

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
15 the 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
24 the 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 Section 53E-4-303; and

29 (c) a Utah alternative assessment as defined in Subsection R277-404-2(13).

30 (3) "Certified online course provider" means the same as the term is defined in
31 Subsection 53F-4-501(1).

32 (4) "Course completion" means that a student has completed a course with a
33 passing grade and the provider has transmitted the grade and credit to the primary LEA
34 of enrollment.

35 (5)(a) "Course Credit Acknowledgment" or "CCA" means an agreement and
36 registration record using the Statewide Online Education Program application provided
37 by the Superintendent.

38 (b) Except as provided in Subsection 53F-4-508(3)(h), the CCA shall be signed
39 by the designee of the primary school of enrollment, and the qualified provider.

40 (6)(a) "Eligible student" means a student enrolled in grades 7-12 in a secondary
41 environment in a course that:

42 (i) is offered by a public school; and

43 (ii) provides the student the opportunity to complete middle school requirements
44 or earn high school graduation credit.

45 (b) "Eligible student" does not include a student enrolled in an adult education
46 program.

47 (7) "Enrollment confirmation" means the student initially registered and actively
48 participated, as defined under Subsection(1).

49 (8)(a) "Executed CCA" means a CCA that has been executed pursuant to
50 Subsection 53F-4-508(3) and received by the Superintendent.

51 (b) Following enrollment confirmation and participation, Superintendent directs
52 funds to the provider, consistent with Sections 53F-4-505 through 53F-4-507.

53 (9) "High school" means the same as the term is defined in Subsection 53F-4-
54 501.

55 ~~(9)10~~ "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf
56 and the Blind.

57 ~~(10)11~~ "Online course" means a course of instruction offered through the
58 Statewide Online Education Program.

59 ([14]12) "Online course payment" means the amount withheld from a student's
60 primary LEA and disbursed or otherwise paid to the designated provider following
61 satisfaction of the requirements of the law, and as directed in Subsection 53F-4-507(2).

62 ([12]13) "Online course provider" or "provider" means:

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

65 (b) a charter school with an approved application described in Subsection R277-
66 726-3(1)(a);

67 (c) an LEA program created to serve Utah students in grades 7-12 online with an
68 approved application described in Subsection R277-726-3(1)(a); or

69 (d) a program of an institution of higher education described in Subsection 53F-
70 4-504(3) with an approved application described in Subsection R277-726-3(1)(b).

71 ([13]14) "Primary LEA of enrollment" means the LEA in which an eligible student
72 is enrolled for courses other than online courses offered through the Statewide Online
73 Education Program, and which reports the student to be in regular membership, and
74 special education membership, if applicable.

75 ([14]15) "Primary school of enrollment" means:

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

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

79 ([15]16) "Resident school" means the district school within whose attendance
80 boundaries the student's custodial parent or legal guardian resides.

81 ([16]17) "Section 504" means Section 504 of the Rehabilitation Act of 1973, 29
82 U.S.C. 794.

83 ([17]18) "Standard of active participation" means the measure of student
84 engagement that is used by the certified online course provider to count a student as in
85 attendance for a course.

86 ~~(18)~~19) "Statewide Online Education Program" or "program" means courses
87 offered to students under Title 53F, Chapter 4, Part 5, Statewide Online Education
88 Program Act.

89 ~~(19)~~20) "Teacher of record" means the teacher who is employed by a provider
90 and to whom students are assigned for purposes of reporting and data submissions to
91 the Superintendent in accordance with Section R277-484-3.

92 ~~(20)~~21) "Underenrolled student" means a student with less than a full course
93 load, as defined by the LEA, during the regular school day at the student's primary
94 school of enrollment.

95 ~~(21)~~22) "USBE course code" means a code for a designated subject matter
96 course assigned by the Superintendent.

97 ~~(22)~~23) "Withdrawal from online course" means that a student withdraws or
98 ceases participation in an online course as follows:

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

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

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

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

107

108 **R277-726-3. Course Credit Acknowledgment (CCA) Process.**

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

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

112 (i) graduation requirements;

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

114 (iii) the student's IEP;

- 115 (iv) the student's Section 504 plan; or
- 116 (v) the student's international baccalaureate program.
- 117 (b) The primary school of enrollment shall return the CCA to the Superintendent
- 118 within 72 business hours.
- 119 (3)(a) The primary school of enrollment is not required to meet with the student
- 120 or parent for approval of a course request.
- 121 (b) The Superintendent shall notify a primary school of enrollment of a student's
- 122 enrollment in the program.
- 123 (4) If a student enrolling in the program has an IEP, Section 504 plan, or
- 124 qualifies for multilingual supports, the primary LEA or school of enrollment shall forward
- 125 the IEP or description of 504 accommodations and other relevant supports to the
- 126 provider within 72 business hours of receiving notice from the Superintendent that the
- 127 provider has accepted the enrollment request.
- 128 (5) The Superintendent shall develop and administer procedures for facilitation
- 129 of a CCA that informs the appropriate parties.

130

131 **R277-726-4. Eligible Student and Parent Rights and Responsibilities.**

- 132 (1) An eligible student may register for program credits consistent with Section
- 133 53F-4-503.
- 134 (2) An eligible student may exceed a full course load during a regular school
- 135 year if the student's plan for college and career readiness indicates that the student
- 136 intends to complete high school graduation requirements and exit high school before
- 137 the rest of the student's high school cohort.
- 138 (3) In accordance with Subsection 53F-4-509(5), if a student enrolled in a
- 139 program course exceeds a full course load during a regular school year, a primary LEA
- 140 of enrollment may mark the student as an early graduate and increase membership in
- 141 accordance with Section R277-419-8 and Rule R277-484 to account for credits in
- 142 excess of full-time enrollment in a local student information system.

143 (4)(a) An eligible student is expected to complete courses in which the student
144 enrolls in a timely manner consistent with Section 53F-4-505 and requirements for
145 attendance and participation in accordance with Subsection R277-726-7(15) and
146 Subsection R277-726-2(17).

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

150 (5) A student shall enroll in online courses, or declare an intention to enroll,
151 during the school course registration period designated by the primary LEA of
152 enrollment for regular course registration.

153 (6) A student may alter a course schedule by dropping a traditional course and
154 adding an online course in accordance with the primary school of enrollment's same
155 established deadline for dropping and adding traditional courses.

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

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

162

163 **R277-726-5. LEA Requirements and Responsibilities.**

164 (1) A primary school of enrollment shall facilitate student enrollment with any
165 eligible providers selected by an eligible student consistent with course credit limits.

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

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

170 (a) in registration materials;

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

172 (c) on the school's website.

173 (4) A primary school or LEA of enrollment shall provide the notice required under
174 Subsection (3) concurrent with the high school course registration period designated by
175 the LEA for the upcoming school year to facilitate enrollment as required by Section
176 53F-4-513.

177 (5) A primary school of enrollment shall include a student's online courses in the
178 student's enrollment records and, upon course completion, include online course grades
179 and credits on the student's transcripts, including appropriate student coursework
180 completed before grade 9.

181 (6) A primary school of enrollment shall recognize credit earned toward high
182 school graduation by a participating secondary student through courses completed
183 before grade 9 for purposes of high school graduation provided that:

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

186 (b) the student is enrolled at a middle school or junior high school and a high
187 school accredited in accordance with Rule R277-410.

188 (7) A primary school of enrollment shall determine fee waiver eligibility for
189 participating public school students pursuant to Rule R277-407.

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

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

196 (ii) providing a participating student technology and wi-fi needed for the student
197 to participate outside of the school building.

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

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

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

210 (b) A primary LEA of enrollment accepting credit toward high school
211 requirements is not required to independently verify:

212 (i) early graduation status; or

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

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

220

221 **R277-726-6. Superintendent Requirements and Responsibilities.**

222 (1) The Superintendent shall provide a website for the program, including
223 information required under Section 53F-4-512 and other information as determined by
224 the Board.

225 (2) The Superintendent shall direct a provider to administer the Utah standards
226 and high school assessments, as applicable, consistent with Section 53F-4-514 and
227 Rule R277-404.

228 (3) The Superintendent shall prepare and make available applications and
229 program agreements for:

- 230 (a) LEA providers;
- 231 (b) higher education providers; and
- 232 (c) certified online providers.
- 233 (4)(a) The Superintendent may determine space availability standards and
- 234 appropriate course load standards for online courses consistent with Subsection 53F-4-
- 235 512(3)(d).
- 236 (b) Course load standards may differ based on subject matter.
- 237 (5)(a) Before approving a provider, the Superintendent shall review Annual
- 238 Financial Reports and state-administered test data to establish capacity of a program to
- 239 serve an increased range of students while still meeting program requirements.
- 240 (b) The Superintendent may restrict a provider from offering coursework if the
- 241 Superintendent determines that the provider demonstrates repeated low performance
- 242 on statewide assessments in English Language Arts, math, or science.
- 243 (6) The Superintendent shall withhold funds from a primary LEA of enrollment
- 244 and make payments to a provider consistent with Sections 53F-4-505 through 53F-4-
- 245 507.
- 246 (7) The Superintendent may refuse to provide funds under a CCA if the
- 247 Superintendent finds that information has been submitted fraudulently or in violation of
- 248 the law or Board rule by any of the parties to a CCA.
- 249 (8) The Superintendent shall receive and investigate complaints, and impose
- 250 sanctions, if appropriate, regarding course integrity, financial mismanagement,
- 251 enrollment fraud or inaccuracy, or violations of the law or this rule specific to the
- 252 requirements and provisions of the program.
- 253 (9) If a Superintendent or federal entity's investigation finds that a provider has
- 254 violated the IDEA or Section 504 provisions for a student taking online courses, the
- 255 provider shall compensate the student's primary LEA of enrollment for costs related to
- 256 compliance.

257 (10) The Superintendent may monitor an LEA's or program provider's
258 compliance with any requirement of state or federal law or Board rule under the
259 program.

260 (11) The Superintendent may withhold funds from a program provider for the
261 participant's failure to comply with a reasonable request for records or information.

262 (12) Program records are available to the public subject to Title 63G, Chapter 2,
263 Government Records Access and Management Act.

264 (13) The Superintendent shall withhold online course payment from a primary
265 LEA of enrollment and payments to an eligible provider at the nearest monthly transfer
266 of funds, subject to verification of information, in an amount consistent with, and when a
267 provider qualifies to receive payment, under Subsection 53F-4-505(4).

268 (14) The Superintendent shall pay a provider consistent with Minimum School
269 Program funding transfer schedules.

270 (15)(a) The Superintendent may make decisions on questions or issues
271 unresolved by Title 53F, Chapter 4, Part 5, Statewide Online Program Act or this rule on
272 a case-by-case basis.

273 (b) The Superintendent shall report decisions described in Subsection (15)(a) to
274 the Board consistent with the purposes of the law and this rule.

275

276 **R277-726-7. Provider Requirements and Responsibilities.**

277 (1)(a) A provider shall administer the applicable statewide assessments to a
278 participating private or home school student as directed by the Superintendent,
279 including proctoring the applicable statewide assessments, consistent with Section 53F-
280 4-510 and Rule R277-404.

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

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

- 285 (3) A provider and any third party working with a provider shall, for all eligible
286 students, satisfy Board requirements for:
- 287 (a) consistency with course standards;
 - 288 (b) criminal background checks for provider employees;
 - 289 (c) documentation of student enrollment and participation; and
 - 290 (d) compliance with:
 - 291 (i) the IDEA;
 - 292 (ii) Section 504; and
 - 293 (iii) requirements for multilingual students.
- 294 (4) A provider shall receive payments for a student properly enrolled in the
295 program from the Superintendent consistent with:
- 296 (a) Board procedures;
 - 297 (b) Board timelines; and
 - 298 (c) Sections 53F-4-505 through 53F-4-508.
- 299 (5)(a) A provider may charge a fee consistent with other secondary schools.
- 300 (b) If a provider intends to charge a fee of any kind, the provider:
- 301 (i) shall notify the primary school of enrollment with whom the provider has the
302 CCA of the purpose for fees and amounts of fees;
 - 303 (ii) shall provide timely notice to a parent of required fees and fee waiver
304 opportunities;
 - 305 (iii) shall post fees on the provider website;
 - 306 (iv) shall be responsible for fee waivers for an eligible student, including
307 materials for a student designated fee waiver eligible by a student's primary school of
308 enrollment;
 - 309 (v) shall satisfy the requirements of Rule R277-407, as applicable; and
 - 310 (vi) shall provide fee waivers to home school or private school students who
311 meet fee waiver eligibility at the provider's expense.

312 (6) A provider shall maintain a student's records and comply with the federal
313 Family Educational Rights and Privacy Act, Title 53E, Chapter 9, Part 3, Student Data
314 Protection, and Rule R277-487, including:

315 (a) protecting the confidentiality of a student's records and providing a parent
316 and an eligible student access to records; and

317 (b) providing a parent or student documentation of educational performance,
318 including:

319 (i) test scores;

320 (ii) grades;

321 (iii) progress and performance measures; and

322 (iv) completion of credit.

323 (7) Except as otherwise provided in this Rule R277-726, a provider shall submit
324 a student's credit and grade to the Superintendent, using processes and applications
325 provided by the Superintendent for this purpose, to a designated counselor or registrar
326 at the primary school of enrollment, and the student's parent no later than:

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

329 (b) June 30 of the school year.

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

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

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

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

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

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

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

348 (b) A provider shall code program courses as semester or quarter courses.

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

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

353 (13) A provider shall maintain and provide records and systems as part of a
354 public online school or program, including:

355 (a) financial and enrollment records;

356 (b) information for accountability, program monitoring, and audit purposes; and

357 (c) providing timely documentation of student participation, enrollment, educator
358 credentials, and other additional data for purposes including giving a student's primary
359 school of enrollment access to the student's records to appropriately support the
360 student.

361 (14) A provider shall maintain the following for at least five calendar years after
362 the student graduates:

363 (a) test scores;

364 (b) student grades;

365 (c) completion of credit; and

366 (d) other progress and performance measures.

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

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

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

375 (16) A provider shall inform a student and the student's parent of expectations
376 for active participation before the inception of course work, including informing the
377 student and the student's parent of travel expectations to fulfill course requirements.

378 (17)(a) An LEA may participate in the program as a provider by offering a school
379 or program consistent with Rule R277-115 to a Utah secondary student in grades 7-12
380 who is not a resident student of the LEA and a regularly-enrolled student of the LEA
381 consistent with Sections 53F-4-501 and 53F-4-503.

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

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

385 (ii) record educator assignments consistent with Rule R277-484.

386 (18) A program school or program shall:

387 (a) be accredited consistent with Rule R277-410;

388 (b) have a designated administrator who meets the requirements of Rule R277-
389 309;

390 (c) ensure that a student who qualifies for a fee waiver receives services offered
391 by and through the public schools consistent with Section 53G-7-504 and Rule R277-
392 407;

393 (d) maintain student records consistent with:

394 (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and
395 34 CFR Part 99;

- 396 (ii) Rule R277-487;
- 397 (iii) this Rule R277-726; and
- 398 (e) shall offer course work:
- 399 (i) aligned with Utah Core standards;
- 400 (ii) in accordance with program requirements; and
- 401 (iii) in accordance with Rules R277-700 and R277-404;
- 402 (f) shall not issue transcripts under the name of a third party provider; and
- 403 (g) shall record teaching assignments by November 15 annually consistent with
- 404 Rule R277-484 and Section R277-312-3, either directly or through a partner school in
- 405 accordance with Subsection (18)(b).
- 406 (19) An LEA that offers an online program or school as a provider under the
- 407 program:
- 408 (a) shall employ only educators licensed in Utah as teachers;
- 409 (b) may not employ an individual whose educator license has been suspended
- 410 or revoked;
- 411 (c) shall require employees to meet requirements of Title 53G, Chapter 11, Part
- 412 4, Background Checks, before the provider offering services to a student;
- 413 (d) may only employ teachers who meet the requirements of Rule R277-301,
- 414 Educator Licensing - Highly Qualified Assignment;
- 415 (e) for a provider that provides an online course to a private or home school
- 416 student, shall agree to administer and have the capacity to proctor and carry out the
- 417 applicable statewide assessments, consistent with Sections 53E-4-302, 53F-2-103, and
- 418 Rule R277-404;
- 419 (f) in accordance with Section R277-726-8, shall provide services to a student
- 420 consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights
- 421 Act of 1964 for multilingual students;
- 422 (g) shall submit CCAs to the Superintendent before the provider initiating
- 423 instruction of a student;

424 (h) may not begin offering instruction to a student until the Superintendent issues
425 a notice of enrollment for the student for each course the student participates in; and

426 (i) shall agree that funds shall be withheld by the Superintendent consistent with
427 Sections 53F-4-505, 53F-4-506, and 53F-4-508.

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

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

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

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

436 (A) federal law;

437 (B) state law; and

438 (C) Board rules;

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

441 (iii) a third party provider has access to curriculum for alignment and adjustment
442 to ensure the curriculum is consistent with the Utah core standards in Rule R277-700
443 and a Board approved core code;

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

446 (A) employed by the provider, and

447 (B) reported as teacher of record per Section R277-484-3 and Subsection R277-
448 726-2(3); and

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

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

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

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

460 (26) A provider utilizing a third party shall establish contractual and procedural
461 safeguards:

462 (a) retaining legal and procedural authority to open coursework to a participating
463 student only upon issuance of a notice of enrollment regarding a particular course and
464 credit;

465 (b) signifying the provider's authority to interact instructionally with a student not
466 regularly-enrolled in an LEA, but participating in SOEP courses with approval of the
467 student's primary LEA of enrollment; and

468 (c) including acceptance of financial responsibility by a primary LEA of
469 enrollment.

470 (27) A provider is not required to independently verify:

471 (a) early graduation status; or

472 (b) the non-supplanting nature of SOEP courses.

473

474 **R277-726-8. Services to Students with Disabilities Participating in the Program.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

512 (ii) if eligible, the student may enroll in the LEA that will prepare an IEP for the
513 student, with input from the provider LEA, in accordance with the timelines required by
514 the IDEA;

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

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

521

522 **R277-726-9. Limited Appropriations for Special Populations.**

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

525 (a) Before December 1 annually, the Superintendent shall accommodate home
526 school students with at least 50% of the total appropriation for home and private school
527 students, unless the home school demand is less.

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

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

531 and

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

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

536 (4)(a) ~~[For]~~ Subject to legislative appropriations available for this purpose, for
537 each public high school with a student population of less than 1,000 students, the
538 Superintendent shall prioritize available funds to cover at least one course ~~[per student]~~
539 at the highest course rate.

540 (b) After disbursing funds in accordance with Subsection (4)(a), if funds remain,
541 the Superintendent shall distribute the remaining funds based on population with 70% to
542 qualifying district schools and 30% to charter schools.

543 (c) If unused funds remain after March 1 annually, the Superintendent may
544 redistribute available funds to qualifying LEAs whose needs exceeded their initial
545 allocation.

546 (d) The Superintendent shall calculate allocations using prior-year UTREx end of
547 year extracts.

548

549 **R277-726-10. Other Information.**

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

551 (2) A provider shall adhere to timelines and standards described in Subsection

552 (1) for student grades and enrollment in online courses for purposes of:

553 (a) school awards and honors;

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

555 (c) high school graduation.

556

557 **R277-726-11. Certified Online Course Provider Application Approval, Program**
558 **Requirements, and Fees.**

559 (1) An entity other than an online course provider may become a certified online
560 course provider if the entity submits an application on a form provided by the
561 Superintendent.

562 (2) An entity other than an online course provider shall submit an application on
563 or before the annual deadline established by the Superintendent.

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

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

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

572 (6) A certified online course provider shall adhere to requirements to remain
573 certified and in good standing within the program including:

574 (a) requirements applicable to an online course provider described in this Rule
575 R277-726, including the requirement to maintain a course completion rate of at least
576 80%;

577 (b) additional requirements prescribed in the application; and

578 (c) state laws applicable to an online course provider, including Sections 53F-4-
579 501 et. seq.

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

582 (8) If the Superintendent finds the certified online course provider is not in
583 compliance with any requirement as outlined in Subsection (6) of this part, the
584 Superintendent shall provide the certified online course provider with a list of non-
585 compliance issues and a reasonable timeline for the certified online course provider to
586 cure the instances of non-compliance.

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

590 (10) A certified online course provider that has been removed from the program
591 may apply in the application round following removal from the program for re-admission
592 to the program using an application provided by the Superintendent.

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

595 (a) 5% of revenue collected for the first \$200,000 received pursuant to Section
596 53F-4-505; and

597 (b) 1% of revenue collected after the first \$200,000 received pursuant to Section
598 53F-4-505.

599

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

601 For a student enrolled in a concurrent enrollment course through an SOEP
602 provider, to the extent there is a conflict between this rule and Title 53F, Chapter 4, Part
603 5, Statewide Online Education Program, and Title 53E, Chapter 10, Part 3, Concurrent
604 Enrollment, the concurrent enrollment code provisions shall govern.

605

606 **KEY: statewide online education program**

607 **Date of Last Change: August 22, 2022**

608 **Notice of Continuation: January 13, 2022**

609 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-4-510; 53F-4-**
610 **514; 53E-3-401**