

1 **R277. Education, Administration.**

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

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

4 ~~—— A. "Blended learning program" means a program under the direction of an LEA:~~

5 ~~—— (1) where a student learns at least in part:~~

6 ~~—— (a) at a supervised brick and mortar location away from home; and~~

7 ~~—— (b) at least in part through an online delivery; and~~

8 ~~—— (2) that may include some element of student control over time, place, or path, or~~
9 ~~pace.~~

10 ~~—— B. "Board" means the Utah State Board of Education.~~

11 ~~—— C. "Distance learning program" means a program, under the direction of an LEA,~~
12 ~~in which the participants are a distance from each other in space.~~

13 ~~—— D. "Enrollment verification data" includes:~~

14 ~~—— (1) a student's birth certificate or other verification of age;~~

15 ~~—— (2) verification of immunization or exemption from immunization form;~~

16 ~~—— (3) proof of Utah public school residency;~~

17 ~~—— (4) family income verification; or~~

18 ~~—— (5) special education program information, including information for:~~

19 ~~—— (a) an individualized education program;~~

20 ~~—— (b) a Section 504 accommodation plan; and~~

21 ~~—— (c) an English learner plan.~~

22 ~~—— E. "Competency based learning program" means an education program that~~
23 ~~requires a student to acquire a competency and includes a classroom structure and~~
24 ~~operation that aid and facilitate the acquisition of specified competencies on an individual~~
25 ~~basis wherein a student is allowed to master and demonstrate competencies as fast as the~~
26 ~~student is able.~~

27 ~~—— F. "LEA" or "local education agency" means a school district or charter school.~~

28 ~~—— F. "Nontraditional Program" means a program within an LEA that consists of eligible,~~

1 ~~enrolled public school students where the student receives instruction through a:~~

2 ~~—— (1) distance learning program;~~

3 ~~—— (2) online learning program;~~

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

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

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

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

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

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

13 ~~—— A. This rule is authorized under Utah Constitution Article X, Section 3 which vests~~
14 ~~general control and supervision over public education in the Board and by Subsection~~
15 ~~53E-3-401(4) which allows the Board to adopt rules in accordance with its responsibilities.~~

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

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

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

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

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

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

26 ~~—— (4) compliance with official record standards and membership audit requirements~~

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

1 provided by the third party provider to the LEA; and
2 ~~—— (4) maintain documentation of the LEA's supervisory activities consistent with the~~
3 ~~LEA's administrative records retention schedule.~~
4 ~~—— C. An LEA shall:~~
5 ~~—— (1) verify the accuracy and validity of a student's enrollment verification data, prior~~
6 ~~to enrolling a student in the LEA; and~~
7 ~~—— (2) provide a student and the student's parent or guardian with notification of the~~
8 ~~student's enrollment in a school or program within the LEA.~~
9 ~~—— D. The Board or the Superintendent may require an LEA to repay public funds to~~
10 ~~the Superintendent if:~~
11 ~~—— (1) the LEA or the LEA's third party provider fails to comply with the provisions of~~
12 ~~this R277-418; and~~
13 ~~—— (2) the repayment is made in accordance with the procedures established in~~
14 ~~R277-114.~~
15 ~~—— E. An LEA offering a nontraditional program shall retain sufficient documentation to~~
16 ~~demonstrate the nontraditional program's compliance with this R277-418-3.~~

17 **KEY: ~~student, enrollment, nontraditional learning programs~~**
18 **Date of Enactment or Last Substantive Amendment: ~~July 8, 2015~~**
19 **Authorizing, and Implemented, or Interpreted Law: ~~Art X Sec 3; 53E-3-401(4)]~~**