

R277-418 received final approval by the Utah State Board of Education on July 9, 2020. R277-418 will be published in the August 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of September 8, 2020.

R277. Education, Administration.

~~[R277-418. Distance, Blended, Online, or Competency Based Learning Program.~~

~~R277-418-1. Definitions.~~

- ~~—— A. "Blended learning program" means a program under the direction of an LEA:~~
 - ~~—— (1) where a student learns at least in part:~~
 - ~~—— (a) at a supervised brick and mortar location away from home; and~~
 - ~~—— (b) at least in part through an online delivery; and~~
 - ~~—— (2) that may include some element of student control over time, place, or path, or pace.~~
- ~~—— B. "Board" means the Utah State Board of Education.~~
- ~~—— C. "Distance learning program" means a program, under the direction of an LEA, in which the participants are a distance from each other in space.~~
- ~~—— D. "Enrollment verification data" includes:~~
 - ~~—— (1) a student's birth certificate or other verification of age;~~
 - ~~—— (2) verification of immunization or exemption from immunization form;~~
 - ~~—— (3) proof of Utah public school residency;~~
 - ~~—— (4) family income verification; or~~
 - ~~—— (5) special education program information, including information for:~~
 - ~~—— (a) an individualized education program;~~
 - ~~—— (b) a Section 504 accommodation plan; and~~
 - ~~—— (c) an English learner plan.~~
- ~~—— E. "Competency based learning program" means an education program that requires a student to acquire a competency and includes a classroom structure and operation that aid and facilitate the acquisition of specified competencies on an individual basis wherein a student is allowed to master and demonstrate competencies as fast as the student is able.~~
- ~~—— F. "LEA" or "local education agency" means a school district or charter school.~~
- ~~—— F. "Nontraditional Program" means a program within an LEA that consists of eligible, enrolled public school students where the student receives instruction through a:~~

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~~—— (1) distance learning program;~~

~~—— (2) online learning program;~~

~~—— (3) blended learning program; or~~

~~—— (4) competency based learning program.~~

~~—— G. "Online learning program" means a program, under the direction of an LEA, where there is an organized offering of courses delivered primarily over the internet.~~

~~—— H. "Superintendent" means the State Superintendent of Public Instruction or the Superintendent's designee.~~

~~—— I. "Third party provider" means a third party who provides educational services on behalf of an LEA.~~

~~R277-418-2. Authority and Purpose.~~

~~—— A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board and by Subsection 53E-3-401(4) which allows the Board to adopt rules in accordance with its responsibilities.~~

~~—— B. The purpose of this rule is to provide standards and procedures for nontraditional programs.~~

~~R277-418-3. Distance, Blended, Online, or Competency Based Learning Program Standards.~~

~~—— A. An LEA offering a nontraditional program shall comply with the following standards:~~

~~—— (1) student eligibility and membership/enrollment requirements described in R277-419-5, 419-6, and 419-7;~~

~~—— (2) school and program requirements described in R277-419-3(A);~~

~~—— (3) minimum school day requirements described in R277-419-4(A)1-2;~~

~~—— (4) compliance with official record standards and membership audit requirements described in:~~

~~—— (a) R277-419-4B(1) and (2); and~~

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- ~~———— (b) R277-419-4C and 4D;~~
- ~~———— (5) educator licensure requirements described in R277-502;~~
- ~~———— (6) fingerprint and background check requirements for educators, employees and volunteers, described in:
 - ~~———— (a) Title 53G, Chapter 11, Part 4, Background Checks;~~
 - ~~———— (b) 53G-5-402;~~
 - ~~———— (c) 53E-6-403;~~
 - ~~———— (d) R277-516; and~~
 - ~~———— (e) R277-520;~~~~
- ~~———— (7) integration of the Utah Core Standards in the nontraditional program's student instruction consistent with Subsection 53E-3-501(1)(a) and R277-700;~~
- ~~———— (8) compliance with statewide assessment administration requirements by the LEA, as required under:
 - ~~———— (a) Title 53E, Chapter 4, Part 3, Achievement Tests; and~~
 - ~~———— (b) R277-404; and~~~~
- ~~———— (9) compliance with the public school data confidentiality and disclosure requirements described in R277-487.~~
- ~~———— B. An LEA that contracts with a third party provider to provide educational services on behalf of the LEA for the LEA's nontraditional program shall:
 - ~~———— (1) develop a written monitoring plan to supervise the activities and services provided by the third party provider;~~
 - ~~———— (2) ensure the third party provider is complying with:
 - ~~———— (a) federal law;~~
 - ~~———— (b) state law; and~~
 - ~~———— (c) Board rules;~~~~
 - ~~———— (3) monitor and supervise all activities of the third party provider related to services provided by the third party provider to the LEA; and~~
 - ~~———— (4) maintain documentation of the LEA's supervisory activities consistent with the LEA's administrative records retention schedule.~~~~

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~~—— C. An LEA shall:~~

~~—— (1) verify the accuracy and validity of a student's enrollment verification data, prior to enrolling a student in the LEA; and~~

~~—— (2) 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.~~

~~—— D. The Board or the Superintendent may require an LEA to repay public funds to the Superintendent if:~~

~~—— (1) the LEA or the LEA's third party provider fails to comply with the provisions of this R277-418; and~~

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

~~—— E. An LEA offering a nontraditional program shall retain sufficient documentation to demonstrate the nontraditional program's compliance with this R277-418-3.~~

KEY: ~~student, enrollment, nontraditional learning programs~~

Date of Enactment or Last Substantive Amendment: ~~September 8, 2020~~

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