53G-5-404(4), which requires charter schools to make the same annual reports required of other public schools.

(2) The purpose of this rule is to specify pupil accounting procedures used in apportioning and distributing state funds for education.

(3) This rule is categorized as Category 4 as described in Rule R277-111.

R277-419-2. Definitions.

(1) "Aggregate Membership" means the sum of all days in membership during a school year for eligible students enrolled in a public school.

(2) "Approved CTE course" means a course approved by the Board within the Career and Technical Education (CTE) Pathways.

(3) "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.

(4) "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:

(a) through online learning, with an element of student control over time, place, path, or pace; and

(b) in a supervised brick and mortar school away from home.

(5) "Brick and mortar school" means a school where classes are conducted in a physical school building.

(6) "Data Clearinghouse" means the electronic data collection system used by the Superintendent to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.

(7) "Educational services" means providing learning opportunities and services designed to support a student to be prepared to succeed and lead by having the knowledge and skills to learn, engage civically, and lead meaningful lives, including by providing:

(a) high quality instruction for each student;

(b) personalized learning supports for each student; and

(c) implementation of evidence-based student health and wellness practices.

(8) "Eligible student" means a student who satisfies the criteria for enrollment in an LEA, set forth in Section R277-419-5.

(9) "Enrollment verification data" includes:

(a) a student's birth certificate or other verification of age;

(b) verification of immunization or exemption from immunization form;

(c) proof of Utah public school residency;

(d) family income verification; or

(e) special education program information, including:

(i) an individualized education program;

(ii) a Section 504 accommodation plan; or

(iii) an English learner plan.

(10)(a) "Home school" means the formal instruction of children in their homes instead of in an LEA.

(b) "Home school" does not include public school instruction provided in a home, including when:

(i) an online student receives instruction at home, but the student is enrolled in a public school that follows state Core Standards;

(ii) an online student is:

(A) subject to laws and rules governing state and federal mandated tests; and

(B) included in accountability measures; or

(iii) an online student receives instruction under the direction of a highly qualified, licensed teacher who is subject to the licensure requirements of Rule R277-301 and fingerprint and background checks consistent with Rules R277-214 and R277-309.

(iv) instruction is received by a home-based scholarship student consistent with Section 53F-6-401.

(11) "Home school course" means instruction:

(a) delivered in a home school environment where the curriculum and instruction methods, evaluation of student progress or mastery, and reporting, are provided or administered by the parent, guardian, custodian, or other group of individuals; and

(b) not supervised or directed by an LEA.

(12)(a) "Influenza pandemic" or "pandemic" means a global outbreak of serious illness in people.

(b) "Influenza pandemic" or "pandemic" may be caused by a strain of influenza that most people have no natural immunity to and that is easily spread from person to person.

(13) "ISI-1" means a student who receives 1 to 59 minutes of YIC related services during a typical school day.

(14) "ISI-2" means a student who receives 60 to 179 minutes of YIC related services during a typical school day.

(15) "Learner validated enrollment measurement" means a methodology used to establish a student's membership or enrollment status for purposes of generating membership days.

(16) "Learner validated program" means a program within an LEA that consists of eligible, enrolled public school students where the student receives instruction through:

(a) an online learning program;

(b) a blended learning program; or

(c) a personalized, competency-based learning program.

(17)(a) "Membership" means a public school student is on the current roll of a public school class or public school as of a given date.

(b) A student is a member of a class or school from the date of entrance at the school and is placed on the current roll until official removal from the class or school due to the student having left the school.

(c) Removal from the roll does not mean that an LEA should delete the student's record, only that the student should no longer be counted in membership.

(18) "Minimum School Program" means the same as that term is defined in Section 53F-2-102.

(19) "Online learning program" means a program:

(a) that is under the direction of an LEA; and

(b) in which students receive educational services primarily over the internet.

(20) "Personalized, Competency-based Learning Grants Program" means an education program that provides instruction through personalized, competency-based learning as defined in Section 53F-5-501.

(21) "Private school" means an educational institution that:

(a) is not an LEA;

(b) is owned or operated by a private person, firm, association, organization, or corporation; and

(c) is not subject to governance by the Board consistent with the Utah Constitution.

(22) "Program" means a course of instruction within a school that is designed to accomplish a predetermined curricular objective or set of objectives.

(23) "Qualifying school age" means:

(a) a person who is at least five years old and no more than 18 years old on or before September 1;

(b) with respect to special education, a person who is at least three years old and no more than 21 years old on or before July 1;

(c) with respect to YIC, a person who is at least five years old and no more than 21 years old on or before September 1.

(24) "Resource" means a student who receives 1 to 179 minutes of special education services during a typical school day consistent with the student's IEP provided for under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et seq., amended in 2004.

(25) "Retained senior" means a student beyond the general compulsory school age who is authorized at the discretion of an LEA to remain in enrollment as a high school senior in the years after the student's cohort has graduated due to:

(a) sickness;

(b) hospitalization;

(c) pending court investigation or action; or

(d) other extenuating circumstances beyond the control of the student.

(26) "S1" means the record maintained by the Superintendent containing individual student demographic and school membership data in a Data Clearinghouse file.

(27) "S2" means the record maintained by the Superintendent containing individual student data related to participation in a special education program in a Data Clearinghouse file.

(28) "S3" means the record maintained by the Superintendent containing individual student data related to participation in a YIC program in a Data Clearinghouse file.

(29) "School" means an educational entity governed by an LEA that:

(a) is supported with public funds;

(b) includes enrolled or prospectively enrolled full-time students;

(c) employs licensed educators as instructors that provide instruction consistent with Rule R277-301;

(d) has one or more assigned administrators;

(e) is accredited consistent with Section R277-410-3; and

(f) administers required statewide assessments to the school's students.

(30) "School day" means a day where an LEA provides educational services to students subject to the requirements described in Section R277-419-4.

(31) "School membership" means membership other than in a special education or YIC program in the context of the Data Clearinghouse.

(32) "School of enrollment" means:

(a) a student's school of record; and

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

(33) "School year" means the 12 month period from July 1 through June 30.

(34) "Self-contained" means a public school student with an IEP or YIC, who receives 180 minutes or more of special education or YIC related services during a typical school day.

(35) "Self-Contained Resource Attendance Management (SCRAM)" means a record that tracks the aggregate membership of public school special education students for state funding purposes.

(36) "SSID" means Statewide Student Identifier.

(37) "Student with a disability" means a student who:

(a)(i)(A) is of an age during which it is mandatory under state law to provide educational services to persons with disabilities as described in Subsection 53E-3-503(1)(a); or

(B) is of an age during which a student without a disability is provided educational services; and

(ii) is entitled to receive a free appropriate public education under the Individuals with Disabilities Education Act or Board rules related to special education, including Rule R277-750; or

(b) is entitled to receive a free appropriate public education under Section 504 of the Rehabilitation Act of 1973 because the student:

(i) has a physical or mental impairment which substantially limits one or more major life activities;

(ii) has a record of an impairment described in Subsection (37)(b)(i); or

(iii) is regarded as having an impairment described in Subsection (37)(b)(i).

(38) "Unexcused absence" means an absence charged to a student when:

(a) the student was not physically present at school at any of the times attendance checks were made in accordance with Subsection R277-419-8(5); and

(b) the student's absence could not be accounted for by evidence of a legitimate or valid excuse in accordance with local board policy on truancy as defined in Section 53G-6-201.

(39) "Weighted pupil unit" or "WPU" means the same as that term is defined in Section 53F-2-102.

(40) "Year end upload" means the Data Clearinghouse file due annually by July 15 from LEAs to the Superintendent for the prior school year.

(41) "Youth in care or YIC" means a person under the age of 21 who is:

(a) in the custody of the Department of Health and Human Services;

(b) in the custody of an equivalent agency of a Native American tribe recognized by the United States Bureau of Indian Affairs and whose custodial parent or legal guardian resides within the state; or

(c) being held in a juvenile detention facility.

R277-419-3. Schools and Programs.

(1)(a) The Superintendent shall provide a list to each school detailing the required accountability reports and other state-mandated reports for the school type and grade range.

(b) A school shall submit a Clearinghouse report to the Superintendent.

(c) A school shall employ at least one licensed educator and one administrator.

(2)(a) A student who is enrolled in a program is considered a member of a public school.

(b) The Superintendent may not require programs to receive separate accountability and other state-mandated reports.

(c) A student reported under an LEA's program shall be included in the LEA's WPU and student enrollment calculations of the LEA's school of enrollment.

(d) A course taught at a program shall be credited to the appropriate school of enrollment.

(3) A private school or program may not be required to submit data to the Superintendent.

(4) A private school or program may not receive annual accountability reports.

R277-419-4. Minimum School Days.

(1)(a) Except as provided in Subsection (1) and Subsection 53F-2-102(4), an LEA shall provide educational services over a minimum of 180 school days each school year.

(b)(i) Except as provided in Subsection (1)(b)(ii), an LEA that participates in the National School Lunch Program shall provide school meals on each day that the LEA schedules toward the LEA's 180 educational service days described in Subsection (1)(a).

(ii) The requirement to provide school meals described in Subsection (1)(b)(i) does not apply to:

(A) an unplanned school closure or unplanned learn from home day due to snow, inclement weather, or other emergency;

(B) a day that an LEA governing board reallocates as a teacher preparation or teacher professional development day as described in Subsection 53F-2-102(4)(d);

(C) a day that an LEA counts in student membership for professional development or parent-teacher conference days as described in Subsection (6); or

(D) a day where the LEA provides educational services while all the LEA's students engage in distance learning.

(c) An LEA may seek an exception to the number of school days described in Subsection (1)(a):

(i) except as provided in Subsection (1)(c)(ii), for a whole school or LEA as described in Rule R277-121;

(ii) for a school closure due to snow, inclement weather, or other emergency as described in Section R277-121-5; or

(iii) for an individual student as described in Section R277-419-11.

(2) An LEA may offer the required school days described in Subsection (1)(a) at any time during the school year, consistent with the law.

(3) An LEA shall plan for emergency, activity, and weather-related exigency time in its annual calendaring.

(4) Minimum standards apply to a public school in all settings unless Utah law or this rule provides for a specific exception.

(5) An LEA's governing board shall 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.

(6)(a) A school may conduct parent-teacher and student Plan for College and Career Readiness conferences during the school day.

(b) Parent-teacher and college and career readiness conferences may only be held for a total of the equivalent of three full school days for the school year.

(c) Student membership for professional development or parent-teacher conference days shall be counted as that of the previous school day.

(d) The final decision and approval regarding planning time, parent-teacher and Student Plan for College and Career Readiness conferences rests with an LEA, consistent with Utah Code and Board administrative rules.

(7)(a) An LEA may designate no more than a total of five educational service days at the beginning of the school year for the assessment of students entering kindergarten.

(b) If an LEA designates educational services days for kindergarten assessment:

(i) an LEA shall designate the days in an open meeting;

(ii) an LEA shall provide adequate notice and explanation to kindergarten parents well in advance of the assessment period; and

(iii) assessment time per student shall be adequate to justify the forfeited instruction time.

(8) An LEA shall approve total instructional time and school calendars in an open meeting.

R277-419-5. Student Membership Eligibility and Learner Validated Enrollment Measurements.

(1) A student may enroll in two or more LEAs at the discretion of the LEAs.

(2) A kindergarten student may only enroll in one LEA at a time.

(3) To generate membership for funding through the Minimum School Program on any school day, an LEA shall ensure that a student being counted by the LEA in membership:

(a) has not previously earned a basic high school diploma or certificate of completion;

(b) has not been enrolled in a YIC program with a YIC time code other than ISI-1 or ISI-2;

(c) does not have unexcused absences, which are determined using one of the learner validated enrollment measurements described in Subsection (4);

(d) is a resident of Utah as defined under Section 53G-6-302;

(e) is of qualifying school age or is a retained senior;

(f)(i) is expected to attend a regular learning facility operated or recognized by an LEA on each regularly scheduled school day, if enrolled in an attendance validated program;

(ii) has direct instructional contact with a licensed educator provided by an LEA at:

(A) an LEA-sponsored center for tutorial assistance; or

(B) the student's place of residence or convalescence for at least 120 minutes each week during an expected period of absence, if physically excused from such a facility for an extended time, due to:

(I) injury;

(II) illness;

(III) surgery;

(IV) suspension;

(V) pregnancy;

(VI) pending court investigation or action; or

(VII) an LEA determination that home instruction is necessary;

(iii) is enrolled in an approved CTE course on the campus of another state funded institution where such a course is:

(A) not offered at the student's school of membership;

(B) being used to meet Board-approved CTE graduation requirements under Subsection R277-700-6(16); and

(C) a course consistent with the student's Plan for College and Career Readiness; or

(iv) is enrolled in a learner validated program under the direction of an LEA that:

(A) is consistent with the student's Plan for College and Career Readiness;

(B) has been approved by the student's counselor; and

(C) includes regular instruction or facilitation by a designated employee of an LEA.

(4) An LEA shall use one of the following learner validated enrollment measures:

(a) For a student primarily enrolled in an attendance validated program, the LEA may not count a student as an eligible student if the eligible student has unexcused absences during the prior ten consecutive school days.

(b) For a student enrolled in a learner validated program, an LEA shall:

(i) adopt a written policy that designates a learner validated enrollment measurement to document the learner validated membership or enrollment status for each student enrolled in the learner validated program consistent with this section;

(ii) document each student's continued enrollment status in compliance with the learner validated enrollment policy at least once every ten consecutive school days; and

(iii) appropriately adjust and update student membership records in the student information system for students that did not meet the learner validated enrollment measurement, consistent with this section.

(c) For a student enrolled in a learner validated program, the LEA may not count a student as an eligible student if the LEA has not engaged with the student during the prior ten consecutive school days.

(5) Notwithstanding Subsection (4), an LEA:

(a) shall continue to provide a student with a disability a free and appropriate public education even when the student has not attended school or engaged with the LEA during the prior ten consecutive days;

(b) shall maintain the student with a disability's enrollment in the LEA; and

(c) may continue to count the student with a disability in membership for funding purposes up to 30 days if the LEA documents that the LEA is working to locate and engage with the student with a disability.

(6) The learner validated enrollment measurement described in Subsection (4)(b) may include the following components, in addition to other components, as determined by an LEA:

(a) a minimum student login or teacher contact requirement;

(b) required periodic contact with a licensed educator;

(c) a minimum hourly requirement, per day or week, when students are engaged in course work; or

(d) required timelines for a student to provide or demonstrate completed assignments, coursework, or progress toward academic goals.

(7)(a) Beginning with the 2021-22 school year, an LEA shall submit each student's attendance validated or learner validated enrollment status through the UTREx or Data Clearinghouse.

(b) For a student who participates in both attendance validated, and learner validated programs, the LEA shall designate the student's status as learner validated enrollment.

(8)(a) An LEA desiring to generate membership for student enrollment in courses outlined in Subsection (3)(f)(iii), or to seek a waiver from a requirement in Subsection (3)(f)(iii), shall submit an application for course approval by April 1 of the year before which the membership will be counted.

(b) An LEA shall be notified within 30 days of the application deadline if courses have been approved.

R277-419-6. Student Membership Calculations.

(1)(a) Except as provided in Subsection (1)(b) or (1)(c), a student enrolled in only one LEA during a school year is eligible for no more than 180 days of regular membership per school year.

(b) With written verification from the student's parent that the student intends to graduate early, an early graduation student may be counted for more than 180 days of regular membership in accordance with the student's Plan for College and Career Readiness.

(c) A student transferring within an LEA to or from a year-round school is eligible for no more than 205 days of regular membership per school year.

(2)(a) Except as provided in Subsection (2)(b), (2)(c), or (2)(d), a student enrolled in two or more LEAs during a school year is eligible for no more than 180 days of regular membership per school year.

(b) A student transferring to or from an LEA with a schedule approved under Subsection R277-419-4(1)(b) is eligible for no more than 220 days of regular membership per school year.

(c) A student transferring to or from an LEA where the student attended or will attend a year-round school is eligible for no more than 205 days of regular membership per school year.

(d) If the exceptions in Subsections (2)(b) and (2)(c) do not apply but a student transfers from one LEA to another at least one time during the school year, the student is eligible for regular membership in an amount not to exceed the sum of:

(i) 170 days; plus

(ii) 10 days multiplied by the number of LEAs the student attended during the school year.

(3) If a student is enrolled in two or more LEAs during a school year and the aggregate regular membership generated for the student between the LEAs exceeds the amount allowed under Subsection (2), the Superintendent shall apportion the days of regular membership allowed between the LEAs.

(4) If a student was enrolled for only part of the school day or only part of the school year, an LEA shall prorate the student's membership according to the number of hours, periods or credits for which the student was enrolled in relation to the number of hours, periods or credits for which a full-time student normally would have been enrolled, for example:

(a) if the student was enrolled for four periods each day in a seven period school day for 180 school days, the student's aggregate membership would be 4/7 of 180 days or 103 days; or

(b) if the student was enrolled for seven periods each day in a seven period school day for 103 school days, the student's membership would also be 103 days.

(5)(a) An LEA shall calculate the days in membership for all students using a method equivalent to the following: total clock hours of educational services for which the student was enrolled during the school year divided by 990 hours and then multiplied by 180 days and finally rounded up to the nearest whole day.

(b) For example, if a student was enrolled for only 900 hours during the school year, the student's aggregate membership would be (900/990)*180, and the LEA would report 164 days.

(6) The sum of regular plus self-contained special education and self-contained YIC membership days may not exceed 180 days.

(7) The sum of regular and resource special education membership days may not exceed 360 days.

(8) The sum of regular, ISI-1 and ISI-2 YIC membership days may not exceed 360 days.

(9) An LEA may also count a student in membership for the equivalent in hours of up to:

(a) one period each school day, if the student has been:

(i) released by the school, upon a parent or guardian's request, during the school day for religious instruction or individual learning activity consistent with the student's Plan for College and Career Readiness; or

(ii) participating in one or more co-curricular activities under Rule R277-438, but has otherwise been exempted from school attendance under Section 53G-6-204 for home schooling;

(b) two periods each school day per student for time spent in bus travel during the regular school day to and from another state funded institution, if the student is enrolled in CTE instruction consistent with the student's Plan for College and Career Readiness;

(c) all periods each school day, if the student is enrolled in:

(i) a concurrent enrollment program that satisfies the Title 53E, Chapter 10, Part 3, Concurrent Enrollment;

(ii) a private school without religious affiliation under a contract initiated by an LEA to provide special education services which directs that the instruction be paid by public funds if the contract with the private school is approved by an LEA board in an open meeting;

(iii) a foreign exchange student program under Section 53G-6-707; or

(iv) a school operated by an LEA under a Utah Schools for the Deaf and the Blind IEP provided that:

(A) the student may only be counted in S1 membership and may not have an S2 record; and

(B) the S2 record for the student is submitted by the Utah Schools for the Deaf and the Blind.

(10)(a) Except as provided in Subsection (10)(b), a student receiving instruction delivered in a home school course or by a private school is not eligible to be claimed in an LEA's membership and does not qualify for funding under the Minimum School Program in Title 53F, Chapter 2, Minimum School Program Act.

(b) Subsection (10)(a) does not apply to public school instruction provided by an LEA to a home school or private school student participating in dual enrollment as described in Section 53G-6-702.

R277-419-7. Calculations for a First Year Charter School.

(1) For the first operational year of a charter school or a new satellite campus, the Superintendent shall determine the charter school's WPU funding based on October 1 counts.

(2) For the second operational year of a charter school or a new satellite campus, the Superintendent shall determine the charter school's WPU funding based on Section 53F-2-302.

R277-419-8. Reporting Requirements and LEA Records.

(1) An LEA shall report aggregate membership for each student via the School Membership field in the S1 record and special education membership in the SCRAM Membership field in the S2 record and YIC membership in the S3 record of the Year End upload of the Data Clearinghouse file.

(2) In the Data Clearinghouse, aggregate membership is calculated in days of membership.

(3) To determine student membership, an LEA shall ensure that records of daily student attendance or student engagement are maintained in each school which clearly and accurately show for each student the:

(a) entry date;

(b) exit date;

(c) exit or high school completion status;

(d) whether or not an absence was excused;

(e) disability status, resource or self-contained, if applicable; and

(f) YIC status, ISI-1, ISI-2 or self-contained, if applicable.

(4) An LEA shall ensure that:

(a) computerized or manually produced records for CTE programs are kept by teacher, class, and core code; and

(b) the records described in Subsection (4)(a) clearly and accurately show for each student in a CTE class the:

(i) entry date;

(ii) exit date; and

(iii) excused or unexcused status of absence.

(5) An LEA shall ensure that each school within the LEA completes a minimum of one attendance check each school day.

(6) Due to school activities requiring schedule and program modification during the first days and last days of the school year:

(a) for the first five school days, an LEA may report aggregate days of membership equal to the number recorded for the second five-day period of the school year;

(b) for the last five-day period, an LEA may report aggregate days of membership equal to the number recorded for the immediately preceding five-day period; and

(c) schools shall continue educational service activities throughout required calendared days.

(7) The Superintendent:

(a) shall review each LEA's student membership and fall enrollment reports as they relate to the allocation of state funds; and

(b) may periodically or for cause review LEA records and practices for compliance with federal and state laws and this rule.

R277-419-9. High School Completion Status.

(1) An LEA shall account for the final status of students who enter high school, grades 9-12, whether they graduate or leave high school for other reasons, using the following decision rules to state the high school completion or exit status of each student who leaves the Utah public education system:

(a) graduates are students who earn a basic high school diploma by satisfying one of the options consistent with Rule R277-705 or out-of-school youths of school age who complete adult education secondary diploma requirements consistent with Rule R277-733;

(b) completers are students who have not satisfied Utah's requirements for graduation but who:

(i) are in membership in twelfth grade on the last day of the school year; and

(ii)(A) meet any additional criteria established by an LEA consistent with its authority under Rule R277-705;

(B) meet any criteria established for special education students under Utah State Board of Education Special Education Rules, Revised, June 2016, and available at: http://www.schools.utah.gov/sars/Laws.aspx and the Utah State Board of Education;

(C) meet any criteria established for special education students under Subsection R277-700-8(5); or

(D) pass a General Educational Development or GED test with a designated score;

(c) continuing students are students who:

(i) transfer to higher education, without first obtaining a diploma;

(ii) transfer to the Utah Center for Assistive Technology without first obtaining a diploma; or

(iii) age out of special education;

(d) dropouts are students who:

(i) leave school with no legitimate reason for departure or absence;

(ii) withdraw due to a situation so serious that educational services cannot be continued even under the conditions of Subsection R277-419-5(3)(f)(ii);

(iii) are expelled and do not re-enroll in another public education institution; or

(iv) transfer to adult education;

(e) an LEA shall exclude a student from the cohort calculation if the student:

(i) transfers out of state, out of the country, to a private school, or to home schooling;

(ii) is a U.S. citizen who enrolls in another country as a foreign exchange student;

(iii) is a non-U.S. citizen who enrolls in a Utah public school as a foreign exchange student under Section 53G-6-707 in which case the student shall be identified by resident status, J for those with a J-1 visa, F for all others, not by an exit code;

(iv) dies; or

(v) beginning with the 2015-2016 school year, is attending an LEA that is not the student's school of enrollment.

(2)(a) An LEA shall report the high school completion status or exit code of each student to the Superintendent as specified in Data Clearinghouse documentation.

(b) High School completion status or exit codes for each student are due to the Superintendent by year end upload for review.

(c) Except as provided in Subsection (2)(d), an LEA shall submit any further updates of completion status or exit codes by October 1 following the end of a student's graduating cohort pursuant to Rule R277-484.

(d) An LEA with an alternative school year schedule where the students have an extended break in a season other than summer, shall submit the LEA's data by the next complete data submission update, following the LEA's extended break, as defined in Rule R277-484.

(3)(a) The Superintendent shall report a graduation rate for each school, LEA, and the state.

(b) The Superintendent shall calculate the graduation rates in accordance with applicable federal law.

(c) The Superintendent shall include a student in a school's graduation rate if:

(i) the school was the last school the student attended before the student's expected graduation date; and

(ii) the student does not meet any exclusion rules as stated in Subsection (1)(e).

(d) The last school a student attended will be determined by the student's exit dates as reported to the Data Clearinghouse.

(e) A student's graduation status will be attributed to the school attended in the student's final cohort year.

(f) If a student attended two or more schools during the student's final cohort year, a tie-breaking logic to select the single school will be used in the following hierarchical order of sequence:

(i) school with an attached graduation status for the final cohort year;

(ii) school with the latest exit date;

(iii) school with the earliest entry date;

(iv) school with the highest total membership;

(v) school of choice;

(vi) school with highest attendance; or

(vii) school with highest cumulative GPA.

(g) The Superintendent shall report the four-year cohort rate on the annual state reports.

R277-419-10. Student Identification and Tracking.

(1)(a) Pursuant to Section 53E-4-308, an LEA shall:

(i) use the SSID system maintained by the Superintendent to assign every student enrolled in a program under the direction of the Board or in a program or a school that is supported by public school funding a unique student identifier; and

(ii) display the SSID on student transcripts exchanged with LEAs and Utah public institutions of higher education.

(b) The unique student identifier:

(i) shall be assigned to a student upon enrollment into a public school program or a public school-funded program;

(ii) may not be the student's social security number or contain any personally identifiable information about the student.

(2)(a) An LEA shall require all students to provide their legal first, middle, and last names at the time of registration to ensure that the correct SSID follows students who transfer among LEAs.

(b) A school shall transcribe the names from the student's birth certificate or other reliable proof of the student's identity and age, consistent with Section 53G-6-603;

(c) The direct transcription of student names from birth certificates or other reliable proof of student identity and age shall be the student's legal name for purposes of maintaining school records; and

(d) An LEA may modify the order of student names, provide for nicknames, or allow for different surnames, consistent with court documents or parent preferences, so long as legal names are maintained on student records and used in transmitting student information to the Superintendent.

(3) The Superintendent and LEAs shall track students and maintain data using students' legal names.

(4) If there is a compelling need to protect a student by using an alias, an LEA should exercise discretion in recording the name of the student.

(5) An LEA is responsible to verify the accuracy and validity of enrollment verification data, before enrolling students in the LEA, and provide students and their parents with notification of enrollment in a public school.

(6) An LEA shall ensure enrollment verification data is collected, transmitted, and stored consistent with sound data policies, established by the LEA as required in Rule R277-487.

R277-419-11. Exceptions.

(1)(a) An LEA may, at its discretion, make an exception for school attendance for a public school student, in the length of the school day or year, for a student with compelling circumstances.

(b) The time an excepted student is required to attend school shall be established by the student's IEP or Plan for College and Career Readiness.

(2) A school using a modified 45-day/15-day year-round schedule initiated before July 1, 1995 is in compliance with this rule if the school's schedule includes a minimum of 990 hours of time the LEA will provide educational services over a minimum of 172 days.

KEY: education finance, school enrollment, pupil accounting

Date of Last Change: February 7, 2025

Notice of Continuation: December 2, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-102(7); 53E-3-501(1)(e); 53E-3-602(2); 53E-3-301(3)(d); 53G-4-404

R277. Education, Administration.

R277-420. Aiding Financially Distressed School Districts.

R277-420-1. 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; and

(c) Subsection 53G-7-306(5), which requires the Board to develop standards for defining and aiding financially distressed school districts.

(2) The purpose of this rule is to specify eligibility requirements and procedures for nonrecurring or nonroutine interfund transfers for financially distressed school districts.

R277-420-2. Definitions.

(1)(a) "Interfund transfer" means a transaction which withdraws money from one fund and places it in another without recourse.

(b) An interfund transfer is regulated by statute and Board rules.

(c) "Interfund transfers" do not include interfund loans in which money is temporarily withdrawn from a fund with full obligation for repayment during the fiscal year.

(2) "Without recourse" means there is no obligation to return withdrawn money to the fund from which it was transferred.

R277-420-3. Eligibility.

(1) A school district may qualify as financially distressed if the district:

(a) has a deficit of three percent or more in its year end unappropriated maintenance and operation fund balance following a reduction for any amount in an undistributed reserve;

(b) is unable to meet its financial obligations in a timely manner;

(c) is unable to reduce the maintenance and operation deficit by 25 percent in its budget for the next year;

(d) can demonstrate that it has made reasonable, local efforts to eliminate the deficit;

(e) is financially incapable of meeting statewide educational standards adopted by the Board; and

(f) has a deficit resulting from circumstances not subject to administrative decisions.

(2) The Superintendent shall evaluate the criteria outlined in Subsection (1) and make a determination on whether a district is financially distressed following an on-site visit and consultation with the school district and local school board.

R277-420-4. Procedures for Making Interfund Transfers.

(1) A local school board may apply for an interfund transfer under this rule by filing a request with the Superintendent, which shall include:

(a) evidence that the district meets the criteria set forth in Section R277-420-3; and

(b) a plan to eliminate the district's budget deficit.

(2) As part of a district application under Subsection (1)(a), the Superintendent shall:

(a) visit the school district; and

(b) conduct a financial analysis.

(3) The Superintendent may only approve an interfund transfer under this rule if the Superintendent determines that:

(a) the district meets the eligibility requirements of Section R277-420-3; and

(b) the district's request does not conflict with Subsection 53G-7-306(6)(d).

(4) The Superintendent shall advise the Board of any transfers approved under this rule at the next regularly scheduled Board meeting.

(5) A school district designated as financially distressed may make nonrecurring or nonroutine interfund transfers to the district's maintenance and operation fund upon the approval of the Superintendent and in accordance with the plan submitted by the district under Subsection (1)(b).

(6) An interfund transfer shall be established by a school district under the direction of the local school board in an undistributed reserve account consistent with Section 53G-7-304.

KEY: education finance

Date of Last Change: November 7, 2017

Notice of Continuation: September 15, 2022

Authorizing, and Implemented or Interpreted Law: 53G-7-306; 53E-3-401(4); 53G-7-304

R277. Education, Administration.

R277-421. Out-of-State Tuition Reimbursement.

R277-421-1. 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; and

(c) Section 53G-6-305, which outlines when a school district may pay out-of-state tuition for a resident student to attend a school district out-of-state.

(2) The purpose of this rule is to establish procedures for:

(a) obtaining Board approval for reimbursement of out-of-state tuition expenses;

(b) calculating reimbursement costs; and

(c) recording out-of-state students in district records.

R277-421-2. Definitions.

(1) "ADM" means average daily membership.

(2) "Minimum school program" or "MSP" means the same as that term is defined in Section 53F-2-102.

(3) "NESS" means the Necessarily Existent Small Schools Fund.

(4) "Utah eTranscript and Records Exchange" or "UTREx" means a system that allows individual detailed student records to be exchanged electronically between public education districts and the Superintendent, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

(5) "WPU" means the weighted pupil unit.

R277-421-3. Review of Out-of-State Tuition Agreements.

(1) A district shall submit to the Superintendent an agreement to pay tuition to an out-of-state district in accordance with Subsection 53G-6-305(1) by June 30.

(2) A district requesting reimbursement for excess tuition costs under Subsection 53G-6-305(3) shall submit a request to the Superintendent by June 30 including:

(a) an estimate of ADM for out-of-state students for the upcoming school year; and

(b) an estimate of tuition payment amounts for the upcoming school year.

(3)(a) The Superintendent shall review a request submitted under Subsection (2) no later than August 30.

(b) The Superintendent may deny a request submitted under Subsection (2) if there are insufficient funds to cover the reimbursement.

R277-421-4. Calculation of Out-of-State Tuition Reimbursement.

(1) The Superintendent shall calculate out-of-state reimbursement to a district by subtracting state funds that are calculated based on the WPU generated by an out-of-state resident student's ADM from the total tuition payment per student:

(a) Kindergarten WPU;

(b) Grade 1-12 WPU;

(c) Professional Staff Costs;

(d) NESS;

(e) District Administrative Costs;

(f) Class-Size Reduction;

(g) Flexible Allocation;

(h) Gifted and Talented program;

(i) K-3 Reading Improvement program;

(j) Voted and Board Local Levy Guarantee programs; and

(k) Applicable Special Education programs.

(2) A district shall not include out-of-state tuition payments in any other MSP formula.

(3) The Superintendent may include in a calculation under Subsection (1) mileage costs reimbursed by a district to parents for transporting students to the nearest bus stop in accordance with Section R277-600-7.

(4) The Superintendent shall reserve the estimated funds identified by a district under Subsection R277-421-3(2)(a) from the new year NESS appropriation, and pay Board-authorized reimbursement payments from reserved funds.

R277-421-5. Recording Student Membership for Out-of-State Students.

(1) A district shall record student membership for students receiving out-of-state tuition reimbursement in accordance with District enrollment and membership policies.

(2) A district shall report students in UTREx for whom they are paying out-of-state tuition using codes identified by the Superintendent.

(3) A district shall report ADM for students attending school out-of-state pursuant to a tuition agreement under Section 53G-6-305 in the same manner as the district calculates ADM for students attending the district's schools.

KEY: out-of-state, tuition, reimbursements

Date of Last Change: December 9, 2021

Notice of Continuation: October 7, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-6-305

R277. Education, Administration.

R277-422. State Supported Voted Local Levy, Board Local Levy and Reading Improvement Program.

R277-422-1. 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) 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) Subsection 53E-3-501(1)(e), which directs the Board to establish rules for:

(i) school productivity and cost effectiveness measures;

(ii) federal programs;

(iii) school budget formats; and

(iv) financial, statistical, and student accounting requirements.

(2) The purpose of this rule is to specify requirements, timelines, and clarifications for:

(a) the state-supported voted local levy;

(b) the board local levy; and

(c) the reading improvement program.

R277-422-2. Definitions.

(1) "Ad valorem property tax" means a tax based on the assessed value of real estate or personal property.

(2) "Board local levy" means a tax levied by a local board in accordance with Section 53F-2-602 to support a district's general fund.

(3) "Free or reduced meal applications" means the applications received by a school district or charter school under the Board-supervised federal Child Nutrition Program.

(4) "Local board" means the school board members elected to govern a school district.

(5) "State-supported" means a formula-based state contribution of funds to the voted local levy program and the board local levy program as defined in Section 53F-2-601 and Section 53F-2-602.

(6) "Voted local levy" means a state-supported program in which a voter-approved property tax levy under Section 53F-2-601 is authorized to cover a portion of the costs within the general fund of the state-supported minimum school program in a district.

(7) "Weighted pupil unit " or "WPU" has the same meaning as set forth in Subsection 53F-2-102(8).

R277-422-3. Requirements and Timelines for State-Supported Voted Local Levy and Board Local Levy.

(1) A local board may establish a state-supported voted local levy program following an election process in accordance with Section 53F-2-601.

(2) A local board which has approved voted local levy or voted leeway programs since 1965 may set an annual fiscal year fixed tax rate levy for the voted local levy equal to or less than the levy authorized by the election.

(3) A district may budget and expend state and local funds received under the voted local levy or board local levy program within the school district's general fund as unrestricted revenue.

(4) In order to receive state support for an initial voted local levy tax rate, a local board shall receive voter approval no later than December 1 prior to the commencement of the fiscal year of implementation of that initial voted local levy tax rate.

(5) If a school district qualifies for state support the year prior to an increase in its existing voted local levy; and:

(a) does not receive voter approval for an increase after June 30 of the previous fiscal year and before December 2 of the previous fiscal year; and

(b) intends to levy the additional rate for the fiscal year starting the following July 1; then

(c) the district may only receive state support for the existing voted local levy tax rate and not the additional voter-approved tax rate for the fiscal year commencing the following July 1; and

(d) shall receive state support for the existing and additional voter-approved tax rate for each year thereafter, as long as the district qualifies to receive state support.

R277-422-4. K-3 Reading Achievement Program.

(1) A district may participate in the K-3 Reading Achievement Program by submitting a plan in accordance with Section 53F-2-503 and Rule R277-406.

(2) A school district shall calculate funding under the K-3 Reading Achievement Program using the following data:

(a) the most current numbers of final adjusted assessed valuations received from the Utah State Tax Commission;

(b) the year's tax collection rate, that corresponds to the year provided under Subsection (2)(a);

(c) the previous fiscal year's number of free and reduced price meal applications; and

(d) the current fiscal year total number of WPUs received by each school district for the basic school program.

KEY: education, finance

Date of Last Change: November 7, 2017

Notice of Continuation: September 15, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(e); 53E-3-401(4); 53F-2-601; 53F-2-602; 53F-2-503

R277. Education, Administration.

R277-424. Indirect Costs for State Programs.

R277-424-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Article X, Section 3 of the Utah Constitution, 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; and

(c) Subsection 53E-3-501(1)(e), which directs the Board to adopt rules for financial, statistical, and student accounting requirements.

(2) The purpose of this rule is to establish Board standards for claiming indirect costs for state programs.

R277-424-2. Definitions.

(1) "Direct costs" mean costs that can be easily, obviously, and conveniently identified by the Superintendent with a specific program.

(2) "Indirect costs" mean the costs of providing indirect services.

(3) "Indirect Services" mean services that cannot be identified with a specific program.

(4) "Regional education service agency" or "RESA" the same as that term is defined in Section 53G-4-410.

(5) "Restricted indirect cost rate" means:

(a) for an LEA, a rate assigned to each LEA annually based on the ratio of restricted indirect costs to direct costs as reported in the annual financial report for the specific LEA; and

(b) for a RESA, a rate determined by the RESA, up to the de-minimis rate when allowable.

(6) "Unallowable costs" mean expenditures directly attributable to governance, including:

(a) salaries;

(b) expenditures of the office of the district superintendent, the governing board, and election expenses; and

(c) expenditures for fringe benefits, which are associated with unallowable salary expenditures.

(7) "Unrestricted indirect cost rate" means:

(a) for an LEA, a rate assigned to each LEA annually, based on the ratio of unrestricted indirect costs to direct costs as reported in the annual financial report for the specific LEA; and

(b) for a RESA, a rate determined by the RESA, up to the de-minimis rate when allowable.

R277-424-3. Standards.

(1)(a) An LEA or RESA may charge indirect costs to state funded programs unless prohibited by Utah Code or Board Rule.

(b) An LEA or RESA may charge indirect costs to federally funded programs in accordance with 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

(2) The Superintendent may not authorize or pay indirect costs to higher education institutions for state funded contractual work.

(3)(a) Prior to the beginning of each fiscal year, the Superintendent shall publish a schedule of the indirect cost rates for state programs.

(b) The Superintendent shall develop the schedule from information contained in the annual financial reports and specifically identified items submitted by LEAs.

(c) Each program schedule shall include:

(i) whether or not the restricted or unrestricted indirect cost rate applies; and

(ii) whether or not indirect costs are allowable or applicable.

(4)(a) An LEA or RESA may recover indirect costs if funds are available.

(b) If a combination of direct and indirect costs exceeds funds available, then the LEA may not recover the total cost of the project or program.

(c) Recovery of indirect costs is not optional for state programs.

(d) If an LEA or RESA elects to recover indirect costs, the LEA or RESA shall use the annual rates negotiated by the Superintendent for applicable federal and state programs.

(5)(a) An LEA or RESA may only recover indirect costs for state programs to the extent that direct costs were incurred.

(b) The Superintendent shall apply the indirect cost rate to the amount expended, not to the total grant, to determine the amount for indirect costs.

KEY: education finance

Date of Last Change: January 11, 2022

Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(e); 53E-3-401(4)

R277. Education, Administration.

R277-426. Definition of Private and Non-Profit Schools for Federal Program Services.

R277-426-1. Authority and Purpose.

(1) This rule is authorized by:

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

(b) Subsection 53E-3-501(3), which allows the Board to administer federal funds and to distribute them to eligible applicants; and

(c) 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 define requirements that private, non-public, and non-profit schools must meet in conjunction with federal program criteria to receive services under federal laws requiring the public education system to serve students in these schools.

R277-426-2. Definitions.

(1) "Exempt Organization Determination Letter" means a letter issued by the Internal Revenue Service, which verifies that an organization is a qualified tax-exempt entity.

(2) "Unique Entity Identifier" or "UEI Number" means an identification number issued by the General Services Administration through the System for Award Management, www.sam.gov.

R277-426-3. Qualifications.

For the purposes of receiving services under federal programs:

(1) "Private or non-public school" means a school which:

(a) is owned and operated by:

(i) an individual;

(ii) a religious institution;

(iii) a partnership; or

(iv) a corporation other than the State, a subdivision of the State, or the Federal government;

(b) is supported primarily by non-public funds;

(c) vests the operation and determination of its program with other than publicly-elected or appointed officials;

(d) teaches the required subjects on each grade level as designated by the Board for the same length of time as students must be taught in the public schools;

(e) is properly licensed, if so required by the appropriate governmental jurisdiction;

(f) complies with any state and local ordinances and codes pertaining to the operation of that type of facility or institution; and

(g) possesses a UEI number.

(2) "Non-profit school" means a school which:

(a) is not a part of the public school system;

(b) is operated with no intention of making a profit;

(c) does not primarily provide educational services to students enrolled in for profit residential programs;

(d) possesses:

(i) a State of Utah tax exemption number;

(ii) a UEI number;

(iii) a United States Internal Revenue Service Employer Identification Number; and

(iv) a favorable Exempt Organization Determination Letter;

(e) teaches the required subjects on each grade level as designated by the Board for the same length of time as students must be taught in the public schools if required by the federal program;

(f) is properly licensed, if so required by the appropriate governmental jurisdiction; and

(g) complies with any state or local legal requirements pertaining to the operation of that type facility or institution.

KEY: education finance, private schools

Date of Last Change: November 7, 2022

Notice of Continuation: September 15, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(3); 53E-3-401(4)

R277. Education, Administration.

R277-427. LEA Financial Information Systems.

R277-427-1. 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; and

(c) Section 53E-3-518, which directs the Board to make rules to implement a uniform LEA Financial Information System statewide.

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

(a) required LEA financial information system components;

(b) procurement requirements for LEA financial information systems; and

(c) grant procedures for funds to assist LEAs in acquiring LEA financial information systems.

R277-427-2. Definitions.

(1) "LEA data system" has the same meaning as defined in Subsection 53E-3-518(1)(a).

(2) "LEA Financial Information System" has the same meaning as defined in Subsection 53E-3-518(1)(b).

R277-427-3. LEA Responsibilities.

(1) An LEA shall update LEA data systems and LEA financial information systems by July 1, 2023 in compliance with Subsection 53E-3-518(6)(a).

(2) An LEA data system shall be interoperable with Board information management systems.

R277-427-4. Cooperative Contract and Grant.

(1) By January 1, 2022, the Superintendent shall enter into a cooperative contract with multiple vendors capable of meeting the criteria of Section R277-427-3 for Utah LEAs.

(2) The Superintendent shall include data in the following areas as part of a cooperative contract:

(a) financial accounting;

(b) training and establishment of minimum modules within the financial system;

(c) standard forms and reporting;

(d) content or e-document management;

(e) advanced purchasing and procurement systems;

(f) purchasing cards;

(g) data warehouse systems;

(h) business intelligence;

(i) cloud hosting services;

(j) accounts receivable system;

(k) budget preparation system;

(l) applicant portal;

(m) bid system;

(n) bank and check reconciliation systems;

(o) fixed asset systems;

(p) campus, student, and pupil accounting;

(q) human resources system, with access to relevant and necessary human resources data; and

(r) Utah state reporting, interoperable with the state transparency system.

(3) In addition to the requirements of Section R277-427-3, an LEA may incorporate the components identified in Subsection (2) as a best practice.

(4) By February 1, 2022, the Superintendent shall prepare and make available to LEAs an application for grant funding or reimbursement in accordance with Section 53E-3-518.

(5) The Superintendent shall notify applicants of funds eligibility by May 1, 2022.

(6) The Superintendent shall disburse funds to applicants on a reimbursement basis taking into account:

(a) the amount of funds available;

(b) the number of applicants; and

(c) the needs of the applicants in meeting the best practices identified in Subsection (2).

(7) After July 1, 2023, the Superintendent may initiate corrective action against an LEA in accordance with Rule R277-114 if an LEA fails to implement the required data systems.

KEY: Financial Information System, procurement , grant procedures

Date of Last Change: March 15, 2022

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

R277. Education, Administration.

R277-436. Juvenile Gang and Other Violent Crime Prevention and Intervention Grant.

R277-436-1. 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; and

(c) Subsection 53F-2-410(2), which appropriates funds to be used for Juvenile Gang and Other Violent Crime Prevention and Intervention Programs.

(2) The purpose of this rule is to establish standards and procedures for distributing funding for Juvenile Gang and Other Violent Crime prevention and intervention programs in public schools.

(3) This Rule is categorized as Category 3 as described in Rule R277-111.

R277-436-2. Definitions.

(1) "Gang" means a group of three or more people who form an allegiance and engage in criminal activity, which uses violence or intimidation to further its criminal objectives that may have a name, turf, colors, symbols, distinct dress, or any combination of the preceding characteristics.

(2) "Juvenile Gang and Other Violent Crime Prevention and Intervention" means:

(a) instructional and support strategies, activities, programs, or curricula designed and implemented to help students achieve academic success and provide successful experiences with education for youth and families;

(b) gang prevention activities that the LEA utilizes evidence-informed strategies that promote and increase protective factors in students within or outside of the school, which may impact the individual's susceptibility to participate in violent crimes, gang membership, or gang-like activities; and

(c) protective factors may include family support and monitoring, social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationship skills.

(3) "State agency" means the same as defined in Section 53F-2-410.

R277-436-3. Application, Distribution of Funds, and Administrative Support.

(1) An LEA may apply for Juvenile Gang and Other Violent Crime Prevention and Intervention funds by submitting a proposal on a form approved by the Superintendent.

(2) A proposal submitted in accordance with Subsection (1) shall:

(a) identify the targeted student population and demonstrate how the prevention and intervention strategies will benefit the student population;

(b) explain prevention and intervention activities and strategies planned to address identified issues ;

(c) demonstrate collaboration between the LEA and local law enforcement agencies and community prevention providers; and

(d) explain how an LEA plans to use the funds.

(3) The Superintendent shall award gang intervention funds based on proposals submitted in accordance with Subsection (1), and subject to the annual legislative appropriation.

(4) The Superintendent shall give priority in awarding funds to an LEA that:

(a) demonstrates collaborative efforts with local law enforcement agencies and community prevention providers;

(b) uses state agency data as defined in Subsections 53F-2-410(4)(a)(i) and 53F-2-410(3)(a)(i) that demonstrate multiple risk factors for gang involvement;

(c) defines how the LEA will implement activities funded by the grant to increase protective factors for students at risk of gang involvement; and

(d) uses data to evaluate that the activities implemented are successful and that there is a reduction of gang involvement from previous years.

(5) The Superintendent shall determine the percentage of funds awarded based on:

(a) the number of LEAs that apply; and

(b) the application components as described in Subsection (4).

(6) The Superintendent shall notify successful applicants of their awards annually.

R277-436-4. Evaluation and Reports.

(1) An LEA or charter school shall provide the Superintendent a year-end evaluation report by October 1 for the previous fiscal year.

(2) A year-end report shall include:

(a) an expenditure report;

(b) a narrative description of all activities funded;

(c) copies of products developed;

(d) an effectiveness report detailing evidence of individual and overall activities and strategies impact on gang and gang-related activities and involvement; and

(e) any other information or data required by the Superintendent.

(3) The Superintendent may require additional evaluation or audit procedures from the grant recipient to demonstrate use of funds consistent with the law.

R277-436-5. Waivers.

Notwithstanding Rule R277-121, the Superintendent may grant a written request for a waiver of a requirement or deadline contained in this rule, which a district or school finds unduly restrictive.

KEY: public schools, disciplinary problems, students at risk, gangs

Date of Last Change: August 7, 2024

Notice of Continuation: January 18, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-2-410; 53E-3-401(3)

R277. Education, Administration.

R277-437. Open Enrollment.

R277-437-1. 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; and

(c) Subsection 53G-6-405, which directs the Board to provide a formula by rule for resident students to attend school districts under 53G-6-401.

(2) The purpose of this rule is:

(a) to establish necessary definitions;

(b) to establish a formula for the residual per pupil expenditure for school districts to reimburse each other for full and part-time nonresident students;

(c) to summarize school, school district, and state responsibilities under Section 53G-6-401; and

(d) to provide a standard statewide open enrollment form required under Subsection 53G-6-402(4)(b)(ii).

R277-437-2. Definitions.

(1) "Available school or program" means a school or program currently designated under the law and this rule by a district as open to nonresident students.

(2) "Nonresident student" means a student attending or seeking to attend a school other than the designated school of residence.

(3) "Resident district" means a student's school district of residence under Section 53G-6-302.

(4) "Resident district's per student expenditure" means the expenditure based on the most recent State Superintendent's Annual Report according to the following formula calculated by the Superintendent:

(a) take total expenditures before interfund transfer for:

(i) maintenance and operation;

(ii) tort liability; and

(iii) capital projects;

(b) subtract the following from the sum of (4)(a), above:

(i) resident district's taxes collected under the Minimum School Program;

(ii) state revenue;

(iii) federal revenue; and

(iv) expenditures for site acquisition or new facility construction, which includes remodeling that increases building square footage or other major remodeling; and

(c) divide the remainder of (4)(a) and (4)(b) above by the total student membership of the district as reported in the most recent annual year-end Membership Report.

(5) "School of residence" means the school which a student would normally attend in the student's district of residence.

(6) "School into which the school's students feed" for purposes of this rule means school boundaries and feeder systems as determined by the local board of education which may change over time.

(7) "Split enrollment" means a student that is enrolled in two or more LEAs simultaneously during a school year.

R277-437-3. Local School Board and District Responsibilities.

(1) A local school board shall have policies describing procedures for a student to follow in applying to attend school other than the student's respective schools of residence.

(2) A Local school board shall designate which schools and programs will be available for open enrollment during the coming school year consistent with the definitions and timelines of Title 53G, Chapter 6, Part 4, School District Enrollment.

(3) The school district shall adjust timelines for open enrollment applications if the district is developing a district-wide reconfiguration of the district's schools consistent with Subsection 53G-6-401(1).

(4) A school district may establish longer or broader timelines for enrollment than required by law.

(5) If construction, remodeling, or other circumstances beyond the control of the local school board do not reasonably permit the local school board to make sufficiently accurate enrollment projections for a given school to determine whether the school should be designated as available for open enrollment for the coming year, the local board shall designate delays and procedures consistent with Subsection 53G-6-402(4)(c).

(6)(a) As required under Subsection 53G-6-405(2), a resident district shall pay to a nonresident district one-half of the resident district's per student expenditure for each resident student properly registered in the nonresident district.

(b) A resident district may pay a nonresident district any additional amount if agreed upon by both districts.

(c) No payments shall be made pursuant to this rule for split enrollment of a student.

(d) Funding for students who are split enrolled shall be provided to the participating LEAs in accordance with Section R277-419-6.

(7) An agreement between the resident district and a nonresident district may be made prior to the acceptance of a requesting student and shall be done outside of the Statewide Online Education Program process described in R277-726.

(8) A local school board shall establish a procedure to consider appeals of a student's denial of initial or continued enrollment of a nonresident student under Subsection 53G-6-404(1).

(9) A local school board may deny a student's request for enrollment for a reason identified in Title 53G, Chapter 6, Part 4, School District Enrollment.

(10) This rule does not govern eligibility for nonresident students to participate in activities supervised by the Utah High School Activities Association (UHSAA).

R277-437-4. Special Education Open Enrollment Requirements.

(1) When considering an open enrollment request for a student who qualifies for special education services, a nonresident district shall:

(a) consider the individual needs of the student and whether the nonresident district can meet the student's needs when determining whether there is capacity to accept the student; and

(b) establish policies and procedures for open enrollment that do not have the effect of discriminating against a student who qualifies for special education services.

(2) The policies and procedures described in Subsection (1), as applied or implemented, may not lead to the categorical denial of accepting a nonresident student who qualifies for special education services.

(3) The Superintendent may provide model policies that meet the requirements of this section.

R277-437-5. Transportation.

(1) A school resident district may transport the district's students to schools in other districts under Subsection 53G-6-405(3)(b)(i).

KEY: public education, enrollment options

Date of Last Change: January 9, 2019

Notice of Continuation: September 11, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(1)(b); 53G-6-405; 53G-6-401 et seq.; 53E-3-401(4)

R277. Education, Administration.

R277-438. Dual Enrollment.

R277-438-1. 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)(b)(i), which directs the Board to establish rules and minimum standards for access to programs;

(c) 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

(d) Section 53G-6-702, which governs dual enrollment.

(2) The purpose of this rule is to provide consistent statewide procedures and criteria for a home school and private school student's participation in a public school course, co-curricular activity, or program.

R277-438-2. Definitions.

(1) "Co-curricular activity" means a school district or school activity, course, or experience, outside of school hours, that also includes a required regular school day component.

(2) "Dual enrollment student" means a student who is enrolled simultaneously in:

(a) a private school or home school; and

(b) a public school.

(3) "Eligibility" means a student's fitness and availability to participate in a school course, activity, or program governed by this rule that is determined by a number of factors, including:

(a) residency;

(b) scholarship;

(c) age; and

(d) the number of semesters of participation in a particular course, activity, or program.

(4) "Full-time student" means a student earning the school district designated number and type of credits required for participation in a course, activity, or program in the school district in which the student's parent resides.

(5) "Home school" means a school in the state comprised of one or more students officially excused from compulsory public school attendance under Section 53G-6-204.

(6) "Private school" means a school in the state that:

(a) is maintained by a private individual or corporation;

(b) is maintained and operated not at public expense;

(c) is generally supported, in part at least, by tuition fees or charges;

(d) operates as a substitute for, and gives the equivalent of, instruction required in a public school;

(e) employs a teacher able to provide the same quality of education as a public school teacher;

(f) is established to operate indefinitely and independently, not dependent upon age of the students available or upon individual family situations; and

(g) is licensed as a business by the Department of Commerce.

(7)(a) "Resident school" means a public school:

(i) that is under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards; and

(ii) within whose boundaries a student's custodial parent resides.

(b) "Resident school" does not mean a charter school or online school.

(8) "Student participation fee" means a fee charged to all participating students by the resident school for enrollment in a course, program, or co-curricular school activity consistent with Rule R277-407.

R277-438-3. Private and Home School Student Participation in a Public School Course, Co-curricular Activity, or Program.

(1) A student who is exempt from compulsory public school education by a local school board for instruction in a private or home school may enroll in the student's resident school as a dual enrollment student and participate in a course, co-curricular activity, or program at the student's resident school if the student:

(a) takes courses comparable to resident school courses or earns credit under options outlined in Section R277-700-6 in at least as many of the designated courses as required by the local school board of a student for participation in the course, co-curricular activity, or program; or

(b) demonstrates competency to the satisfaction of the LEA in the subject matter taught in the courses required by the local school board of a student for participation the course, co-curricular activity or program.

(2) A public school that is not the student's resident school may allow a private or home school student to enroll in the public school, including in a single course or program, as a dual enrollment student, at the discretion of the public school, and in accordance with Subsection 53G-6-703(2)(d).

(3)(a) A private school dual enrollment student is eligible to participate in a course, co-curricular activity, or program consistent with the eligibility standards for a full-time student, including providing a report card to the resident school or other school described in Subsection (2) upon request.

(b) A home school dual enrollment student is eligible to participate in a course, co-curricular activity, or program if eligibility standards are met consistent with Subsections 53G-6-703(5) through 53G-6-703(14).

R277-438-4. Fees for Private and Home School Students.

A school or school district shall waive a student participation fee for a dual enrollment private or home school student if:

(1) the student is eligible; and

(2) the parent provides required documentation under Section 53G-7-504 and Rule R277-407, School Fees.

R277-438-5. Miscellaneous Issues.

(1) A dual enrollment student attending an activity or a portion of a school day under Section 53G-6-702 is subject to the same behavior and discipline rights and requirements of a full-time student.

(2) A dual enrollment student who attends an activity or a portion of the school day is subject to the administrative scheduling and teacher discretion of the public school.

(3)(a) A dual enrollment student with a disability may participate as a dual enrollment student consistent with law, this rule and 34 CFR 300.450 through 300.455.

(b) A public school that enrolls a dual enrollment student shall prepare an IEP for a student described in Subsection (3)(a) prior to the student's participation in dual enrollment using comparable procedures to those required for identifying and evaluating public school students.

(c) A student with a disability seeking dual enrollment is entitled to services for the time, or for the number of courses, the student is enrolled in the public school, based on the decision of the student's IEP team.

(d) Decisions about the scheduling and manner of services provided is the responsibility of the enrolling public school and school district personnel.

(e) A school or a school district is not prohibited from providing a service to a student who is not enrolled full time in excess of those required by this section.

KEY: public education, dual enrollment

Date of Last Change: December 8, 2016

Notice of Continuation: October 7, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(b)(i); 53E-3-401(401); 53G-6-702

R277. Education, Administration.

R277-439. Block Grant Funding for Prevention Programs in Public Education.

R277-439-1. 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; and

(b) Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities; and

(c) Subsection 53F-2-525(3), which establishes the prevention block grant and directs the Board to make rules to govern the application process.

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

(a) procedures for an LEA to apply for the Prevention Block Grant; and

(b) annual reporting guidelines.

R277-439-2. Definitions.

(1) "Comprehensive prevention plan" means the same as the term is defined in Subsection 53F-2-525(1).

(2) "Participating LEA" means an LEA that:

(a) applies to participate in the prevention block program described in Section 53F-2-525 and this rule; and

(b) is approved by the Superintendent to participate in the prevention block grant program.

R277-439-3. Application Process.

(1) The Superintendent shall develop an application for an LEA that is interested in applying for prevention block grant funds.

(2) An LEA may apply for the grant in a form and within the deadlines specified by the Superintendent.

(3) The Superintendent shall distribute prevention block grant funds to a participating LEA based on funds available from the substance abuse prevention

account and through the underage drinking and substance abuse prevention program restricted account as described in Section 53F-2-525 and Section 53F-9-304.

(4) An LEA's application for the prevention block grant shall include the following:

(a) the LEA's approach and rationale underlying the comprehensive prevention plan;

(b) a demonstration of the LEA's specific prevention needs;

(c) data that support the substance and cost of the LEA's comprehensive prevention plan;

(d) the use of funds to implement the LEA's comprehensive prevention plan; and

(e) specific outcomes that will be used to measure the success of the plan.

(5) The Superintendent shall provide:

(a) guidance to LEAs about designing and implementing the comprehensive prevention plan;

(b) technical assistance to LEAs with prevention needs; and

(c) targeted professional learning opportunities in evidence-based prevention practices.

R277-439-4. Allowable Expenses.

(1) Awarded funds may be used for the following purposes:

(a) Implementation of the comprehensive prevention plan;

(b) Prevention-focused parent seminars as described in Subsection 53G-9-703(2);

(c) To supplement specific prevention needs identified by the LEA that can be justified through data;

(d) Prevention science professional learning;

(e) Supplies and materials related to implementing prevention programs; and

(f) Other evidence-based prevention practices authorized by USBE.

(2) An LEA may not use funds received through this program for:

(a) food;

(b) capital improvements;

(c) metal detectors; and

(d) vape detectors.

R277-439-5. Annual Reporting Requirements.

(1) A participating LEA that receives prevention block grant funds shall provide the Superintendent with a year-end report in a form and within the deadlines specified by the Superintendent.

(2) The Superintendent may require additional evaluation or audit procedures from an LEA to demonstrate the use of funds consistent with the law and Board rules.

KEY: public schools, substance abuse prevention, prevention block grant

Date of Last Change: November 7, 2023

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53F-2-525

R277. Education, Administration.

R277-443. Distribution of Money to Science Outreach Organizations.

R277-443-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of the public school system with the Board;

(b) Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities; and

(c) Section 53E-3-501, which directs the Board to establish rules and standards for the public schools, including curriculum and instruction requirements.

(2) The purpose of this rule is to provide for the distribution of money appropriated by the state to a science organization that:

(a) provides an educational service to a student or teacher; and

(b) facilitates a student developing and using the knowledge, skills, and dispositions defined in a science core standard.

(3) This Rule R277-443 is categorized as Category 3 as described in Rule R277-111.

R277-443-2. Definitions.

(1) "City" has the same meaning as that term is defined in Subsection 10-1-104(1).

(2) "Community" means the group of persons that have an interest or involvement in the education of a person in kindergarten through grade 12, including:

(a) a student, parent, teacher, and administrator; and

(b) an association or council that represents a person described in Subsection (2)(a).

(3) "Core standard" means a standard:

(a) established by the Board in Rule R277-700 as required by Section 53E-3-501; and

(b) that defines the knowledge and skills a student should have in kindergarten through grade 12 to enable a student to be prepared for college or workforce training.

(4) "Cost effectiveness" means:

(a) maximization of the educational service available through the organization; and

(b) not using money received through a program for the necessary maintenance and operational costs of the organization.

(5)(a) "Educational service" means an in-depth instructional workshop, demonstration, classroom experience, presentation, tour, exhibit, teacher professional development, side-by-side mentoring, hands-on activity, field trip, or teachers resources that:

(i) relates to a science core standard and

(ii) takes place in a public school, charter school, professional venue, or a facility;

(b) "Educational service" may include a distance experience or virtual programming that is provided from a remote location if done in addition to outreach programming.

(6) "Educational soundness" means an educational service that:

(a) is designed with effective science instruction for the grade level being served;

(b) features students or teachers engaging in hands-on activities;

(c) focuses on a specific science core standard; and

(d) shows continuous improvement guided by analysis of an evaluative tool.

(7) "Fiscal agent" means a city that:

(a) is designated by an organization as described in Subsection R277-443-4(4); and

(b) acts on behalf of an organization to perform financial or compliance duties.

(8) "Hands-on activity" means an activity that includes active involvement of a student as a scientist by engaging with practices from the field.

(9) "Informal Science Education Enhancement program" or "iSEE program" means a program described in Section R277-443-7 for which a science organization may apply to receive money appropriated by the state.

(10) "Organization" means:

(a) a nonprofit corporation organized under:

(i) Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act; or

(ii) Section 501(c)(3), Internal Revenue Code; and

(b) a science organization.

(11) "Outreach programming" means a type of educational service that is an in-depth classroom experience which includes hands-on activities that relates to a specific science core standard relevant to the classroom's grade level and takes place within a public school or charter school.

(12) "Procedural efficiency" means the organization delivers the educational service at the lowest cost possible.

(13) "Professional excellence" means the organization:

(a) has an educational team who are well-versed in current scientific knowledge and educational practices;

(b) provides educational services which are engaging, inspire curiosity, and interest in science;

(c) provides educational services which exhibit educational soundness;

(d) provides educational services which are accessible to all who participate, regardless of background or ability; and

(e) has a system in place for evaluating the effectiveness of the provided educational services and continuously improves them based on feedback and new research in science education.

(14)(a) "Program" means the system through which the Board grants money appropriated by the state to an organization to enable the organization to provide its expertise and resources through an educational service in the teaching of a science core standard.

(b) "Program" includes:

(i) the provisional program; and

(ii) the iSEE program;

(15) "Science organization" means a professional science organization that provides a science-related educational service in the state.

R277-443-3. Program Application.

(1) If the state appropriates money for a program, an organization may apply to receive money from a program:

(a) on an application form provided by the Superintendent; and

(b) during the fiscal year immediately before the fiscal year in which the organization is to receive the money.

(2) The application shall include:

(a) documentation that the organization is:

(i) a nonprofit corporation that has existed at least three consecutive years before the date of the application;

(ii) a science organization that has attained professional excellence in the discipline; and

(iii) fiscally responsible and can practice procedural efficiency;

(b) a description of the matching funds required by Subsection R277-443-4(2);

(c) an educational service plan, which describes:

(i) the educational service that the organization will use the program money to provide; and

(ii) a budget designed for cost effectiveness to effectively provide the educational service; and

(d) any supplemental documentation to comply with state law and this rule as requested by the superintendent.

(3) The Superintendent shall evaluate and approve or deny an application based on:

(a) whether the organization meets the requirements of this rule; and

(b) how well the organization's educational service plan meets the purpose of this rule.

R277-443-4. Grant General Provisions and Disbursement.

(1) The Superintendent shall disburse the appropriated money to an organization in a form and manner consistent with Section 63G-6b-201 and 301.

(2) An organization that receives money from a program shall have equal matching money from another source to support its delivery of an educational service.

(3)(a) An organization may not charge the school, teacher, or student a fee for the outreach programming for which the organization receives program money.

(b) An organization cannot charge a fee for any educational services that are supported by iSEE funding.

(4)(a) An organization may designate a city as the organization's fiscal agent if:

(i) the city's governing body oversees and monitors the organization and fiscal agent's compliance with program requirements;

(ii) the city complies with board rules;

(iii) the city and the organization use program money for required purposes described in this rule; and

(iv) the city and the organization have an agreement or contract in place regarding the designation of the city as the organization's fiscal agent.

(b) A city fiscal agent may not use program money:

(i) for the city's general administrative purposes; or

(ii) to fund administrative costs to act as the organization's fiscal agent.

(5) The final disbursement of funds may not be made until after the year-end report has been received.

R277-443-5. Year-end Report - Evaluation -- Accountability -- Variations.

(1)(a) An organization that receives money from a program shall submit a year-end report to the Superintendent by the required annual deadline.

(b) The year-end report shall include:

(i) documentation of the organization's nonprofit status;

(ii) a budget expenditure report and income source report using a form provided by the Superintendent, including a report and accounting of matching funds and a fee charged, if any, for an educational service;

(iii) a summary of the program's performance measures;

(iv) a record of the dates and places of all educational services provided, the number of hours of educational service per LEA, school, and classroom, as applicable, with the number of students and teachers served, including:

(A) documentation of the schools that have been offered an opportunity to receive outreach programming over a three year period, to the extent possible and consistent with the organization's plan;

(B) a description of the outreach programming, including the content and effective science instructional practices, that are relevant to the grade level being served and a core standard;

(C) a brief description of the educational service provided through the program, and if requested, copies of any material developed; and

(D) a description of how the educational service contributed to a student developing and using the knowledge, skills, and dispositions defined in a science core standard;

(v) a summary of the organization's evaluation of:

(A) cost effectiveness;

(B) procedural efficiency;

(C) collaborative practices;

(D) educational soundness; and

(E) professional excellence.

(vi) a description of the results of an evaluation system as prescribed by the Superintendent and any implemented improvements based on feedback and new research in science education.

(2) The Superintendent may visit an organization to evaluate the effectiveness and preparation of the organization:

(a) before the Superintendent approves an application;

(b) before disbursing money; and

(c) during an educational service.

(3)(a) In addition to the year-end report required by Subsection (1), the Superintendent may require an evaluation or a monitoring procedure demonstrating use of money consistent with state law and this rule.

(b) If the Superintendent finds that an organization did not use money received from a program consistent with state law and this rule, the Board may:

(i) reduce or eliminate the grant to the organization in the current fiscal year;

(ii) deny an organization's participation in a program in a future fiscal year; or

(iii) impose any other consequence the Board deems necessary to ensure the proper use of public funds.

(4)(a) An organization may not deviate from the approved educational service plan for which the organization receives money unless:

(i) the organization submits a written request for variation to the Superintendent;

(ii) the organization receives approval from the Superintendent for the variation; and

(iii) the variation is consistent with state law and this rule.

(b) An organization shall describe the nature and justification for a variation approved under Subsection (4)(a) in a year-end report.

(5) The Superintendent shall ensure that participating LEAs receive educational services in a balanced and comprehensive manner over a three year period.

(6) The year-end report shall only include the educational services that are supported by iSEE funding.

R277-443-6. Provisional Program Requirements.

(1) Through the provisional program, and pending legislative funding, the Board may grant an organization money to enable the organization to:

(a) develop outreach programming that is sound;

(b) increase the number of students or teachers who receive outreach programming; or

(c) expand the geographical location in which the outreach programming is delivered.

(2) An organization may apply for a provisional program grant each year for up to five years if the organization demonstrates an increase in the educational service between the year-end report and the proposed educational service plan described in the application.

(3)(a) A science organization may apply for the iSEE program if the organization:

(i) has successfully participated in the provisional program for three consecutive years in which the state appropriates money to the provisional program;

(ii) has educational staff and the capacity to deliver outreach programming state-wide; and

(iii) demonstrates during participation in the provisional program:

(A) the quality and improvement of outreach programming;

(B) fiscal responsibility;

(C) cost effectiveness;

(D) procedural efficiency;

(E) collaborative practices;

(F) educational soundness; and

(G) professional excellence.

(b) An organization shall submit a letter of intent to transition from the provisional program to the iSEE program to the Superintendent by October 1 of the calendar year immediately before the calendar year in which the organization submits the application for the iSEE program.

R277-443-7. iSEE Program Requirements.

(1)(a) Through the iSEE program, the Superintendent may grant money to a science organization to provide an educational service state-wide.

(b) A grant from the iSEE program is ongoing, subject to the review required by Subsection (3).

(2) An organization that receives money from the iSEE program may not receive money from the Provisional program in the same fiscal year.

(3)(a) At least once every four years, the Superintendent shall review and evaluate all organizations' participation in the iSEE program, which may include:

(i) evaluation of an educational service plan, or year-end report;

(ii) attendance at outreach or a site visit; and

(iii) financial monitoring.

(b) The Superintendent shall:

(i) report to the Board the results of the review and evaluation; and

(ii) make a recommendation to the Board regarding an organization's continued participation in the program based on how well the organization fulfills the purpose of this rule.

(4) iSEE organizations shall provide outreach programming as the primary focus, while other educational services are considered secondary. iSEE funding may be used for other educational services, but only as an adjunct to outreach programming.

(5) Each Utah school with the relevant science core standard of an iSEE program shall be offered an opportunity to receive that program's outreach programming at least once every three years.

(6) An iSEE program organization shall comply with state law.

KEY: science, core standards, iSEE, grant programs

Date of Last Change: October 8, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-501

R277. Education, Administration.

R277-444. Distribution of Money to Arts Organizations.

R277-444-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of the public school system with the Board;

(b) Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities; and

(c) Section 53E-3-501, which directs the Board to establish rules and standards for the public schools, including curriculum and instruction requirements.

(2) The purpose of this rule is to provide for the distribution of money appropriated by the state to an arts organization that:

(a) provides an educational service to a student or teacher; and

(b) facilitates a student developing and using the knowledge, skills, and appreciation defined in an arts core standard.

(3) This Rule R277-444 is categorized as Category 3 as described in Rule R277-111.

R277-444-2. Definitions.

(1) "Arts organization" means a professional artistic organization that provides an educational service related to dance, music, drama, art, visual art, or media art in the state.

(2) "City" has the same meaning as that term is defined in Subsection 10-1-104(1).

(3) "Community" means the group of persons that have an interest or involvement in the education of a person in kindergarten through grade 12, including:

(a) a student, parent, teacher, and administrator; and

(b) an association or council that represents a person described in Subsection (2)(a).

(4) "Core standard" means a standard:

(a) established by the Board in Rule R277-700 as required by Section 53E-3-501; and

(b) that defines the knowledge and skills a student should have in kindergarten through grade 12 to enable a student to be prepared for college or workforce training.

(5) "Cost effectiveness" means:

(a) maximization of the educational potential of the resources available through the organization; and

(b) not using money received through a program for the necessary maintenance and operational costs of the organization.

(6)(a) "Educational service" means an in-depth instructional workshop, demonstration, presentation, performance, residency, tour, exhibit, teacher professional development, side-by-side mentoring, or hands-on activity that:

(i) relates to an arts core standard;

(ii) except as provided in Subsection (6)(b), takes place in a public school, charter school, professional venue, or a facility;

(b) "Educational service" may include a distance experience that is provided from a remote location, or that take place outside of the regular school day, if done in addition to the requirements of Subsection (6)(a).

(7) "Educational soundness" means an educational service that:

(a) is designed for the community and grade level being served, including a suggested preparatory activity and a follow-up activity that are relevant to a core standard;

(b) features literal interaction of a student or teacher with an artist;

(c) focuses on a specific core standard; and

(d) shows continuous improvement guided by analysis of an evaluative tool.

(8) "Fiscal agent" means a city that:

(a) is designated by an organization as described in Subsection R277-444-4(5); and

(b) acts on behalf of an organization to perform financial or compliance duties.

(9) "Hands-on activity" means an activity that includes active involvement of a student with an artist or scientist, ideally with material provided by the organization.

(10) "Organization" means:

(a) a nonprofit corporation organized under:

(i) Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act; or

(ii) Section 501(c)(3), Internal Revenue Code; and

(b) an arts organization.

(11) "Procedural efficiency" means the organization delivers the educational service at the lowest cost possible.

(12) "Professional excellence" means the organization:

(a) has been juried or reviewed, based on criteria for artistic or scientific excellence, by a panel of recognized and qualified critics in the appropriate discipline;

(b) has received a recognition of excellence through an award, a prize, a grant, a commission, or an invitation to participate in a recognized series of presentations in a well-known venue;

(c) includes a recognized and qualified professional in the appropriate discipline who has created an artistic project or composition specifically for the organization to present; or

(d) any combination of criteria described in Subsections (13)(a) through (c).

(13) "Professional outreach programs in the schools program" or "POPS program" means a program described in Section R277-444-7 for which an arts organization may apply to receive money appropriated by the state.

(14)(a) "Program" means the system through which the Board grants money appropriated by the state to an organization to enable the organization to provide its expertise and resources through an educational service in the teaching of a core standard.

(b) "Program" includes:

(i) the provisional program;

(ii) the POPS program; and

(iii) the Subsidy program.

R277-444-3. Program Application.

(1) If the state appropriates money for a program, an organization may apply to receive money from a program:

(a) on an application form provided by the Superintendent; and

(b) during the fiscal year immediately before the fiscal year in which the organization is to receive the money.

(2) The application shall include:

(a) documentation that the organization is:

(i) a non-profit corporation that has existed at least three consecutive years before the date of the application;

(ii) an arts organization or a science organization that has attained professional excellence in the discipline;

(iii) fiscally responsible; and

(iv) can practice procedural efficiency.

(b) a description of the matching funds required by Subsection R277-444-4(3);

(c) an educational service plan, which describes:

(i) the educational service that the organization will use the program money to provide; and

(ii) a plan to creatively and effectively provide the educational service; and

(d) any supplemental documentation to comply with state law and this rule as requested by the Superintendent.

(3) The Superintendent shall evaluate and approve or deny an application based on:

(a) whether the organization meets the requirements of this rule; and

(b) how well the organization's educational service plan meets the purpose of this rule.

R277-444-4. Grant General Provisions and Disbursement.

(1) The Superintendent shall disburse the appropriated money to an organization consistent with Sections 63G-6b-201 and 63G-6b-301.

(2) An organization that receives money from a program shall have equal matching money from another source to support its delivery of an educational service.

(3)(a) Except as provided by Subsection (4)(b), an organization may not charge the school, teacher, or student a fee for the educational service for which the organization receives program money.

(b) An organization that receives money from the Subsidy program may charge a fee for an educational service.

(4)(a) An organization may designate a city as the organization's fiscal agent if:

(i) the city's governing body oversees and monitors the organization and fiscal agent's compliance with program requirements;

(ii) the city complies with Board rules;

(iii) the city and the organization use program money for required purposes described in this rule; and

(iv) the city and the organization have an agreement or contract in place regarding the designation of the city as the organization's fiscal agent.

(b) A city fiscal agent may not use program money:

(i) for the city's general administrative purposes; or

(ii) to fund administrative costs to act as the organization's fiscal agent.

(5) An artist, or entity hired or sponsored by an organization to provide an educational service shall comply with the procedures and requirements of this rule.

(6) The final disbursement of funds may not be made until after the year-end report has been received.

R277-444-5. Year-end Report - Evaluation -- Accountability -- Variations.

(1)(a) An organization that receives money from a program shall submit a year-end report to the Superintendent by the required annual deadline.

(b) The year-end report shall include:

(i) documentation of the organization's non-profit status;

(ii) a budget expenditure report and income source report using a form provided by the Superintendent, including a report and accounting of matching funds and a fee charged, if any, for an educational service;

(iii) a record of the dates and places of all educational services provided, the number of hours of educational service per LEA, school, and classroom, as applicable, with the number of students and teachers served, including:

(A) documentation of the schools that have been offered an opportunity to receive an educational service over a three year period, to the extent possible and consistent with the organization's plan;

(B) documentation of collaboration with the Superintendent and the community in planning the educational service, including the content, a preparatory activity, and a follow-up activity that are relevant to a core standard;

(C) a brief description of the educational service provided through the program, and if requested, copies of any material developed; and

(D) a description of how the educational service contributed to a student developing and using the knowledge, skills, and appreciation defined in an arts standard;

(iv) a summary of the organization's evaluation of:

(A) cost-effectiveness;

(B) procedural efficiency;

(C) collaborative practices;

(D) educational soundness; and

(E) professional excellence; and

(v) a description of the results of an evaluation system prescribed by the Superintendent and any implemented improvements based on feedback.

(2) The Superintendent may visit an organization to evaluate the effectiveness and preparation of the organization:

(a) before the Superintendent approves an application;

(b) before disbursing money; and

(c) during an educational service.

(3)(a) In addition to the year-end report required by Subsection (1), the Superintendent may require an evaluation or an audit procedure from an organization demonstrating use of money consistent with state law and this rule.

(b) If the Superintendent finds that an organization did not use money received from a program consistent with state law and this rule, the Superintendent may:

(i) reduce or eliminate the grant to the organization in the current fiscal year;

(ii) deny an organization's participation in a program in a future fiscal year; or

(iii) impose any other consequence the Board deems necessary to ensure the proper use of public funds.

(4)(a) An organization may not deviate from the approved educational service plan for which the organization receives money unless:

(i) the organization submits a written request for variation to the Superintendent;

(ii) the organization receives approval from the Superintendent for the variation; and

(iii) the variation is consistent with state law and this rule.

(b) An organization shall describe the nature and justification for a variation approved under Subsection (4)(a) in a year-end report.

(5) The Superintendent shall ensure that participating LEAs receive educational services in a balanced and comprehensive manner over a three year period.

R277-444-6. Provisional Program Requirements.

(1) Through the Provisional program, and pending legislative funding, the Board may grant an organization money to enable the organization to:

(a) further develop an educational service that is sound;

(b) increase the number of students or teachers who receive an educational service; or

(c) expand the geographical location in which the educational service is delivered.

(2) An organization may apply for a grant each year for up to five years if the organization demonstrates an increase in the educational service between the year-end report and the proposed educational service plan described in the application.

(3)(a) An arts organization may apply for the POPS program if the organization:

(i) has successfully participated in the provisional program for three consecutive years in which the state appropriates money to the provisional program;

(ii) has educational staff and the capacity to deliver an educational service state-wide; and

(iii) demonstrates during participation in the provisional program:

(A) the quality and improvement of an educational service;

(B) fiscal responsibility;

(C) cost-effectiveness;

(D) procedural efficiency;

(E) collaborative practices;

(F) educational soundness; and

(G) professional excellence.

(b) An organization shall submit a letter of intent to transition from the provisional program to the POPS program to the Superintendent by October 1 of the calendar year immediately before the calendar year in which the organization submits the application for the POPS program.

R277-444-7. POPS Program Requirements.

(1)(a) Through the POPS program, the Board may grant money to an arts organization to provide an educational service state-wide.

(b) A grant from the POPS program is ongoing, subject to the review required by Subsection (4).

(2) An organization that receives money from the POPS program may not receive money from the Provisional program or the Subsidy program in the same fiscal year.

(3)(a) At least once every four years, the Superintendent shall review and evaluate all organizations' participation in the POPS program, which may include:

(i) evaluation of an educational service plan, or year-end report;

(ii) attendance at an educational service or a site visit and;

(iii) financial monitoring.

(b) The Superintendent shall:

(i) report to the Board the results of the review and evaluation; and

(ii) make a recommendation to the Board regarding an organization's continued participation in the program based on how well the organization fulfills the purpose of this rule.

(4) Each Utah school shall be offered an opportunity to receive services from each discipline at least once every three years.

(5) A POPS program organizations shall comply with state law.

R277-444-8. Subsidy Program Requirements.

(1)(a) Through the Subsidy program, the Superintendent may grant money to an organization that provides a valuable education service but does not qualify for participation in another program.

(b) A grant from the Subsidy program is ongoing, subject to the review required by Subsection (5).

(2)(a) An organization may apply to receive money through the Subsidy program if the organization has successfully participated in the Provisional program for three consecutive years in which the state appropriated money to the Provisional program.

(b) An organization shall submit a letter of intent to transition from the Provisional program to the Subsidy program to the Superintendent:

(A) within the calendar year immediately before the calendar year in which the organization will submit an application for the Subsidy program; and

(B) by the deadline set by the Superintendent.

(3) An arts organization may apply for the Subsidy program if the organization:

(a) has successfully provided a valuable educational service during its participation in the Provisional program; and

(b) does not meet the requirements to participate in the POPS program because the organization:

(i) delivers an educational service regionally instead of state-wide; or

(ii) charges a fee for an educational service.

(c) demonstrates during participation in the Provisional program:

(i) the quality and improvement of an educational service;

(ii) fiscal responsibility;

(iii) cost-effectiveness;

(iv) procedural efficiency;

(v) collaborative practices;

(vi) educational soundness; and

(vii) professional excellence.

(4) An organization that receives money from the Subsidy program may not receive money from another program in the same fiscal year.

(5)(a) At least once every four years, the Superintendent shall review and evaluate all organizations' participation in the Subsidy program, which may include:

(i) evaluation of an educational service plan, year-end report, reimbursement form, or audit; and

(ii) attendance at an educational service or a site visit.

(b) The Superintendent shall:

(i) report to the Board the results of the review and evaluation; and

(ii) make a recommendation to the Board regarding an organization's continued participation in the Subsidy program based on how well the organization fulfills the purpose of this rule.

KEY: arts, science, core standards, POPS, grant program

Date of Last Change: October 8, 2024

Notice of Continuation: April 15, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-501

R277. Education, Administration.

R277-445. Classifying Small Schools as Necessarily Existent.

R277-445-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

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

(b) Subsection 53F-2-304(3), which requires the Board to adopt rules to adopt a formula to calculate a scale of operations weighting for each student enrolled in a school district in a county of the fourth, fifth, or sixth class as described in Section 17-50-501 or a school district in a county of the third class with fewer than 2,000 students; and

(c) 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) This Rule R277-495 is categorized as Category 4 as described in Rule R277-111.

R277-445-2. Definitions.

(1) "ADM" means average daily membership derived from end-of-year data from the previous school year.

(2) "NESS" means Necessarily Existent Small School as defined in Subsection 53F-2-304(1).

(3) "Weighted Pupil Unit" or "WPU" means the basic unit used to calculate the amount of state funds a school district may receive.

R277-445-3. NESS WPUs.

(1) The Board shall award NESS Weighted Pupil Units as follows:

(a) A scale of operations WPU weighting based on a formula determined by a cost function analysis.

(b) No scale of operations weightings shall be awarded to a school district with an ADM greater than 7,700.

(2) Rural-school weightings for NESS schools that provide WPUs for each grade band in accordance with Subsection 53F-2-304(2).

(3) The funding for ADM that falls within the weighting factors described in Subsections (1)(a) and (1)(b) shall be computed under both weighting factors.

(4) In accordance with Subsection 53G-6-305(3)(b)(ii), the Superintendent shall use NESS Program funds to cover out-of-state tuition reimbursements under Rule R277-421.

R277-445-4. Splitting a School that Qualifies as a Necessarily Existent Small School.

(1) A school district that intends to split a school that qualifies as a necessarily existent small school or has qualified as a necessarily existent small school within the past five years shall submit a proposal to the Board as outlined in Subsection 53F-2-304(8).

(2) An LEA shall submit a proposal under Subsection (1), no later than July 1 of the fiscal year prior to the planned split.

(3) The Superintendent shall:

(a) review an LEA's waiver request; and

(b) may provide a recommendation to the Board.

(4) The Board Executive Committee may assign a waiver request made under this Rule R277-121 to a Board standing committee.

(5) The standing committee assigned in accordance with Subsection (2):

(a) may solicit additional information or testimony;

(b) shall review the request in an open meeting; and

(c) shall make a recommendation for consideration by the full Board.

(6) The Board shall consider available data in evaluating an LEA waiver request and shall consider whether the split is:

(a) educationally and operationally necessary; and

(b) not primarily motivated by financial considerations related to necessarily existent small school funding.

(7) The Board may request an LEA that receives approval for a split in accordance with this Rule R277-445 and Section 53F-2-304 to report the following to a Board committee:

(a) data that supports continuation of the requested split; and

(b) data related to the data the LEA presented as a part of the LEA's request for the split.

R277-445-5. Incorporation by Reference of the NESS Scale of Operations Weightings.

(1) This rule incorporates by reference the NESS Scale of Operations Weightings.

(2) A copy of this document is located at:

(a) https://www.schools.utah.gov/administrativerules/documentsincorporated; and

(b) the offices of the Utah State Board of Education.

KEY: school enrollment, educational facilities, small schools

Date of Last Change: October 8, 2025

Notice of Continuation: August 19, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-304(1)

R277. Education, Administration.

R277-454. Construction Management of School Building Projects.

R277-454-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Article X, Section 3 of the Utah Constitution, which vests general control and supervision of 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; and

(c) Section 53E-3-705, which requires the Board to prepare an annual school plant capital outlay report for all LEAs, which includes the number and size of building projects completed and under construction.

(2) The purpose of this rule is to specify the standards local boards of education shall follow in using construction management for school construction projects.

R277-454-2. Definitions.

(1)(a) "CM" means an individual designated as a construction manager, which acts as the agent of the owner of a construction project and may include:

(i) an architect;

(ii) an engineer;

(iii) a general contractor;

(iv) a professional consultant; or

(v) a construction management firm.

(b) A "CM" may, at the discretion of the project owner, assist in the development and implementation of predesign, design, bidding, construction, and occupancy stages of the construction project.

(c) A "CM" is responsible for the effective, orderly, and acceptable completion of a construction project.

(2) "Construction management" means a contractual and professional working relationship between the owner of a construction project and a CM.

R277-454-3. Standards.

(1) A construction management contract shall clearly specify the duties of the CM with respect to the building project.

(2) An LEA shall bid each component part of the building project in accordance with statutory:

(a) advertising requirements;

(b) public opening requirements;

(c) performance bond requirements; and

(d) payment bond requirements.

KEY: educational facilities, education finance

Date of Last Change: November 7, 2022

Notice of Continuation: September 15, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-705

R277. Education, Administration.

R277-459. Teacher Supplies and Materials Appropriation.

R277-459-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which gives general control and supervision of the public school system to 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-2-527, which appropriates funds to distribute money to classroom teacher for teaching supplies and materials;

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

(e) intent language included in 2017 H.B. 2, Public Education Budget Amendments, which required the Board to establish a rule governing allowable expenditures of teacher classroom supplies and materials money appropriation.

(2) The purpose of this rule is to establish guidelines regarding the materials, supplies, and money.

(3) This Rule R277-459 is categorized as Category 2 as described in Rule R277-111.

R277-459-2. Definitions.

(1) "Classroom teacher" means the same as the term is defined in Section 53F-2-527.

(2)(a) "Comprehensive Administration of Credentials for Teachers in Utah Schools file" or "CACTUS file" means the electronic file maintained by the Superintendent on all licensed Utah educators.

(b) A CACTUS file includes:

(i) personal directory information;

(ii) educational background;

(iii) endorsements;

(iv) employment history;

(v) professional development information; and

(vi) a record of disciplinary action taken against the educator.

(c) Information contained in an individual's CACTUS file is available to the individual, but is classified private or protected under Section 63G-2-302 or 305 and is accessible only to specific designated individuals.

(3) "Field trip" means a district, or school authorized excursion for educational purposes.

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

(5) "Teaching supplies and materials" means the same as the term is defined in Section 53F-2-527.

(6)(a) "Utah Schools Information Management System" or "USIMS" means a comprehensive tool maintained by the Superintendent for collecting, processing, providing oversight, and report on education data for the state.

(b) "USIMS" is the successor to the CACTUS database, which maintains data on educator licenses as described in Subsection (2).

R277-459-3. Distribution of Funds.

(1)(a) The Superintendent shall distribute funds consistent with Subsection 53F-2-527(2) to LEAs based on data submitted to the CACTUS or USIMS database, as appropriate.

(b) Only k-12 and pre-kindergarten classroom teachers are eligible for teaching supplies and materials funds.

(c) The following positions are not eligible for teaching supplies and materials funds:

(i) school counselors; and

(ii) school specialists.

(2) Individual teachers shall designate the uses for their allocations consistent with the criteria of this rule. LEAs and other eligible schools may develop policies, procedures, and timelines to facilitate the intent of the appropriation.

(3)(a) An LEA shall ensure that each returning classroom teacher receives the teacher's proportionate share of the appropriation by August 15 annually.

(b) An LEA shall ensure that each newly hired classroom teacher receives the teacher's proportionate share of the appropriation by the later of:

(i) August 15 annually; or

(ii) within two weeks of hire.

(4) If a teacher has not spent or committed to spend the individual allocation by April 1, the school or LEA may make the excess funds available to other teachers or may reserve the money for use by eligible teachers the following year.

(5) These funds shall supplement, not supplant, existing funds for identified purposes.

(6) These funds shall be accounted for by the LEA or eligible school using state and school district procurement and accounting policies.

(7)(a) The teaching supplies and materials purchased with the funds are the property of the LEA.

(b) Employees do not personally own materials purchased with designated public funds.

(c) An LEA may by policy allow individual teachers to use supply funds to protect teacher health with consumable materials that may not be able to be reused by the school.

(8) An LEA may distribute funds to eligible teachers through a Board-approved competitively-bid software solution procured using Board funds.

R277-459-4. Other Provisions.

(1) A classroom teacher may combine the classroom teacher's allocation with another classroom teacher to buy supplies or materials.

(2) An LEA may carry over teacher supplies and materials funds, if necessary.

KEY: teachers, supplies

Date of Last Change: August 7, 2024

Notice of Continuation: November 15, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(b); 53F-2-527

R277. Education, Administration.

R277-460. Distribution of Substance Abuse Prevention Account.

R277-460-1. 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) Section 53G-10-405, which directs the Board to adopt rules providing for instruction on the harmful effects of alcohol, tobacco, electronic cigarette products, and controlled substances;

(c) 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

(d) Section 51-9-405, which provides for funds from the Substance Abuse Prevention Account to be allocated to the Board for:

(i) substance abuse prevention and education;

(ii) substance abuse prevention training for teachers and administrators; and

(iii) LEA programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities.

(2) The purpose of this rule is to provide for the distribution of the Board's share of the money from the Substance Abuse Prevention Account.

R277-460-2. Definitions.

(1) "Educational materials" means visual and auditory media, curricula, textbooks, and other disposable or non-disposable items that enhance student understanding of the subject matter.

(2) "Electronic cigarette product" has the same meaning as that term is defined in Section 59-14-802.

(3) "Local substance abuse authority" means the person or group designated by the Legislature as the county authority to receive public funds for substance abuse prevention and treatment.

(4) "Substance abuse prevention education activities and intervention" means proactive educational activities designed to eliminate any illegal use of alcohol, tobacco, electronic cigarette products, and controlled substances.

R277-460-3. Fund Allocations.

(1) Before making the distributions described in Subsections (2) and (3), the Superintendent shall retain sufficient substance abuse prevention funds to pay for the salary, benefits, and indirect costs of a program administrator at a salary level to be determined by the Superintendent and support staff costs for the program administrator.

(2) After the allocation of substance abuse prevention funds is retained as described in Subsection (1), the Superintendent may use up to 45% to:

(a) purchase educational materials to support and supplement existing substance abuse prevention efforts;

(b) encourage and support statewide substance abuse prevention training for school district and charter school teachers and administrators; and

(c) promote substance abuse prevention in the classroom.

(3) At least 55% of the substance abuse prevention funds remaining after the allocation described in Subsection (1) shall be distributed to LEAs for use by the LEAs or individual schools within the LEA based on application.

R277-460-4. Applications.

(1) The Superintendent shall develop an application for LEAs that are interested in applying for substance abuse prevention funds available as described in this R277-460.

(2) An LEA shall submit the LEA's application to the specialist designated by the Superintendent.

(3)(a) Substance abuse prevention funds shall be distributed to LEAs based on funds available from the Substance Abuse Prevention Account.

(b) The Superintendent shall describe the available funding amounts in the Board application described in Subsection (1).

(4) An LEA's application for substance abuse prevention funds shall include the following:

(a) the applicant's intention to collaborate with the local substance abuse authority and community groups, including shared plans and strategies for substance abuse prevention education, activities, and intervention;

(b) the applicant's plan for professional development on substance abuse;

(c) the use of funds to implement applicant's plan;

(d) teacher reports of classroom implementation and plans for classroom monitoring visits;

(e) applicant's enhancement of substance abuse curriculum with additional substance abuse activities and strategies; and

(f) applicant's implementation of substance abuse curriculum with school-based behavioral/health or coordinated school health initiatives.

R277-460-5. Limitations on Funds.

(1) The Superintendent and LEAs shall use substance abuse prevention funds exclusively for purposes set forth in Section 51-9-405.

(2) Transfer of funds between line items or the extension of project completion dates may be made only with prior written approval of the Superintendent.

(3) An LEA may not use funds received under this R277-460 to supplant:

(a) funds currently available to the LEA; or

(b) funds available from other state or local sources.

R277-460-6. Evaluation and Reports.

(1) An applicant that receives substance abuse prevention funds shall provide the Superintendent with a year-end report on or before July 1 of the fiscal year in which the award was made.

(2) The year-end report described in Subsection (1) shall include:

(a) an expenditure report;

(b) a narrative description of activities funded; and

(c) an action research or data project report.

(3) The Superintendent may require additional evaluation or audit procedures from an award recipient to demonstrate the use of funds consistent with the law and Board rules.

(4) The Superintendent shall annually report the following information to the Board's Finance Committee:

(a) the number of LEAs receiving substance abuse prevention funds;

(b) a summary of the LEAs' use of program funds; and

(c) a description of how the Superintendent is using the funds described in Subsections R277-460-3(1) and (2).

KEY: public schools, substance abuse prevention

Date of Last Change: August 12, 2020

Notice of Continuation: August 19, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53G-10-405; 51-9-405

R277. Education, Administration.

R277-461. Elementary School Counselor Grant Program.

R277-461-1. 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; and

(c) Section 53F-5-209, which directs the Board to make rules to administer the Elementary School Counselor Grant Program.

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

(a) an application procedure;

(b) criteria and procedures for awarding grants; and

(c) requirements for grant recipients.

R277-461-2. Definitions.

(1) "Childhood trauma" means a child who has been exposed to one or more traumas over the course of the child's life and develops reactions that persist and affect the child's daily life after the events have ended.

(2) "Grant" means funding awarded by the Board to an LEA to hire qualifying personnel for purposes of supporting school-based mental health, in accordance with Section 53F-5-209.

(3) "Qualifying personnel" means the same as term is defined in Subsection 53F-5-209(1)(c).

(4) "Risk factors for childhood trauma" means behaviors or indicators including:

(a) office referrals or discipline reports;

(b) increased absenteeism;

(c) qualification for free or reduced-price lunch;

(d) experiencing homelessness;

(e) school-reported referrals to the Utah Division of Child and Family Services (DCFS);

(f) involvement with juvenile justice and youth services;

(g) participation in foster care;

(h) being subject to bullying, cyber-bullying, hazing, retaliation, and abusive conduct as defined in Rule R277-613;

(i) experiencing intergenerational poverty; and

(j) performing below benchmark on statewide assessments as defined in Section 53E-4-301.

R277-461-3. Grant Applications.

(1) The Superintendent shall develop and make available a grant application for LEAs, consistent with the requirements in Subsection 53F-5-209(4)(a).

(2) The grant application shall require the LEA to report how it intends to provide the matching funds required in Subsection 53F-5-209(4)(b), including the source of funding the LEA intends to use.

(3) For each grant cycle that the Superintendent is authorized to solicit grant applications, the Superintendent shall publish a timeline on the Board's website by March 30, including a date for the application release, and due dates for an LEA to submit required materials.

R277-461-4. Procedures and Criteria for Awarding a Grant.

(1) An LEA applying for a grant shall commit to establishing, at a minimum, a 3-year plan and program for using the grant funds.

(2) In accordance with Subsection 53F-5-209(3), the Superintendent shall prioritize LEA applications that propose to target funds as described in Section 53F-5-209.

(3) For purposes of prioritizing grants under this rule, the Superintendent shall examine the prevalence of risk factors for childhood trauma as identified in the LEA's application.

R277-461-5. Grant Recipient Requirements, Accountability, and Reporting.

(1) Grant funds shall only be used to pay for salaries and benefits for qualifying personnel.

(2) Qualifying personnel funded by these grant funds shall:

(a) implement a program to achieve an LEA's measurable goals as described in Subsection 53F-5-209(4)(a);

(b) participate in USBE trainings;

(c) participate in regular collaboration meetings with USBE; and

(d) in accordance with Subsection 53F-5-209(8), participate in trauma-informed modules

(3) The Superintendent shall establish a process and accompanying forms for grant recipients to document grant requirements including annual reporting consistent with the requirements described in Subsection 53F-5-209(7).

KEY: grant program, school counselor, mental health, trauma-informed practice

Date of Last Change: August 22, 2023

Notice of Continuation: June 13, 2023

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401(4); 53F-5-209(6)

R277. Education, Administration.

R277-462. Comprehensive School Counseling Program.

R277-462-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Subsection 53E-2-304(2)(b) which directs local boards to develop policies for the implementation of student Plan for College and Career Readiness.

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

(a) standards and procedures for an LEA applying for funds appropriated for the School Counseling Program;

(b) the minimum counselor to student ratios within an LEA; and

(c) provisions for an LEA not meeting the minimum counselor to student ratios;

(3) This Rule R277-462 is categorized as Category 3 as described in Rule R277-111.

R277-462-2. Definitions.

(1) "LEA" means, for purposes of this rule, an LEA that serves students in any of grades 7-12.

(2) "Program" means an LEA's school counseling program that shall be consistent with the program model described in Section R277-462-3.

(3) "School Counselor" means an educator licensed as a school counselor consistent with Rule R277-306 and assigned to provide direct and indirect services to students consistent with the program.

(4) "Student" means, for purposes of this rule, only students in grades 7-12.

R277-462-3. Incorporation of Utah K-12 Comprehensive School Counseling Program Components Document.

(1) This rule incorporates by reference the Utah K-12 Comprehensive School Counseling Program Components Document, April 2024.

(2) A copy of the current Utah K-12 Comprehensive School Counseling Program Components Document is located at:

(a) https://schools.utah.gov/administrativerules/documentsincorporated; and

(b) the Utah State Board of Education -- 250 East 500 South, Salt Lake City, Utah 84111.

R277-462-4. School Counseling Program Approval and Qualifying Criteria.

(1) To qualify for a funding distribution outlined in Subsection (2), an LEA shall:

(a) have a plan for college and career readiness consistent with Sections 53E-2-304 and R277-462-5;

(b) have an approved student success framework described in Section 53G-7-1304;

(c) at least once every six years, participate in an on-site program review conducted by the Superintendent which shall assess the components of the program as outlined in Section R277-462-3:

(i) collaborative classroom instruction;

(ii) implementation of the plan for college and career readiness;

(iii) program contribution to achieving the student success framework;

(iv) systemic dropout prevention; and

(v) overall administration of the program.

(d) at least once every three years conduct an internal on-site review consistent with elements of the on-site review conducted by the Superintendent;

(e) ensure the school's program is self-evaluated annually;

(f) participate in statewide trainings provided by the Superintendent;

(g) provide adequate resources and program management to each program within the LEA;

(h) conduct a program needs assessment with relevant stakeholders at least once every three years;

(i) submit an annual school-based data project demonstrating program or intervention effectiveness by June 15;

(j) provide evidence of LEA governing board approval of the program;

(k) demonstrate parental involvement in the program including advisory council participation;

(l) integrate collaborative classroom instruction consistent with standards identified by the LEA;

(m) maintain the required school counselor to student ratio described in Section R277-462-6;

(n) design a program that includes the needs of diverse students; and

(o) provide assistance for students in career literacy and future decision-making skills.

(2) An LEA that meets the requirements in Subsection (1) may receive a funding distribution as follows:

(a) a WPU base for the first 400 students; and

(b) a per student distribution for each additional student beyond 400 students, up to 1,200 students.

(3) An LEA shall use the October 1 enrollment count of the previous fiscal year when determining the distribution amount to request.

R277-462-5. Plan for College and Career Readiness.

(1) To qualify for funding described in Section R277-462-4 an LEA shall ensure each student within the LEA has a plan for college and career readiness.

(2) A student, student's parent, and school counselor shall collaboratively develop the student's plan for college and career readiness.

(3) A plan for college and career readiness shall:

(a) be a four-year plan; and

(i) initiated at the beginning of a student's seventh grade year; or

(ii) within the first year the student is enrolled in grades 7-12;

(b) include parents in the individual planning meetings with a student;

(c) be maintained by the counseling department in each school;

(d) follow a student as the student progresses through each grade; and

(e) when applicable, transfer with a student between LEAs.

(4) An LEA shall ensure that a student's course registration and class schedule is consistent with the student's plan for college and career readiness.

(5) An LEA shall require all schools within the LEA to document parental involvement in a student's planning meetings.

(6) An LEA shall ensure the implementation of a plan for college and career readiness is consistent with the LEA's program goals and includes the following conference meetings:

(a) at least one individual and one group conference meeting with a parent, school counselor and student during the student's:

(i) grades 7 and 8;

(ii) grades 9 and 10; and

(iii) grades 11 and 12.

(b) other meetings as needed.

R277-462-6. School Counselor to Student Ratios.

(1) To qualify for funding described in Section R277-462-4 an LEA shall have at least one school counselor for every 350 students.

(2) For purposes of counting toward fulfillment of this ratio, a school counselor shall be:

(a) a full-time equivalent within an LEA; and

(b) Board certified and licensed as a school counselor.

(3) An LEA may be considered compliant with Subsection (1) if less than .25 school counselors would be needed for the LEA to meet the required ratio.

(4) No later than October 1 of each year an LEA shall certify to the Superintendent the school counselor to student ratio.

(5) No later than May 1 from submitting the LEA's certified ratio, an LEA that does not meet the required ratio in Subsection (1) shall submit to the Board a plan outlining a reasonable timeline and method for achieving compliance.

(6) If an LEA fails to fulfill the plan described in Subsection (5), the LEA may be placed on a corrective action plan described in Rule R277-114.

(7) If an LEA fails to complete the corrective action plan described in Subsection (6), the LEA shall be referred to the Board for further corrective action including loss of distributed funds.

R277-462-7. Allowable Use of Distributed Funds.

(1) An LEA shall ensure all funds distributed are used for any of the following purposes:

(a) collaborative classroom and small group curriculum;

(b) personnel costs, including clerical positions that support the plan for college and career readiness process;

(c) career center equipment or materials such as computers, media equipment, computer software, or occupational information;

(d) professional development for personnel involved in the program;

(e) expenses of extended hours which are required to run the program; and

(f) membership in Utah School Counselor Association, Utah Association for Career and Technical Education Association, and the Association for Career and Technical Education for one or more school counselors per school per year.

(2) An LEA may not use funds to supplant currently existing personnel or programs.

(3) An LEA may not use funds as part of a matching requirement.

(4) Restricted rate of indirect costs will be used.

R277-462-8. Variances, Accountability, and Reporting.

(1) A new LEA or existing LEA with a new program, may receive funding under Rule R277-462 if the new LEA:

(a) has received accreditation pursuant to Rule R277-410; and

(b) has an approved program pursuant to Rule R277-462.

(2) A new LEA or existing LEA with a new program, that does not meet the school counselor to student ratio described in Section R277-462-6 may receive a funding distribution after two years of planning, training, and program implementation.

(3) No later than October 1, an LEA shall certify annually all previously qualified schools continue to meet the program criteria.

(4) An LEA shall provide data and information about the LEA's program as requested by the Superintendent.

KEY: public education, counselors

Date of Last Change: December 10, 2024

Notice of Continuation: April 15, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-2-304(2)(b); 53E-3-401(4)

R277. Education, Administration.

R277-464. School Counselor Direct and Indirect Services.

R277-464-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Section 53E-3-518, which directs the Board to make rules specifying:

(i) the recommended direct and indirect services a school counselor may provide;

(ii) the recommended amount of time a school counselor may spend on direct and indirect services; and

(iii) activities for a school counselor.

(2) The purpose of this rule is to establish standards and time limits for direct and indirect services provided by a school counselor within an LEA.

(3) This Rule R277-464 is categorized as Category 2 as described in Rule R277-111.

R277-464-2. Definitions.

(1) "Direct services" means services provided to a student consistent with the School Counselor Services document incorporated by reference in Section R277-464-3.

(2) "Indirect services" means all other services consistent with the School Counselor Services document incorporated by reference in Section R277-464-3.

(3) "Non-school counselor activities" means activities inconsistent with direct and indirect services and deemed inappropriate consistent with the School Counselor Services document incorporated by reference in Section R277-464-3.

(4) "School counselor" means the same as the term is defined in Subsection R277-462-2(3).

R277-464-3. Incorporation of School Counselor Services Document.

(1) This rule incorporates by reference the School Counselor Services Document, August 2024, which lists approved direct services and indirect services provided by a school's counseling program.

(2) A copy of the School Counselor Services Document is located at:

(a) https://schools.utah.gov/administrativerules/documentsincorporated; and

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111.

R277-464-4. Time Allotment for Direct and Indirect Services.

(1) An LEA shall ensure the time allotment for implementation of a school's program be allocated in the following ways:

(a) 85% of a school program's aggregate time is devoted to providing direct services to students, including:

(i) collaborative classroom instruction;

(ii) assisting in creating a plan for college and career readiness;

(iii) dropout prevention efforts, including student social and emotional supports; and

(iv) providing supports for a student's needs consistent with the program; and

(b) no more than 15% of a school program's aggregate time is devoted to indirect services including:

(i) faculty meetings;

(ii) administrative duties related to the program;

(iii) professional development of a school counselor; and

(iv) leadership meetings.

(2) An LEA shall ensure all direct and indirect services are consistent with the listed appropriate usage of time provided in the School Counselor Services document incorporated by reference in Section R277-464-3.

(3) An LEA shall ensure all appropriate and prohibited inappropriate activities are consistent with the School Counselor Services document incorporated by reference in Section R277-464-3, including the elimination of non-school counseling duties such as test coordination and administration.

(4) An LEA that receives funds pursuant to Rule R277-462 shall be subject to the requirements of this rule and all additional requirements as described in Rule R277-462.

R277-464-5. Annual Assurance and Compliance.

An LEA shall provide an annual assurance of intent to comply with the time allocation described in Section R277-464-4 through the annual assurances document described in Rule R277-108.

KEY: school counselors, services

Date of Last Change: October 8, 2024

Notice of Continuation: April 15, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-518

R277. Education, Administration.

R277-465. CPR in Schools.

R277-465-1. 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; and

(c) Subsection 53G-10-408(2), which requires the Board to make rules to develop and implement cardiopulmonary resuscitation (CPR) training as part of the core curriculum standards for instruction in health.

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

(a) the requirements for the teaching of CPR in the health standards; and

(b) the criteria and distribution method for CPR training grants.

R277-465-2. Definitions.

(1) "Cardiopulmonary resuscitation" or "CPR" means the same as the term is defined in Subsection 53G-10-408(1)(b).

(2) "Psychomotor skills" means the same as the term is defined Subsection 53G-10-408(1)(e).

(3) "Specific material" means any material used by an LEA to comply with the Health Education Core Standards related to CPR.

R277-465-3. CPR Health Standards Requirements.

(1) An LEA shall provide the CPR instruction consistent with the Health Education Core Standards and as required in Subsection 53G-10-408(5):

(a) using a certified CPR instructor;

(b) following a current Emergency Cardiovascular Care (ECC) guidelines for CPR; and

(c) using cognitive and psychomotor skills training.

(2) An LEA shall provide the CPR instruction using the following ratios as closely as possible:

(a) a student to instructor ratio of no greater than 15:1; and

(b) a mannequin to student ratio no greater than 1:6.

(3) An LEA shall provide the CPR instruction at least once to each student between grades 9 through 12 except as provided for in Subsection 53G-10-408(7).

(4) An LEA is not required to provide the psychomotor skills instruction if the student is in an online-only educational experience.

R277-465-4. CPR Training Grant Program.

(1) An LEA may apply to receive CPR training grant funds.

(2) If an LEA chooses to apply for grant funds the LEA shall submit the following information as part of the LEA's application:

(a) LEA name;

(b) point of contact to oversee the use of the funds;

(c) the number of students the LEA will provide training;

(d) the total amount of requested funds; and

(e) which of the allowable uses of funding as described in Subsection (4) of this section the LEA plans to utilize.

(3) Except as provided for in Subsection (6), an LEA may not receive more than $6 per student as the LEA's total award under this grant program.

(4) An LEA may only use awarded funds for the following purposes:

(a) to contract with the local emergency management system for a certified instructor;

(b) to certify an LEA employee as an instructor;

(c) compensate certified staff for training students in hands-on, high-quality CPR and AED training that is outside of their normal duties; or

(d) to contract with a third party or group who specializes in CPR and AED instruction to provide the instruction.

(5) Subject to legislative appropriation, an LEA may also apply to receive funds to replace or purchase specific materials or equipment for the CPR instruction.

(6) The Superintendent shall distribute the funds described in Subsection (5) to an LEA in an amount proportionate to the LEA's number of students compared to the total number of students of all LEAs applying for specific materials or equipment grant.

(7) The Superintendent may adjust the amount an LEA receives for a specific materials or equipment grant if the LEA demonstrates greater need through:

(i) lack of enough necessary materials or equipment;

(ii) low quality or deteriorated materials or equipment; and

(iii) an extended period since the last update or purchase of materials or equipment.

KEY: health standards; CPR; cardiopulmonary resuscitation

Date of Last Change: October 11, 2023

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-10-408(2)

R277. Education, Administration.

R277-468. Parents Review of Public Education Curriculum and Review of Complaint Process.

R277-468-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Sections 53G-4-402 and 53G-5-404, which require LEAs to make instructional materials available for parent review and to involve parents of students in the LEA in reviewing instructional materials prior to approval.

(2) The purpose of this rule is to direct an LEA to include parents in the adoption and review of an LEA's instructional materials including the review of complaints specific to curriculum materials.

(3) The Rule R277-468 is categorized as Category 2 as described in Rule R277-111.

R277-468-2. Definitions.

"Instructional materials" means the same as the term is defined in Section 53E-4-401 and may not be sensitive materials as defined in Section 53G-10-103.

R277-468-3. Parental Involvement with Instructional Material.

(1) An LEA shall involve parents reflective of the school's community, who have a student who attends a school within the LEA, and instructional staff in the consideration of LEA-purchased instructional materials.

(2) An LEA shall include parents reflective of the school's community, who have a student who attends a school within the LEA, in reviewing complaints specific to instructional materials.

(3) An LEA may seek assistance from parent organizations or associations or other groups to recruit and select parent members reflective of the school's community for the purposes described in Subsections (1) and (2).

(4) An LEA shall make the LEA's instructional material approval or complaint processes transparent and publicly available.

R277-468-4. Parental Involvement Resources.

(1) An LEA may request the Board provide the LEA resources for effective parent participation in the instructional materials review or complaint process.

(2) An LEA may request the Board assist the LEA in policy development regarding parental involvement in the instructional materials review or complaint process.

KEY: parents, committees, curriculum, complaints

Date of Last Change: November 7, 2024

Notice of Continuation: September 16, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(3)

R277. Education, Administration.

R277-469. Instructional Materials Operating Procedures.

R277-469-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) Utah Constitutional 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; and

(c) Section 53E-4-408, which directs the Board to make rules that establish the qualifications of the independent parties who may evaluate and map the alignment of the primary instructional materials and requirements for the detailed summary of the evaluation.

(2) The purpose of this rule is to:

(a) provide definitions, operating procedures, and criteria for recommending instructional materials for use in Utah public schools;

(b) provide for mapping and alignment of primary instructional materials to the Core consistent with Utah law; and

(c) provide rules for the purchase and distribution of instructional materials within the state.

(3) This Rule R277-469 is categorized as Category 3 as described in Rule R277-111.

R277-469-2. Definitions.

(1) "Core" means the core standards adopted by the Board in Rule R277-700.

(2) "Curriculum alignment" means the assurance that the material taught in a course or grade level matches the standards, and assessments set by the state for specific courses or grade levels.

(3) "Depository" means a business dedicated to storing and distributing resources or materials in sufficient quantities to ensure rapid and efficient delivery to LEAs.

(4)(a) "Instructional materials" means systematically arranged content in text, digital, Braille and large print, or audio format which may be used within the state curriculum framework for courses of study by students in public schools.

(b) "Instructional materials" include:

(i) textbooks;

(ii) workbooks; and

(iii) digital resources.

(c) "Instructional materials" may be used by students or teachers or both as principal sources of study to cover any portion of a course.

(d) "Instructional materials":

(i) are designed for student use;

(ii) may be accompanied by or contain teaching guides and study helps;

(iii) shall include all textbooks, workbooks, student materials, supplements, and online and digital materials necessary for a student to fully participate in coursework;

(iv) shall be high quality, research-based materials for supporting student learning; and

(v) may not be sensitive materials as defined by Subsection 53G-10-103(1)(h).

(5) "Independent party" means an entity that is not part of or related to:

(a) the Board;

(b) Board staff;

(c) an employee or governing board member of an LEA;

(d) the creator or publisher of instructional materials under review; or

(e) anyone with a financial interest, however minimal, in instructional materials under review.

(6) "Integrated instructional program" means any combination of instructional materials for students, including:

(a) textbooks;

(b) workbooks;

(c) digital resources;

(d) videos;

(e) electronic devices; or

(f) similar resources.

(7) "Instructional materials provider" means a publisher or author and self-publisher who sells or provides instructional materials for use in Utah public schools.

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

(9) "Mapping" means creating a visual representation listing topics in instructional materials in correlation to the standards of the Utah Core.

(10) "National Instructional Materials Access Center" or "NIMAC" means the same as that term is defined in Subsection R277-800-2(14).

(11) "National Instructional Materials Accessibility Standard" or "NIMAS" means the same as that term is defined in Subsection R277-800-2(15).

(12) "Not sampled" means instructional materials that were included in a publisher bid for evaluation, but which were not sampled to the Superintendent.

(13) "Primary instructional material" means a comprehensive basal or Core textbook or integrated instructional program for which a publisher seeks a recommendation for Core subjects designated in Sections R277-700-4 through R277-700-6.

(14) "Recommended instructional materials" or "RIMs" means the recommended instructional materials searchable database provided as a free service by the Board for the posting of evaluations and alignments to the Core of instructional materials submitted by publishers for review by the Superintendent and approval of the Board.

(15) "Recommended limited" means instructional materials that are in limited alignment with the Core requirements or are narrow or restricted in their scope and sequence.

(16) "Recommended primary" means instructional materials that:

(a) are in alignment with content, philosophy, and instructional strategies of the Core;

(b) have been mapped and aligned to the Core, consistent with Section 53E-4-408;

(c) are appropriate for use by students as principal sources of study; and

(d) support Core requirements.

(17) "Recommended student resource" means instructional materials aligned to the Core that are developmentally appropriate, but not intended to be the primary instructional resource, which may provide valuable content information for students.

(18) "Recommended teacher resource" means instructional materials that are appropriate as resource materials for use by teachers.

(19) "Reviewed, but not recommended" means instructional materials that an LEA is strongly cautioned against using because the materials:

(a) do not align with the Core;

(b) are inaccurate in content;

(c) include misleading connotations;

(d) contain undesirable presentation; or

(e) are in conflict with existing law or rule.

(20) "Sensitive materials" means an instructional material that constitutes objective sensitive material or subjective sensitive material as described in Subsection 53G-10-103(1)(h).

(21) "Utah State Instructional Materials Access Center" or "USIMAC" means the same as that term is defined in Subsection R277-800-2(21).

R277-469-3. Use of State Funds for Instructional Materials.

(1) An LEA may use state funds for any primary supplemental or supportive instructional materials that support Core requirements.

(2) An LEA shall select and approve instructional materials consistent with:

(a) established local board procedures and timelines;

(b) Utah Code and Board rule, including Section 53G-2-105 and Section 53G-10-103;

(c) Subsection 53G-10-402(1)(c)(iii); and

(d) Subsection 53E-4-403(4).

(3) A school or school district that uses any funding source to purchase materials that have not been recommended or selected consistent with state law, may have funds

withheld to the extent of the actual costs of those materials pursuant to Subsection 53E-3-401(8)(a)(ii).

(3)(a) An LEA may use free instructional materials that are used as primary instructional materials or that are part of primary integrated instructional programs subject to the same independent party evaluation and Core mapping as basal or Core material.

(b) If an LEA receives free materials, the LEA may use the materials as student instructional materials only consistent with the law and this rule.

(4) An LEA shall include a requirement in all publisher contracts for instructional materials that the publisher shall:

(a) prepare and provide electronic files of all instructional materials in the NIMAS format to NIMAC on or before delivery of print instructional materials; or

(b) provide instructional materials that are produced in, or may be made in, specialized formats; and

(c) provide materials consistent with the Utah Code and administrative rules.

(5)(a) An LEA shall provide timely notice to all publishers with whom the LEA contracts for instructional materials that all materials shall be provided consistent with Subsection (4).

(b) An LEA's notice shall include a copy of this rule.

R277-469-5. Review of Materials.

(1) The Superintendent shall primarily focus on reviewing materials used in subjects aligned with Core requirements to include reading, language arts, mathematics through geometry, science, in kindergarten through 12th grade, effectiveness of written expression, and other Core subject areas as assigned by the Board.

(2) The Superintendent shall determine subject areas and timelines for review based on school district and charter school needs and requests, using forms and procedures provided by the Superintendent.

(3) Following its evaluation of a submitted item, the Superintendent shall recommend that the Board classify materials in one of the following categories:

(a) Recommended primary;

(b) Recommended limited;

(c) Recommended teacher resource;

(d) Recommended student resource;

(e) Reviewed, but not recommended; or

(f) Not sampled.

R277-469-6. Criteria for Recommendation of Instructional Materials Following Mid-Party Evaluation of Core Curriculum.

(1) The Superintendent and the Board, in reviewing whether to recommend instructional materials, may consider whether the instructional materials:

(a) are consistent with Core requirements;

(b) are mapped and aligned to the Core and state-adopted assessments if planned for use as primary materials;

(c) are high quality, research-based, and proven to be effective in supporting student learning;

(d) provide an objective and balanced viewpoint on issues;

(e) include enrichment and extension possibilities;

(f) are appropriate to varying levels of learning;

(g) are accurate and factual;

(h) are arranged chronologically or systematically, or both;

(i) meets the requirements of Section 53E-2-204.1;

(j) are not sensitive materials as defined in Subsection 53G-10-103(1)(h);

(k) are not prohibited discriminatory practice as described in Section 53B-1-118;

(l) are consistent with the principles of individual freedom as defined in Section 53G-10-206; and

(m) are of acceptable technical quality.

(2) A publisher, when submitting new primary material to be evaluated by the Superintendent, shall submit an electronic version of that material in NIMAS file format to NIMAC for use in conversion into Braille, large print, and other formats for students with print disabilities.

(3) The Superintendent may require an LEA to provide a report of instructional materials purchased by the LEA or a school in the previous five years.

(4) The Superintendent may initiate a formal or informal audit of instructional materials purchased to determine purchase or use of instructional materials consistent with the law or this rule.

R277-469-7. Agreements and Procedures for LEAs.

(1) A local board shall establish a policy for selection and purchase of instructional materials.

(2) As part of any materials adoption process or procurement contract for purchasing instructional materials, an LEA shall provide instructional materials to all students, including blind students and other students with disabilities, in a timely manner.

(a) A publisher shall provide materials in electronic files to NIMAC to make materials available to eligible students.

(b) An LEA shall include NIMAS contract language in all contracts with publishers for Core materials.

(c) An LEA may purchase instructional materials from the publisher that are produced in, or may be in, specialized formats for eligible students.

(3) An LEA shall require a detailed Core curriculum alignment before the purchase of primary instructional materials.

R277-469-8. Qualifications for Core Curriculum Alignment Independent Parties.

(1) A primary instructional materials provider shall contract with an independent party in accordance with Subsection 53E-4-408(1)(a).

(2) An independent party may only employ or contract with a reviewer who has a degree or an endorsement specific to the subject area of the primary instructional materials.

(3) A publisher shall provide proof of an independent party's credentials to the Superintendent upon request.

R277-469-9. Detailed Summary Requirements.

(1) An independent party shall submit a summary required under Subsection 53E-4-408(1)(b) in a searchable, digital resource database format designated by the Superintendent.

(2) A summary required under Subsection 53E-4-408(1)(b) shall:

(a) include detailed alignment information that includes, at a minimum:

(i) the title of the material;

(ii) the ISBN number;

(iii) the publisher's name;

(iv) the name and grade of the Core document used to align the material;

(v) the overall percentage of coverage of the Core;

(vi) the overall percentage of coverage in ancillary resources of the material to the Core;

(vii) the percentage of coverage of the Core in the material for each standard, objective and indicator in the Core with corresponding page numbers;

(viii) percentage of coverage of the Core not covered in the material but covered in the ancillary resources for each standard; and

(ix) objective and indicator in the Core with corresponding page numbers or URLs; and

(b) provide the detailed alignment information listed in Subsection (a)(iv) for the student text for all editions of the text that are used in Utah public schools;

(c) provide the detailed alignment information listed in Subsection (a)(iv) for a teacher edition of text, if a teacher edition is used in Utah public schools; and

(d) provide an assurance, including a personal signature, that the work was completed personally and as required by the licensed and endorsed reviewer.

R277-469-10. Agreements and Procedures for Publishers.

(1) A publisher desiring to sell primary instructional materials to Utah school districts shall comply with the requirements of Section 53E-4-408 and this rule.

(2)(a) A publisher seeking to sell recommended materials to Utah schools or school districts shall maintain on deposit the number of books necessary to meet the

anticipated needs within the state at an instructional materials depository in the business of selling instructional materials to schools or school districts in Utah.

(b) A publisher shall submit verification of compliance with Subsection (2)(a) to the Superintendent through the publisher's contracted depository before the Superintendent posting a review of the materials on RIMs.

(3) A publisher may make a depository agreement with one or more depository.

(4) Notwithstanding Subsection (2), a publisher may sell instructional materials to schools or school districts in Utah directly or through means other than a designated depository.

(5) A publisher need not store digital and online resources within the state, but shall guarantee timely resource availability of a placed order and shall provide digital and online resource orders without shipping charges.

(6) If a revised edition of recommended materials retains the original title and authorship, the publisher may request its substitution for the edition currently recommended providing that:

(a) the original contract price and contract date do not change and the original contract price applies for the substituted materials;

(b) the revised edition is compatible with the earlier edition, permitting use of either or both in the same classroom;

(c) a sample copy of the revised edition is provided to the Superintendent for examination purposes; and

(d) the publisher submits a revised electronic edition in NIMAS file format to the NIMAC if the Superintendent approves the substitution request.

(7) The Superintendent shall make the final determination about the substitution of a new edition for a previously recommended edition.

(8) A publisher's contract price for materials recommended by the Superintendent and the Board shall apply for five years from the contract date.

KEY: instructional materials

Date of Last Change: July 9, 2024

Notice of Continuation: September 15, 2022

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-4-402; 53E-4-408; 53E-3-401(4)

R277. Education, Administration.

R277-471. School Construction Oversight, Inspections, Training, and Reporting.

R277-471-1. Authority, Purpose, and Oversight Category.

(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) 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) Subsection 53E-3-401(8)(ii), which permits the Board to withhold state funds from an education entity for non-compliance with the education code or administrative rules;

(d) Section 53E-3-706, which requires the Superintendent to enforce Title 53E, Chapter 3, Part 7, School Construction; and

(e) Section 53E-3-707, which requires the Board to adopt a school construction manual.

(2) The purpose of this rule is to:

(a) provide specific provisions for the oversight of permanent or temporary public school construction and renovation; and

(b) identify responsibilities of an LEA governing board in the school construction process.

(3) This Rule R277-471 is categorized as Category 2 as described in Rule R277-111.

R277-471-2. Definitions.

(1) "Certified plans examiner" means a professional who has current applicable commercial certification through the "International Code Council" or "ICC".

(2) "Charter school" means a school acknowledged as a charter school by a charter school authorizer consistent with Title 53G, Chapter 5, Part 3, Charter School Authorization.

(3) "Charter school responsible person or local charter school board building officer or designee" or "CSBBO" means the individual or authority designated by a charter school governing board who:

(a) has direct administrative and operational control of charter school construction or renovation; and

(b) has responsibility for a charter school's compliance with Utah law on behalf of the charter school governing board.

(4) "Certificate of inspection verification" means a form, available on the Board website, certifying that the entity responsible for providing inspection services has complied with the provisions of:

(a) Section 53E-3-706;

(b) Section 53E-3-708;

(c) Section 10-9a-305;

(d) Section 17-27a-305;

(e) Title 15A, State Construction and Fire Code Act;

(f) Rule R156-56; and

(g) this Rule R277-471.

(5) "Certificate of occupancy" means the document issued upon receipt of the final inspection from the inspector of record and the 'Certificate of Fire Clearance' issued by the Utah State Fire Marshal, verifying compliance with all minimum requirements to safeguard the public health, safety, and general welfare of occupants, which authorizes permanent usage or occupancy of:

(a) any new building or occupiable structure;

(b) any existing occupiable building or structure alteration; or

(c) a change of occupancy in an existing structure, building, or space.

(6) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality, consistent with Subsection 10-9a-103(13).

(7) "Inspector" means a professional who holds current applicable commercial certification through the International Code Council and is currently licensed in the in Utah in the applicable trades for which the inspector is performing inspections.

(8) "Manual" means the School Construction Resource Manual incorporated by reference in Section R277-471-3.

(9) "New school building project" means the construction of a school that did not previously exist in an LEA.

(10) "Public school construction" means construction work on a new or existing public school building.

(11) "School District Building Official or "SDBO" means the individual or authority designated by a school district who has direct administrative and operational control of school district construction or renovation and is responsible for the school district's compliance with Utah law.

(12) "Significant school remodel" means the upgrading, changing, alteration, refurbishment, modification, or complete substitution or replacement of an existing school in an LEA with a project cost equal to or in excess of $2,000,000.

(13) "Temporary certificate of occupancy" means the document, valid for a limited time period, issued upon receipt of the temporary final inspection report from the inspector of record and the 'Temporary Certificate of Fire Clearance' issued by the Utah State Fire Marshal, verifying minimum requirements to safeguard the public health, safety, and general welfare of occupants, which authorizes temporary usage or occupancy of:

(a) any new building or occupiable structure;

(b) any existing occupiable building or structure alteration; or change of occupancy in an existing structure or building or space.

(14) "Universal Access key box" has the same meaning as defined in Subsection 53G-8-805(1)(a).

R277-471-3. Incorporation of School Construction Resource Manual by Reference.

(1) This rule incorporates by reference the School Construction Resource Manual dated August 2025.

(2) The School Construction Resource Manual was developed by the Board in accordance with Section 53E-3-707.

(3) A copy of the manual is located at:

(a) https://www.schools.utah.gov/administrativerules/documentsincorporated; and

(b) the offices of the Board.

(4) The Superintendent shall review the manual annually and recommend changes, if necessary, to the Board.

(5) Each public school construction project shall be conducted in accordance with the manual.

R277-471-4. School Safety Construction Requirements.

(1) A school building shall have universal access key boxes that:

(a) are installed at main entry points;

(b) contain master keys and access devices that provide complete access to all areas of the school's buildings;

(c) are accessible only to authorized emergency responders;

(d) are electronically monitored for tampering; and

(e) are weather and vandal-resistant.

(2) An LEA shall maintain universal access key boxes by:

(a) conducting quarterly inspections;

(b) updating contents within 24 hours of any lock or access control changes;

(c) maintaining current key and access device inventories;

(d) documenting all inspections and updates; and

(e) immediately replacing any damaged or malfunctioning boxes.

(3) Schools shall work with county security chief and local first responders to:

(a) determine optimal box placement;

(b) establish access protocols;

(c) maintain current emergency contact information; and

(d) conduct annual reviews of box usage and effectiveness.

(4) A school shall include universal access key box locations and protocols in:

(a) school emergency response plans;

(b) building schematic diagrams provided to emergency responders; and

(c) school safety and security training manuals.

(5) Upon new construction or major remodeling of a school building, an LEA shall work in direct coordination with the state security chief, the county security chief

and the school safety and security director to ensure accessible and strategically placed installation of Automated External Defibrillators (AED).

(a) One AED shall be located at or near the main office, and additional AEDs shall be within 500 feet of the following areas:

(i) gymnasiums;

(ii) auditoriums;

(iii) any portable or temporary outbuilding; and

(iv) centralized locations of buildings.

R277-471-5. LEA Responsible Person.

(1) An LEA board shall be accountable to ensure that all school district and charter school permanent or temporary construction, renovation, and inspections are conducted in accordance with the law to provide minimum requirements to safeguard the public health, safety, and general welfare of occupants while using the most comprehensive, cost-effective, and efficient design means and methods.

(2) A school district governing board shall:

(a) appoint an SDBO who has direct administrative and operational control of all construction, renovation, and inspection of public school district facilities within the school district; and

(b) provide in writing the name of the SDBO to the Superintendent.

(3) A charter school governing board shall account to the school's authorizer and the Board to ensure that all charter school permanent or temporary construction, renovation, and inspections are conducted in accordance with Utah law.

(4)(a) A charter school governing board shall appoint a CSBBO who has direct operational responsibility for construction, renovation, and inspection of the charter school.

(b) The CSBBO shall report regularly to the charter school governing board.

(c) A charter school governing board shall provide the name of its CSBBO in writing to the Superintendent.

(d) A charter school governing board shall promptly notify the Superintendent in writing of any changes to the school's CSBBO.

(5) An SDBO or a CSBBO may adopt and enforce supplemental LEA policies under appropriate LEA policies to clarify the application of the provisions of Utah law for LEA personnel.

R277-471-6. School Construction Inspectors.

(1) An LEA shall employ or contract with inspectors for school construction inspection who are currently ICC commercially certified and licensed in Utah, in the trade specific to the inspection, consistent with Utah law.

(2) An LEA shall choose one of three methods for inspections:

(a) Independent inspectors:

(i) shall receive approval from the local jurisdiction in which the construction activity occurs;

(ii) may include inspectors working outside the municipality, county, or school district in which they are employed; and

(iii) may not be associated with:

(A) the architect, developer, contractor, or a subcontractor working on the project; or

(B) any management company or other agency hired by the LEA to perform construction or construction administrative services.

(3) Inspectors employed by school districts may only perform school construction inspections within the boundaries of the school district.

(4) Inspectors employed by municipalities and counties may only perform school construction inspections within the boundaries of the municipality or county where they are employed.

R277-471-7. School Construction Inspections.

(1) Before any school construction project begins, the SDBO or CSBBO shall obtain a construction project number from the Superintendent by completing and submitting construction project identification forms provided by the Superintendent and other required submittals for all projects consistent with Title 53E, Chapter 3, Part 7, School Construction, and the manual.

(2) A certified plans examiner shall approve all LEA school plans and specifications before any LEA construction project begins.

(3)(a) If an LEA cannot provide appropriate and proper school construction inspection and plan review services, the Superintendent may procure inspection services and charge the LEA for those services.

(b) An approved inspector shall establish fees in advance of inspection services.

(4) LEA construction projects shall comply with Title 53E, Chapter 3, Part 7, School Construction, and this Rule R277-471 to:

(a) ensure that each inspector is adequately and appropriately credentialed;

(b) identify and provide to the Superintendent and local government entity building official reports of all inspections with the name, state license number, and disciplines of each inspector performing the project inspections;

(c) submit inspection certificates and all related submittals to the Superintendent and appropriate local government entity building official;

(d) submit inspection summary reports monthly to the appropriate local government entity building official and the Superintendent;

(e) sign the final certificate of inspection and verification form, certifying all inspections were completed in compliance with all applicable laws and rules to safeguard the public health, safety, and general welfare of occupants;

(f) send the final inspection certification, inspection verification, and provide all other related project closeout submittals to the Superintendent and to the appropriate local government entity building official upon completion of the project; and

(g) maintain all submitted documentation at a designated LEA location for auditing or monitoring.

(5) The SDBO or CSBBO may submit either paper or electronic reports to satisfy this section.

R277-471-8. Coordination with Local Governments, Utility Providers, and the State Fire Marshal.

(1) Prior to developing plans and specifications for a public school construction project, an LEA shall coordinate with affected local government land use authorities and utility providers to:

(a) ensure that the siting or expansion of a school in the intended location will comply with applicable local general plans and land use laws and will not conflict with entitled land uses;

(b) ensure that all local government services and utilities required by the school construction activities can be provided in a logical and cost-effective manner;

(c) avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the public school construction and future roadways; and

(d) maximize school, student, and site safety.

(2) An LEA shall cooperate with municipalities and counties and conform to municipal and county land use ordinances consistent with Sections 10-9a-305 and 17-27a-305.

(3) Prior to developing plans and specifications for a public school construction project, an LEA shall coordinate with local health departments and the State Fire Marshal.

(4) A charter school shall have an open meeting to seek and secure a variance from the appropriate government entity if the LEA selects a school site in a municipality or county-designated zone for sexually oriented businesses or businesses that sell alcohol.

(5) Parking requirements for a charter school may not exceed the minimum parking requirements for a traditional public school of a like size and grade levels or other institutional public use throughout the municipality or county.

(6) An LEA shall maintain documentation for audit or monitoring purposes of coordination, meetings, and agreements required under this section.

(7) Prior to developing plans and specifications for a public school construction project, an LEA shall coordinate with local jurisdictions to comply with Federal Emergency Management Agency flood plain requirements and restrictions, including applicable mitigation measures.

R277-471-9. Superintendent's Authority to Request Additional Inspections.

(1) The Superintendent may contract with any appropriately qualified entity or person to provide inspection services that the Superintendent considers necessary to enable the Superintendent to issue a certificate authorizing temporary or permanent occupancy of a public school building.

(2) The Superintendent may charge an LEA a fee, not to exceed the actual cost of performing the inspection, for inspection services.

R277-471-10. Certification of Occupancy.

(1) For a school district:

(a) After completion of a project when a school district's appropriately credentialed inspector provides inspections, an SDBO shall sign a certificate of inspection verification form certifying that all inspections were completed in accordance with Utah law, and file the form with the Superintendent and the building official of the jurisdiction in which the building is located.

(b)(i) After completion of a project when a local jurisdiction provides inspections, the school district shall obtain a certificate authorizing permanent occupancy of a school building from the jurisdiction in which the building is located.

(ii) A school district shall provide a copy of the certificate of occupancy to the Superintendent.

(c) After completion of a project when independent inspectors provide inspections, an SDBO shall seek a certificate authorizing temporary or permanent occupancy of the school from the Superintendent.

(2) For a charter school:

(a) After completion of a project and inspection by an appropriately credentialed inspector when a charter school contracts with a school district for inspections, the CSBBO shall obtain a completed certificate of inspection verification form from the SDBO certifying that all inspections were completed in accordance with Utah law, and file the form with the Superintendent and the building official of the jurisdiction where the charter school is located.

(b)(i) After completion of a project when a local jurisdiction provides inspections, a charter school shall obtain a certificate authorizing permanent occupancy of a school building from the jurisdiction in which the building is located.

(ii) The CSBBO shall provide a copy of the certificate of occupancy to the Superintendent.

(c) After completion of a project when independent inspectors provide inspections, the CSBBO shall seek a certificate authorizing temporary or permanent occupancy of the school from the Superintendent.

(3) Within 30 days after an LEA files a request for the issuance of a certificate authorizing permanent occupancy of a school building from the Superintendent, the Superintendent shall:

(a) issue to the LEA a certificate authorizing permanent occupancy of the school building; or

(b) deliver to the LEA board a written notice indicating deficiencies in the LEA's compliance with the inspection findings.

(4) If the Superintendent does not issue the certificate authorizing permanent occupancy, an LEA shall provide notice of the deficiency to the building official of the local government entity in which the public school building is located.

(5) Upon an LEA board filing the certificate of inspection verification and requesting the issuance of a certificate authorizing permanent occupancy of the school building with the Superintendent, the LEA shall be entitled to temporary occupancy of the school building for a period up to 90 days, beginning on the date the request is filed, if the LEA has complied with all minimum requirements to safeguard the public health, safety, and general welfare of occupants.

(6) Upon an LEA remedying any deficiencies and notifying the Superintendent that the deficiencies have been remedied, following certification of the information, the Superintendent shall issue a certificate authorizing permanent occupancy of the school building.

(7) Upon receipt of the certificate of occupancy, an LEA shall provide a copy of the certificate to the building official of the local jurisdiction in which the school building is located authorizing permanent occupancy of the school building.

R277-471-11. Enforcement.

(1) An LEA which fails to comply with the provisions of this rule is subject to consequences from the Board consistent with Subsections 53E-3-401(8) and 53F-2-202(4)(d).

(a) If an LEA fails to meet or satisfy a school construction inspection requirement or timeline designation under this rule, the Superintendent shall, as directed by the Board, send the school district superintendent or local charter school director notice by certified mail; and

(b) If after 30 days the requirement has not been met, the Superintendent may, as directed by the Board, interrupt the Minimum School Program fund transfer process to the following extent:

(i) 10% of the total monthly Minimum School Program transfer amount the first month;

(ii) 25% in the second month; and

(iii) 50% in the third and subsequent months.

(2) If the Superintendent interrupts the Minimum School Program fund transfer process, the Superintendent shall:

(i) upon receipt of confirmation that the proper inspections have taken place or upon receipt of a late report:

(A) restart the transfer process within the month if the confirmation or report is submitted before the tenth working day of the month; or

(B) restart the transfer process in the following month if the confirmation or report is submitted after 10 a.m. on or after the tenth working day of the month;

(ii) inform the Board at its next regularly scheduled meeting; and

(iii) inform the chair of the local governing board if the school district superintendent or charter school director is not responsive in correcting ongoing school construction inspection and reporting problems.

(3) An LEA may be subject to a nonrefundable fine in the amount of one half of one percent of the total construction costs of a public school construction project if an LEA fails to report a public school construction project consistent with Title 53E, Chapter 3, Part 7, School Construction and the manual to the Superintendent.

(4) The Superintendent, with approval from the Board, shall deduct nonrefundable fine amounts from the respective LEA's Minimum School Program allotment at a rate sufficient to complete collection of the nonrefundable fine by the end of the current fiscal year.

(a) The Superintendent shall deposit school district nonrefundable fine amounts into the School Building Revolving Account; and

(b) The Superintendent shall deposit charter school nonrefundable fine amounts into the Charter School Building Subaccount within the School Building Revolving Account.

R277-471-12. Appeals Procedure for Nonrefundable Fines.

(1) The Board designates the procedure outlined in this Section R277-471-12 as an informal adjudicative proceeding, under Section 63G-4-203.

(2) An LEA board may appeal a fine assessed under this rule consistent with the following:

(a) An LEA may not appeal a fine until a final administrative decision has been made to assess the fine by the Board.

(b) A district superintendent on behalf of a local school board or a local charter board chair on behalf of a local charter school board may appeal an assessed fine by filing an appeal on a form, and in the manner prescribed by the Superintendent.

(c) An LEA must file the appeal within ten business days of final Board action.

(d) An LEA shall provide, as stated on the form, an explanation of unanticipated or compelling circumstances that resulted in the local board's or charter school's failure to report new construction or remodeling projects as required.

(e) The school district superintendent or local charter board chair shall provide a notarized statement that the information and explanation of circumstances are true and factual statements.

(3) At least three members of the Finance Committee appointed by the Board shall act as a review committee to review the written appeal.

(a) The appeal committee may request additional information from the LEA board.

(b) The appeal committee may ask the district superintendent or local school district or charter school board chair or LEA business staff to appear personally and provide information.

(c) The appeal committee shall presume the fine appropriate and legitimate.

(d) The appeal committee shall make a written recommendation within ten business days of receipt of the appeal request.

(e) The full Finance Committee of the Board shall review the recommendation.

(f) The Finance Committee shall make a formal recommendation to the Board to accept, modify, or reject the appeal explanation and fine.

(4) The Board, in a regular monthly meeting, may accept or reject the Finance Committee's final recommendation to affirm the fine, modify the fine, or grant the appeal.

(5) Consistent with the Board's general control and supervision of the Utah public school system and given the significant public policy concern for safe schools

and cost-effective public school building projects, a local board of education or a local charter board has no further administrative appeal opportunity.

R277-471-13. Annual Construction and Inspection Conference.

(1) The Superintendent shall sponsor an annual school construction conference for representatives from each LEA and interested persons involved in the school building construction, design, operation, maintenance, safety and related industries.

(2) Conference presenters and participants shall provide and discuss current information and training on public school building construction and inspection, including:

(a) the design, construction, operation, and inspection process of public school buildings;

(b) public school building site selection;

(c) best building life-cycle costing;

(d) construction inspection requirements and schedules; and

(e) information to improve the existing public school building design, construction, operation, and safety inspection program.

KEY: educational facilities

Date of Last Change: October 8, 2025

Notice of Continuation: February 5, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(3); 53E-3-706; 53E-3-707; 10-9a-305; 53F-2-202(4)(d)

R277. Education, Administration.

R277-472. Charter School Student Enrollment and Transfers and School District Capacity Information.

R277-472-1. 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; and

(c) Subsection 53G-6-503(2), which directs the Board to make rules for a student transferring between a charter school and the student's boundary school within the student's district of residence and enrolling and withdrawing from charter schools.

(2) The purpose of this rule is to:

(a) provide procedures for a student transferring between a charter school and the student's boundary school within the student's district of residence;

(b) define capacity in district schools to allow for transfers into district schools from charter schools; and

(c) require LEAs to provide notice to parents and students of schools that have space available.

R277-472-2. Definitions.

(1)(a) "Below capacity" means the grade level or program is less than 100% of the district, school, or grade level average.

(b) A special program is "below capacity" or available for transfer students from charter schools if the number of assigned students is less than the designated number of students determined by the school district.

(c) An entire elementary or secondary school is "below capacity" if the district determines that the average class size, using calculations of classes and courses in this Rule R277-472, is less than 100% of the district elementary or secondary average class size.

(2) "Elementary class size" means the number of students with a primary assignment to a specific teacher.

(a) An extended day class in which a portion of the class arrives early and the other portion stays late shall be counted as one class.

(b) "Elementary class size" shall include all special education students who participate in all or part of the school day excluding those students assigned to a special class.

(3) "Full time equivalent" or "FTE" means the ratio of the contract time worked by an educator compared to the LEA's definition of contract time worked by a full-time employee in the same position.

(4) "Secondary class size" means the secondary school's calculation for each language arts, mathematics, and science course that is typically taught multiple times in the school day, such as 8th grade English, Secondary Math 1, or Earth Systems.

(5)(a) "Special class" means a placement where a student is placed in a classroom and receives specialized instruction and related services, if required, with other students with disabilities.

(b) "Special class" includes students who receive special education and related services outside the regular general education classroom for more than 60% of the school day.

R277-472-3. Elementary Class Size Calculations.

(1) Each school district, or school as determined by the school district, shall calculate an average elementary class size for each grade level.

(2) A school shall calculate average elementary class size by dividing the total number of students in a given grade by the number of full-time licensed teachers assigned to that grade.

(3) A school may not count students assigned to multiple grade level classes, nor the school's respectively assigned teachers, in determining average elementary class size for a grade level, except in the case of a split-level class.

(4) A school shall calculate elementary classes that group students in programs other than by grade level, such as gifted and talented, or programs for students learning English, as a class for determining average elementary class size if students participate for the entire instructional day.

(5) If a school counts students that participate in special programs for part of the school day for determining average elementary class size, the school shall count the

students as part of their age-appropriate grade level, together with respective teachers, for purposes of the calculation.

(6) If multiple classes of special programs exist, a school shall determine an average elementary class size for special programs consistent with state, federal, and program standards.

(7) Each school district or school shall calculate a school-wide average class size by dividing the total full-time teachers assigned to direct teaching situations by the total number of students receiving instruction.

(8) A school may not include a student or teacher in a special class in calculating school-wide average class size, but shall include all other special education students and teachers.

R277-472-4. Secondary Class Size Calculations.

(1) Each school district, or secondary school as determined by the district, shall calculate an average secondary class size for each language arts, mathematics and science course that is taught multiple times during a typical school day by dividing the total number of full-time teachers assigned to direct teaching situations by the total number of students enrolled.

(2) A school may not include a student or teacher in a special class when calculating average secondary class size, but shall include all other special education students in the calculation.

(3) A school district shall calculate the district-wide average class size for:

(a) each grade level;

(b) each elementary program that enrolls students across grade levels; and

(c) each language arts, mathematics, and science course.

(4) A school district shall calculate district-wide average class size by dividing the total number of FTEs assigned to direct teaching situations by the total number of fully enrolled students.

(5) A school district shall derive all calculations required by this rule using October 1 enrollment and employment data.

(6)(a) In a school district with only one elementary or secondary school, or only one class of any subject or grade level, the school district may calculate the average

class size for an entire school or the entire school district by averaging all the classes in the school or the school district.

(b) The school district may then determine that any class size less than the school district or school average class size is below capacity.

R277-472-5. School District School Capacity Information.

(1) A school district shall provide and post the following information to facilitate transfer of students on school district or school websites:

(a) elementary schools within the school district that are below capacity and available for transfer students;

(b) grade levels and special programs within elementary schools that are below capacity and available for transfer students;

(c) secondary schools that are below capacity and available for transfer students based on calculated capacity of language arts, science and mathematics; and

(d) special programs within secondary schools that are below capacity and available for transfer students.

(2) Below capacity standards for individual schools, grade levels, courses or programs do not apply if a school has documentation that the school community council in a public meeting has designated more than one-half of a school's school LAND trust annual allotment to reduce class size in a specific school, grade level, program, or course.

R277-472-6. Charter School Website Requirements.

Each charter school shall post on its website:

(1) admission forms;

(2) student transfer forms;

(3) forms for assurance and parent signature that a student has been admitted to only one public school; and

(4) all information required by Section R277-551-5.

R277-472-7. Enrollment of Transferring Charter School Students in District Schools.

(1) If a charter school student who is a resident of a school district submits required enrollment information for the upcoming school year before June 30, the school district shall enroll the student in the student's boundary school for the upcoming school year.

(2) Notwithstanding Subsection (1), a school district shall enroll a resident student leaving a charter school, which has been closed, in the student's boundary school.

(3) A district may limit resident students who are transferring from a charter school to a district school who submit required enrollment information after June 30 for the upcoming school year to schools, grade levels, programs, and courses that have space available or are below capacity at the district schools.

(4) A school district may not require enrollment procedures or forms from students moving from a charter school to a district school that differ in any way from enrollment procedures or forms required for district students if the charter school students are leaving a charter school after the final grade level offered by the charter school.

(5) If a school changes the location of services for a student with disabilities, the new location may only be considered a change of placement as determined by the student's IEP and consistent with the IDEA.

(6) A school may deny a student enrollment in a public school if the student leaves a public school with disciplinary procedures pending at the previous public school until previous allegations have been resolved.

(7) A charter school and district school shall notify each other of student enrollment consistent with Subsection 53G-6-503(4).

KEY: charter schools, students, transfers

Date of Last Change: May 8, 2024

Notice of Continuation: March 8, 2024

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53G-6-503(2); 53E-3-401(4)

R277. Education, Administration.

R277-473. K-12 Computer Science for Utah Grant.

R277-473-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Section 53B-34-106, which allows the Board to establish rules for grant application and reporting requirements.

(2) The purpose of this rule is to establish standards and procedures for LEAs seeking to receive K-12 Computer Science for Utah Grant funds.

(3) This rule is categorized as Category 3 as described in Rule R277-111.

R277-473-2. Definitions.

(1) "College and Career Awareness" or "CCA" has the same meaning as defined in Rule R277-916.

(2) "Computer science" means the foundation for all computing, encompassing the study of computers and algorithmic processes, including principles, hardware and software design, implementation, and impact on society.

(3) "Digital literacy" means the middle school course requirement established by the Board in Subsection R277-700-5(3)(i)(C).

(4) "Keyboarding" means the elementary school core subject requirement established by the Board in Subsection R277-700-4(2)(h).

(5) "Talent Ready Utah" means a program of the Utah System of Higher Education established in Title 53B, Chapter 34, Talent, Education, and Industry Alignment, that:

(a) optimizes partnerships made by education and industry, working collectively to build a highly skilled workforce while providing students with increased career and education opportunities; and

(b) consults with the Board on the K-12 Computer Science for Utah grant.

R277-473-3. Computer Science Advisory Committee.

(1) The Superintendent shall establish a Computer Science Advisory Committee.

(2) The Superintendent shall appoint at least six members to the committee, including:

(a) an industry representative;

(b) one member who represents a school district with expertise in computer science;

(c) one member who represents a charter school with expertise in computer science;

(d) one member representing the Utah System of Higher Education;

(e) one member representing the Talent Ready Utah Board;

(f) a non-profit national computer science organization representative; and

(g) other members determined by the Superintendent in consultation with the committee.

(3) The advisory committee shall:

(a) oversee the review process of a new LEA plan to determine whether the LEA meets the plan criteria described in Section 53B-34-106;

(b) make recommendations for improvement if an LEA plan does not meet requirements; and

(c) perform other duties as directed by the Superintendent.

R277-473-4. LEA Requirements.

(1) An LEA shall develop an annual plan that expands student opportunities in computer science in grades k-12 in cooperation with educators, paraeducators, and parents.

(2) An LEA plan shall be consistent with Section 53B-34-106 and include a comprehensive model outlined for k-6.

(3) An LEA that receives grant funding shall annually submit to the Superintendent a summary of progress by June 30 for k-6, including:

(a) demographic data of students participating in computer science courses compared to the overall LEA k-6 demographics;

(b) annual professional development plans for teachers;

(c) itemized budgetary expenditures for grant funds; and

(d) overall effectiveness of the grant program.

R277-473-5. Funds Distribution.

(1) The Superintendent shall approve each LEA plan in consultation with the advisory committee established in Section R277-473-3.

(2) An approved LEA will receive funds as outline this section.

(3)(a) The Superintendent shall award program funds in consultation with the Computer Science Advisory Committee.

(b) An approved LEA shall receive a base amount determined by the Superintendent after reviewing legislative funding allocations.

(c) If funds permit, an approved LEA may receive an additional amount based on the LEA's enrollment.

(4) An LEA may not use computer science grant program funds to:

(a) support non-computer science programs, including, digital literacy, graphic arts, keyboarding, or CCA courses; or

(b) cover indirect costs charged by the LEA.

KEY: computer science, grant, talent ready, Utah State Board of Education

Date of Last Change: December 10, 2024

Notice of Continuation: August 15, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53B-34-106

R277. Education, Administration.

R277-474. School Instruction and Sex Education.

R277-474-1. Authority, Purpose, and Oversight Category.

(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) Subsections 53G-10-402(2), (4) and (5), which direct the Board to adopt rules to allow local boards to adopt sex education materials or programs as described in this Rule R277-474 and provide sex education instruction as provided in Sections 53G-10-402; 53G-10-403; and 53G-10-409.

(c) 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 provide:

(a) requirements for LEAs and individual educators to select instructional materials about sex education and maturation;

(b) notice to parents of proposed sex education and maturation discussions and instruction; and

(c) direction to public education employees regarding instruction and discussion of maturation and sex education with students.

(3) This Rule R277-474 is categorized as Category 2 as described in Rule R277-111.

R277-474-2. Definitions.

(1) "Curriculum materials review committee" or "committee" means a curriculum materials review committee formed at the school district or charter school level as described in Section R277-474-5.

(2) "Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g" or "FERPA" means a federal law designed to protect the privacy of students' education records.

(3) "Sex education instruction or instructional programs" means any course, unit, class, activity, or presentation that provides instruction or information to students as outlined under Subsection 53G-10-403(1)(a).

(4) "Instructional materials commission" means the advisory commission authorized under Section 53E-4-402.

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

(6) "Maturation education" means instruction and materials used to provide fifth or sixth grade students with age appropriate, medically accurate information regarding the physical and emotional changes associated with puberty, to assist in protecting students from abuse and to promote hygiene and good health practices.

(7) "Medically accurate" means verified or supported by a body of research conducted in compliance with scientific methods and published in journals that have received peer-review, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field.

(8) "Parental notification form" means a form developed by the Superintendent and used exclusively by LEAs or public schools for parental notification of subject matter identified in this rule.

(9) "Professional development" means training in which Utah educators may participate to renew a license, receive information or training in a specific subject area, teach in another subject area or teach at another grade level.

(10) "Utah educator" means an individual such as an administrator, teacher, counselor, teacher's assistant, or coach, who is employed by a unit of the Utah public education system and who provides teaching or counseling to students.

(11) "Utah Professional Practices Advisory Commission" or "UPPAC" means a Commission established under Section 53E-6-501 and designated to review allegations against educators and recommend action against educators' licenses to the Board.

R277-474-3. General Provisions.

(1) Pursuant to Section 53G-10-402 the following may not be taught in Utah public schools through the use of instructional materials, direct instruction, or online instruction:

(a) the intricacies of intercourse, sexual stimulation or erotic behavior;

(b) the advocacy of premarital or extramarital sexual activity;

(c) the advocacy or encouragement of the use of contraceptive methods or devices; or

(d) any means or methods that facilitate or encourage the violation of any state or federal criminal law by a minor or an adult, including as a response to a spontaneous question from a student.

(e) In accordance with Section 53G-10-409, An LEA may not allow an entity employee, representative, or affiliate that performs elective abortions or provides debranded maturation curriculum to:

(i) deliver instruction or programs on all health or health related topics in a school that receives state funding; or

(ii) provide materials or media on a health topic for distribution or display in a school that receives state funding, if the materials or media are created by, funded by, donated by, or bear the identifying mark of the entity or the entity's affiliate.

(2) Subject to Subsection (1)(c), an LEA may, but is not required to, provide instruction to include information about contraceptive methods or devices, not including abortion or any abortive methods, that stresses effectiveness, failure rates for youth, limitations, risks, and information on state law applicable to minors obtaining contraceptive methods or devices.

(3) A Utah educator may provide instruction consistent with Subsection 53G-10-402(2)(b)(iv);

(4) A Utah educator is responsible to teach the values and information identified under Subsections 53G-10-402(2)(a) and (b)(i) through (ii).

(5) A Utah educator shall follow all provisions of federal and state law including the parental notification and prior written parental consent requirements described in Sections 76-7-322 and 76-7-323 when teaching any aspect of sex education.

(6) While sex education instruction and related topics are most likely to take place in such courses as health education, health occupations, human biology, physiology, parenting, adult roles, psychology, sociology, child development, and biology, this Rule R277-474 applies to any course or class in which these topics are the focus of discussion.

R277-474-4. State Board of Education Responsibilities.

The Superintendent shall:

(1) develop and provide professional development and assistance with training for educators on law and rules specific to sex education instruction and related issues.

(2) develop, for Board approval, a parental notification form and timelines for use by LEAs.

(3) establish a review process for sex education instructional materials and programs using the instructional materials commission and requiring final Board approval of the instructional materials commission's recommendations.

(4) approve only medically accurate sex education instruction programs.

(5) receive and track parent and community complaints and comments received from LEAs related to sex education instructional materials and programs.

R277-474-5. LEA Responsibilities.

(1) An LEA shall require all newly hired or newly assigned Utah educators with responsibility for any aspect of sex education instruction to attend professional development outlining the sex education curriculum and the criteria for sex education instruction in any courses offered in the public education system.

(2) An LEA governing board shall provide training consistent with Subsection R277-474-5(1) at least once during every three years of employment for Utah educators.

(3) An LEA governing board shall form a curriculum materials review committee at the school district or charter school level as described in Subsection (4).

(4)(a) An LEA governing board shall annually appoint and review members of the LEA's curriculum materials review committee on or before August 1.

(b) An LEA's curriculum materials review committee shall include parents, health professionals, school health educators, and administrators, with at least as many parents as school employees.

(c) The members of an LEA's committee shall:

(i) meet on a regular basis, as determined by the membership;

(ii) select officers; and

(iii) comply with Title 52, Chapter 4, Open and Public Meetings Act.

(5) An LEA's curriculum materials review committee shall:

(a) be organized consistent with Subsection R277-474-2(1);

(b) designate a chair and procedures; and

(c) review and approve all guest speakers and guest presenters and their respective materials relating to sex education instruction in any course and maturation education before their presentation.

(6) The committee may not authorize the use of any sex education instructional program or maturation education program not previously:

(a) approved by the local governing board;

(b) approved consistent with Section R277-474-6; or

(c) approved under Subsections 53G-10-402(2)(f) and (g).

(7) The district superintendent or charter school administrator shall report educators who willfully violate the provisions of this rule to the Utah Professional Practices Advisory Commission (UPPAC) for investigation and possible discipline.

(8) In accordance with Sections 53E-3-401 and 53G-10-409, the state board may:

(a) impose a monetary penalty on an LEA that violates this section; and

(b) withhold funds allocated under Title 53F, Chapter 2, State Funding -- Minimum School Program, for continued noncompliance in accordance with Rule R277-114.

(9)(a) A student may not participate in sex education instruction, maturation education, or other instructional programs without prior affirmative parent consent, as evidenced by a completed parental notification form, on file.

(b) An LEA shall obtain parental consent from a student's parent using the common parental notification form or a form that satisfies all criteria of the law and Board rules and comply with timelines approved by the Board.

(10) The parental notification form shall:

(a) explain a parent's right to review proposed curriculum materials in a timely manner;

(b) request the parent's permission to instruct the parent's student in identified course material related to sex education or maturation education;

(c) allow the parent to exempt the parent's student from attendance for a class period where identified course material related to sex education instruction or maturation education is presented and discussed;

(d) be specific enough to give parents fair notice of topics to be covered;

(e) include a brief explanation of the topics and materials to be presented and provide a time, place and contact person for review of the identified curricular materials;

(f) be retained on file with affirmative parental consent for each student before the student's participation in discussion of issues protected under Section 53G-10-402; and

(g) be maintained at the student's school for a reasonable period.

(10) An LEA shall develop a logging and tracking system of parental and community complaints and comments resulting from student participation in sex education instruction, to include the disposition of the complaints, and provide that information to the Superintendent upon request.

(11) A student may refrain from participation in course material consistent with Section 53G-10-205.

R277-474-6. Local School Board or Charter School Governing Board Adoption of Sex Education and Maturation Education Instructional Materials.

(1) An LEA governing board may adopt the LEA's instructional materials if the instructional materials meet the requirements of Subsection 53G-10-402(2).

(2) Instructional materials adopted as described in Subsection (1) shall:

(a) comply with the criteria of Subsection 53G-10-402(2)(h) and:

(b) be medically accurate;

(c) be approved by a majority vote of the LEA governing board present at a public meeting of the LEA governing board;

(d) be available for reasonable review opportunities to residents of the school district or parents of charter school students before consideration for adoption; and

(e) comply with the county data review requirements as outlined in Subsection 53G-10-402(8).

(3) An LEA shall comply with the reporting requirements of Section 53G-10-402.

(4) A report to the Board shall include:

(a) a copy of sex education instructional materials or maturation education materials not approved by the Instructional Materials Commission that the local board or local charter board seeks to adopt;

(b) documentation of the materials' adoption in a public board meeting;

(c) documentation that the materials or program meets the medically accurate criteria as defined in Subsection R277-474-2(7);

(d) documentation of the recommendation of the materials by the committee; and

(e) a statement of the local board's or local charter board's rationale for selecting materials not approved by the instructional materials commission.

(5) An LEA governing board's adoption process for sex education instructional materials and maturation education materials shall include:

(a) an appeals process for the adopted materials; and

(b) a process for annual review of the LEA governing board's decision.

R277-474-7. Utah Educator Responsibilities.

(1) A Utah educator shall participate in training provided under Subsections R277-474-5(1) and (2).

(2) A Utah educator shall use the common parental notification form or a form approved by the Utah educator's LEA, and follow timelines approved by the Board.

(3) A Utah educator shall individually record parent and community complaints, comments, and the Utah educators' responses regarding sex education instructional programs.

(4)(a) A Utah educator may correct inaccurate or misleading information or answer questions asked by students in accordance with the approved instructional materials and the provisions in Section 53G-10-402.

(b) Educators may also direct students to parents in these circumstances.

KEY: health education, sex education, schools

Date of Last Change: July 8, 2025

Notice of Continuation: September 15, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53G-10-402(1) and (3); 53E-3-401(4)

R277. Education, Administration.

R277-475. Patriotic, Civic, and Character Education.

R277-475-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) the Utah Constitution Article X, Section 3 which vests general control and supervision of the public school system under the Board;

(b) Subsection 53E-3-401(4) which allows the Board to adopt rules in accordance with its responsibilities; and

(c) Section 53G-10-304 which directs the Board to provide a rule for a program of instruction within the public schools relating to the flag of the United States.

(2) The purpose of this rule is to provide direction for patriotic, civic, and character education programs in an LEA.

(3) This Rule is categorized as Category 3 as described in Rule R277-111.

R277-475-2. Definitions.

(1) "Character education" means the same as that term is defined in Subsection 53G-10-204(1)(a).

(2) "Civic education" means the same as that term is defined in Subsection 53G-10-204(1)(b).

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

(4) "Patriotic" means having love of and dedication to one's country.

(5) "Patriotic education" means the educational and systematic process to help students identify, acquire, and act upon a dedication to one's country.

R277-475-3. Patriotic, Civic, and Character Education.

(1) An LEA shall provide instruction for patriotic, civic, and character education in the social studies curricula of kindergarten through grade 12.

(2) An LEA shall ensure an educator has responsibility for patriotic, civic, and character education taught in an integrated school curriculum and in the regular course of school work.

(3) The Superintendent shall review LEA curricula and activities to ensure the effective instruction of American history and government on a rolling six-year basis.

(4) Instructional materials of a religious nature may be undertaken within public schools as outlined in Section 53G-10-202.

(a) Content-based censorship of American history and heritage documents may not occur due to their religious or cultural nature; and

(b) may include documents referenced in Section 53G-10-302.

R277-475-4. School Responsibilities and Required Instruction.

(1) An LEA shall:

(a) ensure that any patriotic, civic, and character education programs are consistent with the requirements of Sections 53G-10-302, 53G-10-304, and 53G-10-204;

(b) provide the setting and opportunities to teach patriotic values associated with the flag of the United States by example; and

(c) make information about the flag, respect for the flag, and civility toward any during patriotic activities available on the LEA's website.

(2) An LEA shall provide instruction in United States history and government that includes the following:

(a) a study of forms of government including:

(i) a republic;

(ii) a pure democracy;

(iii) a monarchy; and

(iv) an oligarchy.

(b) political philosophies and economic systems including:

(i) socialism;

(ii) individualism; and

(iii) free market capitalism.

(c) the United States' form of government: a compound constitutional republic; and

(d) the flag of the United States and the Pledge of Allegiance to the Flag consistent with:

(i) Subsection 53G-10-304(2);

(ii) Section 76-9-601;

(iii) the plan of the social studies Core curriculum in grades kindergarten through six; and

(iv) Subsection 53G-10-304(3).

R277-475-5. Parental Notice of Pledge of Allegiance.

(1) An LEA shall adequately notify students and parents of lawful exemptions to the requirement to participate in reciting the Pledge of Allegiance.

(2) An LEA may require an annual written request from a student's parent if a student or the student's parent requests that the student be excused from reciting the Pledge of Allegiance.

KEY: curricula, patriotic education, civic education, character education

Date of Last Change: August 7, 2024

Notice of Continuation: June 7, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53G-10-304; 53E-3-401(4)

R277. Education, Administration.

R277-476. Local Innovations Civics Education Pilot Program.

R277-476-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Section 53F-5-219, which directs the Board to make rules creating a local innovations civics education program that complies with the Utah Core Standards, establish eligibility for the program, and establish an application process.

(2) The purpose of this rule is to:

(a) create a pilot local innovations civics education program;

(b) establish eligibility requirements to participate in the program;

(c) create an application process; and

(d) establish reporting criteria.

(3) This Rule R277-476 is categorized as Category 2 as described in Rule R277-111.

R277-476-2. Definitions.

(1) "Civic knowledge" means a student's grasp of governmental processes and core concepts of representative government including:

(a) ways citizens can play a role in civic life;

(b) respect and understanding for the Declaration of Independence and The Constitution of the United States and the State of Utah;

(c) the values and principles of a constitutional republic; and

(d) an acquisition of civic values including those outlined in Subsection 53G-10-204(3).

(2) "Civic skills" means a student's capability to use acquired skills effectively to participate in civic life, including abilities to think critically, communicate effectively, problem-solve, and work collaboratively.

(3) "Evidenced informed" means the same as the term is defined in Subsection 53F-5-219(1)(c) including:

(a) explicit instruction;

(b) scaffolded supports.

R277-476-3. Civics Project Requirements--Eligibility and Application.

(1) Subject to legislative appropriation, an LEA may apply for a three-year pilot civics engagement project grant.

(2) An LEA's proposal submission shall contain the following:

(a) a budget proposal for the use of funds;

(b) the number of schools, teachers, and projected students participating in the grant program within the LEA;

(c) the LEA's goals and outcome measures for the program; and

(d) the LEA's plan to create and implement a program including:

(i) how the LEA's proposal aligns with:

(A) Subsections 53F-5-219(2) and (3);

(B) Section 53G-10-204;

(C) Section 53G-10-302;

(D) Subsection 53G-10-304(2); and

(E) Subsection 53F-5-219(3);

(ii) opportunities for student reflection;

(iii) opportunities for parent feedback of a participating student; and

(iv) opportunities for public student presentations; and

(e) the specific evidenced informed innovations the LEA intends to deploy to achieve the LEA's proposal and related goals; and

(f) if the LEA intends to contract with a third party provider to implement the proposal.

(3) An LEA's proposal shall be scored and ranked based upon the following:

(a) the quality of the LEA's overall budget and proposal as described in Subsection (2); and

(b) the criteria described in Subsections 53F-5-219(3)(b) and (c).

(4) A participating LEA is not exempt from the civics test requirement described in Section 53E-4-205.

(5) A participating LEA shall ensure the program is run in accordance with Section 53F-5-219.

(6) The Superintendent shall specify all relevant deadlines for the proposal submission and annual progress report described in Section R277-476-4.

R277-476-4. Performance Measures and Reporting.

(1) An LEA shall submit to the Superintendent an annual progress report by the date and in a manner prescribed by the Superintendent.

(2) The annual progress report shall report on all performance measures and data requested by the Superintendent including:

(a) the criteria described in Subsection R277-476-3(2);

(b) project impact on civic knowledge;

(c) enhancement of civic skills;

(d) the LEA's goals and outcome measures;

(e) project categories and types; and

(f) other relevant experiential data.

(3) An LEA may use a board-approved online provider to collect performance measures and outcome data.

(4) The Board shall approve a contract for a third party provider pursuant to Subsection 53F-5-219(5) and an approved contractor shall provide an annual report to the Board.

R277-476-5. Distribution and Use of Funds.

(1) An LEA may receive up to the LEA's requested amount not to exceed an amount determined by the Superintendent using the criteria described in Subsections R277-476-3(2) and (3).

(2) An LEA shall use funds only for the purposes specified in the LEA's proposal.

(3) An LEA may submit a request to amend the LEA's proposal to the Superintendent.

(4) An LEA may not use funds for:

(a) purchase of property;

(b) new equipment;

(c) maintenance of current equipment; or

(d) travel expenses.

KEY: civics, civics engagement project, social studies.

Date of Last Change: August 7, 2025

Notice of Continuation: June 10, 2025

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-10-204

R277. Education, Administration.

R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program.

R277-477-1. Authority, Purpose, and Oversight Category.

(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 53F-2-404(2)(d), which allows the Board to adopt rules regarding the time and manner in which a student count shall be made for allocation of funds; and

(c) 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) In accordance with Section 53D-2-202, through representation on the Land Trusts Protection and Advocacy Committee, the Board exercises trust oversight of:

(a) the Common School Trust;

(b) the School for the Deaf Trust; and

(c) the School for the Blind Trust.

(3) The Board implements the School LAND Trust program and provides oversight, support, and training for school community councils and Charter Trust Land Councils consistent with Section 53G-7-1206, Rule R277-491, and this Rule R277-477.

(4) The purpose of this rule is to:

(a) provide financial resources to a public school to implement a component of a school's Teacher and Student Success Plan to enhance and improve student academic achievement;

(b) provide a means to involve a parent of a school's student in decision-making regarding the expenditure of School LAND Trust program funds allocated to the school;

(c) provide direction in the distribution of funds from the Trust Distribution Account, as funded in Section 53F-2-404;

(d) provide for appropriate and adequate oversight of the expenditure and use of funds by an approving entity, school administration, and the Board;

(e) provide for proper allocation of funds as stated in Section 53F-2-404, and the appropriate and timely distribution of the funds;

(f) enforce compliance with statutory and rule requirements, including the responsibility for a school community council to notify school community members regarding the use of funds; and

(g) define the roles, duties, and responsibilities of the Superintendent with regards to the School Children's Trust.

(5) This Rule R277-477 is categorized as Category 4 as described in Rule R277-111.

R277-477-2. Definitions.

(1) "Approving entity" means a school district board or a budget officer whom the school governing board appoints consistent with Section 53G-7-1206.

(2) "Board plan approval meeting" means the meeting when the LEA governing board approves a school plan for the upcoming school year.

(3)(a) "Charter trust land council" means a council comprised of a two person majority of parents or grandparents of students attending the charter school, elected by parents of students attending the charter school, convened to act in lieu of the school community council for the charter school.

(b) "Charter trust land council" includes a charter school governing board if:

(i) the charter governing board meets the two-parent majority requirement; and

(ii) the charter school governing board chooses to serve as the charter trust land council.

(4) "Council" means a school community council or a charter trust land council.

(5) "Council plan approval meeting" means the meeting where a charter trust land council or school community council approves the school plan for the upcoming school year.

(6) "Fall enrollment report" means the audited census of students registered in Utah public schools as reported in the audited October 1 Fall Enrollment Report of the previous year.

(7) "Funds" means School LAND Trust program funding as defined in Section 53F-2-404.

(8) "Most critical academic need" means an academic need, consistent with the core standards in Rule R277-700, identified by a council through the annual review of schoolwide assessment data and other relevant indicators.

(9) "Newly opened charter school" means a charter school in its first two years of operation.

(10) "Newly opened satellite school" means a satellite school in its first two years of operation.

(11) "Parent," for a charter school, includes a grandparent of a student currently enrolled at the school.

(12)(a) "Principal" means an administrator licensed as a principal in the state and employed in that capacity at a school.

(b) "Principal" includes the director of a charter school.

(13) "Satellite charter school" has the same meaning as that term is defined in Section R277-550-2.

(14) "Student" means a child in public school grades kindergarten through 12 counted on the fall enrollment report of an LEA.

(15) "Teacher and Student Success Plan" or "TSSP" means the plan required of each school under Section 53G-7-1305.

(16) "Trust Distribution Account" means the restricted account within the Uniform School Fund created under Subsection 53F-9-201(2).

(17) "UPEFS" means the Utah Public Education Finance System.

(18) "Website" means the School LAND Trust website.

R277-477-3. Program Requirements for Charter Schools.

(1) A charter school that elects to receive School LAND Trust funds shall have a charter trust land council consistent with Section 53G-7-1205.

(2) A Charter Board and a Charter Trust Lands Council shall receive training about Section 53G-7-1206 and this rule.

(3) A charter governing board that is not the charter trust land council shall establish a process for the election of the charter trust land council that includes:

(a) the number of parent or grandparent members, the number of 'other members', and the definition of each 'other member' to be elected to serve on the council;

(b) the terms of each position;

(c) a timeframe for the election;

(d) a process for noticing and conducting the election of council members elected by parents of students enrolled at the charter school consistent with Section R277-477-2; and

(e) the process for filling unfilled seats following an election or when a member resigns.

(4) In the election process, if the number of candidates who file for a position on a charter trust land council is less than or equal to the number of open positions, an election is not required.

(5) A charter trust land council that is not a charter governing board shall:

(a) be subject to Section 53G-7-1203;

(b) have parent or grandparent members elected by parents of students attending the charter school; and

(c) post the following items on the school's website by October 20 annually:

(i) an invitation to parents to serve on the Charter Trust Land Council;

(ii) the election process to establish a Charter Trust Land Council consistent with this section;

(iii) the dollar amount the school receives each year from the School LAND Trust program;

(iv) a copy or link to the current Teacher and Student Success Plan;

(v) approved minutes of Charter Trust Land Council meetings for at least a year;

(vi) the proposed council meetings scheduled for the school year;

(vii) a means to contact the members of the school's Charter Trust Land Council directly;

(viii) a link or copy of the final reports of the school for the last two years, as required by Subsection 53G-7-1206(5); and

(ix) a link or copy of the school plan for the current year.

(6) The principal of a charter school that elects to receive School LAND Trust funds shall submit a plan, approved by the school's governing board, and the charter school budget officer on the School LAND Trust website:

(a) no later than May 1; or

(b) for a newly opening charter school, no later than November 1 in the school's first year to receive funding in the year the newly opening charter school opens.

R277-477-4. School LAND Trust Plan Submission and Approval.

(1) A public school receiving School LAND Trust program funds shall have:

(a) a school community council as required by Section 53G-7-1202 and Rule R277-491; or

(b) a charter school trust land council as required by Section 53G-7-1205.

(2) Notwithstanding Subsection (1)(a), the USDB Advisory Council may fill the responsibilities of a school community council for USDB.

(3) A public school receiving School LAND Trust program funds shall submit a membership form demonstrating compliance with the required membership in Subsection (1) that includes a principal assurance consistent with Subsection 53G-7-1206(3)(c) by October 20 annually.

(4)(a) To receive funds, the principal of a public school shall submit a School LAND Trust plan to the approving entity annually through the School LAND Trust website using the form provided.

(b) The Board may grant an exemption to a school using the Superintendent-provided form, described in Subsection (4)(a), on a case-by-case basis.

(5)(a) The principal of a school shall ensure that a council member has an opportunity to provide a signature indicating the member's involvement in implementing the current School LAND Trust plan and developing the school plan for the upcoming year.

(b) The principal shall collect a council member's signature at the Council plan approval meeting or at a later time consistent with LEA policies.

(c) A school shall retain signatures collected under Subsection (5)(b) for no less than three years.

(d) A school shall provide copies of signatures collected under Subsection (5)(b) to the LEA governing board before the Board plan approval meeting.

(e) An approving entity may design the approving entity's own form to collect the information required by this Subsection (5).

(f) A charter board that serves as a charter trust land council is exempt from the requirement of collecting signatures as outlined in this Subsection (5)(b).

(6)(a) An approving entity for a district school or a charter school shall establish a timeline, including a deadline, for a school to submit a school's School LAND Trust plan.

(b) A timeline described in Subsection (6)(a) shall:

(i) require a school's School LAND Trust plan to be submitted to the approving entity with sufficient time so that the approving entity may approve the school's School LAND Trust plan no later than May 15 of each year for a district school or May 1 of each year for a charter school; and

(ii) allow sufficient time for a council to reconsider and amend the council's School LAND Trust plan if the approving entity rejects the school's plan and still allow the school to meet the May 15 date for a district school or May 1 for a charter school consistent with this subsection.

(7)(a) An approving entity:

(i) shall consider a plan annually; and

(ii) may approve or disapprove a school plan.

(b) If an approving entity does not approve a plan, the approving entity shall:

(i) provide a written explanation why the approving entity did not approve the plan; and

(ii) request that the school revise the plan, consistent with Subsection 53G-7-1206(4)(d).

(8) After an approving entity has completed the approving entity's review, the approving entity shall notify the Superintendent that the review is complete.

(9) For an LEA to receive its full distribution in July, the LEA shall submit plans with all required approvals online no later than May 15 for a district school and May 1 for a charter school.

(10)(a) Before approving a plan, an approving entity shall review a School LAND Trust plan under the approving entity's purview to confirm that a School LAND Trust plan contains:

(i) academic goals;

(ii) specific steps to meet the academic goals described in Subsection (11)(a)(i);

(iii) measurements to assess improvement; and

(iv) specific expenditures focused on student academic improvement needed to implement plan goals.

(v) an explanation for any planned carry-over that exceeds one-tenth of a school's allocation in the plan; and

(vi) the date a council approved the plan.

(b) The approving entity shall determine whether a School LAND Trust plan is evidence-based and consistent with the approving entity's pedagogy, programs, and curriculum.

(c) The president or chair of the approving entity shall provide training annually on the requirements of Section 53G-7-1206 to the members of the approving entity.

(11) By approving a plan on the School LAND Trust website, the approving entity affirms that:

(a) the entity has reviewed the plan; and

(b) the plan meets the requirements of statute and rule.

(12)(a) After receiving the notice described in Subsection (10)(c), the Superintendent shall review each School LAND Trust plan for compliance with the law governing School LAND Trust plans.

(b) The Superintendent shall report back to the approving entity concerning which School LAND Trust plans were found to be out of compliance with the law.

(c) An approving entity shall ensure that a School LAND Trust plan that is found to be out of compliance with the law by the Superintendent is amended or revised by the council to bring the school's School LAND Trust plan into compliance with the law.

(13) A school shall implement a plan as approved.

(14) If an approving entity fails to comply with Subsection (12)(c), Superintendent may report the failure to the Audit Committee of the Board as described in Section R277-477-8.

R277-477-5. Appropriate Use of School LAND Trust Program Funds.

(1) Parents, teachers, and the principal, in collaboration with an approving entity, shall review school wide assessment data annually and use School LAND Trust program funds in data-driven and evidence-based ways to improve educational outcomes, consistent with the academic goals of the school's teacher and student

success plan framework under Section 53G-7-1304 and the priorities of the LEA governing board, including:

(a) strategies that are measurable and show academic outcomes with multi-tiered systems of support; and

(b) counselors and educators working with students and families on academic and behavioral issues when a direct impact on academic achievement can be measured.

(2) A school's School LAND Trust program expenditures shall have a direct impact on the instruction of students in the particular school's areas of most critical academic need and consistent with the academic priorities of the LEA's governing board:

(a) to increase achievement in:

(i) English;

(ii) language arts;

(iii) mathematics; and

(iv) science; and

(b) for secondary schools to:

(i) increase graduation rates; and

(ii) promote college and career readiness.

(3) A school may not use School LAND Trust program funds for the following:

(a) costs related to district or school administration, including accreditation;

(b) expenses for:

(i) construction;

(ii) maintenance;

(iii) facilities;

(iv) overhead;

(v) furniture;

(vi) storage of personal student property;

(vii) security; or

(vii) athletics; or

(c) expenses for non-academic in-school, co-curricular, or extracurricular activities.

(4) A school that demonstrates appropriate progress and achievement consistent with the academic priorities of the LEA governing board outlined in Subsection (2) may request local board approval of a plan to address other academic goals if the plan includes:

(a) how the goal is in accordance with the core standards established in Rule R277-700;

(b) how the action plan for the goal is:

(i) data-driven;

(ii) evidence-based; and

(iii) has a direct impact on the instruction of students consistent with Subsections (1) and (2);

(c) the data driving the decision to spend School LAND Trust funds for academic needs outlined in this Subsection (4); and

(d) the anticipated data source the school will use to measure progress.

(5) A school district or local school board may not require a council or school to spend the school's School LAND Trust program funds on a specific use or set of uses.

(6) Student incentives implemented as part of an academic goal in the School LAND Trust program may not exceed $2 per student in an academic school year.

R277-477-6. Distribution of Funds - Determination of Proportionate Share.

(1) An LEA shall report the prior year expenditure of distributions for each school.

(2) The total expenditures each year described in Subsection (1) may not be greater than the total available funds for an LEA.

(3)(a) In an unanticipated circumstance, a school within an LEA may be allowed a small advance from a school's allocation for the next fiscal year when:

(i) the LEA has unspent School LAND Trust funds to cover the advance; and

(ii) the LEA governing board approves the advance.

(b) If a school receives an advance under Subsection (3)(a):

(i) the LEA shall decrease the beginning allocation to the school for the next fiscal year in the same amount as the advance; and

(ii) restore the same advance amount to the unspent School LAND Trust funds of the LEA.

(c) A school's beginning School LAND Trust funds balance for a new school year shall be:

(i) the school's allocation for the new school year;

(ii) minus any advance approved under Subsection (3)(a);

(iii) plus any carry-over from the prior year.

(4) A school district shall adjust the current year distribution of funds received from the School LAND Trust program as described in Section 53F-2-404, as necessary to maintain an equal per student distribution within a school district based on:

(a) school openings and closings;

(b) boundary changes; and

(c) other enrollment changes occurring after the fall enrollment report.

(5) An LEA shall provide the current year distribution and carry-over amount from the prior school year to the principal by October 1 annually.

(6) A charter school and each of the charter school's satellite charter schools are a single LEA for purposes of public school funding.

(7)(a) For purposes of this section, "qualifying charter school" means a charter school that:

(i) would receive more funds from a per pupil distribution than the charter school receives from the base payment described in Subsection (9); and

(ii) is not a newly opening charter school as described in Subsection (11)(a).

(b) The Superintendent shall distribute the funds allocated to charter schools:

(i) as described in this Subsection (9); and

(ii) is consistent with the March 1 calculation for existing and new charter schools.

(8) The Superintendent shall add any unused balance to the total charter school distribution amount for the following fiscal year for charter schools if a charter school:

(a) chooses not to apply for funds;

(b) does not meet the requirements for receiving funds;

(c) does not open as scheduled;

(d) closes; or

(e) has other unforeseen circumstances.

(9) The Superintendent shall first distribute a base payment to each charter school that is equal to the product of:

(a) an amount equal to the total funds available for all charter schools; and

(b) at least 0.4%.

(10) After the Superintendent distributes the amount described in Subsection (6)(c), the Superintendent shall distribute the remaining funds to qualifying charter schools on a per pupil basis.

(11)(a) The Superintendent shall distribute an amount of funds to a newly opening charter school that is either:

(i) the base payment described in Subsection (9); or

(ii) a per pupil amount based on the newly opened charter school's projected October 1 enrollment count.

(b)(i) The governing board of a newly opening charter school shall notify the Superintendent by March 1 preceding the school's first year of operation, which option under Subsection (8)(a) the school elects to receive.

(ii) If a school fails to notify the Superintendent as required under Subsection (b)(i), the school shall receive the base payment described in Subsection (6)(c) in the school's first year of operation.

(c) The Superintendent shall increase or decrease a newly opening charter school's first year distribution of funds in the school's second year to reflect the newly opening charter school's actual first year October 1 enrollment.

(12)(a) The Superintendent shall distribute an amount of funds to a newly opening satellite school equal to the base payment described in Subsection (6)(c).

(b) The Superintendent shall increase or decrease a newly opening satellite school's first year distribution of funds in the school's second year to reflect the newly opening satellite school's actual first year October 1 enrollment.

R277-477-7. School LAND Trust Program - Plan Amendments and Final Reports.

(1)(a) The principal shall submit a plan amendment authorized by Subsection 53G-7-1206(4)(d)(iii) through the School LAND Trust website for approval, including the date the council approved the amendment and the number of votes for, against, and absent.

(b) The approving entity shall:

(i) consider the amendment for approval;

(ii) approve an amendment before the school uses funds according to the amendment; and

(iii) notify the Superintendent an amendment is ready for review.

(c) The Superintendent shall review an amendment for compliance with statute and rule before the school uses funds according to the amendment.

(2) A principal shall submit a final report on the School LAND Trust website annually before a School LAND Trust plan for the coming school year is submitted.

(3)(a) A district or charter school business official shall enter prior year audited expenditures of School LAND Trust funds through UPEFS consistent with UPEFS requirements and timelines.

(b) The expenditure data shall appear in the final report submitted online by a principal, as required by Subsection 53G-7-1206(5)(b).

(4) A school shall provide an explanation for any carry-over that exceeds one-tenth of the school's allocation in a given year in the School LAND Trust final report.

(5) An approving entity shall ensure that a final report includes:

(a) clear explanations of plan implementations and expenditures; and

(b) meets the confidentiality requirements of Rule R277-487 before March 1 to allow the review required by Section R277-477-7.

(6)(a) The Superintendent shall recommend a district or school with a consistently large carry-over balance over multiple years for corrective action for not making adequate and appropriate progress on an approved plan.

(b) The Superintendent may take corrective action to remedy excessive carry-over balances consistent with Rule R277-114.

(7) An LEA shall provide an annual report to its governing board on the implementation of each school's prior year School LAND Trust plans by March 1 annually.

R277-477-8. Compliance Review.

(1) The Superintendent may visit a school receiving funds from the School LAND Trust program to discuss the program, receive information and suggestions, provide training, and answer questions.

(2)(a) The Superintendent shall supervise annual compliance reviews to review expenditure of funds consistent with the approved plan, final report, applicable amendments, allowable expenses, and the law.

(b) The Superintendent shall annually provide a written report to the Board Finance Committee on compliance review findings and other compliance issues.

R277-477-9. Superintendent Responsibilities.

The Superintendent shall:

(1) represent the Board on the Land Trusts Protection and Advocacy Committee in accordance with Section 53D-2-202;

(2) review and approve a plan submitted by the USDB Advisory Council as necessary;

(3) prepare the annual distribution of funds to implement the School LAND Trust program pursuant to Section 53F-2-404;

(4) provide training to entities involved with the School LAND Trust program consistent with Subsection 53G-7-1206(8); and

(5) implement corrective action, if appropriate, consistent with Rule R277-114 if an LEA or its council fails to comply with this rule.

KEY: schools, trust lands funds, school community councils

Date of Last Change: October 8, 2024

Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53F-2-404

R277. Education, Administration.

R277-479. Funding for Charter School Students With Disabilities on an IEP.

R277-479-1. Authority, Purpose, and Oversight Category.

(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 Constitution and state law;

(c) Subsection 53E-3-501(1)(c)(vi)(A), which directs the Board to adopt rules regarding services for persons with disabilities; and

(d) Section 53E-7-206, which directs the Board to administer state and federal special education funds.

(2) The purpose of this rule is to specify standards and procedures for funding of charter school students with disabilities on an IEP.

(3) This Rule R277-479 is categorized as exempt as described in Rule R277-111.

R277-479-2. Definitions.

(1) "Base" means prior year special education add-on WPU.

(2) "Charter school" means a school authorized by a charter school authorizer under Sections 53G-5-304 through 53G-5-306.

(3) "Charter school authorizer" or "authorizer" has the same meaning as that term is defined in Subsection 53G-5-102(3).

(4) "Common Data Committee" or "CDC" means a group comprised of representatives of Board staff, the Legislative Fiscal Analyst's Office, the Governor's Office of Management and Budget, and the Utah State Tax Commission, that reports to the Legislature with:

(a) estimates of the growth of students in Utah schools and how much it will cost to fund those students; and

(b) estimates of the tax dollars the state will receive for education.

(5) "Estimated enrollment" means the enrollment projections done by the CDC as approved by the Superintendent and used for legislative projections.

(6) "Expanding charter school" means a "large expansion" or new "satellite school" as described in Rule R277-550.

(7) "Foundation" means the average of self-contained and resource special education students average daily membership over the previous five years.

(8) "Negative growth adjustment" means prior year special education add-on WPU minus weighted negative growth.

(9) "New charter school" means a charter school with less than five years of operation.

(10) "Positive growth adjustment" means prior year special education add-on WPU plus weighted growth.

(11) "Prevalence rate" means the percentage of students with disabilities within the total student enrollment.

(12) "Special education" means specially designed instruction and related services to meet the unique needs of a student with a disability in accordance with Rule R277-750.

(13) "Student with a disability" means a student, evaluated in accordance with Utah State Board of Education Special Education Rules, and determined to be eligible for special education and related services.

(14) "Total enrollment" means the total number of students enrolled in all campuses of a school as of the October 1 UTREx update.

(15) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows:

(a) individual detailed student records to be exchanged electronically among public education LEAs and the Superintendent; and

(b) electronic transcripts to be sent to any post-secondary institution that participates in the e-transcript service.

R277-479-3. Charter School Special Education Add-On Funding.

(1)(a) For new and expanding charter schools, the Superintendent shall calculate the foundation based on the average special education ADM for the number of

years the school has been in operation beyond the first year, until the charter school completes its fourth year of operation.

(b)(i) A new or expanding charter school in its first operational year shall receive special education add-on funding based on estimated enrollment projections made by the CDC and approved by the Superintendent for legislative projections.

(ii) The Superintendent shall initially calculate the add-on by multiplying estimated enrollment by 10% to determine the number of WPUs allocated in the legislative estimate.

(iii) The Superintendent shall finally calculate the add-on by taking the actual number of special education students reported on the December 1 count.

(c)(i) For the second operational year, a new or expanding charter school shall receive estimated special education add-on funding based on the December 1 count from the prior year.

(ii) The final WPUs allocated from the special education add-on program in the second operational year shall equal the ADM count from the prior year.

(d)(i)(A) In its first operational year, a new or expanding charter school shall receive estimated WPUs for the special education self-contained program equal to the average self-contained prevalence rate of all charter schools in the prior year multiplied by the CDC estimated enrollment for the school.

(B) The final WPUs allocated shall be equal to the number of self-contained students reported on the December 1 count of the current school year for the new or expanding charter school.

(ii) In its second operational year, a new or expanding charter school shall receive estimated special education self-contained funding based on the December 1 count of self-contained students from the prior year.

(iii) The final WPUs allocated from the special education self-contained program in the second operational year shall equal the ADM count of self-contained students from the current school year.

(e)(i)(A) For special education impact aid funding in the first operational year, a new or expanding charter school shall receive an estimated December 1 count equal to 10% multiplied by the CDC estimated enrollment of the new or expanding charter school.

(B) The Superintendent shall use the amount from Subsection (A) in the formula prescribed in the USBE Special Education Rules X.J., incorporated by reference in Rule R277-750.

(C) The Superintendent shall base the final WPUs allocated to a new or expanding charter school on the school's December 1 counts for the current school year.

(ii)(A) In the second operational year, a new or expanding charter school shall received estimated special education impact aid funding based on the December 1 count of self-contained students from the prior year.

(B) A new or expanding charter school shall receive final WPUs allocated based on December 1 counts for the current school year.

(f)(i)(A) For the special education ESY program, in the first operational year, a new or expanding charter school shall receive funding based on a program count equal to .014 multiplied by the CDC estimate.

(B) The Superintendent shall use the amount in Subsection (A) in the formula prescribed in the USBE Special Education Rules, X.L., incorporated by reference in Rule R277-750.

(ii) In the second operational year, a new or expanding charter school shall receive estimated special education ESY funding based on the ADM count of ESY eligible students from the prior year.

(2) The foundation is the minimum amount a charter school may receive for special education add-on funding.

(3)(a) The Superintendent shall apply a positive growth adjustment to a charter school's foundation for weighted growth.

(b) The Superintendent shall determine weighted growth as set forth in Subsection 53F-2-307(7)(e)(i).

(c) The Superintendent shall determine growth WPUs as set forth in Subsection 53F-2-307(7)(e).

(d) The Superintendent may not impose a funding cap based on the charter prevalence rate because a charter school is designed and authorized specifically to serve students with disabilities.

(e) When there is no growth, either because a charter school is new or because the same number of students are enrolled, the Superintendent may not apply a positive growth adjustment.

(4)(a) The Superintendent shall apply a negative growth adjustment to a charter school's base for decline in special education ADM.

(b) The negative growth adjustment is the base multiplied by the percentage of enrollment decline.

(c) The Superintendent shall subtract the result calculated under Subsection (5)(b) from the base to determine WPU.

(d) When there is no decline in a charter school's enrollment of students with disabilities, either because the charter school is new or because the same number of students are enrolled, the Superintendent may not apply a negative growth adjustment to the charter school's allotment.

(e) If a negative growth adjustment brings the WPU below the foundation, the charter school shall receive the foundation WPU.

(5) After the first and second years of a charter school's expansion, the special education formula provided in this Section R277-479-3 shall account for the expansion.

(6) Notwithstanding this Section R277-479-3, if a new or expanding charter school identifies a purpose and target population in its application focusing on students with disabilities, the Superintendent shall estimate the number of students with disabilities expected to enroll in consultation with the authorizer and the school.

KEY: charter schools, students with disabilities

Date of Last Change: October 8, 2024

Notice of Continuation: March 12, 2022

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-501(1)(c)(vi)(A); 53E-7-206; 53E-3-401(4)

R277. Education, Administration.

R277-480. Charter School Revolving Account.

R277-480-1. Authority, Purpose, and Oversight Category.

(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 adopt rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Subsection 53F-9-203(2)(b), which requires the Board to administer the Charter School Revolving Account.

(2) The purpose of this rule is to:

(a) establish procedures for administering the Charter School Revolving Account;

(b) determine membership of the Charter School Revolving Account Committee; and

(c) determine loan amounts and loan repayment conditions.

(3) This Rule R277-480 is categorized as Category 2 as described in Rule R277-111.

R277-480-2. Definitions.

(1) "Charter school" means a public school created in accordance with Title 53G, Chapter 5, Charter Schools.

(2) "Charter School Revolving Account" means a restricted account created within the Uniform School fund to provide assistance to charter schools to:

(a) meet school building construction and renovation needs; and

(b) pay for expenses related to the start up of a new charter school or the expansion of an existing charter school.

(3) "Charter School Revolving Account Committee" means a committee established by the Board to make recommendations concerning the Charter School Revolving Account.

(4) "Executive Director" means the Executive Directors of the State Charter School Board or the Executive Director's designee.

(5)(a) "Urgent facility need" means an unexpected exigency at a charter school that is entitled to priority under Subsection 53F-9-203(5) because it affects the health and safety of students.

(b) An "urgent facility need" may include:

(i) an unforeseen condition that precludes a school's qualification for an occupancy permit; or

(ii) an unforeseen circumstance that keeps the school from satisfying provisions of public safety, public health, or public school laws or Board rules.

R277-480-3. Charter School Revolving Account Committee.

(1) The Board hereby establishes a Charter School Revolving Account Committee comprised of three individuals.

(2) The State Charter School Board shall submit a list of at least three nominees per vacancy for appointment by the Board consistent with timelines established by the Board.

(3) Charter School Revolving Account Committee members shall serve two-year terms.

(4) The Executive Director shall be a non-voting Charter School Revolving Account Committee member.

R277-480-4. Charter School Revolving Account Application and Conditions.

(1) The Superintendent shall develop a loan application that is consistent with Section 53F-9-203, including criteria for urgent facility needs.

(2) The Charter School Revolving Account Committee may request any criteria or information from an applicant that the committee finds necessary and helpful in making final recommendations to the State Charter School Board and the Board.

(3)(a) The Charter School Revolving Account Committee shall accept applications for loans annually by April 30, subject to eligibility criteria and availability of funds.

(b) If the Charter School Revolving Account Committee does not distribute all available funds during its initial application process, the committee may set deadlines to review additional applications.

(4) To apply for a loan, a charter school shall submit the information requested on the Board's most current loan application form together with the requested supporting documentation.

(5) A charter school's application shall include a resolution from the governing board of the charter school that the governing board, at a minimum:

(a) agrees to enter into the loan as provided in the application materials;

(b) agrees to the interest established by the Charter School Revolving Account Committee and repayment schedule of the loan designated by the Charter School Revolving Account Committee and the Board;

(c) agrees that loan funds shall only be used consistent with the purposes of Section 53F-9-203 and the approved charter;

(d) agrees to any inspections, audits or financial reviews ordered by the Charter School Revolving Account Committee or the Board; and

(e) agrees to all terms required for the loan by the State Division of Finance, including:

(i) servicing by the State Division of Finance;

(ii) payment of an annual servicing fee; and

(iii) agreement to execute an electronic funds transfer agreement for monthly payments by the school.

(6) The Charter School Revolving Account Committee shall establish terms and conditions for loan repayment, consistent with Section 53F-9-203.

(7) The terms established under Subsection (6) shall include a tiered schedule of loan fund distribution as follows:

(a) 50% (up to $250,000) disbursed no more than 12 months prior to August 15 in the school's first year of operations;

(b) 25% (up to $125,000) disbursed no more than six months prior to August 15 in the school's first year of operation;

(c) the balance of loan funds disbursed no more than three months prior to August 15 in the school's first year of operations.

(8) The loan amount to a charter school board awarded under Section 53F-9-203 may not exceed:

(a) $500,000 to a charter school board during any five consecutive years; and

(b) $2,000,000 total to all schools in any fiscal year.

(9) If a loan recipient defaults on a loan made under this rule, the debt may be secured by funds contributed by charter schools to the Charter School Closure Reserve Account under Section 53F-9-307 after the defaulting school has made reasonable effort to resolve its debts and liquidate its assets as required by law.

R277-480-5. Charter School Revolving Account Committee Recommendations and Board Approval.

(1) The Charter School Revolving Account Committee shall make recommendations to the State Charter School Board and the Board only upon receipt of complete and satisfactory information from the applicant and upon a majority recommendation from the Charter School Revolving Account Committee.

(2) The submission of intentionally false, incomplete or inaccurate information from a loan applicant may result in:

(a) immediate cancellation of any previous loan;

(b) the requirement for immediate repayment of any funds received;

(c) denial of subsequent applications for a 12-month period from the date of the initial application; and

(d) a recommendation to a school's authorizer to consider revocation of the school's charter.

(3) The Superintendent and Executive Director shall review recommendations from the Charter School Revolving Account Committee.

(4) The Charter School Revolving Account Committee shall submit recommendations for loan funding to the State Charter School Board for review, including reasons for the recommendation and categorization of low, medium, or high risk.

(5) The State Charter School Board shall review committee recommendations and submit final recommendations to the Board no more than 90 days after submission of all information and materials from the loan applicant to the Charter School Revolving Account Committee.

(6) Either the State Charter School Board or the Board may request additional information from loan applicants or the Charter School Revolving Account Committee.

(7) The Board's approval or denial of a loan application constitutes the final administrative action in the charter school building revolving loan process.

KEY: charter schools, revolving account

Date of Last Change: August 7, 2025

Notice of Continuation: May 10, 2024

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53F-9-203(2)(b); 53E-3-401(4)

R277. Education, Administration.

R277-482. LEA Work Email Communication Requirements.

R277-482-1. Authority, Purpose, and Oversight Category.

(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; and

(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.

(2) The purpose of this rule is to provide administrative procedures regarding a requirement in Section 53G-7-224 for an LEA to annually provide the Board with the work email address of each of LEA's school employee.

(3) This Rule R277-482 is categorized as Category 2 as described in Rule R277-111.

R277-482-2. Definitions.

For purposes of Section 53G-7-224, Section 53G-8-510, and this Rule R277-482:

(1)(a) "Official communication" means communication from the Board.

(b) "Official communication" does not include communication from the Superintendent.

(2) "School campus" includes:

(a) a school building;

(b) an administrative building;

(c) an LEA-owned or operated facility; or

(d) a virtual instructional space.

(3) "School employee" means the same as that term is defined in Section 53G-7-224.

(4) "Work email address" means an email address generated by an LEA for an individual who is employed, directly or indirectly, by a school, an LEA governing board, or a school district.

R277-482-3. Procedures to Provide Work Email Address Information to the Board.

(1) The Superintendent shall send a data collection request to LEAs by September 1 annually for LEAs to submit work email address information.

(2) As required in Section 53G-7-224, an LEA shall provide the Superintendent with the work email address of each school employee on or before October 1.

KEY: school employee; work email address; official communication

Date of Last Change: October 8, 2024

Authorizing, and Implemented or Interpreted Law: 53E-3-401(4), 53G-7-224

R277. Education, Administration.

R277-484. Data Standards.

R277-484-1. Authority, Purpose, and Oversight Category.

(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) Subsection 53E-3-401(8)(a), which allows the Board to take corrective action against an education entity that fails to comply with Board rules; and

(d) Subsection 53E-3-511(8), which requires the Board to ensure LEA inclusion of data in an LEA's Student Information System.

(2) The Superintendent shall perform certain data collection related duties essential to the operation of statewide educational accountability and financial systems as mandated in state and federal law.

(3) The purpose of this rule is to:

(a) support the operation of required educational accountability and financial systems by ensuring timely submission of data by LEAs;

(b) support the provision of equal opportunity for students;

(c) support accuracy, efficiency, and consistency of data; and

(d) ensure maintenance of basic contact and demographic information for each LEA and school.

(4)(a) This Rule R277-484 is categorized as Category 3 as described in Rule R277-111.

(b) Notwithstanding Subsection (4)(a), individual requirements contained in the rule or incorporated by reference into the rule may be categorized separately in accordance with program resources and responsibilities.

R277-484-2. Definitions.

As used in this rule and the Board Reporting Deadline Table incorporated by reference in this rule:

(1) "Annual Financial Report" means an account of LEA revenue and expenditures by source and fund sufficient to meet the reporting requirements specified in Subsections 53E-3-301(3)(d) and (e).

(2) "Annual Program Report" means an account of LEA revenue and expenditures by source and program sufficient to meet the reporting requirements specified in Subsections 53E-3-301(3)(d) and (e).

(3) "Comprehensive Administration of Credentials for Teachers in Utah Schools" or "CACTUS" means the online licensing database maintained by the Superintendent, which will be phased out and replaced by USIMS.

(4) "Contact information" means the name, title, email address, and phone number for a designated individual.

(5) "Data Warehouse" means the database of demographic information, course taking, and test results maintained by the Superintendent on all students enrolled in Utah schools.

(6) "Designated individual" means:

(a) an LEA governing board chair;

(b) a local administrator;

(c) a business administrator; or

(d) a school principal.

(7) "Governing board chair" means the chair or president of an LEA governing board.

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

(9) "LEA demographic information" means:

(a) the LEA name;

(b) the LEA number;

(c) the physical address;

(d) the website;

(e) a phone number; and

(f) the LEA's grade range.

(10) "Local administrator" means a district superintendent or charter school director.

(11) "MSP" means Minimum School Program, the set of state supported K-12 public school funding programs.

(12) "School demographic information" means:

(a) the school name;

(b) the school number;

(c) the physical and mailing address;

(d) the website;

(e) a phone number;

(f) the school type; and

(g) the school grade range.

(13) "Schools interoperability framework" or "SIF" means an open global standard for seamless, real time data transfer and usage for Utah public schools.

(14) "Student achievement backpack" has the same meaning as that term is defined in Subsection 53E-3-511(1)(d).

(15) "Student information system" or "SIS" means a student data collection system used for Utah public schools.

(16) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows individual detailed student records to be exchanged electronically between public education LEAs and the Board, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the etranscript service.

(17) "Utah Student Record Store" has the same meaning as that term is defined in Subsection 53E-3-511(1)(d).

(18) "Year" means both the school year and the fiscal year for a Utah LEA, which runs from July 1 through June 30.

R277-484-3. Incorporation by Reference of Board Reporting Deadline Table.

(1) This rule incorporates by reference the Board Reporting Deadline Table dated June 6, 2024.

(2) A copy of the Board Reporting Deadline Table is located at:

(a) http://schools.utah.gov/administrativerules/documentsincorporated; and

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah - 84111.

R277-484-4. Deadlines for Data Submission.

(1) An LEA shall submit student level data to the Board through UTREx.

(2) An LEA shall submit teacher assignment and salary data to the Board through CACTUS or USIMS.

(3) An LEA shall, by 5 p.m. Mountain Standard Time on the date specified in the Board Reporting Deadline Table, submit reports in the format specified by the Superintendent.

(4) If a deadline in the Board Reporting Deadline Table falls on a weekend or state holiday in a given year, an LEA shall submit the report on the next business day following the date specified in the Board Reporting Deadline Table.

(5) An LEA shall assign an individual to oversee compliance with this rule.

R277-484-5. Adjustments to Deadlines.

(1) An LEA may seek an extension of a deadline to ensure continuation of funding and provide more accurate information to allocation formulas by submitting a written request to the Superintendent no later than 24 hours before the specified deadline in Board Reporting Deadline Table.

(2) An extension request shall include:

(a) The reasons for the extension request;

(b) The signatures of the LEA business administrator and local administrator; and

(c) The date by which the LEA proposes to submit the report.

(3) If an LEA requests an extension under Subsection (1), the Superintendent may do any of the following after taking into consideration the pattern of LEA compliance with reporting deadlines and the urgency of the need for the data to be submitted:

(a) Approve the request and allow the MSP fund transfer process to continue; or

(b) Deny the request and stop the MSP fund transfer process; or

(c) Recommend corrective action to the Board in accordance with Rule R277-114.

(4) If, after receiving an extension, an LEA fails to submit the report by the designated date, the MSP fund transfer process shall be stopped and the procedures described in Section R277-484-7 shall apply.

(5) An extension shall apply only to the specific reports and dates for which an extension was requested.

(6) The Superintendent may not extend deadlines for the following reports:

(a) AFR;

(b) APR;

(c) Mid-year or Final CACTUS updates;

(d) a Financial Audit Report; or

(e) any UTREx updates.

(7) Notwithstanding Subsection (6)(e), if an LEA identifies significant errors in a UTREx update, the Superintendent may grant the LEA an extension of no more than eight calendar days to file a new update.

R277-484-6. Official Data Source and Required LEA Compatibility.

(1) The Superintendent shall load operational data collections into the Data Warehouse as of the submission deadlines specified.

(2) The Data Warehouse shall be the sole official source of data for annual:

(a) school performance reports required under Section 53E-5-204;

(b) determination of state and federal accountability reports; and

(c) submission of data files to the U.S. Department of Education.

(3) The Superintendent shall maintain a database of LEA and school:

(a) demographic information;

(b) openings;

(c) closures; and

(d) contact information for designated individuals.

(4)(a) An LEA shall use an SIS approved by the Superintendent to ensure compatibility with Board data collection systems.

(b) The Superintendent shall maintain a list of approved student information systems.

(5) Before the Superintendent granting approval for an LEA to initiate or replace a student information system that was not previously approved, the LEA shall:

(a) send written request for approval to the Superintendent no later than November 15 of the year before the year the LEA proposes to use the SIS for production software;

(b) submit documentation to the Superintendent that the new or modified student information system is SIF certified;

(c) submit documentation to the Superintendent that an SIF agent can meet the UTREx specifications profile for Vertical Reporting Framework (VRF) and eTranscripts;

(d) ensure that a new student information system can generate valid data collection by submitting an actual file to the Superintendent for review;

(e) ensure that the new student information system can generate the Statewide Student Identifier (SSID) request file by submitting an actual file to the Superintendent for review.

(6)(a) The Superintendent shall review documentation and grant or deny an LEA submission under Subsection (4) within 30 calendar days.

(b) An approved replacement system shall run in parallel to a state-approved system for a period of at least three months and be able to generate duplicate reports to previously generated information.

(7) An LEA shall submit daily updates to the Board Clearinghouse using School Interoperability Framework (SIF) objects defined in the UTREx Clearinghouse specification.

(8) An LEA shall electronically submit all public high school transcripts requested by a public education post-secondary school if the post-secondary school is capable of receiving transcripts through the electronic transcript service designated by the Superintendent.

(9) No later than June 30, 2017, an LEA shall ensure that data collected in the Utah Student Record Store for a Student Achievement Backpack is integrated into the LEA's SIS and is made available to a student's parent or guardian and an authorized LEA user in an easily accessible viewing format.

(10) Failure to comply with any of the requirements of this Section R277-484-5 may result in a recommendation for corrective action in accordance with Rule R277-114.

R277-484-7. Adjustments to Summary Statistics Based on Compliance Audits.

(1) To allocate MSP funds and projecting enrollment, the Superintendent may modify LEA level aggregate membership and fall enrollment counts on the basis of the values in the Membership and Enrollment audit reports, respectively, when an audit report review team agrees that an adjustment is warranted by the evidence of an audit.

(2) An audit report review team shall make a determination under Subsection (1) within 60 working days of the authorized audit report deadline.

(3) The Superintendent may only adjust values downward if an audit report is received after an authorized deadline.

R277-484-8. Financial Consequences of Failure to Submit Reports on Time.

(1) If an LEA fails to submit a report by its deadline as specified in Board Reporting Deadline Table, consistent with procedures outlined in Rule R277-114, the Superintendent may recommend corrective action, including stopping the LEA's MSP funds transfer process, unless the LEA has obtained an extension of the deadline in accordance with the procedure described in Section R277-484-4.

(2) The Superintendent may recommend loss of up to 1.0 WPU from Kindergarten or Grades 1-12 programs, depending on the grade level and aggregate membership of the student, in the current year Mid-Year Update for each student whose prior year immunization status was not accounted for in accordance with Section 53G-9-302 as of June 15.

KEY: data standards, reports, deadlines

Date of Last Change: August 7, 2024

Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-301(d) and (e); 53E-3-401; 53E-3-401(8)(a); 53E-3-511(8)

R277. Education, Administration.

R277-485. Loss of Enrollment.

R277-485-1. 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; and

(c) Section 53F-2-207, which allows the Board to increase funds for a school district in order to avoid penalizing it for an excessive loss in student enrollment due to factors beyond its control.

(2) The purpose of this rule is to establish guidelines for funding under Section 53F-2-207.

R277-485-2. Definitions.

(1) "ADM" means average daily membership derived from end-of-year data.

(2) "Carryforward balance" means the unobligated amount of MSP basic program education funds from the previous fiscal year.

(3) "Historical Mean ADM" means the mean of the two highest ADMs in the three years preceding the prior year.

(4) "Local Effort" means the prior year sum of tax rates imposed by the local school board.

(5) "Lost ADM" means the difference between prior year ADM and Historical Mean ADM.

(6) "Mid-year update" means the annual Minimum School Program allocation report prepared by the Superintendent by January 1 annually.

(7) "Minimum School Program" or "MSP" means the state supported Minimum School Program as defined in Title 53F, Chapter 2.

(8) "Weighted Pupil Unit" or "WPU" means the unit of measure of factors that is computed in accordance with the MSP for the purpose of determining the costs of a program on a uniform basis for each district.

R277-485-3. Eligibility.

(1) A school district may receive funding under this rule if the district's lost ADM is at least four percent less than the district's historical mean ADM.

(2) A school district that seeks funding under this rule shall file a petition with the Superintendent no later than September 15 that demonstrates that a loss of enrollment occurred due to unpredictable factors beyond the district's control.

(3) The Superintendent shall refer a petition filed in accordance with Subsection (2) to the Finance Committee to review and make a recommendation to the Board.

(4) A charter school may not receive funding under this rule.

R277-485-4. Funding.

(1) The Superintendent shall allocate funding to an eligible district under Subsection R277-485-3(1) using the unencumbered MSP carryforward balance.

(2) The Superintendent may only award funds to a district under this rule after all other authorized uses of the carryforward balance have been carried out.

(3) The total amount of funds made available for distribution shall be equal to the lesser of:

(a) the sum of lost ADM in eligible districts multiplied by 25 percent of the current year value of the WPU; or

(b) 25 percent of the current unencumbered MSP carryforward balance.

(4) The Superintendent shall distribute available funds in proportion to lost ADM (90 percent) and prior year local effort (10 percent) among eligible districts.

(5) The Superintendent may not fund an eligible district if there are not any current year unencumbered MSP funds.

(6) The Superintendent shall distribute funds annually in one lump sum with the mid-year update of the current year MSP.

KEY: students, enrollment

Date of Last Change: August 7, 2017

Notice of Continuation: May 16, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-207

R277. Education, Administration.

R277-486. Professional Staff Cost Program.

R277-486-1. 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) 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

(c) Subsection 53F-2-305(2), which authorizes the Board to make a rule requiring a certain percentage of a LEA's professional staff to be licensed in the area the teacher teaches to receive full funding under the state statutory formula.

(2) The purpose of this rule is to outline the eligibility requirements for an LEA to receive WPUs for professional staff including the acceptable experience and training an LEA's staff should have.

R277-486-2. Definitions.

(1) "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file maintained on all licensed Utah educators that includes:

(a) personal directory information;

(b) educational background;

(c) endorsements;

(d) employment history;

(e) professional development information; and

(f) a record of any disciplinary action taken against the educator.

(3) "FTE" means full time equivalent.

(2) "National Board certified educator" means an educator who has been certified by the National Board for Professional Teaching Standards (NBPTS).

(3) "Weighted Pupil Unit (WPU)" means the same as that term is defined in Subsection 53F-2-102(7).

R277-486-3. Eligibility to Receive WPUs for Professional Staff.

(1)(a) An LEA shall only receive WPUs in accordance with the formula provided in Subsection 53F-2-305(1)(a):

(i) for an educator who holds at least a bachelor's degree; and

(ii) to the extent an educator is qualified to work in the area the educator is assigned consistent with R277-520.

(b) A full time educator who is appropriately qualified in only 75% of the educator's assignments would count as 0.75 FTEs in the calculation of an LEA's WPU.

(c) An LEA shall have an appropriately qualified educator in every assignment to receive full funding.

(2) An LEA may not receive WPUs for interns or paraprofessionals in any assignment.

R277-486-4. Acceptable Experience.

(1) Educator experience for purposes of this rule shall be measured in one-year increments.

(2) For purposes of the professional staff cost calculation, an educator shall be credited by the Superintendent with one year of experience for every school year in which the educator is employed:

(a) at least half-time (0.5 FTE) in a position that requires a Utah Educator License as described in R277-520; and

(b) in a public school in the State of Utah or in a regionally accredited:

(i) public school outside of the State of Utah;

(ii) private school; or

(iii) institution of higher education; or

(iv) regional service center.

(3) To obtain credit under Subsection (2), the LEA which employs the educator shall submit acceptable documentation verifying such experience to the Superintendent, including documentation of the school's or institution's regional accreditation.

(4) An educator who is employed in a prekindergarten position may not be counted for the purposes of determining an LEA's professional staff WPUS, unless the educator is or was employed in a special education position in an accredited school.

(5) None of the following experiences are considered acceptable for purposes of determining an educator's experience under this rule:

(a) unpaid volunteer service;

(b) paid consulting;

(c) employment in non-instructional or non-administrative positions in a school setting; or

(d) a school internship.

(6) The Superintendent may require an educator or LEA to provide documentation of an educator's experience in a private school, institution of higher education, or a regional service center to determine relevance of experience.

R277-486-5. Acceptable Training.

Acceptable training under this rule may include:

(1) Any degree at the bachelor's level or above or credit beyond the current degree from a regionally accredited institution of higher education.

(2) Any professional development activity consistent with R277-500 and approved in writing by the Superintendent.

R277-486-6. Mapping Degree Summary Data to Statutory Formula.

(1) For purposes of inputting degree summary data, an LEA shall use the coding provided by the Superintendent in correspondence with the Professional Staff Cost formula table in Subsection 53F-2-305(1)(a):

(2) In addition to credit received for degree categories corresponding with the Professional Staff Cost formula table in Subsection 53F-2-305(1)(a), an LEA shall be credited for an individual with National Board certification at the doctorate level.

R277-486-7. Data Sources.

(1) For an LEA that was in operation in the prior year, data shall be used from the June 29th update of CACTUS as required by Section R277-484-3.

(2) For an LEA that was not in operation in the prior year, data shall be used from the November 15th update of CACTUS as required by Section R277-484-3.

KEY: professional staff

Date of Last Change: April 8, 2019

Notice of Continuation: February 5, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-2-305(2); 53E-3-401(4)

R277. Education, Administration.

R277-487. Public School Data Confidentiality and Disclosure.

R277-487-1. Authority, Purpose, and Oversight Category.

(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) Subsection 53E-9-302(1), which directs that the Board may make rules to establish student data protection standards for public education employees, student aides, and volunteers; and

(d) Subsection 53G-11-511(4), which directs that the Board may make rules to ensure the privacy and protection of individual evaluation data.

(2) The purpose of this rule is to:

(a) provide for appropriate review and disclosure of student performance data on state administered assessments as required by law;

(b) provide for adequate and appropriate review of student performance data on state administered assessments to professional education staff and parents of students;

(c) ensure the privacy of student performance data and personally identifiable student data, as directed by law; and

(d) provide for appropriate protection and maintenance of educator licensing data.

(3) This rule is categorized as Category 4 as described in Rule R277-111.

R277-487-2. Definitions.

(1) "Classroom-level assessment data" means student scores on state-required tests, aggregated in groups of more than ten students at the classroom level or, if appropriate, at the course level, without individual student identifiers of any kind.

(2) "Comprehensive Administration of Credentials for Teachers in Utah Schools" or "CACTUS" means the electronic file maintained and owned by the Board on all licensed Utah educators, which includes information such as:

(a) personal directory information;

(b) educational background;

(c) endorsements;

(d) employment history; and

(e) a record of disciplinary action taken against the educator.

(3) "Confidentiality" refers to an obligation not to disclose or transmit information to unauthorized parties.

(4) "Cyber security framework" means:

(a) the cyber security framework developed by the Center for Internet Security found at http://www.cisecurity.org/controls/; or

(b) a IT security framework that is comparable to the cyber security framework described in Subsection (6)(a).

(5) "Data governance plan" has the same meaning as defined in Subsection 53E-9-301(6).

(6) "Destroy" means to remove data or a record:

(a) in accordance with current industry best practices; and

(b) rendering the data or record irretrievable in the normal course of business of an LEA or a third-party contractor.

(7) "Disclosure" includes permitting access to, revealing, releasing, transferring, disseminating, or otherwise communicating all or any part of any individual record orally, in writing, electronically, or by any other communication method.

(8) "Expunge" means to seal a record so as to limit its availability to all except authorized individuals.

(9) "Enrollment verification data" includes:

(a) a student's birth certificate or other verification of age;

(b) verification of immunization or exemption from immunization form;

(c) proof of Utah public school residency;

(d) family income verification; or

(e) special education program information, including:

(i) an individualized education program;

(ii) a Section 504 accommodation plan; or

(iii) an English language learner plan.

(10) "FERPA" means the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, and its implementing regulations found at 34 C.F.R., Part 99.

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

(12) "Metadata dictionary" means any tool, document, or display that meets the requirements of Subsection 53E-9-301(11).

(13) "Personally identifiable student data" has the same meaning as defined in Subsection 53E-9-301(14) and 34 CFR 99.3.

(14) "Privacy practice" has the same meaning as described in Section 63A-19-101.

(15) "Significant data breach" means a data breach where:

(a) an intentional data breach successfully compromises student records;

(b) a large number of student records are compromised;

(c) sensitive records are compromised, regardless of number; or

(d) a data breach an LEA deems to be significant based on the surrounding circumstances.

(16) "Student performance data" means data relating to student performance, including:

(a) data on state, local and national assessments;

(b) course-taking and completion;

(c) grade-point average;

(d) remediation;

(e) retention;

(f) degree, diploma, or credential attainment; and

(g) enrollment and demographic data.

(17) "Third-party contractor" has the same meaning as defined in Subsection 53E-9-301(23).

R277-487-3. Data Privacy and Security Policies.

(1) By November 15 annually, each LEA shall provide the Superintendent with the following information:

(a) the name and contact information for the LEA's designated data manager and information security officer.

(b) evidence that the LEA has implemented:

(i) privacy requirements outlined in:

(A) Title 53E, Chapter 9, Part 2, Student Privacy;

(B) Title 53E, Chapter 9, Part 3, Student Data Protection;

(C) Title 63A, Chapter 19, Government Data Privacy Act;

(D) FERPA; and

(E) 20 U.S.C. 1232b, Protection of Pupil Rights Amendment; and

(ii) other privacy practices identified by the Superintendent; and

(iii) a cybersecurity framework.

(2) An LEA shall ensure that school enrollment verification data, student performance data, and personally identifiable student data are collected, maintained, and transmitted:

(a) in a secure manner; and

(b) consistent with sound data collection and storage procedures based on the LEA's cyber security framework.

(3) An LEA shall report all significant data breaches of student data either by the LEA or by third parties to the Superintendent within ten business days of the initial discovery of the significant data breach.

(4) All public education employees, aides, and volunteers shall maintain appropriate confidentiality pursuant to federal, state, local laws, and LEA policies created in accordance with this section, with regard to student performance data and personally identifiable student data.

(5) An employee, aide, or volunteer may not share, disclose, or disseminate passwords for electronic maintenance of:

(a) student performance data; or

(b) personally identifiable student data.

(6) A public education employee licensed under Section 53E-6-201 may only access or use student information and records if the public education employee accesses the student information or records consistent with the educator's obligations under Rule R277-217.

(7) The Board may discipline a licensed educator in accordance with licensing discipline procedures if the educator violates this Rule R277-487.

(8) In accordance with the LEA's data governance plan, each LEA shall annually provide a training regarding the confidentiality of student data to any employee with access to education records as defined in FERPA.

R277-487-4. Retention of Student Data.

(1) An LEA shall classify all student data collected in accordance with Section 63G-2-604.

(2) An LEA shall retain and dispose of all student data in accordance with an approved retention schedule.

(3) If no existing retention schedule governs student disciplinary records collected by an LEA:

(a) An LEA may propose to the State Records Committee a retention schedule of up to one year if collection of the data is not required by federal or state law or Board rule; or

(b) An LEA may propose to the State Records Committee a retention schedule of up to three years if collection of the data is required by federal or state law or Board rule, unless a longer retention period is prescribed by federal or state law or Board rule.

(4) An LEA's retention schedules shall take into account the LEA's administrative need for the data.

(5) Unless the data requires permanent retention, an LEA's retention schedules shall require destruction or expungement of student data after the administrative need for the data has passed.

(6) A parent or adult student may request that an LEA amend, expunge, or destroy any record not subject to a retention schedule under Section 63G-2-604, and believed to be:

(a) inaccurate;

(b) misleading; or

(c) in violation of the privacy rights of the student.

(7) An LEA shall process a request under Subsection (6) following the same procedures outlined for a request to amend a student record in 34 CFR Part 99, Subpart C.

R277-487-5. CACTUS Data.

(1) The Board maintains information on all licensed Utah educators in CACTUS, including information classified as private, controlled, or protected under GRAMA.

(2) The Superintendent shall open a CACTUS file for a licensed Utah educator when the individual initiates a Board background check.

(3) Authorized Board staff may update CACTUS data as directed by the Superintendent.

(4) Authorized LEA staff may change demographic data and update data on educator assignments in CACTUS for the current school year only.

(5) A licensed individual may view the individual's own personal data, but may not change or add data in CACTUS except under the following circumstances:

(a) A licensee may change the licensee's contact and demographic information at any time;

(b) An employing LEA may correct a current educator's assignment data on behalf of a licensee; and

(c) A licensee may petition the Superintendent to correcting any errors in the licensee's CACTUS file.

(6) The Superintendent shall include an individual currently employed by a public or private school under a letter of authorization or as an intern in CACTUS.

(7) The Superintendent shall include an individual working in an LEA as a student teacher in CACTUS.

(8) The Superintendent shall provide training and ongoing support to authorized CACTUS users.

(9) For employment or assignment purposes only, authorized LEA staff members may:

(a) access data on individuals employed by the LEA; or

(b) view specific limited information on job applicants if the applicant has provided the LEA with a CACTUS identification number.

(10) CACTUS information belongs solely to the Board.

(g) The Superintendent may release data within CACTUS in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

R277-487-6. Educator Evaluation Data.

(1)(a) The Superintendent may provide classroom-level assessment data to administrators and teachers in accordance with federal and state privacy laws.

(b) A school administrator shall share information requested by parents while ensuring the privacy of individual personally identifiable student data and educator evaluation data.

(2) A school, LEA, the Superintendent, and the Board shall protect individual educator evaluation data.

(3) An LEA shall designate employees who may have access to educator evaluation records.

(4) An LEA may not release or disclose student assessment information that reveals educator evaluation information or records.

(5) An LEA shall train employees in the confidential nature of employee evaluations and the importance of securing evaluations and records.

R277-487-7. Application to Third Parties.

(1) A third-party contractor shall protect student personally identifiable information against unauthorized access and redisclosure, both physical and digital.

(2) A third-party contractor shall have policies in place that follow reasonably industry best practices and adequately address the protection of student personally identifiable information.

(3) A third-party contractor shall develop and document an information security program.

(4) A third-party contract shall inform an LEA or the Superintendent of the precautions taken regarding the maintenance and protection of student personally identifiable information.

(5) For the purposes of meeting the audit requirements of a contract subject to Subsection 53E-9-309(2)(e), a third-party contractor may:

(a) provide an LEA or the Superintendent a self-assessment of their compliance with the contract and the effectiveness of the information security program described in Subsection (3);

(b) provide responses to a questionnaire provided by the LEA or Superintendent;

(c) provide a report of an industry-recognized privacy and security audit, such as an SOC2 or SOC3; or

(d) submit to an onsite audit, if agreed upon by the third-party contract and the LEA or Superintendent.

R277-487-8. Sharing Data With the Utah Registry of Autism and Developmental Disabilities.

(1) The Superintendent shall share personally identifiable student data with the Utah Registry of Autism and Developmental Disabilities as required by Subsection 53E-9-308(6)(b) through a written agreement designating the Utah Registry of Autism and Developmental Disabilities as the authorized representative of the Board for the purpose of auditing and evaluating federal and state supported education programs that serve students with autism and other developmental disabilities.

(2) The agreement required by Subsection (1) shall include a provision that:

(a) the Utah Registry of Autism and Developmental Disabilities may not use personally identifiable student data for any purpose not specified in the agreement;

(b) the Utah Registry of Autism and Developmental Disabilities shall flag all student personally identifiable data received from the Board to:

(i) ensure that the data is not used for purposes not covered by the agreement; and

(ii) allow the Superintendent access to the data for auditing purposes;

(c) the Utah Registry of Autism and Developmental Disabilities may redisclose de-identified data if:

(i) the de-identification is in accordance with HIPAA's safe harbor standard;

(ii) the de-identification is in accordance with Board rule; and

(iii) the Utah Registry of Autism and Development Disabilities annually provides the Superintendent with a description and the results of all projects and research undertaken using de-identified student data; and

(d) the Utah Registry of Autism and Developmental Disabilities shall allow an audit that meets the requirements of Subsection R277-487-7(5) conducted by the Superintendent to monitor for compliance with this rule no less than once per year.

(3) The Superintendent shall maintain a record of all personally identifiable student data shared with the Utah Registry of Autism and Developmental Disabilities in accordance with 34 C.F.R. 99.32.

(4)(a) A parent of a child whose personally identifiable student data were shared with the Utah Registry of Autism and Developmental Disabilities has the right to access the exact records disclosed.

(b) A parent identified in Subsection (4)(a) has the right to contest and seek to amend, expunge, or destroy any data that are inaccurate, misleading, or otherwise in violation of the privacy rights of the student.

KEY: students, records, confidentiality, privacy

Date of Last Change: July 8, 2025

Notice of Continuation: May 10, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-9-302; 53E-3-401; 53G-11-511

R277. Education, Administration.

R277-488. Dual Language Immersion Program.

R277-488-1. 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) Section 53F-2-502, which requires the Board to establish a Dual Language Immersion program; and

(c) 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) establish criteria and procedures for distributing funds to elementary and secondary schools participating in the Dual Language Immersion Program;

(b) increase the number of students who reach proficiency in world languages;

(c) build overall world language capacity in the state of Utah; and

(d) increase the number of biliterate and bilingual students.

R277-488-2. Definitions.

(1) "Dual language immersion" or "DLI" means a distinctive dual language education program in which native English speakers and active speakers of another language are integrated for academic content.

(2) "Secondary school" means grades 7-12 in whatever schools the grade levels exist.

R277-488-3. Dual Language Immersion Program Requirements.

(1) The Superintendent shall disburse DLI program funds by July 1 of each fiscal year subject to state appropriation.

(2) The DLI program shall support world languages approved by the Superintendent.

(3) The Superintendent shall provide an initial application for an LEA to receive funding for DLI programs.

(4) An LEA shall submit an application described in Subsection (3) no later than the deadline specified in the application to be considered for elementary school DLI program funding in the subsequent school year.

(5) An application for DLI program funds shall include a plan that includes:

(a) a world language approved by the Superintendent;

(b) a timeline that begins the instructional model in kindergarten or grade 1, adds an additional grade each year; and

(c) a plan and procedure in place to notify students and parents of the availability of at least one DLI course.

(6) The Superintendent shall give priority in DLI program funding to an LEA that:

(a) does not currently teach the requested language choice;

(b) demonstrates adequate local funding and infrastructure to begin a program or expand existing programs;

(c) demonstrates community interest and students committed and prepared to participate in a new or expanded program, including prepared instructors for the program;

(d) has adequate interest, resources, and infrastructure, but does not presently have a DLI program; and

(e) has a demonstrated community need for improved or expanded world language instruction in a specific school or community.

(7) A school receiving DLI program funds shall hire qualified world language teachers who:

(a) have a world language endorsement in the language of instruction and a DLI endorsement; and

(b) are Utah licensed elementary or secondary educators.

R277-488-4. Proficiency Assessment Requirements.

(1) The Superintendent shall select a proficiency assessment through an appropriate procurement process.

(2) The proficiency assessment described in Subsection (1) shall assess the following areas of proficiency:

(a) listening;

(b) speaking;

(c) reading; and

(d) writing.

(3) An LEA DLI program shall administer the proficiency assessment selected by the Superintendent as described in Subsection (1) for certain areas of proficiency listed in subsection (2) at each grade level starting at Grade 3 and through Grade 9.

R277-488-5. International Guest Teacher Requirements.

(1) An LEA may offer world languages through the DLI program using an international guest teacher as outlined in R277-310.

R277-488-6. Dual Language Immersion Funds.

(1) Elementary schools shall be selected for funding for the DLI program based on an evaluation of applications by the Superintendent.

(a) Secondary schools shall receive funding as recipients of DLI students through the regular school feeder system.

(2) The Superintendent shall make an award to an individual elementary or secondary school and allocate funds to the school's LEA to be fully distributed to the school based on the annual legislative funding allocation.

(3) The Superintendent shall notify a new school eligible for funding of a funds award for the subsequent fiscal year by June 1 annually.

R277-488-7. Evaluation and Reports.

(1) Each school selected for funding shall submit an evaluation report to the Superintendent by June 30 annually.

(2) The Superintendent may request additional data from a secondary or elementary school that receives funding.

KEY: critical languages, dual language immersion

Date of Last Change: January 17, 2023

Notice of Continuation: August 19, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-2-502; 53E-3-401

R277. Education, Administration.

R277-490. Beverley Taylor Sorenson Elementary Arts Learning Program (BTS Arts).

R277-490-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Section 53F-2-506, which directs the Board to establish a funding program for LEAs to hire qualified arts professionals to encourage student participation in the arts in Utah public schools and embrace student learning in Core subject areas.

(2) The purpose of this rule is:

(a) to implement the BTS Arts model in public schools through LEAs and consortia that submit funding applications to hire arts educators who are paid on an LEA's licensed teacher salary schedule;

(b) to distribute funds to LEAs to purchase supplies and equipment as provided for in Subsections 53F-2-506(4) and (6);

(c) to fund activities at endowed universities to provide pre-service training, professional development, research, and leadership for arts educators and arts education in Utah public schools; and

(d) to appropriately monitor, evaluate, and report programs and program results.

(3) This Rule R277-490 is categorized as Category 3 as described in Rule R277-111.

R277-490-2. Definitions.

(1)(a) "Arts educator" or "qualified school arts program educator" means an educator who:

(i) holds a current:

(A) Associate, Professional, or LEA-specific educator license as described in Rule R277-301; and

(B)(I) K-12 art form specific endorsement;

(II) elementary arts educator's art form specific endorsement; or

(III) qualifications for a state approved endorsement plan to complete the endorsement requirements; and

(ii) is employed by an LEA or consortium participating in the program.

(b) "Arts educator" or "qualified school arts program educator" does not include a paraprofessional or other individual without a current Associate, Professional, or LEA-specific educator license described in Rule R277-301.

(2) "Arts equipment and supplies" includes musical instruments, recording and play-back devices, cameras, projectors, computers to be used in the program, CDs, DVDs, teacher reference books, and art-making supplies.

(3) "Arts Program coordinator" or "coordinator" means an individual, employed full-time, who is responsible to:

(a) coordinate arts programs for an LEA or consortium;

(b) inform arts teachers;

(c) organize arts professional development including organizing arts local learning communities;

(d) oversee, guide, and organize the gathering of assessment data;

(e) represent the LEA or consortium arts program; and

(f) provide general leadership for arts education throughout the LEA or consortium.

(4) "Beverley Taylor Sorenson Elementary Arts Learning Program model," "BTS Arts model," or "Program" means a program in grades K-6 including the following components:

(a) a qualified arts educator to work collaboratively with the regular classroom teacher to deliver quality, sequential, and developmental arts instruction in alignment with the state fine arts core standards;

(b) regular collaboration between the classroom teacher and arts educator in planning arts integrated instruction; and

(c) other activities that may be proposed by an LEA on a funding application and approved by the Board.

(5) "Endowed university" has the same meaning as defined in Subsection 53F-2-506(1)(b).

(6)(a) "Total arts educator salary amount plus benefits for arts educators statewide" means the sum of the total arts educator salary amount, plus benefits, for arts educators statewide during the most recent school year, not including funding an arts educator receives under the educator salary adjustment described in Section 53F-2-405.

(b) When calculating the total arts educator salary amount plus benefits for arts educators statewide, the Superintendent shall take into account the full-time or part-time status of each arts educator to determine the total arts educator salary amount.

R277-490-3. Arts Educator Program - LEA Consortium.

(1) LEAs may form a consortium to employ arts educators appropriate for the number of students served.

(2) An LEA or a consortium of LEAs may submit a funding request consistent with timelines provided in this rule.

(3) An LEA or a consortium shall develop the LEA or consortium's proposal consistent with the BTS Arts model outlined under Subsection R277-490-2(3).

(4) A consortium funding request shall explain the necessity or greater efficiency and benefit of an arts educator serving several elementary schools within a consortium of LEAs.

(5) A consortium funding request shall explain a schedule for each arts educator to serve the group of schools within several of the LEAs similarly to an arts educator in a single school.

(6) A consortium funding request shall provide information for a consortium arts educator's schedule that minimizes the arts educator's travel and allows the arts educator to be well integrated into several schools.

(7) An LEA's funding application may include the collaborative development of the application with the LEA's partner endowed university and school community councils.

R277-490-4. Arts Educator Program Timelines.

(1) A new LEA or consortium shall submit a completed program funding application to the Superintendent by January 31.

(2)(a) An LEA or consortium requesting a renewal of the LEA or consortium's program shall submit a renewal application to the Superintendent once every three years by the January 31 before the end of the LEA or consortium's funding sunset.

(b) In a year where an LEA or consortium is not required to submit an application to the Superintendent, the LEA or consortium shall submit a notice of intent to continue in the program to the Superintendent.

(3) The Superintendent shall provide funding priority to renewal applications.

(4) The Superintendent shall designate an LEA or a consortium for funding no later than June 1 annually.

R277-490-5. Distribution of Funds for Arts Educator -- Uniform Amount.

(1)(a) The Superintendent shall annually determine a uniform amount as required in Subsection 53F-2-506(4) by April 15 to distribute to participating LEAs to support the program.

(b) The uniform amount described in Subsection (1)(a) shall be the average statewide arts educator salary plus benefits, which is equal to the quotient of:

(i) the total arts educator salary amount plus benefits for arts educators statewide from the most recent school year; divided by

(ii) the number of arts educators participating in the program during the most recent school year.

(c) Before distributing the uniform amount described in this Subsection (1) to LEAs, the Superintendent shall set aside an amount to distribute to endowed universities as described in Section R277-490-8.

(d) After setting aside the amount described in Subsection (1)(c), if the funding available for distribution is less than the amount needed to distribute the full uniform amount described in Subsection (1)(b) for each participating arts educator, the Superintendent shall reduce the uniform amount based on the available funds for distribution for the upcoming school year.

(e) When determining the amount per arts educator to be distributed to an LEA or consortium, the Superintendent shall take into account the full-time or part-time status of each arts educator to establish the LEA or consortium's allocation of program funds.

(2) The Superintendent shall distribute the lesser of the following to an LEA or consortium per arts educator:

(a) the uniform amount described in this Subsection (1); or

(b) the actual salary plus benefits for the applicable arts educator.

(3) As required in Subsection 53F-2-506(5), if the uniform amount described in Subsection (1) provides less funding than the cost of an LEA's arts educator's salary plus benefits, the LEA shall pay the difference in the cost of the arts educator's salary plus benefits and the uniform amount.

(4) If there are funds available after the distribution described in this Section R277-490-5, the Superintendent may use the funds to:

(a) distribute funds to an LEA or consortium for arts educator supplies and equipment as described in Section R277-490-6; or

(b) engage in other activities that improve the quantity and quality of integrated arts education as allowed in Subsection 53F-2-506(4).

R277-490-6. Distribution of Funds for Arts Educator Supplies and Equipment.

(1) The Superintendent shall distribute funds for arts educator supplies and equipment to an LEA or consortium as available.

(2) A funding recipient shall distribute funds to participating schools as provided in the approved LEA or consortium funding and consistent with LEA procurement policies.

(3) A funding recipient shall require arts educators to provide adequate documentation of arts supplies purchased consistent with the funding recipient's plan, this rule, and the law.

(4) Summary information about effective supplies and equipment shall be provided in the school or consortium evaluation of the program.

R277-490-7. LEA or Consortium Employment of Arts Coordinators.

(1)(a) An LEA or consortium may apply for funds to employ arts coordinators in the LEA or consortium.

(b) These are intended as small stipends for educators who are already employed in rural districts to help support arts education and the implementation of BTS Arts.

(2) An applicant shall explain:

(a) how an arts coordinator will be used, consistent with the BTS Arts model;

(b) what requirements an arts coordinator must meet; and

(c) what training will be provided, and by whom.

(3) The Superintendent shall notify an LEA that receives a funding award no later than June 1 annually.

R277-490-8. Endowed University Participation in the BTS Arts.

(1) The Superintendent may consult with endowed chairs and integrated arts advocates regarding program development and guidelines.

(2) An endowed university may apply for funds to fulfill the purposes of this program, which include:

(a) delivery of high quality professional development to participating LEAs;

(b) the design and completion of research related to the program;

(c) providing the public with elementary arts education resources; and

(d) other program related activities as may be included in a funding application and approved by the Superintendent.

(3) An endowed university funding application shall include documentation of collaborative development of a plan for delivery of high quality professional development to participating LEAs.

(4) The Superintendent shall determine the LEAs assigned to each endowed university.

(5) The Superintendent may award no more than 10% of the total legislative appropriation for funds to endowed universities.

(6) Notwithstanding Rule R277-424, a higher education funding recipient may not charge indirect costs to the BTS Arts.

(7) The Superintendent shall monitor the activities of the funding recipients to ensure compliance with funding rules, fulfillment of funding application commitments, and appropriate fiscal procedures.

(8) An endowed university shall cooperate with the Superintendent in the monitoring of the endowed university's funding.

(9) An endowed university that receives program funds shall consult, as requested by the Superintendent, in the development and presentation of an annual written program report as required in statute.

R277-490-9. LEAs Cooperation with the Superintendent for BTS Arts.

(1) A BTS Arts staff member may visit a school receiving funding to observe implementation of the funding.

(2) A BTS Arts school shall cooperate with the Superintendent to allow visits of members of the Board, legislators, and other invested partners to promote elementary arts integration.

(3) An LEA shall accurately report the number of students impacted by the program funding and report on the delivery systems to those students as requested by the Superintendent.

(4)(a) An LEA found to be out of compliance with the terms of the funding requirements will be notified within 30 days of the discovery of non-compliance.

(b) An LEA found to be non-compliant will be given 30 days to correct the issues.

(c) If non-compliance is not resolved within that time frame, an LEA is subject to losing the program funds for the school or schools found to be non-compliant.

KEY: arts programs, endowed universities, funding, public schools

Date of Last Change: July 9, 2024

Notice of Continuation: December 15, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-506

R277. Education, Administration.

R277-491. School Community Councils.

R277-491-1. 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; and

(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.

(2) The purpose of this rule is to:

(a) provide procedures and clarifying information to a school community council to assist the council in fulfilling school community council responsibilities consistent with Sections 53G-7-1202 through 53G-7-1203;

(b) provide direction to a local school board, school, and school district in establishing and maintaining a school community council;

(c) provide a framework and support for improved academic achievement of students that is locally driven from within an individual school;

(d) encourage increased participation of a parent, school employee, and others to support the mission of a school community council;

(e) increase public awareness of:

(i) school trust lands;

(ii) the permanent State School Fund; and

(iii) educational excellence; and

(f) enforce compliance with the laws governing a school community council.

(3) This rule does not apply to charter schools.

R277-491-2. Definitions.

(1) "Local school board" means the locally elected school board designated in Section 53G-4-201.

(2) "Parent member" means the same as the term is defined in Section 53G-7-1202.

(3)(a) "Principal" means an administrator licensed as a principal in the state and employed in that capacity at a school.

(b) "Principal" includes a specific designee of the principal.

(4) "School community" means the geographic area a school district designates as the attendance area, with reasonable inclusion of a parent of a student who attends the school but lives outside the attendance area.

(5) "Student" means a child in a public school, grades kindergarten through 12, counted on the audited October 1 fall enrollment report.

R277-491-3. School Community Council Member Election Provisions.

(1) In addition to the election notice requirements of Section 53G-7-1202, the principal shall provide notice of:

(a) the location where a ballot may be cast; and

(b) the means by which a ballot may be cast, whether in person, by mail, or by electronic transfer.

(2)(a) A school community council may establish a procedure that allows a parent to mail a ballot to the school in the event the distance between a parent and the voting location would otherwise discourage parental participation.

(b) A mailed or hand-delivered ballot shall meet the same timeline as a ballot voted in person.

(3)(a) A school, school district, or local school board may allow a parent to vote by electronic ballot through a district approved election process that is consistent with the election requirements in Subsection 53G-7-1202(5).

(b) If allowed, the school or school district shall clearly explain on its website the opportunity to vote by electronic means.

(4) In the event of a change in statute or rule affecting the composition of a school community council, a council member who is elected or appointed prior to the change may complete the term for which the member was elected.

(5)(a) A public school that is a secure facility, juvenile detention facility, hospital program school, or other small or special school may receive School LAND Trust Program funds without having a school community council if the school demonstrates and documents a good faith effort to:

(i) recruit members;

(ii) have meetings; and

(iii) publicize the opportunity to serve on the council.

(b) A local school board shall make the determination whether to grant the exemption for a school described in Subsection (5)(a).

R277-491-4. School Community Council Principal Responsibilities.

(1) Following an election, the principal shall enter and electronically sign on the School LAND Trust Program website a principal's assurance affirming:

(a) the school community council's election;

(b) that unfilled positions were filled by appointment as necessary, consistent with Subsection 53G-7-1202(5); and

(c) that the school community council's bylaws or procedures comply with Sections 53G-7-1202, 53G-7-1203, and this rule.

(2) To encourage parental involvement in a school, the principal shall post the following information on the school's website on or before October 20 annually:

(a) an invitation to a parent to serve on the school community council;

(b) the dollar amount the school receives each year from the School LAND Trust Program;

(c) a copy of or link to the school's current Teacher and Student Success Plan;

(d) approved minutes of the school's council meetings for at least a year;

(e) a proposed council meeting schedule for the year;

(f) a means to contact the members of the school's community council directly;

(g) a copy of or link to the school's plan or final report for the most recent two prior years, consistent with Section 53G-7-1206; and

(h) a copy of or link to the school's current year plan.

R277-491-5. School Community Council Chair Responsibilities.

(1) After the school community council election, the school community council shall annually elect at the council's first meeting a chair and vice chair in accordance with Subsection 53G-7-1202(5)(j).

(2) The school community council chair shall:

(a) set the agenda for every meeting;

(b) conduct every meeting;

(c) keep written minutes of every meeting, consistent with Section 53G-7-1203;

(d) inform council members about resources available on the School LAND Trust Program website; and

(e) welcome and encourage public participation in school community council meetings.

(3) The chair may delegate the responsibilities established in this section as appropriate at the chair's discretion.

R277-491-6. School Community Council Business.

(1)(a) The school community council shall adopt rules of order and procedure to govern a council meeting in accordance with Subsection 53G-7-1203(10).

(b) The rules of order and procedure shall outline the process for:

(i) electing the school community council, including:

(A) the number of parent members and school employee members on the council; and

(B) member positions beginning in odd years or even years to ensure half of the council members positions are open for election each year;

(ii) selecting a chair and vice chair;

(iii) removing from office a member who moves away or fails to attend meetings regularly; and

(iv) a member to declare a conflict of interest if required by the local school board's policy.

(2) The school community council shall:

(a) report on a plan, including programs, practices, and expenditures at least annually to the local school board; and

(b) encourage participation on the school community council by members of the school community and recruit a potential candidate to run for an open position on the council.

(3)(a) The principal shall provide an annual report to the school community council that summarizes current safety principles and practices used by the school district and school to facilitate the school community council's responsibilities under Subsection 53G-7-1202(3).

(b) The report described in Subsection (3)(a) shall include:

(i) information concerning internet filtering protocols for school and district devices that access the internet;

(ii) local instructional practices, monitoring, and reporting procedures; and

(iii) internet safety training provided to a student and parent by the school or district.

(4) A school community council shall comply with the requirements of Subsection 53G-7-1202(3)(vi).

(5) A school community council may advise and inform the local school board and other members of the school community regarding the uses of School LAND Trust Program funds.

(6) A school community council may hold electronic meetings consistent with:

(a) the policies of the local school board; and

(b) the requirements of Section 53G-7-1203.

KEY: school community councils

Date of Last Change: July 22, 2022

Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); Title 53G, Chapter 7, Part 12

R277. Education, Administration.

R277-494. Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities.

R277-494-1. 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) Subsection 53E-3-401(4), which permits the Board to adopt rules in accordance with its responsibilities;

(c) Subsection 53G-6-704(7), which directs the Board to make rules establishing fees for a charter school student's participation in extracurricular or co-curricular activities at certain public schools; and

(d) Subsection 53G-6-705(6), which directs the Board to make rules establishing fees for an online student's participation in extracurricular or co-curricular activities at certain public schools.

(2) The purpose of this rule is to inform school districts, charter schools, online schools, private schools, and parents of:

(a) school participation fees; and

(b) state-determined requirements for a charter school, public online school, or private school student to participate in an extracurricular activity at another public school.

R277-494-2. Definitions.

(1) "Activity fee" means a fee that:

(a) is approved by a local school board or public school;

(b) is charged to all students to participate in an extracurricular or co-curricular activity sponsored by or through the public school; and

(c) entitles a public school student to:

(i) participate in a school activity;

(ii) try out for an extracurricular or co-curricular school activity;

(iii) receive transportation to an activity; and

(iv) attend a regularly scheduled public school activity.

(2) "Association" has the same meaning as defined in Section 53G-7-1101.

(3) "Co-curricular activity" means the same as that term is defined in Section 53G-7-501.

(4) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.

(5) "Online school" means a formally constituted public school that offers full-time education delivered primarily over the internet.

(6) "Qualifying school" means:

(a) for purposes of a charter school student, a school described in Subsection 53G-6-704(2);

(b) for purposes of an online school student, a school described in Subsection 53G-6-705(2); and

(c) for purposes of a private or home school student, a school described in Subsection 53G-6-703(2)(c).

(7) "School of enrollment" means the public school that maintains the student's cumulative file, enrollment information, and transcript for purposes of high school graduation.

(8) "School participation fee" means the fee paid by a charter or online school to a qualifying school consistent with Subsection R277-494-3(2) or R277-494-4(2) for the charter or online school student's participation in an extracurricular or co-curricular activity.

(9) "Student activity specific fee" means the activity fee charged to all participating students by a qualifying school for a designated extracurricular or co-curricular activity consistent with Rule R277-407.

R277-494-3. Charter and Online School Student Participation in Extracurricular Activities at Another Public School.

(1) A charter or online school student may participate in an extracurricular activity at a qualifying school if:

(a) the extracurricular activity is not offered by the student's charter or online school;

(b) the student satisfies:

(i) for a charter school student, the requirements of Section 53G-6-704;

(ii) for an online school student, the requirements of Section 53G-6-705;

(iii) any participation requirements established by an association for a sanctioned interscholastic activity; and

(iv) the requirements of this rule;

(c) the student meets the qualifying school's standards and requirements; and

(d) the student's parent agrees to provide the student transportation to the qualifying school for the extracurricular activity.

(2)(a) A charter or online school student's school of enrollment shall pay a one-time annual school participation fee of $75 per student to the qualifying school at which the charter or online school student desires to participate.

(b) Upon annual payment of the school participation fee, the student may participate in all extracurricular or co-curricular school activities at the school during the school year for which the student is qualified and eligible.

(3) The school participation fee described in Subsection (2)(a) is in addition to:

(a) a student activity specific fee for a specific extracurricular activity; and

(b) the activity fee charged to all students in a qualifying school to supplement a school activity as assessed by the school consistent with this rule.

(4) Except as provided in Subsection (7), a charter or online school student who participates in an extracurricular activity at a qualifying school shall pay all required student activity specific fees to the qualifying school in accordance with deadlines set by the qualifying school.

(5) All fees, including school participation fees and student activity specific fees shall be paid prior to a charter or online school student's participation in an activity at the qualifying school.

(6) A charter or online school of enrollment shall cooperate fully with all qualifying schools:

(a) regarding students' participation in try-outs, practices, pep rallies, team fund raising efforts, scheduled games, and required travel; and

(b) by providing complete and prompt reports of student academic and citizenship progress or grades, upon request.

(7)(a) If a participating charter or online school student qualifies for a fee waiver, in accordance with Rule R277-407, the charter or online student's school of enrollment shall pay the school participation fee described in Subsection (2)(a) and any waived student activity specific fees to the qualifying school.

(b) A charter or online school that is required to pay a fee waiver student's participation fee or student activity specific fee as described in Subsection (7)(a) shall pay the student participation fee and any student activity specific fees to the qualifying school before the charter or online school student may begin to participate in the extracurricular activity at the qualifying school.

R277-494-4. Charter or Online School Student Participation in Co-Curricular Activities.

(1)(a) A charter or online school student may participate in a co-curricular activity at a qualifying school if:

(i) the co-curricular activity is not offered by the student's charter or online school;

(ii) the student satisfies:

(A) for a charter school student, the requirements of Section 53G-6-704;

(B) for an online school student, the requirements of Section 53G-6-705;

(C) any participation requirements established by an association for a sanctioned interscholastic activity; and

(D) the requirements of this rule;

(iii) the student meets the qualifying school's standards and requirements; and

(iv) the student's parent agrees to provide the student transportation to the qualifying school for the co-curricular activity.

(b) A charter or online school may negotiate with a public school other than a school described in Subsection (1) to participate in a co-curricular activity at the other public school, including:

(i) a debate, drama, or choral program;

(ii) a specialized course or program offered during the regular school day; and

(iii) a school's sponsored enrichment program or activity.

(c) A student who participates in a co-curricular activity described in Subsection (1)(b) shall meet:

(i) the same attendance, discipline, and course requirements expected of the public school's full-time students;

(ii) for a charter school student, the requirements of Section 53G-6-704; and

(iii) for an online school student, the requirements of Section 53G-6-705.

(2)(a) A charter or online school of enrollment shall determine if the school will allow students to participate in co-curricular school activities at qualifying schools.

(b) If a charter or online school allows one student to participate in a co-curricular activity at a qualifying school, the charter or online school shall allow all interested students to participate.

(3)(a) A charter or online school student's school of enrollment shall pay a one-time annual school participation fee of $75 per student to the qualifying school at which the charter or online school student desires to participate.

(b) If a charter or online school of enrollment pays a $75 school participation fee to a qualifying school as described in Subsection R277-494-3(2)(a), the charter or online school of enrollment is not required to pay an additional $75 school participation fee described in Subsection (3)(a) to the qualifying school in the same year.

(4) A charter or online school student participating under this rule shall:

(a) pay the required student activity specific fees for each co-curricular activity; and

(b) meet all eligibility requirements and timelines of the public school.

(5)(a) If a participating charter or online school student qualifies for a fee waiver, in accordance with Rule R277-407, the charter or online student's school of enrollment shall pay any waived student activity specific fees to the qualifying school.

(b) A charter or online school that is required to pay a fee waiver student's activity specific fees as described in Subsection (5)(a), shall pay the student activity specific fees to the qualifying school before the charter or online school student may begin to participate in the co-curricular activity at the qualifying school.

R277-494-5. Private or Home School Student Participation in Extracurricular Activities.

(1) In accordance with Section 53G-6-703, a private or home school student may participate in an extracurricular activity at a qualifying school if:

(a) for a private school student, the extracurricular activity is not offered by the student's private school;

(b) the student satisfies the requirements of:

(i) Section 53G-6-703;

(ii) any participation requirements established by an association for a sanctioned interscholastic activity; and

(iii) this rule; and

(c) the student meets the qualifying school's standards and requirements.

(2) Except as provided in Subsection (3), a private or home school student shall pay the required student activity specific fees for each extracurricular activity to the qualifying school:

(a) before the student may participate in the extracurricular activity at the qualifying school; and

(b) in accordance with deadlines set by the qualifying school.

(3) If a private or home school student qualifies for a fee waiver in accordance with Rule R277-407, the qualifying school shall waive any required student activity specific fees in accordance with the requirements of Rule R277-407, School Fees.

R277-494-6. Private or Home School Student Participation in Co-curricular Activities.

A private or home school student may participate in a co-curricular activity at a public school in accordance with the dual enrollment provisions of Rule R277-438.

KEY: extracurricular, co-curricular, activities, student participation

Date of Last Change: October 11, 2023

Notice of Continuation: October 15, 2020

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-6-704(5); 53G-6-705(6)

R277. Education, Administration.

R277-495. Electronic Devices in Public Schools.

R277-495-1. Authority, Purpose, and Oversight Category.

(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) Subsection 53G-8-202(2)(c)(i), which directs the Superintendent to develop a conduct and discipline policy model for elementary and secondary public schools; and

(d) 47 CFR, Part 54, Children's Internet Protection Act, which requires schools and libraries that have computers with internet access to certify they have internet safety policies and technology protection measures in place to receive discounted internet access and services.

(2) The purpose of this rule is to direct all LEAs and public schools to adopt policies, individually or collectively as school districts or consortia of charter schools, governing the possession and use of electronic devices including:

(a) both LEA-owned and privately-owned, while on public school premises or during participation in school activities; and

(b) for LEA-owned devices, wherever the LEA-owned devices are used.

(3) This Rule R277-495 is categorized as Category 2 as described in Rule R277-111.

R277-495-2. Definitions.

(1) "Acceptable use policy" means a document stipulating constraints and practices that a user shall accept before a user accessing an LEA's, or any school within an LEA's, network or the internet.

(2) "Education Service Provider" (ESP) means a third party provider of educational services.

(3) "Electronic device" means a device that is used for audio, video, or text communication or any other type of computer or computer-like instrument including:

(a) a smart phone;

(b) a smart or electronic watch;

(c) a tablet; or

(d) a virtual reality device.

(3) "Guest" means an individual:

(a) who is not a student, employee, or designated volunteer of a public school; and

(b) who is on school property or at the site of a school-sponsored activity or event.

(5) "Inappropriate matter" means pornographic or indecent material as defined in Subsection 76-10-1235(1)(a) and Section 53G-10-103.

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

(7) "LEA-owned electronic device" means a device that is used for audio, video, text communication, or other type of computer or computer-like instrument that is identified as being owned, provided, issued or lent by the LEA to a student or employee.

(8) "Policy" means an electronic device use policy as required by this rule that contains:

(a) permissible uses of an electronic device under certain circumstances; or

(b) restricted uses of an electronic devices under certain circumstances.

(9) "Privately-owned electronic device" means a device, including an electronic device that is used for audio, video, text communication, or other type of computer or computer-like instrument that is not owned or issued by the LEA to a student, or employee.

(10) "Public school" means a school or public school program, grades kindergarten through 12, that is part of the Utah public school system, including a school with a distance learning program or alternative program.

(11) "Student," for purposes of this rule, means an individual enrolled as a student at an LEA regardless of the part-time nature of the enrollment or the age of the individual.

(12)(a) "The Children's Internet Protection Act (CIPA)" means federal regulations enacted by the Federal Communications Commission (FCC) and administrated by the Schools and Libraries Division of the FCC.

(b) CIPA and companion laws, the Neighborhood Children's Internet Protection Act (NCIPA) and the Protecting Children in the 21st Century Act, require recipients of federal technology funds to comply with certain internet filtering and policy requirements.

(13) "Utah Education Telehealth Network or UETN" means the Utah Education and Telehealth Network created in Section 53B-17-105.

R277-495-3. Requirement of Electronic Device Use Policy, Creation, and Access.

(1) An LEA shall require all schools under the LEA's supervision to have a policy or policies for students, employees and, where appropriate, for guests, governing the use of electronic devices on school premises and at school-sponsored activities.

(2) An LEA shall review and approve policies regularly.

(3) An LEA shall encourage schools to involve teachers, parents, students, school employees, school community councils, and community members in developing the local policies.

(4) An LEA shall provide copies of the LEA's policies or clear electronic links to policies at LEA offices, in schools and on the LEA's website in the same location as the LEA's data governance plan required in Rule R277-487.

(5) An LEA and all schools within the LEA shall cooperate to ensure that all policies within a school or school district are consistent and accessible to parents and community members.

(6) An LEA shall provide reasonable public notice and at least one public hearing or meeting to address a proposed or revised acceptable use policy.

(7) An LEA shall retain documentation of the policy review and adoption actions.

R277-495-4. LEA Electronic Device Policy Requirements.

(1) An LEA's policy shall include at least the following:

(a) definitions of electronic devices covered by policy;

(b) prohibitions on the use of electronic devices in ways that:

(i) significantly impair academic excellence;

(ii) bully, humiliate, harass, or intimidate school-related individuals, including students, employees, and guests, consistent with Rules R277-609 and R277-613; or

(iii) violate local, state, or federal laws;

(c) the prohibition of access by students, LEA employees and guests to inappropriate matter on the internet while using:

(i) LEA equipment, services, or connectivity whether on or off school property; or

(ii) equipment provided through an ESP, if applicable;

(d) directives on the safety and security of students when using social media and other forms of electronic communications;

(e) directives on unauthorized access, including hacking and other unlawful activities by a user of an LEA electronic device;

(f) directives on unauthorized disclosure, use and dissemination of personal student information under Rule R277-487 and the Family Educational Rights and Privacy Act (FERPA)34 CFR, Part 99; and

(g) alignment with Subsection 53G-4-402(22).

(2) In addition to the requirements of Subsection (1), an LEA's policies for student use of electronic devices shall include directives regarding the following:

(a) the use of privately-owned electronic devices during standardized assessments;

(b) administrative penalties for misuse of electronic devices during school hours or at a school-sponsored activity, program, or event;

(c) violations of an LEA's acceptable use policies that may result in confiscation of LEA-owned electronic devices or restricted access on the LEA's;

(d) a student's personal responsibility for devices assigned or provided to a student by the LEA, both for loss or damage of electronic devices and use of electronic devices consistent with the LEA's directives;

(e) use of electronic devices in violation of an LEA's or teacher's instructional policies may result in the confiscation of privately-owned electronic devices for a designated period and may result in the school contacting a parent to address the alleged violation;

(f) uses of privately-owned electronic devices to bully or harass other students or employees during school hours or at school-sponsored activities that may result in the student being subject to LEA disciplinary action; and

(g) prohibition on requiring the use of a privately-owned electronic device to complete course work; and

(h) for an LEA that contracts with an ESP, requirements related to the use of technology and equipment provided by an ESP including:

(i) LEA retention policies regarding waivers or contracts required by ESPs; and

(ii) all other requirements as listed in Subsection (1).

(3) In addition to Subsections (1) and (2), directives for employee use of electronic devices shall include:

(a) notice that use of electronic devices to access inappropriate matter on LEA-owned electronic devices or privately-owned electronic devices on school property, at school-sponsored events or using school connectivity may have criminal, employment or student disciplinary consequences, and if appropriate, may be reported to law enforcement;

(b) notice that an employee is responsible for LEA-issued electronic devices at all times and misuse of an electronic device may have employment consequences, regardless of the user; and

(c) required staff responsibilities in educating minors on appropriate online activities, as required by Section 53G-7-1202, and in supervising such activities.

(5) An LEA's policies shall also include the following:

(a) prohibitions or restrictions on unauthorized use that would cause invasions of reasonable expectations of student and employee privacy;

(b) procedures to report the misuse of electronic devices; and

(c) potential disciplinary actions toward students or employees for violation of local policies regarding the use of electronic devices; and

(d) exceptions to the policy for special circumstances, health-related reasons and emergencies, if any.

(6) An LEA shall certify annually through UETN, and as required by the FCC, that the LEA has a CIPA-compliant acceptable use policy.

R277-495-5. Required School Level Training.

(1) A school shall provide, within the first 45 days of each school year, a school-wide or in-classroom training to employees and students that covers:

(a) the contents of the school's policy;

(b) the importance of digital citizenship;

(c) the LEA's conduct and discipline related consequences as related to a violation of the school's policy;

(d) the LEA's general conduct and discipline policies as described in Section 53G-8-202; and

(e) the benefits of connecting to the internet and utilizing the school's internet filters, while on school premises.

(2) A school that adopts a permissible use policy shall:

(a) within the first 45 days of each school year, provide school-wide or in-classroom training to employees and students that covers:

(i) the elements described in Subsections (1)(a) through (e); and

(ii) specific rules governing the permissible and restricted uses of personal electronic devices while in a classroom; and

(b) require that each educator who allows the use of a personal electronic device in the classroom clearly communicates to parents and students the conditions under which the use of a personal electronic device is allowed.

R277-495-6. Resources and Required Assurances.

(1) The Superintendent may provide resources, upon request, for an LEA regarding electronic device policies, including:

(a) sample acceptable use policies;

(b) general best practices for electronic device use as outlined in Rule R277-922; and

(c) materials for digital citizenship as outlined in Section 53G-7-1202.

(2) An LEA shall post the LEA's electronic device use policy on the LEA's website and provide a link to the Board through the annual assurances document described in Rule R277-108.

R277-495-7. LEA Requirement to Notify Parents of Filtering Options.

An LEA shall provide an annual notice to all parents of the location of information for in-home network filtering options as provided for in Section 76-10-1231.

KEY: electronic devices, policy

Date of Last Change: October 8, 2025

Notice of Continuation: October 16, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-8-202(2)(c)(i)

R277. Education, Administration.

R277-496. K-3 Reading Software Licenses.

R277-496-1. 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; and

(c) Section 53F-4-203, which requires the Board to administer funds for early interactive reading software for early grades.

(2) The purpose of this rule is to establish criteria and procedures to administer the K-3 reading software program.

R277-496-2. Definitions.

"Early interactive reading software" or "K-3 reading software license" means technology tools and software that adjust the presentation of educational material according to a student's weaknesses and strengths, as indicated by the student's responses to questions.

R277-496-3. K-3 Reading Software Licenses.

(1) An LEA shall select one or more technology providers through an LEA-approved selection process.

(2)(a) An LEA shall enter into a data sharing agreement with a provider selected in accordance with Subsection (1).

(b) An LEA's data sharing agreement with a software provider shall require the software provider to share information with a third party program evaluator selected by the Superintendent.

(c) An LEA shall provide a signed copy of the LEA's data sharing agreement to the Superintendent before receiving reimbursement for allocated funds.

(3) A school may not require a student to participate in the K-3 reading software license program.

R277-496-5. Reporting.

(1) A provider that provides K-3 reading software licenses shall provide information upon request by the Superintendent or an external evaluator selected by the Board in accordance with Subsections 53F-4-203(3) and (4).

(2) The Superintendent may recommend action to the Board, including withholding of funds, in accordance with Rule R277-114 for an LEA that fails to provide complete, accurate, and timely reporting as required by this rule.

KEY: reading, software, licenses

Date of Last Change: August 8, 2023

Notice of Continuation: September 15, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-4-203

R277. Education, Administration.

R277-497. School Accountability System.

R277-497-1. Authority, Purpose, and Oversight Category.

(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 53E-5-202, which directs the Board to adopt rules to implement a statewide accountability system; and

(c) 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 establish performance thresholds for meaningfully differentiating schools, provisions for the methodology of calculating points, and exclusions from the school accountability system.

(3) This rule is categorized as Category 3 as described in Rule R277-111.

R277-497-2. Indexing of Points for Calculating Academic Growth.

(1) For the purposes of calculating academic growth, the Superintendent shall assign each student a student growth percentile (SGP).

(2) The Superintendent shall assign point weights to a school for student growth as follows:

(a) if the student's SGP is greater than 80, the weight is 1.0;

(b) if the student's SGP is between 60 and 79, the weight is 0.75;

(c) if the student's SGP is between 40 and 59, the weight is 0.50;

(d) if the student's SGP is between 20 and 39, the weight is 0.25; or

(e) if the student's SGP is less than 20, the weight is 0.

(3) To determine the total growth points allocated to a school, the Superintendent shall:

(a) add all the weights and divide by the total number of qualifying tests defined in the Utah Accountability Technical Manual, described in Subsection R277-497-3(5), to establish a percentage; and

(b) multiply the percentage by the total growth points possible.

R277-497-3. Specific Provisions on Calculation of Points.

(1)(a) In accordance with Subsection 53E-5-207(4)(c)(ii), the Superintendent shall award 10% of the points allocated for high school graduation based on a school's five-year graduation rate.

(b) A school may not earn more than the total number of points possible for the graduation rate indicator.

(2)(a) In accordance with Section 53E-5-210, the Superintendent shall determine that an ELL student meets adequate progress if the ELL student has an increase in proficiency level as described in the Utah Accountability Technical Manual on an English language proficiency assessment approved by the Board and designated in Rule R277-404.

(3)(a) For a school that chooses to include additional quality indicators on its school report card, the school may choose up to two additional self-reported indicators.

(b) The Superintendent shall approve a list of indicators that a school may use for purposes of Subsection (3)(a), and may also approve other indicators that an LEA may submit for consideration.

(c) The Superintendent shall publish the pre-approved self-reported indicators list on the Assessment and Accountability section of the USBE website.

(d) If a school elects to include the additional self-reported indicators, the school shall notify the Superintendent by established due dates.

(4) When calculating postsecondary readiness points for a high school student's performance on a college readiness assessment, the Superintendent shall use the student's ACT score obtained during the statewide administration of ACT.

(5) The Superintendent shall publish the Utah Accountability Technical Manual on the USBE website, which includes:

(a) additional technical details on the calculation of points;

(b) business rules;

(c) detailed explanations on the methodologies for the calculation of achievement, student growth, equitable education opportunity, and postsecondary readiness and;

(d) other indicators to appropriately assess the educational impact of a school that serves a special student population.

R277-497-4. Exclusions From the Accountability System and Indicators for Schools Serving a Special Student Population.

(1)(a) In determining schools to exempt from the school accountability system, in accordance with Section 53E-5-203, the Superintendent shall exempt a school in which the number of students tested on a statewide assessment is less than 10.

(b) The Superintendent may not report any school indicator for which the student group size for that indicator is less than 10.

(2) The Superintendent shall publish other indicators, in addition to indicators described in Sections 53E-5-205 and 53E-5-206, to appropriately assess the educational impact of a school that serves a special student population.

KEY: school reports, school grading accountability

Date of Last Change: July 8, 2025

Notice of Continuation: May 14, 2025

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-5-202; 53E-3-401(4)

R277. Education, Administration.

R277-499. Seal of Biliteracy.

R277-499-1. 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; and

(c) Subsection 53E-3-501(1)(b), which allows the Board to establish rules and minimum standards for graduation requirements.

(2) The purpose of this rule is to establish rules and procedures for a student to earn a Seal of Biliteracy in conjunction with a high school diploma.

R277-499-2. Definitions.

(1) "Intermediate Mid" means a level of language proficiency in terms of speaking, writing, listening, and reading in real-world situations in a spontaneous and non-rehearsed context, as established by the American Council on the Teaching of Foreign Languages or tribal education directors.

(2) "Seal of Biliteracy " means a recognition, awarded in conjunction with a student's high school diploma, which certifies that a student is proficient in English and at Intermediate-Mid level or higher in one or more world languages.

(3) "World language" means a language other than English and includes:

(a) American Sign Language;

(b) American Native Languages, such as Navajo or Ute; and

(c) classical languages, such as Latin.

R277-499-3. Procedures for Award of Seal of Biliteracy.

(1)(a) An LEA may develop a local application process for a student who wishes to earn the Seal of Biliteracy.

(b) An LEA application process shall include procedures for:

(i) advertising the criteria for the Seal of Biliteracy;

(ii) tracking students who may qualify for the Seal of Biliteracy; and

(iii) documenting student progress.

(c) An LEA shall train counselors and world language coordinators to provide information on the application process to interested students.

(d) The Superintendent shall provide an application template which an LEA may use in the application process.

(2) An LEA may award the Seal of Biliteracy to a student who:

(a) demonstrates proficiency in an English assessment; and

(b) demonstrates a minimum of Intermediate Mid-level proficiency in a world language assessment.

(3)(a) The Superintendent shall maintain a list of acceptable national and international tests with qualifying scores to demonstrate proficiency as required by this rule.

(b) The Superintendent shall review and update the list provided by Subsection (3)(a) on a regular basis and publish the information on the Board's website.

(4) If a student meets the requirements of Subsection (2):

(a) the Superintendent shall place the Seal of Biliteracy electronically on the student's transcript; and

(b) an LEA may place a seal on the student's paper diploma.

KEY: biliteracy, seal, world languages

Date of Last Change: December 23, 2021

Notice of Continuation: December 2, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-501(1)(b)

R277. Education, Administration.

R277-550. Charter Schools - Definitions.

R277-550-1. 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; and

(c) Title 53G, Chapter 5, Charter Schools, which allows the Board to make rules governing aspects of operations of charter schools.

(2) The purpose of this rule is to establish definitions for rules governing charter schools.

(3) The definitions contained in this rule apply to Rules R277-550 through R277-555.

R277-550-2. Definitions.

(1) "Amendment" means a change or addition to a charter agreement.

(2) "Authorizer" means an entity approved to authorize the establishment of a charter school under Sections 53G-5-304 through 53G-5-306.

(3) "Charter school" means a public school created in accordance with the provisions of Title 53G, Chapter 5, Charter Schools.

(4)(a) "Charter school agreement" or "Charter agreement" means a written agreement between a charter school and its authorizer containing the terms and conditions for the operation of a charter school.

(b) The charter school agreement maintained by a charter school's authorizer is the final, official, and complete agreement.

(5) "Charter school deficiency" means:

(a) failure of a charter school to comply with its charter agreement, including governance, financial, academic, or operational obligations;

(b) failure of a charter school to comply with the requirements of state or federal law or board rule;

(c) failure of a charter school to meet terms established by the school's authorizer as part of a remediation process; or

(d) fraud or misuse of funds by charter school governing board members or employees.

(6) "Charter school governing board" means the local board that governs a charter school.

(7) "Expansion" means:

(a) an increase in the number of grade levels offered by a charter school identified by a single school number; or

(b) an increase in the number of students for which a charter school identified by a single school number is authorized to receive funding.

(8) "Large expansion" means a charter school's request for expansion if the expansion request:

(a) is for more than 100 students;

(b) would necessitate significant school remodel; or

(c) is for more than one additional grade level.

(9) "Market analysis" means a qualitative and quantitative analysis of the educational market near a proposed charter school, including:

(a) the school's target demographics;

(b) population and development trends in the area;

(c) nearby competing public schools;

(d) the proposed school's own forecasts, along with supporting data; and

(e) any risks, barriers, or regulations that may impact a proposed school's success.

(10) "Mentor" means an individual or organization with expertise or demonstrated competence, approved by the State Charter School Board to advise charter schools in the Mentoring Program.

(11) "Mentoring program" means the State Charter School Board mentoring program.

(12) "New school" means any school receiving a new school number, including a new charter school, or a new satellite school.

(13) "Net lease adjusted debt burden ratio" means a school's cumulative annual debt service payments, inclusive of loans and facility lease payments, divided by the school's unrestricted annual operating revenue.

(14) "Non-operating charter school" means a charter school that has not received minimum school program funds or federal funds and is not providing educational services during a fiscal year, such as a charter school in a start-up period.

(15) "Operating charter school" means a charter school that has received minimum school program funds or federal funds and is providing educational services during a fiscal year.

(16) "Probation" means a written formal action and notification through which a school is required to demonstrate the school's compliance with the authorizer's probationary requirements.

(17) "Restricted revenue" means the same as the term is defined in Section 63J-1-102.

(18) "Satellite school" means a charter school affiliated with an existing charter school physically located within Utah that:

(a) has the same governing board as the existing charter school;

(b) has the same authorizer as the existing charter school;

(c) may have a similar or different program of instruction or grades served from the existing charter school;

(d) is located at a different site or in a different geographical area than the existing charter school; and

(e) has a separate school number than the existing charter school.

(19) "School number" means a number assigned by the Superintendent in accordance with National Center for Education Statistics criteria that identifies a distinct school within an LEA.

(20) "Significant school remodel" means new construction or a renovation that requires a project number from the Board as described in Rule R277-471.

(21) "Small expansion" means a charter school's request for expansion if the expansion request:

(a) is for 50-100 students;

(b) would not necessitate a significant school remodel; and

(c) is for no more than one additional grade.

(22) "State Charter School Board" means the board established in Section 53G-5-201.

(23) "Unrestricted revenue" means revenue that is:

(a) not restricted revenue; or

(b) restricted revenue that may be used for purposes of paying for annual debt service payments, including loans and facility lease payments.

(24) "Utah Consolidated Application" or "UCA" means the web-based grants management tool employed by the Superintendent through which LEAs submit plans and budgets for approval by the Superintendent or Board.

(25) "Utah eTranscript and Record Exchange" or "UTREx" has the same meaning as described in Subsection R277-484-2(17).

KEY: education, charter schools

Date of Last Change: October 11, 2023

Notice of Continuation: August 15, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53G-5-205

R277. Education, Administration.

R277-551. Charter Schools - General Provisions.

R277-551-1. Authority and Purpose.

(1) This rule is authorized under:

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

(b) Section 53F-2-702, which directs the Board to distribute funds for charter school students directly to the charter school;

(c) Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities; and

(d) Subsection 53G-5-205(5), which requires the Board to make rules establishing minimum standards that a charter school authorizer is required to apply.

(2) The purpose of this rule is to provide operational requirements for charter schools.

R277-551-2. Alternate Methods for Determining the Economically Disadvantaged Status of a Charter School's Students.

(1) A charter LEA with a charter school that does not participate in the National School Lunch Program shall comply with the requirements of this Section R277-551-2 to identify the economically disadvantaged status of students in the school's daily UTREx submission.

(2) A charter LEA described in Subsection (1):

(a) shall determine the economically disadvantaged status for its students on the basis of criteria no less stringent than those established by the U.S. Department of Agriculture for identifying students who qualify for reduced price lunch for the fiscal year in question; or

(b) may use the Charter School Declaration of Household Income form provided by the Superintendent for this purpose.

(3) A school that does not use the form identified in Subsection (2)(b) shall maintain equivalent documentation in its records, which may be subject to review by the Superintendent.

R277-551-3. Transportation.

(1) A charter school may not receive to-and-from school transportation funds except as provided under Section 53F-5-211.

(2) A charter school that provides transportation to students shall comply with the inspection and safety requirements of Section 53-8-211.

(3) A school district may provide transportation for charter school students on a space-available basis on approved routes.

(4)(a) A school district may provide transportation or transportation information to charter school students and their parents who participate in transportation by the school district as guests.

(b) Charter schools or charter school students may forfeit with no recourse the privilege of transportation, as described in Subsection (4)(a), for violation of district policies.

R277-551-4. Student Health, Safety, and Welfare Reporting Requirements.

(1)(a) The State Charter School Board shall provide a form for a charter school to report threats to health, safety or welfare of students consistent with Subsection 53G-5-503(4).

(b) The State Charter School Board shall provide reports received, as described in Subsection (1)(a):

(i) to the Superintendent; and

(ii) for charter schools from other authorizers, to the applicable authorizer.

(2) Individuals making reports about threats shall report suspected criminal activity to local law enforcement and suspected child abuse to local law enforcement or the Division of Child and Family Services consistent with:

(a) Section 80-2-602;

(b) Subsection 53G-9-203(3)(a); and

(c) Rule R277-401.

(4) A charter school shall verify that potential criminal activity or suspected child abuse has been reported consistent with state law and this rule.

(5) A charter school shall act promptly to investigate and take disciplinary action, if appropriate, against students who may be participants in threatening activities or take appropriate and reasonable action to protect students or both.

(6) All charter schools shall be subject to accountability standards established by the Board and to monitoring and internal auditing by the Board.

R277-551-5. Charter School Information for Students and Parents.

(1) An authorizer shall ensure that each of the authorizer's charter schools has a website that contains the following information:

(a) the charter school s governance structure, including the name, qualification, and contact information of all charter school governing board members;

(b) the number of new students that will be admitted into the school;

(c) the school calendar, which shall include:

(i) the first and last days of school;

(ii) scheduled holidays;

(iii) scheduled professional development days; and

(iv) scheduled non-school days;

(d) timelines for acceptance of new students consistent with Section 53G-6-503;

(e) the requirement and availability of a charter school student application;

(f) the application timeline to be considered for enrollment in the charter school;

(g) procedures for transferring to or from a charter school;

(h) timelines for a transfer;

(i) provisions for payment, if required, of a one-time fee per secondary school enrollment, not to exceed $5.00, consistent with Subsection 53G-6-503(9);

(j) the charter school governing board s policies; and

(k) other items required by:

(i) the charter school s authorizer;

(ii) statute; and

(iii) Board rule.

(2) The fee described in Subsection 1(l) is subject to fee waiver in accordance with Rule R277-407.

(3) A charter school shall have an operative and readily accessible website containing the information described in Subsection (1) at least 180 days before the proposed opening day of school.

KEY: education, charter schools

Date of Last Change: October 4, 2022

Notice of Continuation: October 16, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53G-5-205

R277. Education, Administration.

R277-552. Charter School Timelines and Approval Processes.

R277-552-1. 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 adopt rules in accordance with its responsibilities;

(c) Subsection 53G-6-504(5), which requires the Board to make rules regarding a charter school expansion or satellite campus;

(d) Sections 53G-5-304 through 53G-5-306, which require the Board to make a rule providing a timeline for the opening of a charter school;

(e) Section 53F-2-702, which directs the Board to distribute funds for charter school students directly to the charter school;

(f) the Charter School Expansion Act of 1998, 20 U.S.C. Sec. 8063, which directs the Board to submit specific information before a charter school's receipt of federal funds; and

(g) Subsection 53G-5-205(5), which requires the Board to make rules establishing minimum standards that an authorizer is required to apply in authorizing and monitoring charter schools.

(2) The purpose of this rule is to:

(a) establish procedures for timelines and approval processes for new charter schools; and

(b) provide criteria and standards for consideration of high performing charter schools to expand and request new schools that are satellite schools.

R277-552-2. Charter School Authorization Process.

(1) An individual or non-profit organization as described in Subsection 53G-5-302(2)(b) may apply to open a charter school from any statutorily approved authorizer.

(2) An authorizer shall submit a process to the Board for approval of:

(a) a new charter school;

(b) a request from a school to change authorizers;

(c) a charter school expansion; or

(d) a satellite school.

(3) A new authorizer shall submit a new charter school application process to the Board for approval at least six months before accepting applications for a new charter school.

(4) An existing authorizer may not authorize a new charter school for the 2021-22 school year and beyond until the Board approves the authorizer's application process.

(5)(a) The Board shall approve or deny an authorizer's proposed application process, including expansion and satellite approval processes, within 90 days of receipt of the proposed process from an authorizer.

(b) If the Board denies an application process, the Superintendent shall provide a written explanation of the reasons for the denial to the applicant within 45 days.

(c) If an authorizer's application process is denied, the authorizer may submit a revised application process for approval at any time.

(6) An authorizer shall have an application and charter agreement, which shall include all elements required by Title 53G, Chapter 5, Part 3, Charter School Authorization.

(7) An authorizer shall maintain the official signed charter agreement, which shall presumptively be the final, and complete agreement between a school and the school's authorizer.

(8) An authorizer's review process for a new charter school shall include:

(a) a plan for mandatory pre-operational and other trainings;

(b) an evaluation of the school's governing board, including:

(i) a review of the resumes of and background information of proposed governing board members; and

(ii) a capacity interview of the proposed governing board;

(c) an evaluation of the school's financial viability, including:

(i) a market analysis;

(ii) anticipated enrollment; and

(iii) anticipated and break even budgets;

(d) an evaluation of the school's academic program and academic standards by which the authorizer will hold the school accountable; and

(e) an evaluation of the school's proposed pre-operational plan, including implementation of:

(i) applicable legal requirements for public schools;

(ii) required policies;

(iii) student data systems, including student data privacy requirements;

(iv) reporting; and

(v) financial management.

(9) An authorizer's review process shall include contacting the school district in which a proposed charter school will be located and consideration of any feedback provided by the district.

(10) An authorizer shall design its approval process so that the authorizer notifies the Superintendent of an authorizer approval of a request identified in Subsection (2) no later than October 1, one fiscal year before the state fiscal year the charter school intends to serve students.

R277-552-3. Timelines - Charter School Starting Date and Facilities.

(1) A charter school may receive state start-up funds if the charter school is approved as a new charter school by October 1, one fiscal year before the state fiscal year the charter school intends to serve students.

(2) Before receiving state start-up funds an authorizer, other than the State Charter School Board, shall certify in writing to the State Charter School Board that a charter school has:

(a) completed all required financial documents;

(b) completed background checks for each governing board member; and

(c) executed a signed charter agreement, which includes academic goals.

(3) Before an LEA receives state start-up funds, the State Charter School Board shall require the LEA to submit documentation supporting the information required in Subsections (2)(a) and (c) to the Superintendent.

(4) A charter school may receive state funds, including minimum school program funds, if the charter school authorizer certifies in writing to the Superintendent by June 30 before the school's first operational year that:

(a) the charter school meets the requirements of Subsection (2);

(b) the charter school's governing board has adopted all policies required by statute or Board rule, including a draft special education policies and procedures manual;

(c) the charter school's governing board has adopted an annual calendar in an open meeting and has submitted the calendar to the Superintendent;

(d) the authorizer has received the charter school's facility contract as required by Subsection 53G-5-404(9);

(e) the charter school has met the requirements of Subsections (5) and (6) and that the school's building is scheduled for completion, including all required inspections, before occupancy;

(f)(i) the charter school has hired an executive director and a business administrator; or

(ii)(A) the charter school governing board has designated an executive director or business administrator employed by a third party; and

(B) the charter school governing board has established policies regarding the charter school's supervision of the charter school's third-party contractors;

(g) the charter school's enrollment is on track to be sufficient to meet the school's financial obligations and implement the charter school agreement;

(h) the charter school has an approved student data system that has successfully communicated with UTREx, including meeting the compatibility requirements of Subsection R277-484-5(3);

(i) the charter school has a functional accounting system; and

(j) the charter school has a budgeted net lease adjusted debt burden ratio of under 30% based on the school's executed facility agreement; and

(k) the charter school has complied with all legal requirements for new charter schools in a school's pre-operational year.

(5) An authorizer shall:

(a) create a process to verify the requirements in Subsection (4);

(b) maintain documentation of Subsection (5)(a); and

(c) provide the documentation described in Subsection (5)(b) to the Superintendent upon request; and

(d) submit a copy of the process required in Subsection (5)(a) to the Board for approval along with the authorizer's process for approving new charters under Subsection R277-552-2(2).

(6) A charter school shall begin construction on a new or existing facility requiring significant renovation no later than January 1 of the year the charter school is scheduled to open.

(7) A charter school that intends to occupy a facility requiring only minimal renovation, such as renovation not requiring a project number according to Rule R277-471, shall enter into a written agreement no later than May 1 of the calendar year the charter school is scheduled to open.

(8) If a charter school fails to meet the requirements of this section within 36 months of approval, the approval of the charter school shall expire.

R277-552-4. Charter Amendment Requests.

(1) An authorizer shall have a policy establishing a process for consideration of proposed amendments to a school's charter agreement.

(2) An authorizer's timeline for consideration of an amendment to a charter agreement may not conflict with any funding deadline established in Board rule.

R277-552-5. Charter School Small Expansion Requests.

(1) An authorization process developed by an authorizer in accordance with Subsection R277-552-2(2) shall comply with Sections R277-552-5 and R277-552-6 for a charter school expansion.

(2) An authorizer may approve a small expansion request in accordance with an authorizer's standards and established criteria.

(3) An authorizer may approve an application from a charter school for a large expansion if the charter school meets the requirements for a satellite school described in Section R277-552-6.

(4) An authorizer may provide additional requirements in addition to the requirements described in Sections R277-552-5 and R277-552-6.

(5) An authorizer shall provide documentation of an applicant school's eligibility for an expansion under Subsection (2) or Section R277-552-6 to the Superintendent upon request.

(6) An authorizer shall:

(a) approve a proposed expansion before October 1 of the state fiscal year before the school year that the charter school intends to expand; and

(b) provide the total number of students by grade that the charter school expansion is authorized to enroll to the Superintendent on or before October 1 of the state fiscal year before the school year that the school intends to expand.

R277-552-6. Requests for a New Satellite School or Large Expansion.

(1) An authorization process developed by an authorizer in accordance with Subsection R277-552-2(2) shall comply with this Section R277-552-6 for a satellite school or large expansion request.

(2) An authorizer may not consider an application for a satellite school from a charter school governed by a different authorizer.

(3) An authorizer may only approve an application from a charter school for a satellite school or large expansion if:

(a) the charter school is in compliance with the requirements of federal and state law, regulations, and Board rule;

(b) the charter school meets the academic and other standards and requirements of the charter school authorizer, and is in good standing according to the standards established by the charter school's authorizer in the authorizer's process for charter school expansion or satellite school described in Subsection R277-552-2(2), including whether the charter LEA, as a whole, qualifies as high performing under the charter school's authorizer's approved definition of high performing;

(d) subject to Subsection (4), the charter school is operationally successful, taking into consideration at least two years of data for every school under the charter agreement;

(e) the charter school has plans for the new satellite school or large expansion to:

(i) provide educational services consistent with state law and Board rule;

(ii) administer and have capacity to carry out statewide assessments including proctoring statewide assessments, consistent with Section 53E-4-303 and Rule R277-404; and

(iii) provide evidence-based instruction for special populations as required by federal law;

(f) the charter school has adequate qualified administrators and staff to meet the needs of the proposed student population at the new school;

(g) the school is in compliance with all public school legal obligations;

(h) the charter school is in good standing with its authorizer;

(i) the charter school has no outstanding corrective action that has not yet been resolved by the completion of a corrective action plan;

(j) the charter school provides a market analysis, including documentation of the school's potential for enrollment stability; and

(k) the charter school provides any additional information or documentation requested by the authorizer.

(4)(a) For purposes of this Subsection (4), "debt coverage ratio" means:

(i) a debt coverage ratio calculated using (revenue - expenditures + interest cost + depreciation) divided by annual debt service; or

(ii) if the charter school's facilities are leased and not owned, a debt coverage ratio calculated using (revenue - expenditures + facility lease payment + real property taxes + depreciation) divided by annual debt service.

(b) A charter school is considered to be operationally successful if:

(i) for each of the schools under the charter agreement, the charter school meets the following criteria:

(A) for a school with 350 or less students enrolled in the school, at least 120% debt coverage ratio for each of the three years before the request for a satellite;

(B) for a school with between 351 and 499 students enrolled in the school, at least 115% debt coverage ratio for each of the three years before the request for a satellite;

(C) for a school with between 500 and 750 students enrolled in the school, at least 110% debt coverage ratio for each of the three years before the request for a satellite; or

(D) for a school with more than 750 students enrolled in the school, at least 105% debt coverage ratio for each of the three years before the request for a satellite;

(ii) the charter school is financially viable, as evidenced by the charter school's financial records, including the charter school's:

(A) most recent annual financial report (AFR);

(B) annual program report (APR); and

(C) audited financial statements;

(iii) the charter school has maintained a net lease adjusted debt burden ratio of under 25% for each of the last three years; and

(iv) the charter school's financial statements report revenues in excess of expenditures for at least three of the last four years;

(v) the charter school is meeting the terms of its charter agreement;

(vi) the charter school has maintained for each of the last three years:

(A) a re-enrollment rate of at least 80%;

(B) a wait list of at least 40% of its annual enrollment; or

(C) there is a demonstrated demand for the proposed satellite or large expansion, taking into consideration the market analysis required under Subsection (3)(j).

(5) An authorizer may provide additional requirements for a charter school in addition to the minimum requirements described in this Section R277-552-6.

(6) An authorizer shall provide documentation of an applicant school's eligibility for a satellite school or large expansion under Subsection (3) to the Superintendent upon request.

(7) An authorizer shall:

(a) approve a proposed large expansion request or satellite school before October 1 of the state fiscal year before the school year that the proposed school intends to first serve students;

(b) provide the total number of students by grade that the expanded or satellite school is authorized to enroll to the Superintendent on or before October 1 of the state fiscal year before the school year that the proposed school intends to first serve students; and

(c) ensure that a proposed school that will receive School LAND Trust funds has a charter trust land council and satisfies all requirements of Rule R277-477, including transparency of information for parents.

(8) A charter school and all of the charter school's satellite schools are a single LEA for purposes of public school funding and reporting.

(9) If a satellite charter school does not open within 36 months of approval, the approval shall expire.

(10) If an authorizer denies an application for a satellite school, the school may immediately apply for a new charter in accordance with an authorizer's approved processes.

R277-552-7. Procedures and Timelines to Change Charter School Authorizers.

(1) A charter school may transfer to another charter school authorizer.

(2) A charter school shall submit an application to the new charter school authorizer at least 90 days before the proposed transfer.

(3) The charter school authorizer transfer application shall include:

(a) the name and contact information of all current governing board members;

(b) financial records that demonstrate the charter school's financial position, including the following:

(i) most recent annual financial report (AFR);

(ii) annual program report (APR); and

(iii) audited financial statements;

(c) test scores, including all state required assessments;

(d) current employees and assignments;

(e) board minutes for the most recent 12 months; and

(f) affidavits, signed by all board members certifying:

(i) the charter school's compliance with all state and federal laws and regulations, including documentation if requested;

(ii) all information on the transfer application is complete and accurate;

(iii) the charter school is current with all required charter school governing board policies;

(iv) the charter school is operating consistent with the charter school's charter agreement; and

(v) there are no outstanding lawsuits, judgments, or liens against the charter school.

(4) The current authorizer of a charter school seeking to transfer charter school authorizers shall submit a position statement to the new charter school authorizer about:

(a) the charter school's status;

(b) compliance with the charter school authorizer requirements; and

(c) unresolved concerns.

(5) If a school applies to change authorizer's, the existing authorizer shall advise the proposed authorizer if there is any outstanding debt to the existing authorizer or the state.

(6) If a school applies to change authorizers, the request shall extend to all satellite schools.

(7) A new charter school authorizer shall review an application for transferring to another charter school authorizer within 60 days of submission of a complete application, including all required documentation.

(8) Before accepting a charter school's transfer from another authorizer, the new authorizer shall request and consider information from the Board and current authorizer concerning the charter school's financial and academic performance.

(9) The Superintendent and current authorizer shall provide the information described in Subsection (7) to a new charter authorizer within 30 days of request described in Subsection (7).

(10) If an authorizer accepts the transfer of a charter school, the new authorizer shall notify the Superintendent within 30 days.

R277-552-8. Requirements for Board Approval of Process Updates Due to Changes in Board Rule.

(1) An authorizer with a previously Board approved process shall re-submit the authorizer's updated processes described in Subsection R277-552-2(2) within six

months of the new effective date of this rule if the updates to this rule include new or amended requirements.

(2) An authorizer may submit only those portions of the processes that were impacted by the updates to this rule.

KEY: training, timelines, expansion, satellite

Date of Last Change: November 7, 2023

Notice of Continuation: July 13, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53G-5-205; 53F-2-702; 53G-6-503

R277. Education, Administration.

R277-553. Charter School Oversight, Monitoring, and Appeals.

R277-553-1. Authority and Purpose.

(1) This rule is authorized under:

(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 adopt rules in accordance with its responsibilities;

(c) Subsection 53G-5-205(5), which requires the Board to establish minimum standards that a charter school authorizer is required to apply when evaluating a charter school application and monitoring charter school compliance; and

(d) Subsection 53G-5-501(5), which directs the Board to adopt rules specifying the timeline for remedying deficiencies and ensuring the compliance of a charter school with its charter.

(2) The purpose of this rule is to establish minimum standards that an authorizer is required to apply when monitoring charter school compliance.

R277-553-2. Authorizer Review of Charter Schools.

(1) An authorizer shall review annually the performance of charter schools for which it is the authorizer, including requiring all charter schools to:

(a) comply with their charter agreements; and

(b) comply with statute and board rule.

(2) An authorizer shall:

(a) visit a charter school at least once during its first year of operation to ensure adherence to an implementation of the approved charter and to finalize a review process;

(b) visit a charter school as determined in the review process;

(c) provide written reports to a charter school after the visits that set forth:

(i) strengths;

(ii) deficiencies; and

(iii) proposed corrective actions;

(d) notify the Superintendent of a claim of fraud or misuse of public assets or funds by a charter school; and

(e) coordinate the investigation of claims identified in Subsection (d) with the Superintendent.

(3) An authorizer shall annually review, and document matters specific to effective charter school operations, including:

(a) financial performance;

(b) academic performance;

(c) enrollment; and

(d) governing board performance.

(4) Every five years, an authorizer shall:

(a) conduct and document a comprehensive review of governing board performance; and

(b) review and update the charter agreement.

(5) An authorizer shall coordinate with the Superintendent to regularly monitor its charter schools as described in Subsection 53G-5-205(2).

R277-553-3. Remediation and Probation.

(1)(a) An authorizer shall develop a written policy documenting the process and for remediation of any deficiencies identified through the processes outlined in Section R277-553-2.

(b) An authorizer shall submit a copy of their remediation policy to the Board for approval along with their policy for approving new charters under Section R277-552-3.

(c) Notwithstanding Subsection (b), each authorizer shall submit a remediation policy to the Board for approval.

(2) If a school fails to remedy deficiencies through the remediation process, an authorizer may place the school on probation for no longer than one calendar year.

(3) Upon placing a school on probation, an authorizer shall set forth a written plan outlining those provisions in the charter agreement, applicable laws, rules, and regulations with which the school is not in compliance.

(4) The written plan required by Subsection (3) shall:

(a) set forth the terms, conditions, and timeline that the school shall follow to be removed from probation; and

(b) a plan for further remedial action if the school fails to comply with probationary terms.

(5) If a school complies with the terms of the written plan within the timeline prescribed, the authorizer shall remove the school from probation.

(6) A school may request a single extension of no more than six months from an authorizer to comply with the terms of the written plan.

(7) If a school fails to satisfy the terms of the written plan within the established timeline, the authorizer shall propose to terminate the school's charter.

(8) While a school is on probation, the school may seek technical assistance from the authorizer to remedy any deficiencies.

(9) An authorizer may, for good cause, or if the health, safety, or welfare of the students at the school is threatened at any time during the probationary period, terminate the charter immediately.

(10) An authorizer shall notify the Superintendent in writing within 30 days of any probationary terms imposed under this section.

(11) An authorizer shall comply with the notification requirements in Section 53G-5-504 if the authorizer approves a motion to terminate a charter.

R277-553-4. Charter School Governing Board Compliance with Law.

(1) A charter school governing board may amend the charter school's charter agreement by receiving approval from its authorizer consistent with Section 53G-5-303.

(2) A charter school governing board shall comply with the charter school's authorizer's processes and timelines for all reviews, amendments, expansion requests, and satellite applications.

(3) A charter school shall notify the Superintendent and charter school's authorizer of lawsuits filed against the charter school within 30 days of the school being served with the complaint.

R277-553-5. Charter School Financial Practices and Training.

(1)(a) A charter school shall hire or contract with a business administrator to perform the duties described in Section 53G-4-303.

(b) A charter school business administrator shall attend business meetings required by the Superintendent or the school's authorizer.

(2) A charter school board shall:

(a) regularly monitor the charter school's business administrator described under Subsection (1); and

(b) ensure the business administrator fulfills the duties outlined in Section 53G-4-303.

(3) The Board may impose corrective action against a charter school for failure to provide financial and statistical information required by law or Board rules in accordance with Rule R277-114.

(4) A charter school shall comply with the Utah State Procurement Code, Title 63G, Chapter 6a.

(5) A charter school may not receive necessarily existent small schools funding under Subsection 53F-2-304(2) and Rule R277-445.

R277-553-6. Remedying Charter School Deficiencies.

(1) Upon receiving credible information of charter school financial mismanagement or fraud, or a threat to the health, safety, or welfare of students, in coordination with the Superintendent an authorizer shall direct an independent review or monitoring, as appropriate.

(2) An authorizer may direct a charter school governing board or the charter school administration to take reasonable action to protect students or state or federal funds consistent with Section 53G-5-503.

(3) Upon receipt of findings documenting a threat to the health, welfare, or safety of a school under Subsection (1), an authorizer may:

(a) recommend that the Superintendent impose corrective action against the school in accordance with Rule R277-114;

(b) take immediate or subsequent corrective action with charter school governing board members or employees who are responsible for deficiencies consistent with Section 53G-5-501;

(c) identify a remediation team to work with the school; or

(d) immediately terminate the school's charter in accordance with Subsection 53G-5-503(5).

(4) Upon receipt of findings documenting financial mismanagement or fraud by a charter school, an authorizer shall coordinate appropriate corrective action with the Superintendent.

(5) An authorizer may exercise flexibility for good cause in making a recommendation regarding an identified deficiency.

(6) The Superintendent may impose the following corrective action against a charter school with an identified deficiency:

(a) place state appropriations in a reimbursable status pending the outcome of an appeal;

(b) suspend state appropriations pending the outcome of an appeal;

(c) direct fiscal monitoring visits for both state and federal programs ahead of other scheduled visits to the charter school; or

(d) take other action at the direction of the Board consistent with state and federal law.

R277-553-7. Appeals to the Board.

(1) An operating charter school may appeal an authorizer's decision to terminate the school's charter to the Board.

(2) Upon terminating a charter, an authorizer shall:

(a) provide written notice to the charter school;

(b) provide written notice of appeal rights and timelines to the charter school governing board chair or authorized agent; and

(c) post information about the appeals process on its website and provide training to charter school governing board members and authorized agents regarding the appeals procedure.

(3) If a charter school appeals an authorizer's decision to terminate a charter, the charter school governing board chair shall submit a written appeal to the Superintendent within 14 calendar days of the authorizer's action.

(4)(a) Upon receipt of an appeal under this section, Board leadership may:

(i) set a hearing before a standing committee to make a recommendation to the Board for consideration at its next regularly scheduled meeting;

(ii) designate three to five Board members and a hearing officer, who is not a Board member, to act as an objective hearing panel to conduct a hearing and provide a recommendation to the Board for consideration at its next regularly scheduled meeting; or

(iii) set a hearing before the full Board.

(b) A hearing under Subsection (4)(a) shall be held no more than 45 days following receipt of the written appeal.

(5) The Board may:

(a) uphold the authorizer's decision; or

(b) remand the matter to the authorizer with identified deficiencies in the authorizer's decision and suggested remedies.

(6) The recommendation of the chartering entity shall be in place pending the conclusion of the appeals process, unless the Superintendent in the Superintendent's sole discretion, determines that the authorizer's decision or failure to act presents a serious threat to students or an imminent threat to public property or resources.

(7) The Board's acceptance or rejection of the hearing report is the final administrative action on the issue.

KEY: charter schools, oversight, monitoring, appeals

Date of Last Change: December 11, 2023

Notice of Continuation: October 16, 2023

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

R277. Education, Administration.

R277-554. State Charter School Board Grants and Mentoring Program.

R277-554-1. 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) Title 53G, Chapter 5, Charter Schools, which allows the Board to make rules governing aspects of operations of charter schools; and

(d) Section 53F-2-705, which requires the Board to make rules regarding start-up and implementation grants and a mentoring program.

(2) The purpose of this rule is to establish rules for the State Charter School Board to operate:

(a) a start-up and implementation grant for charter schools; and

(b) a mentoring program for charter schools.

R277-554-2. Charter School Start-up and Implementation Grants.

(1) A charter school that desires to receive State Charter School Board start-up and implementation grant funds shall comply with the requirements of this section.

(2) To receive a State Charter School Board start-up or implementation grant, a charter school may be eligible if the charter school:

(a) meets the requirements of Section 53G-5-404;

(b) has a finalized charter agreement with the school's authorizer;

(c) for a new, large and small expansions, or satellite school, submits an application for the grant within six months of approval by the school's authorizer; and

(d) demonstrates a plan to use the funds within the next two full school years.

(3) New, large and small expansions, and satellite schools may be eligible for start-up and implementation grant funds, and receive priority in funding or grant applications.

(4) In alignment with Section 53F-2-705, a charter school may be eligible for start-up and implementation grant funds if the school meets any of the following conditions:

(a) implementing a new curriculum;

(b) implementing a new program; or

(c) implementing an innovative practice not funded by the Innovative Sandbox funding as described in Rule R277-919.

(5) The State Charter School Board shall determine amounts and conditions for distribution of state start-up or implementation grant funds.

(6) Grant funds may only be used for allowable expenditures as established by the State Charter School Board annual application form.

(7) Grant recipients shall participate in monitoring activities and shall provide monitoring information to the Superintendent, as directed.

(8)(a) A charter school shall repay grant funds to the State Charter School Board if recipients change to non-charter status within ten years of receiving grant funds.

(b) The State Charter School Board may grant an exception to the requirements of Subsection (8)(a) for a school that converts status, due to either federal or state law requirements, for academic purposes.

R277-554-3. Charter School Mentoring Program.

(1) The State Charter School Board shall identify critical mentoring needs of charter schools and, through an appropriate procurement process, allocate mentoring funds to one or more qualified individuals or organizations to meet identified needs.

(2) Mentoring program participants shall provide information to the State Charter School Board as requested.

(3) A participating mentor shall submit an annual program report to the State Charter School Board.

(4) The State Charter School Board shall evaluate the mentoring program annually.

KEY: charter schools, startup, implementation, mentoring

Date of Last Change: January 10, 2024

Notice of Continuation: August 15, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53G-5-205

R277. Education, Administration.

R277-555. Corrective Action Against Charter School Authorizers.

R277-555-1. 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) Title 53G, Chapter 5, Charter Schools, which allows the Board to make rules governing aspects of operations of charter schools; and

(d) Subsection 53G-5-205(6), which authorizes the Board to establish reasonable consequences for a charter school authorizer that fails to comply with state statute or board rule.

(2) The purpose of this rule is to establish procedures for review and consequences for non-compliance by a charter school authorizer.

R277-555-2. Authorizer Accountability.

(1) The Superintendent may initiate corrective action as described in this rule if an authorizer:

(a) fails to develop and implement a process meeting minimum standards for authorizing charter schools as described in Rule R277-552;

(b) fails to develop and implement a process meeting minimum standards for charter school oversight monitoring as described in Rule R277-553; or

(c) fails to comply with statute or Board rule.

(2) For each authorizer subject to corrective action, the Superintendent shall design and implement a consistent monitoring plan.

(3) The Superintendent shall clearly outline in a corrective action plan:

(a) all areas of noncompliance;

(b) steps required to satisfy the corrective action plan; and

(c) a reasonable time frame for an authorizer to correct identified issues.

(4) In addition to the requirements of Subsection (3), a corrective action plan may include provision and a timeline for:

(a) referral for monitoring by a Board section;

(b) referral for monitoring to the Board's internal audit department, with approval of the Board's Audit Committee;

(c) periodic meetings between a recipient administrator or governing board member and the Superintendent or a member of the Superintendency;

(d) planned appearances before the Board to provide status updates; and

(e) training for the authorizer's staff.

(5) The Superintendent may employ escalating restrictive conditions in a corrective action plan based on:

(a) the severity of the violation; or

(b) repeated violations by an authorizer.

(6) The Superintendent may include penalties for non-compliance with a corrective action plan in accordance with Subsection 53E-3-401(8).

(7) The Superintendent shall give notice and a copy of the corrective action plan in writing to:

(a) the authorizer's administrators; and

(b) the authorizer's governing board.

(8) The Superintendent shall notify an authorizer of changes to a corrective action plan.

(9) The Superintendent shall report to the Board monthly about the status of noncompliant authorizers.

R277-555-3. Authorizer Appeals.

(1) An authorizer may file an appeal to the Board of any adverse decision of the Superintendent resulting from a corrective action plan or penalty.

(2) An appeal must be made in writing and within 30 days of the date of the Superintendent's action.

(3) The Board may:

(a) review the appeal as a full board; or

(b) refer the matter to a Board standing or audit committee to make a recommendation to the Board for action.

KEY: charter schools, corrective action

Date of Last Change: January 9, 2019

Notice of Continuation: October 16, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53G-5-205

R277. Education, Administration.

R277-556. Charter School Closure Reserve Account.

R277-556-1. 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; and

(c) Section 53F-9-307, which directs the Board to make rules to implement the Charter School Closure Reserve Account.

(2) The purpose of this rule is to provide is to establish procedures to establish and maintain the Charter School Closure Reserve Account.

R277-556-2. Definitions.

(1) "Account" means the Charter School Closure Reserve Account established in Section 53F-9-307.

(2) "Per pupil contribution" means the annual contribution required of each charter school in the state in accordance with Section 53F-9-307.

R277-556-3. Superintendent Responsibilities.

(1) The Superintendent shall calculate a charter school's annual per pupil contribution based on the school's most recent October 1 count in accordance with Subsections 53F-9-307(5)(b) and 53F-9-307(5)(c) and notify each charter school by December 1 annually.

(2) The sum of per pupil contributions for all charter schools in the state may not cause the balance of the account to exceed the amounts established in Subsection 53F-9-307(6).

(3) The Superintendent shall withhold the per pupil contribution from a charter school's mid-year budgetary allotment update.

(4) The Superintendent shall transfer funds withheld in accordance with Subsection (3) to the account.

(5) The Superintendent may only use funds in the account consistent with the limitations established in Subsections 53F-9-307(7) through 53F-9-307(9).

KEY: Charter School Closure Fund

Date of Last Change: November 8, 2021

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

R277. Education, Administration.

R277-600. Student Transportation Standards and Procedures.

R277-600-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

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

(b) Subsection 53E-3-501(1)(d), which directs the Board to establish rules for bus routes, bus safety and other transportation needs;

(c) Sections 53F-2-402 and 53F-2-403, which provide for distribution of funds for transportation of public school students;

(d) Section 53F-2-417, which directs the Board to make rules to implement rural school district transportation grants; and

(e) 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 specify the standards under which school districts may qualify for and receive state transportation funds.

(3) This Rule R277-600 is categorized as Category 4 as described in Rule R277-111.

R277-600-2. Definitions.

(1) "ADA" means average daily attendance.

(2) "ADM" means average daily membership.

(3) "AFR" means a school district's annual financial report, one component of which is the AFR for all pupil transportation costs.

(4) "Annual Program Report" or "APR" has the same meaning as defined in Section R277-484-2.

(5)(a) "Approved costs" means the Board approved costs of transporting eligible students from home to school to home once each day, after-school routes, approved routes for students with disabilities and vocational students attending school outside their regularly assigned attendance boundary, and a portion of the bus purchase prices.

(b) All approved costs are adjusted by the Superintendent consistent with a Board approved formula per the annual legislative transportation appropriation.

(6) "Deadhead miles" means miles traveled while operating a bus with no passengers on board.

(7) "Extended school year" or "ESY" means an extension of the school district or charter school traditional school year to provide special education and related services to a student with a disability, in accordance with the student's IEP, and at no cost to the student's parent or guardian.

(8) "Hazardous" means in a state of danger or potential danger, which may result in injury or death.

(9) "Local school board" means a local school district board of education.

(10) "Multipurpose passenger vehicle" or "MPV" means any motor vehicle with less than ten passenger positions, including the driver's position, which cannot be certified as a bus.

(11) "Public route" means a road, thoroughfare, walkway, or highway.

(12) "Pupil Transportation Schedule A1" means a report submitted annually to the Superintendent covering all estimated miles and minutes of to and from pupil transportation within an LEA.

R277-600-3. General Provisions.

(1)(a) The Superintendent shall use state transportation funds to reimburse school districts for the costs reasonably related to transporting students to and from school.

(b) The Board shall define the limits of a school district's transportation costs reimbursable by state funds in a manner that encourages safety, economy, and efficiency.

(2) Allowable transportation costs are divided into two categories:

(a) A Category costs include expenditures for regular and special education bus routes established by the school district, and approved by the state.

(b) B Category costs include other methods of transporting students to and from school.

(3) The Superintendent shall develop a formula to allocate A Category costs based on a calculated rate.

(4) The Superintendent shall approve reasonable and necessary B Category costs on a line-by-line basis.

(5) The Superintendent shall develop a uniform accounting procedure for the financial reporting of transportation costs, which shall specify the methods used to calculate allowable transportation costs.

(6) The Superintendent shall develop uniform forms for the administration of the transportation program.

(7)(a) An LEA shall record all student transportation costs, including accurate mileage, minute, and trip records.

(b) An LEA shall maintain records and financial worksheets during the fiscal year for audit purposes.

R277-600-4. Eligibility.

(1) The Superintendent shall only disburse state transportation funds for transporting eligible students.

(2) The Superintendent shall determine transportation eligibility for elementary students (k-6) and secondary students (7-12) in accordance with the mileage from home, specified in Subsections 53F-2-403(1) and (2), to the school attended by assignment of the local school board.

(3) A student whose IEP identifies transportation as a necessary related service is eligible for transportation regardless of distance from the school attended by assignment of the local school board.

(4) A student who attends school for at least one-half day at a location other than the local school board designated school is not eligible for transportation for distances up to one and one-half miles.

(5) A school district that implements double sessions as an alternative to new building construction may transport, one way to or from school, with Board approval, affected elementary students residing less than one and one-half miles from school, if the local school board determines the transportation would improve safety affected by darkness or other hazardous conditions.

(6) The distance from a student's home to the student's school or the student's bus stop is determined as follows: From the center of the public route open to public use, opposite the regular entrance where the student is living, over the nearest public route open regularly for use by the public, to the center of the public route open to public

use, opposite the nearest public entrance to the school grounds which the student is attending, or the student's bus stop.

R277-600-5. Student with Disabilities Transportation.

(1) A student with a disability shall be transported on regular buses and regular routes when possible, unless the IEP team determines otherwise.

(2) A school district may be reimbursed for the costs of transporting or for alternative transportation for students with disabilities whose severity of disability, or combination of disabilities, necessitates special transportation.

(3) During the regular school year, an eligible special transportation route from the assigned school site to an alternative program location shall be for a minimum of 15 days with primarily the same group of students.

(4) During the ESY, an eligible special transportation route from the assigned school site to an alternative program location shall be for a minimum of ten days with primarily the same group of students.

(5) ESY services shall meet the standards of Part B of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1401(3) and Board Special Education Rules.

(6) The Utah Schools for the Deaf and the Blind shall provide transportation for students who are transported to its self-contained classes, unless an exception is approved by the Superintendent.

R277-600-6. Bus Route Approval.

(1)(a) A local school board shall propose bus routes subject to approval by the Superintendent.

(b) A local school board shall provide information requested by the Superintendent prior to approval of a route.

(c) During the regular school year, an eligible route from the assigned school site to an alternative program location shall be for a minimum of 15 days with primarily the same group of students.

(d) The Superintendent may not approve a route for reimbursement if an equitable student transportation allowance or a subsistence allowance for the necessary transportation is more cost-effective.

(2) A bus route shall:

(a) traverse the most direct public road;

(b) be reasonably cost-effective in comparison to other feasible alternatives;

(c) provide adequate safety for students;

(d) traverse roads that are constructed and maintained in a manner that does not cause property damage; and

(e) include an economically appropriate number of students.

(3)(a) The minimum number of general education students required to establish full eligibility for state-supported transportation is ten.

(b) The minimum number of students with disabilities required to establish full eligibility for state-supported transportation is five.

(c) A bus route may be established for fewer students upon special permission of the Superintendent.

(4) A school district shall designate safe areas for bus stops, subject to the following, where possible:

(a) a school district shall place bus stops at least 3/10 miles apart; and

(b) a school district shall avoid placing bus stops on dead end roads.

(5)(a) A student's parent or guardian is responsible for the student's own transportation to bus stops up to one and one-half miles from home.

(b) A parent or guardian with a student that has a disability is responsible for the student's own transportation to bus stops unless the IEP team determines otherwise.

(6)(a) A school district shall report changes made in existing routes or the addition of new routes to the Superintendent as they occur.

(b) The Superintendent shall review and may refuse to fund route changes.

(7) The Superintendent may reimburse a school district for transporting another district's students across school district boundaries so long as:

(a) the route promotes efficient transportation for both districts;

(b) the route serves a group or community of students and families rather than a single student or a single family;

(c) the local school boards of both participating districts vote in an open meeting that students who reside in one district can be better and more economically served by another district; and

(d) both districts and the Superintendent maintain documentation annually of the boards' votes and the approved route.

(8) A school district may transport eligible students home after school activities held at the students' school of regular attendance and within a reasonable time period after the close of the regular school day and receive approved route mileage.

(9)(a) The Superintendent may approve atypical routes as alternatives to building construction if routes are needed to allow more efficient school district use of school facilities.

(b) Building construction alternatives include:

(i) double sessions;

(ii) year-round school; and

(iii) attendance across school district boundaries.

(10)(a) A school district may use local transportation funds to transport students across state lines or out-of-state for school sponsored activities or required field trips if:

(i) the local school board has a policy that includes approval of trips at the appropriate administrative level;

(ii) the school or school district has considered the purpose of the trip or activity and any competing risk or liability;

(iii) given the distance, purpose, and length of the trip, the school district has determined that the use of a publicly owned school bus is appropriate for the trip or activity; and

(iv) the local school board has consulted with State Risk Management.

(b) If school bus routes transport students across Utah state lines or outside of Utah for required to and from routes, routes are reimbursable providing a school district maintains documentation that:

(i) the routes are necessary;

(ii) the routes are more cost-effective; or

(iii) the routes provide greater safety for students than in-state routes.

R277-600-7. Alternative Transportation.

(1) A district shall analyze bus routes that involve a large number of deadhead miles to determine if an alternative method of transporting students is more efficient.

(2) Approved alternatives include the alternatives described in Subsections (3) through (9).

(3)(a) The costs incurred in transporting eligible pupils in a school district MPV are approved costs as long as the costs demonstrate efficiency; or

(b) The costs incurred in paying a parent or guardian of an eligible student an allowance in lieu of school district-supplied transportation are approved costs.

(4)(a) A parent or guardian of a student may be reimbursed for the mileage to the bus stop or school, whichever is closer to the student's home.

(b) The allowance under this Subsection (4)(a) may not be less than $0.35 per mile, nor greater than the reimbursement allowance permitted by the Utah Department of Government Operations for use of privately owned vehicles set forth in the Utah Travel Regulations.

(5) A district shall annually perform a cost-benefit analysis as part of its determination of the LEA specific reimbursement rate and make this analysis available to the public.

(6)(a) A district shall make a student mileage allowance under this Section R277-600-7 to only one student per family for each trip that is necessary for all the students within a family to attend school.

(b) If siblings are on different school schedule or ride buses that are on significantly different schedules, a parent or guardian may claim and be paid for student mileage allowances for multiple students.

(7) If a student eligible for reimbursement under this Section R277-600-7 or the student's parent or guardian cannot provide private transportation, with prior approval from the Superintendent:

(a) the Superintendent may reimburse an amount equivalent to the student allowance to the school district to help pay the costs of school district transportation; or

(b) the Superintendent may reimburse a school district costs paid for school contracted transportation, commercial bus passes, or alternative specialized transportation services.

(8)(a) A district shall measure and certify a student's mileage in school district records.

(b) A student's ADA, as entered in school records, is used to determine the student's attendance.

(9)(a) The cost incurred in providing a subsistence allowance is an approved cost under the following conditions:

(i) a student lives more than 60 miles (one way) on well-maintained roads from the student's assigned school, a parent or guardian may be reimbursed for the student's room and board if the student relocates temporarily to reside in close proximity to the student's assigned school;

(ii) payment may not exceed the Substitute Care Rate for Family Services for the current fiscal year;

(iii) adjustments for changes made in the rate during the year shall be included in the allowance; and

(iv) in addition to the reimbursement for room and board, the subsistence allowance may include the costs of up to 18 round trips per year.

(b)(i) A subsistence allowance is not available to a parent or guardian who maintains a separate home during the school year for the convenience of the family.

(ii) A parent or guardian's primary residence during the school year is the residence of the child.

(10) A school district may contract or lease with a third party provider for pupil transportation services.

(11)(a) The cost incurred in engaging in a contract or leasing for transportation is an approved cost at the prorated amount available to school districts.

(b) The Superintendent shall determine reimbursements for school districts using a leasing arrangement in accordance with the comparable cost for the school district to operate its own transportation.

(c) Under a contract or lease, a school district's transportation administrator's time may not exceed 1% of the commercial contract cost.

(12) If a school district contracts or leases with a third party provider or other LEA for pupil transportation services, it shall maintain and provide to the Superintendent upon request the following items as if it operated its own transportation:

(a) eligible student counts;

(b) bus route mileage;

(c) bus route minutes; and

(d) service to students with disabilities and bus inventory data.

R277-600-8. Other Reimbursable Expenses.

The Superintendent may reimburse a school district for the following costs with state transportation funds:

(1) salaries of clerks, secretaries, trainers, drivers, a supervisor, mechanics, and other personnel necessary to operate the transportation program, subject to the following limitations:

(a) a full time supervisor may be paid at the same rate as other professional directors in the school district; and

(b) a school district shall ensure that a supervisor's salary is commensurate with the number of buses, number of eligible students transported, and total responsibility relative to other school district supervisory functions;

(2) a school district may claim a percentage of the school district superintendent's or other supervisor's salary for reimbursement if the school district's eligibility count is less than 600 and a verifiable record of administrative time spent in the transportation operation is maintained; and

(3) the wage time for bus drivers may include to and from school time consisting of:

(i) 10 minute pre-trip inspection;

(ii) actual driving time;

(iii) 10 minute post-trip inspection and bus cleanup; and

(iv) 10 minute bus servicing and fueling;

(4) a proportionate amount of a superintendent's or supervisor's employee benefits such as health, accident, or life insurance;

(5) purchased property services;

(6) property, comprehensive, and liability insurance;

(7) communication expenses;

(8) travel for supervisors to workshops or national conventions;

(9) supplies and materials for vehicles, the school district transportation office and the garage;

(10) training expenses to complete bus driver instruction and certification required by the Board; and

(11) other related costs approved by the Superintendent, which may include additional bus driver training.

R277-600-9. Non-reimbursable Expenses.

(1) AFR for all pupil transportation costs may only include pupil transportation costs and other school district expenditures directly related to pupil transportation.

(2) In determining expenditures for eligible to and from school transportation, all related costs shall be reduced on a pro rata basis for the miles not connected with approved costs.

(3) Expenses determined by the Superintendent as not directly related to transportation of eligible students to and from school may not be reimbursed.

(4)(a) A local school board may determine appropriate non-school uses of school buses.

(b) A local school board may lease or rent public school buses to:

(i) federal, state, county, or municipal entities;

(ii) entities insured by State Risk Management;

(iii) non-government entities; or

(iv) entities not insured through State Risk Management.

(c) As part of any agreement to allow non-school use of a school bus, a local school board shall:

(i) require full cost reimbursement for any non-public school use including:

(A) cost per mile;

(B) cost per minute; and

(C) bus depreciation;

(ii) require a non-school user to provide:

(A) proof of insurance through State Risk Management or private insurance coverage; and

(B) a fully executed agreement for full release of indemnification;

(iii) require that any non-school use is revenue neutral; and

(iv) consult with State Risk Management to determine adequacy of documentation of insurance and indemnity for any entity requesting use or rental of publicly owned school buses.

(5) A local school board shall approve the use of school buses by a non-governmental entity or an entity not insured through State Risk Management in an open meeting.

(6)(a) In the event of an emergency, local, regional, state or federal authorities may request the use of school buses or school bus drivers or both for the period of the emergency.

(b) A local school board shall grant a request under Subsection (a) so long as the use can be accommodated consistent with continuing student transportation and student safety requirements.

R277-600-10. Board Local Levy.

(1) Costs for school district transportation of students which are not reimbursable may be paid for from general school district funds or from the proceeds of the Board Local Levy authorized under Section 53F-8-302.

(2) The revenue from the Board Local Levy may be used for transporting students and for school bus replacement.

(3)(a) A local school board may approve the transportation of students in areas where walking constitutes a hazardous condition from general local school board funds or from the Board Local Levy.

(b) A local school board shall determine hazardous walking conditions by an analysis of the following factors:

(i) volume, type, and speed of vehicular traffic;

(ii) age and condition of students traversing the area;

(iii) condition of the roadway, sidewalks and applicable means of access in the area; and

(iv) environmental conditions.

(c) A local school board may designate hazardous conditions.

R277-600-11. Exceptions.

(1)(a) When undue hardships and inequities are created through exact application of these standards, a school district may request an exception to this rule from the Superintendent for individual cases.

(b) Hardships or inequities under Subsection (1)(a) may include written evidence demonstrating that no significant increased costs, less than 1% of a school district's transportation budget, is incurred due to a waiver or that students cannot be provided services consistent with the law due to transportation exigencies.

(2) A school district may not be penalized in the computation of its state allocation for the presence on an approved to and from school route of an ineligible student who does not create an appreciable increase in the cost of the route.

(3) There is an appreciable increase in cost under Subsection (2) if, because of the presence of ineligible students, any of the following occurs:

(a) another route is required;

(b) a larger or additional bus is required;

(c) a route's mileage is increased;

(d) the number of pick-up points below the mileage limits for eligible students exceeds one; and

(e) significant additional time is required to complete a route.

(4)(a) An ineligible student may ride a school bus on a space available basis.

(b) An eligible student may not be displaced or required to stand in order to make room for an ineligible student.

R277-600-12. Rural School Transportation Reimbursement Program.

(1) The Superintendent shall annually determine which LEAs are eligible for rural school transportation reimbursement using the criteria described in Section 53F-2-520.

(2) The Superintendent shall measure eligibility based on:

(a) the most recent October 1 UTREx submission; and

(b) the prior year's transportation data submitted in accordance with Section R277-484-3.

(3) By November 1 annually, the Superintendent shall notify an LEA that the LEA may seek reimbursement.

(4) An LEA eligible for reimbursement shall:

(a) provide evidence to the Superintendent in the first year of the LEA's eligibility that the LEA has provided transportation to and from the school for the past five years;

(b) submit to the Superintendent in the first year of the LEA's eligibility the LEA's current year pupil transportation Schedule A1 by December 30; and

(c) in subsequent years of eligibility, submit all transportation reports in accordance with Section R277-484-3.

(5) Submission of the pupil transportation Schedule A1 shall constitute an annual application and request for reimbursement by an LEA with an eligible school.

(6)(a) The Superintendent shall calculate and process reimbursements to LEAs once a year.

(b) The Superintendent shall determine allowable costs eligible for reimbursement taking into account:

(i) eligible routes; and

(ii) eligible miles and minutes as reported on the pupil transportation Schedule A1.

(c) The Superintendent shall reimburse an LEA based on the LEA's percentage of total unreimbursed eligible costs submitted.

(d) If the annual appropriation is insufficient to fund all submitted eligible cost payments, the Superintendent shall prorate the reimbursement up to the amount of the appropriation.

(7) An LEA shall permit the Superintendent to review accounting ledgers, student records, and transportation records upon request in order to determine:

(a) a school's eligibility in accordance with Subsection (1); and

(b) allowability of an LEA's submitted costs.

KEY: school buses, school transportation

Date of Last Change: October 8, 2024

Notice of Continuation: June 4, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(d); 53E-3-401(4); 53F-2-415; 53F-2-403

R277. Education, Administration.

R277-601. Standards for Utah School Buses and Operations.

R277-601-1. Authority and Purpose.

(1) This rule is authorized by:

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

(b) Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities; and

(c) Subsection 53E-3-501(1)(d), which directs the Board to adopt rules for state reimbursed bus routes, bus safety and operational requirements, and other transportation needs.

(2) The purpose of this rule is to specify standards for state student transportation funds, school buses, and school bus drivers utilized by school districts.

R277-601-2. Incorporation By Reference.

(1) This rule incorporates by reference the Standards for Utah School Buses and Operations Manual, June, 2021 Edition, which contains the standards for new and used school buses, operation requirements for school bus operators, and procedures for passenger safety.

(2) A copy of the current Utah School Buses and Operations Manual is located:

(a) at https://schools.utah.gov/administrativerules/documentsincorporated;

(b) at the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111; and

(c) on the agency websites of the following state agencies:

(i) on the Utah Transportation Commission; and

(ii) on the Utah Department of Public Safety.

R277-601-3. Additional Required Standards.

In addition to the Standards For Utah School Buses and Operations manual, an LEA shall enforce the following:

(1) a school bus operator's primary responsibility, consistent with training and policy, is always the safety of passengers and the safety of the public.

(2) a school bus operator's proper use of electronic and telecommunications devices including:

(a) except as described in Subsection (2)(d) a prohibition on the use of a cell phone, wireless electronic device, or any headset, earpiece, earphones or other equipment that might distract a school bus operator;

(b) the prohibition described in subsection (2)(a) does not apply to the safe and appropriate use of two-way radios or to mounted GPS systems;

(c) an LEA that regularly transports students shall maintain documentation of training for a school bus operator and employees in the safe and appropriate use of two-way radios; and

(d) a school bus operator may use an electronic device once the bus is stopped and safely secured for:

(i) emergencies;

(ii) to assist special needs students;

(iii) for behavior management;

(iv) for appropriate assistance for field/activity trips;

(v) for other business-related issues; or

(vi) personal use if all passengers are safely off the bus and at a safe distance.

(3) Any use of an electronic device inconsistent with this section for emergency or compelling reasons may require documentation and will be addressed by the employing education entity.

(4) Violations of this section may result in personnel action(s) against the school bus operator consistent with an LEA's policies.

(5) A private contractor employed by an LEA for student transportation shall adhere strictly to this section in addition to the policies of the employer.

(6) A school bus operator's end of bus route inspection shall include the following:

(a) at the end of a student delivery, both during the day and after the final route of the day, a school bus operator shall:

(i) complete the delivery;

(ii) stop and park the bus; and

(iii) insure that all students are off the bus;

(b) where possible, be completed at each school site when delivering students to school;

(c) following each from-school route of the day, the bus operator shall complete the same type of inspection described in subsection (6)(a) at a safe location a short distance from where the final student(s) left the bus; and

(d) if a student is found on the bus, the student shall be immediately returned to the student's assigned bus stop location or to an alternate location, consistent with an LEA's policy and with express permission from the parent.

KEY: school, buses, school transportation

Date of Last Change: March 15, 2024

Notice of Continuation: June 4, 2021

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

R277. Education, Administration.

R277-602. Carson Smith Scholarships -- Funding and Procedures.

R277-602-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of the public school system under 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; and

(c) Section 53F-4-305, which authorizes the Board to make rules establishing:

(i) the eligibility of students to participate in the Carson Smith Scholarship program; and

(ii) the application process for the scholarship program.

(2) The purpose of this rule is to:

(a) outline responsibilities of a parent, an LEA, an eligible private school, and the Board in providing choice for a parent of a special needs student who chooses to have a student served in a private school; and

(b) provide accountability for the citizenry in the administration and distribution of the scholarship funds.

(3) This Rule R277-602 is categorized as Category 4 as described in Rule R277-111.

R277-602-2. Definitions.

(1) "Appeal" means an opportunity to discuss or contest a final administrative decision consistent with and expressly limited to the procedures of this rule.

(2) "Appeals Committee" means a committee comprised of:

(a) the Carson Smith Scholarship coordinator;

(b) the Board's Special Education Director;

(c) one individual appointed by the Superintendent; and

(d) two Board-designated special education advocates.

(3) "Assessment" means a formal testing procedure carried out under prescribed and uniform conditions that measures a student's academic progress, consistent with Subsection 53F-4-303(1)(f).

(4) "Assessment team" means the individuals designated under Subsection 53F-4-301(1).

(5) "Days" means school days unless specifically designated otherwise in this rule.

(6) "Eligible student" means an existing scholarship recipient who meets the qualifications described in Section 53F-4-302.

(7) "Enrollment" means that:

(a) the student has completed the school enrollment process;

(b) the school maintains required student enrollment information and documentation of age eligibility;

(c) the student is scheduled to receive services at the school;

(d) the student attends regularly; and

(e) the school has accepted the student consistent with Rule R277-419 and the student's IEP.

(8) "Private school that has previously served a student with a disability" means an approved Carson Smith school that:

(a) has enrolled a student within the last three years under the Carson Smith Scholarship program;

(b) has enrolled a student within the last three years who has received special education services under an Individual Services Plan (ISP) from an LEA where the school is geographically located; or

(c) can provide other evidence to the Board that is determinative of having enrolled a student with a disability within the last three years.

(9) "Warrant" means payment by check to a private school.

R277-602-3. Parent Responsibilities and Payment Provisions.

(1)(a) The Superintendent shall make a scholarship payment in accordance with Section 53F-4-304 and this rule.

(b) The Superintendent may distribute a scholarship payment to a private school through electronic transfer after the Superintendent is able to verify the scholarship student's attendance at the private school through a Board provided software application.

(2)(a) A parent shall notify the Board in writing within five days if the student does not continue in enrollment in an eligible private school for any reason, including:

(i) parent or student choice;

(ii) suspension or expulsion of the student; or

(iii) the student has unexcused absences during the prior ten consecutive school days.

(b) In accordance with Subsection 53F-4-304(4), if a student does not continue in enrollment, the Superintendent may:

(i) modify the payment to the private school; or

(ii) if payment has already been made for that quarter, request reimbursement from the private school for an amount equal to the portion of the scholarship attributable to the number of remaining days in the quarter.

(3) If a student discontinues enrollment, the student is no longer eligible to receive a scholarship under the Carson Smith program.

(4) A parent shall cooperate and respond within 10 days to an enrollment cross-checking request from the Superintendent.

(5) A parent shall notify the Superintendent in writing by May 1 annually to indicate the student's continued enrollment.

R277-602-4. LEA Responsibilities.

(1) An LEA that receives a request for evaluation for continued Carson Smith program eligibility shall provide personnel to participate on an assessment team to:

(a) make the determination described in Section 53F-4-302; or

(b) determine whether a student who previously received a Carson Smith Scholarship is entitled to receive the scholarship during the subsequent eligibility period.

(2) A Carson Smith Scholarship student may not participate in an extracurricular or co-curricular activity at an LEA, consistent with the parent's assumption of full responsibility for a student's services under Subsection 53F-4-302(5).

(3) In accordance Subsection 53F-4-302(8), a Carson Smith Scholarship student may participate in the Statewide Online Education Program described in Part 5, Statewide Online Education Program in the same manner as other private school students as described in Section 53F-4-507.

(4) A Carson Smith Scholarship student is eligible to receive equitable services under the Individuals with Disabilities Education Act.

(5) An LEA shall cooperate with the Superintendent in cross-checking Carson Smith Scholarship student enrollment information to ensure scholarship payments are not erroneously made.

(6) An LEA shall provide written notice to a parent of a student who has an IEP of the availability of a scholarship to attend a private school in accordance with Subsection 53F-4-302(10).

(7) As set forth in Subsection 53F-4-302(11), after the 2023-24 school year, neither an LEA, nor the Superintendent may accept a new application for Carson Smith program participation.

R277-602-5. State Board of Education Responsibilities.

(1) The Superintendent may:

(a) provide reasonable timelines for satisfaction of private school requirements;

(b) issue letters of warning;

(c) require the school to take corrective action within a time frame set by the Superintendent;

(d) suspend the school from the program consistent with Section 53F-4-306;

(e) establish an appropriate penalty for a private school that fails to comply with requirements described in Title 53F, Chapter 4, Part 3, Carson Smith Scholarships for Students with Special Needs, including:

(i) providing an affidavit under Section 53F-4-306;

(ii) administering assessments or reporting an assessment to a parent or assessment team under Subsection 53F-4-303(1)(f);

(iii) employing teachers with credentials required under Subsection 53F-4-303(g);

(iv) providing to a parent relevant credentials of teachers under Subsection 53F4-303(i); or

(v) requiring a completed criminal background and ongoing monitoring under Title 53G, Chapter 11, Part 4, Background Checks and take appropriate action consistent with information received; or

(f) initiate a complaint and hold an administrative hearing, as appropriate, and consistent with this rule.

(2) The Superintendent shall make a list of eligible private schools updated annually and available no later than June 1 of each year.

(3) On or before July 1, the Superintendent shall annually publish information regarding the level of funding available for scholarships for the fiscal year.

(4) The Superintendent may mail a scholarship payment directly to a private school in accordance with Subsection 53F-4-304(8) as soon as reasonably possible.

R277-602-6. Responsibilities of Private Schools that Receive Carson Smith Scholarships.

(1) To be eligible to enroll a scholarship student, a private school shall meet the criteria described in Section 53F-4-303.

(2) A private school shall annually:

(a) obtain an audit and report from a licensed independent certified public accountant that conforms with the following requirements:

(i) the audit shall be performed in accordance with generally accepted auditing standards;

(ii) the financial statements shall be presented in accordance with generally accepted accounting principles; and

(iii) the audited financial statements shall be as of a period within the last 12 months; or

(b) contract with an independent licensed certified public accountant to conduct an agreed upon procedures engagement described in Subsection (4);

(3) The Superintendent shall annually publish:

(a) an agreed upon procedures document for a new private school to apply for eligibility to accept Carson Smith Scholarship students; and

(b) an agreed upon procedures document for a continuing private school to apply for continued eligibility to accept Carson Smith Scholarship students.

(4) A private school that seeks to enroll Carson Smith Scholarship students shall submit an agreed upon procedures document described in Subsection (3):

(a) for a new private school seeking eligibility to accept Carson Smith Scholarship students for the first time, by the May 1 prior to the fiscal year that the private school is seeking eligibility; and

(b) for a school seeking continued eligibility to accept Carson Smith Scholarship students, by the November 30 prior to the school year in which they are reapplying.

(5)(a) A private school who receives notification of pending eligibility shall schedule a meeting at a time and location mutually acceptable to the private school, the applicant parent, and participating public school personnel.

(b)(i) A private school and public school shall confidentially maintain documentation regarding an assessment team meeting, including documentation of:

(A) a meeting for a student denied a scholarship or service; and

(B) a student admitted into a private school and the student's level of service.

(ii) Upon request by the Superintendent, a private school and public school shall provide the documentation described in Subsection (3)(c)(i) to the Superintendent for purposes of determining student scholarship eligibility or for verification of compliance.

(6) A private school that receives a scholarship payment shall provide complete student records in a timely manner to another private school or a public school that requests student records if a parent transfers a student under Subsection 53F-4-302(7).

(7) A private school shall notify the Board within five days if the student does not continue in enrollment in an eligible private school for any reason, including:

(a) parent or student choice;

(b) suspension or expulsion of the student; or

(c) the student has unexcused absences during the prior ten consecutive school days.

(8) A private school shall satisfy health and safety laws and codes required by Subsection 53F-4-303(1)(d), including:

(a) the adoption of emergency preparedness response plans that include training for school personnel and parent notification for fire drills, natural disasters, and school safety emergencies; and

(b) compliance with Rule R392-200, Design, Construction, Operation, Sanitation, and Safety of Schools.

(9)(a) An approved eligible private school that changes ownership shall submit a new application for eligibility to receive a Carson Smith Scholarship payment from the Superintendent:

(i) that demonstrates that the school continues to meet the eligibility requirements of Section 53F-4-303 and this rule; and

(ii) within 60 calendar days of the date that an agreement is signed between previous owner and new owner.

(b) If the Superintendent does not receive the application within the time described in Subsection (7)(a)(ii):

(i) the new owner of the school is presumed ineligible to receive continued Carson Smith Scholarship payments from the Superintendent;

(ii) at the discretion of the Board, the Superintendent may reclaim any payments made to a school within the previous 60 calendar days; and

(iii) the private school shall submit a new application for eligibility to enroll Carson Smith Scholarship students consistent with the requirements and timelines of this rule.

R277-602-7. Carson Smith Scholarship Appeals.

(1)(a) A parent of an eligible student or a parent of a prospective eligible student may appeal only the following actions under this rule:

(i) an alleged violation by the Superintendent of Sections 53F-4-301 through 53F-4-308 or this rule; or

(ii) an alleged violation by the Superintendent of a required timeline.

(b) An appellant has no right to additional elements of due process beyond the specific provisions of this rule.

(2) The Appeals Committee may not grant an appeal contrary to Sections 53F-4-301 through 53F-4-308.

(3) A parent shall submit an appeal:

(a) in writing to the Board's Carson Smith Scholarship Coordinator at: Utah State Board of Education, 250 East 500 South, P.O. Box 144200, Salt Lake City, UT 84114-4200; and

(b) within 15 calendar days of written notification of the final administrative action described in Subsection (1)(a).

(4)(a) The appeal opportunity does not include an investigation required under or similar to an IDEA state complaint investigation.

(b) Nothing in the appeals process established under this rule shall be construed to limit, replace, or adversely affect parental appeal rights available under IDEA.

(5) The Appeals Committee shall:

(a) consider an appeal within 15 calendar days of receipt of the written appeal;

(b) transmit the decision to a parent no more than ten calendar days following consideration by the Appeals Committee; and

(c) finalize an appeal as expeditiously as possible in the joint interest of schools and students involved.

(6) The Appeals Committee's decision is a final administrative action.

KEY: special needs students, scholarships

Date of Last Change: July 9, 2024

Notice of Continuation: April 15, 2025

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

R277. Education, Administration.

R277-604. Private School, Home School, Scholarship, and Bureau of Indian Education (BIE) Student Participation in Public School Achievement Tests.

R277-604-1. 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) Section 53E-3-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53E-4-302, which directs the Board to require LEAs to administer statewide assessments to uniformly measure student performance.

(2) The purpose of this rule is:

(a) to provide opportunities for Utah private school students and home school students who are Utah residents, scholarships students, and Utah students attending Bureau of Indian Education or "BIE" schools to participate in statewide assessments;

(b) to maintain the integrity and security of statewide assessments and Utah's accountability system;

(c) to provide an orderly and manageable administrative process for public schools to include Utah private school students and home school students who are Utah residents, scholarships students, and Utah students attending BIE schools to participate in statewide assessments if they so desire; and

(d) to protect the public investment in statewide assessments and Utah's accountability system by making assessments available to students who are not funded by the public education system or through certain state funded scholarship programs through fair, reasonable, and consistent practices.

R277-604-2. Definitions.

(1) "Eligible school" means an eligible school that Utah Fits All Scholarship Program Manager approves in accordance with Section 53F-6-408.

(2) "Home school student" means a student who has been excused from compulsory education and for whom documentation has been completed under Section 53G-6-204.

(3) "Private school" means a school that is not a public school but:

(a) has a current business license through the Utah Department of Commerce;

(b) is accredited as described in Rule R277-410; and

(c) has and makes available a written policy for maintaining and securing student records.

(4) "Qualifying school" means a qualifying school participating in the Special Needs Opportunity Scholarship Program as defined in Section 53E-7-401.

(5) "Scholarship student" means the same as that term is defined in:

(a) Section 53F-6-401; or

(b) Section 53E-7-401.

(6) "Statewide assessment" means:

(a) the same as that term is defined in Section 53E-4-301;

(b) the statewide English Language proficiency assessment; and

(c) the benchmark assessment of a student in grades 1 through 3 to measure competency.

R277-604-3. Private Schools, Eligible Schools and Qualifying Schools.

(1) Private school and scholarship students who are Utah residents, as defined under Section 53G-6-302, may participate in statewide assessments.

(2) Private school students who are not Utah residents may participate in statewide assessments only by payment in advance of the full cost of administering individual assessments to the LEA as determined by local school board policy.

(3)(a) If a private school, eligible school, or qualifying school is interested in participating in statewide assessments, an LEA may allow the private school, eligible school, or qualifying school to participate with the LEA's students.

(b) An LEA may determine at which public schools within the LEA private school or scholarship students may take statewide assessments.

(c) A private school, eligible school, or qualifying school may request the following from the LEA with whom the private school, eligible school, or qualifying school is testing its students:

(i) an annual schedule of statewide assessment dates;

(ii) the locations at which private school students may be tested; and

(iii) policies for private school student participation.

(4) An LEA shall develop a policy regarding private school and scholarship student participation in statewide assessments, which shall include:

(a) reasonable costs for the participation of Utah private school or scholarship students in statewide assessments to be paid in advance by either the student or the student's private school, eligible school, or qualifying school;

(b) an explanation of reasonable costs including costs for administration materials, scoring, and reporting of assessment results;

(c) notice to private school, eligible school, or qualifying school administrators of any required private school, eligible school, or qualifying school administrator participation in monitoring or proctoring of tests;

(d) reasonable timelines for private school requests for participation and LEA response; and

(e) except as provided in Subsection (5), shall prohibit the release or sharing of student results to any entity other than the private school, eligible school, qualifying school, program manager, the scholarship student, or the scholarship student's parent.

(5) If a private school student or scholarship student is partially enrolled in a public school, the public school may also receive the student results described in Subsection (4)(e).

R277-604-4. Home School Students.

(1) A home school student who is a Utah resident, as defined under Section 53G-6-302, may participate in statewide assessments as provided in this rule.

(2) A home school student may participate in statewide assessments only if the student has satisfied the home schooling requirements of Section 53G-6-204.

(3) A home school student who desires to participate in statewide assessments may participate in an LEA convenient to the student's circumstances.

(4) A home school student or parent may request the following from the LEA in which the home school student is participating in statewide assessments:

(a) an annual schedule of statewide assessments dates;

(b) the locations at which home school students may be tested; and

(c) policies for home school student participation.

(5) An LEA shall develop a policy regarding home school student participation in statewide assessments, which:

(a) may not require a home school student to pay a fee that is not charged to traditional students;

(b) shall include notice to home school students or parents of any required parent or adult participation; and

(c) shall include reasonable timelines for home school requests for participation and LEA response.

R277-604-5. Bureau of Indian Education (BIE) Students.

(1) BIE schools may participate in all statewide assessments required for all Utah students.

(2) Materials and training shall be provided to BIE schools from the LEA in which the school is located on the schedule that applies to Utah school districts.

R277-604-6. Scholarship Students Not Enrolled in an Eligible School or Qualifying School.

(1) A scholarship student not enrolled in an eligible school, a qualifying school, or part time in an LEA, may participate in all statewide assessments required for all Utah students.

(2) A scholarship student who is not enrolled in an eligible school or qualifying school and desires to participate in statewide assessments may participate in an LEA convenient to the student's circumstances.

(3) A scholarship student who is not enrolled in an eligible school or qualifying school or the scholarship student's parent may request the following from the LEA in which the scholarship student is participating in statewide assessments:

(a) an annual schedule of statewide assessments dates;

(b) the locations at which scholarship students may be tested; and

(c) policies for scholarship student participation.

(4) An LEA shall develop a policy regarding participation in statewide assessments for scholarship students who are not enrolled in an eligible school or qualifying school, which:

(a) shall include notice of any required parent or adult participation;

(b) shall include reasonable timelines for scholarship student requests for participation and LEA response; and

(c) except as provided in Subsection (5), shall prohibit the release or sharing of student results to any entity other than the program manager, the scholarship student, or the scholarship student's parent.

(5) If a scholarship student who is not enrolled in an eligible school or qualifying school is partially enrolled in a public school, the public school may also receive the student results described in Subsection (4)(c).

R277-604-7. LEA Responsibilities.

An LEA shall comply with the following when administering statewide assessments to a private, home school, scholarship, or Bureau of Indian Educations' student:

(1) Rule R277-404; and

(2) the Standard Test Administration and Testing Ethics Policy described in Section R277-404-3.

KEY: home school, private school, participation, achievement tests

Date of Last Change: December 11, 2023

Notice of Continuation: April 21, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-4-302(1)(a)

R277. Education, Administration.

R277-605. Coaching Standards and Athletic Clinics.

R277-605-1. 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; and

(c) Subsection 53E-3-501(1)(b), which directs the Board to adopt rules regarding access to programs.

(2) The purpose of this rule is to specify standards for coaches and standards for extracurricular clinics and workshops.

R277-605-2. Definitions.

(1) "Approved provider" means:

(a) the American Heart Association;

(b) the American Red Cross;

(c) the American Safety and Health Institute;

(d) the National Safety Council; or

(e) another provider approved by the Superintendent.

(2) "Coach" means an individual who independently supervises students participating in an extracurricular activity on behalf of an LEA.

R277-605-3. Extracurricular Programs and the Core Curriculum.

High school competitive extracurricular programs shall be supplementary to the high school curriculum.

R277-605-4. Coaches and School Activity Leaders as Supervisors and Role Models.

(1) Coaches and other designated school leaders shall diligently supervise students at all times while on school-sponsored activities, including supervising students:

(a) on the field, court, or other competition or performance sites;

(b) in locker rooms, in seating areas, in eating establishments, and in lodging facilities; and

(c) while traveling.

(2) Coaches and designated school leaders are responsible for a student as long as a student remains on school grounds following a school-sponsored activity, subject to LEA policy, consistent with this rule.

(3) A coach or other designated school leader shall be an exemplary role model and may not use alcoholic beverages, tobacco, controlled substances, or participate in promiscuous sexual relationships while on school-sponsored activities.

(4) Coaches, assistants and advisors shall act in a manner consistent with Section 53G-8-209 and may not:

(a) use foul, abusive, or profane language while engaged in school related activities; or

(b) permit hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

R277-605-5. Athletic and Activity Clinics.

(1) School personnel, activity leaders, coaches, advisors, and other personnel may not require students to attend out-of-school camps, clinics, or workshops for which the personnel, activity leaders, coaches, or advisors receive remuneration from a source other than the school or district in which they are employed.

(2) Required or voluntary participation in summer or other off-season clinics, workshops, and leagues may not be used as eligibility criteria for team membership, participation in extracurricular activities, or for the opportunity to try out for school-sponsored programs.

R277-605-6. Training Requirements.

(1) An athletic coach shall maintain high-quality hands-on cardiopulminary resuscitation and first aid certification through an approved provider.

(2) An athletic coach shall annually receive training in responding to concussions and head injuries consistent with Subsection R277-614-4(3)(d).

(3) A coach shall complete child sexual abuse prevention training as described in Section 53G-9-207.

(4) A coach shall complete training on bullying, cyber-bullying, hazing, and retaliation consistent with Subsection R277-613-4(5).

(5) Each LEA shall maintain verification of its coaches' compliance with this section.

KEY: extracurricular activities

Date of Last Change: July 22, 2022

Notice of Continuation: July 7, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-501(1)(b)

R277. Education, Administration.

R277-606. Dropout Prevention and Recovery Services.

R277-606-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Section 53G-9-802, which requires the Board to develop rules to set policies related to a dropout prevention and recovery services.

(2) The purpose of this rule is to:

(a) develop policies related to an LEA's dropout prevention and recovery services; and

(b) set reporting requirements for LEAs with a dropout prevention and recovery services.

(3) This Rule R277-606 is categorized as Category 2 as described in Rule R277-111.

R277-606-2. Definitions.

For purposes of this rule:

(1) "Average daily membership" means the same as that term is defined in Section 53F-2-102.

(2) "Cohort" means the same as that term is defined in Section 53G-9-801.

(3) "Designated student" means a student:

(a)(i) who has withdrawn from a secondary school before earning a diploma;

(ii) who was dropped from average daily membership; and

(iii) whose cohort has not yet graduated; or

(b) who is at risk of meeting the criteria described in Subsection (5)(a), as determined by the student's LEA, using the risk factors described in Subsection (5).

(4) "LEA" means the same as that term is defined in Section 53G-9-801.

(5) "Risk factors" means:

(a) low academic performance, as measured by grades, test scores, or course failure;

(b) poor behavior, as measured by office disciplinary referrals, suspensions, or expulsions; and

(c) absenteeism, whether excused or unexcused absences, and including days tardy and truant.

(6) "Third party" means the same as that term is defined in Section 53G-9-801.

R277-606-3. LEA Dropout Prevention and Recovery Services.

An LEA that serves students in grades 9, 10, 11, or 12 shall provide dropout prevention and recovery services for a designated student with the dropout prevention and recovery services described in Sections 53G-9-802 and 53G-9-803.

R277-606-4. Reporting Requirements and Audits.

(1) An LEA shall submit an annual report to the Superintendent on the LEA's dropout prevention and recovery services by October 30.

(a) An LEA shall submit the report using a survey provided by the Superintendent.

(2) The Superintendent shall:

(a) review LEA reports described in Subsection (1);

(b) by December 15 each year, determine whether an LEA meets the conditions described in Subsection 53G-9-802(3);

(c) except as provided in Subsection 53G-9-802(5), ensure that an LEA identified under Subsection (4)(b) provides dropout prevention and recovery services as required under Subsection 53G-9-802(1), and implements such services through:

(i) a contract with a third party provider as required in Subsection 53G-9-802(6); or

(ii) an evidence-based or evidence-informed plan consistent with Subsection 53G-9-802(4) and Section 53G-11-303;

(d) require an LEA identified under Subsection (4)(b) to notify the Superintendent of the method by which the LEA will implement dropout prevention and recovery services under Subsection (4)(c), no later than January 15;

(e) administer responsibilities delegated by the board pursuant to Section 53G-9-804.

(3)(a) An LEA shall maintain documentation to comply with the requirements of Section 53G-9-802 and this rule.

(b) The Board or the Superintendent may request an audit of an LEA's dropout prevention and recovery services.

KEY: dropout, prevention and recovery, pupil accounting

Date of Last Change: October 8, 2025

Notice of Continuation: April 15, 2025

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-4-401(4); 53G-9-802

R277. Education, Administration.

R277-607. Absenteeism and Truancy Prevention.

R277-607-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Section 53G-6-206, which:

(i) describes the duties of an LEA governing board in making efforts in promoting regular attendance and resolving school absenteeism and truancy issues for each school-age child who is, or should be, enrolled in the LEA;

(ii) does not impose civil liability on the Board and LEA governing board or their employees; and

(iii) requires each LEA to annually report data on absences with or without a valid excuse to the state board.

(d) Section 53G-9-804, which requires the Board to make rules requiring LEAs to enact chronic absenteeism prevention and intervention policies.

(2) The purpose of this rule is to direct an LEA to create a policy, which:

(a) defines attendance expectations;

(b) provides interventions and resources;

(c) delineates consequences consistent with state law; and

(d) provides an appeals process.

(3) An LEA described in Subsection 53G-9-802(5) is exempt from providing dropout recovery services as described in Subsection 53G-9-802(3).

(4) This Rule R277-607 is categorized as Category 2 as described in Rule R277-111.

R277-607-2. Definitions.

(1)(a) "Absence" or "absent" means the failure of a school-age child assigned to a class or class period to attend at least half of the class or class period as defined by the LEA.

(b) "Absence or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy.

(2) "Chronic absenteeism" means a student misses 10% or more of days enrolled, for any reason, and makes a school aware that a beginning of tiered supports may be needed.

(3) "Habitual truancy" means the same as defined in 53G-8-211, a school-age child who:

(i) is in grade 7 or above, unless the school-age child is less than 12 years old;

(ii) is subject to the requirements of Section 53G-6-202; and

(iii)(A) is truant at least 20 days during one school year; or

(B) fails to cooperate with efforts on the part of school authorities to resolve the school-age child's attendance problem as required under Section 53G-6-206.

(4) "Intervention" means the same as the term is defined in Subsection 53G-6-206(1).

(5) "Notice of compulsory education" is a notice of violation to the parents of students in grades 1-6 consistent with Section 53G-6-202.

(6) "Notice of truancy" is a citation issued to students and parents of students in grades 7-12 consistent with Section 53G-6-203.

(7) "Truancy means a condition in which a school-age child is absent without a valid excuse, for at least:

(a) half of the school day; or

(b) if the school-age child is enrolled in a learner verified program, as that term is defined by the Board, the relevant amount of time under the LEA's policy regarding the LEA's continuing enrollment measure as it relates to truancy.

(c) a school-age child may not be considered truant under this part more than one time during the same day.

(8)(a) "Valid excuse" means:

(i) Any reason made pursuant to Section 53G-10-205.

(ii) an illness, which may be either mental or physical, regardless of whether the school-age child or parent provides documentation from a medical professional;

(iii) behavioral health of the school-age child;

(iv) a family death;

(v) an approved school activity or suspension;

(vi) an absence permitted by a school-age child's:

(A) individualized education plan; or

(B) section 504 accommodation plan;

(vii) an absence permitted in accordance with Subsection 53G-6-803(5); or

(viii) any other excuse established as valid by a local school, charter school governing board, or school district.

(b) "Valid excuse" does not mean a parent acknowledgement of an absence for a reason other than a reason described in Subsections (8)(a)(i) through (vii), unless specifically permitted by the local school board, charter school governing board, or school district under Subsection (13)(a)(vii).

R277-607-3. Promotion of Regular Attendance.

(1) An LEA governing board:

(a) shall create and review an LEA attendance policy that:

(i) outlines attendance expectations with language and definitions consistent with Title 53G, Chapter 6, Part 2, Compulsory Education;

(ii) provides for school level procedure making; and

(iii) provides an appeals process to contest:

(A) a notice of truancy;

(B) a notice of compulsory education; or

(C) any disciplinary actions taken against a student pursuant to an LEA's attendance policy;

(b) shall publicize the LEA's attendance policy and appeals process through:

(i) LEA and school websites;

(ii) handbooks;

(iii) letters to parents; and

(iv) other reasonable means of communication;

(c) shall support institutional efforts to promote regular attendance and address chronic absenteeism and truancy issues for school-age children enrolled in the LEA, in accordance with Subsection 53G-6-206(3) and Section 53G-9-804; and

(d) may enlist the assistance of community agencies and organizations for early intervention and habitual truancy services, in accordance with Section 53G-8-211.

(2) An LEA shall annually report the following data separately to the Superintendent:

(a) absences with a valid excuse; and

(b) absences without a valid excuse.

KEY: compulsory education, truancy, absenteeism, chronic absenteeism

Date of Last Change: March 10, 2025

Notice of Continuation: June 4, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-6-206; 53G-9-804

R277. Education, Administration.

R277-608. Emergency Safety Interventions and Prohibition of Corporal Punishment.

R277-608-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Sections 53G-8-301 through 53G-8-305, which describes the instances when school employees may use reasonable and necessary physical restraint and prohibits the infliction of corporal punishment on a student in educational settings.

(2) The purpose of this rule is to:

(a) direct LEAs to have policies in place that prohibit corporal punishment consistent with the law; and

(b) outline the required provision of an LEA's written policy regarding the development, implementation, and monitoring of emergency safety interventions in all schools and for all students within each LEA's jurisdiction.

(3) This Rule R277-608 is categorized as Category 2 as described in Rule R277-111.

R277-608-2. Definitions.

(1)(a) "Chemical restraint" means the use of medication administered to a student, including medications prescribed by the student's physician or other qualified health professional, on an as-needed basis for the sole purpose of involuntarily limiting the student's freedom of movement.

(b) Chemical restraints are prohibited by the Board.

(2) "Comprehensive Emergency Safety Intervention Training" means a training required for key identified school personnel that has the components described in Subsection R277-608-4(2).

(3) "Corporal punishment" means the same as defined in Section 53G-8-301.

(4) "Emergency safety intervention" or "ESI" means the use of seclusionary time out or physical restraint when a student presents an immediate danger to self or others. An emergency safety intervention is not used for disciplinary purposes.

(5) "Emergency safety intervention committee" or "ESI committee" means an emergency safety intervention committee as described in Section R277-608-6.

(6) "Functional behavior assessment" or "FBA" is a systematic process used to understand the function and purpose of a student's specific, interfering behavior and factors that contribute to the behavior's occurrence and nonoccurrence for developing effective positive behavioral interventions, supports, and other strategies to mitigate or eliminate the interfering behavior.

(7) "Foundational Behavior Support Training" means a training required for all school employees who supervise students, or may be asked to assist in managing a student's behavior that has the components described in Subsection R277-608-4(1).

(8) "Immediate danger" means the imminent risk of physical violence toward self or others or other behaviors which are likely to cause substantial bodily injury or serious bodily injury.

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

(10)(a) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement.

(b) Mechanical restraints are prohibited except for protective and stabilizing restraints as prescribed by an appropriate medical or related services professional, restraints required by law, including seatbelts or any other safety equipment when used to secure students during transportation, and any device used by a law enforcement officer in carrying out law enforcement duties.

(11) "Physical escort" has the same meaning as defined in Section 53G-8-301.

(12) "Physical restraint" has the same meaning as defined in Section 53G-8-301.

(13) "School employee" means the same as defined in Rule R277-609.

(14) "Seclusionary time out" means that a student is:

(a) placed in a safe enclosed area by a school employee in accordance with the requirements of Rules R392-200 and R710-4;

(b) purposefully isolated from adults and peers; and

(c) prevented from leaving, or reasonably believes that the student will be prevented from leaving, the enclosed area.

(15) "Serious bodily injury" has the same meaning as defined in Subsection 76-1-101.5-1(17).

(16) "Substantial bodily injury" has the same meaning as defined in Subsection 76-1-101.5-1(18).

R277-608-3. LEA Policies and Procedures for the Use of Emergency Safety Interventions.

(1) Policies established by LEAs for the use of ESI for all students shall include:

(a) a statement that:

(i) key identified school employees may use reasonable and necessary physical restraint in self-defense or when otherwise appropriate to the circumstances outlined in Subsection 53G-8-302(2);

(ii) an ESI may not be used in place of appropriate less restrictive interventions;

(iii) nothing shall prohibit a school employee from using less intrusive means including physical escort, to address circumstances described in Subsection 53G-8-302(2);

(b) a definition of a key identified school employee for whom the ongoing comprehensive ESI training outlined in Subsection R277-608-4(2) will be provided;

(c) procedures to be followed when using ESI, including:

(i) continual observation as described in Subsection R277-608-5(12)(d);

(ii) release criteria;

(iii) documentation;

(iv) notification to administration outlined in Section R277-608-5;

(v) notification to a student's parent consistent with in Section R277-608-5;

(vi) debrief;

(vii) reporting; and

(viii) post-ESI assessment and monitoring of students;

(2) An LEA ESI policy shall include whether the LEA allows individual schools to designate an enclosed area for the sole purpose of seclusionary time out.

(a) if an LEA allows individual schools to designate an enclosed area for the sole purpose of seclusionary time out, the policy shall additionally outline:

(i) requirements and prohibitions for the designated enclosed area in accordance with Rules R392-200 and R710-4; and

(ii) a written procedure outlining the approval process including:

(A) requirements that a school proposing to designate an enclosed area include in their proposal a written description outlining the data and reasoning for designating an enclosed area;

(B) approval by the LEA governing board in consultation with the LEA's ESI committee; and

(C) requirements around a written notification provided to parents within the school community before the designation of an enclosed area.

(3) Policies and procedures for the use of an ESI for a student should be consistent with evidence- and research-based practices including the prohibition of:

(a) Physical restraint, subject to the requirements of Section R277-608-5, except when the physical restraint is allowed as described in Subsection 53G-8-302(2);

(b) prone, or face-down, physical restraint;

(c) supine, or face-up, physical restraint;

(d) physical restraint that obstructs the airway of a student or adversely affects a student's primary mode of communication;

(e) mechanical restraint, except as consistent with Section R277-608-2;

(f) chemical restraint, except as consistent with Section R277-608-2;

(g) seclusionary time out, subject to the requirements of Section R277-608-5, except when a student presents an immediate danger of serious physical harm to self or others;

(h) for a student with a disability, ESIs written into a student's individualized education plan (IEP), as a planned intervention, unless:

(i) school personnel, the family, and the IEP team agree less restrictive means have been attempted;

(ii) a FBA has been conducted; and

(iii) a positive behavior intervention, based on data analysis has been written into the plan and implemented; and

(j) other dangerous practices as defined by the LEA, including dangerous practices outlined in the Least Restrictive Behavioral Interventions (LRBI) Technical Assistance manual incorporated by reference in Section R277-609-3.

(4) An LEA shall have in place, as part of its LEA special education policies, procedures, and practices, criteria, and steps for using ESI with students with disabilities consistent with state and federal law.

R277-608-4. Emergency Safety Interventions (ESI) Training Requirements.

(1) Beginning with the 2025-2026 school year, all school employees who supervise students, or who may be asked to assist in managing a student's behavior, shall receive foundational behavior support training, which shall include:

(a) behavioral or emotional crisis management including de-escalation strategies consistent with the (LRBI) manual incorporated by reference into Section R277-609-3; and

(b) LEA policies related to ESI.

(2) The foundational behavior support training, described in Subsection R277-608-4(1), must be completed within two months or 30 days if working directly with a student with disabilities, of employment and bi-annually, thereafter.

(3) Key identified school employees shall receive comprehensive ESI training in addition to the foundational behavior support training.

(4) The Comprehensive ESI training shall include:

(a) the appropriate, safe, and effective use of ESI; and

(b) documentation of ESI.

(5) The comprehensive ESI training shall be completed before a school employee is authorized to use an ESI with a student and annually, thereafter.

R277-608-5. Implementation of Physical Restraint and Seclusionary Time Out.

(1) Physical restraint may only be used when a student presents an immediate danger to self or others and when no other safe or effective intervention is available.

(2) A school employee may not use physical restraint as a means of discipline or punishment.

(3) When used consistently with the LEA policy under Section R277-608-3:

(a) a physical restraint must be immediately terminated when:

(i) A student is no longer an immediate danger to self or others; or

(ii) A student is in severe distress; and

(b) the use of physical restraint shall be for the minimum time necessary to ensure safety, as reasonably understood by the school employee, and a release criteria, as outlined in LEA policies, must be implemented.

(4) A school employee may not use physical restraint on a student for more than the shortest of the following before stopping, releasing, and reassessing the intervention used:

(a) the amount of time described in the LEA's ESI training program;

(b) 30 minutes; or

(c) when law enforcement arrives.

(5) If a school employee physically restrains a student, the school or the school employee shall provide notice as soon as reasonably possible and before the student leaves the school to:

(a) the student's parent; and

(b) school administration.

(6) In addition to the notice described in Subsection (5), if the use of physical restraint occurs more than 15 minutes, the school shall immediately provide notification to:

(a) the student's parent; and

(b) school administration.

(7) If a school employee physically restrains a student, the school or the school employee shall provide documentation of the physical restraint to the LEA's ESI committee described in Section R277-608-6, and the student's parent.

(8) A notice described in Subsections (5) and (6) shall be documented within the student information systems (SIS) records.

(9) Seclusionary time out may only be used when a student presents an immediate danger to self or others and when no other safe or effective intervention is available.

(10) A school employee may not use seclusionary time out as a means of discipline or punishment.

(11) A school employee may not place a student in a seclusionary time out for more than 30 minutes.

(12) If a school employee uses seclusionary timeout, the school employee shall:

(a) use the minimum time necessary to ensure safety, as reasonably understood by the school employee ;

(b) use release criteria outlined in LEA policies;

(c) ensure that any door remains unlocked consistent with the fire and public safety requirements described in Rules R392-200 and R710-4;

(d) ensure the student is observed at all times by personnel who have received the comprehensive ESI training; and

(e) have used other less restrictive interventions before the use of seclusionary time out.

(13) If a student is placed in seclusionary time out, the school or the school employee shall provide notice as soon as reasonably possible and before the student leaves the school to:

(a) the student's parent; and

(b) school administration.

(14) In addition to the notice described in Subsection (13), if a school employee places a student in seclusionary time out for more than 15 minutes, the school employee shall immediately provide notice to:

(a) the student's parent; and

(b) school administration.

(15) If a student is placed in seclusionary time out, the school employee shall provide documentation of the physical restraint to the LEA's ESI committee described in Section R277-608-6.

(16) A notice described in Subsections (13) and (14) shall be documented within the student information systems (SIS) records.

(17) If a school employee uses any ESI, a school shall provide a parent with a copy of any notes or additional documentation, including a description of the physical space in which the seclusionary time out occurred or the type of physical restraint that was used, taken during the use of the ESI upon request of the student's parent.

(18) Within 48 hours of the school using an ESI with a student, a school shall provide notice to a parent that the parent may request a copy of any notes or additional documentation taken during the use of the ESI.

(19) A parent may request a time to meet with school staff and administration to discuss the use of an ESI.

R277-608-6. LEA Emergency Safety Intervention (ESI) Committee.

(1) An LEA shall establish an ESI Committee.

(2) An LEA's ESI Committee shall:

(a) include:

(i) at least one administrator;

(ii) at least one licensed educational professional with behavior support training and knowledge in both state law and LEA discipline policies related to ESIs;

(iii) at least one parent or guardian of a student enrolled in the LEA, appointed by the LEA; and

(iv) at least one other licensed educator;

(b) meet often enough to monitor the use of ESI in the LEA;

(c) determine and recommend professional learning needs;

(d) shall develop policies for processes to resolve concerns regarding the use of ESIs; and

(e) ensure that each emergency incident where a school employee uses an ESI is documented in the LEA's student information system and reported to the Superintendent.

R277-608-7. LEA Prohibition of Corporal Punishment Policy.

An LEA policy shall include:

(1) a prohibition of corporal punishment consistent with the law;

(2) criteria and procedures for using appropriate behavior reduction intervention in accordance with federal and state law;

(3) appropriate sanctions for LEA employees who use corporal punishment; and

(4) appeal procedures for LEA employees disciplined for a violation of the LEA's policy.

R277-608-8. LEA Reporting.

(1) An LEA shall have procedures for the collection, maintenance, and periodic review of documents or records of the use of ESIs at schools within the LEA.

(2) An LEA shall provide documentation of any school, program, or LEA's use of ESI to the Superintendent annually.

R277-608-9. Superintendent Responsibilities.

(1) The Superintendent shall define the procedures for the collection, maintenance, and review of records described in Subsection R277-609-8(1).

(2) The Superintendent shall periodically review:

(a) All ESI data submitted to the Superintendent;

(b) All LEA special education behavior intervention, procedures, and policies; and

(c) ESI data as related to students with disabilities who are eligible or being evaluated for special education services in accordance with Utah's Program Improvement and Planning System (UPIPS).

(3) The Superintendent shall provide technical assistance to LEAs in developing and implementing policies and training employees in the appropriate use of ESI to the extent of resources available.

KEY: emergency safety interventions, corporal punishment

Date of Last Change: March 10, 2025

Notice of Continuation: June 28, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-8-301 through 305

R277. Education, Administration.

R277-609. Standards for LEA Discipline Policy.

R277-609-1. Authority, Purpose, and Oversight Category.

(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) Subsection 53E-3-501(1)(b)(v), which requires the Board to establish rules concerning discipline and control;

(d) Section 53E-3-509, which requires the Board to adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction;

(e) Section 53G-8-702, which requires the Board to adopt rules regarding training programs for school principals; and

(f) Section 53G-8-202, which directs local school boards and charter school governing boards to adopt conduct and discipline policies and directs the Board to develop model policies to assist local school boards and charter school governing boards.

(2) The purpose of this rule is to outline requirements for an LEA's discipline policy and related plans.

(3) This Rule R277-609 is categorized as Category 2 as described in Rule R277-111.

R277-609-2. Definitions.

(1)(a) "Accountability Practice" means any evidence-based practice that increases academic outcomes, decreases behavior that disrupts the learning environment and holds students accountable for their actions by requiring them to take responsibility to repair harm and provide restitution when appropriate.

(b) Some practices include adapting instruction to increase engagement, behavior plans, and restorative practices.

(2) "Classroom management" means the use of planned strategies that:

(a) establish an organized and successful learning environment;

(b) promote academic excellence;

(c) teach behavioral, social, and emotional (BSE) skills to all students; and

(d) prevent a pattern of behavior that interferes substantially and materially with the instruction of other students in the classroom.

(3) "Discipline" means school discipline and refers to the rules and evidence-based strategies applied in school to manage student behavior.

(4) Discipline policy means one or more LEA policies that includes the provisions required by this Rule R277-609.

(5) "Electronic cigarette product" has the same meaning as that term is defined in Section 76-10-101.

(6) "Emergency safety intervention" or "ESI" means the same as described in Section R277-608-2.

(7) "Evidence-based" means the same as defined in Section 53G-8-211.

(8) "Expulsion" means a disciplinary removal from school for more than ten school days without an offer of alternative education service.

(9) "Harassment and discrimination free learning" means a learning environment in which a student is treated fairly regardless of the student's characteristics including race, color, religion, sex, national origin, or disability and in which a student's ability to participate in or benefit from the services, activities, or opportunities offered is not limited or interfered with by conduct that is physically threatening, harmful, or humiliating.

(10) "Incident" means the same as defined in Rule R277-613.

(11) "Infraction" means the same as defined in Rule R277-613.

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

(13) "LEA Plan" means a data-driven written process or procedure that outlines the implementation of strategies that positively impact student behavior throughout the LEA.

(14) "Positive behavior interventions and support" means an implementation framework for maximizing the selection and use of evidence-based prevention practices along a multi-tiered continuum that supports the academic, social, emotional, and behavioral competence of a student.

(15) "Program" means an instructional or behavioral program including:

(a) contracted services offered by private providers under the direct supervision of public school staff;

(b) a program that receives public funding; or

(c) a program for which the Board has regulatory authority.

(16) "Prohibited student behavior" for the purposes of this rule includes:

(a) the grounds for suspension or expulsion described in Section 53G-8-205 including disruption; and

(b) the conduct described in Subsection 53G-8-209(2)(b).

(17) "Qualifying minor" means a school-age minor who:

(a) is at least nine years old; or

(b) turns nine years old at any time during the school year.

(18) "Restorative justice program" means the same as that term is defined in Section 53G-8-211.

(19) "Restorative practice" means to help minors take responsibility for and repair harmful behavior that occurs within the school community.

(20) "School employee" means:

(a) a school teacher;

(b) a school staff member;

(c) a school administrator; or

(d) any other person employed, directly or indirectly, by an LEA.

(21) "Suspension" means the same as defined in Section R277-100-2 and as described in Section 53G-8-206.

R277-609-3. Actions Required to Create or Update an LEA Discipline Policy.

(1) An LEA or school shall develop and implement a board-approved LEA policy for school discipline.

(2) An LEA shall include administration, instruction and support staff, students, parents, community council, and other community members in policy development,

training, and prevention implementation to create a community sense of participation, ownership, support, and responsibility.

(3) An LEA shall include as part of the policy, a process for parental outreach and education regarding the policy and how it can provide a discrimination and harassment free environment, through strategies promoting positive engagement between staff, students, and parents.

(4) An LEA may incorporate Rule R277-609 into one or more of its LEA policies, ensuring that all disciplinary practices are consistent with the requirements established in this rule.

(5) An LEA shall develop uniform and equitable methods for a school level data-based evaluation of the efficiency and effectiveness of the policy on an annual basis.

(6) An LEA shall publish a notice to parents and school employees of the discipline policy by reasonable means.

R277-609-4. School Conduct and Discipline Policy.

(1) An LEA discipline policy shall include:

(a) provisions consistent with:

(i) the requirements of Section 53G-8-210;

(ii) the requirements of Subsection 53E-7-207(5);

(iii) the requirements of Rule R277-750, including:

(A) procedural safeguards;

(B) child find;

(C) IEP development, review, and revision; and

(D) discipline procedures requirements; and

(iv) the child find provisions in Section 504 of the Rehabilitation Act of 1973.

(b) grounds for suspension and expulsion consistent with Section 53G-8-205;

(c) alternatives to suspension and expulsion consistent with Section 53G-8-207;

(d) direction for schools to determine the range of prohibited behaviors and establish the continuum of administrative procedures that may be used by school personnel to address prohibited student behavior;

(e) parent responsibilities as described in Section 53G-8-208.

(f) federal legal requirements, including IDEA, Title IX, and the Americans with Disabilities Act;

(g) identification, by position, of an individual designated to issue notices of prohibited student behavior as described in Section 53G-8-210;

(h) identification of individuals who shall receive notices of prohibited student behavior as described in Section 53G-8-210;

(i) the parent notification requirements in Section 53G-8-210; and

(j) provide procedures for qualifying minors and their parents to participate in decisions regarding consequences for prohibited student behavior.

(k) provide due process procedures for minors and parents to contest allegations and citations of prohibited student behavior.

(2) An LEA discipline policy, shall include provisions that apply to the following specific incident and infractions types:

(a) the illicit use, possession, or distribution of:

(i) alcohol;

(ii) tobacco and nicotine products, including electronic cigarettes, as defined in Section 76-10-101; and

(iii) marijuana and controlled substances as defined in Section 58-37-2;

(b) specific conduct as described in Subsection 53G-8-209(2);

(c) provisions and procedures, consistent with requirements of Rule R277-613;

(d) gang prevention and intervention provisions in accordance with Subsection 53E-3-509(1);

(e) responses to defacement of school property consistent with Sections:

(i) 53G-8-212;

(ii) 76-6-101; and

(iii) 80-6-610.

(f) responses to attendance concerns as described in Rule R277-607; and

(g) serious offenses of sexual crimes as described in Sections:

(i) 53G-8-201;

(ii) 53G-8-203; and

(iii) 53G-8-213.

(3) An LEA discipline policy shall also include direction on the following available supportive or emergency responses:

(a) strategies that align with the LRBI manual incorporated in this rule;

(b) the appropriate use of accountability practices;

(c) the use of emergency safety interventions as outlined in Section R277-608-3 for all students consistent with evidence-based practices and Rule R277-608;

(d) the use of SafeUT as described in Section 53G-8-203;

(e) threat assessment as described in Rule R277-400; and

(f) additional provisions that account for an individual LEA's or school's unique needs or circumstances, including:

(i) the role of law enforcement; and

(ii) emergency medical services.

R277-609-5. LEA Responsibility to Implement Positive Behavior Interventions, Supports and Accountability Practices.

(1) An LEA shall implement positive behavior interventions, supports, and accountability practices as part of the LEA's continuum of behavior interventions strategies.

(2) LEA plans shall use:

(i) written standards for student behavior expectations, including schoolwide and classroom management;

(ii) effective instructional practices for teaching student expectations;

(iii) systematic methods for reinforcing expected behaviors;

(iv) uniform and equitable methods for correcting student behavior; and

(v) procedures for re-teaching behavior expectations followed by effective, evidence-based interventions matched to student needs before suspension or court referral;

(vi) procedures for referral for a student with a qualifying offense to alternative school-related interventions as described in Section 53G-8-211.

(3) An LEA shall provide an ongoing staff development program as described in Rule R277-608.

R277-609-6. LEA Reporting.

(1) An LEA shall develop a consistent process to collect incident, infraction, and discipline data, including the number of days of student suspensions and expulsions.

(2)(a) An LEA shall submit all required incident, infraction, and discipline data, including suspensions and expulsions consistent with Rule R277-484;

(b) An LEA shall submit any yearly and comprehensive updates no later than June 30th of each year.

R277-609-7. Incorporation by Reference of Least Restrictive Behavior Intervention Manual.

(1) This rule incorporates by reference the Least Restrictive Behavioral Intervention Manual May 2025 Edition.

(2) A copy of this document is located at:

(a) https://www.schools.utah.gov/administrativerules/documentsincorporated; and

(b) the offices of the Utah State Board of Education.

KEY: disciplinary actions, prohibited student behavior

Date of Last Change: August 7, 2025

Notice of Continuation: September 13, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-501(1)(b)(v); 53E-3-509; 53G-8-202; 53G-8-702; 53G-8-302

R277. Education, Administration.

R277-610. Released-Time Classes and Public Schools.

R277-610-1. 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) Subsection 53E-3-501 which directs the Board to adopt minimum standards for public schools; and

(c) Subsection 53E-3-401(4) which permits 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 specify standards and procedures for public schools regarding released-time classes.

R277-610-2. Definitions.

(1) "Non-entangling criteria" means neutral course instruction and standards that:

(a) are academic as opposed to devotional;

(b) promote awareness as opposed to acceptance of any religion;

(c) expose to as opposed to imposing a particular view;

(d) educate about religion; and

(e) inform but not seek to make students conform to any religion.

(2) "Released-time" means a period of time during the regular school day when a student attending a public school is excused from the school at the request of the student's parent.

R277-610-3. Interaction Between Public Schools and Released-Time Classes.

(1) A student may attend released-time classes during the regular school day only upon the written request of the student's parent or legal guardian.

(2) A public school may not maintain records of attendance for released-time classes or use school personnel or school resources to regulate such attendance.

(3)(a) A teacher of a released-time class is not a member of the public school faculty.

(b) A released-time teacher may participate in school activities as a community member.

(4) A public school teacher, administrator, or other official may not request teachers of released-time classes to exercise functions or assume responsibilities for the public school program which would result in a commingling of the activities of the school and the released-time class sponsor.

(5)(a) A public school class schedule or course catalog may not include a released-time class by name.

(b) At the convenience of the school, a registration form may contain a space for a released-time designation.

(6) A public school publication may not include pictures, reports, or records of released-time classes.

(7) Public school personnel may not participate in released-time classes during work hours.

(8) A released-time class may not use school resources or equipment.

R277-610-4. Additional Conditions for Religious Released-Time Programs.

(1) A religious class may not be held in school buildings or on school property in any way that permits public money or property to be applied to, or that requires public employees to become entangled with, any religious worship, exercise, or instruction.

(2) Religious released-time scheduling shall take place on forms and supplies furnished by the religious institution and by personnel employed or engaged by the institution and shall occur off public school premises.

(3)(a) A public school may not connect bells, telephones, computers or other devices between public school buildings and institutions offering religious instruction, except as a convenience to the public school in the operation of its own programs.

(b) When any connection of devices is permitted, the costs shall be borne by the respective institutions.

(4) Records of attendance at religious released-time classes, grades, marks, or other data may not be included in the correspondence or reports made by a public school to parents.

(5)(a) Institutions offering religious instruction are private programs or schools separate and apart from the public schools.

(b) Those relationships that are legitimately exercised between the public school and any private school are appropriate with institutions offering released-time classes, so long as public property, public funds, or other public resources are not used to aid such institutions.

(6) A public school may grant elective credit for religious released-time classes if the public school establishes neutral, non-entangling criteria with which to evaluate the released-time courses.

KEY: released-time classes

Date of Last Change: April 9, 2018

Notice of Continuation: January 17, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-3-501

R277. Education, Administration.

R277-612. Foreign Exchange Students.

R277-612-1. 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 53F-2-303(3)(b), which directs the Board to make rules to administer the cap on the number of foreign exchange students for purposes of apportioning state monies for the students; and

(c) 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) administer the cap on the number of foreign exchange students that may be counted by school districts and charter schools for state funding; and

(b) provide guidance to school districts and charter schools in working with exchange student agencies and accepting foreign exchange students to provide for safety and fairness to the exchange students and Utah public school students.

R277-612-2. Definitions.

(1) "Foreign exchange student" means a student sponsored by an agency approved by an LEA governing board, subject to the limitations of Subsection 53F-2-303(3).

R277-612-3. Foreign Exchange Student Cap.

(1) The Superintendent shall allocate funds to an LEA from a specific legislative appropriation designated annually to pay the costs of educating foreign exchange students who meet all criteria of the law.

(2) School districts and charter schools are encouraged to enroll foreign exchange students and report those enrollment numbers annually to the Superintendent in the October 1 Superintendents' Report.

(3) School districts and charter schools shall include in their report to the Superintendent only foreign exchange students that satisfy all requirements of Subsection 53G-6-707(7) and LEA policies.

(4) An LEA may enroll foreign exchange students who do not qualify for state monies and:

(a) pay the costs of the student with other LEA funds; or

(b) charge the student tuition.

(5) Nothing in this section shall prevent an LEA from enrolling a foreign exchange student in accordance with Subsection 53G-6-707(2).

R277-612-4. LEA Policy for Working with Foreign Exchange Student Agencies and Protecting Students.

(1) An LEA that enrolls foreign exchange students shall have a policy that includes:

(a) adherence to the requirements of Subsection 53G-6-707(7); and

(b) provisions which create a safe environment for foreign exchange students and school district/charter school students.

(2) Prior to accepting students through a foreign exchange student agency, each LEA shall require and maintain a sworn affidavit of compliance.

(3) A sworn affidavit of compliance shall include confirmation that the agency:

(a) is in compliance with all applicable policies of the LEA governing board;

(b) has completed a household study, including a background check consistent with Section 53G-6-707, of all adult residents of each household where foreign exchange students will reside;

(c) has reviewed the information revealed through the background checks required by Subsection (b) with an appropriate LEA official;

(d) has completed a background study to assure that the exchange student will receive proper care and supervision in a safe environment;

(e) has provided host parents with training appropriate to their positions, including information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who are in a position of special trust;

(f) will send a representative to visit each student's place of residence at least monthly during the student's stay in Utah;

(g) will cooperate with school and other public authorities to ensure that no exchange student becomes an unreasonable burden upon the public schools or other public agencies;

(h) will give each exchange student names and telephone numbers of agency representatives and others who could be called at any time if a serious problem occurs, in the exchange student's native language; and

(i) will provide alternate placements so that no student is required to remain in a household if conditions appear to exist which unreasonably endanger the student's welfare.

(4) An LEA that accepts foreign exchange students shall provide each approved foreign exchange student agency with a list of names and telephone numbers of individuals not associated with the agency who could be called by an exchange student in the event of a serious problem.

(5) A foreign exchange student agency shall provide a copy of a list in the student's native language provided by an LEA in accordance with Subsection (4) to each foreign exchange student.

KEY: foreign exchange students, enrollment

Date of Last Change: May 10, 2017

Notice of Continuation: March 12, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-2-303(3); 53E-3-401(4)

R277. Education, Administration.

R277-613. LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct.

R277-613-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) Section 53G-9-606, which directs the board to monitor LEA development and implementation of bullying and hazing policies;

(b) Section 53G-9-607, which directs the board to make rules that establish standards for high quality training related to bullying, cyber-bullying, hazing, and abusive conduct, and retaliation;

(c) Section 53E-3-501, which directs the Board to establish rules and minimum standards for the public schools governing discipline and control;

(d) Section 53G-8-209, which requires the Board, when making rules regarding student participation in co-curricular or extracurricular activities, to include:

(i) prohibitions against the use of foul, abusive, or profane language while in the classroom, on school property, or during a school sponsored activity; and

(ii) prohibitions against hazing, demeaning, or assaultive behavior, whether consensual or not;

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

(f) Subsection 53E-3-401(4)(a), 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) require LEAs to develop, update, and implement bullying, cyber-bullying, hazing, retaliation, and abusive conduct policies at the school district and school level;

(b) provide for regular and meaningful training of school employees and students;

(c) provide for enforcement of the policies in schools, at the state level and in public school athletic programs;

(d) require an LEA to review allegations of bullying, cyber-bullying, hazing, retaliation, and abusive conduct; and

(e) require an LEA to report bullying, cyber-bullying, hazing, and retaliation.

(3) This Rule R277-613 is categorized as Category 3 as described in Rule R277-111.

R277-613-2. Definitions.

(1) "Abusive conduct" means the same as that term is defined in Subsection 53G-9-601(1).

(2) "Action plan" means a process to address an incident of bullying, cyber-bullying, hazing, or retaliation.

(3) "Allegation" means a claim or assertion that someone has engaged in a reported incident that has not been verified by a formal process as described in Subsection (5).

(4) "Bullying" means the same as that term is defined in Subsection 53G-9-601(23).

(5) "Civil rights violation" means violations as outlined in the following federal laws:

(a) Title VI of the Civil Rights Act of 1964;

(b) Title IX of the Education Amendments of 1972;

(c) Section 504 of the Rehabilitation Act of 1973; or

(d) Title II of the Americans with Disabilities Act of 1990.

(6) "Cyber-bullying" means the same as that term is defined in Subsection 53G-9-601(4).

(7) "Hazing" means the same as that term is defined in Subsection 53G-9-601(5).

(8)(a) "Incident" means a verified incident as defined in Subsection 53G-9-601(7).

(b) A single incident may involve:

(i) one or more students to whom an incident is directed;

(ii) one or more students who instigate an incident; or

(iii) a student as both a target and a cause of the incident.

(c) A single incident occurs at the same time and in the same place.

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

(10) "LEA Designee" means a designated individual at the LEA level who can provide training to investigators, oversee implementation of any action plan, monitor implementation, assist with school case-specific needs, and act as a liaison to the state board regarding bullying, cyber-bullying, hazing, abusive conduct.

(11) "Participant" means any student, employee, or volunteer coach participating in a public school sponsored athletic program or activity, including a curricular, co-curricular, or extracurricular club, or activity.

(12) "Policy" means standards and procedures that:

(a) are required in Section 53G-9-605;

(b) include Section 53G-8-202; and

(c) provide additional standards, procedures, and training adopted in an open meeting by an LEA board that:

(i) define bullying, cyber-bullying, hazing, retaliation, and abusive conduct;

(ii) prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct;

(iii) require regular annual discussion and training designed to prevent bullying, cyber-bullying, hazing, abusive conduct, and retaliation among school employees and students; and

(iv) provide for enforcement through employment action or student discipline.

(13) "Restorative justice practice" means a discipline practice that brings together students, school personnel, families, and community members to resolve conflicts, address disruptive behaviors, promote positive relationships, and healing.

(14) "Retaliate" or "retaliation" means the same as that term is defined in Subsection 53G-9-601(11).

(15) "School employee" means the same as that term is defined in Subsection 53G-9-601(10).

(16) "School designee" means a school administrator or designee assigned to receive and investigate allegations at that school, notify parents and persons involved, and oversee action plans.

(17) "Staff bullying" means the same as that term is defined in Subsection 53G-9-601(14).

(18) "Student bullying" means the same as that term is defined in Subsection 53G-9-601(15).

(19) "Verification" means that an alleged incident has been found to be substantiated through a formal investigation process as described in Subsection (5).

(20) "Volunteer" means a non-employee with significant, unsupervised access to students in connection with a school assignment.

R277-613-3. Superintendent Responsibilities.

(1) The Superintendent shall provide:

(a) a model policy on bullying, cyber-bullying, hazing, and retaliation as required in Section 53G-9-606;

(b) subject to availability of funds, model training and training opportunities on:

(i) the prevention and identification of bullying, cyber-bullying, hazing, abusive conduct, and retaliation, that an LEA may use to train the LEA's employees, contract employees, and volunteers, including coaches; and

(ii) the reporting and review requirements in Section R277-613-5;

(c) subject to availability of funds, evidence-based practices and policies related to the prevention of bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

(2) The Board may interrupt disbursements of funds consistent with Subsection 53E-3-401(8) and Rule R277-114 for failure of an LEA to comply with:

(a) Title 53G, Chapter 9, Bullying and Hazing; and

(b) this rule.

(3) In addition to the requirements of Title 53G, Chapter 9, Bullying and Hazing and this rule, LEAs are required to comply with applicable federal requirements.

R277-613-4. LEA Responsibility to Create or Update Bullying Policies.

(1) In addition to the requirements of Subsection 53G-9-605(3), an LEA shall:

(a) develop, update, and implement policies as required by Section 53G-9-605 and this rule, which shall include a prohibition on:

(i) bullying;

(ii) cyber-bullying;

(iii) hazing;

(iv) retaliation;

(v) abusive conduct;

(vi) making a false report;

(vii) creation or distribution of sexually explicit or nonconsensual intimate images; and

(viii) sharing a recording of an incident as described in Subsection 53G-9-605(3)(e).

(b) post a copy of the LEA's policy on the LEA website;

(c) develop an action plan to address a reported incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation;

(d) provide a requirement for a signed statement that meets the requirements of Subsection 53G-9-605(3)(h) annually; and

(e) review the policies required by this Subsection (1) regularly with input from stakeholders, as described in Subsection 53G-9-605(2)(a).

(2) A signed statement under Subsection (1)(d) may not be used as a substitute for other training requirements as set forth in this rule.

(3)(a) As required by Section 53G-9-605, an LEA shall notify a student's parent of:

(i) the student's threat of suicide; or

(ii) an incident of bullying, cyber-bullying, hazing, or retaliation involving the student as a student subjected to the incident, or an individual who is alleged to have engaged in prohibited conduct; and

(iii) of the action plan to address the incident.

(b) An LEA shall:

(i) provide a school designee to provide parental notification; and

(ii) designate the format in which notification is provided to a parent and maintained by the LEA.

(c) An LEA shall:

(i) make a notification required in Subsection (3)(a) in a timely manner;

(ii) provide the parent with:

(A) suicide prevention materials and information as recommended by the Superintendent in accordance with Subsection 53G-9-604(2)(b);

(B) information on ways to limit a student's access to fatal means, including firearms or medication; and

(C) information and resources on the healthy use of social media and online practices; and

(iii) produce and maintain a record that:

(A) verifies that the school notified each parent in accordance with the law; and

(B) tracks implementation of the action plan addressing the incident, if applicable.

(4) An LEA shall assess the prevalence of bullying, cyber-bullying, hazing, and retaliation in LEAs and schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.

(5) An LEA shall take strong responsive action against retaliation, including assistance to students subjected to the incident and their parents in reporting subsequent problems and new incidents.

(6)(a) An LEA shall provide that students, school employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, retaliation, and abusive conduct from individuals qualified to provide such training.

(b) The training described in Subsection (6)(a) shall:

(i) include information on:

(A) bullying, cyber-bullying, hazing retaliation, and abusive conduct;

(B) discrimination under the following federal laws:

(I) Title VI of the Civil Rights Act of 1964;

(II) Title IX of the Education Amendments of 1972;

(III) Section 504 of the Rehabilitation Act of 1973; and

(IV) Title II of the Americans with Disabilities Act of 1990;

(C) how bullying, cyber-bullying, hazing retaliation, and abusive conduct are different from discrimination and may occur separately from each other or in combination;

(D) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are prohibited based upon race, color, national origin, sex, religion, or disability;

(E) the right of free speech and how it differs for students, employees, and parents; and

(F) safe digital citizenship as defined in Subsection 53G-7-1202(1)(a).

(ii) complement the suicide prevention program required for students under Rule R277-620 and the suicide prevention training required for licensed educators consistent with Subsection 53G-9-704(1); and

(iii) include information on when issues relating to this rule may lead to student or employee discipline.

(7) The training described in Subsection (6) shall be offered to:

(a) new school employees, coaches, and volunteers within the first year of employment or service; and

(b) all school employees, coaches, and volunteers at least once every three years after the initial training.

(8)(a) An LEA's policies developed under this section shall complement existing school policies and research based school discipline plans.

(b) Consistent with Rule R277-609, the discipline plan shall provide direction for dealing with bullying, cyber-bullying, hazing, retaliation, abusive conduct.

R277-613-5. Reporting and Incident Investigations of Allegations of Bullying, Cyber-bullying, Hazing, Retaliation and Abusive Conduct.

(1) In accordance with an action plan adopted in accordance with Subsection R277-613-4(1)(c), an LEA shall:

(a) investigate allegations of incidents of bullying, cyber-bullying, hazing, retaliation, and abusive conduct in accordance with this section;

(b) provide a school designee who investigates allegations of incidents of bullying, cyber-bullying, hazing, retaliation, and abusive conduct with adequate training on conducting an investigation;

(c) designate at least one school designee who:

(i) can provide training to the school designee described in Subsection (1)(b);

(ii) oversees the implementation of the action plan;

(iii) monitors the implementation of the LEA policy regarding communication plans as required in Section 6;

(iv) acts as the LEA liaison to the state board regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation; and

(v) assists with school case-specific needs; and

(d) identify a school employee to be the point person with training and expertise to assist, direct, and supervise training of other employees in the responsibilities established in Subsections R277-613-5(1)(a) and (b).

(2)(a) An LEA shall investigate allegations of incidents described in Subsection (1)(a) by interviewing:

(i) the individual targeted;

(ii) the individual who is alleged to have engaged in prohibited conduct;

(iii) parents of the targeted students and the individual who is alleged to have engaged in prohibited conduct;

(iv) any witnesses;

(v) school staff familiar with the student targeted;

(vi) school staff familiar with the individual who is alleged to have engaged in prohibited conduct; or

(vii) other individuals who may provide additional relevant information.

(c) An individual who investigates an allegation of an incident shall inform an individual being interviewed that:

(i) to the extent allowed by law, the individual shall keep all details of the interview confidential; and

(ii) further reports of bullying will become part of the review.

(3) The confidentiality requirement in Subsection (2)(c) does not apply to:

(a) conversations with law enforcement professionals;

(b) requests for information pursuant to a warrant or subpoena;

(c) a state or federal reporting requirement; or

(d) other reporting required by this rule.

(4) In conducting an investigation under this section, an LEA may:

(a) review disciplinary reports of involved students; and

(b) review physical evidence, consistent with search and seizure law in schools, which may include:

(i) video or audio;

(ii) notes;

(iii) email;

(iv) text messages;

(v) social media; or

(vi) graffiti.

(5) An LEA shall adopt a policy outlining under what circumstances the LEA will report incidents of bullying, cyber-bullying, harassment, and retaliation to law enforcement.

(6) An LEA shall adopt a policy outlining under what circumstances the LEA will investigate and report incidents of bullying, cyber-bullying, retaliation, and abusive conduct, as civil rights violations.

(7) Following a verified incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct, an LEA shall create and implement an action plan for each incident in accordance with Section 53G-9-605.5 and Subsection (6).

(8) Following a verified incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct, if appropriate, an LEA may:

(a) in accordance with the requirements in Subsection (6), use accountability practices, in accordance with policies established by the LEA; and

(b) provide supportive services designed to preserve the student's access to educational opportunities and a sense of safety.

(9)(a) A student to whom an incident is directed, is not required to participate in a restorative justice practice as described in Subsection (7)(a) with an individual who is alleged to have engaged in prohibited conduct.

(b) If an LEA would like a student to participate in a restorative justice practice, the LEA shall notify the student's parent of the restorative justice practice and obtain consent from the student's parent before including the student in the process.

(10) A grievance process required under Subsection 53G-9-605(3)(f) shall be consistent with the LEA's established grievance process.

(11) An LEA shall follow up with the parents of all parties to:

(a) inform parents when an investigation is concluded;

(b) inform parents what safety measures will be in place for their child, as determined by the investigation;

(c) provide additional information about the investigation or the resolution consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g; and

(d) inform parents of appeal options, if available, if the parents disagree with resolution of the investigation.

(12) An LEA shall, as required by Subsection 53G-9-606(2), report the following annually, on or before June 30, to the Superintendent in accordance with the Superintendent's submission requirements:

(a) a copy of the LEA's policy required in Section R277-613-4;

(b) implementation of the signed statement requirement described in Subsection 53G-9-605(3)(h);

(c) verification of the LEA's training of school employees relating to bullying, cyber-bullying, hazing, retaliation, and abusive conduct described in Section 53G-9-607;

(d) verified incidents of student bullying, cyber-bullying, hazing, and retaliation; and

(e) the number and type of incidents described in Subsection (11)(d) that include a student who was alleged bullied, cyber-bullied, hazed, or retaliated against based on the student's actual or perceived characteristics, including disability, race, national origin, religion, sex, gender identity, or sexual orientation, including the federal reporting requirements for civil rights violations.

(13) The requirements of this rule are in addition to any federal requirements, including reporting civil rights violations to the appropriate entities and taking other appropriate action.

R277-613-6. Response to Verified Incidents of Bullying or Cyber-bullying.

(1) A school or LEA shall create an action plan for an incident that includes:

(a) a communication plan designed to keep each parent updated on the implementation of the action plan as required in Section 53G-9-605; and

(b) with respect to the targeted student and in direct coordination with the student's parent:

(i) a tailored response to the incident that addresses the student's needs;

(ii) a mechanism to consider consequences or accommodations the student may need regarding decreased exposure or interactions with the student who caused the incident;

(iii) notification of the consequences and plan to address the behavior of the student who caused the incident;

(iv) supportive measures designed to preserve the student's access to educational services and opportunities; and

(v) to the extent available, access to other resources the parent requests for the student; and

(c) with respect to the student who caused the incident and in direct coordination with the student's parent:

(i) a range of tailored and appropriate consequences, making reasonable effort to preserve the student's access to educational services and activities;

(ii) a process to determine and provide any needed resources related to the underlying cause of the incident;

(iii) supportive measures designed to preserve the student's access to educational services and opportunities while protecting the safety and well-being of other students; and

(iv) a process to remove the student from school in an emergency situation, including a description of what constitutes an emergency.

(2) A school or LEA may not include in an action plan a requirement that the student to whom the incident was directed change the student's:

(a) educational schedule or placement; or

(b) participation in a school sponsored sport, club, or activity.

(3) A school or LEA shall establish an appeals process for a student who causes an incident or the student's parent to appeal one or more of the consequences included in an action plan.

(4) If, after a school or LEA attempts to involve a parent in the development and implementation of an action plan, the parent chooses not to participate in the process, the school or LEA may develop and implement an action plan without the parent's involvement.

R277-613-7. Training by LEAs Specific to Participants in Public School Athletic Programs and School Clubs.

(1)(a) Before any student, employee, or volunteer coach participating in a public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, the student, employee, or coach shall participate in bullying, cyber-bullying, hazing, retaliation, and abusive conduct prevention training.

(b) A training described in Subsection (1)(a) shall be offered to new participants on an annual basis and to all participants at least once every three years.

(2) An LEA shall inform student athletes and extracurricular club members of prohibited activities under this rule and potential consequences for violation of the law and this rule.

(3) An LEA shall maintain training participant lists or signatures, to be provided to the Board upon request.

R277-613-8. Abusive Conduct.

An LEA's bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy, required in Section 53G-9-605 and this rule, shall include a grievance process for a school employee who has experienced abusive conduct as described in Subsection 53G-9-605(3)(f).

KEY: abusive conduct, bullying, hazing, training

Date of Last Change: October 8, 2025

Notice of Continuation: June 13, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-9-607; 53E-3-501; 53G-8-209; 53G-9

R277. Education, Administration.

R277-614. Athletes and Students with Head Injuries.

R277-614-1. Authority and Purpose.

(1) This rule is authorized by:

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

(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.

(2) The purpose of this rule is to direct LEAs under the general control and supervision of the Utah State Board of Education to adopt and enforce a head injury policy for students participating in physical education and extracurricular sporting events.

R277-614-2. Definitions.

(1) "Agent" has the same meaning as described in Subsection 26-53-102(1).

(2) "Free play" means unstructured student play, games, and field days during school hours.

(3) "Head injury" means any injury to the head not described in Subsection 26-53-102(6) including a mild bump.

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

(5) "Parent" means a parent or legal guardian of a student for whom an LEA is responsible.

(6) "Physical education class" means a structured school class that includes an adult supervisor.

(7) "Sporting event" has the same meaning as described in Subsection 26-53-102(5).

(8) "Traumatic head injury" has the same meaning as described in Subsection 26-53-102(6).

R277-614-3. Superintendent Responsibilities.

(1) The Superintendent shall, in consultation with Utah State Risk Management, provide a model policy for LEAs to use in developing the policy required in Section R277-614-4.

(2) The Superintendent shall provide model forms for LEAs to use to inform parents of LEA policies and obtain parent signatures documenting the parents' understanding of and willingness to adhere to LEA policies.

(3) The Superintendent shall provide professional development, as needed and to the extent of funds available, to assist LEAs with training to:

(a) identify students' traumatic head injuries;

(b) provide notice to parents;

(c) encourage best practices in supporting a child in their recovery; and

(d) comply with the law.

(4) The Superintendent shall make the resources required by this Section R277-614-3 available on the Board website.

R277-614-4. LEA Responsibilities.

(1) An LEA shall comply with Title 26, Chapter 53, Protection of Athletes with Head Injuries Act, including all responsibilities of an amateur sports organization.

(2) All LEAs shall adopt and maintain a traumatic head injury policy for students:

(a) participating in physical education classes offered by the LEA; and

(b) participating in extracurricular activities sponsored by the LEA or statewide athletic associations.

(3) An LEA's policy shall include:

(a) direction to agents to remove a student from a sporting event if the student is suspected of sustaining a concussion or a traumatic head injury;

(b) the prohibition of the continued participation of a student removed under Subsection (3)(a) until the student is evaluated by a trained qualified health care professional;

(c) a written statement from a trained qualified health care provider clearing a student removed under Subsection (3)(a) to resume participation in a sporting event;

(d) adequate training for agents, consistent with their involvement and responsibility for supervising students in sporting events and physical education classes, about traumatic head injuries and response to suspected student injuries, consistent with the law; and

(e) a requirement of notice at least annually to parents of students who participate in sporting events, to be acknowledged by a parent in writing, of an LEA's traumatic head injury policy.

(4) An LEA shall post the policy required under Subsection (2) on the LEA's website where the information will be readily accessible to the public and to parents.

(5) An LEA shall notify a parent if an LEA becomes aware a student is reported to have experienced a head injury during school hours or a school sanctioned activity, including during free play.

KEY: athletes, head injuries

Date of Last Change: November 7, 2022

Notice of Continuation: January 18, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(3)

R277. Education, Administration.

R277-615. Standards and Procedures for Student Searches.

R277-615-1. 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 53G-8-509, which directs the Board and LEAs to adopt rules to protect students against unreasonable and excessive intrusion of personal rights; and

(c) 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 direct LEAs to adopt policies to protect student rights with procedures and provisions that balance students' rights and privacy with the responsibility of school officials for the safety and protection of students and adults while on school property or at school-sponsored events.

R277-615-2. Definitions.

(1) "Controlled substance" has the same meaning as provided in Subsection 58-37-2(1)(f).

(2)(a) "Electronic cigarette" means the same as that term is defined in Section 76-10-101. (3) "Electronic cigarette product" means the same as that term is defined in Section 76-10-101.

(4) "Electronic cigarette substance" means the same as that term is defined in Section 76-10-101. (5) Law enforcement authorities have received police officer training and are acting in that capacity.

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

(7) "Weapon" means any item capable of causing death or serious bodily injury or a facsimile or representation of the item.

R277-615-3. Superintendent Responsibilities.

(1) The Superintendent shall provide consistent definitions for LEAs to include in search and seizure policies.

(2) The Superintendent shall develop a model search and seizure policy as guidance for LEAs.

(3) The Superintendent shall require an assurance from LEAs in the Utah Consolidated Report regarding the student search policy required under Section 53G-8-509.

R277-615-4. LEA Responsibilities.

(1) An LEA shall update the LEA's policy for searching students for controlled substances and weapons to include provisions related to searching students for electronic cigarette products.

(2) An LEA shall include appropriate interested parties in the development of student search policies, including:

(a) parents;

(b) school employees; and

(c) licensed school employees.

(3) An LEA policy described in Subsection (1) shall ensure protection of individual student rights against excessive and unreasonable intrusion.

(4) An LEA shall make policies available electronically and in printed form to parents and students upon enrollment.

(5) An LEA shall provide adequate training to appropriate classes of employees for fair and consistent implementation of student search policies.

KEY: students, searches

Date of Last Change: August 12, 2020

Notice of Continuation: December 7, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53G-8-509; 53E-3-401(4)

R277. Education, Administration.

R277-616. Education for Homeless and Emancipated Students.

R277-616-1. Authority, Purpose, and Oversight Category.

(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) Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities;

(c) Section 53G-6-202, which requires that minors between the ages of 6 and 18 attend school during the school year;

(d) Subsection 53G-6-302(6), which makes each school district or charter school responsible for providing educational services for all children of school age who reside in the school district or attend the school; and

(e) the McKinney-Vento Homeless Assistance Act of 1987, Title VII, Subtitle B, as amended, 42 U.S.C. 11431 through 11435.

(2) The purpose of this rule is to ensure that homeless children or youth have the opportunity to attend school with as little disruption as reasonably possible.

(3) This Rule R277-616 is categorized as Category 3 as described in Rule R277-111.

R277-616-2. Definitions.

(1) "Domicile" means the place which a person considers to be the permanent home, even though temporarily residing elsewhere.

(2) "Emancipated minor" means:

(a) a child under the age of 18 who has become emancipated through marriage or by order of a court consistent with Section 78A-6-801 et seq.; or

(b) a child recommended for school enrollment as an emancipated or independent or homeless child or youth by an authorized representative of the Utah State Department of Social Services.

(3) "Enrolled" for purposes of this rule means a student has the opportunity to attend classes and participate fully in school and extracurricular activities based on academic and citizenship requirements of all students.

(4) "Homeless child" or "homeless youth" means a child who:

(a) lacks a fixed, regular, and adequate nighttime residence;

(b) has primary nighttime residence in a homeless shelter, welfare hotel, motel, congregate shelter, domestic violence shelter, car, abandoned building, bus or train station, trailer park, or camping ground;

(c) sleeps in a public or private place not ordinarily used as a regular sleeping accommodation for human beings;

(d) is, due to loss of housing or economic hardship, or a similar reason, living with relatives or friends usually on a temporary or emergency basis due to lack of housing; or

(e) is a runaway, a child or youth denied housing by family, or school-age unwed mother living in a home for unwed mothers, who has no other housing available.

(5) "School district of residence for a homeless child or youth" means the school district in which the student or the student's legal guardian or both currently resides or the charter school that the student is attending for the period that the student or student's family satisfies the homeless criteria.

R277-616-3. Criteria for Determining Where a Homeless or Emancipated Student Shall Attend School.

(1) Under the McKinney-Vento Homeless Assistance Act of 1987, Title VII, Subtitle B, as amended, 42 U.S.C. 11431 through 11435, homeless children are entitled to immediate enrollment and full participation even if they are unable to produce records which may include medical records, birth certificates, school records, or proof of residency normally required for enrollment.

(2) A homeless child or homeless youth shall:

(a) be immediately enrolled even if the homeless youth does not have documentation required under Sections 53G-9-402, 53G-9-302, 53G-9-303, 53G-9-304 and Title 53G, Chapter 6, Part 3, District of Residency;

(b) be allowed to continue to attend their school of origin, to the extent feasible, unless it is against the parent's wishes;

(c) be permitted to remain in the student's school of origin during the homelessness and until the end of any academic year in which the student moves into permanent housing; or

(d) transfer to the school district of residence for a homeless child or youth or charter school if space is available as defined under Subsection R277-616-1(5); and

(e) have all fees waived as described in Section R277-407-5 and in accordance with McKinney-Vento Homeless Assistance Act of 1987, Title VII, Subtitle B, as amended, 42 U.S.C. 11431(1).

(3) A determination of a residence or domicile for a homeless youth or emancipated minor may include consideration of the following criteria:

(a) the place, however temporary, where the child sleeps;

(b) the place where an emancipated minor or an unaccompanied youth or accompanied youth's family keeps the family's belongings;

(c) the place which an emancipated minor or an unaccompanied youth or accompanied youth's parent considers to be home; or

(d) such recommendations concerning a child's domicile as made by the State Department of Health and Human Services.

(4) Determination of a residence or domicile for a homeless youth or emancipated minor may not be based upon:

(a) rent or lease receipts for an apartment or home;

(b) the existence or absence of a permanent address; or

(c) a required length of residence in a given location.

(5) If there is a dispute as to the residence or the status of an emancipated minor or an unaccompanied youth, the issue may be referred to the Superintendent for resolution.

(6) The purpose of federal homeless education legislation is to ensure that a child's education is not needlessly disrupted because of homelessness.

(7) If a child's residence or eligibility is in question, the child shall be admitted to school until the issue is resolved.

R277-616-4. Transfer of Guardianship.

(1) If guardianship of a minor child is awarded to a resident of a school district by action of a court or through appointment by a school district under Section 53G-6-303, the child becomes a resident of the school district in which the guardian resides.

(2) If a child's residence has been established by transfer of legal guardianship, no tuition may be charged by the new school district of residence.

KEY: compulsory education, students' rights

Date of Last Change: October 8, 2025

Notice of Continuation: August 15, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-6-302(6); 53G-6-303

R277. Education, Administration.

R277-618. Teen Center Grant Program.

R277-618-1. 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.

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

(a) the criteria for ranking applications for a teen center grant to serve students experiencing homelessness and other vulnerable and at-risk students;

(b) the funding limit and allowable uses; and

(c) the required data collection for measuring success of the grant.

R277-618-2. Definitions.

(1) "Eligible school" means a public K-12 school with a physical building.

(2) "Family service worker" or "FSW" means a school employee who connects families and parents with the resources needed to self-sustain and thrive, including:

(a) identify physical and emotional self-care;

(b) stress-coping mechanisms; and

(c) advocate for the family's needs.

(3) "Free application for student federal aid" or "FASFA" means the official form to apply for federal financial aid to pay for college provided by the Department of Education.

(4) "Wrap-around services" means services that bring families, providers, and key members of the family's social support network together to collaborate to build a customized plan of care that responds to the unique needs of the child and family.

R277-618-3. Application and Scoring Criteria.

(1) Subject to legislative appropriation, an LEA may apply for the teen center grant.

(2) An LEA's application shall include the following:

(a) capacity of the LEA to staff the center with a FSW that will provide wrap-around services for the students;

(b) a demonstration of the ability to provide students, including students experiencing homelessness, with assistance, guidance, and connection to necessary resources;

(c) the ability to provide the services within the center, that may include:

(i) a food pantry that is community-based allowing access to food services;

(ii) showers and hygiene necessities;

(iii) laundry facilities, including a washer and dryer;

(iv) academic advisement, including:

(A) FAFSA applications for grants and loans; and

(B) work study funds available at universities and tech colleges;

(v) collaboration with community partners to provide access to:

(A) mental, dental, medical, and vision services;

(B) wellness space and resources;

(C) spiritual and religious resources; and

(D) technical job training before graduation;

(d) readiness of facilities to house a teen center at an eligible school, including general construction plans, if required;

(e) quantitative or qualitative data to demonstrate the need for a teen center;

(f) a budget outlining the intended use of the grant funds;

(g) a timeline for achieving an operational teen center; and

(h) ability to maintain and keep the teen center operational over time.

(3) An LEA shall apply for the grant in a form and within the deadlines specified by the Superintendent.

(4) An LEA's application shall be scored and ranked by the Superintendent based upon the overall:

(a) demonstrated need for a teen center;

(b) quality of the budget proposal and timeline as described in Subsection (2); and

(c) capacity to maintain an operational teen center, as described in Subsection (2).

(5) The Superintendent may prioritize schools that:

(a) serve any grade between 9-12; or

(b) prioritize services for students experiencing homelessness.

(6) The Superintendent shall select and notify grant awardees within 30 days of the application deadline.

R277-618-4. Funding and Measurements of Success.

(1) A grant awardee may receive up to $250,000 per eligible school on a reimbursement basis.

(2) A grant awardee shall submit for reimbursement in a form and timeline determined by the Superintendent.

(3) A grant awardee may only be reimbursed for expenditures outlined within the grant awardee's budget submitted as part of the application described in Subsection R277-618-3(2).

(4) A grant awardee may seek a budget variance from the Superintendent if the variance is sought before the expenditure of funds for the variance.

(5) The Superintendent shall review and approve or deny a variance request within 30 days of receiving the request.

(6) A grant awardee shall collect the following data to measure success of the teen center:

(a) the number of students that are served by the teen center annually; and

(b) participation of community partners.

(7) A grant awardee shall provide the data described in Subsection (6) to the Superintendent upon request.

KEY: at-risk students, teen center, grant

Date of Last Change: August 22, 2023

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

R277. Education, Administration.

R277-620. Suicide Prevention Programs.

R277-620-1. Authority and Purpose.

(1) This rule is authorized under:

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

(b) Subsection 53E-3-401(4) which allows the Board to adopt rules in accordance with its responsibilities.

(2) The purposes of this rule are:

(a) to provide for collaboration with the Utah Department of Health and Human Services to establish, oversee, and provide model policies, programs for an LEA and training for parents about youth suicide prevention programs;

(b) to require an LEA to have and update youth protection policies; and

(c) to direct an LEA to send notice to parents and protect the confidentiality of the required parent notification record regarding bullying and suicide incidents.

R277-620-2. Definitions.

(1) "Intervention" means an effort to prevent a student from attempting suicide.

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

(3) "Parent notification" means a notice provided by a public school to a students' parents consistent with Subsections 53G-9-604(2) and 53G-9-605(3)(e).

(4) "Postvention" means mental health intervention after a suicide attempt or death to prevent or contain contagion.

(5) "Youth protection and mental health seminar" means a seminar offered for each 11,000 students enrolled in a school district to parents of students consistent with Section 53G-9-702.

R277-620-3. Youth Suicide Prevention Grants - LEA Reporting Requirements.

(1) The Superintendent, in collaboration with other government and community agencies shall establish model youth suicide prevention programs for LEAs that include training and resources consistent with Subsection 53G-9-702(2).

(2) Based on legislative appropriation, the Board shall distribute funds to LEAs to support suicide prevention efforts in the school district or charter school.

(a) An LEA may use the awarded funds to select and implement:

(i) evidenced-based practices and programs; or

(ii) emerging best practices and programs.

(3) An LEA shall implement the appropriate youth suicide prevention programs for students in elementary grades and secondary grades.

(4) An LEA's youth suicide prevention program shall include the components provided in Subsection 53G-9-702(2).

(5) An LEA shall establish a policy governing the required parent notification outlined in Subsections 53G-9-604(2) and 53G-9-605(3)(e) and Section R277-613-4.

(6) An LEA shall provide necessary reporting information consistent with Subsection 53G-9-702(7) for the Board's report on the coordination of suicide prevention programs and seminar program implementation to the Legislature's Education Interim Committee.

KEY: public schools, suicide prevention programs, parent notifications, seminars

Date of Last Change: November 7, 2023

Notice of Continuation: September 11, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(3)

R277. Education, Administration.

R277-621. District of Residence.

R277-621-1. 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; and

(b) Section 53E-3-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53G-6-302, which directs the Board to establish rules for determination of a student's district of residency in accordance with the statute.

(2) The purpose of this rule is to establish the procedure for reviewing a student's request for an alternative district of residency in accordance with Subsections 53G-6-302(2)(b)(iii) and 53G-6-302(2)(b)(iv).

R277-621-2. Definitions.

(1) "Alternative district" or "alternative district of residency" means a district, which may provide educational services, where a student resides:

(a) with a responsible adult, other than a custodial parent or legal guardian; or

(b) in a health care facility or human services program facility.

(2) "Health care facility" means the same as that term is defined in Section 26-21-2.

(3) "Human services program" means the same as that term is defined in Section 62A-2-101.

(4) "Review official" means a district employee designated by the district's superintendent to make an initial determination on a request for an alternative district of residence in accordance with this rule.

R277-621-3. Determination of Alternative District of Residency.

(1) A student's custodial parent or legal guardian may request a determination that the student's district of residency is a district other than where the student's custodial parent or legal guardian resides by filing a written request with an alternative district.

(a) The Superintendent shall provide a model form for use by a district to accept requests under this rule.

(b) A student request shall outline why the student should receive resident services from an alternative district in accordance with the criteria provided in:

(i) Subsection 53G-6-302(2)(b)(iii); or

(ii) Subsection 53G-6-302(2)(b)(iv).

(2) If an alternative district receives a request under Subsection (1), a district review official shall review the request and make a recommendation to the alternative district's local school board or designee on whether the student should be treated as a resident of the alternative district within ten business days.

(3) The student's custodial parent or legal guardian's district of residence is responsible for the student's education services pending a decision by the local school board or designee of an alternative district in accordance with this R277-621-3.

(4) If the local school board or designee of an alternative district approves a request under Subsection (1), the alternative district shall assume responsibility for providing educational services for the student and enroll the student immediately.

(5) The decision of the alternative district's local school board or designee shall be in writing and set forth the reasons for approving or denying the request in accordance with the statutory criteria.

(6)(a) If the alternative district denies a student request, the student may appeal the decision within ten business days to the Superintendent.

(b) The Superintendent shall rule on a request under Subsection (6)(a) within ten business days.

(7) If a request for an alternative district of residence is approved for a student qualifying for services under the IDEA, the alternative district shall conduct an IEP meeting with representation from the alternative district and the former district of residence under Subsection 53G-6-302(2)(a).

R277-621-4. Students at Human Services Program Facilities.

(1) A student approved for an alternative district of residency while attending a private human services program facility shall be entitled to the educational services of the alternative district at the alternative district's educational facilities designated by the alternative district.

(2) An alternative district of residency is not required to provide educational services on site at a private human services program facility, unless the IEP team of the alternative district determines that on site services are required to meet the needs of a student under federal law.

(3) The alternative district is not responsible for a student's required transportation between a health care facility or human services program facility and the school district's facility.

(4) The alternative district's local school board or designee may periodically reevaluate the non-resident student's eligibility for education services by the alternative district as described in Subsections 53G-6-302(2)(b)(iii) or (iv).

KEY: students, alternative district of residency

Date of Last Change: September 24, 2021

Notice of Continuation: December 15, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53G-6-302

R277. Education, Administration.

R277-622. School-based Mental Health Qualifying Grant Program.

R277-622-1. 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; and

(c) Section 53F-2-415 which requires the Board to makes rules that establish:

(i) procedures for submitting a plan for the School-based Mental Health Qualifying Grant Program;

(ii) a distribution formula the Board will use to distribute funds to an LEA; and

(iii) annual reporting requirements for an LEA that receives funds pursuant to the School-based Mental Health Qualifying Grant Program.

(2) The purpose of this rule is to establish the procedures for an LEA to receive a School-based Mental Health Qualifying Grant including:

(i) plan submission process, format, and requirements;

(ii) funding distribution methods; and

(iii) additional requirements including reporting and accountability.

R277-622-2. Definitions.

(1) "Behavioral health support personnel" means an individual, who works under the direct supervision of qualifying personnel consistent with Subsection 53F-2-415(1)(a), and is trained by an LEA on a three-year cycle in:

(a) trauma-informed practices;

(b) crisis de-escalation, consistent with the Least Restrictive Behavioral Interventional manual, incorporated by reference in Section R277-609-3;

(c) fundamentals of behavior;

(d) data collection;

(e) fundamentals of multi-tiered systems of support;

(f) conflict management;

(g) multi-disciplinary collaboration;

(h) mental health literacy;

(i) confidentiality; and

(j) limitations of the role of behavioral health support personnel.

(2) "Licensed" means an individual who may lawfully practice in an area described in Section 53F-2-415:

(a) under an interstate compact; or

(b) as authorized by:

(i) the Division of Occupational Professional Licensing;

(ii) the Department of Health and Human Services; or

(iii) the Board through an associate or professional license as described in Rule R277-306.

(3) "Plan" means a School-based Mental Health Qualifying Grant plan described in Section R277-622-3.

(4) "Qualifying personnel" means the same as the term is defined in Subsection 53F-2-415(1) including being licensed.

(5) "Regional Education Service Agency" or "RESA" means the same as the term is defined in Subsection 53G-4-410(1)(b).

(6) "Related services" means:

(a) mental health or school nursing services provided by:

(i) qualifying personnel within the scope of their practice;

(ii) the local mental health authority; or

(iii) or a private provider through a contract; or

(b) training funded only through carry forward funds that is provided by qualifying personnel for school personnel.

(7) "Work under the direct supervision of qualifying personnel" means that:

(a) all assignments and responsibilities of an employee are given by qualifying personnel who reviews the work for completeness and accuracy; and

(b) the supervisor is responsible for actions taken and is available if needed.

R277-622-3. School-based Mental Health Plan.

(1) To qualify for a School-based Mental Health Qualifying Grant, an LEA shall submit a plan to the Superintendent.

(2) The plan shall include:

(a) a three-year projection for the LEA's goals, metrics, and outcomes;

(b) requirements outlined in Subsection 53F-2-415(3);

(c) a plan for how qualifying personnel will increase access to mental health service for students in need, including students who are underserved or at risk;

(d) a process for utilization of qualifying personnel in participating with an LEA's multi-disciplinary team as outlined in Rule R277-400;

(e) a timeline and process for school personnel training in trauma-informed practices including documentation of compliance.

(3) Except as provided in Subsection (4), an LEA shall submit the LEA's plan no later than May 31 for a funding distribution to be made for the upcoming school year.

(4) An LEA's approved plan is valid for three years and may be required to be reapproved after three years of implementation.

(5) An LEA may submit a revised plan for approval by the board, in a manner described by the Superintendent, if the LEA identifies deficiencies with the LEA's ability to implement the LEA's plan including a change in available funding.

R277-622-4. Board Approval or Denial of LEA Plan.

(1) The Board shall approve or deny each LEA plan submitted by the Superintendent.

(2) If the Board denies an LEA's plan, the LEA may amend and resubmit the LEA's plan to the Superintendent until the Board approves the LEA plan.

R277-622-5. School-Based Mental Health Grant Distribution.

(1) An LEA with an approved plan pursuant to Section R277-622-4 shall receive a School-based Mental Health Grant distribution.

(2) The funding amount distributed to an approved LEA shall be the sum of:

(a) $25,000; and

(b) a per student allocation based on the number of students in an LEA divided by the total available grant appropriation less the aggregate amount of appropriation allocated as described in Subsection (2)(a);

(3) A RESA shall receive $50,000 per member school district.

(4) The number of students used in Subsection (2)(b) shall be:

(i) based on the October 1 headcount in the prior year; or

(ii) for a new LEA, based on the new LEA's projected October 1 headcount.

(5) An LEA or RESA shall receive its allocation on a reimbursement basis upon demonstration to the Superintendent of:

(a) contracting of services for qualifying personnel; or

(b) hiring qualifying personnel.

(6) After the distribution described in Subsections (2)(a) and (b), and by October 1 of each year, the Superintendent shall distribute any undistributed funds as an additional allocation to an LEA on a reimbursement basis.

(7) An LEA may qualify for the additional allocation described in Subsection (6) if the LEA demonstrates an intent to collaborate with the Local Mental Health Authority of the county the LEA is located.

(8) The additional allocation described in Subsection (6) shall be:

(a) the aggregate total of undistributed funds;

(b) distributed to an eligible LEA in an amount equal to the LEA's portion of the student headcount of all eligible and participating LEAs; and

(c) used for collaboration with the Local Mental Health Authority of the County the LEA is located.

R277-622-6. Allowable Uses of Funds.

(1) An LEA that receives a distribution pursuant to Section R277-622-6 may use the funds only for the following:

(a) salary and benefits for the hiring of qualifying personnel;

(b) salary and benefits for the hiring of behavioral health support personnel; or

(c) procuring a contract for related services;

(2) An LEA may only use carryforward funds for contracts of related services associated with training as described in Subsection R277-622-2(5)(b).

(3) An LEA shall use the LEA's matching funds and allocation within the fiscal year the funds are distributed.

(4) An LEA that has remaining balances at year end shall report the remaining balances in the LEA's annual program report described in Rule R277-484.

R277-622-7. Annual Reporting and Accountability.

(1) An LEA with an approved plan and funding amount shall provide the Superintendent with an annual report no later than October 1 of each year.

(2) The annual report shall include:

(a) a total baseline count of qualifying personnel in an LEA before receiving the initial funding allocation;

(b) the number of qualifying personnel hired above the baseline count using the funding allocation;

(c) the progress made toward achieving goals and outcomes outlined in the LEA's plan; and

(d) other information requested by the Superintendent.

R277-622-8. Qualifying Personnel Scholarship Program.

(1) Subject to funding availability as described in Subsection 53F-2-415(9), an LEA employee may apply to receive a scholarship in a manner prescribed by the Superintendent.

(2) The Superintendent shall establish an application for the scholarship program which shall include:

(a) required intake information;

(b) required supplemental materials or documentation;

(c) application cycle and deadlines; and

(d) reporting requirements for a successful applicant.

(3) The Superintendent may not award a scholarship to an LEA employee that exceeds $14,000 per year;

(4) To be eligible for a scholarship award, an LEA employee shall:

(a) be accepted into a graduate program in a field to become a qualifying personnel;

(b) take courses outside of the LEA employee's LEA work hours;

(c) ensure a majority of the clinical experiences required by the LEA employee's graduate program be at a school site;

(d) demonstrate an effort to maximize financial aid opportunities and programs, including the Free Application for Federal Student Aid; and

(e) upon graduation:

(i) become a qualifying personnel in accordance with Subsection 53F-2-415(1); and

(ii) maintain employment with the LEA of origin for an equal amount of years that a scholarship was provided.

(5) An LEA with an LEA employee receiving a scholarship shall:

(a) serve as the fiscal agent to the scholarship funds;

(b) provide necessary flexibility to the LEA employee's job duties and responsibilities to allow the LEA employee to fulfill the graduate program requirements; and

(c) upon graduation, and barring any general employment issues or concerns by the LEA, guarantee employment in the field in which the LEA employee graduated for an equal amount of years that a scholarship provided.

KEY: mental health, programs, reporting

Date of Last Change: July 11, 2023

Notice of Continuation: January 13, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-4-302(1)(a); 53F-2-415

R277. Education, Administration.

R277-623. School Climate Survey.

R277-623-1. Authority, Purpose, and Oversight Category.

(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; and

(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

(2) The purpose of this rule is to provide an LEA with:

(a) the recommended distribution method;

(b) climate survey frequency; and

(c) minimum sample size required to conduct a climate survey.

(3) This Rule R277-623 is categorized as Category 2 as described in Rule R277-111.

R277-623-2. Definitions.

(1) "Climate" means the perceptions and experiences of students, staff, parents, and the community regarding the school's environment and the resources that support the experiences, as defined in Section 53G-8-102.

(2) "Culture" means the beliefs, values, and practices that shape how a school functions and influences student learning and well-being through policies, procedures, and safety protocols, as defined in Section 53G-8-102.

(3) "Education Support Personnel" means a classified employee defined in the Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6682, as defined in Section 53G-11-519.

(4) "Physical Space" means the way in which a building is designed and structured to promote safety, including the minimum safety and security standards as described in Section 53-22-102.

(5) "School Climate Survey" or "climate survey" means a survey that evaluates a range of aspects of the educational environment to assess perceptions and identify specific strengths and weaknesses within a school.

(6) "School Community" means relevant stakeholders including:

(a) parents;

(b) students;

(c) administration;

(d) school building certified and education support personnel; and

(e) school resource officers as defined in Subsection 53G-8-701(2).

(7) "School safety" means the physical space, culture, and climate of a school, as defined in Section 53G-8-102.

(8) "Survey group" means each version of the school climate survey administered to a distinct stakeholder group.

R277-623-3. Climate Survey Administration.

(1) If an LEA chooses to administer the Model School Climate Survey:

(a) an LEA shall administer the climate survey:

(i) with parental consent as described in Section 53E-9-203;

(ii) to all schools within the LEA;

(iii) to at least one stakeholder group in the school's community, as defined in Section R277-623-2;

(iv) through a Board-approved online provider;

(v) in an anonymous and randomized manner;

(vi) to all students across all academic achievement levels;

(vii) with participation from at least 35% or 400 responses per survey group, whichever is fewer; and

(viii) in additional languages relevant to the school community, where feasible.

(b) an LEA may:

(i) not modify any existing survey questions; and

(ii) include or remove additional questions in the LEA's climate survey:

(A) consistent with student data privacy requirements as described in Section 53E-9-203; and

(B) for student survey groups.

(c) An LEA shall restrict access to survey responses in accordance with the LEA's written policies, Board rule, or state and federal laws.

(2) Administrators shall provide students with a Section 504 plan or Individualized Education Program (IEP) with the appropriate accommodations:

(a) the student can request for a different survey administrator; and

(b) an LEA may administer the survey orally to a student if the LEA ensures confidentiality protections for:

(i) the student's responses; and

(ii) the identity of the survey administrator from the general public.

KEY: school climate survey, school safety

Date of Last Change: October 8, 2025

Notice of Continuation: January 15, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-8-802(2)(i)

R277. Education, Administration.

R277-625. Mental Health Screeners.

R277-625-1. Authority, Purpose, and Oversight Category.

(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-2-522 which directs the board to make rules regarding the selection of a mental health screener and financial aid for qualifying parents.

(2) The purpose of this rule is to:

(a) provide the approval process for a mental health screener chosen by an LEA; and

(b) establish the approval and distribution of funds for a qualifying parent to receive financial assistance for related mental health services.

(3) This Rule R277-625 is categorized as Category 2 as described in Rule R277-111.

R277-625-2. Definitions.

(1) "Division" means the same as the term is defined in Section 53F-2-522.

(2) "Mental health" means a person's emotional, psychological, and social well-being, which can affect how a person thinks, feels, and acts, including how a person handles stress, relates to others, and makes healthy choices.

(3) "Mental health screener" or "screener" means a systematic tool that:

(a) identifies if a student is experiencing, or is at risk of experiencing, issues related to the student's mental health;

(b) is used for early identification of the onset of mental health conditions, enabling the mental health conditions to be potentially addressed; and

(c) is not:

(i) a diagnostic tool; or

(ii) a system or process used by a student's teacher to observe behavior for targeted learning interventions.

(4) "Mental health services" means the same as the term is defined in Subsection R523-1-3(3).

(5) "Qualifies for financial assistance" means a qualifying parent that has a student receiving educational services through an LEA who:

(a) receives free or reduced lunch; or

(b) as recommended by the local mental health authority, demonstrates need including being:

(i) uninsured;

(ii) underinsured;

(iii) ineligible for Medicaid to cover part or all of any recommended mental health treatments; or

(iv) demonstrates a high need for interventions based upon results of the LEA's mental health screener.

(6) "Qualifying parent" means the same as the term is defined in Subsection 53F-2-522(1)(d).

(7) "Relevant services" means mental health services provided to a student that are directly related to mental health needs identified by a student's mental health screening.

R277-625-3. Approval of Mental Health Screeners.

(1)(a) The Superintendent, in consultation with the Division, shall publish annually a list of pre-approved mental health screeners to the Board's website.

(b) the published pre-approved list shall include:

(i) the name or brand of the mental health screener including a link to the screener's website;

(ii) the recommended ages for the mental health screener;

(iii) any limitations of the mental health screener including the typical level of false positives;

(iv) the mental health conditions the mental health screener can detect; and

(v) the scientific data or research used to verify a screener is evidence based.

(2) The Board shall approve:

(a) the pre-approved mental health screener list; and

(b) the mental health conditions for which a screener can be used.

(3) All pre-approved mental health screeners shall comply with the requirements as described in Title 53E, Chapter 9, Student Privacy and Data Protection, and the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

(4) An LEA governing board shall notify the Superintendent by August 1 of each year, whether the LEA will be a participating LEA or non-participating LEA, on a form provided by the Superintendent, in compliance with the requirements in Section 53F-2-522.

(5) If the LEA chooses to apply for use of a mental health screener that is not on the pre-approved list, the LEA shall submit an application in a form prescribed by the Superintendent specifying:

(a) the mental health screener proposed for use by the LEA;

(b) the reason for choosing the mental health screener over a screener from the pre-approved list;

(c) the approved mental health conditions the mental health screener measures;

(d) how the mental health screener complies with all state and federal data privacy laws; and

(e) the scientific data or research demonstrating the mental health screener is evidence based and meets industry standards;

(f) why the mental health screener is age appropriate for each grade the screener is administered; and

(g) why the mental health screener is an effective tool for identifying whether a student has a mental health condition that requires intervention.

(6) The Superintendent shall review the application in consultation with the Division and approve or deny the application within 30 days of receipt.

(7) If the application is approved, the Superintendent shall submit the approved application to the Board for final approval.

(8) Subject to legislative appropriation, the Superintendent shall annually determine a maximum reimbursement amount an LEA may receive for use of a mental health screener.

(9) An LEA may request a reimbursement from the Superintendent in writing in an amount not to exceed the amount described in Subsection (8).

(10)(a) An LEA shall require one or more relevant staff, who will be administering a mental health screener, to attend an annual mental health screener training provided by the Superintendent in collaboration with the Division;

(b) the training described in Subsection (10)(a) shall provide an LEA with information needed for appropriate parental consent including:

(i) consent shall be obtained:

(A) not more than eight weeks before administration of the mental health screener; and

(B) in accordance with Subsection 53E-9-203(4);

(ii) the consent form shall be provided separately from other consent forms given to a parent pursuant to other state or federal laws;

(iii) additional variables that might influence a screener's results; and

(iv) a statement that:

(A) the mental health screener is optional;

(B) a screener is not a diagnostic tool;

(C) a parent has the right to seek outside resources or opinions; and

(D) specifies which board approved mental health conditions the mental health screener measures.

(11) An LEA may not administer a mental health screener if the LEA has not attended the annual mental health screener training described in Subsection (10).

(12) An LEA shall report annually to the Superintendent aggregate data regarding the types of LEA provided mental health interventions, referrals, or other actions taken based on screener results.

R277-625-4. Data Privacy.

(1)(a) An LEA shall ensure all data collected or stored by a mental health screener complies with all state and federal data privacy laws and requirements, including those described in Subsection R277-625-3(3).

(b) notwithstanding Subsection (1)(a), an LEA shall provide a parent with a list of all parties that may receive any data related to a student's mental health screener before the parent providing consent.

(2) An LEA shall provide a parent with a list of all data potentially collected by the mental health screener before consenting to a student's mental health screening.

(3) An LEA shall provide the parent of a screened student with:

(a) results as described in Subsection 53F-2-522(4)(d);

(b) applicable available resources; and

(c) who has access to the screener data.

(4) If an LEA has received parental consent, an LEA may share data collected from the mental health screener with a school's multidisciplinary team.

(5) An LEA shall retain and dispose of all data related to a student's mental health screener in accordance with an approved retention schedule not to exceed three years.

R277-625-5. Procedures and Criteria for Awarding Grants.

(1) The Superintendent shall:

(a) distribute 90% of the available annual funds to all participating LEAs based on the most recent average daily membership count available; and

(b) distribute the remaining 10% of available annual funds on an as-needed basis to participating LEAs to meet the LEA needs as described in Subsection 53F-2-522(5)(a).

R277-625-6. Financial Assistance for a Qualifying Parent.

(1) An LEA that has elected to participate as described in Subsection R277-625-3(4)(b), may receive reimbursement for relevant services obtained by a qualifying parent who receives financial assistance.

(2) An LEA may not receive reimbursement for a qualifying parent if:

(a) the qualifying parent's student has begun to receive relevant services outside of the school setting before seeking reimbursement;

(b) the LEA can provide the relevant services, including relevant services provided by a third party through a contract with the LEA;

(c) except for as provided in Subsection (d), the qualifying parent has received reimbursement for the same relevant services within one year from the date the relevant services began for the student; or

(d) an LEA may provide reimbursement to a qualifying parent for the same relevant services within one year from the date relevant services began for the student if:

(i) the LEA has no other qualifying parents seeking reimbursement by April 1 and;

(ii) has reimbursement funds remaining.

(3) An LEA may not receive reimbursements that exceed the LEA's award amount as described in Subsection (4).

(4) An LEA that has elected to participate as described in Subsection R277-625-3(4)(b), shall receive a total award amount based on need as determined by the Superintendent.

(5) The Superintendent shall determine a participating LEA's need by considering the LEA's ability to support and provide mental health services for a student including:

(a) the availability of mental health services within the LEA;

(b) the availability of mental health services within the LEA's surrounding community;

(c) the overall accessibility of mental health services for students within the LEA;

(d) the current student demand for mental health services within an LEA; and

(e) capacity of the LEA to meet existing and future student demands for mental health services.

KEY: mental health screener, mental health, prevention

Date of Last Change: October 8, 2024

Notice of Continuation: June 10, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-522

R277. Education, Administration.

R277-626. Carson Smith Opportunities Scholarship Program.

R277-626-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Section 53E-7-404, which requires the Board to make rules to implement the Carson Smith Opportunities Scholarship Program.

(2) The purpose of this rule is to provide guidelines for contracted scholarship granting organizations and the Superintendent to implement the Carson Smith Opportunities Scholarship Program.

(3) This Rule R277-626 is categorized as Category 4 as described in Rule R277-111.

R277-626-2. Definitions.

(1) "Eligible student" has the same meaning as defined in Section 53E-7-401.

(2) "Home-based scholarship student" has the same meaning as defined in Section 53E-7-401.

(3) "Program donation" means a donation to a scholarship granting organization in accordance with Section 53E-7-405.

(4) "Qualifying provider has the same meaning as defined in Section 53E-7-401.

(5) "Qualifying school" has the same meaning as defined in Section 53E-7-401.

(6) "Request for proposals" or "RFP" has the same meaning as defined Subsection 63G-6a-103(70).

(7) "Scholarship expense" has the same meaning as defined in Section 53E-7-401.

(8)(a) "Scholarship granting organization" or "SGO" has the same meaning as defined in Section 53E-7-401.

(b) An SGO may not be a qualifying school or qualifying provider.

(9) "Scholarship student" has the same meaning as defined in Section 53E-7-401.

R277-626-3. Superintendent Responsibilities.

(1) The Superintendent shall conduct an RFP for an SGO in accordance with Subsection 53E-7-404(2).

(2) The Superintendent shall provide all information required to the Utah State Tax Commission in accordance with Subsection 53E-7-404(3)(c).

(3) The Superintendent shall provide a tax credit certificate form, in accordance with Subsection 53E-7-404(2)(a) for use by an approved SGO.

(4) The Superintendent shall annually recommend to the Board a program donations cap for approval in accordance with Subsection 53E-7-407(4).

(5)(a) The Superintendent shall monitor an SGO chosen under Subsection (1) to ensure compliance with state law, including Title 53E, Chapter 7, Part 4, Carson Smith Opportunities Scholarship Program and this Rule R277-626.

(b) The Superintendent may recommend remedial action against an SGO in accordance with Rule R277-114 and Subsection 53E-7-404(5).

(6)(a) The Superintendent shall:

(i) recommend qualifying schools to the Board for approval in accordance with Subsection 53E-7-408(6); and

(ii) require, as a condition for approval, that a qualifying school reimburse scholarship money to an SGO if an eligible student discontinues enrollment early.

(b) The Superintendent shall post a list of approved qualifying schools on the Board website.

(c) The Superintendent may monitor eligible schools for on-going compliance with the requirements of Section 53E-7-408.

(7)(a) The Superintendent shall monitor SGO employees and officers in accordance with Subsection 53E-7-410(2).

(b) The Superintendent shall initiate corrective action against an SGO if an employee or officer of the SGO is facing charges for, or has been convicted or pled guilty or no contest to a violation of the following state laws or laws of another jurisdiction:

(i) any felony; or

(ii) an offense involving fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct.

R277-626-4. SGO Responsibilities.

(1) An SGO approved in accordance with Subsection R277-626-3(1) shall administer the program in accordance with Section 53E-7-405.

(2)(a) An SGO shall maintain separate accounts for all scholarship donations, including any interest or other income from the scholarship funds.

(b) An SGO may not comingle the scholarship funds with any other funds and may only use funds from the account to cover scholarship expenses.

(3)(a)(i) Prior to an SGO paying expenses for tuition and fees, a parent of an eligible student shall personally approve a funds transfer to the qualifying school or qualifying provider.

(ii) A student may not approve a funds transfer under a power of attorney from the student's parent.

(iii) After approval as required under Subsection (3)(a)(i), an SGO shall pay costs for tuition and school fees for an eligible student directly to a qualifying school or qualifying provider.

(b) An SGO may disburse reimbursements to an eligible student's parent upon proof of payment of other approved scholarship expenses.

(3) If an eligible student discontinues enrollment in a qualifying school or qualifying provider, the SGO shall:

(a) notify the Superintendent; and

(b) obtain reimbursement of scholarship money from the qualifying school or qualifying provider.

(4) An SGO shall provide the following information to the Superintendent biannually by January 31 and July 31:

(a) the amount of tuition and fees each qualifying school or qualifying provider charges annually;

(b) financial records of the SGO annually, including administrative costs incurred by the SGO to administer the program;

(c) the number of scholarship students from each school district of residence annually;

(d) the number of first time scholarship students annually;

(e) the amount disbursed for scholarship expenses annually, provided with any detail requested by the Superintendent;

(f) the standards used by the SGO to determine whether a student is an eligible student;

(g) data reflecting savings to the state and LEAs, if any, as a result of scholarship students exiting the public school system;

(h) demographic information on scholarship students, including:

(i) name;

(ii) date of birth;

(iii) gender;

(iv) race; and

(v) last public school attended, if applicable;

(i) whether the SGO has received complaints of discrimination, and any steps taken by the SGO to remedy the complaints; and

(j) any other information requested by the Superintendent to facilitate monitoring of the program and preparation of the annual report required by Section 53E-1-202.1.

(5) An SGO may not have a personal or professional relationship with a qualifying school or qualifying provider or an employee of a qualifying school or qualifying provider that would create a conflict of interest, favoritism, or bias in making awards from program donations.

(6) An SGO is subject to monitoring and corrective action in the same manner as a recipient under Rule R277-114.

KEY: special needs opportunity scholarship

Date of Last Change: July 9, 2024

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401(4); Title 53E, Chapter 7, Part 4

R277. Education, Administration.

R277-627. Early Warning Program.

R277-627-1. Authority, Purpose and Oversight Category.

(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) Subsection 53F-4-207(2)(d), which requires the board to make rules to define primary exceptionalities; and

(d) Section 53F-4-207, which requires an LEA to implement a digital early warning system to help identify students in need of academic assistance.

(2) The purpose of this rule is to define primary exceptionalities for the term being used in the early warning program.

(3) This Rule R277-627 is categorized as Category 2 as described in Rule R277-111.

R277-627-2. Definitions.

(1) "Primary exceptionalities" means the same as a "child with a disability" defined by 34 CFR Section 300.8.

(2) "Thresholds" means the specific criteria based on indicators which, when met or exceeded, trigger alerts for necessary interventions.

(3) "Indicators" means a specific data point or metric, including discipline, attendance, behavior, course failures, and other criteria as determined by an LEA, used to assess and identify students who may be at risk of academic failure.

R277-627-3. Early Warning System Requirements.

An LEA shall:

(1) set thresholds for the early warning system in alignment with best practice and local resources and priorities;

(2) ensure that the early warning system effectively identifies students at risk of academic failure; and

(3) provide prompt and timely intervention.

KEY: early warning system, special education

Date of Last Change: April 8, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-4-207(2)(d); 53G-8-702.5

R277. Education, Administration.

R277-628. Sensitive Materials.

R277-628-1. Authority, Purpose, and Oversight Category.

(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)(c)(v), which requires the Board to establish rules and minimum standards for public schools including instructional materials; and

(c) 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) provide the minimum standards for an LEA's instructional materials policies and accompanying procedures for instructional material selection and reconsideration;

(b) provide a process for statewide removal of objective sensitive materials; and

(c) provide a process for compliance and reporting.

(3) This rule is categorized as Category 4 as described in Rule R277-111.

R277-628-2. Definitions.

(1) "Instructional material" means the same as defined in Subsection 53G-10-103(1).

(2) "Objective sensitive materials" means the same as the term is defined in Subsection 53G-10-103(1).

(3) "School community parent" is a parent who has a student currently attending the school, or will have a student enrolled in the school within one year, where the challenged instructional material is being reviewed in accordance with Subsection 53G-10-103(4).

(4) "School setting" means the same as the term is defined in Subsection 53G-10-103(1).

(5) "Sensitive materials" means an instructional material that constitutes objective sensitive material or subjective sensitive material.

(6) "Subjective sensitive materials" means the same as the term is defined in Subsection 53G-10-103(1).

R277-628-3. Policy and Accompanying Procedures for School Instructional Material Selection and Reconsideration.

(1) On or before September 1, 2024 each LEA shall:

(a) establish a policy and accompanying procedures for the selection and reconsideration of instructional materials selected for a school that:

(i) is consistent with current state law, including Sections 53G-10-103, 53G-4-402 and 53G-5-404;

(ii) does not prevent an LEA from:

(A) revisiting a previous decision;

(B) reviewing a recommendation of LEA personnel or an LEA committee made up of school community parents regarding a challenged instructional material; or

(C) reconsidering a challenged instructional material if the LEA governing board receives additional information regarding the material;

(iii) prioritizes protecting children from the harmful effects of illicit pornography over other considerations in evaluating instructional materials;

(iv) designates two or more LEA employees responsible for making the initial objective sensitive material determination as described in Subsection 53G-10-103(4);

(v) provides a process for designating three or more members including at least one parent and may include the designees from the initial review, for the Objective Sensitive materials review using the objective sensitive material standards;

(vi) clarifies that those responsible for procurement of the materials or the individual who brought the challenge may not serve on the review committee; and

(vii) outlines a process for disposing of removed materials that requires:

(A) the physical removal of the material;

(B) communicating with vendors and publishers regarding the decision; and

(C) that sensitive materials removed from student access shall be legally disposed of and may not be sold or distributed;

(b) ensure each school within the LEA complies with the LEA's policy and accompanying procedures for the selection and reconsideration of instructional materials selected for a school as described in Subsection (1)(a);

(c) ensure the review of subjective instructional materials includes school community parents;

(d) shall provide an online platform for library materials consistent with Section 53G-4-402, and

(e) If an LEA requires an employee of the LEA to participate on a sensitive materials review committee requiring engagement outside of contract hours, the LEA shall compensate the employee for the employee's time participating on the committee.

(2) The Superintendent may provide a guidance document for use by an LEA in developing an LEA's policy and accompanying procedures described in Subsection (1).

R277-628-4. LEA Reporting and Compliance.

(1) For challenges before July 1, 2024 an LEA shall report to the Board a removal of the material based on the final objective sensitive material determination, of which the LEA has sufficient information to support the determination of whether the material previously removed meets the objective sensitive material criteria.

(2) An LEA shall do an initial review as described in Subsection 53G-10-103(4) and Subsection R277-628-3(1)(a)(iv) for any materials removed prior to July 1, 2024.

(3) After July 1, 2024, the LEA, through an appointed designee using the form provided by the Superintendent, shall report all challenges, final determinations, and rationale to the Superintendent:

(a) within 30 school days; or

(b) if an appeal is in process, at the conclusion of the appeal.

R277-628-5. State Board Compliance and Reporting Requirements.

(1) The Superintendent shall:

(a) compile LEA determinations for objective sensitive materials submitted before July 1, 2024;

(b) communicate to LEAs by August 5, 2024 objective sensitive materials meeting the statewide removal threshold of:

(i) at least three school districts; or

(ii) at least two school districts and five charter schools;

(c) after August 5, 2024, notify LEA's appointed designee and the Board within 10 school days after the statewide removal threshold has been met.

(d) compile an annual report as described in Subsection 53G-10-103(8)(c) of any sensitive materials challenges at the LEA and state level.

(2) Following the notification of an objective sensitive material statewide removal, a state board member may, within 30 days of notification, request that the material be placed on an agenda in full board meeting for a vote of the Board to overturn the application of the requirement according to the agenda process as outlined in Board by-laws.

(3) An individual described in Subsection 53G-10-103(3)(a) may report a violation of Section 53G-10-103 or this Rule R277-628 to the Board in accordance with the process described in Rule R277-123.

KEY: instructional materials, material selection, policy and procedures

Date of Last Change: August 7, 2024

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-501(1)(c)(v); 53E-3-401(4)

R277. Education, Administration.

R277-629. Paid Professional Hours for Educators.

R277-629-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Section 53F-7-203, which directs the Board to distribute program funds to LEAs to provide to educators consistent with the statute.

(2) The purpose of this rule is to establish rules for distribution of program funds.

(3) This Rule R277-629 is categorized as Category 2 as described in Rule R277-111.

R277-629-2. Definitions.

(1) "Program funds" means funds allocated to LEAs in accordance with Section 53F-7-203.

(2) For purposes of Subsection 53F-7-203(2), "student support educator" may include a librarian, instructional coach, or another certified position that works 50% or more in a school building.

R277-629-3. Distribution of Funds.

(1) The Superintendent shall distribute program funds to LEAs annually based on November 15 licensing information.

(2) An LEA shall distribute program funds in compliance with Section 53F-7-203.

(3) An LEA shall establish a policy outlining how the LEA will distribute program funds.

(4)(a) An LEA may only use program funds for costs outlined in Section 53F-7-203.

(b) An LEA may not use program funds to cover indirect costs.

(c) An LEA may pro-rate funds if an educator ends employment before the end of the school year consistent with the LEA's policy adopted in accordance with Subsection (3).

(5)(a) An LEA shall disburse program funds to educators by June 30 annually.

(b) The Superintendent may:

(i) offset unused program funds against future allocations to the LEA; or

(ii) require the LEA to return unused program funds by September 30 of the next school year.

KEY: paid professional hours

Date of Last Change: August 7, 2024

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-7-203

R277. Education, Administration.

R277-630. Child Sex Abuse and Human Trafficking Prevention Training and Instruction.

R277-630-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Section 53G-9-207, which requires the Board to approve, in partnership with the Utah Department of Health and Human Services, age-appropriate instructional materials for the child sex abuse and human trafficking prevention training and instruction.

(2) The purpose of this rule is to provide the process for a third-party provider of instructional materials for the child sex abuse and human trafficking prevention training and instruction to be approved for use by an LEA.

(3) This Rule R277-630 is categorized as Category 2 as described in Rule R277-111.

R277-630-2. Definitions.

(1) "Age-appropriate instructional material" means the same as that term is defined in Section 53G-9-207.

(2) "Alternative provider" means the same as that term is defined in Section 53G-9-207.

(3) "School personnel" means the same as that term is defined in Section 53G-9-203.

(4) "Primary provider" means the statewide entity selected by the Board through the request for proposals process that provides the elementary student materials for child sexual abuse and human trafficking prevention training as outlined in Subsection 53G-9-207(8).

(5) "Provider" means an LEA or third-party organization that submits child sexual abuse and human trafficking prevention materials to the Board for consideration.

R277-630-3. Instructional Material Approval Process.

(1) A provider offering child sex abuse and human trafficking training or instruction shall apply to the Superintendent and be approved by the Board before being utilized by an LEA.

(2) An LEA may only use instructional materials from a provider that have been approved by the Board.

(3) A provider shall apply according to the form and deadlines established by the Superintendent and include the following within the application submission:

(a) a table showing how the materials and trainings align with state law, including Sections:

(i) 53G-9-207; and

(ii) 53G-10-402;

(b) an assurance that the materials and trainings are vetted and do not lead to the accessibility of materials or resources that violate Section 53G-10-103 or train school staff, educators, or administrators on topics prohibited by Rule R277-328;

(c) a copy of all materials to be used for instruction or training purposes and notation for each regarding the intended audience;

(d) a list of evidence-based research that has been used to inform the materials or training; and

(e) additional information as requested by the Superintendent.

(4) The Superintendent, in partnership with the Department of Health and Human Services, shall establish a review committee to determine a potential third-party provider's advancement to the Board for final approval.

(5) The review committee members shall sign a non-disclosure agreement regarding the materials provided.

(6) The review committee for adults-serving youth and parent focused materials shall use an evaluation guide to assess several key program components including:

(a) training expectations, including:

(i) familiarity with state and federal law, including Subsection 80-4A-201(1);

(ii) awareness of youth vulnerabilities and specific needs within their community; and

(iii) a general understanding of child sex abuse and human trafficking, including human trafficking as a form of abuse;

(b) required program concepts, including:

(i) human trafficking definition aligned with state law;

(ii) sex trafficking definition;

(iii) labor trafficking definition;

(iv) grooming cycle;

(v) examples of trafficker conduct or behavior;

(vi) risk factors;

(vii) populations that are vulnerable to being victims of human trafficking;

(viii) concepts showing how human trafficking can happen to any individual; and

(ix) concepts surrounding refusal skills consistent with Section 53G-10-402;

(c) focus areas regarding prevention and reporting of sexual abuse or human trafficking including:

(i) how to be safe in various situations;

(ii) appropriate use of technology;

(iii) appropriate adult behavior;

(iv) concepts of self-awareness and trust;

(v) disclosure of inappropriate activities;

(vi) recognizing warning signs; and

(vii) appropriate mechanism, including time and place, for reporting when sexual abuse or human trafficking violations are suspected; and

(d) how an individual can create a reporting plan including a method of reporting sex abuse or human trafficking.

(7) The review committee for youth materials shall use an evaluation guide to assess several key program components including:

(a) training expectations, including:

(i) familiarity with state and federal law, including Subsection 80-4A-201(1);

(ii) awareness of youth vulnerabilities and specific needs within their community;

(iii) how to adapt instruction and materials to be age-appropriate; and

(iv) a general understanding of child sex abuse and human trafficking, including human trafficking as a form of abuse;

(b) focus areas regarding prevention and reporting of sexual abuse or human trafficking including:

(i) how to be safe in various situations;

(ii) appropriate use of technology;

(iii) appropriate adult behavior;

(iv) concepts of self-awareness and trust;

(v) disclosure of inappropriate activities;

(vi) recognizing warning signs; and

(vii) appropriate mechanism, including time and place, for reporting when sexual abuse or human trafficking violations are suspected; and

(c) how an individual can create a safety plan and a reporting plan including a method of reporting sex abuse or human trafficking.

(8) A provider that is sent to the Board for final approval shall make all application materials available to the Board for review and Board members shall be bound to keep the materials confidential.

(9) If the Board denies an application for approval, the Board shall notify the provider within 30 days of the Board's determination the reason for the denial.

(10) A provider that has been denied may reapply for approval if the reasons for the denial have been shown by the provider to be remediated.

(11) An approved provider shall reapply for approval of materials or trainings every three years and when updates to the approved materials or trainings are made.

R277-630-4. Application for Primary Provider for Elementary Student Instructional Materials in Child Sexual Abuse and Human Trafficking Prevention.

(1) Applicants for primary provider for elementary student instructional materials in child sexual abuse and human trafficking prevention shall apply according to the form and deadlines established by the Superintendent and include the following within the application submission:

(a) the applicant's Board approved instructional materials in both child sexual abuse and human trafficking prevention;

(b) demonstration of engagement in outreach efforts to support elementary schools to participate in the training and instruction of their materials;

(c) all materials for instruction involving students in elementary schools;

(d) assurance that the applicant's materials and training comply with state law;

(e) demonstration of experience and expertise in providing instruction with age-appropriate materials to elementary students regarding Child Sexual Abuse and Human Trafficking prevention; and

(f) assurance that the applicant's materials are accessible to elementary students, including students with a disability.

(2) Once awarded, the primary provider shall:

(a) comply with reporting requirements as required by the Superintendent; and

(b) make efforts to annually increase the number of elementary schools that are provided with the training or materials.

R277-630-5. Process to Become an Alternative Provider.

(1) An LEA or third-party organization applying to become an alternative provider shall use the process designated by the Superintendent and shall include the following within the application submission:

(a) the applicant's Board approved instructional materials;

(b) the name of the instructional materials to be utilized;

(c) a process for ensuring fidelity to the instructional materials; and

(d) the process used to ensure that all staff responsible for instruction are trained:

(i) in the specific curriculum being presented; and

(ii) in reporting child abuse and neglect as defined in Section 76-5-109.

(2) An LEA or third-party organization applying to become an alternative provider may not be the same as the primary provider.

(3) An LEA or third-party organization applying to become an alternative provider may be an LEA who utilizes staff to provide the training.

(4) The approval for alternative provider status is valid for three years.

(5) An LEA or third-party organization renewing alternative provider status after three years shall provide in the application:

(a) all the requirements listed in Subsection (2); and

(b) a written favorable recommendation from an LEA administrator.

R277-630-6. Grant Process for LEAs that Choose to Use an Alternative Provider to Provide Elementary Instruction for Child Sexual Abuse and Human Trafficking Prevention.

(1) An LEA may apply for a grant to use an alternative provider to provide elementary instruction for child sexual abuse and human trafficking prevention by submitting a proposal on a form approved by the Superintendent.

(2) A proposal submitted in accordance with Subsection (1) shall:

(a) provide the name of the approved alternative provider that the LEA is utilizing;

(b) state whether the alternative provider is employed within the LEA or at a third-party organization; and

(c) provide the amount of funds being requested and a plan for how the funds will be used in compliance with Section 53G-9-207.

(3) The Superintendent shall grant awards to qualifying applicants on a first-come, first-served basis.

(4) Grant awardees shall comply with reporting and evaluation requirements established by the Superintendent.

KEY: child sex abuse, human trafficking, prevention

Date of Last Change: December 18, 2024

Authorizing and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-9-207

R277. Education, Administration.

R277-631. Student Toilet Training Requirements.

R277-631-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Subsection 53G-7-203(6), which requires the Board to make rules related to student toilet training.

(2) The purpose of this rule is to establish toilet training requirements and exceptions.

(3) This Rule R277-631 is categorized as Category 2 as described in Rule R277-111.

R277-631-2. Definitions.

(1)(a) "Toilet trained" means that a student can;

(i) communicate the need to use the bathroom to an adult;

(ii) sit down on a toilet;

(iii) use the toilet without assistance;

(iv) undress and dress as necessary; and

(v) tend to personal hygienic needs after toileting.

(b) If an accident occurs a "toilet trained" child can independently tend to hygienic needs and change clothes.

(2) A student is not "toilet trained" if the student:

(a) does not meet the criteria in Subsection (1); or

(b) has accidents with sufficient frequency to impact the educational experience of the student or the student's peers, as determined by an LEA.

R277-631-3. LEA Requirements.

(1)(a) Beginning in the 2025-2026 school year, except as provided in Subsection (b) an LEA may not enroll a student unless the student is toilet trained.

(b) An LEA may enroll a school-aged student who is not able to be toilet trained because of a suspected disability that is subject to federal child find requirements or that is described in an IEP or Section 504 plan.

(2) As part of an LEA's enrollment process, an LEA shall require an assurance from the parent of an incoming student that the student is toilet trained as required under Subsection (1)(a).

(3) If an LEA denies enrollment under Subsection (1)(a), the LEA shall provide services consistent with the school's requirements under Subsection 53G-6-302(6) or 53G-6-502(3).

R277-631-4. Background Checks.

(1) An LEA may adopt a policy requiring a background check for a parent's designee entering in public multi-stall restrooms for the purposes of aiding in toilet training pursuant to Subsection R277-631-3(3)(c) or

(2) An LEA shall ensure that toilet training assistance for a student who is not toilet trained, as provided under Subsection R277-631-3(3)(c) occurs in a private or cleared restroom.

KEY: toilet training, kindergarten

Date of Last Change: August 7, 2025

Authorizing, and Implemented or Interpreted Law: Article X, Section 3; 53E-3-401(4); 53G-7-203(6)

R277. Education, Administration.

R277-632. Funding for At-Risk Students and Students Learning English.

R277-632-1. Authority, Purpose, and Oversight Category.

(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 53F-2-314(4), which requires:

(i) an LEA to report information on the use of the at-risk add-on to the WPU to the Board; and

(ii) the Board to monitor the learning outcomes resulting from an LEA's use of the at-risk add-on to the WPU; and

(c) Section 53F-2-316, which requires the Board to make rules regarding distribution of emergency funds for students learning English.

(2) The purpose of this rule is to:

(a) clarify reporting requirements for the At-Risk Add-On Funding Report; and

(b) establish requirements for distribution of emergency funding to schools under Section 53F-2-316.

(3)(a) Section R277-632-3 is categorized as Category 2 as described in Rule R277-111.

(b) Section R277-632-4 is categorized as Category 4 as described in Rule R277-111.

R277-632-2. Definitions.

(1) "At risk" has the same meaning as described in Section 53F-2-314.

(2) "At-Risk Add-On Funding Report" means the reporting required of each LEA consistent with Subsection 53F-2-314(4)(a).

(3) "Student learning English" has the same meaning as described in Section 53F-2-316.

(4) "UPEFS" means the Utah Public Education Financial System.

(5) "Weighted Pupil Unit" or "WPU" has the same meaning as described in Section 53F-2-102.

R277-632-3. LEA Reporting.

(1) An LEA shall submit the At-Risk Add-On Funding Report by October 1 for the previous fiscal year.

(2) An LEA shall submit financial data through UPEFS.

(3) An LEA shall submit the following through a separate data collection form provided by the Superintendent:

(a) the definition the LEA's local Board has approved for the term "at-risk student" in the LEA consistent with Subsection 53F-2-314(1)(a)(ii);

(b) LEA outcome data specific to the defined at-risk subpopulation;

(c) a report of intervention effectiveness related to the LEA's use of funds;

(d) the number of students served that meet the LEA's definition of at-risk; and

(e) other data as requested by the Superintendent.

R277-632-4. Emergency Funding for Schools With Increased Enrollment of Students Learning English.

(1) The Superintendent shall annually identify schools qualifying for funding under Section 53F-2-316 using the results of the WIDA ACCESS Assessment or the WIDA Screener Assessment.

(2) The Superintendent shall notify each school identified in accordance with Subsection (1) of the opportunity to apply for available funding.

(3) The Superintendent shall establish an application process and distribution formula for funds allocated by the Legislature, which prioritizes schools with:

(a) the greatest percentage increase in enrollment of students learning English; and

(b) the most severe financial need.

(4)(a) An LEA shall provide all information required in Subsection 53F-2-316(3).

(b) An LEA may demonstrate a school has substantial need by showing:

(i) a plan for spending the funds for a qualifying school consistent with the purposes allowed in Section 53F-2-316; and

(ii) that the LEA has no carry forward from the LEA's at-risk add-on funding for the three preceding years.

(5) An LEA receiving funds under this rule may only use funds as set forth in Section 53F-2-316.

KEY: at risk add-on report, emergency funding, students learning english

Date of Last Change: August 7, 2025

Authorizing, and Implemented or Interpreted Law: Article X, Section 3; 53F-2-314

R277. Education, Administration.

R277-700. The Elementary and Secondary School General Core.

R277-700-1. Authority, Purpose, and Oversight Category.

(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 53E-3-501, which directs the Board to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements;

(d) Section 53E-4-202, which directs:

(i) the Board to establish Core Standards in consultation with LEA boards and superintendents; and

(ii) LEA boards to adopt local evidence-based curriculum and to design programs to help students master the General Core;

(e) Title 53E, Chapter 4, Part 2, Career and College Readiness Mathematics Competency, which directs the Board to establish college and career mathematics competency standards; and

(f) Section 53E-4-205, which requires the Board to provide rules related to a basic civics test.

(2) The purpose of this rule is to specify the minimum Core Standards and General Core requirements for the public schools, and to establish responsibility for mastery of Core Standard requirements.

(3) This Rule R277-700 is categorized as Category 3 as described in Rule R277-111.

R277-700-2. Definitions.

For purposes of this rule:

(1)(a) "Applied course" means a public school course or class that applies the concepts of a Core subject.

(b) "Applied course" includes a course offered through Career and Technical Education or through other areas of the curriculum.

(2) "Arts" means the visual arts, music, dance, theatre, and media arts.

(3) "Assessment" means a summative assessment for:

(a) English language arts grades 3 through 10;

(b) mathematics grades 3 through 10, and Secondary I, II, and III; or

(c) science grades 4 through 10.

(4) "Career and Technical Education (CTE)" means an organized educational program in secondary schools (grades 6-12) or courses, which teach current industry-specific skills and knowledge that prepares students for employment, and for additional postsecondary preparation leading to employment.

(5) "Core Standard" means a statement of what a student enrolled in a public school is expected to know and be able to do at a specific grade level or following completion of an identified course.

(6) "Core subject" means a course for which there is a declared set of Core Standards as approved by the Board.

(7) "Elementary school" for purposes of this rule means a school that serves grades K-6 in whatever kind of school the grade levels exist.

(8) "General Core" means the courses, content, instructional elements, materials, resources and pedagogy that are used to teach the Core Standards, including the ideas, knowledge, practice and skills that support the Core Standards.

(9) "High school" for purposes of this rule means a school that serves grades 9-12 in whatever kind of school the grade levels exist.

(10) "LEA" or "local education agency" includes the Utah Schools for the Deaf and the Blind.

(11) "Middle school" for purposes of this rule means a school that serves grades 7-8 in whatever kind of school the grade levels exist.

(12) "Junior High school" means a school that serves grades 7-9 in whatever kind of school the grade levels exist.

(13) "Proficiency in keyboarding" means a student's ability to key by touch.

(14) "Summative adaptive assessment" means an assessment that:

(a) is administered upon completion of instruction to assess a student's achievement;

(b) is administered online under the direct supervision of a licensed educator;

(c) is designed to identify student achievement on the Core Standards for the respective grade and course; and

(d) measures the full range of student ability by adapting to each student's responses, selecting more difficult questions when a student answers correctly and less difficult questions when a student answers incorrectly.

R277-700-3. General Core and Core Standards.

(1) The Board establishes minimum course description standards for each course in the required General Core.

(2)(a) The Superintendent shall develop, in cooperation with LEAs, course descriptions for required and elective courses.

(b) The Superintendent shall provide parents and the general public an opportunity to participate in the development process of the course descriptions described in Subsection (2)(a).

(3)(a) The Superintendent shall ensure that the courses described in Subsection (2):

(i) contain mastery criteria for the courses; and

(ii) stress mastery of the course material, Core Standards, and life skills consistent with the General Core.

(b) The Superintendent shall place a greater emphasis on a student's mastery of course material rather than completion of predetermined time allotments for courses.

(4) An LEA board shall administer the General Core and comply with student assessment procedures consistent with state law.

(5) An LEA shall use evidence-based best practices, technology, and other instructional media to increase the relevance and quality of instruction.

R277-700-4. Elementary Education Requirements.

(1) The Core Standards and a General Core for elementary school students in grades K-6 are described in this section.

(2) The following are the Elementary School Education Core Subject Requirements:

(a) English Language Arts;

(b) Mathematics;

(c) Science;

(d) Social Studies;

(e) Arts:

(i) Visual Arts;

(ii) Music;

(iii) Dance; or

(iv) Theatre;

(f) Health Education;

(g) Physical Education;

(h) Educational Technology, including keyboarding;

(i) Library Media skills, integrated into the core subject areas and

(j) Civics and character education, integrated into the core subject areas.

(3) An LEA board shall provide access to the General Core to all students within the LEA.

(4) An LEA board is responsible for student mastery of the Core Standards.

(5) An LEA shall implement formative assessment practices on a regular basis to ensure continual student progress.

(6) An LEA shall assess students for proficiency in keyboarding by grade 5 and report school level results to the Superintendent.

(7) An LEA shall use Board-approved summative adaptive assessments to assess student mastery of the following:

(a) language arts;

(b) mathematics;

(c) science; and

(d) effectiveness of written expression in grade 5.

(8) An LEA shall provide intervention to elementary students who do not achieve mastery of the subjects described in this section.

R277-700-5. Middle School Education Requirements.

(1) The Core Standards and a General Core for middle school students are described in this section.

(2) A student in grades 7-8 shall complete the courses described in Subsection (3) to be properly prepared for instruction in grades 9-12.

(3) The following are the Grades 7-8 General Core Requirements:

(a) Grade 7 Language Arts;

(b) Grade 8 Language Arts;

(c) Grade 7 Mathematics;

(d) Grade 8 Mathematics;

(e) Grade 7 Integrated Science;

(f) Grade 8 Integrated Science;

(g) United States History;

(h) Utah History; and

(i) at least one course in each of the following in grades 7 or 8:

(A) Health Education;

(B) College and Career Awareness;

(C) Digital Literacy;

(D) the Arts; and

(E) Physical Education.

(5) An LEA shall use Board-approved summative adaptive assessments to assess student mastery of the following:

(a) language arts;

(b) mathematics;

(c) science; and

(d) writing in grade 8.

(6) At the discretion of the LEA board, an LEA board may:

(a) offer additional elective courses;

(b) require a student to complete additional courses; or

(c) set minimum credit requirements.

(7) Upon parental or student request, an LEA may, with parental consent, substitute a course requirement described in Subsection (3) with a course, extracurricular activity, or experience that is:

(a) similar to the course requirement; or

(b) consistent with the student's plan for college and career readiness.

(8)(a) An LEA shall establish a policy governing the substitution of a course requirement as described in Subsection (7).

(b) An LEA's policy described in Subsection (8)(a) shall include a process for a parent to appeal an LEA's denial of a request for a substitution described in Subsection (7) to the LEA board or the LEA board designee.

R277-700-6. High School Requirements.

(1) The General Core and Core Standards for students in grades 9-12 are described in this section.

(2) A student in grades 9-12 shall earn a minimum of 24 units of credit through course completion or through competency assessment consistent with Rule R277-705 to graduate.

(3)(a) Through recording of credits in a student's transcripts for grades 9-12, for purposes of high school graduation, an LEA shall recognize high school credits earned before grade 9.

(b) An LEA may not use high school courses to replace middle school educational requirements.

(4) The General Core credit requirements from courses approved by the Board are described in Subsections (4) through (18).

(5) Language Arts (4.0 units of credit from the following):

(a) Grade 9 level (1.0 unit of credit);

(b) Grade 10 level (1.0 unit of credit);

(c) Grade 11 level (1.0 unit of credit); and

(d) Grade 12 level (1.0 Unit of credit) consisting of applied or advanced language arts credit from the list of Board-approved courses using the following criteria and consistent with the student's Plan for College and Career Readiness:

(i) courses are within the field or discipline of language arts with a significant portion of instruction aligned to language arts content, principles, knowledge, and skills;

(ii) courses provide instruction that leads to student understanding of the nature and disposition of language arts;

(iii) courses apply the fundamental concepts and skills of language arts;

(iv) courses provide developmentally appropriate content; and

(v) courses develop skills in reading, writing, listening, speaking, and presentation.

(e) A student may receive up to a half credit of the students four required Language Arts credits for a course or school sponsored activity emphasizing verbal communication during any year between grades 9 and 12.

(6) Mathematics (3.0 units of credit) shall be met minimally through successful completion of a combination of the foundation or foundation extended courses, Secondary Mathematics I, Secondary Mathematics II, and Secondary Mathematics III.

(7)(a) A student may opt out of Secondary Mathematics III if the student's parent submits a written request to the school.

(b) If a student's parent requests an opt out described in Subsection (6)(a), the student shall complete a third math credit from the Board-approved mathematics list.

(8) A 7th or 8th grade student may earn credit for a mathematics foundation course before 9th grade, consistent with the student's Plan for College and Career Readiness if:

(a) the student is identified as gifted in mathematics in accordance with the procedures outlined in Rule R277-707;

(b) the student is enrolled at a middle school or junior high school and a high school;

(c) the student qualifies for promotion one or two grade levels above the student's age group and is placed in 9th grade; or

(d) the student takes the Board competency test in the summer before 9th grade and earns high school graduation credit for the course.

(9) A student who successfully completes a mathematics foundation course before 9th grade shall earn 3.0 units of additional mathematics credit by:

(a) taking the other mathematics foundation courses described in Subsection (5); and

(b) an additional course from the Board-approved mathematics list consistent with:

(i) the student's Plan for College and Career Readiness; and

(ii) the following criteria:

(A) courses are within the field or discipline of mathematics with a significant portion of instruction aligned to mathematics content, principles, knowledge, and skills;

(B) courses provide instruction that lead to student understanding of the nature and disposition of mathematics;

(C) courses apply the fundamental concepts and skills of mathematics;

(D) courses provide developmentally appropriate content; and

(E) courses include the Standards for Mathematical Practice as listed in the Utah secondary mathematics core.

(10) A student who successfully completes a Calculus course with a "C" grade or higher has completed mathematics graduation requirements, regardless of the number of mathematics credits earned.

(11) Science (3.0 units of credit):

(a) shall be met minimally through successful completion of 2.0 units of credit from two of the following five science foundation areas:

(i) Earth Science (1.0 units of credit);

(A) Earth Science;

(B) Advanced Placement Environmental Science; or

(C) International Baccalaureate Environmental Systems;

(ii) Biological Science (1.0 units of credit);

(A) Biology;

(B) Biology: Agricultural Science and Technology;

(C) Advanced Placement Biology;

(D) International Baccalaureate Biology; or

(E) Biology with Lab Concurrent Enrollment;

(iii) Chemistry (1.0 units of credit);

(A) Chemistry;

(B) Advanced Placement Chemistry;

(C) International Baccalaureate Chemistry; or

(D) Chemistry with Lab Concurrent Enrollment;

(iv) Physics (1.0 units of credit);

(A) Physics;

(B) Advanced Placement Physics (1, 2, C: Electricity and Magnetism, or C: Mechanics);

(C) International Baccalaureate Physics; or

(D) Physics with Lab Concurrent Enrollment; or

(v) Computer Science (1.0 units of credit):

(A) Advanced Placement Computer Science;

(B) Computer Science Principles; or

(C) Computer Programming 2; and

(b) one additional unit of credit from:

(i) the foundation courses described in Subsection (10)(a); or

(ii) the applied or advanced science list:

(A) determined by the LEA board; and

(B) approved by the Board using the following criteria and consistent with the student's Plan for College and Career Readiness:

(i) courses are within the field or discipline of science with a significant portion of instruction aligned to science content, principles, knowledge, and skills;

(ii) courses provide instruction that leads to student understanding of the nature and disposition of science;

(iii) courses apply the fundamental concepts and skills of science;

(iv) courses provide developmentally appropriate content;

(v) courses include the areas of physical, natural, or applied sciences; and

(vi) courses develop students' skills in scientific inquiry.

(12) Social Studies (3.0 units of credit, and beginning with incoming 9th graders in the 2026-2027 school year, 3.5 units of credit) shall be met minimally through successful completion of:

(a) 2.5 and beginning with incoming 9th graders in the 2026-2027 school year 3.0 units of credit from the following courses:

(i) World Geography (0.5 units of credit);

(ii) World History (0.5 units of credit);

(iii) U.S. History (1.0 units of credit);

(iv) U.S. Government and Citizenship (0.5 units of credit);

(v) Beginning with incoming 9th graders in the 2026-2027 school year, American Constitutional Government and Citizenship (0.5 units of credit); and

(b) Social Studies (0.5 units of credit per LEA discretion).

(13) The Arts (1.5 units of credit from any of the following performance areas):

(a) Visual Arts;

(b) Music;

(c) Dance;

(d) Theatre; or

(e) Media Arts.

(14) Health Education (0.5 units of credit).

(15)(a) Physical Education (1.5 units of credit from each of the following):

(i) Participation Skills (0.5 units of credit);

(ii) Fitness for Life (0.5 units of credit); and

(iii) Individualized Lifetime Activities (0.5 units of credit);

(b) Notwithstanding Subsection (15)(a), a student may earn 0.5 units of credit per sport for team sport or athletic participation up to a maximum of 1.0 units of credit with LEA approval to replace participation skills and individualized lifetime activities requirements.

(16) Career and Technical Education (1.0 units of credit from any of the following):

(a) Agriculture, Food and Natural Resources;

(b) Architecture and Construction;

(c) Arts, Audio/Visual Technology and Communications;

(d) Business, Finance and Marketing;

(e) Computer Science and Information Technology;

(f) Education and Training;

(g) Engineering and Technology;

(h) Health Science;

(i) Hospitality and Tourism;

(j) Human Services;

(k) Law, Public Safety, Corrections and Security;

(l) Manufacturing; or

(m) Transportation, Distribution, and Logistics.

(17) Digital Studies (0.5 units of credit).

(18) Library Media Skills, integrated into the subject areas.

(19) General Financial Literacy (0.5 units of credit).

(20) Electives (5.0 units of credit).

(21) An LEA shall use Board-approved summative assessments to assess student mastery of the following subjects:

(a) language arts through grade 11;

(b) mathematics as defined in Subsection (6); and

(c) science as defined in Subsection (11).

(22) An LEA board may require a student to earn credits for graduation that exceed the minimum Board requirements described in this rule.

(23) An LEA board may establish and offer additional elective course offerings at the discretion of the LEA board.

(24)(a) An LEA may modify a student's graduation requirements to meet the unique educational needs of a student if:

(i) the student has a disability; and

(ii) the modifications to the student's graduation requirements are made through the student's individual IEP.

(b) An LEA shall document the nature and extent of a modification, substitution, or exemption made to a student's graduation requirements described in Subsection (22)(a) in the student's IEP.

(25) The Superintendent shall provide a list of approved courses meeting the requirements of this rule.

(26) An LEA may modify graduation requirements for an individual student to achieve an appropriate route to student success if the modification:

(a) is consistent with:

(i) the student's IEP; or

(ii) SEOP or Plan for College and Career Readiness;

(b) is maintained in the student's file;

(c) includes the parent's signature; and

(d) maintains the integrity and rigor expected for high school graduation, as determined by the Board.

R277-700-7. Student Mastery and Assessment of Core Standards.

(1) An LEA shall ensure students master the Core Standards at all levels.

(2) An LEA shall provide intervention for secondary students who do not achieve mastery in accordance with Section 53G-9-803.

(3) An LEA shall provide remedial assistance to students who are found to be deficient in basic skills through a statewide assessment in accordance with Subsection 53E-5-206(1).

(4) If a student refrains from a portion of a course or to a course in its entirety under Section 53G-10-205, the parent and school may work together to establish an alternate academic accommodation, which allows the student to demonstrate mastery of Core Standards or alternate standard, consistent with Subsection 53G-6-803(7) and Subsection 53G-10-205(2)(b).

(5)(a) A student with a disability served by a special education program shall demonstrate mastery of the Core Standards.

(b) If a student's disability precludes the student from successfully mastering the Core Standards, the student's IEP team, on a case-by-case basis, may provide the student an accommodation for, or modify the mastery demonstration to accommodate, the student's disability.

(6) A student may demonstrate competency to satisfy course requirements consistent with Section R277-705-3.

(7) LEAs are ultimately responsible for and shall comply with all assessment procedures, policies and ethics as described in Rule R277-404.

R277-700-8. Civics Education Initiative.

(1) For purposes of this section:

(a) "Student" means a student enrolled in an adult education program who receives an adult education secondary diploma.

(b) "Basic civics test" means the same as that term is defined in Subsection 53E-4-205(1)(b).

(2) Except as provided in Subsection (3), an LEA shall:

(a) administer a basic civics test in accordance with the requirements of Section 53E-4-205; and

(b) require a student to pass the basic civics test as a condition of receiving an adult education secondary diploma.

(3) An LEA may require a student to pass an alternate assessment if:

(a)(i) the student has a disability; and

(ii) the alternate assessment is consistent with the student's IEP; or

(b) the student is within six months of intended graduation.

(4) Except as provided in Subsection (5), the alternate assessment shall be given:

(a) in the same manner as an exam given to an unnaturalized citizen; and

(b) in accordance with 8 C.F.R. Sec. 312.2.

(5) An LEA may modify the manner of the administration of an alternate assessment for a student with a disability in accordance with the student's IEP.

(6) If a student passes a basics civics test or an alternate assessment described in this section, an LEA shall report to the Superintendent that the student passed the basic civics test or alternate assessment.

(7) If a student who passes a basic civics test or an alternate assessment transfers to another LEA, the LEA may not require the student to re-take the basic civics test or alternate assessment.

R277-700-9. College and Career Readiness Mathematics Competency.

(1) For purposes of this section, "senior student with a special circumstance" means a student who:

(a) is pursuing a college degree after graduation; and

(b) has not met one of criteria described in Subsection (2)(a) before the beginning of the student's senior year of high school.

(2) Except as provided in Subsection (4), in addition to the graduation requirements described in Section R277-700-6, beginning with the 2016-17 school year, a student pursuing a college degree after graduation shall:

(a) receive one of the following:

(i) a score of 3 or higher on an Advanced Placement (AP) calculus AB or BC exam;

(ii) a score of 3 or higher on an Advanced Placement (AP) statistics exam;

(iii) a score of 5 or higher on an International Baccalaureate (IB) higher level math exam;

(iv) a score of 50 or higher on a College Level Exam Program (CLEP) pre-calculus or calculus exam;

(v) a score of 26 or higher on the mathematics portion of the American College Test (ACT) exam;

(vi) a score of 640 or higher on the mathematics portion of the Scholastic Aptitude Test (SAT) exam; or

(vii) a "C" grade in a concurrent enrollment mathematics course that satisfies a state system of higher education quantitative literacy requirement; or

(b) if the student is a senior student with a special circumstance, take a full year mathematics course during the student's senior year of high school.

(3) Except as provided in Subsection (4), in addition to the graduation requirements described in Section R277-700-6, beginning with the 2016-17 school year, a non-college and degree-seeking student shall complete appropriate math competencies for the student's career goals as described in the student's Plan for College and Career Readiness.

(4) An LEA may modify a student's college or career readiness mathematics competency requirement under this section if:

(a) the student has a disability; and

(b) the modification to the student's college or career readiness mathematics competency requirement is made through the student's IEP.

(5)(a) An LEA shall report annually to the LEA's board the number of students within the LEA who:

(i) meet the criteria described in Subsection (2)(a);

(ii) take a full year of mathematics as described in Subsection (2)(b);

(iii) meet appropriate math competencies as established in the students' career goals as described in Subsection (3); and

(iv) meet the college or career readiness mathematics competency requirement established in the students' IEP as described in Subsection (4).

(b) An LEA shall provide the information described in Subsection (5)(a) to the Superintendent by October 1 of each year.

KEY: graduation requirements, standards

Date of Last Change: August 7, 2025

Notice of Continuation: June 4, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(b); 53E-4-202; 53E-3-401(4)

R277. Education, Administration.

R277-701. Early College Programs.

R277-701-1. Authority, Purpose, and Oversight Category.

(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-2-408.5, which requires the Board to establish a distribution formula for the expenditure of funds appropriated for Early College Programs; and

(d) Section 53F-2-409, which directs the Board to provide for the distribution of concurrent enrollment dollars in rule.

(2) The purpose of this rule is to:

(a) specify the procedures for distributing funds appropriated under Sections 53F-2-408.5 and 53F-2-409 to LEAs;

(b) provide resources to LEAs for early college programs; and

(c) specify the standards and procedures for concurrent enrollment courses and the criteria for funding appropriate concurrent enrollment expenditures.

(3) This Rule R277-701 is categorized as Category 3 as described in Rule R277-111.

R277-701-2. Definitions.

(1) "Advanced placement" or "AP" courses means the same as the term is defined in Section 53F-2-408.5.

(2) "Concurrent enrollment" or "CE" means the same as the term is defined in Section 53E-10-301.

(3) "Early college programs" means an LEA's AP courses, IB programs, and CE programs.

(4) "Eligible institution" has the same meaning as described in Section 53E-10-301.

(5) "Enhancement of Accelerated Students Programs" means the same as the term is defined in Section R277-707-2.

(6) "International Baccalaureate" or "IB" Program means the same as the term is defined in Section 53F-2-408.5.

(7) "Master course list" means a list of approved CE courses, maintained by the Superintendent and USHE, which may be offered and funded.

(8) "Successfully completed" means that a student received USHE credit for a CE course.

(9) "Underrepresented students" means the same as the term is defined in Section R277-707-2.

(10) "USHE" means the Utah System of Higher Education as described in Section 53B-1-102.

R277-701-3. Eligibility and Application.

(1) All LEAs are eligible to apply for the Early College Program funds annually.

(2) To receive program money, an LEA shall submit an application to the Superintendent that includes an LEA's plan for:

(a) how the LEA intends to spend program money;

(b) how the LEA intends to engage parents so that parents understand the opportunities available for their children in elementary, middle school, high school and beyond, including how the LEA will comply with Rule R277-462; and

(c) how the LEA intends to eliminate barriers and increase student enrollment, in Early college programs, including underrepresented students.

(3) The Superintendent shall publish:

(a) expectations;

(b) targets related to gap closures for underrepresented students; and

(c) timelines related to an LEA application.

R277-701-4. Distribution and Use of Funds for AP and IB Programs.

(1) The Superintendent shall distribute the total allocation for Enhancement of Accelerated Students program as follows after setting aside the requisite funding described in Subsection 53F-2-408.5(3):

(a) 40% of the total allocation to AP and IB programs as described in Rule R277-701; and

(b) 60% of the total allocation to LEAs to support Gifted and Talented programs as described in Rule R277-707.

(2)(a) The Superintendent shall determine funding to be awarded to an LEA's IB programs by:

(i) the number of IB programs at each school; and

(ii) the exam costs for students experiencing socioeconomic disadvantage.

(b) The Superintendent shall determine 30% of the funding to be awarded for LEA AP programs by:

(i) dividing the number of students enrolled in an LEA's AP classes by the total enrollment of students in AP classes throughout the state; and

(ii) multiplying the result from Subsection (2)(b)(i) by 30% of the total AP allocation.

(c) The Superintendent shall determine 70% of the funding to be awarded for LEA AP programs by:

(i) dividing the number of students in the LEA receiving a three or higher on an AP examination by the total number of students receiving a three or higher on an AP examination throughout the state; and

(ii) multiplying the result from Subsection (2)(c)(i) by 70% of the total AP allocation.

(3) An LEA may use the LEA's allocation of funds for:

(a) professional learning for teachers;

(b) identification of underrepresented students;

(c) Advanced Placement courses;

(d) International Baccalaureate programs; or

(e) International Baccalaureate test fees of eligible low-income students.

(4) An LEA shall use at least a portion of the LEA's allocation for Advanced Placement test fees of eligible low-income students, as defined in Section 53F-2-408.5.

R277-701-5. Distribution and Use of Funds for CE Programs.

(1) CE funds shall be allocated in accordance with Section 53F-2-409.

(2) CE funds allocated to LEAs may not be used for any other program or purpose, except as provided in Section 53F-2-206 and after funds distribution as described in Subsection 53F-2-409(5)(c).

(3) CE funding may not be used to fund a parent or student-initiated college-level course at an institution of higher education.

(4) The Superintendent may not distribute CE funds to an LEA for reimbursement of a CE course:

(a) that is not on the master course list;

(b) for a student that has exceeded 30 semester hours of CE for the school year;

(c) for a CE course repeated by a student; or

(d) taken by a student:

(i) who has received a diploma;

(ii) whose class has graduated; or

(iii) who has participated in graduation exercises.

(5) An LEA shall receive a pro-rated amount of the funds appropriated for CE according to the number of semester hours successfully completed by students registered through the LEA in the prior year compared to the state total of completed CE hours.

(6) An LEA's use of state funds for CE is limited to the following:

(a) increasing access for groups of students who are underrepresented;

(b) aid in professional development of an eligible CE instructor in cooperation with the participating USHE institution;

(c) assistance with delivery costs for distance learning programs;

(d) participation in the costs of LEA personnel who work with the program;

(e) student textbooks and other instructional materials;

(f) fee waivers for costs or expenses related to CE for fee waiver eligible students under Rule R277-407;

(g) purchases by LEAs of classroom equipment required to conduct CE courses; and

(h) other uses approved in writing by the Superintendent consistent with the law and purposes of this rule.

(7) An LEA that receives program funds shall provide the Superintendent with the following:

(a) end-of-year expenditures reports;

(b) an annual report containing:

(i) supervisory services and professional development provided by a USHE institution; and

(ii) data as required by Section R277-701-12.

(8) Appropriate reimbursement may be verified at any time by an audit of the LEA.

R277-701-6. Early College Programs Funding Requirements.

(1) If an LEA fails to demonstrate progress in meeting plan goals, the Superintendent may:

(a) place the LEA on probation and provide targeted technical assistance; and

(b) reduce funding to the LEA.

(2) Excepted as described in Subsection (3) and subject to the general requirements of Section R277-700-7:

(a) A middle school or high school:

(i) shall provide all course registration opportunities to each student; and

(ii) through consultation with students, parents, educators, and administrators, may consider academic readiness, but may not require prerequisites for enrolling in an AP, IB, or CE course.

(b) Except as described in USHE Policy R165, a school that offers an early college program may not prohibit a student from enrolling in the course based on the student's:

(i) grades or grade point average;

(ii) state standardized assessment scores; or

(iii) referral or lack of a referral from an educator;

(c) An early college program may not prohibit a student from enrolling in a course based on the student's:

(i) grade level;

(ii) participation in or passing a pre-requisite course;

(iii) participation in or passing an honors-level or college-preparatory course; or

(iv) requirements over the summer.

R277-701-7. Student Eligibility and Participation for CE.

(1) A student participating in CE shall be an "eligible student" as described in Subsection 53E-10-301(6).

(2) Student eligibility requirements for CE shall be:

(a) established by an LEA and a USHE institution; and

(b) sufficiently selective to predict a successful experience.

(3) An LEA has the primary responsibility for identifying a student who is eligible to participate in a CE course.

(4) An LEA shall appropriately evaluate the supports the LEA employs to assist in achieving the highest access rate reasonable for all students to enroll in a CE course.

(5) An LEA shall contract with an eligible institution to provide a CE course if required in Section 53E-10-303.

R277-701-8. CE Course Credit and Offerings -- CE Course Approval Process.

(1) Credit earned through a CE course:

(a) has the same credit hour value as the CE course's counterpart on a college campus;

(b) applies toward graduation on the same basis as a course taught at a USHE institution to which the credits are submitted;

(c) generates higher education credit that becomes a part of a student's permanent college transcript;

(d) generates high school credit that is consistent with the LEA policies for awarding credit for graduation; and

(e) is transferable from one USHE institution to another.

(2) A USHE institution is responsible to determine the credit for a CE course, consistent with State Board of Higher Education policies.

(3) An LEA and a USHE institution shall provide the Superintendent and USHE with proposed new course offerings, including syllabi and curriculum materials, by November 15 of the year preceding the school year in which the courses would be offered.

(4) A CE course shall be approved by the Superintendent and USHE, and designated on the master course list, maintained by the Superintendent and USHE.

(5)(a) CE course offerings shall reflect the strengths and resources of the respective schools and USHE institutions and be based upon student needs.

(b) The number of courses selected shall be kept small enough to ensure coordinated statewide development and professional development activities for participating teachers.

(6) To provide for the focus of energy and resources on quality instruction in the CE program, CE courses shall be limited to courses in:

(a) English;

(b) mathematics;

(c) fine arts;

(d) humanities;

(e) science;

(f) social science;

(g) world languages; and

(h) career and technical education.

(7) A CE course may not be approved if the course is a postsecondary course below the 1,000 level.

(8) The appropriate USHE institution shall take responsibility for:

(a) course content;

(b) procedures;

(c) examinations;

(d) teaching materials; and

(e) program monitoring.

(9) CE procedures and materials shall be:

(a) consistent with Utah law; and

(b) ensure quality and comparability with CE courses offered on a college or university campus.

R277-701-9. CE Program Management and Delivery.

(1) An LEA shall use a Superintendent-designated 11-digit course code for a CE course.

(2) An LEA and a USHE institution shall jointly align information technology systems with individual student academic achievement data so that student information will be tracked through both education systems consistent with Section 53E-4-308.

(3) An LEA shall only receive funds for the LEA's CE program if the LEA's course enrollment matches the USHE institution enrollment in the technology systems as described in Subsection (2).

R277-701-10. Faculty and Educator Requirements.

(1) An educator who is not employed by a USHE institution and teaches a CE course shall:

(a) be employed by an LEA; and

(b) meet the requirements of Subsections 53E-10-302(5) and (6).

(2) An educator employed by an LEA who teaches a CE course shall be approved as an adjunct faculty member at the contracting USHE institution before teaching the CE course.

(3) High school educators who hold adjunct or part time faculty status with a USHE institution to teach CE courses shall be included as fully as possible in the academic life of the supervising academic department at the USHE institution.

(4) An LEA and a USHE institution shall share expertise and professional development, as necessary, to adequately prepare a teacher to teach in the CE program, including federal and state laws specific to student privacy and student records.

(5) A USHE institution that employs a faculty member who teaches in a high school has responsibility for ensuring and maintaining documentation that the faculty member has successfully completed a criminal background check, consistent with Section 53G-11-402.

R277-701-11. Student Tuition and Fees.

(1) A CE program student may be charged partial tuition and program-related fees, in accordance with Section 53E-10-305.

(2) Postsecondary tuition and participation fees charged to a CE student are not fees, as defined in Rule R277-407, and do not qualify for a fee waiver under Rule R277-407.

(3)(a) All costs related to CE courses that are not tuition and participation fees are subject to a fee waiver consistent with Rule R277-407.

(b) CE costs subject to fee waiver may include:

(i) consumables;

(ii) lab fees;

(iii) copying;

(iv) material costs;

(v) application fees; and

(vi) textbooks required for the course.

(4)(a) Except as provided in Subsection (4)(b), an LEA shall be responsible for fee waivers.

(b) An agreement between a USHE institution and an LEA may address the responsibility for fee waivers.

R277-701-12. Annual Contracts and Other Student Instruction Issues.

(1) An LEA and a USHE institution that plan to collaborate to offer a CE course shall enter into an annual contract for the upcoming school year by no later than May 30.

(2) An LEA shall provide the USHE with a copy of each annual contract entered into between the LEA and a USHE institution for the upcoming school year by no later than May 30.

(3) An LEA and a USHE institution shall use the standard contract language developed by the Superintendent and USHE.

R277-701-13. Performance Criteria and Reports.

(1) An LEA receiving an allocation of funds shall submit an annual evaluation report to the Superintendent.

(2) An LEA shall present the evaluation report identified in Subsection (1) to the LEA's local board in a public meeting.

(3) The report shall include the following:

(a) an accounting of student performance, disaggregated by student group for each early college program that the LEA participates;

(b) evidence of stakeholder input demonstrating that the LEA engaged parents;

(c) an accounting of how the LEA's funds were disbursed to the teacher level; and

(d) evidence that the LEA is making progress toward the LEA's plan goals.

KEY: early college program, advanced placement, international baccalaureate, concurrent enrollment

Date of Last Change: November 26, 2024

Notice of Continuation: September 15, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-408.5; 53F-2-409

R277. Education, Administration.

R277-702. Procedures for the Utah High School Completion Diploma.

R277-702-1. Authority, Purpose, and Oversight Category.

(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) Subsection 53E-3-501(1)(b), which directs the Board to adopt rules regarding access to programs, competency levels, and graduation requirements; and

(c) 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 describe the standards and procedures required for an individual to obtain a Utah High School Completion Diploma.

(3) This Rule R277-702 is categorized as Category 2 as described in Rule R277-111.

R277-702-2. Definitions.

(1) "High school equivalency exam" or "HSE exam" means a Board approved examination whose test modules are aligned with:

(a) current high school core standards; and

(b) the college and career readiness standards for adult education.

(2) "Out-of-school youth" means an individual 16 to 19 years of age whose high school cohort has not graduated and who is no longer enrolled in a K-12 program of instruction.

(3) "Utah high school completion diploma" means a completion diploma issued by the Board and distributed by a Board-approved contractor, to an individual who has passed all subject modules of the HSE exam at a Utah HSE exam testing center.

R277-702-3. Administrative Procedures and Standards for Testing and Certification.

(1)(a) The Superintendent shall contract with a third party contractor in accordance with state procurement law to administer HSE exams in the state.

(b) The Superintendent may contract with public non-profit institutions within the state to administer HSE exams and provide related testing services.

(c) The Superintendent shall determine the number and location of the institutions designated as testing centers in a manner that ensures that the test is reasonably accessible to potential applicants.

(d) The Superintendent shall develop requirements for HSE exam testing centers in conjunction with the contractor approved in accordance with Subsection (1)(a).

(2) The Superintendent shall develop minimum scores required for passing an HSE exam in conjunction with a vendor chosen in accordance with Subsection (1)(a).

(3) The Superintendent shall award a diploma to a candidate who receives a passing score on an HSE exam.

R277-702-4. Eligibility for HSE Testing.

(1) Any individual may take a Utah HSE exam regardless of state of residency.

(2) A candidate for the HSE exam:

(a) shall be at least 16 years of age when of registration for the exam; and

(b) may not be enrolled in any Utah k-12 school unless enrolled in the Focused Graduation Pathway as described in Rule R277-722.

(3) A 16-year-old candidate shall submit a completed state of Utah HSE Candidate and Adult Education Eligibility Form, which shall include:

(a) verification in a manner approved by the Superintendent that the candidate is not enrolled in a school;

(b) verification that the candidate understands and accepts the consequences and educational choices associated with the candidate's withdrawal from a K-12 program of instruction, including the prohibition from returning to a K-12 program anywhere in Utah upon successful passing of an HSE exam; and

(c) signed acknowledgment from the candidate's parent or guardian specifically stating that the candidate and parent or guardian:

(i) understand and accept the consequences and educational choices associated with the candidate's decision to withdraw from a K-12 program of instruction; and

(ii) authorize the candidate to take an HSE exam; and

(d) verification from a representative of a Utah state-sponsored adult education district program that the candidate demonstrates academic competencies to meet with success in passing the HSE exam.

(4) A student enrolled in the Focused Graduation Pathway as described in Rule R277-722 may take a Utah HSE exam while enrolled in any participating Utah K-12 school and does not need to submit a completed state of Utah HSE Candidate and Adult Education Eligibility Form.

(5) A 16 year-old candidate may provide a marriage certificate in lieu of the requirement of Subsection (3)(c) if the candidate is married.

(6) A 17 or 18 year-old candidate whose cohort has not graduated shall submit a state of Utah HSE Candidate and Adult Education Eligibility Form, which shall include:

(a) verification in a manner approved by the Superintendent that the candidate is not enrolled in school; and

(b) the signature of the candidate's parent or guardian authorizing the test.

(7) A candidate may submit a marriage certificate in lieu of the requirement contained in Subsection (5)(b) if the candidate is married.

(8) An out-of-school youth of school age who has not successfully passed all HSE exam modules shall be allowed to return to a k-12 public school before the time their class graduates with the understanding and expectation that all necessary requirements for the traditional k-12 diploma shall be completed before issuance of a regular high school diploma.

(9) An out-of-school youth of school age who has received a Utah high school completion diploma is not eligible to return to a k-12 public school unless it is required for provision of a free appropriate public education under the Individuals with Disabilities Education Act, 20 U.S.C., Chapter 33.

R277-702-5. Fees.

(1) The Superintendent, with approval of the Board, shall adopt uniform fees for the Utah high school completion diploma and uniform forms, deadlines, and accounting procedures to administer this program for inclusion with the contract with the contractor identified in accordance with Subsection R277-702-3(1)(a).

(2) An approved testing center may only collect a fee in accordance with the amounts and procedures approved pursuant to Subsection (1).

R277-702-6. Official Transcripts.

(1) The Board shall accept HSE exam scores when an original score is reported by:

(a) a Board-approved HSE exam testing center;

(b) the transcript service of the Defense Activity for Non-Traditional Educational Support;

(c) a Veterans Administration hospital or center; or

(d) a contractor selected by the Superintendent in accordance with Subsection R277-702-3(1)(a) or the contractor's authorized agent.

(2) The Superintendent shall include a candidate's HSE exam result on the candidate's official transcript.

R277-702-7. Adult High School Outcomes.

(1) A local board of education may adopt standards and procedures for awarding up to five units of credit on the basis of test results which may be applied toward an adult education secondary diploma only if the student was enrolled in an adult education program before July 1, 2009 and an approved HSE exam was transcripted before July 1, 2009.

(2) An individual who took and passed an approved HSE exam before January 1, 2002 may enroll in an adult education program now and in the future to obtain an adult education secondary diploma upon completion of graduation requirements as defined in Rule 277-733, but may not apply for a previously issued HSE exam certificate to be converted to a Utah high school completion diploma.

(3) An individual who took and passed an approved HSE exam in the state of Utah between the dates of January 1, 2002 and June 30, 2009 may apply for a Utah high school completion diploma to replace the originally issued HSE exam certificate issued by the Board or they may enroll in an adult education program to complete the necessary requirements for an adult education secondary diploma.

R277-702-8. HSE Exam Security.

(1) The following individuals may have access to the HSE exam:

(a) Board staff approved by the Superintendent;

(b) Authorized test examiners;

(c) A contractor selected pursuant to Subsection R277-702-3(1)(a) and the contractor's agents;

(d) Approved exam candidates during exam administration; or

(e) An individual granted access in writing by the Superintendent.

(2) A test facilitator shall administer an HSE exam in strict accordance with procedures and guidelines specified by the Superintendent and the contractor approved in accordance with Subsection R277-702-3(1)(a).

(3) School staff members may not:

(a) provide a student directly or indirectly with specific questions or answers from any official HSE exam;

(b) allow a student access to any testing material, in any form, before test administration; or

(c) knowingly and intentionally do anything that would inappropriately affect the security, validity, or reliability of an exam score of any individual student or group taking an HSE exam.

(4) A licensed educator who intentionally violates this Section R277-702-8 may be subject to disciplinary action under Section 53E-6-604 and Rule R277-217.

KEY: adult education, educational testing, student competency

Date of Last Change: February 7, 2025

Notice of Continuation: December 2, 2021

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

R277. Education, Administration.

R277-704. Financial and Economic Literacy: Integration into Core Curriculum.

R277-704-1. Authority, Purpose, and Oversight Category.

(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;

(c) Section 53E-3-505, which directs the Board to work with financial and economic experts and private and non-profit entities to develop and integrate financial and economic literacy and skills into the public school curriculum at all appropriate levels.

(2) The purpose of this rule is:

(a) to integrate financial and economic literacy concepts effectively into the core curriculum in various programs and at various grade levels;

(b) to provide for educator professional development using business, education, and community expertise;

(c) to provide curriculum resources and assessments for financial and economic literacy;

(d) to provide simple and consistent messaging to students that becomes part of the core curriculum that reinforces the importance of financial and economic literacy for students and parents; and

(e) to help students and parents to locate and use school and community resources to improve financial and economic literacy among students and families.

(3) This rule is categorized as Category 4 as described in Rule R277-111.

R277-704-2. Definitions.

(1) "Content Specialist" means a licensed educator who provides instruction or specialized support for students and teachers in a school setting.

(2) "End of course assessment" means an online end of course assessment for students who take the general financial literacy course.

(3) "Endorsement" means the licensing document required by the board for teachers who teach general financial literacy.

(4) "General Financial Literacy Course" means the course of instruction administered by the Superintendent as a course required for graduation, which adopts the standards and objectives addressed in accordance with Section 53E-3-505.

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

(6) "Professional development" means locally or Board-approved education-related training or activities that enhance an educator's background.

(7) "Success Sequence" means a three-pronged framework for youth and young adults that encompasses the values of:

(a) completing at least a high school education;

(b) obtaining full-time work; and

(c) marrying before having children.

R277-704-3. General Financial Literacy End of Course Assessment.

(1) The Superintendent shall provide an LEA with an end of course assessment for general financial literacy which shall be:

(a) administered to every student who takes the general financial literacy course;

(b) aligned with general financial literacy revised core standards and objectives; and

(c) measured and analyzed at the school, district, and state-wide levels.

R277-704-4. General Financial Literacy Teacher Endorsement.

(1) A Board licensed educator who teaches general financial literacy shall have licensing, endorsements, and other credentials equal to other content specialists as described in Section R277-309-4.

(2) An educator's course work may be part of or in addition to course work and programs of study required for licensure by the Board consistent with Rule R277-303.

R277-704-5. Financial and Economic Literacy Professional Development Opportunities.

(1) The Superintendent shall work with public, private, and nonprofit entities to provide professional development for all areas of financial and economic literacy.

(2) Professional development activities shall:

(a) provide information about financial and economic literacy including personal finance and economic responsibility;

(b) make online resources available to teachers for financial and economic literacy education, including modules with interactive activities and turnkey instructor resources; and

(c) include strategies for promoting financial and economic literacy.

R277-704-6. Financial and Economic Literacy Taskforce.

(1) The financial and economic literacy taskforce shall have the membership and general responsibilities outlined in Subsection 53E-3-505(4).

(2) In addition to the responsibilities outlined in Subsection 53E-3-505(4), the financial and economic literacy taskforce shall:

(a) analyze data provided by the Superintendent that includes:

(i) aggregated-school level proficiency results from the end of course assessment;

(ii) general enrollment data;

(iii) other relevant data to inform strategies for strengthening financial literacy proficiency; and

(b) serve as the writing committee for the financial literacy course standards.

(c) include financial and economic literacy concepts required by Subsection 53E-3-505(1)(b) and the Success Sequence in course standards development.

(3) Taskforce recommendations for the financial literacy course standards shall follow the board approved process for non-core standards.

KEY: financial, economics, literacy

Date of Last Change: April 8, 2025

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53G-3-505; 53E-3-401(4)

R277. Education, Administration.

R277-705. Secondary School Completion and Diplomas.

R277-705-1. Authority, Purpose, and Oversight Category.

(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) Subsections 53E-3-501(1)(b) and (c), which direct the Board to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements; and

(c) 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) provide consistent definitions;

(b) provide alternative methods for a student to earn credit and alternate methods for schools to award credit;

(c) provide rules and procedures for the assessment of all students as required by law; and

(d) provide rules for a student to receive an alternative to a traditional diploma if appropriate criteria are met.

(3) This Rule R277-705 is categorized as Category 3 as described in Section 53E-3-501.

R277-705-2. Definitions.

(1) "Alternate Diploma" means a diploma issued in accordance with Section R277-705-5.

(2)(a) "Comparable course" means a course that fulfills the same graduation credit requirements as a course for which a student seeks to improve a grade.

(b) "Comparable course" does not include a course a student completes through the packet method.

(3) Credit recovery" means the same as "replacement credit."

(4) "Demonstrated competence" means subject mastery as determined by LEA standards and review. LEA review may include such methods and documentation as: tests, interviews, peer evaluations, writing samples, reports, or portfolios.

(5) "Diploma" means an official document awarded by an LEA consistent with state and LEA graduation requirements and the provisions of this rule.

(6) "FAPE" means a free appropriate public education, which includes special education and related services that are provided at public expense, under public supervision and direction, and without charge in accordance with Board rule and the IDEA and Section 504 of the Rehabilitation Act of 1973.

(7) "Grade replacement" means credit a student earns by retaking a teacher-led course for a letter grade to improve a previous grade, which:

(a) may raise the student's grade point average if the new grade is higher; and

(b) replaces the lower grade on the student's transcript.

(8) "Original credit" means credit a student earns through the successful completion of a course for the first time.

(9) "Packet" means a collection of instructional materials and assessments used to receive credit through the packet method.

(10) "Packet method" means an educational approach where:

(a) a high school student receives a collection of instructional materials from an institution, organization, or LEA;

(b) the high school student works through the materials independently with minimal or no direct instruction from a teacher; and

(c) assessment is primarily based on completion of assignments within the instructional materials.

(11) "Replacement credit" means a pass-fail credit a student earns for a course the student did not pass or complete, which:

(a) does not affect the student's grade point average; and

(b) allows the student to fulfill high school graduation requirements.

(12)(a) "Secondary school" means grades 7-12 in whatever kind of school the grade levels exist.

(b) Grade 6 may be considered a secondary grade for some purposes.

(13) "Section 504 plan" means a written statement of related aids and services for a student with a qualifying disability that is developed, reviewed, and revised in accordance with Section 504 of the Rehabilitation Act of 1973.

(14)(a) "Special purpose school" means a school designated by a regional accrediting agency, adopted by the Board.

(b) "Special purpose school" includes a school:

(i) that serves a specific population such as a student with a disability, youth in care, or a school with a specific curricular emphasis; and

(ii) with curricula designed to serve specific populations that may be modified from a traditional program.

(15) "Student with a significant cognitive disability" or "SWSCD" is determined by a comprehensive understanding of a whole student, including review of educational considerations and data obtained through the IEP process, including whether a student:

(a) requires intensive, repeated, modified, and direct individualized instruction and requires substantial supports to learn, maintain, and generalize skills in the student's grade and age-appropriate curriculum;

(b) has special education eligibility documentation indicating the disability significantly impacts intellectual functioning and adaptive behavior;

(c) demonstrates cognitive functioning and adaptive behavior in home, school, and community environments, which are significantly below age expectations, even with program modifications, adaptations, and accommodations;

(d) has a severe and complex cognitive disability, which limits the student from meaningful participation in the standard academic core curriculum or achievement of the academic content standards established at grade level, without substantial support, modifications, adaptations, and accommodations;

(e) may be eligible to participate in alternate assessments; and

(f) has a disability, which increases the need for dependence on others for many, if not all, daily living needs, and is expected to require extensive ongoing support through adulthood.

(16) "Supplemental education provider" means a private school or educational service provider:

(a) that may or may not be accredited; and

(b) that provides courses or services similar to public school courses or classes.

(17)(a) "Transcript" means an official document or record generated by one or several schools which includes:

(i) the courses in which a secondary student was enrolled;

(ii) grades and units of credit earned; and

(iii) citizenship and attendance records.

(b) A transcript is one part of a student's permanent record or cumulative file that may include:

(i) birth certificate

(ii) immunization records; and

(iii) other information as determined by the school in possession of the record.

(18) "Unit of credit" means credit awarded for a course taken:

(a) consistent with this rule;

(b) upon LEA authorization; or

(c) for mastery demonstrated by approved methods.

R277-705-3. Required LEA Policy Explaining Student Credit.

(1)(a) 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 in accordance with state law.

(b) An LEA policy described in Subsection (1)(a) shall include specific and adequate notice to a student and a parent of all policy requirements and limitations.

(2)(a) An LEA shall accept credits and grades awarded to a student from a school or a provider accredited by an accrediting entity adopted by the Board.

(b) An LEA policy may establish reasonable timelines and may require adequate and timely documentation of authenticity for credits and grades submitted.

(3) An LEA policy shall provide various methods for a student to earn credit from a non-accredited source, course work, or education provider including:

(a) satisfaction of coursework 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.

(4) An LEA may require documentation of compliance with Section 53G-6-204 before reviewing a student's home school or competency work, assessment, or materials.

(5) An LEA policy for participation in extracurricular activities, awards, recognitions, and enhanced diplomas may be determined locally consistent with the law and this rule.

(6) An LEA has the final decision-making authority for the awarding of credit and grades from a non-accredited source consistent with state law, due process, and this rule.

(7) An LEA may award a grade for original credit through the packet method if:

(a) the packet adheres to the following criteria:

(i) it fully covers the course standards;

(ii) it includes adequate opportunities for practice and application;

(iii) it includes a variety of assessments; and

(iv) it is consistent with Section 53E-3-501; and

(b) the LEA approves the packet for use as an instructional material in accordance with:

(i) Subsection 53G-4-402(27) for a district school; or

(ii) Section 53G-5-404 for a charter school; or

(c) the Board recommends the packet after going through the state instructional materials process described in Title 53E, Chapter 4, Part 4, State Instructional Materials.

(8) Packets for original credit are not "Demonstrated Competence" as defined in Subsection R277-705-2(2).

(9) An LEA may not use the packet method, or classify a packet as original credit, to improve a previous course grade of a high school student as described in Subsection (9).

(10) A high school student may improve a grade through grade replacement by:

(a) repeating a course one or more times; or

(b) enrolling in and completing a comparable course that is teacher-led.

(11) The Board shall:

(a) ensure that packets that come to the Board for review adhere to the following criteria:

(i) the packet fully covers the course standards;

(ii) the packet contains adequate opportunities for practice and application;

(iii) the packet includes a variety of assessments; and

(iv) is consistent with Section 53E-3-501; and

(b) maintain a comprehensive list of Board approved packets in the Board 's Recommended Instructional Materials System on the Board's website; and

(c) report annually to the Education Interim Committee the number of students in each LEA who receive academic credit through the packet method.

(12) An LEA shall:

(a) assign a distinct course name and number for credit earned through the packet method to easily identify the use of the packet method on a student transcript; and

(b) track and record the number of packets an LEA uses to award original credit or replacement credit each school year.

(13) Subsection R277-705-3(11)(b), regarding a report on the packet method, is repealed July 1, 2028.

R277-705-4. Diplomas and Certificates of Completion.

(1) An LEA shall award diplomas and certificates of completion.

(2) An LEA shall establish criteria for a student to earn a certificate of completion that may be awarded to a student who:

(a) has completed the student's senior year;

(b) is exiting or aging out of the school system; and

(c) has not met all state or LEA requirements for a diploma.

(3) A student with a disability served by a special education program shall satisfy high school completion or graduation criteria, consistent with state and federal law and the student's IEP.

(4) An LEA may award a student a certificate of completion consistent with state and federal law and the student's IEP or Section 504 plan.

(5) An LEA may not enroll a student with the intent to award a diploma or a certificate of completion once the student has earned a high school equivalence.

R277-705-5. Alternate Diploma.

(1) An LEA may award an alternate diploma to a student with a significant cognitive disability if:

(a) the student accesses grade-level Core standards through the Essential Elements;

(b) the student's IEP team makes graduation substitutions in the same content area, from a list of alternative courses approved by the Superintendent; and

(c) the student meets all graduation requirements before exiting school at or before age 22.

(2) An alternate diploma issued in accordance with Subsection (1) may not indicate that the recipient is a student with a disability.

(3) Notwithstanding the award of an alternate diploma, an LEA may still be obligated to provide FAPE to an eligible student in accordance with the IDEA.

(4)(a) The Superintendent shall provide a list of alternative courses that may be considered for student with cognitive disabilities working to receive an alternate diploma.

(b) An LEA may submit courses to the Superintendent to be considered for possible inclusion on the list required by Subsection (4)(a).

(c) The Superintendent shall annually update the list of alternative courses required under Subsection (4)(a) following review of LEA recommendations made under Subsection (4)(b).

R277-705-6. Career Development Credentials.

(1) An LEA may award a career development credential to a student with an IEP or Section 504 plan:

(a) who meets the requirements of a career focused work experience before leaving school; and

(b) consistent with:

(i) state and federal law; and

(ii) the student's IEP or Section 504 plan.

(2) Before receiving a career development credential, a student shall:

(a) earn the following credits in core content:

(i) English Language Arts (3.0);

(ii) Mathematics (2.0);

(iii) Science (1.0); and

(iv) Social Studies (1.0);

(b) complete 120 hours of community based work experience, to include:

(i) 40 hours of paid employment; or

(ii) documentation of completion of intake with a vocal rehabilitation counselor or the Department of Workforce Services;

(c) complete an LEA approved transition curriculum class or coursework that includes:

(i) disability awareness;

(ii) accommodations;

(iii) self-advocacy training;

(iv) career exploration; and

(v) workplace soft skills;

(d) receive .5 credits in a CTE Work Based Learning internship, including accommodations or modifications as appropriate and allowed by industry standards; and

(e) verify concentration in a CTE pathway in the student's area of interest.

R277-705-7. Adult Education Students.

(1) An adult education student is eligible only for an adult education secondary diploma.

(2) An adult education diploma may not be upgraded or changed to a traditional, high school-specific diploma.

(3) A school district shall establish a policy:

(a) allowing or disallowing adult education student participation in graduation activities or ceremonies; and

(b) establishing timelines and criteria for satisfying adult education graduation and diploma requirements.

R277-705-8. Student Rights and Responsibilities Related to Graduation, Transcripts, and Receipt of Diplomas.

(1) An LEA shall supervise the granting of credit and awarding of diplomas, but may delegate the responsibility to schools within the LEA.

(2) An LEA may determine criteria for a student's participation in graduation activities, honors, and exercises, independent of a student's receipt of a diploma or certificate of completion.

(3) A diploma, a certificate, credits, or an unofficial transcript may not be withheld from a student for nonpayment of school fees.

(4)(a) An LEA shall establish a consistent timeline for all students for completion of graduation requirements.

(b) A timeline described in Subsection (4)(a) shall be consistent with state law and this rule.

(5) An LEA's graduation requirements may not apply retroactively.

KEY: adult education, high school credits, graduation requirements

Date of Last Change: October 8, 2025

Notice of Continuation: November 15, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(b); 53E-3-401(4)

R277. Education, Administration.

R277-706. Regional Education Service Agencies.

R277-706-1. Authority and Purpose.

(1) This rule is authorized by:

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

(b) Section 53G-4-410, which directs the Board to make rules regarding regional education service agencies; and

(c) Subsection 53E-3-401(4), which permits the Board to adopt rules in accordance with the Board's responsibilities.

(2) The purpose of this rule is:

(a) to provide definitions and procedures for school districts to form interlocal agreements; and

(b) to provide for distribution of legislative funds to eligible regional education service agencies by the Board.

R277-706-2. Definitions.

(1) "Eligible Regional education service agency" or "Eligible RESA" has the same meaning as the term is defined in Section 53G-4-410.

(2) "Regional education service agency" or "RESA" has the same meaning as the term is defined in Section 53G-4-410.

R277-706-3. Regional Education Service Agencies.

(1) Two or more school districts may enter into an interlocal agreement and form regional education service agency as described in Section 53G-4-410.

(2) An interlocal agreement described in Subsection (1) shall confirm or formalize a RESA as described in Subsection 53G-4-410(4) as of the effective date of the agreement.

(3) A RESA may provide services and participate in programs consistent with state law and Board rule, including:

(a) apply for any grant or program in which an LEA may participate on behalf of its LEAs if the RESA has written consent from the LEAs that the RESA serves;

(b) apply for any grant or program in addition to its LEAs in accordance with the Board rule implementing the grant or program;

(c) recommend educators to USBE for licensing;

(d) provide student services as approved by the RESA's board;

(e) access, Board systems, on behalf of member LEAs, as approved by the Superintendent;

(f) elect to participate as an employer for retirement programs in the Public Employees Contributory retirement program;

(g) may receive services from or partner with any department, division, or agency of the state, including coverage through the Division of Risk Management in accordance with Subsection 53G-4-410(3)(c); and

(h) may charge indirect costs to a state funded program as described in R277-424.

(4) A RESA does not have authority over the LEAs which the RESA serves.

R277-706-4. Distribution of Funds.

(1) The Superintendent shall distribute funds, if provided by the Legislature, in equal amounts to each eligible regional education service agency if the RESA:

(a) submits the RESA's annual report described in Subsection R277-706-5(1); and

(b) satisfies all requirements established by the Board.

(2) The Superintendent shall provide notice to an eligible RESA of the deadlines and requirements for the annual report described in Subsection (1)(a).

(3) Subject to legislative appropriation, the Superintendent shall distribute funds to an eligible RESA after July 1 annually.

(4) The Board may provide additional funding, if available, to a RESA without prejudice to existing legislative appropriations to eligible RESAs.

(5) The Superintendent shall review the funding the legislature appropriates to support eligible RESAs by October 1 annually and make recommendations for consideration by the Board.

(6) The Superintendent shall:

(a) include the RESA appropriation as a category in the Board's annual funding requests to be considered by the Board to receive an increase of the appropriation up to the percentage increase approved for state employees during the previous fiscal year; and

(b) including the request described in Subsection (6)(a) as part of the Board's recommendation to the Governor's budget office in accordance to the budgetary procedures act.

R277-706-5. Eligible Regional Education Service Agency Responsibilities.

(1) An eligible regional education service agency shall submit an annual report to the Superintendent.

(2) An eligible RESA's annual report shall include:

(a) if amended or updated within the previous year, a copy of the eligible RESA's completed interlocal agreement;

(b) a proposed budget and use of funds;

(c) a copy of the previous fiscal year's:

(i) external audit report, management letter, and if applicable, corrective action plan related to audit findings; and

(ii) financial statements; and

(d) assurance, signed by the executive director and chair of the eligible RESA's board of directors, that the eligible RESA will provide the eligible RESA's records to the Superintendent upon request

(e) a financial report from the current fiscal year.

(3) An eligible regional service center shall provide an annual performance report to the Superintendent and the Board.

R277-706-6. Regional Education Service Agency Coordinating Council.

(1) There is hereby created a regional education service agency coordinating council.

(2) The council is an advisory body, which shall consist of the following members:

(a) the executive director of each RESA;

(b) the board chair of each RESA's governing board;

(c) A member of the Board appointed by the Board chair; and

(d) the Superintendent.

(3) The council created in Subsection (1) shall be chaired by one of the RESA board chairs as selected by the council's members.

(4) The regional education service agency coordinating council shall meet at least biannually, but may meet more often if necessary, to coordinate with the Superintendent on implementing state initiatives in the areas the RESAs cover.

KEY: eligible regional service agencies

Date of Last Change: January 11, 2022

Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53G-4-410; 53E-3-401(4)

R277. Education, Administration.

R277-707. Enhancement for Accelerated Students Program.

R277-707-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Subsection 53F-2-408(2), which requires the Board to establish a distribution formula for the expenditure of funds appropriated for the Enhancement for Accelerated Students Program.

(2) The purpose of this rule is:

(a) to specify the procedures for distributing funds appropriated under Subsection 53F-2-408(2) to LEAs; and

(b) to establish a method for an LEA to identify a gifted and talented student to receive extended or accelerated opportunities for the student to achieve growth annually at the highest level possible.

(3) This Rule R277-707 is categorized as Category 3 as described in Rule R277-111.

R277-707-2. Definitions.

(1) "Gifted and talented programs" means the process an LEA uses to identify and serve a gifted and talented student.

(2) "Gifted and talented student" means a student in grades K-8 that the LEA identifies as having an ability that is significantly above the typical ability of a student within the same age group in:

(a) general intellectual ability;

(b) specific academic fields including:

(i) language arts;

(ii) mathematics; or

(iii) science; or

(c) creative thinking.

(3) "Identify" or "identifies" means the use of multiple measures to determine if a student qualifies for gifted and talented services.

(4)(a) "Measures" means an instrument or tool used to identify if a student qualifies for gifted and talented services and shall account for:

(i) disabilities;

(ii) potential language barriers;

(iii) culturally diverse perspectives; and

(iv) multilingual learners.

(b) Measures may not be solely dependent on a student's English vocabulary or comprehension skills.

(5) "Serve" or "services" means opportunities with increased depth, complexity, or rigor provided to a gifted and talented student which may include:

(a) accommodations in the regular classroom;

(b) pull-out programs;

(c) advanced classes;

(d) varied grouping strategies;

(e) enrichment;

(f) acceleration;

(g) differentiation of curriculum and instruction;

(h) dual enrollment;

(i) magnet schools;

(j) academic competitions; or

(k) other services approved by the Superintendent.

(6) "Underrepresented students" means a subset of students, as determined by an LEA and approved by the Superintendent, that holds a smaller percentage in a program as compared to the overall LEA population.

R277-707-3. Eligibility and Application.

(1) All LEAs are eligible to apply for the Enhancement for Accelerated Students Program funds annually.

(2) An LEA shall have a process for identifying and serving students whose academic achievement would benefit from the support of gifted and talented services.

(3) To receive program money, an LEA shall submit an application to the Superintendent that includes an LEA's plan for:

(a) how the LEA will identify a student for a gifted and talented services using approved measures as described by the Superintendent;

(b) the services the LEA shall provide to an identified student;

(c) how the LEA plans to provide professional learning opportunities for a teacher to serve an identified student;

(d) how the LEA intends to spend program money;

(e) how the LEA plans to increase identification of underrepresented students;

(f) how the LEA intends to engage all parents so that parents understand the opportunities available for their children in elementary and middle school including how the LEA will comply with Rule R277-462; and

(g) how the LEA intends to eliminate barriers for student success.

(4) The Superintendent shall publish:

(a) expectations;

(b) timelines; and

(c) targets related to enrollment gap closures for underrepresented students.

R277-707-4. Distribution and Use of Funds.

(1) The Superintendent shall distribute the total allocation for Enhancement of Accelerated Students program as follows:

(a) 40% of the total allocation to Early College Programs as described in Rule R277-701; and

(b) 60% of the total allocation to LEAs to support gifted and talented programs as described in Rule R277-707.

(2) The Superintendent shall distribute the funds described in Subsection (1)(b) to an LEA as follows:

(a) an LEA that has submitted an approved application shall receive a distribution of funds that is proportionate to the LEA's amount of grade K-8 students to the total number of grade K-8 students of all LEAs that have applied.

(b) the LEA's grades K-8 student headcount used in Subsection (2)(a) shall be from:

(i) the LEA's October 1 student headcount of the previous school year for funding distributions made before October of the current school year; and

(ii) the LEA's October 1 student headcount of the current school year for funding distributions made after October of the current school year.

(3) If an LEA fails to demonstrate progress in meeting plan goals for placing and retaining underrepresented students in accelerated programs, the Superintendent may:

(a) place the LEA on probation and provide targeted technical assistance; and

(b) reduce funding to the LEA.

(4) Subject to the general requirements of Section R277-700-7, a school that offers a program eligible for funding under Section 53F-2-408, may not prohibit a student from enrolling in the course based on the student's:

(a) grades or grade point average;

(b) state standardized assessment scores;

(c) referral or lack of a referral from an educator; or

(d) requirements over the summer.

(5) An LEA may use a distribution of funds described in Subsection (2) for a gifted and talented program including:

(a) professional learning for teachers;

(b) identifying and serving students including underrepresented students;

(c) salaries of teachers;

(d) employee benefits of teachers;

(e) purchased professional and tech services;

(f) travel;

(g) supplies and materials; and

(h) property including equipment.

R277-707-5. Performance Criteria and Reports.

(1) An LEA receiving funds shall submit an annual evaluation report to the Superintendent.

(2) An LEA shall present the evaluation report identified in Subsection (1) to the LEA's local board in a public meeting.

(3) At a minimum and in a form described by the Superintendent, the report shall include the following performance criteria related to the identified students who receive gifted and talented services:

(a) number of elementary and middle school students receiving gifted and talented services;

(b) an accounting of student performance for students receiving gifted and talented services disaggregated by student group as defined in the State Accountability System;

(c) evidence of stakeholder input demonstrating the LEA engaged parents;

(d) an accounting of how the LEA's funds were disbursed to the teacher level; and

(e) evidence that the LEA is making progress toward the LEA's plan and goals including increasing student participation and retention in the LEA's gifted and talented program including underrepresented students.

KEY: accelerated learning, enhancement programs, gifted and talented

Date of Last Change: August 7, 2025

Notice of Continuation: June 10, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-2-408; 53E-3-401(4)

R277. Education, Administration.

R277-709. Education Programs Serving Youth in Care.

R277-709-1. Authority, Purpose, and Oversight Category.

(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) 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

(c) Subsection 53E-3-503(2)(b) which requires the Board to adopt rules for the distribution of funds for the education of youth in care.

(2) The purpose of this rule is to specify operation standards, procedures, and distribution of funds for youth in care programs.

(3) This Rule R277-709 is categorized as Category 4 as described in Rule R277-111.

R277-709-2. Definitions.

(1) "Accreditation" means the formal process for evaluation and approval from a regional accrediting body.

(2) "Youth in care" or "YIC" means a person for whom the Board is responsible to provide educational services under Sections 53E-3-503 and 26B-5-325.

R277-709-3. LEA Programs.

(1) An LEA shall submit an annual application and plan for approval by the Superintendent to receive funds and provide educational services for YIC.

(2) The LEA's plan described in Subsection (1) shall include:

(a) a strategic plan outlining the key goals and strategies the program will achieve for YIC students;

(b) the respective responsibilities of the Board, LEAs, and other local service providers for education; and

(c) any third-party providers of educational services the LEA plans to utilize.

(3) An LEA with an approved YIC program shall:

(a) assign each YIC student in a school-based program a mentor using an evidence-based mentoring program;

(b) admit a YIC student to classes within five school days following arrival at a new residential placement;

(c) flag the student as a YIC student in the LEA's student information system and obtain applicable forms from the Utah Department of Health and Human Services (DHHS) regarding the YIC designation of the student;

(d) maintain a system to record incident data including incident data described by Rule R277-912 and Section 53E-3-516;

(e) offer courses consistent with the Utah Core standards described in Rule R277-700;

(f) ensure staff assigned to a YIC student be qualified and appropriate for the student's assignments in accordance with Board licensing rules;

(g) maintain accreditation as part of the LEA where the programs are located consistent with Rule R277-410;

(h) prioritize course content mastery rather than completion of predetermined seat time in a classroom; and

(i) coordinate educational services with non-custody programs to enable a YIC student to continue the student's education following discharge from custody.

(4) The Superintendent shall make available written course descriptions for GED Test preparation for YIC students who consider pursuing GED Tests as an alternative to traditional Carnegie diploma courses.

(5) An LEA shall provide an education program for a YIC student that:

(a) is in the least restrictive environment appropriate for the student's behavior and educational performance;

(b) conforms to the student's individualized education program (IEP) when the student qualifies for special education;

(c) adheres to the student's 504 plan, if applicable; and

(d) references existing administrative rule and its applicability where appropriate.

(6) An LEA may provide a YIC student a temporary schedule that can be modified to meet the YIC student's needs after an evaluation and planning process is complete.

(7) An LEA may not assign or allow a YIC student to remain in a restrictive environment, including separation from general education students and programs, due to:

(a) the student's custodial status;

(b) past behavior that does not put others at risk; or

(c) the inappropriate behavior of another student.

(8) If an LEA uses a secured facility, including a residential treatment center, to provide educational services to a YIC student, the LEA shall provide an educational and career transition advocate and transition services for the YIC student.

(9) An LEA shall maintain all grades, attendance records, and special education SCRAM records for a YIC student in the LEA's student information system in compliance with Rule R277-484, Data Standards.

(10) An LEA with a YIC program shall participate in regular compliance monitoring visits by the Superintendent.

(11) Following a student's release from or transfer to a new LEA's program, the sending LEA shall ensure all available school records are up to date and forward the school records to the receiving LEA consistent with Section 53G-6-604.

R277-709-4. School Counseling.

(1) An LEA shall ensure each YIC student has a written plan for college and career readiness as described in Section R277-462-5 including defining the student's academic achievement and known in-school and extra-school factors which may affect the student's school performance.

(2) An LEA with a YIC program shall develop the plans required under Section R277-462-5 in cooperation with appropriate representatives of other service agencies working with a YIC student, such as Division of Juvenile Justice and Youth Services, Division of Child and Family Services, and Department of Workforce Services.

(3) An LEA shall accept credit earned in a YIC program that is accredited at face value in Utah's public schools consistent with Section R277-410-9.

R277-709-5. Special Education.

(1) An LEA with a YIC program shall adhere to the IDEA and state special education rules for the LEA's YIC program.

(2) The IEP team shall review the postsecondary transition plan in connection with the development of the college and career readiness plan.

(3) An LEA with a student who is both a student with a disability and a YIC student may provide services to that student from the LEA's YIC program and shall provide services from the LEA's special education program if the student qualifies for special education.

(4) An LEA shall provide educational instruction as defined in Rule R277-750 to a YIC student who qualifies for special education services.

(5) An LEA shall ensure that custodial status alone is not used to qualify a YIC student as a student with a disability under laws regulating special education.

(6) The Superintendent shall monitor special education programs provided through YIC in conjunction with Utah Program Improvement Planning Systems (UPIPS) monitoring.

R277-709-6. Program Fiscal and Accountability Procedures.

(1) An LEA with an approved application and plan, and the Utah State Hospital, shall receive an allocation of state funds appropriated for YIC programs in accordance with Section 53E-3-503 and Section 26B-5-325.

(2) An LEA shall receive funding determined by a set of criteria including:

(a) the number of YIC students served by the LEA;

(b) the type of program required for a student;

(c) the setting for providing educational services; and

(d) the length of the YIC program.

(3) An LEA with an approved YIC program shall expend funds approved solely for the purposes described in the LEA's approved plan.

(4) An LEA with an approved program may use funds that provide incidental benefits for non YIC students if:

(a) the educational provider is performing a task related to specific needs of at least one YIC student outlined in the YIC student's education plan; and

(b) the task does not require additional time beyond what is required to address the specific needs of at least one YIC student outlined in the YIC student's education plan.

(5) The Superintendent may retain no more than 5% of the total YIC annual legislative appropriation for administration, oversight, monitoring, and evaluation of YIC programs and their compliance with law and this rule.

(6) Up to 3% of the 5% of administrative funds allowed under Subsection (5) may be withheld by the Superintendent and directed to students attending YIC programs for short periods of time or to new or beginning YIC programs or initiatives benefiting YIC students.

(7) The Superintendent may only contract through an RFP process with an appropriate entity if the Superintendent determines that the LEA where the facility is located is unable or unwilling to provide adequate education services.

(8) YIC students receiving education services by or through an LEA shall be considered students of that LEA.

(9) Notwithstanding the procedures for determining an alternative district of residency in Rule R277-621, an LEA may not create an alternative district of residency for a student who has been placed in custody primarily in an attempt to receive services in a state funded YIC program.

(10) An LEA may carry forward 10% of state YIC funds or educational contract funds for use in the next fiscal year with written approval of the Superintendent.

(11) An LEA shall submit to the Superintendent a request to carry forward funds for approval by the deadline specified by the Superintendent.

(12) If approved, an LEA shall detail carry forward amounts in a revised budget submitted to the Superintendent by the deadline specified by the Superintendent in the year requested.

(13) The Superintendent shall consider carry forward funds in determining the LEA's allocation for the next fiscal year.

(14) The Superintendent shall:

(a) annually assess carry forward fund balances more than 10%; and

(b) reallocate excess funds to YIC programs based on the criteria and procedures provided by this rule.

(15) An LEA may make budget adjustments to the LEA's approved plan without approval from the Superintendent if the adjustments are below 10% of the LEA's approved plan.

(16) An LEA shall seek approval by the Superintendent to make budget adjustments that are larger than 10% of the LEA's approved plan.

R277-709-7. Confidentiality.

(1) An LEA shall issue transcripts and diplomas prepared for a YIC student in the name of an existing accredited school and may not bear references to custodial status.

(2) An LEA shall use reasonable methods to ensure that school officials obtain access to only those education records in which they have a legitimate educational interest.

(3) An LEA that does not use physical or technological access controls shall:

(a) ensure that the LEA's administrative policy for controlling access to education records is effective; and

(b) that the LEA remains in compliance with the legitimate educational interest requirement as described in Family Educational and Privacy Rights Act and 34 CFR Section 99.31.

(4) An interagency team, including an LEA, that oversees student education plans shall:

(a) have access to relevant records of the various agencies through each team member representatives of the participating agencies; and

(b) ensure the records and information obtained from the records remain the property of the supplying agency and may not be transferred or shared with other persons or agencies without the permission of the supplying agency, the student's parent, or the eligible student, as defined under the Family Educational and Privacy Rights Act 20 U.S.C. 1232g(d).

R277-709-8. Coordinating Council.

The Board shall coordinate with DHHS to appoint a coordinating council in accordance with Subsection 53E-3-503(6)(a) to plan, coordinate, and recommend budget, policy, and program guidelines for the education and treatment of persons in the

custody of the Division of Juvenile Justice and Youth Services and the Division of Child and Family Services.

R277-709-9. Local Interagency Councils.

(1) An LEA serving YIC students shall establish a local interagency council which shall be responsible for advising member agencies concerning coordination of YIC programs; and

(2) Members of council required under Subsection (1) shall include, if applicable to the LEA, the following:

(a) a representative of the Division of Child and Family Services;

(b) a representative of the Division of Juvenile Justice and Youth Services;

(c) directors of agencies located in an LEA such as detention centers, secure lockup facilities, observation and assessment units, and the Utah State Hospital;

(d) a representative from contracted residential providers serving YIC in their LEA; and

(e) a representative of the LEA.

(3) A local interagency advisory council required under Subsection (1)(a) shall:

(a) adopt by-laws for its operation; and

(b) meet at least quarterly

R277-709-10. Corrective Action.

An LEA that does not comply with the requirements of this rule may be subject to a corrective action plan and potential reduction of funds or penalty in accordance with Rule R277-114.

KEY: students, education, juvenile courts

Date of Last Change: November 7, 2024

Notice of Continuation: December 15, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-503(2)(b)

R277. Education, Administration.

R277-712. Personalized, Competency-based Learning Grant Programs.

R277-712-1. 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; and

(b) Section 53F-5-502, which requires the Board to:

(i) define outcome-based measures for each type of grant awarded to LEA's;

(ii) establish a grant application process;

(iii) establish a review committee; and

(iv) adopt metrics to analyze the quality of a grant application; and

(c) 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 outcome-based measures for each type of grant awarded to LEA's;

(b) establish a grant application process;

(c) establish a review committee; and

(d) adopt metrics to analyze the quality of a grant application.

R277-712-2. Definitions.

(1) "Grant" means:

(a) a planning grant under Section 53F-5-503;

(b) an implementation grant under Section 53F-5-504; or

(c) an expansion grant under Section 53F-5-505.

(2) "Grant program" means the same as that term is defined in Section 53F-5-501.

(3) "Review committee" means the committee established by the Board in accordance with Subsection 53F-5-502(3)(c).

R277-712-3. Personalized Competency-based Learning Review Committee Membership and Duties.

(1) The review committee shall include the following individuals:

(a) the Deputy Superintendent of Instructional Services or the Deputy's designee, who is a non-voting member of the review committee;

(b) one member who is an expert in blended learning;

(c) one member who is an expert in STEM education;

(d) one member who is an expert in assessment of student learning;

(e) one member who is a former school district Superintendent;

(f) one member who is a current school administrator;

(g) one member who is a current charter school administrator;

(h) one member who is a former LEA administrator;

(i) one member who is a current teacher;

(j) one member who is a former teacher; and

(k) one member who is a current school district superintendent.

(2) In addition to the committee members described in Subsection (1), the review committee may select additional grant application reviewers to assist the review committee with the work described in Subsection (3).

(3) The review committee shall:

(a) establish metrics to analyze the quality of a grant application;

(b) review an LEA's grant application to determine whether the grant application:

(i) meets the criteria described in applicable statute and rule; and

(ii) should be selected by the Board to receive a grant;

(c) make a recommendation to the Superintendent and the Board on which grant applications should be selected by the Board; and

(d) perform other duties as directed by:

(i) the Board; or

(ii) the Superintendent.

R277-712-4. Pre-grant Approval Requirements.

(1) Before an LEA submits a grant application to the review committee for approval by the Board, the LEA shall have at least two LEA representatives participate in the personalized, competency based learning grant application technical assistance training conducted by the Superintendent, including;

(a) the school district superintendent or charter school executive director; and

(b)(i) the LEA's curriculum director; or

(ii) the LEA's proposed personalized, competency-based learning program manager.

(2) A member of an LEA's local school board or charter school governing board and other staff identified by the applying LEA may also participate in the technical assistance training described in Subsection (1).

R277-712-5. Grant Application.

(1) An LEA may apply for a grant by submitting an application to the Superintendent.

(2) The Superintendent shall:

(a) develop a grant application for each phase of the grant program;

(b) set a deadline for the application to be submitted to the Superintendent; and

(c) make the grant application available to LEAs on the Board's website.

R277-712-6. Procedure and Requirements for Awarding a Grant.

(1) The review committee and the Superintendent shall make recommendations to the Board based on:

(a)(i) the criteria described in Subsection 53F-5-503(2) for a planning grant;

(ii) the criteria described in Subsection 53F-5-504(2) for an implementation grant; or

(iii) the criteria described in Subsection 53F-5-505(2) for an expansion grant;

(b) the LEA's proposed budget for the LEA's personalized, competency-based learning program; and

(c) the LEA's outcome-based measurements described in Subsection (2).

(2)(a) An LEA shall include outcome-based measurements as part of the LEA's personalized, competency-based learning program to measure the performance of the LEA's plan.

(b) The outcome-based measurements described in Subsection (2)(a) shall include at least one measurement of student growth and proficiency.

(c) The outcome-based measurements described in Subsection (2)(a) may include:

(i) parent and student satisfaction with the LEA's personalized, competency-based learning program;

(ii) cost savings;

(iii) an increase in the LEA's graduation rate;

(iv) number of credits earned by students through the personalized, competency-based learning program; and

(v) other quality program indicators as listed in Utah's Personalized Competency-Based Learning Education Framework.

(3) An LEA may be awarded each subsequent phase of the grant program only after:

(a) successful participation in the previous phase; and

(b) Board approval of the LEA's plan.

(4) If an LEA's grant application is denied by the Board:

(a) an LEA may submit a new grant application the next year following the first denial;

(b) an LEA may only submit a planning grant application the next year following a second denial and the LEA shall:

(i) request technical assistance from the Superintendent prior to re-applying; and

(ii) demonstrate increased understanding of personalized, competency-based learning implementation upon re-application.

KEY: personalized, competency-based learning, grant programs

Date of Last Change: November 8, 2021

Notice of Continuation: September 9, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; Title 53F, Chapter 5, Part 5; 53E-3-401(4)

R277. Education, Administration.

R277-714. Unsafe School Choice Option.

R277-714-1. Authority, Purpose, and Oversight Category.

(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; and

(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.

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

(a) a definition of persistently dangerous school as required by 20 U.S.C. 7912; and

(b) a process for complying with federal law when a school within the LEA is designated as persistently dangerous.

(3) This rule is categorized as Category 2 as described in Rule R277-111.

R277-714-2. Definitions.

(1) "Persistently dangerous school" means a school where at least 3% of students for three consecutive school years have been suspended or expelled for:

(a) a reported violent criminal offense that took place:

(i) on school property; or

(ii) at a school sponsored activity; or

(b) a federal gun free school violation as defined in 20 U.S.C. 7961.

(2) "Violent criminal offense" means any of the following if the crime has been reported to law enforcement and a charge has been filed:

(a) actual or attempted criminal homicide as defined in Section 76-5-201;

(b) rape as defined in Sections 76-5-402 through 76-5-402.3;

(c) aggravated sexual assault as defined in Section 76-5-405;

(d) forceable sexual abuse as defined in Section 76-5-404;

(e) aggravated sexual abuse of a child as defined in Section 76-5-404.1;

(f) aggravated assault as defined in Section 76-5-103; or

(g) robbery as defined in Section 76-6-301.

R277-714-3. LEA Notification to Parents -- Transfer.

(1) If an LEA has a school designated by the Superintendent as persistently dangerous, the LEA or school shall provide to the Superintendent:

(a) a copy of the school and LEA's safety plan;

(b) a document outlining the local efforts to address school safety concerns; and

(c) relevant school safety data requested by the Superintendent.

(2) An LEA shall provide the designated school's information described in Subsection (1) within 30 days of receiving notice that the school has been designated as persistently dangerous.

(3) If an LEA has a school that is designated persistently dangerous, the LEA shall provide written notice to parents within 15 days of the school's notice that the school is persistently dangerous:

(a) that the school has been designated as persistently dangerous, including the criteria that caused the school to be designated as persistently dangerous;

(b) that a parent may transfer the parent's student to a safer school within the LEA if the parent chooses; and

(c) the timeline and deadline for transfer of the parent's student, which may not exceed 30 days after a parent's receipt of notice of a school's designation.

R277-714-4. Action Plan Content and Implementation.

(1) An LEA with a school that has been designated as persistently dangerous shall create an action plan and submit the plan to the Superintendent as specified by the Superintendent.

(2) At minimum, the LEA's action plan shall include how the LEA will:

(a) provide additional personnel and staff to supervise students;

(b) provide conflict resolution training and additional discipline training for staff of the school designated as persistently dangerous;

(c) collaborate with the applicable local law enforcement agency; and

(d) implement additional security measures for the school.

(3) An LEA with a school designated as persistently dangerous that fails to comply with any portion of this Rule R277-714 may be subject to a corrective action plan as described in Rule R277-114.

KEY: school choice; persistently dangerous school

Date of Last Change: May 8, 2025

Notice of Continuation: March 14, 2025

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

R277. Education, Administration.

R277-716. Alternative Language Services for Utah Students.

R277-716-1. 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) Title III; and

(c) Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities.

(2) The purpose of this rule is:

(a) to address the requirements of Title III and implementing regulations and case law;

(b) to clearly define the respective responsibilities of the Superintendent and LEAs:

(i) in identifying students learning English who are currently enrolled in Utah schools; and

(ii) in providing evidence-based language instruction educational programs to identified students; and

(c) to:

(i) meet Title III requirements;

(ii) meet funding eligibility requirements; and

(iii) appropriately distribute Title III funds for students learning English to LEAs with approved plans in the Utah Grants Management System.

R277-716-2. Definitions.

(1) "Alternative language services program" or "ALS program" means an evidence-based language instruction educational program used to achieve English proficiency and academic progress of identified students.

(2) "Alternative language services" or "ALS" means language services designed to meet the education needs of all students learning English so that students are able to participate effectively in the regular instruction program.

(3) "Board" means the same as defined in Subsection R277-100-2(3).

(4) "Consolidated State Plan" means the application for federal funds authorized under the Elementary and Secondary Education Act, or ESEA, 20 U.S.C. Sec. 1001, et seq., as amended, and other federal sources submitted annually to the Superintendent.

(5) "Evidence-based language instruction education program" means evidence-based methods, recommended by the Superintendent, that meet the "Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments" developed by the U.S. Department of Education.

(6) "Immigrant children and youth" for purposes of this rule means individuals who:

(a) are ages 3 through 21;

(b) were born outside of the United States; and

(c) have not been attending one or more schools in any one or more states of the United States for more than three full academic years.

(7) "Instructional Materials Commission" means a Commission appointed by the Board to evaluate instructional materials for recommendation by the Board consistent with Title 53E, Chapter 4, State Instructional Materials Commission.

(8) "Language instruction educational program" means an instructional course:

(a) in which a student learning English is placed for developing and attaining English proficiency, while meeting challenging state academic standards;

(b) that may make instructional use of both English and a child's native language to enable the child to attain and develop English proficiency; and

(c) that may include the participation of English proficient children if the course is designed to enable all participating children to become proficient in English and a second language.

(9) "Student learning English" means an individual who:

(a) who has sufficient difficulty speaking, reading, writing, or understanding the English language, and whose difficulties may deny the individual the opportunity to:

(i) learn successfully in classrooms where the language of instruction is English; or

(ii) participate fully in society;

(b) who was not born in the United States or whose native language is a language other than English and who comes from an environment where a language other than English is dominant; or

(c) who is an American Indian or Alaskan native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency.

(10) "TESOL" means Teachers of English to Speakers of Other Languages.

(11) "TESOL Standards" mean the Pre-K-12 English Language Proficiency Standards established by TESOL International.

(12) "Title III" means federal provisions for providing language instruction to students learning English and immigrant children and youth under 20 U.S.C. 6801, et seq.

R277-716-3. Superintendent Responsibilities.

(1) The Superintendent shall make available in Utah's approved Consolidated State Plan for Title III and require all LEAs to adhere to identification and placement procedures to support evidence-based language instruction education programs for students learning English.

(2) The Superintendent shall develop and require all LEAs to administer a Board approved annual English language proficiency assessment to measure fluency level and progress in:

(a) listening;

(b) speaking;

(c) reading; and

(d) writing.

(3) The Superintendent shall apply a formula and distribute funds to LEAs for identification and services to students learning English and their families.

(a) The formula shall provide an amount based upon eligible students and available funds, to be distributed to all eligible LEAs and consortia consistent with Title III requirements.

(b) The formula shall provide for an additional amount to qualifying LEAs based on numbers of immigrant children and youth.

(4) An LEA that receives Title III funds under this rule shall provide the following to the Superintendent:

(a) assurances and documentation maintained of services or a program used to serve students; and

(b) assurances and documentation maintained of required parent notification.

(5) The Superintendent shall provide timelines to LEAs for meeting Title III requirements.

(6) The Superintendent shall assist and provide training to LEAs in development of ALS and Title III services to students learning English who do not meet the state designated annual growth goals in both increased English proficiency and academic standards.

(7) An LEA shall maintain:

(a) an ALS budget plan;

(b) a plan for delivering student instruction as a requirement in the monitoring section of the Utah Grants Management System;

(c) ALS assessments to date;

(d) a sample of parent notification required under Subsection R277-716-4(7); and

(e) documentation or evidence of progress in the state accountability system.

(8) The Superintendent shall conduct on-site monitoring of all funded ALS programs at least once every five years.

(9) The Superintendent shall provide technical assistance during on-site monitoring and as the Superintendent deems necessary.

R277-716-4. LEA Responsibilities.

(1) An LEA that receives funds under Title III shall assure that the LEA has a written plan that:

(a) includes an identification process for students learning English, including a Board approved home language survey and a language proficiency for program placement, that is implemented with student registration;

(b) uses a Board approved valid and reliable assessment of a student's English proficiency in:

(i) listening;

(ii) speaking;

(iii) reading; and

(iv) writing;

(c) provides an evidence-based language instruction educational program based on Board approved English Language Proficiency Standards;

(d) uses the Board approved student exit criteria from ALS programs or services; and

(e) includes the count of students learning English, by classification, before July 1 of each year.

(2) Following receipt of Title III funds, an LEA shall:

(a) determine what type of Title III ALS services are available and appropriate for each student identified in need of ALS services, including:

(i) dual immersion;

(ii) ESL content-based; and

(iii) sheltered instruction;

(b) implement an approved language instruction educational program designed to achieve English proficiency and academic progress of an identified student;

(c) ensure that all identified students learning English receive English language instructional services in the least segregated environment, consistent with Subsection R277-716-4 (1)(c);

(d) provide adequate staff development to assist a teacher and staff in supporting students learning English; and

(e) provide necessary staff with:

(i) curricular materials approved by the Instructional Materials Commission consistent with Rule R277-469; and

(ii) facilities for adequate and effective training.

(3) Following evaluation of student achievement and services, an LEA shall:

(a) analyze results and determine the program's success or failure; and

(b) modify a program or services that are not effective.

(4) An LEA shall have a policy to identify and serve students who qualify for services under IDEA, including:

(a) implementing procedures and training, consistent with federal regulations and state special education rules, that ensure students learning English are not misidentified as students with disabilities due to their inability to speak and understand English;

(b) reviewing the assessment results of a student's language proficiency in English and other language before initiating evaluation activities, including selecting additional assessment tools;

(c) conducting assessments for IDEA eligibility determination and educational programming in a student's native language when appropriate;

(d) using nonverbal assessment tools when appropriate;

(e) ensuring that accurate information regarding a student's language proficiency in English and another language is considered in evaluating assessment results;

(f) considering results from assessments administered both in English and in a student's native language;

(g) ensuring that all required written notices and communications with a parent who is not proficient in English are provided in the parent's preferred language, including utilizing interpretation services; and

(h) coordinating the language instruction educational program and special education and related services to ensure that the IEP is implemented as written.

(5) An LEA shall provide information and training to staff that:

(a) limited English proficiency is not a disability; and

(b) if there is evidence that a student with limited English proficiency has a disability, the staff shall refer the student for possible evaluation for eligibility under IDEA.

(6)(a) An LEA shall notify a parent who is not proficient in English of the LEA's required activities.

(b) A school shall provide information about required and optional school activities in a parent's preferred language.

(c) An LEA shall provide interpretation and translation services for a parent at:

(i) registration;

(ii) an IEP meeting;

(iii) an SEOP meeting;

(iv) a parent-teacher conference; and

(v) a student disciplinary meeting.

(d) An LEA shall provide annual notice to a parent of a student placed in a language instruction educational program within 30 days of the first day of school.

(e) If a student has been identified as requiring ALS services after the first month of school, the LEA shall notify the student's parent within ten school days of the student's identification and placement.

(7) A required notice described in Subsection (6) shall include:

(a) the student's English proficiency level;

(b) how the student's English proficiency level was assessed;

(c) the status of the student's academic achievement;

(d) the methods of instruction proposed to increase language acquisition, including using both the student's native language and English if necessary;

(e) specifics regarding how the methods of instruction will help the child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation; and

(f) the specific exit requirements for the program including:

(i) the student's expected rate of transition from the program into a classroom that is not tailored for a student learning English; and

(ii) the student's expected high school graduation date if funds appropriated consistent with this rule are used for a secondary school student.

R277-716-5. Teacher Qualifications.

(1) A Utah educator who is assigned to provide instruction in a language acquisition instructional program shall comply with state ESL endorsement requirements.

(2) A Utah educator whose primary assignment is to provide English language instruction to a student learning English shall have:

(a) an ESL endorsement, through an approved program based on the TESOL Standards;

(b) an advanced degree or certification in teaching English as a Second Language, including an approved competency program consistent with Board rule; or

(c) a bilingual endorsement consistent with the educator's assignment.

R277-716-6. Miscellaneous Provisions.

(1)(a) An LEA that generates less than $10,000 from the LEA's count of students learning English, may form a consortium with other similar LEAs.

(b) A consortium described in Subsection (1)(a) shall designate a fiscal agent and shall submit all budget and reporting information from all the member LEAs of the consortium.

(c) Each member of a consortium shall submit plans and materials to the fiscal agent of the consortium for final reporting submission to the Superintendent.

(d) A fiscal agent of a consortium described in Subsection (1)(a) shall assume all responsibility of an LEA under Section R277-716-4.

(2) No LEA or consortium may withhold more than 2% of Title III funding for administrative costs in serving students learning English.

KEY: alternative language services

Date of Last Change: March 11, 2024

Notice of Continuation: February 10, 2021

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

R277. Education, Administration.

R277-717. High School Course Grading Requirements.

R277-717-1. 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; and

(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.

(2) The purpose of this rule is to establish requirements for awarding credit when a student repeats a course or takes a comparable course and earns a higher grade.

R277-717-2. Definitions.

(1) "Comparable course" means a course that fulfills the same graduation credit requirements as a course for which a student seeks to improve a grade.

(2) "Course" means a course that a student:

(a) is enrolled in; and

(b)(i) completes; or

(ii) withdraws from but still receives a grade.

(3) "Highest grade" means a grade that reflects the higher grade of:

(a) a course and a repeat of the course; or

(b) a course and a comparable course.

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

(5) "Recurring course" means a course that a student takes more than once to:

(a) further the student's understanding and skills in the course subject, such as journalism or band; or

(b) satisfy a different credit requirement that the course may fulfill, such as an art class that fulfills an elective requirement and an art requirement.

(6) "Student" means an individual enrolled in an LEA in grade 9, 10, 11, or 12.

R277-717-3. Course Grade Forgiveness.

(1)(a) A student may, to improve a course grade received by the student:

(i) repeat the course one or more times; or

(ii) enroll in and complete a comparable course.

(b) A grade for an additional unit of a recurring course does not change a student's original course grade for purposes of this section.

(2) If a student repeats a course, the student's LEA:

(a) shall adjust, if necessary, the student's course grade and grade point average to reflect the student's highest grade and exclude a lower grade;

(b) shall exclude from the student's permanent record the course grade that is not the highest grade; and

(c) may not otherwise indicate on the student's current record that the student repeated the course.

(3)(a) If a student enrolls in a comparable course, the student shall, at the time of enrolling in the comparable course, inform the student's LEA of the student's intent to enroll in the course for the purpose of improving a course grade.

(b) If a student enrolls in a comparable course, the student's LEA:

(i) shall confirm, at the time the student enrolls in the comparable course, that the comparable course fulfills the same credit requirements as the course that the student intends to replace with the comparable course grade;

(ii) shall update the student's current record and grade point average to reflect the highest grade between the course and the comparable course and exclude the lower grade and corresponding course; and

(iii) may not otherwise indicate the course or comparable course for which the student did not receive the highest grade on the student's record.

KEY: students, grades, credits

Date of Last Change: March 14, 2018

Notice of Continuation: January 13, 2022

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

R277. Education, Administration.

R277-719. Standards for Selling Foods Outside of the Reimbursable Meal in Schools.

R277-719-1. 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 53E-3-510, which allows the Board to set standards relating to the use of school lunch revenues; and

(d) Subsection 53E-3-501(1)(e), which requires the Board to establish rules concerning school productivity and cost effectiveness measures and federal programs.

(2) The purpose of this rule is to outline requirements for LEA policies regarding foods sold outside of the reimbursable meal service.

R277-719-2. Definitions.

(1) "Competitive foods" as provided in 7 CFR 210, means all food and beverages, other than meals reimbursed under programs authorized by federal child nutrition laws available for sale to students on the school campus during the school day.

(2)(a) "Eating area" means the place where the reimbursable meal is served or eaten.

(b) In some schools, the "eating area" may include the entire campus.

(3) "Federal child nutrition laws" means the Richard B. Russell National School Lunch Act, 79 P.L. 396, 60 Stat. 230, and the Child Nutrition Act of 1966, 89 P.L. 642, 80 Stat. 885.

(4) "Nutrition Standards" has the same meaning as contained in 7 CFR 210.11.

(5) "Reimbursable meal" means a meal which meets the requirements set forth in 7 CFR 210, 211, 215, 220 or 225 to be claimed for payment.

(6) "School day" means the period from the midnight before, to 30 minutes after the end of a school's calendared class time.

(7) "School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

(8) "Unit" means per container, package or amount served.

(9) "Vending machine" means a self-service device that, upon insertion of a coin, paper currency, token, card or key, dispenses unit servings of food in bulk or in packages.

R277-719-3. LEA Policies Regarding Vending Machines.

(1) Each LEA shall develop and implement a policy for schools that choose to provide vending machines.

(2) A policy implemented in accordance with Subsection (1) shall include:

(a) a requirement that all agreements for vending machines be in writing in a contract form approved by the local board of education or charter school governing board;

(b) accepted uses of vending machine income; and

(c) generally accepted accounting procedures, including periodic reports to the LEA of vending machine receipts and expenditures.

R277-719-4. LEA Policies Regarding Competitive Food Sales on Campus.

(1) Federal nutrition standards apply to the sale of competitive foods in all schools offering programs authorized by federal child nutrition laws on the school campus during the school day.

(2)(a) Profits from competitive foods shall accrue either to a non-profit school account or to the non-profit school food service account.

(b) Profits from competitive foods may not accrue to the benefit of a for-profit account or entity.

(3) If competitive foods were purchased using non-profit school food service funds, the reimbursement shall ensure revenue from the sale of non-program foods generates at least the same proportion of revenue as contributed to the non-profit school food service cost.

(4)(a) A competitive food item that is sold by an LEA or an employee or agent shall meet federal nutrition standards.

(b) An LEA may use a Smart Snacks calculator, available online at https://foodplanner.healthiergeneration.org/calculator, to verify that competitive foods sold meet nutrition standards.

R277-719-5. Fundraising Using Food or Beverages.

(1) An LEA shall comply with the standards set forth in this Section if the LEA has a school that offers programs under federal child nutrition laws on a school campus during the school day.

(2)(a) Competitive food and beverage items sold during the school day shall meet federal nutrition standards.

(b) Notwithstanding Subsection (2)(a), a school may sell food or beverages that do not meet the competitive food standards for the purpose of conducting infrequent school-sponsored fundraisers, subject to the following restrictions:

(i) An LEA may not hold an exempt fundraiser more than three times per year per site;

(ii) An exempt fundraiser may not last more than five consecutive days; and

(iii) The principal of a school holding an exempt fundraiser shall designate an individual to maintain records for the fundraiser.

(3) The Superintendent may grant permission for exempt fundraisers in addition to those allowed under Subsection (2)(b) upon the written request of a career and technical education program.

R277-719-6. LEA Local School Wellness Policies.

Each LEA participating in programs under federal child nutrition laws shall establish a local school wellness policy for all schools under the LEA's jurisdiction, which shall, at a minimum, include all the elements required in 7 CFR 210.30.

R277-719-7. Miscellaneous Provisions.

(1) If a school does not participate in programs under federal child nutrition laws, the school shall adopt a written policy for the sale of all foods that are not part of the meal service, including vending, a la carte or other food sales.

(2) A policy required under Subsection (1):

(a) shall apply to all foods sold anywhere on the school campus during the school day ; and

(b) may use the definitions for competitive foods and wellness policies contained in 7 CFR 210.11 and 7 CFR 210.30.

(3) A local superintendent or school principal or director shall designate an individual who shall maintain documentation of compliance with this R277-719.

KEY: schools, foods, nutrition, vending machines

Date of Last Change: November 26, 2021

Notice of Continuation: January 17, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-3-510; 53E-3-501

R277. Education, Administration.

R277-720. Reimbursement Program for Early Graduation from Personalized, Competency-Based Learning Program.

R277-720-1. 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) Subsection 53F-2-511(1)(c)(ii), which allows the Board to make rules to specify additional criteria for an LEA to be eligible for a personalized, competency-based learning early graduation reimbursement; and

(d) Subsection 53F-2-511(6), which allows the Board to make rules for the administration of the Reimbursement Program for Early Graduation from Personalized, Competency-Based Learning.

R277-720-2. Definitions.

(1) "Eligible LEA" means an LEA that:

(a) has demonstrated to the Board that the LEA or a school within the LEA provides and facilitates personalized competency-based learning that is based on the core principles described in Section 53F-5-502; and

(b) has an approved personalized, competency-based learning program that includes:

(i) at least one outcome measure for each indicator level required by the Superintendent;

(ii) outcome measures that are disaggregated by student subgroups where possible; and

(iii) at least one outcome measure for student growth and proficiency.

(2) "Eligible student" means a student who:

(a) meets the requirements described in Subsection 53F-2-511(1)(d);

(b) has been flagged by an LEA as a personalized competency-based learning participant.

(3) "Program" means the Reimbursement Program for Early Graduation from Personalized, Competency-Based Learning described in Section 53F-2-511.

(4) "Review Committee" means the Personalized Competency-based Learning Review Committee created in Section R277-712-3.

R277-720-3. Personalized, Competency-Based Learning Designation.

(1) To receive a personalized, competency-based learning designation, an eligible LEA shall:

(a) submit an application in the form prescribed by the Superintendent to the review committee;

(b) submit the application in Subsection (1)(a) no later than April 1 of the school year prior to the school year in which the LEA intends to seek reimbursement; and

(c) have an approved personalized, competency-based learning plan pursuant to Rule R277-712.

(2) The review committee shall review each application and make recommendations to the Board based on the Board approved personalized, competency-based learning core principals and measures described in Rule R277-712.

(3) The Board shall approve or deny the recommendations made by the review committee in a timely manner.

(4) If approved, an eligible LEA's personalized, competency-based learning designation shall continue for three years, provided the school continues to implement a personalized, competency-based learning model.

(5) An eligible LEA may not retroactively use an approved personalized, competency-based learning designation for reimbursement of eligible students.

(6) An LEA may claim reimbursement for eligible students in the school year after establishing a personalized, competency-based learning designation and in subsequent years, as long as the designation continues.

R277-720-4. Early Graduation Reimbursement.

(1) An eligible LEA with a personalized, competency-based learning designation may seek reimbursement for an eligible student in October for membership generated by the eligible student in the previous school year.

(2) The reimbursement amount shall be calculated by the Superintendent in the following manner:

(a) the amount of weighted pupil unit lost due to early graduation for each eligible student shall be determined as described by Subsection 53F-2-511(5);

(b) the total amount of lost weighted pupil unit for each eligible student shall be used to establish an LEA aggregate total and a statewide aggregate total for all eligible students;

(c) if the statewide aggregate total is equal to or less than the total amount allocated for the program by the legislature, an eligible LEA shall be reimbursed the LEA aggregate total;

(d) if the statewide aggregate total exceeds the total amount allocated for the program by the legislature, an eligible LEA shall be reimbursed a prorated amount proportionate to the percentage that the LEA aggregate total is of the statewide aggregate total.

(3) An LEA shall not receive a reimbursement for an eligible student that exceeds the amount outlined in Subsection 53F-2-511(5)(a).

KEY: personalized, competency-based learning, reimbursements, early graduation

Date of Last Change: November 8, 2021

Notice of Continuation: September 9, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-511(1)(c)(ii); 53F-2-511(6)

R277. Education, Administration.

R277-721. PRIME Program.

R277-721-1. 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; and

(c) Section 53E-10-309, which requires the Board to make rules to establish the requirements for the Utah PRIME Program.

(2) The purpose of this rule is to:

(a) establish eligibility requirements for a participating LEA; and

(b) create an application process for LEAs to apply for the program.

R277-721-2. Definitions.

(1) "Career and technical education" or "CTE" means the same as the term is defined in Subsection 53B-1-101.5(3).

(2) "Concurrent enrollment" or "CE" means the same as the term is defined in Subsection R277-701-2(2).

(3) "Program" means the PRIME program as described in Section 53E-10-309.

(4) "Underrepresented students" means the same as the term is defined in Subsection R277-707-2(6).

(5) "Technical college" means the same as the term is defined in Subsection 53B-1-101.5(7).

(6) "Utah System of Higher Education" or "USHE" means the same as the term is defined in Section 53B-1-102.

R277-721-3. PRIME Program--Eligibility, Application, and Review Committee.

(1) Subject to legislative appropriation, an LEA may apply for a PRIME pilot program grant.

(2) An LEA's application shall contain the following:

(a) a budget proposal for the use of funds;

(b) how the LEA will increase access to courses for underrepresented students;

(c) a list of the current CE and CTE courses the LEA offers;

(d) a detailed plan of implementation including current gaps the program will address; and

(e) requisite baseline data established by the Superintendent.

(3) The Superintendent, along with the committee established in Subsection (4), shall score and rank each application based upon the quality of the LEA's overall budget proposal and application as described in Subsection (2).

(4) The Superintendent shall create a PRIME program advisory committee.

(5) The advisory committee shall include the following members as non-voting chairs:

(a) The Superintendent; and

(b) The Commissioner of Higher Education or the commissioner's designee.

(6) In addition to the chairs described in Subsection (5), the Board shall appoint additional members to the committee including:

(a) an early college specialist;

(b) a CTE coordinator, or the coordinator's designee;

(c) a technical college representative;

(d) a representative of USHE;

(e) a member of the State Charter School Board; and

(f) a secondary LEA designee.

(7) The Superintendent shall award program grants:

(a) based upon the score and rank assigned in accordance with Subsection (3); and

(b) consistent with Section 53E-10-309.

R277-721-4. Performance Measures and Reporting.

(1) An LEA that receives a program grant shall submit to the Superintendent an annual progress report by June 30 that includes:

(a) demographic data of participating students compared to overall LEA demographics;

(b) growth of the program compared to the program baseline data submitted in the LEA's application;

(c) how the LEA has closed access gaps with underrepresented students;

(d) itemized budgetary expenditures; and

(e) overall effectiveness of the program.

(2) An LEA may request a complete list of awarded certificates from the Superintendent.

R277-721-5. Distribution and Use of Funds.

(1) An LEA may receive up to the LEA's requested amount not to exceed $100,000 annually.

(2) An LEA may not use funds to:

(a) fund non-CTE or CE courses;

(b) supplant local funds;

(c) pay indirect costs charged by the LEA;

(d) cover expenditures not listed in the LEA's proposed budget.

KEY: PRIME, concurrent enrollment, CTE, early college

Date of Last Change: August 22, 2023

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

R277. Education, Administration.

R277-722. Procedures for the Focused Graduation Pathway.

R277-722-1. Authority, Purpose, and Oversight Category.

(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) Subsection 53E-3-501(1)(b), which directs the Board to adopt rules regarding access to programs, competency levels, and graduation requirements; and

(c) 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 describe the standards and procedures required for an individual to utilize the Focused Graduation Pathway.

(3) This Rule R277-722 is categorized as Category 2 as described in Rule R277-111.

R277-722-2. Definitions.

(1) "FGP student" means an individual 16 to 19 years of age who meets the requirements of this rule, attends a participating school, and has consented to participate in the Focused Graduation Pathway (FGP).

(2) "General Education Development" high school equivalency exam or "GED exam" means a high school equivalency exam that is a standardized test that measures proficiency in one of four subject areas: Reasoning Through Language Arts, Mathematical Reasoning, Science, and Social Studies, and is administered by authorized testing centers.

(3) "GED Alerts" means an official notification issued by the Utah State Board of Education to inform high school students, educators, and the public about the availability and details of the General Education Development (GED) high school equivalency exam.

(4) "Participating school" means a school that has proposed an FGP, obtained LEA board approval, and meets all other requirements as outlined in this rule.

R277-722-3. Focused Graduation Program Requirements.

(1) Before enrolling students in the FGP, a participating school shall

(a) develop policies and procedures surrounding the FGP for their school, in accordance with existing LEA policy

(b) obtain the LEA board approval prior to participating in the FGP

(i) outlining how FGP will be implemented

(c) designate an FGP Coordinator to oversee the program

(d) submit the approved application in Subsection (1)(b) to the Superintendent

(2) A participating school may not withdraw a student participating in the FGP from k-12 before the student takes any of the four subject GED tests.

(3) A participating school shall:

(a) maintain a student-teacher ratio not to exceed the average ratio of the participating school for all GED prep courses;

(b) provide necessary support for a student with disabilities, as required by Rule R277-705;

(c) provide subject area experts to students when preparing for each GED subject test;

(d) coordinate the clearance of GED alerts for a FGP student with the Superintendent; and

(e) submit annual report to the Superintendent on FGP enrollment, completion rates, and other relevant data as determined by the Superintendent.

R277-722-4. Student Eligibility for Focused Graduation Pathway.

(1) A candidate for the focused graduation pathway shall:

(a) be at least 16 years of age;

(b) be a junior or senior enrolled in high school;

(c) be significantly behind in high school credits earned with:

(i) at least 6 credits behind if a junior; or

(ii) at least 3 credits behind if a senior;

(d) demonstrate 9th grade reading level or higher on an assessment chosen by the LEA;

(e) remain enrolled in a Utah k-12 school throughout the entirety of the pathway;

(2) A FGP candidate shall participate in a formal meeting with applicable school staff where:

(a) the policies and procedures surrounding the FGP are explained and

(b)(i) parental consent to participate in the FPG is provided; or

(ii) student consent if the student is a verified unaccompanied minor;

(4) Consent to participate shall be voluntarily given.

R277-722-5. Testing and Credit.

(1) A FGP student shall complete a GED exam:

(a) at approved testing centers; or

(b) through an online proctored test, in accordance with GED policies and procedures.

(2) A participating school may award core credit to an FGP student for passing GED exams, as determined by school and LEA policy up to;

(a) 4.0 credits for language arts for passing Reasoning through Language Arts;

(b) 3.0 credits for social studies for passing Social Studies;

(c) 3.0 credits for mathematics for passing Mathematical Reasoning; and

(d) 3.0 credits for science for passing Science.

(3) Awarded credit shall be recorded on a transcript as pass/fail instead of a letter grade.

(4) An FGP student shall complete all remaining graduation requirements as required by the LEA to be eligible for graduation.

R277-722-6. Diploma and Official Transcripts.

(1) Upon successful completion of the FGP and all LEA graduation requirements, an FGP student shall:

(a) be awarded a traditional high school diploma; and

(b) be eligible to participate in graduation ceremonies.

(2) An FGP student shall be eligible for the Seal of Biliteracy if:

(a) the student has completed the GED exam in English; and

(b) has fulfilled all requirements as outlined in Rule R277-499.

R277-722-7. Superintendent Oversight and Evaluation.

(1) The Superintendent shall designate a specialist to:

(a) oversee the FGP;

(b) provide technical assistance; and

(c) monitor program implementation and outcomes.

(2) The Superintendent may withdraw approval for a school to participate in the FGP for noncompliance with board rule.

KEY: focused graduation pathway, educational testing, student competency

Date of Last Change: February 7, 2025

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

R277. Education, Administration.

R277-723. Start Smart Utah Program.

R277-723-1. 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) Section 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

(c) Section 53G-9-205.1(3) which directs the Board to create a waiver application, submission, review, and approval process.

(2) The purpose of this rule is to provide the process to apply for and receive a waiver from the requirements of 53G-9-205.1(2).

R277-723-2. Definitions.

(1) "Alternative breakfast service model" means the same as the term is defined in Subsection 53G-9-205.1(1)(a).

(2) "Financial hardship" means a school cannot maintain a positive financial balance in the School food service account due to the operation of an alternative breakfast service model or school breakfast program.

(3) "Logistical hardship" means a school lacks any capacity or resources to perform the required duties and work flow to support an alternative breakfast service model or school breakfast program.

(4) "Nonprofit school food service account" means the same as the term is defined in 7 CFR 210.12

(5) "Undue hardship" means a logistical or financial hardship.

R277-723-3. Procedures for Waiver Requests.

(1)(a) An LEA board may request a waiver from some or all of the requirements of Subsection 53G-9-205.1(2) by filing a written request.

(b) A written request under Subsection (1)(a) shall include:

(i) verification that the LEA board voted to request the waiver in an open meeting;

(ii) the requirements as described in Subsection 53G-9-205.1(2) for which the LEA is seeking a waiver;

(iii) documentation demonstrating the logistical or financial hardship resulting in the need for a waiver including:

(A) cost benefit analysis showing reimbursement will not fully cover anticipated costs;

(B) facility capacity unable to support food service needs;

(C) documentation related to recommendations as outlined in Subsection 53G-9-205(1)(b); or

(D) other data demonstrating logistical or financial hardship;

(iv) possible solutions to mitigate the future need for a waiver; and

(v) alternative practices to ensure the LEA's free and reduced lunch student population has the most access possible to nutrition programs during regular school hours.

(2) An LEA shall submit a separate waiver for each school within the LEA that the LEA seeks to exempt from the requirements of Subsection 53G-9-205.1(2).

(3) An LEA that satisfies the requirements of Subsection 53G-9-205.1(2)(d)(ii) is exempt from needing to apply for a waiver.

(4) The Superintendent shall establish a review committee that consists of three or more members from relevant staff.

(5) The review committee shall review a waiver request for approval or denial within 30 days of receipt of the waiver request.

(6) If the review committee denies an LEA's waiver request, an LEA may appeal to the Board in writing within 10 calendar days of notice of denial.

(7) A waiver granted under R277-723 expires at the end of the school year for which the waiver was granted.

(8) An LEA may create an implementation plan as part of the LEA's efforts to mitigate the need for a future waiver.

(9) The Superintendent may provide additional supports and resources to an LEA for the purposes of creating an implementation plan.

(10) An LEA may implement alternative breakfast service models before the LEA's waiver has expired.

R277-723-4. Corrective Action Plan

(1) If an LEA is found to be non-compliant with Section 53G-9-205.1 and has not applied for a waiver pursuant to R277-723, the LEA may be placed on a corrective action plan described in R277-114.

KEY: Start Smart Utah; breakfast after the bell; breakfast

Date of Last Change: September 24, 2020

Notice of Continuation: September 15, 2025

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

R277. Education, Administration.

R277-724. Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program.

R277-724-1. 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) Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities; and

(c) Subsection 53E-3-501(3), which authorizes the Board to administer and distribute funds made available through programs of the federal government.

(2) The purpose of this rule is to establish eligibility criteria for new sponsoring organizations to recruit facilities for child care centers and day care homes in unserved areas.

R277-724-2. Definitions.

(1) "Child and Adult Care Food Program (CACFP)" means the program that:

(a) facilitates the initiation, maintenance, and expansion of non-profit food services for children in non-residential centers and homes which provide child care;and

(b) administers food service programs for non-residential adult day care.

(2)(a) "Child care center" means any public or private nonprofit organization, or any proprietary title XX center, licensed or approved to provide nonresidential child care services to enrolled children, primarily of preschool age.

(b) A child care center may participate in the CACFP as independent centers or under the auspices of a sponsoring organization.

(3) "Day care home" means an organized nonresidential child care program for children enrolled in a private home, licensed or approved as a family or group day care home and under the auspices of a sponsoring organization.

(4) "Facilities" means a sponsored center or a family day care home.

(5) "Institution" means an organization with whom the Board has an agreement to accept final administrative and financial responsibility for CACFP operation.

(6) "Recruited facilities" means potential daycare centers or homes that a prospective sponsoring organization is seeking to enroll in CACFP participation.

(7) "Service area" means the geographic area from which a sponsoring organization draws its client facilities.

(8) "Sponsoring organization" means a public or nonprofit private organization which is entirely responsible for the administration of the food program in:

(a) one or more day care homes;

(b) a child care center, outside-school-hours care center, or adult day care center which is a legally distinct entity from the sponsoring organization;

(c) two or more child care centers, outside-school-hours care centers, or adult day care centers are part of the organization; or

(d) any combination of child care centers, adult day care centers, day care homes, and outside-school-hours care centers.

(9) "State agency" means the state educational agency or any other State agency that has been designated by the Governor or other appropriate executive or by the legislative authority of the state, and has been approved by the Department to administer the Program within the state.

R277-724-3. Criteria for Sponsoring Organizations and Recruiting Facilities.

(1) To be approved as a participant in the CACFP, a sponsoring organization shall provide the following assurances to the Superintendent that the sponsoring organization's recruited facilities:

(a) are not currently participating or were recently terminated for convenience by another sponsoring organization due to being outside the sponsoring organization's service area;

(b) have not been terminated for cause;

(c) have no unresolved serious deficiency pending with another sponsoring organization; and

(d) do not owe a refund to another sponsoring organization.

(2) Prior to approval, a sponsoring organization shall provide a state agency certification that other sponsoring organizations are unable to accommodate the recruited facilities or the area(s) where the recruited facilities are located because:

(a) other sponsoring organizations generate insufficient resources to properly train and monitor facilities; or

(b) supervising additional facilities would threaten a currently participating sponsoring organization's viability, capability or accountability.

R277-724-4. New and Renewing Institution Performance Standards.

(1) A new or renewing institution shall ensure to the Superintendent at the time of approval or renewal that:

(a) the institution is financially viable and program funds are spent and accounted for consistent with the requirements of federal law and regulations;

(b) the institution and participating facilities operate in accordance with federal law and regulations; and

(c) the institution has internal controls and other management systems in effect allowing for fiscal accountability and the CACFP to operate in accordance with federal law and regulations.

(2) The Superintendent shall regulate and ensure that these performance criteria are met consistent with federal law and regulations.

KEY: facilities, food programs

Date of Last Change: January 22, 2020

Notice of Continuation: March 8, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(3); 53E-3-401(4)

R277. Education, Administration.

R277-726. Statewide Online Education Program.

R277-726-1. Authority, Purpose, and Oversight Category.

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

(iii) that establish 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.

(3) This Rule R277-726 is categorized as Category 4 as described in Rule R277-111.

R277-726-2. Definitions.

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

(2) "Applicable statewide assessments" means:

(a) the high school assessment described in Section 53E-4-304 and Subsection R277-404-2(7);

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

(c) a Utah alternative assessment as defined in Rule R277-404.

(3) "Approved absence" means an absence permitted in accordance with Subsection 53G-6-803(5).

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

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

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

(7) "Course Credit Acknowledgment" or "CCA" means an agreement and registration record that:

(a) uses the Statewide Online Education Program application provided by the Superintendent; and

(b) except as provided in Section 53F-4-508, is signed by the designee of the primary school of enrollment, and the qualified provider.

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

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

(b) A student up to the age of 19 in an adult education program may be an "eligible student" if the student re-enrolls in a public or private secondary school before the student's cohort's date of graduation.

(c) "Eligible student" does not include a student receiving a scholarship under Title 53F, Chapter 6, Part 4, Utah Fits All Scholarship Program.

(10) "Enrollment confirmation" means a provider's certification that a student initially registered and actively participated, as defined under Subsections (1) and (23)(b).

(11) "Executed CCA" means a CCA that has been executed pursuant to Subsection 53F-4-508(3) and received by the Superintendent.

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

(16) "Online course" means the same as the term is defined in Section 53F-4-501 regardless of whether the student participates in the online course at home, at a school, at another location, or in any combination of these settings.

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

(18) "Primary LEA of enrollment" means:

(a) the LEA reporting the student to be in regular membership, and special education membership, if applicable; and

(b) the LEA in which an eligible student is enrolled for courses other than online courses offered through the Statewide Online Education Program.

(19) "Primary school of enrollment" means:

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

(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 oversight and implementation of the student's educational requirements under the Individuals with Disabilities Education Act.

(20) "Resident school" means the district school within whose attendance boundaries the student's custodial parent or legal guardian resides.

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

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

(23) "Standard of active participation" means:

(a) the measure of student engagement used by an authorized online course provider to count a student in attendance and participation at least once every ten school days for a course consistent with Section R277-419-5;

(b) a document articulating evidence validating student participation contained in a learning management system and used by an authorized online course provider to qualify to receive payment as provided in Subsection 53F-4-505(4), including determining when a student is actively participating in a course defined in Section 53F-4-501; and

(c) the measure of student engagement used to monitor program outcomes and program financial compliance in accordance with Rule R277-114.

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

(25) "Teacher of record" means the teacher who is assigned by a provider and to whom students are assigned for purposes of reporting and data submissions to the Superintendent in accordance with Section R277-484-3 and this rule.

(26) "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 of enrollment.

(27) "USBE course code" means a code for a designated subject matter course assigned by the Superintendent.

(28) "Withdrawal from online course" means that a student withdraws from or ceases participation in an online course as follows:

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

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

(c) within 20 calendar days after the start date of the second 0.5 credit of a 1.0 credit course;

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

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

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

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

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

(i) graduation requirements; and

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

(b) The primary school and LEA of enrollment and an online course provider shall respond to the CCA using forms and processes provided by the Superintendent within 24 business hours.

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

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

(4) If an eligible student has an IEP or Section 504 plan, the eligible student's primary LEA shall provide or facilitate enrollment by:

(a) forwarding a copy of the relevant portions of the eligible student's existing IEP or Section 504 accommodation plan to the authorized online course provider in accordance with federal law and regulations;

(b) ensure the eligible student's IEP team and the authorized online course provider review a course enrollment for compliance with Subsection (1);

(c) coordinate additional IEP team reviews, as necessary, with the authorized online course provider to ensure appropriate services, supports and accommodations are in place for the eligible student; and

(d) ensure the authorized online course provider is included in an eligible student's IEP revision.

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

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

(1) An eligible student may register for program credits consistent with Section 53F-4-503 and this rule.

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

(a) 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; or

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

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

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

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

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

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

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

(b) A student may enroll in a course outside of the primary school of enrollment's established deadline for dropping and adding traditional courses if the student is not

seeking to alter a course schedule by dropping a traditional course and adding an online course but is instead seeking to add courses above full-time-enrollment consistent with an approved plan for early graduation.

(7)(a) Notwithstanding Subsection (5), an underenrolled student may enroll in an online course at any time during a calendar year.

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

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

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

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

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

R277-726-5. LEA Requirements and Responsibilities.

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

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

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

(4) A primary school or LEA of enrollment shall provide information about available online courses and programs:

(a) in registration materials;

(b) on the LEA's website; and

(c) on the school's website.

(5) To facilitate enrollment as required by Section 53F-4-513, a primary school or LEA of enrollment shall provide the notice required under Subsection (4) concurrent with the high school course registration period designated by the LEA for the upcoming school year.

(6) A primary school of enrollment shall include a student's online courses in the student's enrollment records and, upon course completion, include online course grades and credits on the student's transcripts, including high school coursework completed before grade 9 using course title and core codes.

(7) A primary school of enrollment shall recognize credit earned toward high school graduation by a participating student through courses completed before grade 9 for purposes of high school graduation.

(8) A primary school of enrollment shall determine fee waiver eligibility for participating public school students pursuant to Rule R277-407.

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

(i) allowing a 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 for the student to participate in an online course; or

(ii) providing a participating student technology and Wi-Fi needed for the student to participate outside of the school building.

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

(10) Where students access program courses using LEA-owned and managed devices, an LEA shall configure devices to participating students to form a separate user account or otherwise allow access to program provider materials using credentials supplied by a program provider.

(11) A primary school of enrollment shall provide participating students access to facilities for the student to participate in an online course during the regular school day, student leadership opportunities, sports, extracurricular and co-curricular activities,

counseling, graduation, and other services offered to students generally without consideration of relative levels of participation in traditional courses versus program courses.

(12)(a) Course completions conferring high school credit shall be recorded in a student's record of credit and course completion for grade 9 to allow recognition toward grades 9-12, and high school graduation requirements.

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

(i) early graduation status; or

(ii) that high school courses taken through the program did not replace middle school courses for a student.

(13) When a student satisfactorily completes an online semester or quarter course:

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

(b) for a student participating in the program before grade 9, the student's grade 9 primary school of enrollment shall record grades and credit per Subsection (11) once the student completes grade 8.

R277-726-6. Superintendent Requirements and Responsibilities.

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

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

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

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

(4)(a) With the exception of the requirements of Subsection 53F-5-514(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.

(5) Before approving a provider, consistent with Section 53F-4-504, the Superintendent shall:

(a) review Annual Financial Reports and state-administered test data to establish capacity of a program to serve an increased range of students while still meeting program requirements; and

(b) verify that a prospective provider:

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

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

(iii) demonstrates data security and privacy compliance capacity, consistent with FERPA, through submission of a report selected by the Superintendent or developed by the American International Society of Certified Public Accountants to evaluate data security controls and assess organization safeguards in place to protect sensitive data;

(iv) provides a description of the applicant's academic service experience offering general insight into the entity's:

(A) familiarity with education broadly;

(B) competency in instruction;

(C) academic philosophy; and

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

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

(7) The Superintendent shall withhold funds from a primary LEA of enrollment and pay a provider consistent with Sections 53F-4-505 through 53F-4-507, and Section 53F-4-518.

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

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

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

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

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

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

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

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

(16) Upon request from a primary LEA, the Superintendent shall provide an itemized report showing deductions described in Subsection 53F-4-508(2), by student and course enrolled.

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

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

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

(19) The Superintendent may advise an eligible student regarding how an online course meets state graduation requirements.

(20) The Superintendent shall direct an eligible student to a counselor at the student's school for advice regarding:

(a) whether an online course meets LEA or school-specific graduation requirements; and

(b) all other counseling services.

(21) The Superintendent shall create a model cooperative agreement between a primary LEA and an authorized online course provider to be used when the primary LEA determines IEP services with costs are best provided by an authorized online course provider.

(22) The Superintendent shall organize and conduct annual mandatory training for relevant staff at a primary LEA that address program requirements for a primary LEA, including:

(a) reporting requirements and methods;

(b) uses of resources and tools to ensure adequate monitoring of an eligible student's progress;

(c) federal and state requirements for accommodating enrollments that involve special education;

(d) appropriate circumstances and methodologies for reducing an eligible student's schedule; and

(e) other necessary components as determined by the Superintendent.

(23) The Superintendent shall create a communication dashboard for the program that includes:

(a) a counselor contact list for an eligible student that is accessible to an authorized online course provider; and

(b) progress monitoring fields containing:

(i) grade progress reporting of an eligible student by an authorized online course provider;

(ii) flags for a student that is at risk of failing an online course; and

(iii) other information as determined by the Superintendent.

(24) The dashboard described in Subsection (23) shall be accessible to an eligible student's:

(a) primary LEA;

(b) school counselor;

(c) authorized online course provider; and

(d) parent.

R277-726-7. Provider Requirements and Responsibilities.

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

(b) A provider is responsible for administrative and proctoring costs and planning for the applicable statewide assessments described in Subsection (1)(a).

(2) A provider shall:

(a) establish a procedure that a student or parent may complete online to excuse the student from statewide assessments as described in Subsection 53G-6-803(9); and

(b) record and maintain a choice to opt a student out of a statewide assessment in a manner prescribed by the Superintendent.

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

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

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

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

(c) documentation of student enrollment and participation consistent with a standard of active participation on record with the Superintendent; and

(d) compliance with:

(i) the IDEA;

(ii) Section 504; and

(iii) requirements for multilingual students.

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

(a) Board procedures;

(b) Board timelines; and

(c) Sections 53F-4-505 through 53F-4-508, Section 53F-4-518, and Board rule.

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

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

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

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

(iii) shall post fees on the provider website and disclose fees in course notes provided to the Superintendent as part of the provider's annual submission of course lists;

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

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

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

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

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

(b) providing a parent or student timely documentation of and access to evidence and records of educational performance, including:

(i) test scores;

(ii) grades;

(iii) progress and performance measures; and

(iv) completion of credit.

(8) Except as otherwise provided in this rule, a provider shall, using processes and applications provided by the Superintendent within five business days following the 20 school day statutory period allowed for student withdrawal:

(a) confirm a student to be in active participation in a course; or

(b) record a student's lack of confirmation.

(9) Following confirmation of a student's active participation, a provider shall:

(a) routinely update course records to reflect student participation as determined by student credit accruals;

(b) submit a student's credit and grade to the Superintendent, providing for each included course:

(i) the core code and short course description provided by the Superintendent associated with the course in program enrollment applications;

(ii) as necessary, the unique title a provider utilizes to identify a course to a designated counselor or registrar at the primary school of enrollment, and the student's parent; and

(c) complete the submissions required under Subsection (9)(b):

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

(ii) by June 30 annually.

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

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

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

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

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

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

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

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

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

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

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

(a) financial and enrollment records;

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

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

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

(a) test scores;

(b) student grades;

(c) completion of credit; and

(d) other progress and performance measures.

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

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

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

(18)(a) Before the inception of coursework, as a component of the provider's initial communication of provisions of the provider's standard of active participation, a provider shall inform a student and the student's parent of travel expectations to fulfill course requirements.

(b) Travel expectations to fulfill course requirements as described in Subsection (18)(a) include a requirement to participate in a proctored assessment or other proctored or assessment requirement outside a student's home, including travel to participate in statewide assessments at a secure testing site.

(19)(a) An LEA may participate in the program as a provider by offering a school or program consistent with Rule R277-115 to a Utah student in grades 6-12 who is not a resident student of the LEA and a regularly-enrolled student of the LEA consistent with Sections 53F-4-501 and 53F-4-503.

(b) An LEA program created in accordance with Subsection (20)(a) for serving students in grades 9-12 online must partner with an accredited school and shall:

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

(ii) record educator assignments consistent with Rule R277-484.

(20) A program school or program shall:

(a) be accredited consistent with Rule R277-410;

(b) have a designated administrator who meets the requirements of Rule R277-309;

(c) ensure that a student who qualifies for a fee waiver receives services offered by and through the public schools consistent with Section 53G-7-504 and Rule R277-407;

(d) maintain student records consistent with:

(i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and 34 CFR Part 99;

(ii) Rule R277-487;

(iii) this rule; and

(e) shall offer course work:

(i) aligned with Utah Core standards as described in Sections 53E-4-202, 53F-4-505, and 53F-4-514;

(ii) in accordance with program requirements; and

(iii) in accordance with Rules R277-700 and R277-404;

(f) may not issue transcripts under the name of a third party provider; and

(g) shall record teaching assignments by November 15 annually consistent with Rule R277-484 and Section R277-312-3, either directly or through a partner school in accordance with Subsection (20)(b).

(21) An LEA that offers an online program or school as a provider under the program:

(a) shall employ only educators licensed in Utah as teachers;

(b) may not employ an individual whose educator license has been suspended or revoked;

(c) shall require employees to meet requirements of Title 53G, Chapter 11, Part 4, Background Checks, before the provider offering services to a student;

(d) may only employ teachers who meet the requirements of Section 53E-6-201, Section 53F-4-504, and Rule R277-309;

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

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

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

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

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

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

(23) A provider contracting with a third party to provide educational services to students participating with the provider through the Statewide Online Education Program shall develop a written monitoring plan to supervise the activities and services provided by the third party provider to ensure:

(a) a third party provider is complying with:

(i) federal law;

(ii) state law; and

(iii) Board rules;

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

(c) a third party provider has access to curriculum for alignment and adjustment to ensure the curriculum is consistent with the Utah core standards in Rule R277-700 and a Board approved core code;

(d) supervision of third party facilitation by an educator licensed in Utah:

(i) assigned by the provider; and

(ii) reported as teacher of record per Section R277-484-3 and Subsection R277-726-2(3); and

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

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

(25) All authorized online course providers are subject to the same approval and annual performance review as described for a certified online course provider in Section R277-726-11 while utilizing the applicable applications for an authorized online course provider described in Subsections R277-726-3(1)(a) and (b).

(26) A provider utilizing a third party shall establish contractual and procedural safeguards:

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

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

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

(27) A provider is not required to independently verify:

(a) early graduation status; or

(b) that high school courses taken through the Statewide Online Education Program did not replace Middle School courses.

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

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

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

(29) If the Superintendent finds that an authorized online course provider is out of compliance with Subsection (28), the Superintendent shall provide the provider with a list of violations and a reasonable timeline for provider to cure the non-compliance.

(30) If an authorized online course provider fails to correct a violation identified under Subsection (29) within the time provided, the Superintendent may remove the provider from participation in the program.

R277-726-8. Services to Students with Disabilities and other Unique Learning Needs Participating in the Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) forward a copy of an existing IEP or relevant sections to a provider;

(ii) working with a provider LEA representative, review and determine implementation of an IEP for the student within a timeline consistent with IDEA requirements;

(iii) working with a provider LEA representative, review and revise, as the IEP determines appropriate an existing IEP with necessary accommodations and services, considering the courses selected by the student;

(iv) provide the IEP described in Subsection (6)(a)(i) to the provider within 24 business hours of completion of the student's IEP or within a timeline consistent with IDEA requirements; and

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

(b) the provider shall provide special education services and accommodations to the student in accordance with the student's IEP.

(7) If a home or private school student requests an evaluation for eligibility to receive special education services:

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

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

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

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

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

(8)(a) A provider shall implement a Section 504 plan for an eligible student as directed by the primary LEA or school of enrollment.

(b) If a student with an existing Section 504 plan newly enrolls in online courses or requests amendments to an existing plan, the primary school of enrollment and the provider, working jointly, shall prepare a revised Section 504 plan, as appropriate.

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

(d) When preparing or amending a Section 504 plan, the evaluation committee shall include individuals from the student's primary school of enrollment and the provider, including persons knowledgeable about the student, the meaning of the evaluation data, and placement options available in a virtual environment.

(9)(a) A provider shall administer a home language survey upon initial student registration.

(b) If a provider suspects that a student qualifies for alternative language services or other Title III services, a provider shall contact the Title III Coordinator at the student's primary LEA or primary school of enrollment.

(c) A provider shall implement an individual learning plan as directed by the primary LEA or primary school of enrollment for a student who is eligible for alternative language services of Title II services.

(10) For a student needing alternative language services, who is multilingual, an immigrant, or a refugee:

(a) the provider and the primary LEA or primary school of enrollment shall develop an individual learning plan in cooperation with persons knowledgeable about the student, the meaning of the evaluation data, and the placement options available for the student in a virtual environment, which outline a student's current level of ability, and identifies specific goals for future attainment, progress, and exit criteria ;

(b) the primary LEA or primary school of enrollment shall identify the need for alternative language services through administration of a home language survey and WIDA testing; and

(c) the primary LEA or primary school of enrollment shall administer a language instruction Educational Program in which a student learning English is placed for developing and attaining English proficiency, while meeting state standards.

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

(1) The Superintendent shall allocate the annual appropriation for home and private school tuition, along with any carryover or unobligated funds.

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

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

(b) The Superintendent shall carry forward unallocated funds to meet the needs of eligible students.

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

R277-726-10. Other Information.

(1) A primary school of enrollment shall communicate with a provider, where necessary, to set reasonable timelines and standards and shall inform providers of timelines necessary for reporting grades and credit for graduating seniors.

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

(a) school awards and honors;

(b) Utah High School Activities Association participation; and

(c) high school graduation.

(3) If a student is at risk of academic failure or at risk of not graduating with the student's graduation cohort, a provider shall utilize automated notices or other means to:

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

(b) before quarter 4 a student's senior school year, inform counselors at the student's primary school of enrollment that the senior student is at risk of failure.

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

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

(2) An entity shall submit an application on or before the annual deadline established by the Superintendent.

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

(4) If the Superintendent finds the application submitted is satisfactory, including a demonstration of the entity's ability to adhere to requirements within the application, this rule, and state law, the Superintendent shall forward the application to the Board for final approval.

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

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

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

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

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

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

(e) requirements applicable to an online course provider described in this rule, including the requirement to maintain a course completion rate of at least 80%;

(f) additional requirements prescribed in the application; and

(g) state laws applicable to an online course provider, including Sections 53F-4-501 et. seq. and Sections 53F-4-504 and 53F-4-514.

(7) If the Superintendent finds the certified online course provider is not in compliance with any requirement as outlined in Subsection (6) the Superintendent shall provide the certified online course provider with a list of non-compliance issues and a reasonable timeline for the certified online course provider to cure the instances of non-compliance.

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

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

(10) A certified online course provider shall remit fees to the Superintendent for participation in the program as follows:

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

(b) 1% of revenue collected after the first $200,000 received pursuant to Sections 53F-4-505 and 53F-4-514.

R277-726-12. Online Concurrent Enrollment.

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

KEY: statewide online education program

Date of Last Change: August 7, 2024

Notice of Continuation: January 13, 2022

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

R277. Education, Administration.

R277-727. School Meals Program.

R277-727-1. 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) Section 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

(c) Section 53E-3-510, which allows the Board to control how meals program revenue may be disbursed, transferred, or drawn upon.

(2) The purpose of this rule is to:

(a) define school meals programs; and

(b) outline how the school meals program revenue may be distributed.

R277-727-2. Definitions.

(1) "Federal child nutrition laws" means the Richard B. Russell National School Lunch Act, 79 P.L. 396, 60 Stat. 230, and the Child Nutrition Act of 1966, 89 P.L. 642, 80 Stat. 885.

(2) "School meals program" means a program that meets the requirements in 7 CFR 210, 220, or 225.

R277-727-3. School Meals Reimbursement.

(1) An LEA shall receive a state reimbursement for each meal served pursuant to a school meals program through a state reimbursement rate established by the Superintendent.

(2) The Superintendent shall determine the state reimbursement rate by considering:

(a) the previous year's state reimbursement rate;

(b) statewide participation rates in school meals programs;

(c) the amount of state liquor tax revenues collected pursuant to Subsection 32B-2-304(4); and

(d) additional considerations established by the Board.

(3) The Superintendent shall establish at least twice a year a flat rate per reimbursable meal served pursuant to a school meals program.

(4) The Superintendent may establish an additional reimbursement rate if there is incremental state liquor tax revenue collected compared to the total collected amount in fiscal year 2021.

(5) An LEA may receive an additional state reimbursement amount per reimbursable meal served if the LEA has established school meals programs enhancements including:

(a) increased meal quality;

(b) innovative meal access;

(c) locally purchased products; or

(d) improved meal presentation.

(6) The Superintendent shall establish:

(a) the qualifying criteria for an additional state reimbursement described in Subsection (4); and

(b) appropriate monitoring procedures in accordance with Federal child nutrition laws

(7) The Superintendent shall establish the additional state reimbursement rate by considering:

(a) the previous year's additional state reimbursement rate;

(b) participation rates of school meals programs for LEAs with school meals programs enhancements;

(c) the amount of incremental state liquor tax revenues collected to be set aside; and

(d) additional considerations established by the Board.

KEY: school meals, child nutrition, reimbursement

Date of Last Change: June 24, 2021

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

R277. Education, Administration.

R277-728. Honors Courses.

R277-728-1. 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.

(2) The purpose of this rule is to establish standards for honors courses in k-12 schools.

R277-728-2. Definitions.

"Honors course" means a course that focuses on extension and purposeful differentiation while facilitating more depth within course standards.

R277-728-3. Honors Course Objectives.

(1) An honors course shall:

(a) offer students opportunities to learn from the perspectives of others;

(b) encourage students to find multiple possible solution pathways, where appropriate;

(c) use data to reason;

(d) encourage students to take risks and persevere in problem solving;

(e) personalize student learning experiences; and

(f) emphasize deep understanding of grade level content and above-level content, if appropriate.

(2) An honors course may not:

(a) emphasize teacher lecture;

(b) emphasize rote memorization of rules and procedures or basic recall of facts;

(c) equate an honors distinction with an increased workload, such as requiring more assignments or reading additional texts without clear intent; or

(d) include little to no collaborative work.

(3)(a) An honors course shall be open and available to any interested student.

(b) A school may not prohibit enrollment in an honors course based on a students past performance, experience, or other measures.

(4) School staff shall uniformly promote honors courses to all students and families.

(5) To the extent possible, a school shall provide enough sections for honors courses to meet student demand.

(6) A school shall remove barriers and provide opportunities to students from all representative demographics to reach their academic potential.

KEY: honors

Date of Last Change: November 7, 2022

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

R277. Education, Administration.

R277-730. Kindergarten Programs.

R277-730-1. Authority, Purpose, and Oversight Category.

(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 permits the Board to make rules to execute the Board's duties and responsibilities under the Utah constitution and state law; and

(c) Section 53E-3-401, which requires the Board to establish rules regarding the administration of kindergarten standards.

(2) The purpose of this rule is to establish minimum standards for half-day kindergarten programs in the state.

(3) This rule is categorized as Category 2 as described in Rule R277-111.

R277-730-2. Definitions.

(1) "Full Curriculum half-day" means the minimum standards required to be covered in a half-day kindergarten option.

(2) "Half-Day Kindergarten Option" means a structure within a kindergarten program that allows for enrollment in half-day kindergarten and may include:

(a) a half-day kindergarten class; or

(b) an option in which a student participates in a portion of a full-day kindergarten class.

(3) "Half-Day Kindergarten Student" means a student who is enrolled in a half-day kindergarten option and generates a .55 Weighted Pupil Unit (WPU) for the LEA.

(4) "Half-day kindergarten class" means a half-day kindergarten class dedicated to serving half-day kindergarten students exclusively.

(5) "Minimum standards" means the state-approved standards for content areas of English language arts and mathematics and recommended inclusion of other content area standards to the fullest extent possible.

(6) "Regional School" means a neighboring school within a district LEA's region.

(7) "Registration" means the timeline an LEA has established and communicated out to their community for priority kindergarten registration.

R277-730-3. Half-Day Kindergarten Options.

(1) Each LEA shall provide and communicate half-day kindergarten options during the time of priority registration and after priority registration for a parent wanting to enroll the parent's child in a half-day option.

(2) The curriculum of a half-day kindergarten option shall align with the minimum standards for kindergarten as defined in Subsection R277-730-2(5).

(3) An LEA's half-day kindergarten options may include:

(a) a half-day option within a full-day kindergarten program; or

(b) a half-day kindergarten class.

(4) An LEA shall offer a half-day kindergarten class when 19 or more students enroll as half-day kindergarten students during the LEA's designated priority registration within the students' boundary school or regional school within the LEA.

(5) Nothing in this subsection prohibits an LEA from offering a half-day kindergarten class outside of the requirements listed in this rule.

R277-730-4. Registration and Parental Notice.

(1) LEAs shall establish a deadline for priority kindergarten registration and clearly communicate that out to the LEA's community by email, posters, or other announcements.

(2) LEAs shall provide clear and comprehensive information to parents or guardians about the available kindergarten options within the LEA during the time of registration.

(3) The information described in Subsection (2) shall include:

(a) a description of the different kindergarten options available, including half-day and full-day kindergarten options;

(b) a typical daily schedule for each option; and

(c) any additional educational resources or opportunities available to parents who select the half-day kindergarten option.

(4) An LEA shall use multiple methods of communication to ensure all parents or guardians receive the information.

(5) The methods described in Subsection (4) may include printed materials, electronic communications, and in-person meetings.

(6) An LEA shall provide information described in this section in languages prevalent in the school community to ensure access by all parents or guardians.

(7) An LEA shall communicate kindergarten options in accordance with Rule R277-217.

KEY: Kindergarten, Half-day option

Date of Last Change: August 7, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-7-203

R277. Education, Administration.

R277-733. Adult Education Programs.

R277-733-1. Authority, Purpose, and Oversight Category.

(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 53E-10-202 which vests general control and supervision over adult education in the Board;

(d) Subsection 53E-3-501(1), which allows the Board to adopt minimum standards for programs; and

(e) Section 53F-2-401, which vests the Board with responsibility to provide education to persons in the custody of the Utah Department of Corrections.

(2) The purpose of this rule is to describe curriculum, program standards, allocation formulas, and operation procedures for the adult education program for adult education students both in and out of state custody.

(3) This Rule R277-733 is categorized as Category 4 as described in Rule R277-111.

R277-733-2. Incorporation of Utah Adult Education Policies and Procedures Guide by Reference.

(1) The rule incorporates by reference the Utah Adult Education Policies and Procedures Guide, June 2025 Revision, which provides day-to-day operating standards and technical assistance to eligible providers for operation of adult education programs.

(2) A copy of the guide is located at:

(a) https://www.schools.utah.gov/administrativerules/documentsincorporated; and

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111.

R277-733-3. Definitions.

(1) "Adult" means an individual 18 years of age or over.

(2) "Adult education" means organized educational programs below the post-secondary level, other than regular full-time K-12 secondary education programs:

(a) provided by an LEA or an eligible provider;

(b) provided for out-of-school youth, 16 years of age and older, or adults who have or have not graduated from high school; and

(c) provided to improve literacy levels and to further high school level education.

(3) "Adult Basic Education" or "ABE" means a program of instruction at or below the 8.9 academic grade level, which prepares adults for advanced education and training.

(4) "Adult Education and Family Literacy Act" or "AEFLA" means Title II of the Workforce Innovation Opportunity Act of 2014, which provides the principle source of federal support for:

(a) academic instruction and education services below the post-secondary level to receive a high school diploma or its recognized equivalent; and

(b) transition to post-secondary education, training, and employment.

(5) "Adult Secondary Education" or "ASE" means a program of academic instruction at the 9.0 grade level or above in Board approved subjects for an eligible adult education student who is seeking an Adult Education Secondary Diploma or its equivalent.

(6) "Custody," for purposes of this rule, means the status of being legally in the control of another adult person or public agency.

(7)(a) "Eligible adult education student" means an individual who provides documentation that the individual:

(i) is a primary and permanent resident of Utah;

(ii) is one of the following:

(A) 17 years of age or older, and whose high school class has graduated;

(B) under 18 years of age and is married;

(C) has been emancipated or adjudicated as an adult; or

(D) an out-of-school youth 16 years of age or older who has not graduated from high school; and

(iii) meets any of the following:

(A) is basic skills deficient;

(B) does not have a secondary school diploma, its recognized equivalent, or an equivalent level of education; or

(C) is an ELL; or

(b) A non-resident eligible adult education student in accordance with an individual agreement between an eligible provider and another state.

(8) "Eligible Provider":

(a) for purposes of state funding eligibility, means a:

(i) school district; or

(ii) charter school if:

(A) the charter school enrolls students in grades 9 through 12; and

(B) the charter school applies and is approved as an adult education provider in accordance with this Rule R277-733; and

(b) for purposes of federal funding eligibility, may include:

(i) an LEA;

(ii) a community-based or faith-based organization;

(iii) a voluntary literacy organization;

(iv) an institution of higher education;

(v) a public or private non-profit agency;

(vi) a library;

(vii) a public housing authority;

(viii) a non-profit institution not described in Subsections (8)(b)(i) through (vii) that can provide adult education and literacy activities to eligible adult education students;

(ix) a consortium or coalition of providers identified in Subsections (8)(b)(i) through (viii); or

(x) a partnership between an employer and a provider identified in Subsections (8)(b)(i) through (ix).

(9) "English Language Learner" or "ELL" means an individual:

(a) who has limited ability in reading, writing, speaking, or comprehending the English language and whose native language is a language other than English; or

(b) who lives in a family or community where a language other than English is the dominant language.

(10) "Inmate" means an offender who is incarcerated in state or county correctional facilities located throughout the state.

(11) "High School Equivalency Exam" or "HSE" means a Board approved examination whose modules are aligned with current high school core standards and adult education College and Career Readiness standards.

(12) "Out-of-school youth" means a student 16 years of age or older who has not graduated from high school and is no longer enrolled in a K-12 program of instruction.

(13) "Utah High School Completion Diploma" means a diploma issued by the Board and distributed by a Board approved contractor to an individual who has passed all subject modules of an HSE exam at an HSE testing center.

(14) "Weighted pupil unit" or "WPU" means the basic per pupil unit used to calculate the amount of state funds for which a school district is eligible.

R277-733-4. Federal Adult Education Funds.

The Superintendent shall follow the standards and procedures contained in AEFLA and the WIOA state plan adopted by the Board pursuant to AEFLA to administer federal funding of adult education programs.

R277-733-5. Compliance with State and Federal Laws.

Adult education programs shall comply with state and federal law and administrative regulations and follow the procedures contained in the Utah Adult Education Policies and Procedures Guide described in Section R277-733-2.

R277-733-6. State Fund Distribution, Carryover, and Recapture.

(1) The Superintendent shall allocate state funds for adult education in accordance with Section 53F-2-401.

(2) An LEA may carryover 10% of the state adult education funds allocated to the LEA's adult education programs with written approval from the Superintendent.

(3) An LEA shall submit a request to carryover funds for approval.

(4) The Superintendent shall consider excess funds in determining an LEA's allocation for the next fiscal year.

(5) The Superintendent shall recapture an LEA's fund balances in excess of 10% annually.

(6) The Superintendent shall allocate recaptured funds to an LEA's adult education program through the supplemental award process described in Section R277-733-10.

R277-733-7. Adult Education Pupil Accounting.

An LEA administered adult education program shall receive WPU funding for a student consistent with the criteria and rate outlined in the Utah Adult Education Policies and Procedures Guide described in Section R277-733-2.

R277-733-8. Program, Curriculum, Outcomes, and Student Mastery.

(1) The Utah Adult Education Program shall offer courses consistent with the Elementary and Secondary General Core under Rule R277-700.

(2) An LEA shall ensure adult secondary education includes the following prerequisite courses:

(a) ELL competency AEFLA levels one through six; or

(b) ABE competency AEFLA levels one through four.

(3) An LEA shall establish policies allowing or disallowing adult education student participation in graduation activities or ceremonies.

(4) An LEA may establish reasonable timelines and may require adequate and timely documentation of authenticity for credits and grades submitted from other eligible providers.

(5) An LEA adult education program is the final decision-making authority for the awarding of credit and grades from non-accredited sources.

(6) An eligible provider shall offer an adult education student seeking a Utah High School Completion Diploma a course of academic instruction designed to prepare the student to take an HSE exam.

(7) Following completion of requirements for a Utah Adult Education Secondary Diploma or a Utah High School Completion Diploma, an eligible provider shall only allow a student to continue in an adult education program if:

(a) the student's academic skills are less than 9.0 grade level in an academic area of reading, math or English; and

(b) the student lacks sufficient mastery of basic educational skills to enable the student to function effectively in society.

R277-733-9. Adult Education Programs--Tuition and Fees.

(1) An eligible provider may charge a tuition or fee consistent with Section 53E-10-205 and the Utah Adult Education Policies and Procedures Guide described in Section R277-733-2.

(2) An eligible provider may not:

(a) commingle or report fees and tuition collected from adult education students with community education funds or any other public education fund;

(b) count collected fees and tuition toward meeting federal matching, cost sharing, or maintenance of effort requirements related to the adult education program's award; and

(c) calculate carryover balance amounts using funds collected from fees and tuition.

(3) An eligible provider receiving state or federal adult education funds shall ensure that fees and tuition collected are:

(i) returned or delegated, except for indirect costs, to the local adult education program;

(ii) used solely and specifically for adult education programming; and

(iii) not withheld and maintained in a general maintenance and operation fund.

R277-733-10. Providing Corrections Education.

(1) The Board may contract to provide educational services inmates with:

(a) local school boards;

(b) state post-secondary educational institutions;

(c) other state agencies; or

(d) private providers recommended by a local school board.

(2) A contract made in accordance with Subsection (1) shall be in writing and shall provide for:

(a) services to students in an appropriate environment for student behavior and educational performance;

(b) compliance with relevant Board standards;

(c) program monitoring by the Superintendent in accordance with Rule R277-733: and

(d) coordination of services with non-custodial programs to enable an inmate in custody to continue the inmate's public-school education with minimal disruption following discharge.

(3) A school district may sub-contract with local educational service providers for the provision of educational services to students in custody.

(4) Custodial status does not qualify an individual for services under the IDEA.

(5) When a student inmate is transferred to a new program, the sending program shall update and finalize all school records in the Board's adult education student information system releasing the student's records as soon as possible after receiving notice of the transfer.

(6) An educational service provider shall only disclose educational records of a student inmate, before or after release from custody, consistent with FERPA.

(7) A transcript or diploma prepared for an inmate in custody shall:

(a) include the name of the contracted educational agency which also provides service to non-custodial offenders; and

(b) not reference the inmate's custodial status.

(8) A corrections education provider shall keep an inmate's education records which refer to custodial status, inmate court records, and related matters separate from permanent school records.

R277-733-11. Supplemental Awards.

An LEA may receive a supplemental award if the LEA:

(1) has an adult education program with no carryover funds;

(2) demonstrates that the award funds will only be used for special program needs or professional development; and

(3) provides in writing the level of need for the award.

R277-733-12. State Workforce Development Board.

(1) The Superintendent shall represent adult education programs on the State Workforce Development Board as a voting member, in accordance with WIOA.

(2) The Superintendent may assign Board staff to State Workforce Development Board WIOA committees to implement the State's WIOA Unified Plan.

R277-733-13. Oversight, Monitoring, Evaluation, and Reports.

(1) The Board may designate up to 2% of the total legislative appropriation for oversight, monitoring, and evaluation of adult education programs.

(2) The Superintendent may recommend that the Board withhold state or federal funds in accordance with Rule R277-114 for noncompliance with:

(a) Board rule;

(b) adult education state policy and procedures;

(c) associated reporting timelines; and

(d) program monitoring outcomes, as defined by the Board, including:

(i) lack of program improvement; and

(ii) unsuccessful student outcomes.

KEY: adult education

Date of Last Change: October 8, 2025

Notice of Continuation: January 13, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-10-202; 53E-3-501(1); 53E-3-401(4); 53F-2-401; 53E-10-205

R277. Education, Administration.

R277-736. Juvenile Court or Law Enforcement Notice and Information Dissemination.

R277-736-1. Authority, Purpose, and Oversight Category.

(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 53G-8-404, which requires the Board to make rules governing the dissemination of information related to a student charged with a violent felony.

(2) The purpose of this rule is to provide the process for information dissemination within an LEA and a school when a student of the LEA and school has been taken into custody or adjudicated by a juvenile court.

(3) This Rule R277-736 is categorized as Category 2 as described in Rule R277-111.

R277-736-2. Definitions.

(1) "Evidence-based" means the same as the term is defined in Subsection 53G-8-211(1).

(2) "Information" means any notifications regarding a student received from a juvenile court or law enforcement agency by an LEA or school pursuant to Subsections 78A-6-112(3)(b) and 78A-6-117(1)(c).

(3) "Multidisciplinary team" means the same as the term is used in Section R277-400-8.

R277-736-3. Dissemination of Information Received.

(1)(a) A school principal that receives information from the LEA's governing authority shall not share the information before consulting with the school's multidisciplinary team.

(b) A school principal may share the information without consulting the school's multidisciplinary team when the information demonstrates possible imminent harm to self or others.

(2) A school principal and the school's multidisciplinary team shall use the information regarding a student to assess the level of threat the student poses including potential for:

(a) self-harm;

(b) suicide ideation;

(c) harm to others; or

(d) harm to school property.

(3) A school principal and the school's multidisciplinary team shall use an evidence-based threat assessment, as approved by the board, to perform the requirements described in Subsection (2).

(4) A school principal and the school's multidisciplinary team shall determine, based on the level of threat, the appropriate school staff to inform regarding the information of a student.

(5) A school principal and the school's multidisciplinary team shall only share the information and data needed to ensure the safety of the student or the school's general population and the victim.

(6) An LEA shall ensure that any action taken toward a student related to the information received is in accordance with restorative justice practices as described in Subsection R277-613-2(12).

KEY: juvenile justice; information sharing

Date of Last Change: August 7, 2025

Notice of Continuation: June 10, 2025

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-8-404

R277. Education, Administration.

R277-746. Driver Education Programs for Utah Schools.

R277-746-1. Authority, Purpose, and Oversight Category.

(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) 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

(c) Subsection 53G-10-502(4), which directs the Board to prescribe rules for driver education classes in the public schools.

(2) The purpose of this rule is to incorporate by reference the Board's Driver Education manual, which specifies standards and procedures for local school districts conducting automobile driver education.

(3) This rule is categorized as Category 4 as described in Rule R277-111.

R277-746-2. Incorporation by Reference of Driver Education Manual.

(1) This rule incorporates by reference Driver Education for Utah High Schools - Organization, Administration and Standards, Revised October 2024, which outlines statutory requirements and Board procedures for administering an automobile driver education program.

(2) A copy of the manual is located at:

(a) https://schools.utah.gov/administrativerules/documentsincorporated; and

(b) the offices of the Utah State Board of Education.

KEY: driver education

Date of Last Change: December 10, 2024

Notice of Continuation: October 7, 2021

Authorizing, and Implemented or Interpreted Law: 53G-10-502(4); 53E-3-401(4)

R277. Education, Administration.

R277-750. Education Programs for Students with Disabilities.

R277-750-1. 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 adopt rules regarding services for persons with disabilities;

(c) Title 53E, Chapter 7, Part 2, Special Education Program, which requires the Board to adopt rules regarding educational services to students with disabilities; 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 specify standards and procedures for special education programs.

R277-750-2. Incorporation of Special Education Rules Manual by Reference.

(1) This rule incorporates by reference the Special Education Rules manual dated June 2023, which establishes policies and procedures for:

(a) appropriate and timely identification of a student with a disability;

(b) evaluation and classification of a student with a disability by qualified personnel;

(c) standards for services provided to a student with a disability;

(d) provision for multi-district programs for a student with a disability;

(e) provision for delivery of service responsibilities;

(f) certification and qualifications for instructional staff; and

(g) the state's implementation of federal special education programs, including IDEA.

(2) A copy of the manual is located at:

(a) https://schools.utah.gov/administrativerules/documentsincorporated; and

(b) the Utah State Board of Education.

R277-750-3. Standards and Procedures.

The Superintendent and LEAs shall provide services to a student with a disability in accordance with:

(1) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794;

(2) this rule;

(3) the Special Education Rules, June 2023, included in the Special Education Rules manual described in Section R277-750-2; and

(4) the annual Utah State Federal Application under Part B of the IDEA.

KEY: special education

Date of Last Change: March 15, 2024

Notice of Continuation: April 14, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; Title 53E, Chapter 7, Part 2; 53E-3-501(1); 53E-3-401(4)

R277. Education, Administration.

R277-751. Special Education Extended School Year (ESY).

R277-751-1. 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) 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) Subsection 53E-3-501(1)(c)(vi)(A), which directs the Board to adopt rules regarding services to students with disabilities.

(2) The purpose of this rule is to specify the standards for the special education ESY.

R277-751-2. Definitions.

(1)(a) "Extended school year" or "ESY" means an extension of the school district or charter school traditional school year to provide special education and related services to a student with a disability, in accordance with the student's IEP, and at no cost to the student or student's parents.

(b) ESY services shall meet the standards of Part B of the IDEA and Board special education rules.

(2) "ESY services" means the special education and related services that:

(a) are provided to a student with a disability:

(i) beyond the normal school year of an LEA;

(ii) in accordance with the student's IEP; and

(iii) at no cost to the student or the student's parents; and

(b) meet the standards of the Board and Part B of the IDEA.

(3) "FAPE" means a free appropriate public education, which:

(a) includes special education and related services that are provided at public expense, under public supervision and direction, and without charge;

(b) meets the standards of the Board and Part B of the IDEA;

(c) includes preschool, elementary school, secondary school, and may include post-secondary education in Utah; and

(d) is provided in conformity with an IEP that meets the requirements of Part B of the IDEA and Board special education rules.

(4) "IEP team" means a group of individuals that is responsible for developing, reviewing, and revising an IEP for a student with a disability.

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

(6)(a) "Procedural safeguards" means the procedural rights designed to protect the rights of students with disabilities and their parents.

(b) "Procedural safeguards are defined in Part B of the IDEA and Board special education rules, and include a parent's or adult student's right to:

(i) participate in meetings;

(ii) review educational records;

(iii) request an independent educational evaluation;

(iv) receive prior written notice of actions proposed or refused by an LEA; and

(v) consent to evaluations and special education services.

(c) "Procedural safeguards" also include dispute resolution options.

(7) "Recoupment means recover of basic behavioral or academic patterns, or both, or skills, specified in an IEP, to a level demonstrated prior to the interruption of educational programming.

(8) "Regression" means reversion to a lower level of functioning, evidenced by a decrease in the level of basic behavioral or academic patterns, or both, or skills, specified in an IEP, which occurs as a result of an interruption in educational programming.

(9) "Student with a disability" means a student who meets eligibility criteria for special education and related services, as defined in the Board special education rules.

R277-751-3. Determining Eligibility.

(1) A student is eligible for ESY if the student's IEP team has determined, based upon a review of multiple data sources and factors that the student:

(a) is eligible under Board special education rules and Part B of the IDEA; and

(b) requires an ESY to receive a FAPE.

(2) A student's IEP shall reflect the student's IEP team's decision regarding need for ESY services.

(a) An LEA shall provide a student's parents or an adult student with prior written notice of the LEA's proposal or refusal to provide ESY services.

(b) A student's IEP team shall determine the appropriate ESY services for an eligible student, based on the student's individual needs.

(3) ESY eligibility decisions and prior written notice of ESY services shall be provided to a student's parents or an adult student in sufficient time to permit accessing dispute resolution options outlined in the procedural safeguards, in the event of a dispute.

R277-751-4. ESY Program Standards.

(1) The primary goal for a student requiring ESY services is to maintain the current level of the student's academic and functional skills and behavior in areas identified by the student's IEP in order to provide FAPE.

(2) LEAs may not limit ESY to:

(a) particular categories of disabilities;

(b) particular ages; or

(c) particular grade levels of students.

(3) An LEA may not unilaterally limit the type, amount, or duration of ESY services provided for students.

(4) An LEA may not limit data consideration by IEP teams exclusively to an analysis of regression and recoupment.

(5) In addition to a student's degree of regression and the time necessary for recoupment, an IEP team may also consider the following factors in considering whether ESY services are appropriate:

(a) the ability of a student's parents to provide educational structure at home;

(b) a student's rate of progress;

(c) physical or behavioral concerns regarding a student;

(d) availability of alternative resources;

(e) ability of a student to interact with students without disabilities;

(f) areas of a student's curriculum that need continuous attention;

(g) a student's vocational needs;

(h) whether requested services are extraordinary for a student's condition, as opposed to an integral part of a program for populations of students with the same disability;

(i) emerging skills;

(j) preschool or post-secondary transition needs;

(k) anecdotal reports from teachers parents, caregivers, and related service providers; and

(l) data from measures of daily performance such as:

(i) statewide assessment data;

(ii) norm-referenced test data;

(iii) checklists;

(iv) work samples; and

(v) other data.

(6) An LEA shall ensure that:

(a) an ESY student receives services in the least restrictive environment; and

(b) ESY teachers and paraprofessionals meet Board licensing rules.

R277-751-5. Division of Responsibilities.

(1) The Superintendent shall:

(a) conduct LEA program administrative reviews, such as Utah Program Improvement Planning System or "UPIPS" monitoring;

(b) require student attendance and membership accountability;

(c) provide technical assistance to LEAs;

(d) collect data on:

(i) the number, disabilities, and levels of students served;

(ii) the types of program delivery models used;

(iii) costs of the ESY services in LEAs; and

(iv) program effectiveness.

(e) develop guidelines for LEAs.

(2) An LEA shall:

(a) establish LEA procedures which are in accordance with Board rules;

(b) provide professional learning and on-site visits to assure that Board and LEA procedures are appropriately understood and implemented;

(c) establish timelines to accomplish the purposes of this rule;

(d) analyze LEA needs, reported by professionals, for ESY services for individual, eligible students;

(e) determine LEA ESY services parameters based upon data received from educators on individual, eligible students, including:

(i) the personnel required to provide special education and related services;

(ii) location of services; and

(iii) budget specifications;

(f) ensure parents, adult students, and professionals have received information about dispute resolution procedures for the appeal of ESY eligibility decisions and ESY services parameters; and

(g) implement processes to collect program effectiveness data.

KEY: exceptional children, extended school year

Date of Last Change: May 23, 2023

Notice of Continuation: March 14, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-401(4); 53E-3-501(1)(c)(vi)(A)

R277. Education, Administration.

R277-752. Special Education Carry Forward Limitations.

R277-752-1. Authority, Purpose, and Oversight Category.

(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; and

(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.

(2) The purpose of this rule is to establish special education budget carry forward limitations.

(3) This rule is categorized as Category 4 as described in Rule R277-111.

R277-752-2. Definitions.

(1) "Budget" means the total expenditures reported on an LEA's Annual Program Report, "APR."

(2) "Local education agency" or "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

R277-752-3. Special Education Carry Forward Funds.

(1) The Superintendent shall recoup any carry forward balance for special education funding in excess of 20% of an LEA's special education budget through June 30, 2026 and return the funds to the Uniform School Fund.

(2) The Superintendent shall recoup any carry forward balance for special education funding in excess of 10% of an LEA's special education budget after June 30, 2026 and return the funds to the Superintendent for future use as requested by the Board and authorized by the Legislature.

KEY: special education, intensive services fund

Date of Last Change: January 10, 2025

Notice of Continuation: April 15, 2025

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

R277. Education, Administration.

R277-800. Utah Schools for the Deaf and the Blind.

R277-800-1. Authority, Purpose, and Oversight Category.

(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) Section 53E-8-204 which authorizes the Board to make rules regarding the administration of the Utah Schools for the Deaf and the Blind;

(c) Section 53E-8-402, which directs the Board to establish entrance policies and procedures to be considered, consistent with the IDEA, for student placement recommendations at the USDB;

(d) Section 53E-8-409, which directs the Board to establish the USIMAC and outline collaboration and operating procedures for USIMAC and USDB resources; and

(e) 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 provide standards and procedures for the operation of the USDB and the USDB outreach programs and services.

(3) This Rule R277-800 is categorized as Category 4 as described in Rule R277-111.

R277-800-2. Definitions.

(1) "Accessible media producer" means a company or agency that creates fully-accessible, specialized, student-ready formats for curriculum materials, such as:

(a) Braille;

(b) large print;

(c) audiobooks; or

(d) digital books.

(2)(a) "Assessment" means the process of documenting, usually in measurable terms, knowledge, skills, attitudes, and abilities pertaining to the fields of vision and hearing.

(b) An assessment may include the following areas of focus:

(i) a valid, reliable and appropriate assessment given to determine eligibility for placement and services by a team of qualified professionals and a student's parent or guardian;

(ii) a functional assessment accomplished by observation and measurement of daily living skills and functional use of vision or hearing, or both; and

(iii) academic evaluations as part of the Statewide School Accountability System, including an alternate assessment with appropriate accommodations as indicated on a student's IEP.

(3)(a) "Campus-based program" means a program provided by USDB that offers an alternative to an outreach program for students, ages three to 22, who are blind or visually impaired, deaf or hard of hearing, or deafblind.

(b) Under a campus-based program, services are provided by qualified USDB staff at a USDB site.

(4)(a) "The Chafee Amendment to the Copyright Act" or the "Chafee Amendment" is a federal law, 17 U.S.C. 121, that allows an authorized entity to reproduce or distribute copyrighted materials in specialized formats for students who are blind or have other print disabilities without the need to obtain permission of the copyright owner.

(b) Authorized entities under the Chafee Amendment include governmental or nonprofit organizations that have a primary mission to provide copyrighted works in specialized formats for students who are blind or have other print disabilities.

(5) "Child Find" means activities and strategies designed to locate, evaluate, and identify individuals eligible for services under the IDEA.

(6) "Consultation" means a meeting for discussion or seeking advice.

(7) "Designated LEA" means the local education agency assigned by a student's IEP or Section 504 team to have primary responsibility for ensuring that all rights and requirements regarding individual student assessment, eligibility services, and procedural safeguards are satisfied consistent with the IDEA.

(8) "Deafblindness" or "deafblind" means written verification provided by a medical professional stating that an individual has concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

(9) "Deafness" is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, and that adversely affects a student's educational performance.

(10) "Educational Resource Center" or "ERC" is a center under the direction of the USDB that:

(a) provides information, technology, and instructional materials to assist children who are deaf, hard of hearing, blind, visually impaired, and deafblind in progressing in the curriculum; and

(b) facilitates access to materials, information, and training for teachers and parents of children who are deaf, hard of hearing, blind, visually impaired, and deafblind.

(11) "Extension classroom" means a classroom provided by an LEA where USDB provides a full-time classroom teacher and related services to students who remain enrolled in the LEA's general education programs.

(12) "Hearing loss" is an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance, but that is not included under the definition of deafness.

(13) "National Instructional Materials Access Center" or "NIMAC" is a central national repository that receives file sets in the NIMAS from publishers to maintain, catalog, and house for future reference file sets for states to use with students who have print disabilities and require accessible alternate formats.

(14) "National Instructional Materials Accessibility Standard" or "NIMAS" means the electronic standard that enables all producers of alternate formats for students with print disabilities to work from one standard format available from publishers for this purpose.

(15)(a) "Outreach program" is a program provided by the USDB that offers an alternative to a campus-based program for students ages three to 22 who are blind or visually impaired, deaf or hard of hearing, or deafblind.

(b) In an outreach program, services are provided at a student's resident school or at a designated school by a qualified teacher of the blind or visually impaired, deaf or hard of hearing, or deafblind.

(16)(a) "Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a student with disability to benefit from special education.

(b) Related services may include:

(i) speech-language pathology services;

(ii) audiology services;

(iii) interpreting services;

(iv) psychological services;

(v) physical and occupational therapy;

(vi) recreation, including therapeutic recreation;

(vii) early identification and assessment of disabilities in students;

(viii) counseling services, including rehabilitation counseling;

(ix) orientation and mobility services;

(x) health services and school nursing services;

(xi) social work services in schools;

(xii) parent counseling and training; or

(xi) low vision services.

(17) "Section 504 accommodation plan" means a plan required by Section 504 of the Rehabilitation Act of 1973, which is designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

(18) "Technical assistance" means assistance to public education employees, licensed educators, parents, and families in significant areas of need by someone who has the expertise necessary to give council and training in designated areas.

(19) "Utah State Instructional Materials Access Center" or "USIMAC" means a center that receives NIMAS electronic file sets and produces them in the accessible alternate format required by students with print disabilities.

(20)(a) "Visual impairment," is an impairment in vision that, even with correction, adversely affects a student's educational performance.

(b) "Visual impairment" includes both partial sight and blindness that adversely affect a student's educational performance.

(21) "Weighted pupil unit" or "WPU" means the basic unit used to calculate the amount of state funds for which a school district or charter school is eligible.

R277-800-3. Operation of USDB.

(1) Consistent with Section 53E-8-204, the Board is the governing board of the USDB.

(2) The USDB superintendent, appointed consistent with Subsection 53E-8-204(2), is subject to the direction of the Board and the Superintendent.

(3) The USDB superintendent shall serve subject to the following:

(a) the USDB superintendent's term of office is for two years and until a successor is appointed;

(b) the Board shall set the USDB superintendent's compensation for services;

(c) the USDB superintendent shall have, at a minimum, an annual evaluation, as directed by the Board;

(d) the USDB superintendent qualifications shall be established by the Board; and

(e) the duties of the USDB superintendent shall be established by the Board.

(4) The Superintendent shall support, provide assistance, and work cooperatively with the USDB in providing services to designated Utah students.

(5) The Superintendent shall assign a liaison to provide appropriate supervision to the USDB to ensure compliance with the law.

(6) The Superintendent shall assist the USDB, its superintendent, and associate superintendents in adopting policies and preparing an annual budget that are consistent with the law.

(7) The Board shall approve the annual budget and expenditures of USDB.

(8)(a) The USDB superintendent shall, subject to the approval of the Board, appoint an associate superintendent to administer the Utah School for the Deaf and an associate superintendent to administer the Utah School for the Blind.

(b) Qualifications of a USDB associate superintendent shall be aligned with the requirements of Section 53E-8-204.

(9)(a) The USDB superintendent and associate superintendents may hire staff and teachers as needed for the USDB.

(b) Educators and related service providers shall be appropriately licensed and credentialed for their specific assignments.

(10) In employment practices and decisions, the USDB superintendent shall maintain the accreditation of the USDB school and programs.

(11) The USDB superintendent and associate superintendents shall communicate regularly and effectively with the Board and provide a written report to the Board at least annually in adequate time before the November legislative interim meeting, or at such other time as requested by the Board.

(12) The USDB report shall include the data required by Subsection 53E-8-204(6).

(13) USDB shall ensure that each child or student served by USDB is assigned a unique student identifier (SSID) to allow for annual data collection and reporting of achievement of current and past students.

(14) USDB shall provide the Superintendent with a listing of past and current children or students, including the assigned unique student identifier, served by USDB by September 1 of each year to facilitate the required data collection.

(15) The USDB Advisory Council shall fulfill the role of a school community council in accordance with Section R277-477-3.

R277-800-4. USDB or Student's District of Residence or Charter School as Designated LEA.

(1) To be eligible to receive free services from the USDB, a student must meet the requirements of Section 53E-8-401.

(2)(a) A student's IEP or Section 504 accommodation plan shall determine a student's placement at the USDB, in a district school or charter school.

(b) USDB shall limit its services for students who are school-age to those on an IEP or Section 504 accommodation plan.

(3) Consistent with Subsection 53E-8-401(3), an IEP team or Section 504 team shall determine the appropriate placement for each blind, deaf, or deafblind student consistent with Board Special Education Rules incorporated by reference in Section R277-750-2.

(4)(a) It is the responsibility of the student's district of residence or charter school to conduct Child Find, and to convene the initial IEP or Section 504 team meeting to determine a student's placement.

(b) A student's initial IEP or Section 504 accommodation plan meeting shall include a representative from the student's district of residence or charter school and a representative from the USDB.

(5)(a) If USDB is the designated LEA for a student, USDB has full responsibility for all services defined in the student's IEP or Section 504 accommodation plan.

(b) Notwithstanding USDB's designation as LEA for a student, a representative from the district of residence or charter school remains a required member of the IEP or Section 504 accommodation plan team.

(6) If a district of residence or charter school is the LEA designated to provide services to a student with an IEP or Section 504 accommodation plan, the district of residence or charter school has the responsibility for providing instruction and services for the student except that the USDB:

(a) may be designated by the team as a related service provider; and

(b) remains a required member of the student's IEP or 504 accommodation plan team.

(7) A student's IEP or Section 504 accommodation plan shall clearly define what services are to be provided by a related service provider.

(8) The IEP or Section 504 accommodation plan team shall determine the designated LEA for student placement.

(9) If a parent is dissatisfied with a student's placement at USDB, the student's district of residence, or charter school, the parent may access dispute resolution procedures, consistent with Utah State Board of Education Special Education Rules, adopted by the Board in Section R277-750-2

(10) If a student's IEP or Section 504 accommodation plan provides for services to be provided by both the USDB and the student's district of residence, or for the USDB and district of residence to share responsibility for serving a student, a parent may access dispute resolution procedures consistent with Utah State Board of Education Special Education Rules, adopted by the Board in Section R277-750-2.

R277-800-5. Assessment of USDB Students Served in LEAs of Residence.

(1) An appropriate specialist shall assess a student who may be deaf, hard of hearing, blind, visually impaired, or deafblind using statewide assessment results and in compliance with Board rule and state and federal law.

(2) The USDB shall establish an assessment policy and guidelines to implement required assessments, which address:

(a) appropriate, complete, and timely evaluations of students;

(b) procedures for administration of assessments in addition to those required by the law, as determined by IEPs, Section 504 accommodation plans, and individual teachers;

(c) complete and accurate required assessments available to eligible students consistent with state and LEA assessment timelines and availability of materials for non-disabled students;

(d) staff professional development and preparation on appropriate administration of assessments and reporting of assessment results; and

(e) procedures to ensure appropriate interpretation and use of assessments and results for parents and USDB personnel.

R277-800-6. Extension Classrooms.

(1) The USDB and an LEA may negotiate to share the costs for providing more efficient, cost-effective, and convenient services to students who are deaf, blind, or deafblind in extension classrooms in locations other than the USDB campus.

(2) If the USDB and an LEA enter into an agreement in accordance with Subsection (1), the LEA shall provide:

(a) classrooms;

(b) basic instructional materials;

(c) physical education, music, media, school lunch, and other programs and services, consistent with those programs and services provided to other students within the LEA;

(d) administrative support;

(e) basic secretarial services;

(f) special education and related services; and

(g) IT support.

(3) If the USDB and an LEA enter into an agreement in accordance with Subsection (1), the USDB shall provide:

(a) classroom instructors, including aides; and

(b) instructional materials specific to the disability of the students.

(4) An agreement pursuant to Subsection (1) may reassign the responsibilities of the USDB and a school district or charter school as negotiated between the LEA and the USDB.

(5) An LEA shall claim the state WPU if the LEA provides all items or services identified in Subsection (2).

R277-800-7. USDB Fiscal Procedures.

(1) The USDB shall keep fiscal, program, and accounting records as required by the Board and shall submit reports required by the Board.

(2) The USDB shall follow state standards for fiscal procedures, auditing, and accounting, consistent with Subsection 53E-8-203(3).

(3) The USDB is a public state entity under the direction of the Board and as such is subject to state laws and exemptions consistent with Section 53E-8-203.

(4)(a) The Superintendent shall recover federal reimbursement funds, (IDEA, and Medicaid quarterly during the year.

(b) The Superintendent shall identify reimbursement amounts in the current year's budget, but in no event later than the subsequent year's budget.

(5)(a) The USDB shall use the revenue from the federal trust land grant designated for the benefit of the blind and the deaf, solely for the benefit of deaf, blind, and deafblind students.

(b) The recommended or designated use of federal trust land funds is subject to review by the Board.

R277-800-8. Utah State Instructional Materials Access Center.

(1) USIMAC shall produce core educational materials, including print and digital textbooks and related core materials, in accessible formats to ensure that all students eligible under the Chafee Amendment receive their materials in a timely manner.

(2) The Superintendent shall oversee the operations of the USIMAC.

(3) The USDB is the fiscal agent and operates the USIMAC to the extent of funds received annually from budgetary appropriations.

(4) An LEA may purchase or provide accessible educational materials from another source using the LEA's own funding or request the production of accessible educational materials in accessible formats from USIMAC in accordance with established procedures to ensure timely access for eligible students.

(5)(a) USIMAC shall provide a textbook and related core educational materials in an accessible format by the beginning of the school year if requested no later than April 1 of the preceding school year by an LEA.

(b) Notwithstanding Subsection (5)(a), if an LEA requests educational materials in Braille, USIMAC will provide the first three volumes of a textbook by the beginning of the school year, and will provide additional volumes ahead of the pacing guide submitted by the LEA.

(6) The USDB Educational Resource Center shall serve as the repository and distribution center for USIMAC.

(7) A student is eligible for accessible educational materials from USIMAC, including Braille, audio, large print, or accessible PDFs, following an LEA determination that the student is eligible in accordance with:

(a) the Chafee Amendment;

(b) IDEA; or

(c) Section 504 of the Rehabilitation Act.

(8) An LEA may request textbooks consisting of static text and images for eligible students served by the USDB or the LEA consistent with a student's IEP or Section 504 accommodation plan.

(9) When an LEA requests a core instructional textbook, USIMAC may:

(a) provide the textbook to the LEA from its existing inventory;

(b) purchase the textbook and provide the textbook to the LEA from another source, which may include;

(i) the American Printing House for the Blind using state acquired federal funds designated specifically for USIMAC materials; or

(ii) another accessible media producer; or

(c)(i) provide a regular hard print copy of the textbook, or equivalent digital file in PDF format for digital print textbooks; and

(ii) produce and distribute the textbook in the needed accessible format.

(10)(a) An LEA or publisher shall send hard copy and digital textbooks and related core educational materials adopted by the LEA to the NIMAC in a valid XML-based NIMAS format for use in the production of accessible formats such as Braille, large print, and digital text.

(b)(i) Teacher-created educational materials, other than textbooks and related educational materials approved by an LEA, are not eligible for submission to USIMAC.

(ii) An LEA is responsible to make materials described in Subsection (b)(i) accessible and to provide the materials to students in a timely manner.

(11)(a) All approved textbook and digital textbook contracts for the state of Utah for educational materials, textbooks, and related core printed materials shall include a provision for making NIMAS file sets available through the NIMAC in accordance with the IDEA and Board Instructional Materials Contract timelines.

(b) If USIMAC cannot obtain the NIMAS file set from the NIMAC because the publisher fails to timely provide the NIMAS file set to the NIMAC in accordance with the IDEA and Board Instructional Materials Contract timelines, USIMAC may:

(i) bill the textbook publisher the difference in the cost of producing the alternate format textbook without the benefit of the NIMAS file set; or

(ii) request authorization from the Board to seek damages from the publisher for failure to meet contract provisions.

(c) The Superintendent shall advise publishers of the provisions of this Subsection (11).

(d) The Utah Instructional Materials Commission created under Rule R277-469 may not approve textbooks and materials from publishers that have a pattern of not providing materials and textbooks for students with disabilities in a timely manner, consistent with the law and Board rules.

(12)(a) An LEA may request and access audiobooks through USIMAC, as appropriate, or through other sources.

(b) Membership required for other sources is the responsibility of the LEA designated as the responsible entity for serving the student in the IEP or Section 504 accommodation plan.

R277-800-9. Enrollment of Siblings.

(1) USDB may enroll the sibling of a student who is deaf subject to the considerations set forth in this Section R277-800-9.

(2) A hearing sibling attending USDB retains all rights of a traditional public school student.

(3) Enrollment of a hearing sibling is limited to:

(a) siblings of students who are enrolled in a campus program; and

(b) one hearing sibling per class.

(4) The USDB Superintendent shall evaluate the enrollment of a hearing sibling, including:

(a) whether enrollment of the hearing sibling would be a benefit to:

(i) the student who is deaf;

(ii) the hearing sibling; and

(iii) the other students in the deaf program; and

(b) whether the hearing sibling has a record of behavior problems or other conditions that would impede the development of the students who are deaf or hard of hearing.

(5) If a parent enrolls a hearing sibling at USDB, the parent shall agree at the time of registration:

(a) that enrollment for the hearing sibling is within the discretion of the school and may be rescinded at any time with or without cause; and

(b) that the hearing sibling knows or is willing to learn American Sign Language and embrace the Deaf culture while at school.

KEY: educational administration

Date of Last Change: August 7, 2024

Notice of Continuation: August 19, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-8-204; 53E-8-402; 53E-8-409

R277. Education, Administration.

R277-801. Services for Students who are Deaf, Hard of Hearing, Blind, Visually Impaired, and Deaf-Blind.

R277-801-1. 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; and

(c) Section 53E-8-201, which creates USDB, and authorizes USDB to provide services to qualifying students.

(2) The purpose of this rule is to establish rules for LEAs and USDB to provide services to students who are deaf, hard of hearing, blind, visually impaired, and deaf-blind.

R277-801-2. Definitions.

(1) "504 plan" means a plan required by Section 504, which is designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

(2)(a) "Intensive services" means services requiring vision, deaf-blind, or hearing services:

(i) in excess of 180 minutes a day for k-12 or post-high school students; or

(ii) in excess of 90 minutes a day for pre-school students.

(b) "Intensive services" does not include services that are not vision, deaf-blind, or hearing specific.

(3) "Intervener" means a specially trained paraprofessional who provides access to information and communication and facilitates the development of social and emotional well-being for children who are deaf-blind.

(4) "Medicaid time study" means the primary mechanism for identifying and categorizing Medicaid administrative activities performed by an LEA's staff, which

serves as the basis for developing claims for the costs of administrative activities that may be properly reimbursed under Medicaid.

(5) "Minimum school program" or "MSP" means the same as that terms is defined in Section 53F-2-102.

(6) "Qualifying student" means a student who is deaf, hard of hearing, blind, visually impaired, or deaf-blind who qualifies for services in accordance with Subsection 53E-8-401(1).

(7) "Section 504" means Section 504 of the Rehabilitation Act of 1973, codified at 29 USC 701, et seq.

(8) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows individual detailed student records to be exchanged electronically among LEAs and the Board, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

(9) "Weighted pupil unit" or "WPU" means the basic per pupil unit used to calculate the amount of state funds for which a school district is eligible.

R277-801-3. Responsibilities of LEAs.

(1)(a) An LEA is the single point of entry for USDB services for qualifying students.

(b) A qualifying student may not enroll in a USDB program without a referral from an LEA.

(c) When evaluating services for a qualifying student, an LEA and the USDB shall consider:

(i) primary disabilities;

(ii) secondary disabilities; and

(iii) other factors, including:

(A) transportation needs; and

(B) length of time the student would spend in transport daily.

(2) Notwithstanding Subsection (1), a qualifying student may enroll directly in USDB if:

(a) the student's previous primary instruction was in American Sign Language; and

(b) USDB's program most closely matches the qualifying student's prior program of instruction.

(3) A qualifying student may receive services under:

(a) IDEA;

(b) Section 504; or

(c) a USDB preschool services plan.

(4) An LEA shall annually provide to the Superintendent the name and contact information for any student with vision loss or hearing loss, even if it isn't the student's primary disability.

(5)(a) An LEA has the responsibility for the design and implementation of and IEP or Section 504 plan for qualifying students.

(b) Specific details of required intensive services for a student shall be defined within the student's IEP.

(c) A qualifying student who enrolls in a Utah school district or charter school may be eligible to receive intensive services from sensory specialists employed by USDB, if appropriately designated as specialized instruction or a related services as part of an IEP or Section 504 plan.

(6)(a) An LEA may elect to contract with USDB to provide outreach services.

(b) An LEA may employ their own sensory specialists to meet the IEP or 504 plan needs of qualifying students.

(7)(a) An LEA is responsible for the development of a qualifying student's IEP, including any assessments necessary for initial placement.

(b) Notwithstanding Subsection (7)(a), an LEA may not commit USDB to provide services to qualifying students unless USDB has participated in the IEP.

(c)(i) An LEA and USDB shall consider least restrictive environment, as well as intensive services needs of a qualifying student in determining an appropriate placement.

(ii) In the case of deaf or hard of hearing students, an IEP team should consider the opportunity for a student to have direct communication with teachers and peers.

(8) Notwithstanding Subsection (7), if a qualifying student enrolls directly with USDB in accordance with Subsection (2), USDB shall develop the student's IEP, including any assessments necessary for initial placement.

(9) If an LEA is working with USDB staff:

(a) the LEA shall provide internet access and technical support to permit USDB staff to access the internet through technology and hardware;

(b) the LEA and USDB technology staff will jointly determine procedures to ensure access to LEA technology systems; and

(c) USDB shall provide and maintain all needed hardware and software provided to USDB staff.

(10) An LEA shall provide an assistive technology device a student if the assistive technology device is required for the implementation of the student's IEP.

R277-801-4. Designation of USDB as an LEA.

(1)(a) In order to meet the educational needs of qualifying students, an IEP team may enroll a qualifying student in a USDB program and may designate USDB as the LEA for the qualifying student.

(b) If USDB is designated as the LEA under Subsection (1)(a), the USDB program shall be treated as a placement option within the LEA continuum, and the referring LEA staff shall continue to attend IEP meetings.

(2)(a) If USDB is designated as a qualifying student's LEA, USDB is responsible from that point on for the design and implementation of the student's IEP, 504 Plan, or USDB preschool service plan.

(b) USDB shall provide all special education and related services and costs documented in an IEP for a qualifying student described in Subsection (2)(a).

(c) USDB may request consultation from the referring LEA for the design of services that are required by the student beyond the student's sensory needs.

R277-801-5. Correlation of Responsibilities.

(1) For qualifying students currently enrolled with an LEA and receiving services through USDB outreach programs, an LEA will provide a list of students and their IEP due dates for the upcoming school year to USDB no later than June 30 annually.

(2) An LEA shall invite USDB staff to attend IEP or 504 plan meetings for qualifying students, including meetings for:

(a) students transitioning from Part C to Part B;

(b) students moving from out-of-state; and

(c) students transferring between LEAs.

(3)(a) For qualifying students enrolled in an LEA and receiving no services from USDB, an LEA shall invite USDB to attend any meeting where USDB services may be considered for that student.

(b) If a change of placement is considered, both the referring LEA and USDB will participate and establish a timeline to ensure a successful transition for the student.

(4) IEP or 504 plan meetings shall be at a mutually agreed upon time and location, with appropriate notification to all parties.

(5)(a) The Board and USDB shall provide ongoing interpreter training toward certification and mentoring for all interpreters, as requested by individual LEAs.

(b) Training provided under Subsection (5)(a) shall provide certified interpreters with the opportunity to improve skills and move up to a higher level of certification.

(c) An LEA may contract with USDB to provide interpreter services for students attending the LEA or an LEA school where a USDB extension classroom is located.

(6)(a) Each LEA, including USDB as the designated LEA, is responsible for ensuring the timely provision of textbooks and material as required by the IDEA.

(b) The Board shall annually provide information to LEAs regarding the costs of accessible materials in the state.

R277-801-6. Services for Qualifying Students.

(1) If a qualifying student is enrolled with USDB as the designated LEA:

(a) USDB shall include the qualifying student in all Board-required enrollment reports including:

(i) fall enrollment counts;

(ii) the child count of students with disabilities; and

(iii) the end-of-year enrollment report;

(b) Any agreements between the referring LEA and USDB shall be documented as part of a written agreement, which shall be reviewed at least annually;

(c)(i) A qualifying student's IEP team shall determine the student's transportation needs;

(ii) USDB shall provide transportation as a related service in an IEP or if required to implement a 504 plan; and

(iii) A referring LEA shall combine resources with USDB, when possible, to provide within-LEA transportation;

(d)(i) USDB shall annually administer all Board-required assessments.

(ii) USDB may provide alternate tests in accordance with a student's IEP and state law; and

(e) USDB shall develop and implement all programs, policies, and procedures required of an LEA by the Board and state law.

(2) If a qualifying student attends USDB extension classrooms located within an LEA:

(a) the student shall be enrolled in the general education program of the LEA school the student is attending;

(b) the LEA school shall be designated as the "school of record" for the student;

(c) the student shall be included by the LEA school or district in all required reports and uploads to UTREx;

(d) the student shall be counted in the LEA school or district total enrollment, and will be included in the calculation of all funding formulas, including Weighted Pupil Units and Minimum School Program;

(e) the student shall receive access to LEA programs and services consistent with their IEP or 504 plan, consistent with services available to other students enrolled in the student's school;

(f) the student may not be enrolled in the special education program of the LEA school the student is attending;

(g) USDB shall ensure the student receives a free appropriate public education;

(h) USDB shall ensure the student receives all special education and related services, including interpreting services, as required on the student's IEP or 504 plan;

(i) the LEA school shall generate general education funding or WPU for the student;

(j) USDB shall receive federal IDEA funding in accordance with USDB's legislative line item funding;

(k) the LEA school shall receive no state or federal special education funding for the student;

(l)(i) USDB shall provide transportation for the student as a related service when it is included in an IEP.

(ii) an LEA school shall combine resources with USDB, when possible, to provide within-LEA transportation; and

(m) an LEA school and USDB shall jointly ensure that any portable classrooms have access to intercom and phone service.

(3) If a qualifying student receives USDB outreach or consulting services:

(a) the student shall be enrolled in the general and special education programs of the LEA school the student attends;

(b) the LEA shall include the student in the calculation of state special education and IDEA funds for the school district or charter school; and

(c) USDB may not submit the students to UTREx and may not receive state or federal special education funding.

(4) USDB shall provide the following services free of charge to every LEA, regardless of size, exclusive of additional related services:

(a) Educational Resource Center resources, including loaner equipment;

(b) USIMAC materials;

(c) interpreter training;

(d) professional development;

(e) expanded core curriculum;

(f) enrichment programs and activities;

(g) consultations;

(h) psychological assessments for the deaf and the blind;

(i) speech assessments for deaf students;

(j) behavioral intervention and supports;

(k) deaf-blind specialists; and

(l) deaf-blind interveners.

(5) USDB may offer to provide the following other services to LEAs for deaf, blind, and deaf-blind qualifying students, exclusive of additional related services:

(a) Teachers of the Blind and Visually Impaired or "TVI;"

(b) Orientation and Mobility or "O&M;"

(c) educational and assistive technology;

(d) vision screenings;

(e) low vision support and evaluations;

(f) extended school year services in accordance with Rule R277-751;

(g) teachers for the deaf and hard of hearing;

(h) audiological services; and

(i) American Sign Language-English interpreters.

(6) An LEA may contract with USDB to provide services for students.

(a) An LEA and USDB shall sign contracts before initiation of services.

(b) An LEA shall make payments in two installments, in January and June.

(c) The Board may assist USDB in collection of outstanding balances upon request.

(7) An LEA and USDB may contract for services beyond those specified in this Rule R277-801.

(8) Notwithstanding this Section R277-801-6, USDB shall maintain all funded outreach services offered to each LEA, as of the 2024-2025 school year.

(9)(a) USDB may participate in Medicaid time studies for services provided directly by USDB.

(b) An LEA may not include services provided directly by USDB in the LEA's Medicaid time studies.

(c) If an LEA contracts with USDB for payable services, an LEA shall include those services in the LEA's Medicaid time study.

KEY: deaf, blind, students, services

Date of Last Change: June 9, 2025

Notice of Continuation: March 12, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-8-401

R277. Education, Administration.

R277-910. Underage Drinking and Substance Abuse Prevention Program.

R277-910-1. 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; and

(c) Section 53G-10-406 which directs the Board to establish rules regarding:

(i) a requirement that an LEA offer the Underage Drinking and Substance Abuse Prevention Program each school year to each student in grade 4 or 5, grade 7 or 8, and grade 9 or 10; and

(ii) the criteria for the board to use in selecting a provider for the Underage Drinking and Substance Abuse Prevention Program.

(2) The purpose of this rule is to establish the criteria for selecting a provider for the Underage Drinking and Substance Abuse Prevention Program and general requirements of an LEA when offering the program.

R277-910-2. Criteria for Selecting a Provider.

(1) The following criteria, along with the requirements found in Section 53G-10-406, shall be considered in selecting a provider for the Underage Drinking and Substance Abuse Prevention Program:

(a) a program that is evidence-based including peer-reviewed journals, national registries, and research;

(b) a program that is focused on preventing underage consumption of alcohol and use of electronic cigarette products through a curriculum, course, or program that is taught through multiple days of instruction and not a one-time presentation.

(c) a program that is delivered in the classroom by the classroom teacher or other trained professional;

(d) a program that addresses behavioral risk factors associated with underage drinking and use of electronic cigarette products and integrates skills practice into the curriculum; and

(e) a program that aligns with the core standards of the Utah Public School system.

(2) The vendor of the Underage Drinking and Substance Abuse Prevention Program shall have prior experience in successfully reducing underage drinking and substance abuse.

R277-910-3. Mandatory Offering of Underage Drinking and Substance Abuse Prevention Program.

(1) An LEA shall offer to each student in grades 4 or 5, grades 7 or 8, and grades 9 or 10, respectively, the Underage Drinking and Substance Abuse Prevention Program procured by the Board.

R277-910-4. LEA Positive Behaviors Plan Annual Report.

An LEA governing Board shall submit an annual assurance to the Superintendent confirming that each school under the governing Board's jurisdiction has an approved positive behavior plan as prescribed by the Superintendent and as required in Subsection 53G-10-407(5)(b).

KEY: underage drinking prevention, substance abuse, alcohol, electronic cigarette products

Date of Last Change: April 9, 2024

Notice of Continuation: February 5, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-10-405; 53G-10-406

R277. Education, Administration.

R277-911. Secondary Career and Technical Education.

R277-911-1. 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 53E-3-507, which allows the Board to establish minimum standards for CTE programs in the public education system; and

(d) Sections 53F-2-311, which directs the Board to distribute specific amounts and percentages for specific Career and Technical Education (CTE) programs and facilitate administration of various programs.

(2) This rule establishes standards and procedures for an LEA to qualify for funds administered by the Board for CTE programs in the public education system.

R277-911-2. Definitions.

(1) "Added instructional costs," "add-on funds," or "CTE add-on funds" means program expenses beyond those normally encountered at the secondary level resulting from higher program operations, maintenance, and improvement expenses and may not include:

(a) direct charges that would otherwise be incurred by the LEA if CTE programs were not offered;

(b) direct charges required by other non-CTE state or federal programs, rules or laws;

(c) charges that have been submitted as part of the LEA's indirect cost rate calculation; and

(d) charges that are used to supplant other LEA funding sources.

(2) "Advisory committee" means a group of individuals working in the occupational area which provides industry feedback for each state funded and approved CTE program at the LEA or regional level.

(3) "Aggregate CTE membership" means the sum of all days in membership during a school year for:

(a) the student;

(b) the course;

(c) the program;

(d) the school;

(e) the LEA; or

(f) the state.

(4) "Approved program" means a program annually approved by the Board through the consent calendar process that meets or exceeds the state program standards or outcomes for career and technical education programs.

(5) "Career and technical education" or "CTE" means organized educational programs that:

(a) prepare students for a wide range of high-skill, high-demand or emerging careers;

(b) provide all students with a seamless education system from public education to postsecondary education, driven by a Plan for College and Career Readiness as defined in Rule R277-462; and

(c) provide students competency-based instruction, hands-on experiences, and certified occupational skills, culminating in meaningful employment.

(6) "CTE career cluster" means approved CTE programs with related knowledge and skills organized into industry sectors.

(7) "CTE pathway" means a planned sequence of courses within a program of study structured to assure strong academic and technical preparation while connecting high school course work including:

(a) concurrent enrollment opportunities to employment beyond high school; and

(b) other postsecondary options, including:

(i) on-the-job training;

(ii) certification opportunities; and

(iii) two- and four-year college degrees.

(8) "Course" means an individual CTE class structured by state-approved core codes and standards which may require one or two periods for up to one year and may be completed by demonstrated competencies or by course completion.

(9) "Maintenance of Effort" or "MOE" means the expenditure plan outlined in Subsection R277-911-4(1).

(10) "Pathway completion" means a student has met all course and credit requirements of a CTE pathway and is on track to graduate from high school.

(11) "Program" means a combination of CTE courses within a pathway and cluster that provides the competencies needed for specific certifications, job placement, or continued postsecondary training.

(12) "School District Technical Center" means a career and technical education center that meets the requirements in Section R277-911-7 and is not a comprehensive high school.

(13) "Skill certification" or "competency attainment" means a verification of industry standard knowledge and skills including both state or nationally approved program certifications and is an integral part of a CTE program.

(14) "Spend Plan" means an application submitted to the USBE requesting the use of local CTE carryforward funds as described in Section R277-911-4.

(15) "Summer Agriculture Program" means a teacher or college intern supervised, intensive, individualized educational experience that is the practical application of instructional competencies in agriculture education.

(16) "Weighted pupil unit" or "WPU" means the same as the term is defined in Subsection 53F-2-102(5).

(17) "Work-based learning" or "WBL" means the same as the term is defined in Section R277-915-2.

R277-911-3. CTE Program Approval and LEA CTE Program Annual Review or Initial Application Review.

(1) The Superintendent shall forward to the Board a comprehensive list of proposed secondary CTE programs for the Board to approve as the approved programs.

(2) The Superintendent shall determine if a secondary CTE program offering shall be forwarded to the Board based upon needs in a specific area including:

(a) a program need supported by data, including:

(i) local, regional, state, and federal workforce projections;

(ii) advisory committee recommendations for a program or program update in the related program area;

(iii) a need for new or updated technical training and marketable job skills for the related program area; or

(iv) a need related to an industry upgrade or upskill specifications to keep a program current or relevant; and

(b) new or emerging economic need with occupational opportunities for a student in a program area with clear competencies.

(3) An LEA shall qualify for a funding disbursement pursuant to Section 53F-2-311 and this rule only for approved programs and subsequently be subject to the requirements for an annual review or application as described in Subsection (5).

(4) An LEA that implements an approved program and applies for a funding disbursement shall be provide all necessary materials required by the Superintendent to conduct an annual review or initial application review by May 1.

(5) The annual review or initial application review shall include:

(a) the LEA's Plan for College and Career Readiness consistent with Sections 53E-2-304 and R277-462-5;

(b) the LEA's results of an annual placement survey for grade 12 CTE pathway concentrators from the prior school year;

(c) adherence to current industry standards for each implemented CTE program including a demonstration of the industry standards being reflected in:

(i) available resources for the program; and

(ii) program instructional materials including:

(A) textbooks;

(B) reference materials; and

(C) additional media.

(d) a demonstration the LEA:

(i) used curricula and instruction that is directly related to business and industry validated competencies;

(ii) provided approved certification opportunities for students enrolled in each CTE program to verify successful completion of competencies;

(iii) provided instruction in proper and safe use of equipment required within each CTE program and maintained a local safety plan;

(iv) provided and safely maintained equipment and facilities, consistent with the validated competencies identified in:

(A) the instruction standard for the CTE program;

(B) state risk management; and

(C) other applicable state and federal laws;

(v) employed instructional staff in each CTE program that:

(A) holds a valid Utah teaching licenses with appropriate endorsements pursuant to Rule R277-301 for the CTE program; and

(B) maintains technical and professional skills current through professional learning, business and industry partnerships to ensure that students are provided current industry standard programs.

(vi) conducted a local needs assessment with stakeholder engagement;

(vii) performed an annual CTE program self-evaluation by the CTE director;

(viii) conducted CTE programs consistent with Board policies and state and federal laws pertaining to CTE program access that prohibit discrimination as required by law; and

(ix) established an active advisory committee to inform CTE programs annually as described in Subsection (6); and

(e) any other requirements identified by the Superintendent.

(6) An LEA implementing an approved program shall:

(a) create an advisory committee that includes education and industry stakeholders which may serve several LEAs or a region; or

(b) utilize an existing advisory committee created by an LEA that is implementing an approved CTE program.

(7) An advisory committee described in Subsection (6) shall review and make recommendations to an LEA that is implementing an approved CTE program regarding:

(a) program offerings;

(b) quality of programs;

(c) equipment needs; and

(d) work-based learning opportunities.

(8) An LEA may make the LEA's CTE leadership opportunities available through Career and Technical Student Organization (CTSOs) for each career cluster offered by the LEA.

R277-911-4. Disbursement and Expenditure of CTE Funds -- General Standards for Qualification.

(1) To be eligible for any funding disbursement pursuant to Section 53F-2-311 and this rule, an LEA shall first expend for an approved CTE program, an amount equivalent to the regular WPU for students in the approved CTE programs, grades 9 through 12, based on prior year aggregate membership in funded CTE programs, multiplied by the current year WPU value and minus the amount for:

(a) college and career awareness;

(b) work-based learning; and

(c) school counseling.

(2) An LEA shall expend the amount required in Subsection (1) to remain eligible for a funding disbursement for approved programs in grades 9 through 12.

(3) Expenses charged to state CTE add-on funds must use the unrestricted indirect cost rate and be directly related to approved CTE programs.

R277-911-5. Disbursement of Funds -- Administrative WPUs for School Districts and Charter Schools.

(1) Except as provided for in Subsection (3), pursuant to Subsection 53F-2-311(3)(a), the Superintendent shall distribute 20 WPUs to a school district for costs associated with the administration of a CTE program.

(2) To qualify for an administrative WPU disbursement, an LEA shall:

(a) employ a minimum one-half time CTE director; and

(b) place the administrative assignment for CTE in the educator licensing system.

(3) Except as provided for in Subsection (10) and pursuant to Subsection 53F-2-311(3)(a), the Superintendent shall distribute 25 WPUs to a school district that consolidates CTE administrative services with one or more other school districts.

(4) To qualify for the consolidated CTE administrative WPU disbursement described in Subsection (3), the school district consolidating the administrative services shall employ a full-time CTE director.

(5) The Superintendent shall distribute 25 WPUs to a single charter school acting as fiscal agent, to provide CTE administrative services.

(6) To quality for the administrative WPU described in Subsection (5), a charter school shall:

(a) provide CTE administrative services to a group of at least 10, but not more than 15, charter schools offering approved CTE programs to students in grades 9 through 12; and

(b) if the charter school services 11 through 15 charter schools the Superintendent shall distribute an additional five administrative WPUs for each charter school up to 25 additional administrative WPUs.

(7) To qualify for the charter school administrative WPU described in Subsection (6), the charter school acting as fiscal agent shall employ a full-time CTE director.

(8) An LEA receiving additional WPUs under Subsection (3) or (6) shall annually submit to the Superintendent a memorandum of understanding with each partnering LEA, which shall include:

(a) a scope of work to be performed by the full-time CTE director for each LEA involved;

(b) provisions for sharing data under the agreement, including provisions for protecting the privacy of student education records under FERPA 20 USC 1232g;

(c) maintenance of effort requirements; and

(d) other information as directed by the Superintendent.

(9) The Superintendent may withhold funds from an LEA for failure to submit a memorandum of understanding as required by Subsection (8).

(10) The Superintendent shall distribute 10 WPUs to a small school district consisting only of necessarily existent small high schools as described in Section 53F-2-304, where multi-district CTE administration described in Subsection (3) is not feasible.

(11) To qualify for the administrative WPU described in Subsection (10) a small school district shall assign a CTE director to a minimum of part-time CTE program administration.

(12) To qualify for any administrative WPUs as provided in Subsections (1) through (11) an LEA shall ensure a CTE director:

(a) hold requirements for a School Leadership License Area of Concentration described in Rule R277-301;

(b) have an endorsement in at least one career and technical area listed in Subsection R277-309-4(8)(a); and

(c) one of the following:

(i) have four years of experience as a full-time career and technical educator; or

(ii) complete a prescribed professional development program provided by the Superintendent within a period of two years following board appointment as an LEA CTE director.

R277-911-6. Disbursement of Funds -- High School WPUs.

(1) Pursuant to Subsection 53F-2-311(3)(b), the Superintendent shall allocate funds to each high school offering approved CTE programs as described in this section.

(2) The Superintendent shall distribute 10 WPUs to an LEA for each high school that:

(a) conducts approved programs in a minimum of two CTE career cluster areas;

(b) conducts a minimum of six different state approved CTE courses including at least the ability to concentrate in two CTE pathways and complete one pathway; and

(c) has at least one approved career and technical student leadership organization that aligns with the pathways offered by the LEA.

(3) The Superintendent shall distribute 15 WPUs to an LEA for each high school that:

(a) conducts approved programs in a minimum of three CTE career cluster areas.

(b) conducts a minimum of nine different state approved CTE courses including at least the ability to concentrate in three CTE pathways and complete one pathway; and

(c) has at least one approved CTE student leadership organizations that aligns with a pathway offered by the LEA.

(4) The Superintendent shall distribute 20 WPUs to an LEA for each high school that:

(a) conducts approved programs in a minimum of four CTE career cluster areas.

(b) conducts a minimum of 12 different state approved CTE courses including at least the ability to concentrate in four CTE pathways and complete two pathways; and

(c) has at least two approved CTE student leadership organizations that alignwith the pathways offered by the LEA.

(5) The Superintendent shall distribute 25 WPUs to an LEA for each high school that:

(a) conducts approved programs in a minimum of five CTE career cluster areas.

(b) conducts a minimum of 15 different state approved CTE courses including the ability to concentrate in at least five CTE pathways and complete three pathways; and

(c) has at least three approved CTE student leadership organizations that align with the pathways offered by the LEA.

(6) A maximum of one alternative high school per LEA may qualify for funds under this section.

(7) Exceptions for advanced pathway completion requirements may be approved annually for an LEA that has a sponsorship or partnership with a degree granting public higher education institution by the Superintendent through specific contractual agreements.

(8) Programs and courses provided through school district technical centers may not receive funding under this section.

R277-911-7. Disbursement of Funds -- School District Technical Centers.

(1) Pursuant to Subsection 53F-2-311(3)(c), the Superintendent shall disburse 40 WPUs to a school district operating an approved school district technical center.

(2) Except as provided in Subsection (4), to qualify for the school district technical center WPU disbursement, the school district, schools shall:

(a) provide at least one facility other than an existing high school as a designated school district technical center;

(b) employ a full-time CTE administrator for the center in addition to the district CTE director;

(c) enroll a minimum of 400 students grades 9 through 12 in the school district technical center courses;

(d) prevent unwarranted duplication by the school district technical center of courses offered in existing high schools, and partnering higher education institutions;

(e) centralize high-cost programs in the school district technical center;

(f) conduct approved programs in a minimum of five CTE career cluster areas;

(g) conduct a minimum of 15 different state approved CTE concentrator and completer courses; and

(h) submit verification of all requirements stated in this section annually or as requested to the Superintendent.

(3) A district that serves 18,000 students or more in grades 9-12 may qualify for up to two district technical center locations through an application process prescribed by the Superintendent.

(4) To qualify for the school district technical center WPU disbursement, a district serving rural and necessarily existent small schools, as described in Section 53F-2-304 shall:

(a) provide at least one facility other than an existing high school as a designated school district technical center;

(b) employ a full-time CTE administrator for the center in addition to the district CTE director;

(c) enroll a minimum of 300 students in the school district technical center courses;

(d) prevent unwarranted duplication by the school district technical center of courses offered in existing high schools, and partnering higher education institutions;

(e) centralize high-cost programs in the school district technical center;

(f) conduct approved programs in a minimum of four CTE career cluster areas;

(g) conduct a minimum of 12 different state approved CTE concentrator and completer courses; and

(h) submit verification of all requirements stated in this section annually and as requested to the Superintendent.

R277-911-8. Disbursement of Funds -- Skill Certification.

(1) Pursuant to Subsection 53F-2-311(2)(c), an LEA may receive additional disbursement for competency attainment of student achievement on approved program certifications.

(2) To be eligible for skill certification compensation, an approved LEA shall demonstrate the LEA's students have demonstrated mastery of established standards for the CTE program.

(3) The LEA shall demonstrate the mastery through an authorized test administrator that shall follow test administration and ethics requirements identified in Rule R277-404.

(4) An LEA shall keep records of the certification and skill verification tests or processes used to demonstrate mastery as described in Subsection (3) for monitoring and auditing purposes.

(5) The Superintendent shall distribute funds to an LEA by the following formula:

(a) an amount determined by using a count of total points of skill certification weight points determined by the Superintendent from a student's skill certification earned by June 15 annually; and

(b) a proportionate amount of the available funding based on the LEA's number of skill certification points earned proportionate to the total number of skill certification points earned statewide for the prior year.

R277-911-9. Disbursement of Funds -- CTE Leadership Organization Funds.

(1) Pursuant to Subsection 53F-2-311(2)(d), an LEA may receive an additional disbursement for student participation costs in approved student leadership organizations also known as Career and Technical Student Organizations (CTSO) as described in Subsection (4).

(2) The Superintendent shall distribute funds to an LEA with:

(a) an approved CTE program; and

(b) evidence of student participation in CTSOs with related expenses.

(3) The Superintendent shall distribute funds to an LEA that meets the criteria listed in Subsection (2) using the following formula:

(a) an amount using a count of the LEA's total CTSO student members by March 15 annually; and

(b) a proportionate amount of the available funding based on the LEA's number of CTSO members proportionate to the total number of student members in the state for the prior year.

(4) An LEA shall use the student leadership disbursement for qualifying CTE leadership organizations that are nationally and state chartered by March 15 annually and include:

(a) SkillsUSA;

(b) DECA;

(c) FFA;

(d) HOSA - Future Health Professionals;

(e) FBLA - Future Business Leaders of America;

(f) FCCLA;

(g) TSA (Technology Student Association); and

(h) Other organizations that may be approved by the Superintendent that meet qualifications identified in Subsection R277-914-2(3).

(5) An LEA shall use the funds disbursed under this section only for the LEA's CTE leadership organization expenses.

R277-911-10. Disbursement of Funds -- Summer CTE Agriculture Programs.

(1) Pursuant to Subsection 53F-2-311(3)(d), an LEA shall receive a 5 WPU disbursement for a qualifying summer CTE agriculture program as described in this section.

(2) To receive state summer CTE agriculture program funds, an LEA shall apply using a form and timeline specified by the Superintendent each year.

(3) If approved, the LEA shall:

(a) provide evidence or assure that a teacher of the summer CTE agriculture program:

(i) holds a valid Utah teaching license, with an endorsement in agriculture, as outlined in Subsection R277-911-3(5)(d)(v);

(ii) has developed a calendar of activities which shall be approved by the LEA's administration and reviewed by the Superintendent;

(iii) has or will work a minimum of 360 hours in the summer CTE agriculture program;

(iv) has or will not engage in other employment, including self-employment, which conflicts with the teacher's performance in the summer CTE agriculture program;

(v) has developed and filed a weekly schedule and a monthly report outlining accomplishments related to the calendar of activities with:

(A) the school principal;

(B) the LEA CTE director; and

(C) the Superintendent; and

(vi) has a minimum of 35 students enrolled in the summer CTE agriculture program; and

(vii) visits the participating students a minimum of two times during the summer program with a minimum average of four on-site visits to students; and

(b) provides evidence or assures that a student enrolled in the summer CTE agriculture program:

(i) has on file in the LEA office the student's Plan for College and Career Readiness goal related to agriculture;

(ii) in conjunction with the student's parent or employer and the teacher, has a developed individualized plan of activities, including a supervised occupational experience program;

(iii) has completed the eighth grade; and

(iv) has not graduated from high school.

(4) A college intern may be approved to be the instructor of a summer CTE agriculture program upon approval by the Superintendent.

(5) To be approved as an instructor, the LEA shall provide evidence or assure that the college intern shall:

(a) be enrolled in an approved postsecondary Agricultural Education-Teacher Preparation program, minimally at the junior or senior level;

(b) under the guidance of the supervising teacher, develop a calendar of activities which shall be approved by LEA administration and reviewed by the Superintendent;

(c) work a minimum of 360 hours in the CTE summer agriculture program;

(d) not engage in other employment, including self-employment, which conflicts with the intern's performance in the CTE summer agriculture program;

(e) under the guidance of the supervising teacher, develop and file a weekly schedule and a monthly report outlining accomplishments related to the calendar of activities with:

(i) the school principal;

(ii) the LEA CTE director; and

(iii) the Superintendent; and

(g) enroll a minimum of 20 students in the summer CTE agriculture program; and

(h) visit the participating students a minimum of two times during the summer program with a minimum average of four on-site visits to students.

(6) The Superintendent shall collect data from the program and staff of each LEA to ensure compliance with approved standards.

(7) An LEA shall submit to the Superintendent a final program report through the funding application due August 31 annually.

(8) The Superintendent shall allocate Summer CTE agricultural funding to each LEA conducting an approved program for no more than 360 hours and 35 students.

(9) An LEA operating a program with a supervising teacher and college intern shall receive a combined total of seven WPUs of the summer CTE agricultural allocation.

R277-911-11. Disbursement of Funds -- School Counseling, College and Career Awareness, and Work-Based Learning Programs.

(1) Pursuant to Subsection 53F-2-311(2)(b)(ii), the Superintendent shall distribute funds to an LEA as described by each respective provision listed in Subsection (2).

(2) An LEA shall use the distributed funds for school counseling consistent with Subsection 53E-2-304(2)(b) and Rule R277-462.

(3) An LEA may use funds distributed under this section for:

(a) work-based learning programs consistent with Rule R277-915; and

(b) Career Awareness programs consistent with Rule R277-916.

R277-911-12. Disbursement of Funds -- Added Cost Funds.

(1) Subject to remaining funds and pursuant to Subsection 53F-2-311(4), an LEA may receive an additional distribution for added costs of a CTE program after all other distributions have been allocated pursuant to Subsections 53F-2-311(2) and (3) as further described in this rule.

(2) An LEA's added cost distribution shall be a proportionate amount of the remaining funds calculated by:

(a) using the LEA's grades 9 through 12 aggregate membership in approved CTE programs from the previous school year to calculate a CTE average daily membership (ADM); and

(b) determining the LEA's proportionate amount of CTE ADM compared to the statewide CTE ADM.

(3) An LEA may not utilize the following for purposes of generating CTE ADM:

(a) travel time, except as described in Subsection R277-419-8(9)(b);

(b) a student who has yet to attend an approved CTE course;

(c) a student who has been absent, without excuse, for the previous 10 days; and

(d) for student enrollment in courses taken outside of the regular school day or school year.

(4) Except as provided for in Rules R277-462, R277-915, and R277-916, an LEA that experiences CTE membership growth of 1-10% from the LEA's previous CTE ADM shall qualify for a growth factor equivalent to the growth percentage to be applied to the LEA's added cost distribution amount described in Subsection (2).

(5) An LEA that receives an added cost distribution shall maintain records to accurately demonstrate:

(a) the entry and exit date of each student; and

(b) whether a student has been absent from a CTE course ten consecutive days.

(6) An LEA shall maintain electronic records, including data system records, for each CTE program which shall include:

(a) LEA name;

(b) school name;

(c) teacher of each CTE course;

(d) each CTE course name;

(e) each CTE course core code;

(f) each CTE course section;

(g) semester each CTE course is offered;

(h) period the student had each CTE course;

(i) student membership;

(j) total enrollments; and

(k) total membership.

(7) An LEA that receives an added cost distribution shall only use the funds for the following expenditures:

(a) instructional and program materials and supplies;

(b) equipment necessary to the program above and beyond equipment provided to non-CTE classrooms;

(c) CTE Instructor salaries;

(d) contracted services for equipment service and specialized program needs; and

(e) professional expenses for CTE-related professional learning, professional organizations, and CTSOs.

(8) Programs and courses provided through technical colleges and degree granting institutions may not qualify for an added cost distribution unless approved by the Superintendent.

R277-911-13. Corrective Action.

An LEA that does not comply with the requirements of this Rule R277-911, including not providing MOE of CTE programs, may be subject to a corrective action plan and potential reduction of funds or penalty in accordance with Rule R277-114.

KEY: career and technical education

Date of Last Change: September 12, 2024

Notice of Continuation: May 16, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-507; 53F-2-311; 53G-6-708

R277. Education, Administration.

R277-912. Law Enforcement Related Incident Reporting.

R277-912-1. 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; and

(c) Section 53E-3-516 which directs the Board to establish rules regarding a collaborative annual report meeting all the requirements of Subsection 53E-3-516(2).

(2) The purpose of this rule is to generate the report required by Subsection 53E-3-516 and the form that the report may be accessed.

R277-912-2. LEA Reporting Requirements.

(1) An LEA shall work with the Superintendent and the relevant law enforcement agencies and school personnel to collect the following data for incidents that occurred on school grounds while school is in session or during a school-sponsored activity:

(a) arrests of a minor;

(b) other law enforcement activities as defined in Subsection 53E-3-516(1);

(c) disciplinary actions as defined in Subsection 53E-3-516(1); and

(d) all other data as outlined in Subsections 53E-3-516(3) and (4).

(2) An LEA shall collect the data in a form agreed upon by the Superintendent and the relevant law enforcement agencies.

(3) An LEA shall report the data required to the Superintendent in a timely manner;

(4) An LEA shall report the data compiled for each school year to the Superintendent on or before September 1st of the year in which the school year ended.

(5) An LEA shall report the data to the Superintendent as prescribed by the Superintendent.

R277-912-3. Annual Report Content and Access.

(1) The Superintendent shall compile the data to form an aggregated report consistent with the requirements of Subsections 53E-3-516(3), (4) and (5).

(2) The report shall exclude all identifiable student information and data.

(3) The report shall be compiled no later than November 1st of each year in which the school year ended and provided to the board.

(4) An external entity may request access to the data used to compile the report consistent with Title 63G, Chapter 2, Government Records Access Management Act.

(5) The Superintendent shall respond to the request within 15 business days and provide the report within 30 business days of the request by providing the most recent data set available at the time of the request, so long as the data set is aggregated and no student identifiable information is included in the data set.

(6) If the request is for the data being used for an upcoming report that is more than 30 days from being compiled, the Superintendent may wait longer than 30 days to provide the requested report.

KEY: incident reporting; law enforcement

Date of Last Change: April 9, 2024

Notice of Continuation: February 5, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(3); 53E-3-516

R277. Education, Administration.

R277-914. Career and Technical Student Organizations.

R277-914-1. 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-3-507(1), which directs the Board to establish minimum standards for career and technical programs in the public education system;

(c) Subsection 53E-3-507(3), which directs the Board to cooperate with federal and state governments to administer programs which promote and maintain career and technical education; 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) make Career and technical student organizations programmatically and fiscally accountable to the Board; and

(b) provide procedures and supervision toward that end.

R277-914-2. Definitions.

(1) "Career and technical education" or "CTE" means organized educational programs or courses in a secondary school that:

(a) teach current industry-specific skills and knowledge;

(b) prepare a student for employment; and

(c) can prepare a student for postsecondary employment where entry requirements do not require a baccalaureate or advanced degree.

(2) "CTE programs of study" means programs organized into clusters that include:

(a) agriculture, food, and natural resources;

(b) architecture and construction;

(c) arts, audio or vision technology, and communications;

(d) business, finance, and marketing;

(e) computer science and information technology;

(f) education and training;

(g) engineering and technology;

(h) health science;

(i) hospitality and tourism;

(j) human services;

(k) law, public safety, corrections, and security;

(l) manufacturing; and

(m) transportation, distribution, and logistics.

(3) "Career and technical student organization" or "CTSO" means a designated student leadership organization that:

(a) provides opportunities for students to learn and practice:

(i) leadership development;

(ii) academic and technical skills; and

(iii) community involvement; and

(b) are intra-curricular organizations which are integral to the career and technical programs at the secondary and postsecondary levels of instruction; and

(c) have local, state and national affiliation.

(4) "CTSO state advisor" means a professional in identified program areas designated by the Superintendent to direct a career and technical student leadership organization statewide.

R277-914-3. Student Organization Advisory Boards.

(1) Each student organization designated by the Superintendent shall establish a statewide organization advisory board of not less than five members, one of which must be the Superintendent or designee.

(2) Each CTSO shall develop and follow organization by-laws, which shall be available on the CTSO's website.

(3) Each CTSO advisory board shall have advisory fiscal oversight for the organization.

(4) Each CTSO advisory board shall conduct an annual performance evaluation of the work performed by the respective CTSO advisor.

(5) Each CTSO shall comply with the policies and procedures established by the Superintendent.

R277-914-4. Fiscal Oversight of Student Organizations.

(1) A CTSO advisory board shall act consistent with fiscal procedures provided by the Superintendent.

(2) A CTSO advisory board shall submit the required financial records and reports for monitoring on a schedule established by the Superintendent.

(3) A CTSO's financial records shall be submitted for review whenever there is a change in the CTSO state advisor.

(4) The funds designated for management of student organizations at the state level shall be dispersed by the Superintendent for CTSOs through the grants management system.

(5) Additional funds allocated by the legislature as CTE student organization funds shall be used for:

(a) oversight and management of state CTSO programs, including:

(i) national conference travel;

(ii) salaries; and

(iii) state level advisors, operations, and management; and

(b) if funds are available, CTSO grants to an LEA.

KEY: secondary education, career and technical education

Date of Last Change: November 8, 2021

Notice of Continuation: September 9, 2021

Authorizing, and Implemented or Interpreted Law: 53E-3-507(1); 53E-3-507(3); 53E-3-401(4)

R277. Education, Administration.

R277-915. Work-based Learning Programs.

R277-915-1. 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; and

(c) Section 53G-7-902, which allows schools to offer Work Based Learning programs in accordance with Board rules.

(2) The purpose of this rule is to provide expectations for K-12 WBL programs.

R277-915-2. Definitions.

(1) "Apprenticeship" means the same as the term is defined in Subsection 35A-6-102.

(2) "Career Pathway" means a coordinated, nonduplicative sequence of academic and technical content at the secondary and postsecondary level that incorporates challenging state academic standards including:

(a) academic and technical knowledge and skills;

(b) standards aligned with the needs of industries in the economy of the state, region, Tribal community, or local area;

(c) progresses in specificity beginning with all aspects of an industry or career cluster and leading to more occupation-specific instruction;

(d) standards that have multiple entry and exit points that incorporate credentialing; and

(e) standards that culminate in the attainment of a recognized postsecondary credential.

(3) "College and Career Awareness" means the same as the term is defined in Subsection R277-916-2.

(4) "Field study" means a planned group activity that provides opportunities for a student to observe skills and jobs in a variety of settings at an actual workplace.

(5) "High quality experience" means an internship that:

(a) links to a related course;

(b) is paid or unpaid;

(c) implements learning intentions developed by an LEA and employer to guide student learning;

(d) adheres to state, Board, and local safety and supervision requirements;

(e) includes practical application of concurrently or previously studied theory or related curriculum;

(f) connects to career goals, career pathway, and the plan for College and Career Readiness (CCR);

(g) includes opportunities for a student to explore career options in a particular field of work; and

(h) results in the completion of a digital career portfolio which outlines the student's experience and prepares them for the next steps in their career development.

(6) "Internship" means a high quality experience where students are mentored by an employer for approximately 40 hours on site during one course to learn about a particular industry or occupation.

(7) "Job shadow" means a structured career activity in which students follow an industry professional for a short time period to learn about a particular occupation or industry.

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

(9)(a) "Participant" means a student enrolled in a school-sponsored work experience and career exploration program under Section 53G-7-902 involving both classroom instruction and work experience with a cooperating employer, for which the student may or may not receive compensation.

(b) Participant may include:

(i) a student completing an apprenticeship;

(ii) one internship experience in either grade 11 or grade 12, or both;

(c) Participant does not include a student on work release.

(10) "School-based enterprise" means a business set up and run by supervised students learning to apply practical skills in the production of goods or services for sale or use by others.

(11) "Work site" or "workplace" means the actual location where employment occurs for a particular occupation, or an environment that simulates all aspects or elements of that employment, including school-based enterprises.

(12) "Work-based learning" or "WBL" means a continuum of awareness, exploration, preparation, and training activities that combines structured learning and authentic work experiences implemented through industry and education partnerships including:

(a) a job shadow;

(b) a field study; or

(c) attending a lecture from a professional guest speaker.

R277-915-3. Mandatory LEA Policy.

An LEA that has WBL programs that include assigning students as participants at off-campus sites, in on-campus simulations, or in virtual or remote WBL experiences, shall establish a policy which includes the following:

(1) training for student participants, student participant supervisors, and cooperating employers regarding health hazards and safety procedures in the workplace;

(2) standards and procedures for approval of off-campus work sites, job shadows, field studies, and other WBL experiences;

(3) transportation options for students to and from the work site, job shadows, field studies, and other WBL experiences;

(4) appropriate supervision by employers at the internship or apprenticeship work site;

(5) adequate insurance coverage provided and identified either by the student, the program, or the LEA;

(6) appropriate supervision and assessment of the student by the LEA;

(7) appropriate involvement and approval by the student's parents in the WBL program;

(8) provision for risk or liability inherent in the WBL program developed in consultation with State Risk Management or the LEA's insurance provider; and

(9) a requirement that any internship or apprenticeship credit awarded maintains the integrity and rigor expected for high school graduation and career pathway alignment, as determined by the Board.

R277-915-4. Disbursement of Funds.

(1) An LEA shall meet all requirements of this rule to be eligible for WBL funding.

(2) The proportion of total WBL funding allocated for a participating LEA shall be determined by the formula described in Subsection (3).

(3) WBL funds are restricted and shall be allocated to an LEA for an approved program as follows:

(a) a base amount per LEA as established by the Superintendent; and

(b) an additional allocation that is proportional to the LEA's prior school year's October 1 headcount in comparison to all other LEAs with an approved program;

(4) An LEA shall annually complete a funding application with assurances that the LEA meets the WBL standards as described in Subsection R277-915-5.

(5) An LEA shall utilize the restricted indirect cost rate for WBL program expenditures.

(6) A participating LEA shall provide an equal match in funds to state appropriated WBL funds.

R277-915-5. Standards.

(1) To be eligible for WBL funds, an LEA shall:

(a) have the program approved by the LEA board;

(b) document that a WBL committee representing all schools within the LEA:

(i) has been created and includes a variety of stakeholders from the different areas described in subsection R277-915-5(1)(c);

(ii) is actively functioning evidenced by planning and implementing WBL activities described in subsection R277-915-5(1)(d); and

(iii) regularly addresses WBL issues;

(c) conduct WBL activities utilizing information from:

(i) business and industry;

(ii) administrators;

(iii) teachers;

(iv) counselors;

(v) parents; and

(vi) students;

(d) develop work-based preparation, participation, and assessment activities for students and teachers involved in all WBL LEA activities;

(e) maintain evidence that WBL components have been integrated and coordinated with:

(i) elementary career awareness;

(ii) secondary career exploration;

(iii) integrated core activities;

(iv) College and Career Awareness; and

(v) school counseling;

(f) maintain evidence of WBL activities and assurances in each LEA developed in coordination with a student's:

(i) IEP;

(ii) Plan for College and Career Readiness; and

(iii) 504 requirements;

(g) require the inclusion of all student groups within the LEA in career development and preparation;

(h) demonstrate WBL coordination with employers and with other school and community development activities;

(i) participate in ongoing state-sponsored WBL coordinated professional development;

(j) participate in the CTE Program Approval evaluation; and

(k) ensure all program requirements are in accordance with section R277-114-5.

R277-915-6. Consistency with Law and State and LEA Board Rules and Policies.

(1) A workplace experience shall be consistent with the provisions of the Fair Labor Standards Act, 29 U.S.C. Sec. 201, et seq.

(2) An LEA internship program shall have internship safety agreements in accordance with 53G-7-904 or meet the requirements of 53G-11-402.

(3) WBL programs shall operate consistently with Board rules and LEA polices, including:

(a) student transportation;

(b) credit toward graduation;

(c) attendance;

(d) fee waivers; and

(e) standards and training for non-licensed employees and volunteers.

KEY: public schools, work-based learning

Date of Last Change: May 24, 2022

Notice of Continuation: December 2, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53G-7-902; 53E-3-401(4)

R277. Education, Administration.

R277-916. College and Career Awareness.

R277-916-1. 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 53E-3-507, which allows the Board to establish minimum standards for career and technical education programs in the public education system; and

(d) Section 53F-2-311, which directs the Board to distribute specific funds to LEAs.

(2) The purpose of this rule is to establish standards and procedures for LEAs seeking to qualify for College and Career Awareness Program funds administered by the Board.

R277-916-2. Definitions.

(1) "Approved school" means a school approved by the Superintendent through an application process.

(2)(a) "College and Career Awareness" means a 7th grade or 8th grade core course comprised of activities encouraging students to explore college and career opportunities.

(b) "College and Career Awareness" is coordinated with the School Counseling program.

(3) "Weighted Pupil Unit" or "WPU" means the unit of measure that is computed in accordance with Section 53F-2-302, to determine the costs of a program on a uniform basis for each LEA.

(4) "Work-Based Learning" or "WBL" means a continuum of awareness, exploration, preparation, and training activities that combine structured learning and authentic work experiences implemented through industry and education partnerships.

R277-916-3. Disbursement of Funds.

(1)(a) An LEA shall utilize College and Career Awareness funds to purchase and maintain needed student equipment and supplies for the course, subject to the following:

(i) LEA expenditures shall be reasonable and necessary to sustain the College and Career Awareness program;

(ii) LEA expenditures shall be adequately documented;

(iii) an LEA may not use for personnel costs;

(iv) an LEA may not use funds to cover the cost of goods and services for teacher personal use, such as teacher equipment, materials, and supplies;

(v) an LEA may not use funds for costs associated with:

(A) entertainment;

(B) amusement;

(C) diversion;

(D) social activities;

(E) incentives;

(F) marketing materials; or

(G) thank you gifts; and

(vi) an LEA may only use funds for costs that will directly achieve program outcomes for students.

(b) Notwithstanding, Subsection (1)(a), an LEA may use up to 15% of available funds for teachers and counselors to participate in ongoing professional development sponsored by the Board.

(2) An LEA shall meet all requirements of this rule to receive College and Career Awareness funding.

(3) College and Career Awareness funds shall be allocated to an LEA for an approved school using a base amount per school.

(4) The Superintendent shall distribute funds remaining after funds are distributed under Subsection (3) to approved schools, based on the prior school year's October 1 grade 7 enrollment.

(5) An LEA shall annually complete a funding application with assurances of each school meeting College and Career Awareness standards.

(6) The Superintendent shall annually provide training to personnel from each school receiving funds under this Subsection (3).

(7) The Superintendent shall allocate continued funding to an LEA based on the LEA's success in meeting established standards.

R277-916-4. Standards.

(1) An LEA may qualify for College and Career Awareness funds consistent with the following:

(a) College and Career Awareness standards are implemented in their entirety regardless of LEA scheduling;

(b) College and Career Awareness teachers and counselors shall have appropriate licenses and endorsements;

(c) a school shall utilize the services of a WBL coordinator, where available, to integrate grade level appropriate WBL activities into College and Career Awareness;

(d) if a WBL coordinator is not available, the College and Career Awareness team shall plan and provide WBL activities;

(e) a school shall integrate the services of a school counselor in the program;

(f) an LEA shall support staff development activities relevant to the core College and Career Awareness content adopted by the Board; and

(g) a College and Career Awareness team in a school shall fully participate in a program evaluation every four years.

KEY: college and career awareness, public schools

Date of Last Change: May 11, 2022

Notice of Continuation: February 9, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-507; 53F-2-311

R277. Education, Administration.

R277-918. Education Innovation Program.

R277-918-1. 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; and

(c) 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 provide the minimum reporting and data requirements for an LEA that has approved an innovation classroom.

R277-918-2. Definitions.

(1) "Director" means the ULEAD director as defined in Section 53E-10-701.

(2) "Innovation program" means the same as the term is defined in Section 53G-10-601.

(3) "Opportunity classroom" means the same as the term is defined in Section 53G-10-601.

R277-918-3. Learning and Performance Monitoring Agreement.

(1) An LEA that has an approved innovation program shall establish an agreement with the teacher regarding measurement of student learning and performance outcomes for the approved innovation program.

(2) The agreement described in Subsection (1) shall include:

(a) the required steps and processes expected for performance measurement including:

(i) the type of data to be collected;

(ii) the frequency of the data collection;

(iii) the methodology of performance measurements;

(iv) how the data will be shared; and

(v) relevant data protection procedures consistent with state and federal law;

(b) relevant timeframes and deadlines;

(c) an establishment of relevant baseline data;

(d) general data collection responsibilities of all parties; and

(e) any other relevant evidence needed to effectively measure student learning and performance outcome because of the innovation program.

(3) An LEA shall provide the agreement described in Subsection (1) to the director upon approval.

(4) A teacher or LEA may consult with the director before applying or application approval regarding best practices for measuring student learning and performance outcomes.

KEY: innovation; opportunity classroom; ULEAD; data collection

Date of Last Change: August 22, 2022

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-501(1)(c)(v); 53E-3-401(4); 53G-10-601 et. seq.

R277. Education, Administration.

R277-919. Regulatory Sandbox Innovation Schools.

R277-919-1. 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 53G-7-221(9), which requires the Board to make rules establishing the reporting and monitoring requirements for an approved innovation school program;

(c) Subsection 53G-7-222(4), which requires the Board to make rules establishing the approval criteria and process for the use of restricted funds in funding an approved innovation school program; 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 provide:

(a) criteria the state board will use to:

(i) evaluate an innovation plan's progress; and

(ii) terminate an innovation plan;

(b) requirements and process for reporting on a plan's progress; and

(c) the approval process for a plan's funding if using the flexible funds option outlined in Section 53G-7-222.

R277-919-2. Definitions.

(1) "Approved innovation plan" or "plan" means the same as the term is defined in Subsection 53G-7-221(1).

(2) "Innovation school" means the same as the term is defined in Subsection 53G-7-221(1).

(3) "Local approving body" means the same as the term is defined in Subsection 53G-7-221(1).

R277-919-3. Reporting Requirements, Progress Monitoring, and Plan Termination.

(1) A local approving body that submits an approved innovation plan to the Board as described in Subsection 53G-7-221(7) shall:

(a) provide the information in a form and method prescribed by the Superintendent;

(b) include the information described in Subsection 53G-7-221(3) and a detailed budget for successful implementation;

(c) provide a detailed plan of benchmarked progress including the projected timeline for each benchmark that has been agreed upon by the innovation school and local approving body;

(d) provide a suggested reporting schedule between the approved innovation school and the Superintendent; and

(e) provide additional information as requested by the Superintendent at the time of plan submission.

(2) The Superintendent may request changes to the reporting scheduled described in Subsection (1)(d) if a different schedule is needed to facilitate adequate monitoring of all approved innovation school plans.

(3) The Superintendent shall use the following to determine if sufficient progress is being made:

(a) data and metrics described in Subsection 53G-7-221(3)(e);

(b) the agreed upon benchmarks and performance outcome measures; and

(c) appropriate use of funds if budgetary flexibility has been granted pursuant to this rule and Section 53G-7-222.

(4) If the Superintendent determines sufficient progress is not being made, a notice of remediation will be sent to the local approving body and the approved innovation school.

(5) The notice of remediation shall include:

(a) the benchmarks or general progress that has not been made and how that determination was made using the approved performance metrics and agreed upon benchmarks;

(b) the required corrections needed to no longer be in remediation and a remediation timeline which may not be shorter than 180 days; and

(c) the form and method in which the remediation monitoring shall be reported to the Superintendent.

(6) If an approved innovation school fails to meet the requirements and timeline outlined in the notice of remediation, the approved innovation school and the local approval body will be notified within 15 days after the required remediation deadline and be subject to an innovation plan termination review by the Board.

(7) The Board's innovation plan termination review shall take place in a Board meeting no later than 30 days after the approved innovation school has been notified of the innovation school's failure to remediate.

(8) The Board shall consider all elements of the innovation plan when conducting its review including:

(a) the approved innovation plan application including outcomes and performance metrics;

(b) the agreed upon benchmarks and timelines;

(c) implementation efforts of the innovation school for the plan;

(d) efforts made to adhere to the remediation requirements and timelines;

(e) any efforts made by the innovation school to amend the plan; and

(f) any waived Board rule or LEA policies that were intended to facilitate successful implementation of the plan.

(9) As part of the innovation plan termination review, the Superintendent shall provide a recommendation to the Board to:

(a) provide an additional remediation period with additional or new requirements and timelines; or

(b) terminate the approved innovation school's plan including a timeline for the innovation school to return to regular compliance and budgetary requirements that may have been waived or made flexible as part of the innovation plan.

(10) The Superintendent shall provide notice of the Board's decision to the innovation school and the local approving body within 10 days of the decision being made.

(11) The local approving body shall ensure that the approved innovation school returns to regular compliance and budgetary requirements in the timeline approved by the Board and notify the Board when this has been achieved.

R277-919-4. Flexibility of Restricted Funds.

(1) An innovation school with an approved innovation plan may apply to the Board for budgetary flexibility as described in Section 53G-7-222.

(2) The application for budgetary flexibility shall be created by the Superintendent and include:

(a) an itemized budget detailing the expenditures needed to fund the innovation plan;

(b) the current restricted funds that will be used including how much of each fund will be used for the innovation plan; and

(c) a plan for annually reporting to the Superintendent regarding budgetary expenditures from restricted funds to ensure compliance.

(3) The Board shall approve an application for budgetary flexibility unless the application is in violation of state law on budget and funding matters.

(4) If an approved innovation school receives approval from the Board for budgetary flexibility, the approved innovation school shall report expenditures and evidence in form prescribed by the Superintendent including any unlawfully adverse effect on an originating program.

(5) The Board may terminate an innovation plan for violation of the approved budget including:

(a) the failure of any originating program from which restricted funds have been diverted as defined by state law;

(b) failure to match expenditures with approved budget; and

(c) failure to provide evidence of expenditures in the format required by the Superintendent.

KEY: innovation; regulatory sandbox; restricted funds

Date of Last Change: December 22, 2022

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53G-7-221(9); 53G-7-222(4); 53E-3-401(4)

R277. Education, Administration.

R277-920. School Improvement and Leadership Development.

R277-920-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Title 53E, Chapter 5, Part 3, School Improvement and Leadership Development, which requires the Board to make rules to establish:

(i) an appeal process for the denial of a school improvement plan;

(ii) provisions regarding funding distributed to a springboard school or elevate school;

(iii) criteria for granting an extension to a springboard school;

(iv) criteria for exiting a school that has demonstrated sufficient improvement;

(v) implications for a springboard school; and

(vi) eligibility criteria, application procedures, selection criteria, and procedures for awarding incentive pay for the School Leadership Development Program.

(2) The purpose of this rule is to:

(a) enact provisions governing school improvement efforts; and

(b) implement and administer Title 53E, Chapter 5, Part 3, School Improvement and Leadership Development.

(3) This rule is categorized as Category 4 as described in Rule R277-111.

R277-920-2. Definitions.

(1) "Appeal committee" means the committee established by Section R277-920-6.

(2) "Baseline performance" means the percentage of possible points earned by a school through the school accountability system in the year the school was identified as a springboard school.

(3) "Committee" means a school improvement committee established in accordance with Subsection 53E-5-303(1) or 53E-5-304(4).

(4) "Continuous improvement expert" means the same as that term is defined in Section 53E-5-301.

(5) "Elevate school" means the same as that term is defined in Section 53E-5-301.

(6) "High performing charter school" means the same as that term is defined in Section 53E-5-306.

(7) "Non-Title I school" means a school that does not receive funds under the Elementary and Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.

(8) "School leader" means the same as that term is defined in Section 53E-5-309.

(9) "School improvement plan" means a school improvement plan described in Section R277-920-8.

(10) "School improvement program" means the school improvement and leadership development program described in Title 53E, Chapter 5, Part 3, School Improvement and Leadership Development.

(11) "Springboard school" means the same as that term is defined in Section 53E-5-301.

(12) "State review panel" means a state review panel appointed by the Superintendent that includes at least three members who each have demonstrated expertise in two or more of the following fields:

(a) leadership at the school district or school level;

(b) standards-based elementary or secondary curriculum instruction and assessment;

(c) instructional data management and analysis;

(d) educational program evaluation;

(e) educational program management;

(f) teacher leadership;

(g) change management;

(h) organizational management; or

(i) school budgeting and finance.

R277-920-3. Identification of Springboard and Elevate Schools.

(1) The Superintendent shall recommend springboard schools every four years after release of assessment data consistent with Subsection 53E-5-302(1)(a).

(2) In every year the Board does not designate springboard schools, the Superintendent shall recommend elevate schools consistent with Section 53E-5-302.1.

(3)(a) If an elevate school meets the criteria for a springboard school, the school shall move to springboard school status.

(b) A re-designated springboard school shall begin on the springboard timeline and meet all springboard exit criteria.

(c) The Superintendent shall consider all of a school's accomplishments under elevate status in evaluating progress towards springboard exit criteria.

(4) The Superintendent shall:

(a) accept applications as described in Subsection 53E-5-302.1(1)(a);

(b) identify elevate schools as described in Subsection 53E-5-302.1(1)(b); and

(c) conduct a needs assessment for each elevate school as described in Subsection 53E-5-302.1(1)(c).

R277-920-4. Superintendent Review of Continuous Improvement Expert Proposals for Springboard and Elevate Schools.

(1) The Superintendent shall review and approve a springboard or elevate school's proposal described in Subsection 53E-5-303(1)(d).

(2) A local education board of a springboard or elevate school shall submit evidence of compliance with Subsection 53E-5-303(1) or Subsection 53E-5-304(4) to the Superintendent within one year of identification.

R277-920-5. School Improvement Plan Submission and Approval Process for Springboard and Elevate Schools.

(1)(a) A local education board may approve or deny a plan in whole or in part, if the part of the plan the board denies is severable from the part of the plan the board approves.

(b) A local education board shall give a reason for a denial of each part of a plan.

(2) A local education board shall submit a school improvement plan in accordance with Subsection 53E-5-303(7) or Subsection 53E-5-304(9) to the Board.

(3) In accordance with Subsection 53E-5-305(3), the Board may review and approve or deny a school improvement plan in whole or in part, if the part of the school improvement plan the Board denies is severable from the part of the school improvement plan the Board approves.

R277-920-6. Appeal Process for Denial of a Springboard or Elevate School Improvement Plan.

(1) A committee or local education board may appeal the denial of a plan, in whole or in part, by following the procedures and requirements of this section.

(2) An appeal authorized by this rule:

(a) is an informal adjudicative proceeding under Section 63G-4-203; and

(b) shall be resolved by the date specified in Subsection 53E-5-305(6)(b).

(3)(a) A principal, on behalf of a committee, may request that the local education board reconsider the denial of a plan:

(i) by electronically filing the request:

(A) with the chair of the local education board; and

(B) on a form provided on the Board website; and

(ii) within five business days of the denial.

(b) The reconsideration request may include a modification to the plan if the committee approves the modification.

(c) The local education board shall respond to the request within five business days by:

(i) refusing to reconsider its action;

(ii) approving a plan, in whole or in part; or

(iii) denying a plan modification.

(d) The principal may appeal the denial of a plan under this Subsection (3):

(i) by electronically filing an appeal with the Superintendent on a form provided on the Board website; and

(ii) within five business days of the denial.

(e) An appeal filed under this subsection shall be resolved in accordance with Subsections (4) and (5).

(4) A district superintendent, on behalf of a local school board, or a charter school governing board chair, on behalf of a charter school governing board, may appeal the Board's denial of a plan:

(a) by electronically filing an appeal with the Superintendent on a form provided on the Board website; and

(b) within five business days of the denial.

(5)(a) At least three members of a Board committee, appointed by the Board as the appeal committee, shall review the written appeal.

(b) The appeal committee may ask the principal, district superintendent, local school board chair, or charter school governing board chair to:

(i) provide additional written information; or

(ii) appear personally and provide information.

(c) The appeal committee shall make a written recommendation within five business days of receipt of the appeal request to the Board to accept, modify, or reject the plan and give a reason for the recommendation.

(6) The Board may accept or reject the appeal committee's recommendation and the Board's decision is the final administrative action.

R277-920-7. Springboard and Elevate School Program Funding.

(1) Subject to legislative appropriations, the Superintendent shall distribute at least $375,000 one-time per springboard or elevate school to each local education board of a springboard or elevate school.

(2)(a) The local education board shall use at least a portion of the funding distributed under Subsections (2) and (3) to contract with a continuous improvement expert, including travel costs, in accordance with Sections 53E-5-303 and 53E-5-304.

(b) A local education board shall use funding available after the allocation of funds under Subsection (4)(a) only for interventions identified in a school improvement plan.

(3) The Superintendent may review uses of funds and contracts with continuous improvement experts.

(4) The Superintendent may provide funding to a school that remains in the school improvement program beyond the school's identified exit year.

R277-920-8. School Leadership Development Program.

(1) An eligible school leader who meets the requirements of Section 53E-5-309 may apply to participate in the School Leadership Development Program by electronically submitting an application to the Superintendent on a form and by the date specified on the Board website.

(2) The Superintendent shall select up to 15 school leaders to participate in the School Leadership Development Program based on the following selection criteria:

(a) first priority shall be given to a school leader who has not received prior School Leadership Development Program training; and

(b) second priority shall be given to a school leader who is assigned to a springboard school or elevate school.

(3)(a) In accordance with Subsection 53E-5-309(4), the Superintendent shall award incentive pay to a school leader within 90 days after:

(i) the school leader completes the School Leadership Development Program; and

(ii) the school leader's LEA verifies that the school leader entered into a written agreement as described in Subsection 53E-5-309(4).

(b) The Superintendent shall distribute $400 per full-day session to a school leader who completes the School Leadership Development Program sessions.

R277-920-9. Exit Criteria for a Springboard School -- Extensions -- More Rigorous Interventions.

(1) To exit the springboard school program, a springboard school shall demonstrate, in the third or fourth year after which the school was identified as a springboard school, that the school:

(a) meets individualized exit criteria that is calculated by reducing the gap in performance by one-third between:

(i) the springboard school's baseline performance; and

(ii)(A) 55% of the total points possible for a school that is an elementary or middle school; or

(B) 57% of the total points possible for a school that enrolls students in grade 12; and

(b) exceeds the lowest 5% of all schools in the ranking of schools from the year the school was identified.

(2) In determining whether a school has met the criteria described in Subsection (1), the Superintendent shall apply the indicators, weightings, and threshold scores described in the version of Title 53E, Chapter 5, Part 2, School Accountability System that was in place when the school was identified.

(3) If a school does not meet the exit criteria described in Subsection (1) in the fourth year after which the school was identified as a springboard school, the school may qualify for an extension to continue current school improvement efforts for up to two years if the school:

(a)(i)(A) reduced the gap in performance by one-fourth between:

(I) the school's baseline performance; and

(II)(Aa) 55% of the total points possible for a school that is an elementary or middle school; or

(Bb) 57% of the total points possible for a school that enrolls students in grade 12; and

(B) exceeds at least the lowest 3% of all schools in the ranking of schools from the year the school was scheduled to exit; or

(ii) has met only one of the exit criteria described in Subsection (1); and

(b) electronically files an extension request with the Superintendent within 15 days of the release of school accountability results, that provides rationale justifying an extension.

(4) If a school identified as a springboard school does not meet the exit criteria described in Subsection (1) or qualify for an extension as described in Subsection (3) the following groups shall make a recommendation to the Board on what action the Board should take:

(a) a state review panel, described in Subsection (6);

(b) if the school is a district school, the local school board, with input from the community as described in Subsection (7); and

(c) if the school is a charter school, the charter school authorizer with input from the community as described in Subsection (7).

(5) The groups described in Subsection (4) shall make a recommendation within 90 days of the release of school accountability results on whether the Board should:

(a) require personnel changes, including replacement of school leaders or teachers;

(b) if the school is a district school:

(i) require involuntary transfers of school leaders or teachers;

(ii) require the local school board to change school boundaries;

(iii) temporarily appoint a public or non-profit entity other than the local school board to manage and operate the school; or

(iv) permanently transfer control of a school to a public or non-profit entity other than the local education board;

(c) if the school is a charter school:

(i) require that the charter school governing board be replaced; or

(ii) require that the charter school authorizer close the school; or

(d) if the school is a charter school, require that the charter school authorizer:

(i) replace some or all members of the charter school governing board;

(ii) transfer operation and control of the charter school to:

(A) a high performing charter school; or

(B) the school district in which the charter school is located; or

(iii) close the school; or

(e) take other action.

(6)(a) The Superintendent shall appoint members of a state review panel.

(b) The state review panel shall critically evaluate at least:

(i) whether the local education agency has the capacity to implement the changes necessary to improve school performance;

(ii) whether the school leadership is adequate to implement change to improve school performance;

(iii) whether the school has sufficient authority to implement change;

(iv) whether the plan is being implemented with fidelity;

(v) whether the state and local education board provided sufficient resources to the school to support school improvement efforts, including whether the local school board prioritized school district funding and resources to the school in accordance with Section 53E-5-303;

(vi) the likelihood that performance can be improved within the current management structure and staffing; and

(vii) the necessity that the school remain in operation to serve students.

(7) An LEA and charter school authorizer shall develop recommendations under this section in collaboration with:

(a) parents of students currently attending the springboard school;

(b) teachers, principals, and other school leaders at the school;

(c) stakeholders representing the interests of students with disabilities, English learners, and other vulnerable student populations; and

(d) other community members and community partners.

R277-920-13. Exit Criteria for Elevate Schools.

An elevate school may exit after successful completion of:

(1) four years participating in the implementation of a continuous improvement cycle, including working with the elevate school's continuous improvement expert; and

(2) Beginning with the 2026-2027 Elevate cohort, the exit criteria in place for targeted support and improvement or additional targeted support and improvement for student groups under the state's ESSA plan.

KEY: principals, school improvements, school leaders

Date of Last Change: July 8, 2025

Notice of Continuation: June 4, 2021

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401(4); Title 53E, Chapter 5, Part 3

R277. Education, Administration.

R277-921. Strengthening College and Career Readiness Program.

R277-921-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

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

(b) Subsection 53E-3-401(4), which authorizes the Board to adopt rules in accordance with its responsibilities; and

(c) Section 53F-5-204, which requires the Board to make rules regarding the program.

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

(a) procedures and criteria for applying for and awarding a grant; and

(b) reporting requirements for a grantee.

(3) This Rule R277-921 is categorized as Category 2 as described in Rule R277-111.

R277-921-2. Definitions.

(1) "Certificate" means the certificate described in Subsection 53F-5-204(3)(a) that a school counselor may receive through participation in the program.

(2) "Grant" means payment of a course fee for a course required to earn the certificate.

(3) "Program" means the Strengthening College and Career Readiness Program created in Section 53F-5-204.

(4) "School counselor" means a person who:

(a) holds or is applying for a Utah School Counselor License as described in Section R277-306-6;

(b) is an employee of an LEA who provides counseling and information to a student about an educational or career choice;

(c) has received an evaluation as effective or higher through the LEA's evaluation system; and

(d) is recommended to participate in the program by a supervisor.

R277-921-3. Incorporation of College and Career Readiness Certificate Program Standards Document.

(1)(a) This rule incorporates by reference the College and Career Readiness Certificate Program Standards Document, August 2025, which lists approved standards of each component of the College and Career Readiness Certificate.

(b) A school counselor preparation program shall provide opportunities for program applicants, accepted into their programs after January 1, 2020, to successfully demonstrate competencies based on the College and Career Certificate Program Standards.

(2) A copy of the College and Career Readiness Certificate Program Standards Document is located at:

(a) https://schools.utah.gov/administrativerules/documentsincorporated; and

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111.

R277-921-4. Grant Application.

(1) Subject to legislative appropriations, an LEA may apply for a grant on behalf of a school counselor by submitting an application:

(a) provided on USBE's website;

(b) to the Superintendent; and

(c) except as provided in Subsection (2), on or before June 30.

(2) If the annual appropriation for the program exceeds the grant requests, the Superintendent may extend the deadline specified in Subsection (1)(c) by posting a new deadline on USBE's website.

R277-921-5. Procedure and Criteria for Awarding Grant.

(1) If the grant applications exceed the annual appropriation for the program, the Superintendent shall give preference in awarding a grant to an applicant if:

(a) the school where the school counselor works has a state approved School Counseling Program;

(b) the school where the school counselor works meets the school counselor-to-student ratio of 1:350, according to Rule R277-462; and

(c) the school counselor is licensed as a school counselor according to Section R277-306-6.

(2) A school counselor who fails to complete a course that is paid for by a grant shall repay the course fee to the Superintendent.

R277-921-6. Reporting Requirements for Grantee.

After completing the course work necessary to receive the certificate, the school counselor shall submit to the Superintendent:

(1) an action plan to implement the skills developed through earning the certificate to improve students' college and career readiness; and

(2) an application that is provided on USBE's website to add the certificate to the school counselor's license.

KEY: counseling, grant programs, college and career readiness

Date of Last Change: October 8, 2025

Notice of Continuation: August 15, 2025

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401(4); 53F-5-204

R277. Education, Administration.

R277-922. Digital Teaching and Learning Grant Program.

R277-922-1. 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; and

(c) Section 53F-2-510, Digital Teaching and Learning Grant Program, which requires the Board to:

(i) establish a qualifying grant program; and

(ii) adopt rules related to administration of the Digital Teaching and Learning Grant Program.

(2) The purpose of this rule is to:

(a) establish an application and grant review committee and process;

(b) give direction to LEAs participating in the Digital Teaching and Learning Program.

R277-922-2. Definitions.

(1) "Advisory committee" means the Digital Teaching and Learning Advisory Committee:

(a) established by the Board as required in Section 53F-2-510; and

(b) required to perform the duties described in Section R277-922-5.

(2) "LEA plan" has the same meaning as that term is defined in Section 53F-2-510.

(3) "Master plan" means Utah's Master Plan: Essential Elements for Technology-Powered Learning incorporated by reference in Section R277-922-3.

(4) "Program" has the same meaning as that term is defined in Section 53F-2-510.

(5) "Participating LEA" means an LEA that:

(a) has an LEA plan approved by the Board; and

(b) receives a grant under the program.

R277-922-3. Incorporation of Utah's Master Plan by Reference.

(1) This rule incorporates by reference Utah's Master Plan: Essential Elements for Technology-Powered Learning, October 9, 2015, which establishes:

(a) the application process for an LEA to receive a grant under the program; and

(b) a more detailed description of the requirements of an LEA plan.

(2) A copy of the Master Plan is located at:

(a) https://schools.utah.gov/administrativerules/documentsincorporated; and

(b) the Utah State Board of Education, 250 East 500 South, Salt Lake City, Utah 84111.

R277-922-4. LEA Planning Grants.

(1) An LEA may apply for a planning grant in lieu of preparing an LEA plan and receiving a Digital Teaching and Learning Grant as described in this rule.

(2) A planning grant awarded under Subsection (1) shall be in the amount of $5,000.

(3) To qualify for a planning grant, an LEA shall:

(a) send an LEA representative to a pre-grant submission training conducted by the Superintendent; and

(b) complete the readiness assessment required in Section 53F-2-510.

(4)(a) If an LEA receives a planning grant, the LEA shall submit an LEA plan as set forth in Section R277-922-8 for the subsequent school year.

(b) An LEA that fails to submit an LEA plan in the subsequent year shall reimburse funds awarded under Subsection (2) to the program.

R277-922-5. Digital Teaching and Learning Advisory Committee Duties.

(1) The advisory committee shall include the following individuals who will serve as non-voting chairs:

(a) the Deputy Superintendent of Instructional Services or designee; and

(b) the Director of the Utah Education and Telehealth Network or designee.

(2) In addition to the chairs described in Subsection (1), the Board shall appoint six members to the advisory committee as follows:

(a) the Digital Teaching and Learning Coordinator;

(b) one member who represents a school district with expertise in digital teaching and learning;

(c) one member who represents a charter school with expertise in digital teaching and learning;

(d) two members that have earned a national certification in education technology, that may include a certification from the Certified Education Technology Leader from the Consortium for School Networking (CoSN); and

(e) one member who represents the Utah School Superintendents Association.

(3) The advisory committee shall:

(a) oversee review of an LEA plan to determine whether the LEA plan meets the criteria described in Section R277-922-8;

(b) make a recommendation to the Superintendent and the Board on whether the Board should approve or deny an LEA plan;

(c) make recommendations to an LEA on how the LEA may improve the LEA's plan; and

(d) perform other duties as directed by:

(i) the Board; or

(ii) the Superintendent.

(4) The advisory committee may select additional LEA plan reviewers to assist the advisory committee with the work described in Subsection (3).

(5) The advisory committee, or the Superintendent on behalf of the advisory committee, shall present the advisory committee's recommendations on whether to approve or deny each LEA plan to the Board for the Board's approval.

R277-922-6. Board Approval or Denial of LEA Plans.

(1) The Board will either approve or deny each LEA plan submitted by the advisory committee.

(2) If the Board denies an LEA's plan, the LEA may amend and re-submit the LEA's plan to the advisory committee until the Board approves the LEA plan.

R277-922-7. Pre-LEA Plan Submission Requirements.

(1) Before an LEA submits an LEA plan to the advisory committee for approval by the Board, an LEA shall:

(a) have an LEA representative participate in a pre-grant submission training conducted by the Superintendent;

(b) require the following individuals to participate in a leadership and change management training conducted by the Superintendent:

(i) a representative group of school leadership from schools participating in the program;

(ii)(A) the school district superintendent;

(B) charter school executive director; or

(C) the school district superintendent's or charter school executive director's designee;

(iii) the LEA's technology director; and

(iv) the LEA's curriculum director; and

(c) complete the readiness assessment the first time an LEA applies for the grant as required in Section 53F-2-510.

(2) A member of an LEA's local school board or charter school governing board and other staff identified by the LEA may participate in:

(a) a pre-grant submission training conducted by the Superintendent as described in Subsection (1)(a); or

(b) a leadership and change management training conducted by the Superintendent as described in Subsection (1)(b).

R277-922-8. LEA Plan Requirements.

(1) An LEA shall develop a five year LEA plan in cooperation with educators, paraeducators, and parents;

(2) An LEA plan shall include:

(a) a statement of purpose that describes the outcomes, and metrics of success an LEA will accomplish by implementing the program, including the following outcomes:

(i) a 5% increase in an LEA's growth or proficiency on the statewide accountability metrics by the end of the fifth year of the LEA's implementation of the program; or

(ii) a learning outcome:

(A) selected by the LEA;

(B) included in the LEA's plan; and

(C) approved by the advisory committee;

(c) long-term, intermediate, and direct outcomes as defined in the Master Plan and identified in an LEA's five year plan;

(d) an implementation process structured to yield an LEA's learning outcomes;

(e) a plan for infrastructure needs and refreshment cycle;

(f) a description of necessary high quality digital primary instructional materials, as defined in Section R277-469-2, in relation to the outcomes provided for in Subsection R277-922-8(b)(i) including:

(i) providing special education students with appropriate software;

(ii) the recommended usage requirements of the software provider; and

(iii) the best practices recommended by the software or hardware provider;

(g) a detailed plan for student engagement in personalized learning;

(h) technical support standards for implementation and maintenance of the program that removes technical support burdens from the classroom teacher;

(i) proposed security policies, including security audits, student data privacy as referenced in Rule R277-487, and remediation of identified lapses;

(j) a disclosure by an LEA of the LEA's current technology expenditures;

(k) the LEA's overall financial plan, including use of additional LEA non-grant funds, to be utilized to adequately fund the LEA plan;

(l) a description of how an LEA will provide high quality professional learning for educators, administrators, and support staff participating in the program, including ongoing periodic coaching;

(m) a plan for digital citizenship curricula and implementation; and

(n) a plan for how an LEA will monitor student and teacher usage of the program technology.

(2) An LEA's approved LEA plan is valid for five years, and may be required to be reapproved by the advisory committee and the Board after five years of implementation.

(3) An LEA is not required to implement the program in kindergarten through grade 4.

R277-922-9. Distribution of Grant Money to Participating LEAs.

(1) If an LEA's plan is approved by the Board, the Superintendent shall distribute grant money to the participating LEA as described in this section.

(2)(a) The amount available to distribute to participating charter schools is an amount equal to the product of:

(i) October 1 headcount in the prior year at charter schools statewide, divided by October 1 headcount in the prior year in public schools statewide; and

(ii) the total amount available for distribution under the program.

(b) The Superintendent shall distribute to participating charter schools the amount available for distribution to participating charter schools in proportion to each participating charter school's enrollment as a percentage of the total enrollment in participating charter schools in the prior year.

(c) A new LEA or new charter school satellite campus shall be funded based on the new LEA or new charter school satellite campus's projected October 1 headcount.

(3) The Superintendent shall distribute grant money to the Utah Schools for the Deaf and the Blind in an amount equal to the product of:

(a) October 1 headcount in the prior year at the Utah Schools for the Deaf and the Blind, divided by October 1 headcount in the prior year in public schools statewide; and

(b) the total amount available for distribution under this section.

(4) Of the funds available for distribution under the program after the allocation of funds for the Utah Schools for the Deaf and the Blind and participating charter schools, the Superintendent shall distribute grant money to participating LEAs that are school districts as follows:

(a) the Superintendent shall distribute 10% of the total funding available for participating LEAs that are school districts to the participating LEAs as a base amount on an equal basis; and

(b) the Superintendent shall distribute the remaining 90% of the funds to the participating LEAs on a per-student basis, based on the October 1 headcount in the prior year.

(5)(a) If an LEA's plan is not approved during year one of the program, the advisory committee and the Digital Teaching and Learning Coordinator shall provide additional supports to help the LEA become a qualifying LEA.

(b) The Superintendent shall redistribute the funds an LEA would have been eligible to receive, in accordance with the distribution formulas described in this section, to other qualifying LEAs if the LEA's plan is not approved:

(i) after additional support described in Subsection (5)(a) is given; and

(ii) by no later than December 31 of the school year for which the grant is being awarded.

(6) A non-qualifying LEA may reapply for grant money in subsequent years based on the LEA's plan being approved by the Board.

R277-922-10. Prohibited Uses of Grant Money.

A participating LEA may not use grant money:

(1) to fund nontechnology programs;

(2) to purchase mobile telephones;

(3) to fund voice or data plans for mobile telephones; or

(4) to pay indirect costs charged by the LEA.

R277-922-11. Participating LEA Reporting Requirements.

A participating LEA shall annually review how the participating LEA made progress toward implementation.

R277-922-12. Evaluation of LEA Program Implementation.

(1) An evaluation shall be conducted by an independent evaluator described in Section 53F-2-510.

(2) After an evaluation described in Subsection (1), if the Superintendent determines that a participating LEA is not meeting the requirements of the participating LEA's LEA plan the Superintendent:

(a) shall:

(i) provide assistance to the participating LEA; and

(ii) recommend changes to the LEA's LEA plan; or

(b) after at least two findings of failure to meet the requirements of the participating LEA's LEA plan, may recommend that the Board terminate the participating LEA's grant money.

KEY: digital teaching and learning, grant programs

Date of Last Change: March 15, 2024

Notice of Continuation: October 7, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-510

R277. Education, Administration.

R277-923. American Indian and Alaskan Native Education State Plan Programs.

R277-923-1. 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; and

(b) Section 53F-5-603, which provides that the Board may make rules related to the programs; and

(c) 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 provide:

(a) criteria for evaluating grant applications; and

(b) procedures for:

(i) a school district to apply to the Board to receive grant money; and

(ii) the review of the use of grant money.

R277-923-2. Definitions.

(1) "American Indian and Alaskan Native concentrated school" has the same meaning as that term is defined in Section 53F-5-601.

(2) "Program site" means the school where an LEA plans to use grant money and implement the LEA's program.

R277-923-3. Grant Application.

(1) An LEA may apply for a grant described in Section 53F-5-603 by submitting an application to the Superintendent on or before the last Friday in May.

(2) The Superintendent shall develop a grant application and make the grant application available to LEAs that meet the eligibility as an American Indian and Alaskan Native concentrated school.

R277-923-4. Procedure and Criteria for Awarding a Grant.

(1) The Superintendent shall award:

(a) one American Indian and Alaskan Native Education State Plan Program grant to an LEA to serve one or more program sites for the five-year program created in Subsection 53F-5-602(1); and

(b) one grant to an LEA to serve one or more program sites for the four-year program created in Subsection 53F-5-602(2).

(3) The Superintendent shall award a grant described in Subsection (1) to an LEA based on the following criteria:

(a) up to 20 points will be awarded based on the percentage of American Indian and Alaskan Native students enrolled in the program sites;

(b) up to 15 points will be awarded based on the educator recruiting and retention needs of the program sites;

(c) up to 15 points will be awarded based on the strength of the LEA's program design plan;

(d) up to 10 points will be awarded based on the LEA's plan to objectively evaluate the success of the LEA's program design plan; and

(e) up to 10 points will be awarded based on the strength of the LEA's proposed budget and how many educators the LEA plans to serve.

KEY: Native Americans, Alaskan Natives, grant programs, teacher retention

Date of Last Change: March 11, 2021

Notice of Continuation: July 12, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-5-603; 53E-3-401(4)

R277. Education, Administration.

R277-924. Partnerships for Student Success Grant Program.

R277-924-1. 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; and

(b) Section 53F-5-406, which requires the Board to make rules to administer the Partnerships for Student Success Grant Program; and

(c) 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 provide:

(a) criteria for evaluating grant applications; and

(b) procedures for:

(i) an eligible partnership to apply to the Board to receive grant money; and

(ii) the evaluation of an eligible partnership's use of grant money.

R277-924-2. Definitions.

(1) "Eligible partnership" means the same as that term is defined in Section 53F-5-401.

(2) "Eligible school feeder pattern" means the same as that term is defined in Section 53F-5-401.

(3) "Grant program" means the Partnerships for Student Success Grant Program established in Section 53F-5-402.

(4) "Lead applicant" means an LEA or local nonprofit organization designated by an eligible partnership to act as the lead applicant for a grant described in Title 53F, Chapter 5, Part 4, Partnerships for Student Success Grant Program and this Rule.

R277-924-3. Grant Application.

(1) The Superintendent shall:

(a) develop a grant application that allows an eligible partnership, through the lead applicant, to apply to participate in the grant program; and

(b) make the grant application available on the Board's website.

(2) An eligible partnership may apply for a grant described in Section 53F-5-402 by submitting an application to the Superintendent:

(a) on or before September 1, 2016; or

(b) on or before the date published on the Board's website.

(3)(a) An eligible partnership or lead applicant may notify the Superintendent of the eligible partnership's intention to apply for a grant at any time.

(b) If an eligible partnership intends to be considered for a grant for the upcoming school year, the eligible partnership shall submit a letter of intent by the deadline established by the Superintendent and published on the Board's website.

(4) For each year the Superintendent is authorized to solicit grant applications, the Superintendent shall publish a timeline on the Board's website by March 1, including a date for the application release, and due dates for the LEA to submit required materials.

(5) The Superintendent shall evaluate each application using the criteria described in Section R277-924-4 to determine if the applying partnership is an eligible partnership.

(6) The Superintendent shall notify the lead applicant of successful receipt of a grant by July 1.

R277-924-4. Procedure and Criteria for Awarding a Grant.

(1) The Superintendent shall award grants to eligible partnerships based on the amount of funding available for the grant program.

(2) The Superintendent shall award the grant described in Subsection (1) to an eligible partnership based on the following criteria:

(a) the percentage of students who live in families with an income at or below 185% of the federal poverty level enrolled in schools within the eligible school feeder pattern;

(b) the comprehensive needs assessment of the eligible partnership, including the shared goals, outcomes and measurement practices based on the unique community needs and interests;

(c) the proposed program services to be implemented based on the comprehensive needs assessment described in Subsection (2)(b), including how the eligible partnership's plan aligns with:

(i) the five- and ten-year plan to address intergenerational poverty described in Section 35A-9-303; and

(ii) if the eligible partnership has a low performing school within the eligible partnership's school feeder pattern, the school turnaround plans of the low performing schools;

(d) how the eligible partnership will:

(i) improve educational outcomes for low income students through the formation of cross-sector partnerships; and

(ii) improve efforts focused on student success;

(e) the outcome-based measures selected by the eligible partnership, including the eligible partnership's plan to:

(i) objectively assess the success of the eligible partnership's program design plan; and

(ii) make changes to the eligible partnership's plan based on the assessment described in Subsection (2)(e)(i);

(f) the strength of the eligible partnership's commitment to:

(i) the establishment and maintenance of data systems that inform program decisions;

(ii) sharing of information and collaboration with third party evaluators; and

(iii) meeting annual reporting requirements;

(g) the eligible partnership's budget, including:

(i) identifying the estimated cost per student for the program;

(ii) an explanation for each proposed expenditure and how each expenditure aligns with the eligible partnership's proposed program; and

(iii) providing matching funds as required in Section 53F-5-403.

(3) Additional points will be awarded to an eligible partnership that:

(a) includes a low performing school as defined in Section 53E-5-301; or

(b) includes community and parent engagement as a part of the eligible partnership's plan.

(4) The Superintendent shall administer and oversee the evaluation of the program as provided in Section 53F-5-405.

KEY: Partnerships for Student Success, grant program, community, non-profit organizations

Date of Last Change: August 12, 2020

Notice of Continuation: April 21, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-5-406; 53E-3-401(4)

R277. Education, Administration.

R277-925. Effective Teachers in High Poverty Schools Incentive Program.

R277-925-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Subsection 53F-2-513(2)(b), which requires the Board to make rules for the administration of the Effective Teachers in High Poverty Schools Incentive Program.

(2) The purpose of this rule is to provide standards and procedures for the administration of the Effective Teachers in High Poverty Schools Incentive Program.

(3) This Rule R277-925 is categorized as Category 2 as described in Rule R277-111.

R277-925-2. Definitions.

(1) "Benchmark assessment" means the same as that term is defined in Section 53F-2-513.

(2) "Eligible teacher" means:

(a) the same as that term is defined in Section 53F-2-513; and

(b) a teacher who is a regular or special education classroom teacher.

(3) "High poverty school" means the same as that term is defined in Section 53F-2-513.

(4) "Local education agency" or "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(5) "Median growth percentile" or "MGP" means the same as that term is defined in Section 53F-2-513.

(6) "Program" means the Effective Teachers in High Poverty Schools Incentive Program.

(7) "Standards assessment" means the assessment described in Section 53E-4-303.

(8) "State-assessed course" means a course in English language arts, mathematics, or science.

R277-925-3. Administration of the Program.

(1) On or before December 1, the Superintendent shall:

(a) identify high poverty schools and eligible teachers in accordance with Subsection (2);

(b) distribute a list of eligible teachers to LEAs; and

(c) inform LEAs of:

(i) program requirements and the timeline for applying on behalf of an eligible teacher; and

(ii) the date on which the Superintendent will provide notice to each teacher who the Superintendent estimates achieved the eligibility criteria to qualify for a bonus, as required in Subsection 53F-2-513(5)(d).

(2) The Superintendent shall identify:

(a) high poverty schools based on the proportion of students who:

(i) qualify for free or reduced lunch in the current school year, based on:

(A) the most recent end of school year enrollment headcounts for existing schools; or

(B) the October 1 enrollment headcounts for new schools; and

(ii) are classified as children affected by intergenerational poverty, as determined by the Utah Department of Workforce Services, for the most recent year data is available; and

(b) eligible teachers by determining:

(i) whether the teacher's MGP was greater than or equal to 70:

(A) for at least one state-assessed course taught by the teacher;

(B) as measured by student performance on a standards assessment restricted to those students who were taught by the teacher for a full academic year;

(C) two years before the current school year; and

(D) excluding courses or teachers who failed to meet accountability eligibility as described in Rule R277-497; or

(ii) for a teacher in kindergarten or grade 1, 2, or 3, whether at least 85% of the teacher's students assess as typical or better on an end of year benchmark assessment.

(3) An eligible teacher who is part-time in a regular or special education classroom assignment in the current year shall receive a partial salary bonus based on the number of hours worked in the classroom assignment.

(4) To receive matching funds for the program, on or before January 15, an LEA shall:

(a) apply on behalf of an eligible teacher; and

(b) provide assurances that the LEA will pay half of the:

(i) teacher salary bonus; and

(ii) employer-paid benefits described in Section 53F-2-513.

(5)(a) Subject to legislative appropriations, on or before June 1, the Superintendent shall:

(i) ensure that a teacher who was determined eligible under Subsections (1) and (2) taught at a high poverty school for the full school year; and

(ii) distribute to an LEA that meets the criteria described in Subsection (4) half of the:

(A) teacher salary bonus; and

(B) employer-paid benefits described in Section 53F-2-513.

(b) Consistent with Section 53F-2-513, the Superintendent may distribute the funds on a pro rata basis if the number of eligible applicants exceeds the amount of available funds.

(6)(a) An LEA or an eligible teacher may appeal eligibility to the Superintendent on the basis that the teacher:

(i) is teaching at a high poverty school;

(ii) is an eligible teacher; or

(iii) has less than ten tested students, but can demonstrate extenuating circumstances that merit an exception.

(b) An LEA or eligible teacher shall provide documentation to the Superintendent to assist the Superintendent in deciding on the appeal.

KEY: teachers, poverty schools, incentives, student growth

Date of Last Change: October 8, 2024

Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-513

R277. Education, Administration.

R277-926. Certification of Residential Treatment Center Special Education Program.

R277-926-1. Authority, Purpose, and Oversight Category.

(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; and

(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.

(2) The purpose of this rule is to provide a certification process and procedure for residential treatment centers where IEP teams place in-state or out-of-state special education students for purposes of receiving a free and appropriate public education.

(3) This Rule R277-926 is categorized as Category 4 as described in Rule R277-111.

R277-926-2. Definitions.

(1) "Nonsectarian" means a nonpublic school or agency that is not owned, operated, controlled by, or formally affiliated with a religious group or sect, whatever might be the actual character of the education program or the primary purpose of the facility.

(2)(a) "Residential Treatment Center" or "RTC" means a private, or nonsectarian establishment that provides related services necessary for a student with special needs to benefit educationally from the student's IEP.

(b) "Residential Treatment Center" or "RTC" does not include an organization or agency that operates as a public agency or offers public service, including:

(i) a state or local agency;

(ii) an affiliate of a state or local agency including:

(A) a private, nonprofit corporation established or operated by a state or local agency;

(B) a public university or college; or

(C) a public hospital.

(3) "Qualified personnel" means an in-classroom staff member who:

(a) provides assistance with a student's education;

(b) has met requirements for federal and state certification and licensing requirements that apply to the area in which the staff member is providing services, including Board or Utah Department of Professional Licensing requirements; and

(c) actively adheres to the standards of professional practice established in federal and state law and regulation.

R277-926-3. Certification of a Residential Treatment Center.

(1) An RTC shall have the RTC's special needs program certified by the Superintendent before providing services for a free and appropriate public education to in-state or out-of-state students with special education needs and a current IEP from an LEA.

(2) An RTC seeking certification shall apply for an initial or renewal certification in a form prescribed by the Superintendent.

(3) An RTC's application shall include:

(a) a detailed description of the RTC's general and special education program provided, including:

(i) minimum instructional minutes for each grade level served;

(ii) specially designed instruction and related services;

(iii) evidence of age-appropriate core curriculum that aligns with the Utah core standards or aligns with the core standards of the student's state of origin;

(iv) for grades K-8, evidence showing the use of at least one resource, including a textbook or curricular program, adopted by the student's state of origin or Utah for each core standard subject;

(v) for grades 9-12, evidence showing alignment of curriculum for core standard subjects with an LEA's curriculum in Utah or the student's state of origin;

(b) evidence, including educator licenses of qualified personnel for each subject area including:

(i) English language arts;

(ii) Math;

(iii) Science;

(iv) Special Education; and

(v) Related services.

(c) documentation of training implementation and supervision in a special education program of paraprofessionals as described by the Special Education Rules Manual incorporated by reference in Rule R277-750;

(d) an assurance that each student, aged 14 years and above, has a transition plan as described in Subsection R277-926-4(3)(b);

(e) evidence that an RTC is collaborating with a student's LEA of origin's fully constituted IEP team to:

(i) carry out the specific requirements of the student's IEP, including the general requirements described in Subsection R277-926-4(3)(b);

(ii) facilitate an annual IEP review; and

(iii) when necessary, participate in the student's triennial evaluation, including:

(A) an outlined process for the evaluation;

(B) the ability to allow on-site accessibility to third parties required for evaluation participation; and

(C) collaborate with the LEA of origin for the administration of the assessment.

(f) a description of the RTC's incident management process and procedures for a student, and reporting requirements described in Subsection R277-926-4(3)(c);

(g) evidence of how meaningful parental involvement is facilitated;

(h) documentation showing all staff at the RTC have been fingerprinted and have passed state and federal criminal background checks before being allowed to have contact with any student;

(i) an assurance showing participation in the LEA of origin with federal Child Find mandates as outlined in 20 U.S.C. 1412(a)(3);

(j) an assurance that the RTC is a nonsectarian RTC; and

(k) if applicable, a copy of the Private School Affidavit filed with a student's state of origin.

(4) An RTC may apply for an initial certification and receive notification of certification approval or denial within 60 days of an on-site review.

(5) An RTC shall apply for certification renewal no later than 60 days before the expiration of the RTC's current certification.

(6) The Superintendent shall provide the RTC notice of the Superintendent's approval or denial of the RTC's application for certification within 60 days of an on-site review.

(7) An RTC with a pending application shall be subject to an on-site review by the Superintendent within 60 days of the RTC submitting the RTC's application.

(8) An RTC's application for certification and on-site review shall be reviewed collectively by the Superintendent in considering approval or denial of certification.

(9) An RTC shall be informed of compliance errors at the time of the on-site review and will be provided six weeks to correct the compliance errors before a final certification decision is made.

(10) If approved, an RTC's certification lasts for two years from the date of approval and is subject to monitoring protocols as described in Section R277-926-4.

(11) If the Superintendent denies an RTC's application for certification, the Superintendent shall provide the reason for the denial in writing to the RTC.

(12) If an RTC operates a special needs program at more than one site, the RTC shall submit a separate certification application for each site.

R277-926-4. Certification Maintenance and General Monitoring.

(1) An RTC that has been certified is subject to periodic monitoring and review.

(2) An RTC shall ensure general compliance with the requirements of this rule, state law, and federal law by providing the Superintendent with:

(a) documentation, including:

(i) applicable student and program records; and

(ii) information for which the Board is responsible;

(b) access to on-site visits at any time; and

(c) any combination of Subsections (a) and (b).

(3) An RTC that has been certified shall comply with all requirements of this rule and state and federal law, including the following requirements:

(a) collaborating with an LEA of origin to maintain and facilitate a plan for transition from the RTC to a less restrictive setting or from a less restrictive setting to an RTC;

(b) collaborating with the LEA of origin on a student's IEP through:

(i) timely and appropriate IEP progress monitoring;

(ii) documentation of a student's specially designed instruction and related services such as:

(A) service provisions;

(B) treatment notes; and

(C) service logs;

(iii) post secondary transition plans for students age 14 and older, including:

(A) a list of a relevant course of study related to needs and ability of the student;

(B) a list of all required transition assessments needed; and

(C) age of majority documentation;

(iv) sign-in or attendance sheets for each IEP meeting held for a student; and

(v) adhering to all other applicable state and federal laws;

(c) when appropriate, establishing a discipline guide consistent with IDEA that includes a behavior intervention plan with the following minimum components:

(i) general behavior goals;

(ii) crisis de-escalation and restraint training and training frequency;

(iii) restraint and seclusion policies and procedures consistent with state and federal law; and

(iv) parental notification policies requiring notice within at least 24-hours.

(4) An RTC shall notify the Superintendent within 45 days if the RTC makes any material change to the RTC's special education program.

(5) An RTC shall notify the Superintendent within 48 hours if:

(a) any staff member is charged with a felony or misdemeanor, other than a Class C violation of Title 41, Motor Vehicles; or

(b) a law enforcement agency or the Division of Child and Family Services initiates an investigation regarding a student health or safety concern.

(6) If a certified RTC is found to be noncompliant with this rule or state or federal law, the Superintendent may suspend or revoke the RTC's certification as outlined in Section R277-926-5.

R277-926-5. Revocation of Certification.

(1) The Superintendent may revoke an RTC's certification at any time if the RTC fails to comply with the requirements of this rule or state or federal law.

(2) The Superintendent shall provide the reason for revocation of the RTC's certification in writing to the RTC and provide a 30-day cure period before revocation may occur.

(3) If an RTC does not correct identified non-compliance described in Subsection (2) within the 45-day correction period, the Superintendent shall revoke the RTC's certification.

(4) If an RTC's certification is revoked, the RTC:

(a) may not receive new students into the RTC's special education program; and

(b) may maintain the students currently attending the RTC's special education program.

(5) An RTC may reapply for certification within 12 months following the RTC's completed corrective action in response to the Superintendent's reasons for revocation described in Subsection (2).

R277-926-6. Request for Review.

(1) A public education agency that contracts with a certified RTC may request the Superintendent to review the status of the RTC's certification.

(2) The Superintendent shall establish a mechanism for referrals, complaints, and information related to the status of an RTC's certification.

(3) The Superintendent shall conduct a review pursuant to this in accordance with all requirements in Sections R277-926-4 and R277-926-5.

R277-926-7. RTC Appeal of Certification Application Denial or Certification Revocation.

(1) An RTC may file an appeal to the Board of an adverse decision of the Superintendent resulting in the denial of application or revocation of a certification.

(2) An appeal pursuant to this rule shall be an informal adjudication.

(3) An appeal described in Subsection (1) shall be made in writing and within 30 days of the date of the Superintendent's action.

(4) The Board may:

(a) review the appeal as a full board; or

(b) refer the appeal to the Board's audit committee to make a recommendation to the Board for action.

KEY: residential treatment centers, special education, certification

Date of Last Change: August 7, 2024

Notice of Continuation: June 7, 2024

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

R277. Education, Administration.

R277-927. Teacher and Student Success Act (TSSA) Program.

R277-927-1. Authority, Purpose, and Oversight Category.

(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) 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

(c) Section 53F-2-416, which requires the Board to calculate and distribute student and teacher success program money to LEAs;

(d) Section 53G-7-1304, which requires the Board to make rules for an LEA governing board to calculate and distribute a school's allocation of program money for each school within the LEA; and

(e) Section 53G-7-1306, which requires the Board to determine:

(i) a threshold of points under the statewide school accountability system that designates a school as succeeding in school performance and student academic achievement; and

(ii) performance standards for certain schools.

(2) The purpose of this rule is to:

(a) set standards for the Board's distribution of student and teacher success program money to LEAs;

(b) set standards governing an LEA's distribution of student and teacher success program money to each school within the LEA; and

(c) to establish certain accountability standards related to the student and teacher success program.

(3) This rule is categorized as Category 2 as described in Rule R277-111.

R277-927-2. Definitions.

(1)(a) As used in Section 53G-7-1304, "capital expenditures" are funds used to acquire, maintain, or upgrade physical assets like property, building, technology infrastructure, or equipment and may include:

(i) improvements to a building or school grounds;

(ii) a school bus;

(iii) rent, lease, or bond payments; and

(iv) a portable classroom or costs related to moving a portable classroom.

(b) "Capital expenditures" does not include student technology devices.

(2) "Early childhood education" as used in Subsection 53G-7-1304(1) includes preschool programs.

(3) "Program" means the student and teacher success program created in Section 53G-7-1302.

(4) "Satellite school" means the same as that term is defined in Rule R277-550.

(5) "School personnel who work directly with and support students in an academic role" does not include:

(a) school level administrative or operational staff;

(b) building and maintenance staff, including custodial and grounds staff;

(c) transportation staff;

(d) child nutrition services staff;

(e) operational or facility support staff;

(f) financial staff;

(g) information technology staff;

(h) legal staff;

(i) secretarial staff; or

(j) other district level staff paid on an administrative salary schedule.

R277-927-3. Program Requirements and Board Distribution of Program Money.

(1)(a) The Superintendent shall distribute an LEA's annual program allocation, in equal payment amounts, to an LEA once the LEA submits the LEA's student success framework through the Board's grant management system.

(b) If an LEA amends the LEA's student success framework, the LEA shall submit the amended student success framework through the Board's grant management system.

(2) If the LEA previously submitted a student success framework, before the LEA receives the LEA's annual program allocation, the LEA shall submit annual assurances in accordance with the requirements of Rule R277-108.

(3) If an LEA fails to submit the LEA's student success framework as described in Subsection (1) or annual assurances described in Subsection (2) to the Superintendent:

(a) the LEA may not receive a program allocation for that fiscal year; and

(b) the undistributed balance will be included with the new year appropriation and distributed in the following fiscal year according to the formula described in Subsection 53F-2-416(3).

(4) For purposes of calculating the formula described in Subsection 53F-2-416(3), "weighted pupil units" means:

(a) for an existing LEA:

(i) the weighted pupil units for the prior year for the minimum school basic program; minus

(ii) the weighted pupil units allocated for foreign exchange students; and

(b) for a new LEA or a charter school opening a new satellite campus:

(i) the weighted pupil units based on the LEA's projected enrollment for the current year for the minimum school basic program; minus

(ii) the weighted pupil units allocated for foreign exchange students; and

(c) for the Utah Schools for the Deaf and Blind, the prior year October 1 headcount multiplied by two.

(5) For a new LEA or a charter school opening a new satellite campus during the second year of operation, the Superintendent shall increase or decrease the LEA's first year distribution of funds to reflect the LEA's actual first year October 1 counts.

(6) For purposes of determining whether a school district in a county of the first, second, or third class has an approved board local levy for the maximum amount allowed for the purposes described in Subsection 53G-7-1304(2)(c)(i)(A), the school district meets the property tax requirements of Subsection 53G-7-1304(2)(a)(i) if in the applicable fiscal year:

(a) the school district's rate imposed for the board local levy is equal to the maximum amount allowed under Section 53F-8-302; or

(b)(i) the school district's board local levy rate meets or exceeds an amount equal to the certified board local levy rate; and

(ii) the school district's board local levy rate equaled the maximum amount allowed under Section 53F-8-302 sometime within the prior five fiscal years.

(7) For purposes of determining whether a school district in a county of the first, second, or third class increased the school district's board local levy by at least .0001 per dollar of taxable value as described in Subsection 53G-7-1304(2)(c)(i)(B), a school district that does not meet the property tax requirements of Subsection (6), the school district meets the requirements of Subsection 53G-7-1304(2)(c)(i)(B) if the school district's board local levy rate for the current fiscal year is at least .0001 per dollar of taxable value more than the school district's board local levy rate imposed in the prior fiscal year.

(8) The Superintendent shall determine the state average teacher salary using the most recent Superintendent's Annual Report of Average Teacher Salaries.

(9) For a new LEA in the new LEA's first or second year of operation, the new LEA's average teacher salary is equal to the state average teacher salary.

R277-927-4. LEA Financial Reporting and Prohibited Uses of Program Funds.

(1) An LEA shall report expenditures of program money by location according to the Board approved chart of accounts.

(2) An LEA may not use program money:

(a) for a purpose described in Subsection 53G-7-1304(1);

(b) to support adult education; or

(c) to pay for contracted services commonly performed by the following staff:

(i) school level administration staff;

(ii) building and maintenance staff, including custodial staff;

(iii) transportation staff;

(iv) child nutrition services staff;

(v) operational or facility support staff; or

(vi) district level staff.

(3) As used in Subsection 53G-7-1304(2), "district administration costs" does not include salary driven benefits for school personnel charged at the district level.

(4)(a) An LEA may carry over restricted program funds into the next fiscal year to support a purpose identified by the LEA governing board student success framework.

(b) If an LEA carries over funds as described in Subsection (4)(a), the LEA shall report the funds according to the Board approved chart of accounts.

R277-927-5. LEA Allocations to Schools.

(1) An LEA with two or more schools shall establish a policy that defines how the LEA will calculate and distribute program allocations based on prior year average daily membership as determined by the Superintendent, to all schools within the LEA, including how the LEA will calculate allocations for new schools within the LEA.

(2) For a new school within an LEA, the LEA shall calculate and distribute the school's allocation based on the school's projected October 1 headcount for the applicable school year.

(3) After calculating an LEA's school level allocations, an LEA may make adjustments to individual school ADM values and school level allocations due to changes in current year student enrollment for reasons including:

(a) changes in school boundaries;

(b) changes to feeder school patterns;

(c) changes in grade levels offered; or

(d) significant student growth of 30% or more.

R277-927-6. Accountability Performance Standards.

(1) For purposes of determining the threshold of points that designates a school as succeeding in school performance as described in Subsection 53G-7-1306(1)(a), a school is succeeding in school performance if, in the most recently published school determinations, the school has:

(a) 43.5% or more of the total points possible for a school that is an elementary or middle school; or

(b) 46% or more of the total points possible for a school that enrolls students in grade 12.

(2) For purposes of determining the performance standards for a school described in Subsection 53G-7-1306(1)(b), a school meets the performance standards if the school meets the criteria described in Subsection 53E-5-203(2).

KEY: Teacher and Student Success Act (TSSA), program money, allocation

Date of Last Change: February 7, 2025

Notice of Continuation: November 16, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-416; 53G-7-1304; 53G-7-1306

R277. Education, Administration.

R277-929. State Council on Military Children.

R277-929-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Section 53E-3-920.1, which requires the Board to create a state council in accordance with the Interstate Compact on Educational Opportunity for Military Children.

(2) The purpose of this rule is to:

(a) establish a state council for military children; and

(b) establish a purple star schools designation for Utah schools meeting eligibility criteria.

(3) This Rule R277-929 is categorized as Category 3 as described in Rule R277-111.

R277-929-2. Definitions.

(1) "Commissioner" means the compact commissioner appointed by the Governor in accordance with Section 53E-3-921.

(2) "Compact" means Title 53E, Chapter 3, Part 9, Interstate Compact on Educational Opportunity for Military Children.

(3) "Designated staff point of contact" means a counselor, administrator, teacher, or other staff member who is familiar with the needs of military students and the protections afforded to service members' children under the compact.

(4) "State council" means the State Council for Military Children created through this rule.

R277-929-3. Establishment of State Council.

(1) There is hereby created the State Council for Military Children.

(2) The state council shall:

(a) coordinate implementation of the compact among:

(i) state agencies;

(ii) LEAs; and

(iii) military installations;

(b) safeguard the interests of military impacted students within the state;

(c) make recommendations for laws and policies to benefit military impacted students; and

(d) promote awareness of compact rights and protections with military families.

(3)(a) The Superintendent shall invite the individuals identified in Subsection 53E-3-909(1) to participate in the state council.

(b) The Superintendent may invite other individuals with interest or expertise in working with military students to participate in the state council.

(4) The Superintendent shall coordinate with the Commissioner to schedule meetings of the state council.

(5) The state council shall meet on an annual basis or with such other frequency as may be required by compact rules.

(6) The Commissioner shall be responsible for filing all required reports with the national compact office.

R277-929-4. Purple Star Schools.

(1) There is hereby created a purple star schools designation for Utah schools that excel in protecting the educational needs of students from military families.

(2) The Commissioner shall establish an application process for Utah schools interested in the purple star schools designation.

(3) The Commissioner shall review purple star school applications with the state council created in Section R277-929-3 and make recommendations for the purple star school designation.

(4) The Superintendent shall award the purple star school designation to a Utah school that:

(a) has a designated staff point of contact for military students and families who acts as the primary link between a military family and the school;

(b) has a dedicated page on its school website featuring information and resources for military families;

(c) has a student-led transition program to include a student transition team coordinator;

(d) provides professional development for additional staff on special considerations for military students and families; and

(e) meets at least one of the following criteria:

(i) the school shall commit to hold a school-wide military recognition event;

(ii) the school's governing board shall pass a resolution publicizing support for military students and families; or

(iii) the school shall coordinate with the school liaison program from Hill Air Force Base or Dugway Proving Grounds to provide opportunities for active duty parents to volunteer in the school.

(5)(a) The Superintendent shall approve a seal for schools with a purple star school designation.

(b) A purple star school may use the approved seal on school letterhead, the school's website, and other school publications.

(6) The Superintendent shall publish a list of schools receiving the purple star designation on the Board's website.

(7) A purple star school recognized under this section shall submit an annual report on a form provided by the Superintendent by March 31 annually.

(8) The Superintendent may rescind a school's purple star school designation if:

(a) the school fails to file an annual report under Subsection (7); or

(b) the school is out of compliance with a requirement in Subsection (4).

KEY: state council, military, compact

Date of Last Change: July 9, 2024

Notice of Continuation: August 15, 2024

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

R277. Education, Administration.

R277-931. Required Provision of Period Products in Schools.

R277-931-1. 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) 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

(c) Subsections 53G-4-413(4) and 53G-5-414(4), which require the Board to oversee the implementation of the requirements of LEAs providing period products in schools.

(2) The purpose of this rule is to clarify which female or unisex restrooms LEAs are required to install dispensers in to provide period products to students.

R277-931-2. Required Provision of Period Products in Certain Elementary School Settings.

For purposes of the requirements of Sections 53G-4-413 and 53G-5-414, "each female or unisex restroom within an elementary school facility" does not include a female or unisex restroom used exclusively by students in Kindergarten or younger.

KEY: restrooms, period products, elementary school

Date of Last Change: October 11, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-4-413; 53G-5-414

R277. Education, Administration.

R277-932. Information on Public School Options.

R277-932-1. Authority, Purpose, and Oversight Category.

(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; and

(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.

(2) The purpose of this rule is to:

(a) direct the Superintendent to maintain a webpage to make transparent to the public all available public education options; and

(b) require LEAs to place a link to the Board's public school options webpage on the LEA's website.

(3) This Rule R277-932 is categorized as Category 2 as described in Rule R277-111.

R277-932-2. Information on Public School Options Webpage Requirements.

(1) The Superintendent shall provide a webpage as part of the State Board website that lists public school options for Utah parents.

(2) The webpage provided under Subsection (1) shall include a link to the website of:

(a) each K-12 public school; and

(b) each SOEP provider, which is certified in accordance with Section R277-726-11.

(3) The webpage provided under Subsection (1) should allow geographic searches of Utah schools and include online school options.

(4) An LEA shall place a link to the public school options webpage required under Subsection (1) on the LEA's student information portal, accessible by parents, to the extent technically possible, and on the LEA's website.

KEY: public school options, webpage

Date of Last Change: July 9, 2024

Authorizing, and Implemented or Interpreted Law: Article X, Section 3; 53E-3-401(4)

R277. Education, Administration.

R277-933. Teaching Self-Government Skills for Success, Classroom Communication, and Discipline Framework Pilot Program.

R277-933-1. Authority, Purpose, and Oversight Category.

(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; and

(c) Section 53G-7-1307, which requires the Board to create a course on teaching self-government skills for success.

(2) The purpose of this rule is to provide the process for developing a course on teaching self-government skills for success.

(3) This Rule R277-933 is categorized as Category 2 as described in Rule R277-111.

R277-933-2. Definitions.

"Teaching self-government skills for success, classroom communication, and discipline framework pilot program" or "pilot program" means the pilot program as described in Section 53G-7-1307.

R277-933-3. Pilot Program Procedures.

(1) A participating LEA shall:

(a) gather data to measure the pilot program's impact, including pre- and post participation data regarding:

(i) the number of student truancies and absences;

(ii) tools the LEA used to help with classroom management;

(iii) student referrals for discipline;

(iv) incidents of student discipline, including bullying incidents; and

(v) an educator evaluation of the effectiveness of the program measured on a Likert scale; and

(b) provide teacher stipends through the Teacher Student Success Program consistent with provisions in Sections 53G-7-1304 and 53G-7-1307.

KEY: self government, pilot program

Date of Last Change: October 8, 2024

Authorizing, and Implemented or Interpreted Law: Article X, Section 3; 53E-3-401; 53G-7-1307