

1 **R277. Education, Administration.**

2 **R277-726. Statewide Online Education Program.**

3 **R277-726-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

7 (b) Section [53F-4-514](#), which requires the Board to make rules:

8 (i) providing for the administration of the applicable statewide assessments to
9 students enrolled in online courses;

10 (ii) that establish a course credit acknowledgment form and procedures for
11 completing and submitting the form to the Board; and

12 (iii) that establish protocols for an online course provider to obtain approval to
13 become a certified online course provider; and

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

16 (2) The purpose of this rule is to:

17 (a) define necessary terms;

18 (b) provide and describe a program registration agreement; and

19 (c) provide other requirements for an LEA, the Superintendent, a parent and a
20 student, and a provider for program implementation and accountability.

21
22 **R277-726-2. Definitions.**

23 (1) "Actively participates" means the student actively participates as defined by the
24 provider.

25 (2) "Applicable statewide assessments" means:

26 (a) the high school assessment described in Section [53E-4-304](#) and Subsection
27 [R277-404-2\(6\)](#);

28 (b) a standards assessment as defined in Subsection [R277-404-2\(9\)](#);

- 29 (c) a statewide assessment as defined in Subsection [R277-404-2\(10\)](#); and
- 30 (d) a Utah alternative assessment as defined in Subsection [R277-404-2\(12\)](#).
- 31 (3) "Certified online course provider" means the same as the term is defined in
- 32 Subsection [53F-4-501\(1\)](#).
- 33 (4) "Course completion" means that a student has completed a course with a
- 34 passing grade and the provider has transmitted the grade and credit to the primary LEA of
- 35 enrollment.
- 36 (5)(a) "Course Credit Acknowledgment" or "CCA" means an agreement and
- 37 registration record using the Statewide Online Education Program application provided by
- 38 the Superintendent.
- 39 (b) Except as provided in Subsection [53F-4-508\(3\)\(h\)](#), the CCA shall be signed by
- 40 the designee of the primary school of enrollment, and the qualified provider.
- 41 (6)(a) "Eligible student" means a student enrolled in grades [~~6~~7]-12 in a secondary
- 42 environment in a course that:
- 43 (i) is offered by a public school; and
- 44 (ii) provides the student the opportunity to complete middle school requirements or
- 45 earn high school graduation credit.
- 46 (b) "Eligible student" does not include a student enrolled in an adult education
- 47 program.
- 48 (7) "Enrollment confirmation" means the student initially registered and actively
- 49 participated, as defined under Subsection(1).
- 50 (8)(a) "Executed CCA" means a CCA that has been executed pursuant to
- 51 Subsection [53F-4-508\(3\)](#) and received by the Superintendent.
- 52 (b) Following enrollment confirmation and participation, Superintendent directs
- 53 funds to the provider, consistent with Sections [53F-4-505](#) through [53F-4-507](#).
- 54 (9) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the
- 55 Blind.
- 56 (10) "Online course" means a course of instruction offered through the Statewide

57 Online Education Program.

58 (11) "Online course payment" means the amount withheld from a student's primary
59 LEA and disbursed or otherwise paid to the designated provider following satisfaction of
60 the requirements of the law, and as directed in Subsection [53F-4-507\(2\)](#).

61 (12) "Online course provider" or "provider" means:

62 (a) a school district school with an approved application described in Subsection
63 R277-726-3(1)(a);

64 (b) a charter school with an approved application described in Subsection R277-
65 726-3(1)(a);

66 (c) an LEA program created for the purpose of serving Utah students in grades 7-
67 12 online with an approved application described in Subsection R277-726-3(1)(a); or

68 (d) a program of an institution of higher education described in Subsection 53F-4-
69 504(3) with an approved application described in Subsection R277-726-3(1)(b).

70 (13) "Primary LEA of enrollment" means the LEA in which an eligible student is
71 enrolled for courses other than online courses offered through the Statewide Online
72 Education Program, and which reports the student to be in regular membership, and special
73 education membership, if applicable.

74 (14) "Primary school of enrollment" means:

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

76 (b) the school that maintains the student's cumulative file, enrollment information,
77 and transcript for purposes of high school graduation.

78 (15) "Resident school" means the district school within whose attendance
79 boundaries the student's custodial parent or legal guardian resides.

80 (16) "Section 504" means [Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.](#)
81 [794](#).

82 (17) "Standard of active participation" means the measure of student engagement
83 that is used by the certified online course provider to count a student as in attendance for
84 a course.

85 (18) "Statewide Online Education Program" or "program" means courses offered to
86 students under [Title 53F, Chapter 4, Part 5](#), Statewide Online Education Program Act.

87 (19) "Teacher of record" means the teacher who is employed by a provider and to
88 whom students are assigned for purposes of reporting and data submissions to the
89 Superintendent in accordance with Section [R277-484-3](#).

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

93 (21) "USBE course code" means a code for a designated subject matter course
94 assigned by the Superintendent.

95 (22) "Withdrawal from online course" means that a student withdraws or ceases
96 participation in an online course as follows:

97 (a) within 20 calendar days of the start date of the course, if the student enrolls on
98 or before the start date;

99 (b) within 20 calendar days of enrolling in a course, if the student enrolls after the
100 start date;

101 (c) within 20 calendar days after the start date of the second 0.5 credit of a 1.0 credit
102 course; or

103 (d) as the result of a student suspension from an online course following adequate
104 documented due process by the provider.

105
106 **~~[R277-726-3. Incorporation of Provider Applications by Reference.~~**

107 ~~—— (1) This rule incorporates by reference the June 2021 edition of:~~

108 ~~—— (a) the LEA SOEP Provider Application and Statewide Services Agreement;~~

109 ~~—— (b) the Higher Education SOEP Provider Application and Statewide Services~~
110 ~~Agreement, Utah Public Institutions of Higher Education;~~

111 ~~—— (c) the Certified Online Provider SOEP Provider Application and Statewide Services~~
112 ~~Agreement; and~~

113 ~~_____ (d) the Certified Online Provider SOEP Provider Application and Statewide Services~~
114 ~~Agreement for Program Re-Admission.~~

115 ~~_____ (2) A copy of each provider application is located at:~~

116 ~~_____ (a) <https://schools.utah.gov/administrativerules/documentsincorporated>; and~~

117 ~~_____ (b) the Utah State Board of Education -- 250 East 500 South, Salt Lake City, Utah~~
118 ~~84111.]~~

119

120 **R277-726-[4]3. Course Credit Acknowledgment (CCA) Process.**

121 (1) A student, a student's parent, a counselor, or a provider may initiate a CCA.

122 (2)(a) A counselor designated by a student's primary school of enrollment shall
123 review the student's CCA to ensure consistency with:

124 (i) graduation requirements;

125 (ii) the student's plan for college and career readiness;

126 (iii) the student's IEP;

127 (iv) the student's Section 504 plan; or

128 (v) the student's international baccalaureate program.

129 (b) The primary school of enrollment shall return the CCA to the Superintendent
130 within 72 business hours.

131 (3)(a) The primary school of enrollment is not required to meet with the student or
132 parent for approval of a course request.

133 (b) The Superintendent shall notify a primary school of enrollment of a student's
134 enrollment in the program.

135 (4) If a student enrolling in the program has an IEP, Section 504 plan, or qualifies
136 for multilingual supports, the primary LEA or school of enrollment shall forward the IEP or
137 description of 504 accommodations and other relevant supports to the provider within 72
138 business hours of receiving notice from the Superintendent that the provider has accepted
139 the enrollment request.

140 (5) The Superintendent shall develop and administer procedures for facilitation of a

141 CCA that informs the appropriate parties.

142
143 **R277-726-[5]4. Eligible Student and Parent Rights and Responsibilities.**

144 (1) An eligible student may register for program credits consistent with Section 53F-
145 4-503.

146 (2) An eligible student may exceed a full course load during a regular school year
147 if[:

148 ~~——(a)] the student's plan for college and career readiness indicates that the student~~
149 ~~intends to complete high school graduation requirements and exit high school before the~~
150 ~~rest of the student's high school cohort[; and~~

151 ~~——(b) the student's schedule demonstrates progress toward early graduation.]~~

152 (3) In accordance with Subsection [53F-4-509\(5\)](#), if a student enrolled in a program
153 course exceeds a full course load during a regular school year, a primary LEA of enrollment
154 may mark the student as an early graduate and increase membership in accordance with
155 Section [R277-419-8](#) and Rule [R277-484](#) to account for credits in excess of full-time
156 enrollment in a local Student Information System.

157 (4)(a) An eligible student is expected to complete courses in which the student
158 enrolls in a timely manner consistent with Section [53F-4-505](#) and requirements for
159 attendance and participation in accordance with Subsection ~~R277-726-[(8)]~~(15) and
160 Subsection R277-726-2(17).

161 (b) If a student changes the student's enrollment in the student's primary LEA or
162 withdraws from an online course for any reason, it is the student's or student's parent's
163 responsibility to notify the provider immediately.

164 (5) A student ~~should~~ shall enroll in online courses, or declare an intention to enroll,
165 during the school course registration period designated by the primary LEA of enrollment
166 for regular course registration.

167 (6) A student may alter a course schedule by dropping a traditional course and
168 adding an online course in accordance with the primary school of enrollment's same

169 established deadline for dropping and adding traditional courses.

170 (7)(a) Notwithstanding Subsection (6), an underenrolled student may enroll in an
171 online course at any time during a calendar year.

172 (b) If an underenrolled student enrolls in an online course as described in
173 Subsection (7)(a), the primary school of enrollment may immediately claim the student for
174 the adjusted portion of enrollment by entering the course into the primary LEA's student
175 information system and increasing membership if necessary.

176

177 **R277-726-[6]5. LEA Requirements and Responsibilities.**

178 (1) A primary school of enrollment shall facilitate student enrollment with any and
179 all eligible providers selected by an eligible student consistent with course credit limits.

180 (2) A primary school of enrollment or a provider LEA shall use the CCA application,
181 records, and processes provided by the Superintendent for the program.

182 (3) A primary school or LEA of enrollment shall provide information about available
183 online courses and programs:

184 (a) in registration materials;

185 (b) on the LEA's website; and

186 (c) on the school's website.

187 (4) A primary school or LEA of enrollment shall provide the notice required under
188 Subsection (3) concurrent with the high school course registration period designated by the
189 LEA for the upcoming school year to facilitate enrollment as required by Section [53F-4-](#)
190 [513](#).

191 (5) A primary school of enrollment shall include a student's online courses in the
192 student's enrollment records and, upon course completion, include online course grades
193 and credits on the student's transcripts, including appropriate student coursework
194 completed prior to grade 9.

195 (6) A primary school of enrollment shall recognize credit earned toward high school
196 graduation by a participating secondary student through courses completed prior to grade

197 9 for purposes of high school graduation provided that:

198 (a) the student has in the student's records documentation of the student's intention
199 to graduate early; and

200 (b) the student is enrolled at a middle school or junior high school and a high school
201 accredited in accordance with Rule [R277-410](#).

202 (7) A primary school of enrollment shall determine fee waiver eligibility for
203 participating public school students pursuant to [R277-407](#).

204 (8)(a) If a participating student qualifies for a fee waiver, the student's primary LEA
205 or school of enrollment shall provide the participating student access to an online course
206 by:

207 (i) allowing a student access to necessary technology in a computer lab or other
208 space within the school building during a school period or during the regular school day for
209 the student to participate in an online course; or

210 (ii) providing a participating student technology and wifi needed for the student to
211 participate outside of the school building.

212 (b) If a participating student who qualifies for a fee waiver is a home or private school
213 student, the online course provider shall provide the participating home or private school
214 student access to the online course.

215 (9) A primary school of enrollment shall provide participating students access to
216 facilities for the student to participate in an online course during the regular school day,
217 sports, extracurricular and co-curricular activities, and graduation services consistent with
218 local policies governing participation irrespective of relative levels of participation in
219 traditional courses versus Statewide Online Education courses.

220 (10)(a) If a participating student's primary school of enrollment is a middle school or
221 junior high as defined in Rule [R277-700](#), course completions will be recorded in a student's
222 record of credit and course completion for grade 9 to allow recognition toward grades 9-12,
223 high school graduation requirements, and post-secondary requirements.

224 (b) A primary LEA of enrollment accepting credit toward high school requirements

225 is not required to independently verify:

226 (i) early graduation status; or

227 (ii) the non-supplanting nature of SOEP courses.

228 (11) When a student satisfactorily completes an online semester or quarter course,
229 in accordance with the LEA's procedures, a designated counselor or registrar at the primary
230 school of enrollment shall forward records of grades and high school graduation credit for
231 students participating prior to grade 9 to the student's grade 9 primary school of enrollment
232 for recording grades and credit per Subsection (10) once a student completes grade 8.

233
234 **R277-726-[7]6. Superintendent Requirements and Responsibilities.**

235 (1) The Superintendent shall provide a website for the program, including
236 information required under Section [53F-4-512](#) and other information as determined by the
237 Board.

238 (2) The Superintendent shall direct a provider to administer the applicable statewide
239 assessment consistent with Section [53F-4-514](#) and Rule [R277-404](#).

240 (3) The Superintendent shall prepare and make available applications and
241 program agreements for:

242 _____ (a) LEA providers;

243 _____ (b) higher education providers; and

244 _____ (c) certified online providers.

245 ([3]4)(a) The Board may determine space availability standards and appropriate
246 course load standards for online courses consistent with Subsection [53F-4-512\(3\)\(d\)](#).

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

248 (5)(a) Prior to approving a provider, the Superintendent shall review Annual
249 Financial Reports and state-administered test data to establish capacity of a program to
250 serve an increased range of students while still meeting program requirements.

251 (b) The Superintendent may restrict a provider from offering coursework if the
252 Superintendent determines that the provider demonstrates repeated low performance on

253 statewide assessments in English Language Arts, math, or science.

254 ([4]6) The Board shall withhold funds from a primary LEA of enrollment and make
255 payments to a provider consistent with Sections [53F-4-505](#) through [53F-4-507](#).

256 ([5]7) The Board may refuse to provide funds under a CCA if the Board finds that
257 information has been submitted fraudulently or in violation of the law or Board rule by any
258 of the parties to a CCA.

259 ([6]8) The Superintendent shall receive and investigate complaints, and impose
260 sanctions, if appropriate, regarding course integrity, financial mismanagement, enrollment
261 fraud or inaccuracy, or violations of the law or this rule specific to the requirements and
262 provisions of the program.

263 ([7]9) If a Board investigation finds that a provider has violated the IDEA or Section
264 504 provisions for a student taking online courses, the provider shall compensate the
265 student's primary LEA of enrollment for costs related to compliance.

266 ([8]10)(a) The Superintendent may audit, at the Board's sole discretion, an LEA's
267 or program participant's compliance with any requirement of state or federal law or Board
268 rule under the program.

269 (b) A participant shall provide timely access to records, student information, financial
270 data or other information requested by the Board, the Board's auditors, or the
271 Superintendent upon request.

272 ([9]11) The Board may withhold funds from a program participant for the
273 participant's failure to comply with a reasonable request for records or information.

274 ([10]12) Program records are available to the public subject to Title 63G, Chapter
275 2, Government Records Access and Management Act.

276 ([11]13) The Superintendent shall withhold online course payment from a primary
277 LEA of enrollment and payments to an eligible provider at the nearest monthly transfer of
278 funds, subject to verification of information, in an amount consistent with, and at the time a
279 provider qualifies to receive payment, under Subsection [53F-4-505\(4\)](#).

280 ([12]14) The Superintendent shall pay a provider consistent with Minimum School

281 Program funding transfer schedules.

282 ([13]15)(a) The Superintendent may make decisions on questions or issues
283 unresolved by [Title 53F, Chapter 4, Part 5](#), Statewide Online Program Act or this rule on a
284 case-by-case basis.

285 (b) The Superintendent shall report decisions described in Subsection ([13]14)(a)
286 to the Board consistent with the purposes of the law and this rule.

287

288 **R277-726-[8]7. Provider Requirements and Responsibilities.**

289 (1)(a) A provider shall administer the applicable statewide assessments to a
290 participating private or home school student as directed by the Superintendent, including
291 proctoring the applicable statewide assessments, consistent with Section [53F-4-510](#) and
292 Rule [R277-404](#).

293 (b) A provider shall pay administrative and proctoring costs for the applicable
294 statewide assessments described in Subsection (1)(a).

295 (2) A provider shall provide a parent or a student with email and telephone contacts
296 for the provider during regular business hours to facilitate parent contact.

297 (3) A provider and any third party working with a provider shall, for all eligible
298 students, satisfy Board requirements for:

299 (a) consistency with course standards;

300 (b) criminal background checks for provider employees;

301 (c) documentation of student enrollment and participation; and

302 (d) compliance with:

303 (i) the IDEA;

304 (ii) Section 504; and

305 (iii) requirements for multilingual students.

306 (4) A provider shall receive payments for a student properly enrolled in the program
307 from the Superintendent consistent with:

308 (a) Board procedures;

309 (b) Board timelines; and
310 (c) Sections [53F-4-505](#) through [53F-4-508](#).
311 (5)(a) A provider may charge a fee consistent with other secondary schools.
312 (b) If a provider intends to charge a fee of any kind, the provider:
313 (i) shall notify the primary school of enrollment with whom the provider has the CCA
314 of the purpose for fees and amounts of fees;
315 (ii) shall provide timely notice to a parent of required fees and fee waiver
316 opportunities;
317 (iii) shall post fees on the provider website;
318 (iv) shall be responsible for fee waivers for an eligible student, including materials
319 for a student designated fee waiver eligible by a student's primary school of enrollment;
320 (v) shall satisfy the requirements of Rule [R277-407](#), as applicable; and
321 (vi) shall provide fee waivers to home school or private school students who meet
322 fee waiver eligibility at the provider's expense.
323 (6) A provider shall maintain a student's records and comply with the federal Family
324 Educational Rights and Privacy Act, [Title 53E, Chapter 9, Part 3](#), Utah Family Educational
325 Rights and Privacy Act, and Rule [R277-487](#), including:
326 (a) protecting the confidentiality of a student's records and providing a parent and
327 an eligible student access to records; and
328 (b) providing a parent or student documentation of educational performance,
329 including:
330 (i) test scores;
331 (ii) grades;
332 (iii) progress and performance measures; and
333 (iv) completion of credit.
334 (7) Except as otherwise provided in this Rule R277-726, a provider shall submit a
335 student's credit and grade to the Superintendent, using processes and applications
336 provided by the Superintendent for this purpose, to a designated counselor or registrar at

337 the primary school of enrollment, and the student's parent no later than:

338 (a) 30 days after a student satisfactorily completes an online semester or quarter
339 course; or

340 (b) June 30 of the school year.

341 (8) A provider may not withhold a student's credits, grades, or transcripts from the
342 student, parent, or the student's school of enrollment for any reason.

343 (9)(a) If a provider suspends or expels a student from an online course for
344 disciplinary reasons, the provider shall notify the student's primary LEA of enrollment by
345 placing the student on disciplinary withdrawal.

346 (b) A provider is responsible for due process procedures for student disciplinary
347 actions in the provider's online program.

348 (c)(i) A provider shall notify the Superintendent of a student's administrative
349 withdrawal, if the student is inactive in a course for more than ten days, using forms and
350 processes developed by the Superintendent for this purpose.

351 (ii) If a student, parent, or counselor fails to request reinstatement following
352 notification under Subsection (c)(i), the provider shall formally withdraw the student within
353 72 hours and notify the student, parent, and primary LEA of the action.

354 (10) If a student entitled to services under the IDEA is removed from an online
355 program, the primary LEA shall work with the student and the student's parents to identify
356 alternatives to provide a free and appropriate public education.

357 (11)(a) A provider shall provide to the Superintendent a list of course options using
358 USBE-provided course codes.

359 (b) Program courses shall be coded as semester or quarter courses.

360 (c) A provider shall update the provider's course offerings annually.

361 (12) A provider shall serve a student on a first-come-first-served basis who desires
362 to take courses and who is designated eligible by a primary school of enrollment if desired
363 courses have space available.

364 (13) A provider shall provide records maintained as part of a public online school or

365 program, including:

366 (a) financial and enrollment records; and

367 (b) information for accountability and audit purposes upon request by the
368 Superintendent and the provider's external auditors.

369 (14) A provider shall maintain the following for at least five calendar years after the
370 student exits the provider's or third party's program:

371 (a) test scores;

372 (b) student grades;

373 (c) completion of credit; and

374 (d) other progress and performance measures.

375 (15)(a) A provider is responsible for complete and timely submissions of record
376 changes to executed CCAs and submission of other reports and records as required by the
377 Superintendent.

378 (b) A provider shall update CCAs to the nearest credit value earned by June 30
379 annually.

380 (c) A provider may only maintain an CCA open after June 30 if a student remains
381 actively engaged in coursework, meeting the provider's standard of active participation.

382 (16) A provider shall inform a student and the student's parent of expectations for
383 active participation prior to the inception of course work, including informing the student
384 and the student's parent of travel expectations to fulfill course requirements.

385 (17)(a) An LEA may participate in the program as a provider by offering a school or
386 program consistent with Rule [R277-115](#) to a Utah secondary student in grades [6]7-12 who
387 is not a resident student of the LEA and a regularly-enrolled student of the LEA consistent
388 with Sections [53F-4-501](#) and [53F-4-503](#).

389 (b) An LEA program created in accordance with Subsection (18)(a) for serving
390 students in grades 9-12 online must partner with an accredited school and shall:

391 (i) report grades and credit earned by a student to the Superintendent; and

392 (ii) record educator assignments consistent with Rule [R277-484](#).

- 393 (18) A program school or program shall:
- 394 (a) be accredited by ~~[the accrediting entity adopted by the Board]~~ a regional
- 395 accrediting body consistent with Rule R277-~~305~~410;
- 396 (b) have a designated administrator who meets the requirements of Rule R277-
- 397 520~~309~~;
- 398 (c) ensure that a student who qualifies for a fee waiver receives services offered by
- 399 and through the public schools consistent with Section 53G-7-504 and Rule R277-407;
- 400 (d) maintain student records consistent with:
- 401 (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. Sec 1232g and
- 402 34 CFR Part 99;
- 403 (ii) Rule R277-487;
- 404 (iii) this Rule R277-726; and
- 405 (e) shall offer course work:
- 406 (i) aligned with Utah Core standards;
- 407 (ii) in accordance with program requirements; and
- 408 (iii) in accordance with Rules R277-700 and R277-404;
- 409 (f) shall not issue transcripts under the name of a third party provider; and
- 410 (g) shall record teaching assignments by November 15 annually consistent with
- 411 Rule R277-484 and Section R277-~~512-7~~312-3, either directly or through a partner school
- 412 in accordance with Subsection (18)(b).
- 413 (19) An LEA that offers an online program or school as a provider under the
- 414 program:
- 415 (a) shall employ only educators licensed in Utah as teachers;
- 416 (b) may not employ an individual whose educator license has been suspended or
- 417 revoked;
- 418 (c) shall require employees to meet requirements of Title 53G, Chapter 11, Part 4,
- 419 Background Checks, prior to the provider offering services to a student;
- 420 (d) may only employ teachers who meet the requirements of Rule R277-301,

421 Educator Licensing - Highly Qualified Assignment;

422 (e) for a provider that provides an online course to a private or home school
423 student, shall agree to administer and have the capacity to proctor and carry out the
424 applicable statewide assessments, consistent with Sections [53E-4-302](#), [53F-2-103](#), and
425 Rule [R277-404](#);

426 (f) in accordance with Section R277-726-8, shall provide services to a student
427 consistent with requirements of the [IDEA, Section 504, and Title VI of the Civil Rights Act](#)
428 [of 1964](#) for multilingual students;

429 (g) shall maintain copies of CCAs for audit purposes; and

430 (h) shall agree that funds shall be withheld by the Superintendent consistent with
431 Sections [53F-4-505](#), [53F-4-506](#), and [53F-4-508](#).

432 (20) A provider shall cooperate with the Superintendent in providing timely
433 documentation of student participation, enrollment, educator credentials, and other
434 additional data consistent with Board directives and procedures and as requested.

435 (21) A provider shall post required information online on the provider's individual
436 website including required assessment and accountability information.

437 (22)(a) A provider contracting with a third party to provide educational services to
438 students participating with the provider through the Statewide Online Education Program
439 shall:

440 (b) develop a written monitoring plan to supervise the activities and services
441 provided by the third party provider to ensure:

442 (i) a third party provider is complying with:

443 (A) federal law;

444 (B) state law; and

445 (C) Board rules;

446 (ii) curriculum provided by a third party provider is aligned with the Board's core
447 standards and rules;

448 (iii) a third party provider has access to curriculum for alignment and adjustment to

449 ensure the curriculum is consistent with the Utah core standards in Rule R277-700 and a
450 Board approved core code;

451 (iv) supervision of third party facilitation and instruction by an educator licensed in
452 Utah:

453 (A) employed by the provider, and

454 (B) reported as teacher of record per Section [R277-484-3](#) and Subsection R277-
455 726-2(3); and

456 (iv) consistent with the LEA's administrative records retention schedule,
457 maintenance of documentation of the LEA's supervisory activities.

458 (23) A provider shall offer courses consistent with standards outlined in an
459 applicable Statewide Services Agreement, which may be updated or amended to reflect
460 changes in law, rule or recommended practice.

461 (24) A provider shall maintain a course completion rate of at least 80% annually to
462 remain in good standing with the program.

463 (25) A provider is subject to the same approval and annual performance review as
464 described for a certified online course provider in Subsections R277-726-12(1)-(10) while
465 utilizing the applicable applications for a provider described in Subsections R277-726-
466 3(1)(a) and (b).

467

468 **R277-726-[9]8. Services to Students with Disabilities Participating in the Program.**

469 (1)(a) If a student wishes to receive services under Section 504 of the Rehabilitation
470 Act of 1973, the student shall make a request with the student's primary school of
471 enrollment.

472 (b) The primary school of enrollment shall evaluate a student's request under
473 Subsection (1)(a) and determine if a student is eligible for Section 504 accommodations.

474 (c) If the primary school of enrollment determines the student is eligible, the school
475 shall prepare a Section 504 plan and implement the plan in accordance with Subsection
476 (2)(b).

477 (2)(a) If a student requests services related to an existing Section 504
478 accommodation, a provider shall:

479 (i) except as provided in Subsection (2)(b), review and implement the plan for the
480 student; and

481 (ii) provide the services or accommodations to the student in accordance with the
482 student's Section 504 plan.

483 (b) An LEA of enrollment shall provide a Section 504 plan of a student to a provider
484 within 72 business hours if:

485 (i) the student is enrolled in a primary LEA of enrollment; and

486 (ii) the primary LEA of enrollment has a current Section 504 plan for the student.

487 (3) For a student enrolled in a primary LEA of enrollment, if a student participating
488 in the program qualifies to receive services under the IDEA:

489 (a) the student's primary LEA of enrollment shall:

490 (i) working with a provider LEA representative, review or develop an IEP for the
491 student within ten days of enrollment;

492 (ii) working with a provider LEA representative, update an existing IEP with
493 necessary accommodations and services, considering the courses selected by the student;

494 (iii) provide the IEP described in Subsection (3)(a)(i) to the provider within 72
495 business hours of completion of the student's IEP; and

496 (iv) continue to claim the student in the primary LEA of enrollment's membership;
497 and

498 (b) the provider shall provide special education services and accommodations to
499 the student in accordance with the student's IEP described in Subsection (3)(a)(i).

500 (4) If a home or private school student requests an evaluation for eligibility to receive
501 special education services:

502 (a) the home or private school student's resident school shall:

503 (i) evaluate the student's eligibility for services under the IDEA;

504 (ii) if eligible, the student may enroll in the LEA that will prepare an IEP for the

505 student, with input from the provider LEA, in accordance with the timelines required by the
506 IDEA;

507 (iii) provide the IEP described in Subsection (4)(a)(ii) to the provider within 72
508 business hours of completion of the student's IEP; and

509 (b) the provider shall provide special education services and accommodations to
510 the student in accordance with the student's IEP described in Subsection (4)(a)(i) including
511 in cases where the provider utilizes a third party provider for delivery of educational or other
512 services.

513

514 **R277-726-[10]9. [Home and Private School] Limited Appropriations for Special**
515 **Populations.**

516 (1) The Superintendent shall allocate the annual appropriation for home and private
517 school tuition, along with any carryover or unobligated funds, as follows:

518 (a) Prior to December 1 annually, the Superintendent shall accommodate home
519 school students with at least 50% of the total appropriation for home and private school
520 students, unless the home school demand is less.

521 (b) After December 1 annually, until available funds are obligated, the
522 Superintendent shall:

523 (i) receive and accept enrollment requests on a first come, first served basis; and

524 (ii) offer preference to home school students in the event demand exceeds available
525 funding.

526 (3) If home school or private school student funds remain by December 1, the
527 Superintendent may release the funds for any pending enrollment requests.

528 (4)(a) The Superintendent may restrict small schools to a proportionate share of a
529 small school allocation, prorated to 9-12 enrollment in each eligible school.

530 (b) Notwithstanding Subsection (4)(a), the Superintendent may allocate additional
531 funding after November 1 annually, if unutilized reserves are available, prioritizing funding
532 for seniors and high cost courses.

533 (c) The Superintendent shall determine small school eligibility using prior-year
534 UTREx end of year extracts.

535

536 **R277-726-[44]10. Other Information.**

537 (1) A primary school of enrollment shall set reasonable timelines and standards.

538 (2) A provider shall adhere to timelines and standards described in Subsection (1)
539 for student grades and enrollment in online courses for purposes of:

540 (a) school awards and honors;

541 (b) Utah High School Activities Association participation; and

542 (c) high school graduation.

543

544 **R277-726-[42]11. Certified Online Course Provider Application Approval, Program**
545 **Requirements, and Fees.**

546 (1) An entity other than an online course provider may become a certified online
547 course provider if the entity submits an application ~~[described in Subsection R277-726-~~
548 ~~3(1)(c)]~~ on a form provided by the Superintendent.

549 (2) An entity other than an online course provider shall submit ~~[the]~~ an application
550 ~~[described in Subsection R277-726-3(1)(c)]~~ on or before the annual deadline established
551 by the Superintendent.

552 (3) The Superintendent shall review each application within a reasonable amount
553 of time.

554 (4) If the Superintendent finds the application submitted is satisfactory, including a
555 demonstration of the entity's ability to adhere to requirements within the application, this
556 Rule R277-726, and state law, the Superintendent shall forward the application to the Board
557 for final approval.

558 (5) Once approved by the Board, an entity shall become a certified online course
559 provider.

560 (6) A certified online course provider shall adhere to requirements to remain certified

561 and in good standing within the program including:

562 (a) requirements applicable to an online course provider described in this Rule
563 R277-726, including the requirement to maintain a course completion rate of at least 80%;

564 (b) additional requirements prescribed in the application [~~described in Subsection~~
565 ~~R277-726-3(1)(c)~~]; and

566 (c) state laws applicable to an online course provider including Subsections [53F-4-](#)
567 [501](#) et. seq.

568 (7) A certified online course provider shall be subject to an annual performance
569 review by the Superintendent.

570 (8) If the Superintendent finds the certified online course provider is not in
571 compliance with any requirement as outlined in subsection (6) of this part, the
572 Superintendent shall provide the certified online course provider with a list of non-
573 compliance issues and a reasonable timeline for the certified online course provider to cure
574 the instances of non-compliance.

575 (9) If the certified online course provider fails to correct instances of non-compliance
576 within the allotted timeline, the certified online course provider shall be removed from the
577 program.

578 (10) A certified online course provider that has been removed from the program
579 may apply in the application round following removal from the program for readmission to
580 the program using [~~the application described in Subsection R277-726-3(1)(d)~~] an
581 application provided by the Superintendent.

582 (11) A certified online course provider shall remit fees to the Superintendent for
583 participation in the program as follows:

584 (a) 5% of revenue collected for the first \$200,000 received pursuant to Section 53F-
585 4-505; and

586 (b) 1% of revenue collected after the first \$200,000 received pursuant to Section
587 [53F-4-505](#).

588 **R277-726-12. Online Concurrent Enrollment.**

589 For a student enrolled in a concurrent enrollment course through an SOEP provider,
590 to the extent there is a conflict between provisions of this rule and [Title 53F, Chapter 4, Part](#)
591 [5, Statewide Online Education Program](#), and provisions of [Title 53E, Chapter 10, Part 3,](#)
592 Concurrent Enrollment, the concurrent enrollment code provisions shall govern.

593

594 **KEY: statewide online education program**

595 **Date of Last Change: September 22, 2021**

596 **Notice of Continuation: November 9, 2020**

597 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53F-4-510](#); [53F-4-514](#);**
598 **[53E-3-401](#)**

599