

1 **R277. Education, Administration.**

2 **R277-417. Prohibiting LEAs and Third Party Providers from Offering Incentives or**
3 **Disbursement for Enrollment or Participation.**

4 **R277-417-1. Authority and Purpose.**

5 (1) This rule is authorized by:

6 (a) [Utah Constitution Article X, Section 3](#), which vests general control and supervision
7 over public education in the Board; and

8 (b) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute the
9 Board's duties and responsibilities under the Utah Constitution and state law.

10 (2) The purpose of this rule is to [~~provide standards and procedures for~~] prohibit[ing]
11 LEAs and third party providers from offering incentives for student enrollment.

12 **R277-417-2. Definitions.**

13 (1)(a) "Disbursement" means the payment of money or provision of other item of value
14 greater than \$10, per school year, offered as payment or compensation to a student or to a
15 parent or guardian for:

16 (i) a student's enrollment in an LEA; or

17 (ii) a student's participation in an LEA's program.

18 (b) "Disbursement" does not include a reimbursement paid by an LEA to a student,
19 parent or guardian, for an expenditure incurred by the student, parent or guardian on behalf
20 of the LEA if:

21 (i) the expenditure is for an item that will be the property of the LEA; and

22 (ii) the expenditure was preauthorized by the LEA, as evidenced by preauthorization
23 documentation.

24 (2) "Educational good or service" means the same as that term is defined in Section
25 53E-3-401.

26 (3) "Incentive" means one of the following given to a student or to the student's parent
27 or guardian by an LEA or by a third party provider as a condition of the student's enrollment
28 in an LEA or specific program for any length of time, during any school year:

- 29 (a) money greater than \$10; or
- 30 (b) any item ~~[of]~~ with a value greater than \$10.
- 31 (4) "Program" means a program within a school that is designed to accomplish a
- 32 predetermined curricular objective or set of objectives.
- 33 (5) "Public funds" has the same meaning as described in Subsection 51-7-3(26).
- 34 ~~[(5)6]~~ "Section 504 accommodation plan" means a plan required by Section 504 of the
- 35 Rehabilitation Act of 1973~~[-means a plan]~~ designed to accommodate an individual who has
- 36 been determined, as a result of an evaluation, to have a physical or mental impairment that
- 37 substantially limits one or more major life activities.
- 38 ~~[(6)7]~~ "Third party provider" means a third party who provides an educational good or
- 39 service on behalf of an LEA.

40 **R277-417-3. LEA and Third Party Provider Use of Public Funds for Incentives and**

41 **Disbursement.**

- 42 (1) An LEA or a third party provider may not use public funds~~[-as defined under~~
- 43 ~~Subsection 51-7-3(26);]~~ to provide the following to a student, parent or guardian, individual, or
- 44 group of individuals:
- 45 (a) an incentive for a student's:
- 46 (i) enrollment in an LEA; or
- 47 (ii) participation in an LEA's program; or
- 48 (b) a referral bonus for a student's:
- 49 (i) enrollment in an LEA; or
- 50 (ii) participation in an LEA's program.
- 51 (2) An LEA or third party provider may not use public funds to provide a disbursement
- 52 to a student or the student's parent or guardian for:
- 53 (a) curriculum exclusively selected by a parent;
- 54 (b) instruction not provided by the LEA;
- 55 (c) private lessons or classes not provided by:
- 56 (i) an employee of the LEA; or

57 (ii) a third party provider who meets all of the requirements of Rule R277-115;

58 (d) technology devices exclusively selected by a parent; or

59 (e) other educational expenses exclusively selected by a parent.

60 (3) Subject to Subsection (4), [A]an LEA or third party provider may use public funds
61 to provide a student with:

62 (a) uniforms~~[-];~~;

63 (b) technology devices~~[-];~~;

64 (c) curriculum~~[-];~~ or

65 (d) materials and supplies. ~~[to a student if the uniforms, technology devices, curriculum,~~
66 ~~or materials and supplies are:]~~

67 (4) An LEA may only use funds under Subsection (3) if the expenditure is:

68 (i)a) equally available to all students enrolled in the LEA or program within the LEA; or

69 (ii)b) authorized by the student's plan for college and career readiness ~~[plan]~~, IEP, or
70 Section 504 accommodation plan~~[-or]~~.

71 (b)5) An LEA or third party provider may use public funds to provide internet access for
72 instructional purposes to a student:

73 (i)a) in kindergarten through grade 6; or

74 (ii)b) in grade 7 through grade 12 if:

75 (A)i) the internet access is provided in accordance with the fee waiver policy
76 requirements of Section [R277-407-8](#); or

77 (B)ii) failure to provide the internet access will cause economic hardship on the student
78 or parent.

79 (4)5) An LEA or third party provider shall ensure that equipment purchased or leased
80 by the LEA or third party provider remains the property of the LEA and is subject to the LEA's
81 asset policies if:

82 (a) the LEA or third party provider purchases equipment; and

83 (b) provides the equipment to a student or to the student's parent or guardian.

84 **KEY: students, enrollment, incentives**

85 **Date of Enactment or Last Substantive Amendment: July 2, 2019**

86 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#)**