

1 **R277. Education, Administration.**

2 **R277-419. Pupil Accounting.**

3 **R277-419-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

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

9 (c) Subsection [53E-3-501](#)(1)(e), which directs the Board to establish rules and
10 standards regarding:

11 (i) cost-effectiveness;

12 (ii) school budget formats; and

13 (iii) financial, statistical, and student accounting requirements;

14 (d) Subsection [53E-3-602](#)(2), which requires a local school board's auditing standards
15 to include financial accounting and student accounting;

16 (e) Subsection [53E-3-301](#)(3)(d), which requires the Superintendent to present to the
17 Governor and the Legislature data on the funds allocated to LEAs; and

18 (f) Section [53G-4-404](#), which requires annual financial reports from all school districts.

19 (2) The purpose of this rule is to specify pupil accounting procedures used in
20 apportioning and distributing state funds for education.

21 **R277-419-2. Definitions.**

22 (1) "Aggregate Membership" means the sum of all days in membership during a school
23 year for eligible students enrolled in a public school.

24 (2) "Approved CTE course" means a course approved by the Board within the Career
25 and Technical Education (CTE) Pathway[s-in-the-eight] areas of study.

26 (3) "Attendance validated program" means a program within an LEA that consists of
27 eligible, enrolled public school students who physically attend school in a brick and mortar
28 school.

- 29 (3) "Blended learning program" means a ~~[program under the direction of an LEA:~~
30 ~~— (a) where a student learns at least in part:~~
31 ~~— (i) at a supervised brick and mortar location away from a student's home; and~~
32 ~~— (ii) through an online delivery; and~~
33 ~~— (b) that may include some element of student control over time, place, or path, or~~
34 ~~pace.] a formal education program under the direction of an LEA in which a student learns~~
35 through an integrated experience that is in part:
36 (a) through online learning, with some element of student control over time, place, path,
37 or pace; and
38 (b) in a supervised brick-and-mortar school away from home.
39 (4) "Brick and mortar school" means a ~~[traditional school or traditional]~~ school where
40 classes are conducted in a physical school building.
41 (5) "Competency based learning program" means an education program that ~~[requires~~
42 ~~a student to acquire a competency and includes a classroom structure and operation that aid~~
43 ~~and facilitate the acquisition of specified competencies on an individual basis wherein a~~
44 ~~student is allowed to master and demonstrate competencies as fast as the student is able.]~~
45 provides instruction through competency-based education as defined in Section [53F-5-501](#).
46 (6) "Continuing enrollment measurement" means a methodology used to establish a
47 student's continuing membership or enrollment status for purposes of generating membership
48 days.
49 (7) "Data Clearinghouse" means the electronic data collection system used by the
50 Superintendent to collect information required by law from LEAs about individual students at
51 certain points throughout the school year to support the allocation of funds and accountability
52 reporting.
53 ~~[(8) "Distance learning program" means a program, under the direction of an LEA, in~~
54 ~~which students receive educational services in a location other than a brick and mortar school,~~
55 ~~and may include educational services delivered over the internet.]~~
56 ~~[(9)8) "Early graduation student" means a student who has an early graduation student~~
57 ~~education plan as described in [Rule] Section [R277-703-4](#).~~

58 (10) "Eligible student" means a student who satisfies the criteria for enrollment in an
59 LEA, set forth in Section R277-419-5.

60 (11) "Enrollment verification data" includes:

61 (a) a student's birth certificate or other verification of age;

62 (b) verification of immunization or exemption from immunization form;

63 (c) proof of Utah public school residency;

64 (d) family income verification; or

65 (e) special education program information, including:

66 (i) an individualized education program;

67 (ii) a Section 504 accommodation plan; or

68 (iii) an English learner plan.

69 ~~[(12) "Face-to-face learning program" means a program within an LEA that consists of~~
70 ~~eligible, enrolled public school students who physically attend school in a brick and mortar~~
71 ~~school.]~~

72 (13)(a) "Home school" means the formal instruction of children in their homes instead
73 of in an LEA.

74 (b) The differences between a home school student and an online student include:

75 (i) an online student may receive instruction at home, but the student is enrolled in a
76 public school that follows state Core Standards;

77 (ii) an online student is:

78 (A) subject to laws and rules governing state and federal mandated tests; and

79 (B) included in accountability measures;

80 (iii) an online student receives instruction under the direction of a highly qualified,
81 licensed teacher who is subject to the licensure requirements of [R277-502](#) and fingerprint and
82 background checks consistent with [R277-516](#) and [R277-520](#);

83 (iv) instruction delivered in a home school course is not eligible to be claimed in
84 membership of an LEA and does not qualify for funding under the Minimum School Program
85 in [Title 53F, Chapter 2](#), Minimum School Program Act.

86 (14) "Home school course" means instruction:

87 (a) delivered in a home school environment where the curriculum and instruction
88 methods, evaluation of student progress or mastery, and reporting, are provided or
89 administered by the parent, guardian, custodian, or other group of individuals; and

90 (b) not supervised or directed by an LEA.

91 (15)(a) "Influenza pandemic" or "pandemic" means a global outbreak of serious illness
92 in people.

93 (b) "Influenza pandemic" or "pandemic" may be caused by a strain of influenza that
94 most people have no natural immunity to and that is easily spread from person to person.

95 (16) "ISI-1" means a student who receives 1 to 59 minutes of YIC related services
96 during a typical school day.

97 (17) "ISI-2" means a student who receives 60 to 179 minutes of YIC related services
98 during a typical school day.

99 (18) "Learner validated program" means a program within an LEA that consists of
100 eligible, enrolled public school students where the student receives instruction through:

101 (a) an online learning program;

102 (b) a blended learning program; or

103 (c) a competency based learning program.

104 (18)(a) "Membership" means a public school student is on the current roll of a public
105 school class or public school as of a given date.

106 (b) A student is a member of a class or school from the date of entrance at the school
107 and is placed on the current roll until official removal from the class or school due to the
108 student having left the school.

109 (c) Removal from the roll does not mean that an LEA should delete the student's
110 record, only that the student should no longer be counted in membership.

111 (19) "Minimum School Program" means the same as that term is defined in Section
112 53F-2-102.

113 ~~[(20) "Nontraditional Program" means a program within an LEA that consists of eligible,~~
114 ~~enrolled public school students where the student receives instruction through a:~~

115 ~~—— (a) distance learning program;~~

116 ~~—— (b) online learning program;~~

117 ~~—— (c) blended learning program; or~~

118 ~~—— (d) competency based learning program.]~~

119 (21) "Online learning program" means a program:

120 (a) that is under the direction of an LEA; and

121 (b) in which students receive educational services primarily over the internet.

122 (22) "Private school" means an educational institution that:

123 (a) is not an LEA;

124 (b) is owned or operated by a private person, firm, association, organization, or
125 corporation; and

126 (c) is not subject to governance by the Board consistent with the Utah Constitution.

127 (23) "Program" means a course of instruction within a school that is designed to
128 accomplish a predetermined curricular objective or set of objectives.

129 (24) "Resource" means a student who receives 1 to 179 minutes of special education
130 services during a typical school day consistent with the student's IEP provided for under the
131 [Individuals with Disabilities Education Act](#) (IDEA), 20 U.S.C. Sec. 1400 et seq., amended in
132 2004.

133 (25) "Qualifying school age" means:

134 (a) a person who is at least five years old and no more than 18 years old on or before
135 September 1;

136 (b) with respect to special education, a person who is at least three years old and no
137 more than 21 years old on or before July 1;

138 (c) with respect to YIC, a person who is at least five years old and no more than 21
139 years old on or before September 1.

140 (26) "Retained senior" means a student beyond the general compulsory school age
141 who is authorized at the discretion of an LEA to remain in enrollment as a high school senior
142 in the year(s) after the student's cohort has graduated due to:

143 (a) sickness;

144 (b) hospitalization;

- 145 (c) pending court investigation or action; or
- 146 (d) other extenuating circumstances beyond the control of the student.
- 147 (27) "S1" means the record maintained by the Superintendent containing individual
- 148 student demographic and school membership data in a Data Clearinghouse file.
- 149 (28) "S2" means the record maintained by the Superintendent containing individual
- 150 student data related to participation in a special education program in a Data Clearinghouse
- 151 file.
- 152 (29) "S3" means the record maintained by the Superintendent containing individual
- 153 student data related to participation in a YIC program in a Data Clearinghouse file.
- 154 (30) "School" means an educational entity governed by an LEA that:
- 155 (a) is supported with public funds;
- 156 (b) includes enrolled or prospectively enrolled full-time students;
- 157 (c) employs licensed educators as instructors that provide instruction consistent with
- 158 Section R277-502;
- 159 (d) has one or more assigned administrators;
- 160 (e) is accredited consistent with Section [R277-410-3](#); and
- 161 (f) administers required statewide assessments to the school's students.
- 162 (31) "School day" means a minimum of two hours per day per session in kindergarten
- 163 and a minimum of four hours per day in grades one through twelve, subject to the
- 164 requirements described in Section R277-419-4.
- 165 (32) "School membership" means membership other than in a special education or YIC
- 166 program in the context of the Data Clearinghouse.
- 167 (33) "School of enrollment" means:
- 168 (a) a student's school of record; and
- 169 (b) the school that maintains the student's cumulative file, enrollment information, and
- 170 transcript for purposes of high school graduation.
- 171 (34) "School year" means the 12 month period from July 1 through June 30.
- 172 (35) "Self-contained" means a public school student with an IEP or YIC, who receives
- 173 180 minutes or more of special education or YIC related services during a typical school day.

174 (36) "Self-Contained Resource Attendance Management (SCRAM)" means a record
175 that tracks the aggregate membership of public school special education students for state
176 funding purposes.

177 (37) "SSID" means Statewide Student Identifier.

178 (38) "Unexcused absence" means an absence charged to a student when:

179 (a) the student was not physically present at school at any of the times attendance
180 checks were made in accordance with Subsection R277-419-6(3); and

181 (b) the student's absence could not be accounted for by evidence of a legitimate or
182 valid excuse in accordance with local board policy on truancy as defined in Section [53G-6-201](#).

183 (39) "Year end upload" means the Data Clearinghouse file due annually by July 15
184 from LEAs to the Superintendent for the prior school year.

185 (40) "Youth in custody (YIC)" means a person under the age of 21 who is:

186 (a) in the custody of the Department of Human Services;

187 (b) in the custody of an equivalent agency of a Native American tribe recognized by the
188 United States Bureau of Indian Affairs and whose custodial parent or legal guardian resides
189 within the state; or

190 (c) being held in a juvenile detention facility.

191 **R277-419-3. Schools and Programs.**

192 (1)(a) The Superintendent shall provide a list to each school detailing the required
193 accountability reports and other state-mandated reports for the school type and grade range.

194 (b) All schools shall submit a Clearinghouse report to the Superintendent.

195 (c) All schools shall employ at least one licensed educator and one administrator.

196 (2)(a) A student who is enrolled in a program is considered a member of a public
197 school.

198 (b) The Superintendent may not require programs to receive separate accountability
199 and other state-mandated reports.

200 (c) A student reported under an LEA's program shall be included in the LEA's WPU
201 and student enrollment calculations of the LEA's school of enrollment.

202 (d) A course taught at a program shall be credited to the appropriate school of
203 enrollment.

204 (3) A private school or program may not be required to submit data to the
205 Superintendent.

206 (4) A private school or program may not receive annual accountability reports.

207 **R277-419-4. Minimum School Days.**

208 (1)(a) Except as provided in Subsection (1)(b) and Subsection [53F-2-102](#)(4), an LEA
209 shall conduct school for at least 990 instructional hours over a minimum of 180 school days
210 each school year.

211 (b) an LEA may seek an exception to the number of school days described in
212 Subsection (1)(a):

213 (i) except as provided in Subsection (1)(b)(ii), for a whole school or LEA as described
214 in R277-121;

215 (ii) for a school closure due to snow, inclement weather, or other emergency as
216 described in R277-419-12; or

217 (iii) for an individual student as described in Section R277-419-11.

218 (2)(a) An LEA may offer the required school days and hours described in Subsection
219 (1)(a) at any time during the school year, consistent with the law.

220 (b) All school day calculations shall:

221 (i) exclude lunch periods and pass time between classes;

222 (ii) include recess periods; and

223 (iii) include alternative breakfast models where breakfast is consumed in class.

224 (c) Each school day that satisfies the minimum hourly instruction time described in
225 Subsection R277-419-2(31), shall count as a school day, regardless of the number or length
226 of class periods or whether or not particular classes meet.

227 (3)(a) An LEA shall plan for emergency, activity, and weather-related exigency time in
228 its annual calendaring.

229 (b) If school is closed for any reason, the school shall make up the instructional time
230 missed under the emergency or activity time as part of the minimum required time to qualify
231 for full Minimum School Program funding.

232 (4) Minimum standards apply to all public schools in all settings unless Utah law or this
233 rule provides for a specific exception.

234 (5) An LEA's governing board shall provide adequate contingency school days and
235 hours in the LEA's yearly calendar to avoid the necessity of requesting a waiver except in the
236 most extreme circumstances.

237 (6)(a) In addition to the allowance to use up to 32 instructional hours or four school
238 days for professional learning described in Subsection [53F-2-102\(6\)](#), to provide planning and
239 professional development time for staff, an LEA may hold school longer some days of the
240 week and shorter other days so long as minimum school day requirements, as provided for in
241 this R277-419-4 and Subsection R277-419-2(32), are satisfied.

242 (b) A school may conduct parent-teacher and student Plan for College and Career
243 Readiness conferences during the school day.

244 (c) Parent-teacher and college and career readiness conferences may only be held for
245 a total of the equivalent of three full school days or a maximum of 16.5 hours for the school
246 year.

247 (d) Student membership for professional development or parent-teacher conference
248 days shall be counted as that of the previous school day.

249 (e) An LEA may designate no more than a total of 12 instructional days at the
250 beginning of the school year, at the end of the school year, or both for the assessment of
251 students entering or completing kindergarten.

252 (f) If instruction days are designated for kindergarten assessment:

253 (i) an LEA shall designate the days in an open meeting;

254 (ii) an LEA shall provide adequate notice and explanation to kindergarten parents well
255 in advance of the assessment period;

256 (iii) qualified school employees shall conduct the assessment consistent with Section
257 [53F-4-205](#); and

258 (iv) assessment time per student shall be adequate to justify the forfeited instruction
259 time.

260 (g) The final decision and approval regarding planning time, parent-teacher and SEP
261 conferences rests with an LEA, consistent with Utah law and Board administrative rules.

262 (h) Total instructional time and school calendars shall be approved by an LEA in an
263 open meeting.

264 **R277-419-5. Student Membership Eligibility and Continuing Enrollment Measurements.**

265 (1) A student may enroll in two or more LEAs at the discretion of the LEAs.

266 (2) A kindergarten student may only enroll in one LEA at a time.

267 (3) In order to generate membership for funding through the Minimum School Program
268 for any clock hour of instruction on any school day, an LEA shall ensure that a student being
269 counted by the LEA in membership:

270 (a) has not previously earned a basic high school diploma or certificate of completion;

271 (b) has not been enrolled in a YIC program with a YIC time code other than ISI-1 or ISI-
272 2;

273 (c) does not have unexcused absences, which are determined using one of the
274 continuing enrollment measurements described in Subsection (4);

275 (d) is a resident of Utah as defined under Section [53G-6-302](#);

276 (e) is of qualifying school age or is a retained senior;

277 (f)(i) is expected to attend a regular learning facility operated or recognized by an LEA
278 on each regularly scheduled school day, if enrolled in [~~a face-to-face learning~~] an attendance
279 validated program;

280 (ii) has direct instructional contact with a licensed educator provided by an LEA at:

281 (A) an LEA-sponsored center for tutorial assistance; or

282 (B) the student's place of residence or convalescence for at least 120 minutes each
283 week during an expected period of absence, if physically excused from such a facility for an
284 extended period of time, due to:

285 (i) injury;

- 286 (II) illness;
- 287 (III) surgery;
- 288 (IV) suspension;
- 289 (V) pregnancy;
- 290 (VI) pending court investigation or action; or
- 291 (VII) an LEA determination that home instruction is necessary;
- 292 (iii) is enrolled in an approved CTE course(s) on the campus of another state funded
- 293 institution where such a course is:
- 294 (A) not offered at the student's school of membership;
- 295 (B) being used to meet Board-approved CTE graduation requirements under
- 296 Subsection [R277-700-6\(14\)](#); and
- 297 (C) a course consistent with the student's SEOP/Plan for College and Career
- 298 Readiness; or
- 299 (iv) is enrolled in a ~~[nontraditional]~~ learner validated program under the direction of an
- 300 LEA that:
- 301 (A) is consistent with the student's SEOP/Plan for College and Career Readiness;
- 302 (B) has been approved by the student's counselor; and
- 303 (C) includes regular instruction or facilitation by a designated employee of an LEA.
- 304 (4) An LEA shall use one of the following continuing enrollment measures:
- 305 (a) For a student primarily enrolled in ~~[a face-to-face learning]~~ an attendance validated
- 306 program, the LEA may not count a student as an eligible student if the eligible student has
- 307 unexcused absences during all of the prior ten consecutive school days.
- 308 (b) For a student enrolled in a ~~[nontraditional]~~ learner validated program, an LEA shall:
- 309 (i) adopt a written policy that designates a continuing enrollment measurement to
- 310 document the continuing membership or enrollment status for each student enrolled in the
- 311 ~~[nontraditional]~~ learner validated program consistent with Subsection (3)(c);
- 312 (ii) document each student's continued enrollment status in compliance with the
- 313 continuing enrollment policy at least once every ten consecutive school days; and

314 (iii) appropriately adjust and update student membership records in the student
315 information system for students that did not meet the continuing enrollment measurement,
316 consistent with Subsection (3)(c).

317 (5) The continuing enrollment measurement described in Subsection (4)(b) may
318 include some or all of the following components, in addition to other components, as
319 determined by an LEA:

320 (a) a minimum student login or teacher contact requirement;

321 (b) required periodic contact with a licensed educator;

322 (c) a minimum hourly requirement, per day or week, when students are engaged in
323 course work; or

324 (d) required timelines for a student to provide or demonstrate completed assignments,
325 coursework or progress toward academic goals.

326 (6) For a student enrolled in both [~~face-to-face~~] attendance validated and
327 [~~nontraditional~~] learner validated programs, an LEA shall measure a student's continuing
328 enrollment status using the methodology for the program in which the student earns the
329 majority of their membership days.

330 (7)(a) An LEA desiring to generate membership for student enrollment in courses
331 outlined in Subsection (3)(f)(iii), or to seek a waiver from a requirement(s) in Subsection
332 (3)(f)(iii), shall submit an application for course approval by April 1 of the year prior to which the
333 membership will be counted.

334 (b) An LEA shall be notified within 30 days of the application deadline if courses have
335 been approved.

336 **R277-419-6. Student Membership Calculations.**

337 (1)(a) Except as provided in Subsection (1)(b) or (1)(c), a student enrolled in only one
338 LEA during a school year is eligible for no more than 180 days of regular membership per
339 school year.

340 (b) An early graduation student may be counted for more than 180 days of regular
341 membership in accordance with the student's early graduation student education plan.

342 (c) A student transferring within an LEA to or from a year-round school is eligible for no
343 more than 205 days of regular membership per school year.

344 (2)(a) Except as provided in Subsection (2)(b), (2)(c), or (2)(d), a student enrolled in two
345 or more LEAs during a school year is eligible for no more than 180 days of regular membership
346 per school year.

347 (b) A student transferring to or from an LEA with a schedule approved under
348 Subsection R277-419-4(1)(b) is eligible for no more than 220 days of regular membership per
349 school year.

350 (c) A student transferring to or from an LEA where the student attended or will attend
351 a year-round school is eligible for no more than 205 days of regular membership per school
352 year.

353 (d) If the exceptions in Subsections (2)(b) and (2)(c) do not apply but a student
354 transfers from one LEA to another at least one time during the school year, the student is
355 eligible for regular membership in an amount not to exceed the sum of:

356 (i) 170 days; plus

357 (ii) 10 days multiplied by the number of LEAs the student attended during the school
358 year.

359 (3) If a student is enrolled in two or more LEAs during a school year and the aggregate
360 regular membership generated for the student between all LEAs exceeds the amount allowed
361 under Subsection (2), the Superintendent shall apportion the days of regular membership
362 allowed between the LEAs.

363 (4) If a student was enrolled for only part of the school day or only part of the school
364 year, an LEA shall prorate the student's membership according to the number of hours,
365 periods or credits for which the student actually was enrolled in relation to the number of hours,
366 periods or credits for which a full-time student normally would have been enrolled. For
367 example:

368 (a) If the student was enrolled for 4 periods each day in a 7 period school day for all
369 180 school days, the student's aggregate membership would be $\frac{4}{7}$ of 180 days or 103 days.

370 (b) If the student was enrolled for 7 periods each day in a 7 period school day for 103
371 school days, the student's membership would also be 103 days.

372 (5) For students in grades 2 through 12, an LEA shall calculate the days in
373 membership using a method equivalent to the following: total clock hours of instruction for
374 which the student was enrolled during the school year divided by 990 hours and then
375 multiplied by 180 days and finally rounded up to the nearest whole day. For example, if a
376 student was enrolled for only 900 hours during the school year, the student's aggregate
377 membership would be $(900/990)*180$, and the LEA would report 164 days.

378 (6) For students in grade 1, an LEA shall adjust the first term of the formula to use 810
379 hours as the denominator.

380 (7) For students in kindergarten, an LEA shall adjust the first term of the formula to use
381 450 hours as the denominator.

382 (8) The sum of regular plus self-contained special education and self-contained YIC
383 membership days may not exceed 180 days.

384 (9) The sum of regular and resource special education membership days may not
385 exceed 360 days.

386 (10) The sum of regular, ISI-1 and ISI-2 YIC membership days may not exceed 360
387 days.

388 (11) An LEA may also count a student in membership for the equivalent in hours of up
389 to:

390 (a) one period each school day, if the student has been:

391 (i) released by the school, upon a parent or guardian's request, during the school day
392 for religious instruction or individual learning activity consistent with the student's SEOP/Plan
393 for College and Career Readiness; or

394 (ii) participating in one or more extracurricular activities under Rule [R277-438](#), but has
395 otherwise been exempted from school attendance under Section [53G-6-204](#) for home
396 schooling;

397 (b) two periods each school day per student for time spent in bus travel during the
398 regular school day to and from another state-funded institution, if the student is enrolled in CTE
399 instruction consistent with the student's SEOP/Plan for College and Career Readiness;

400 (c) all periods each school day, if the student is enrolled in:

401 (i) a concurrent enrollment program that satisfies all the criteria of Rule [R277-713](#);

402 (ii) a private school without religious affiliation under a contract initiated by an LEA to
403 provide special education services which directs that the instruction be paid by public funds if
404 the contract with the private school is approved by an LEA board in an open meeting;

405 (iii) a foreign exchange student program under Subsection [53G-6-707\(7\)](#); or

406 (iv) a school operated by an LEA under a Utah Schools for the Deaf and the Blind IEP
407 provided that:

408 (A) the student may only be counted in S1 membership and may not have an S2
409 record; and

410 (B) the S2 record for the student is submitted by the Utah Schools for the Deaf and the
411 Blind.

412 **R277-419-7. Calculations for a First Year Charter School.**

413 (1) For the first operational year of a charter school or a new satellite campus, the
414 Superintendent shall determine the charter school's WPU funding based on October 1 counts.

415 (2) For the second operational year of a charter school or a new satellite campus, the
416 Superintendent shall determine the charter school's WPU funding based on Section [53F-2-](#)
417 [302](#).

418 **R277-419-8. Reporting Requirements, LEA Records, and Audits.**

419 (1) An LEA shall report aggregate membership for each student via the School
420 Membership field in the S1 record and special education membership in the SCRAM
421 Membership field in the S2 record and YIC membership in the S3 record of the Year End
422 upload of the Data Clearinghouse file.

423 (2) In the Data Clearinghouse, aggregate membership is calculated in days of
424 membership.

425 (3) To determine student membership, an LEA shall ensure that records of daily
426 student attendance are maintained in each school which clearly and accurately show for each
427 student the:

- 428 (a) entry date;
- 429 (b) exit date;
- 430 (c) exit or high school completion status;
- 431 (d) whether or not an absence was excused;
- 432 (e) disability status (resource or self-contained, if applicable); and
- 433 (f) YIC status (ISI-1, ISI-2 or self-contained, if applicable).

434 (4) An LEA shall ensure that:

435 (a) computerized or manually produced records for CTE programs are kept by teacher,
436 class, and classification of instructional program (CIP) code; and

437 (b) the records described in Subsection (4)(a) clearly and accurately show for each
438 student in a CTE class the:

- 439 (i) entry date;
- 440 (ii) exit date; and
- 441 (iii) excused or unexcused status of absence.

442 (5) An LEA shall ensure that each school within the LEA completes a minimum of one
443 attendance check each school day.

444 (6) Due to school activities requiring schedule and program modification during the first
445 days and last days of the school year:

446 (a) for the first five school days, an LEA may report aggregate days of membership
447 equal to the number recorded for the second five-day period of the school year;

448 (b) for the last five-day period, an LEA may report aggregate days of membership
449 equal to the number recorded for the immediately preceding five-day period; and

450 (c) schools shall continue instructional activities throughout required calendared
451 instruction days.

- 452 (7) An LEA shall employ an independent auditor, under contract, to:
- 453 (a) annually audit student accounting records; and
- 454 (b) report the findings of the audit to:
- 455 (i) the LEA board; and
- 456 (ii) the Financial Operations Section of the Board.
- 457 (8) Reporting dates, forms, and procedures are found in the State of Utah Legal
- 458 Compliance Audit Guide, provided to LEAs by the Superintendent in cooperation with the State
- 459 Auditor's Office.
- 460 (9) The Superintendent:
- 461 (a) shall review each LEA's student membership and fall enrollment audits as they
- 462 relate to the allocation of state funds in accordance with the policies and procedures
- 463 established in Sections [R277-484](#)-7 and 8; and
- 464 (b) may periodically or for cause review LEA records and practices for compliance with
- 465 the laws and this rule.

466 **R277-419-9. High School Completion Status.**

- 467 (1) An LEA shall account for the final status of all students who enter high school
- 468 (grades 9-12) whether they graduate or leave high school for other reasons, using the
- 469 following decision rules to indicate the high school completion or exit status of each student
- 470 who leaves the Utah public education system:
- 471 (a) graduates are students who earn a basic high school diploma by satisfying one of
- 472 the options consistent with Subsection [R277-705](#)-4(2) or out-of-school youths of school age
- 473 who complete adult education secondary diploma requirements consistent with [R277-733](#);
- 474 (b) completers are students who have not satisfied Utah's requirements for graduation
- 475 but who:
- 476 (i) are in membership in twelfth grade on the last day of the school year; and
- 477 (ii)(A) meet any additional criteria established by an LEA consistent with its authority
- 478 under Section [R277-705](#)-4;

479 (B) meet any criteria established for special education students under Utah State Board
480 of Education Special Education Rules, Revised, June 2016, and available at:
481 <http://www.schools.utah.gov/sars/Laws.aspx> and the Utah State Board of Education;

482 (C) meet any criteria established for special education students under Subsection
483 [R277-700-8\(5\)](#); or

484 (D) pass a General Educational Development (GED) test with a designated score;

485 (c) continuing students are students who:

486 (i) transfer to higher education, without first obtaining a diploma;

487 (ii) transfer to the Utah Center for Assistive Technology without first obtaining a
488 diploma; or

489 (iii) age out of special education;

490 (d) dropouts are students who:

491 (i) leave school with no legitimate reason for departure or absence;

492 (ii) withdraw due to a situation so serious that educational services cannot be
493 continued even under the conditions of Subsection [R277-419-5\(3\)\(f\)\(ii\)](#);

494 (iii) are expelled and do not re-enroll in another public education institution; or

495 (iv) transfer to adult education;

496 (e) an LEA shall exclude a student from the cohort calculation if the student:

497 (i) transfers out of state, out of the country, to a private school, or to home schooling;

498 (ii) is a U.S. citizen who enrolls in another country as a foreign exchange student;

499 (iii) is a non-U.S. citizen who enrolls in a Utah public school as a foreign exchange
500 student under Section [53G-6-707](#) in which case the student shall be identified by resident
501 status (J for those with a J-1 visa, F for all others), not by an exit code;

502 (iv) dies; or

503 (v) beginning with the 2015-2016 school year, is attending an LEA that is not the
504 student's school of enrollment.

505 (2)(a) An LEA shall report the high school completion status or exit code of each
506 student to the Superintendent as specified in Data Clearinghouse documentation.

507 (b) High School completion status or exit codes for each student are due to the
508 Superintendent by year end upload for processing and auditing.

509 (c) Except as provided in Subsection (2)(d), an LEA shall submit any further updates
510 of completion status or exit codes by October 1 following the end of a student's graduating
511 cohort pursuant to Section [R277-484-3](#).

512 (d) An LEA with an alternative school year schedule where all of the students have an
513 extended break in a season other than summer, shall submit the LEA's data by the next
514 complete data submission update, following the LEA's extended break, as defined in Section
515 [R277-484-3](#).

516 (3)(a) The Superintendent shall report a graduation rate for each school, LEA, and the
517 state.

518 (b) The Superintendent shall calculate the graduation rates in accordance with
519 applicable federal law.

520 (c) The Superintendent shall include a student in a school's graduation rate if:

521 (i) the school was the last school the student attended before the student's expected
522 graduation date; and

523 (ii) the student does not meet any exclusion rules as stated in Subsection (1)(e).

524 (d) The last school a student attended will be determined by the student's exit dates
525 as reported to the Data Clearinghouse.

526 (e) A student's graduation status will be attributed to the school attended in their final
527 cohort year.

528 (f) If a student attended two or more schools during the student's final cohort year, a
529 tie-breaking logic to select the single school will be used in the following hierarchical order of
530 sequence:

531 (i) school with an attached graduation status for the final cohort year;

532 (ii) school with the latest exit date;

533 (iii) school with the earliest entry date;

534 (iv) school with the highest total membership;

535 (v) school of choice;

- 536 (vi) school with highest attendance; or
537 (vii) school with highest cumulative GPA.
538 (g) The Superintendent shall report the four-year cohort rate on the annual state
539 reports.

540 **R277-419-10. Student Identification and Tracking.**

541 (1)(a) Pursuant to Section [53E-4-308](#), an LEA shall:

542 (i) use the SSID system maintained by the Superintendent to assign every student
543 enrolled in a program under the direction of the Board or in a program or a school that is
544 supported by public school funding a unique student identifier; and

545 (ii) display the SSID on student transcripts exchanged with LEAs and Utah public
546 institutions of higher education.

547 (b) The unique student identifier:

548 (i) shall be assigned to a student upon enrollment into a public school program or a
549 public school-funded program;

550 (ii) may not be the student's social security number or contain any personally
551 identifiable information about the student.

552 (2) An LEA shall require all students to provide their legal first, middle, and last names
553 at the time of registration to ensure that the correct SSID follows students who transfer among
554 LEAs.

555 (a) A school shall transcribe the names from the student's birth certificate or other
556 reliable proof of the student's identity and age, consistent with Section [53G-6-603](#);

557 (b) The direct transcription of student names from birth certificates or other reliable
558 proof of student identity and age shall be the student's legal name for purposes of maintaining
559 school records; and

560 (c) An LEA may modify the order of student names, provide for nicknames, or allow
561 for different surnames, consistent with court documents or parent preferences, so long as legal
562 names are maintained on student records and used in transmitting student information to the
563 Superintendent.

564 (3) The Superintendent and LEAs shall track students and maintain data using
565 students' legal names.

566 (4) If there is a compelling need to protect a student by using an alias, an LEA should
567 exercise discretion in recording the name of the student.

568 (5) An LEA is responsible to verify the accuracy and validity of enrollment verification
569 data, prior to enrolling students in the LEA, and provide students and their parents with
570 notification of enrollment in a public school.

571 (6) An LEA shall ensure enrollment verification data is collected, transmitted, and
572 stored consistent with sound data policies, established by the LEA as required in Rule R277-
573 487.

574 **R277-419-11. Exceptions.**

575 (1)(a) An LEA may, at its discretion, make an exception for school attendance for a
576 public school student, in the length of the school day or year, for a student with compelling
577 circumstances.

578 (b) The time an excepted student is required to attend school shall be established by
579 the student's IEP or Plan for College and Career Readiness.

580 (2) A school using a modified 45-day/15-day year round schedule initiated prior to July
581 1, 1995 shall be considered to be in compliance with this rule if the school's schedule includes
582 a minimum of 990 hours of instruction time in a minimum of 172 days.

583 ~~**[R277-419-12. Snow, Inclement Weather, or Other Emergency School Closure Days.**~~

584 ~~—— (1) An LEA may seek a waiver directly from the Superintendent from the 180-day~~
585 ~~requirement described in Subsection R277-419-4(1) if:~~

586 ~~—— (a) the LEA closes a school for one school day due to excessive snow, inclement~~
587 ~~weather, or an other emergency; and~~

588 ~~—— (b) the school closure will result in the LEA not meeting the 180-day requirement~~
589 ~~described in Section R277-419-4.~~

590 ~~———(2) The Superintendent may grant up to one waiver, per school year, per school, for~~
591 ~~the school to close due to excessive snow, inclement weather, or other emergency without~~
592 ~~Board approval if the LEA has provided adequate contingency school days and hours into the~~
593 ~~LEA's calendar to avoid the necessity of requesting a waiver as required in Subsection R277-~~
594 ~~419-4(5).~~

595 ~~———(3) If the Superintendent denies an LEA's request described in Subsection (1), the LEA~~
596 ~~may appeal the Superintendent's decision by making the request of the full Board.~~

597 ~~———(4) If an LEA seeks a waiver for two or more school days due to excessive snow,~~
598 ~~inclement weather, or other emergency, the LEA shall seek the waiver pursuant to the~~
599 ~~procedures described in R277-121.~~

600 ~~———(5)(a) An LEA may request the Board to waive the school day and hour requirement~~
601 ~~pursuant to a directive from the Utah State Health Department or a local health department,~~
602 ~~that results in the closure of a school in the event of a pandemic or other public health~~
603 ~~emergency.~~

604 ~~———(b) A waiver described in this Subsection (5) may be for a designated time period, for~~
605 ~~a specific area, or for a specific LEA in the state, as determined by the health department~~
606 ~~directive.~~

607 ~~———(c) A waiver may allow an LEA to continue to receive state funds for pupil services and~~
608 ~~reimbursements.~~

609 ~~———(d) A waiver granted by the Board or Superintendent as described in this Subsection~~
610 ~~(5) shall direct an LEA to provide as much notice to students and parents of the suspension~~
611 ~~of school services, as is reasonably possible.~~

612 ~~———(e) A waiver granted shall direct an LEA to comply with health department directives,~~
613 ~~but to continue to provide any services to students that are not inconsistent with the directive.~~

614 ~~———(f) The Board may encourage an LEA to provide electronic or distance learning~~
615 ~~services to affected students for the period of the pandemic or other public health emergency~~
616 ~~to the extent of personnel and funds available.}]~~

617 **KEY: education finance, school enrollment, pupil accounting**

618 **Date of Enactment or Last Substantive Amendment: October 16, 2018**

619 **Notice of Continuation: August 14, 2017**

620 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53F-2-](#)**
621 **[102\(7\)](#); [53E-3-501\(1\)\(e\)](#); [53E-3-602\(2\)](#); [53E-3-301\(3\)\(d\)](#); [53G-4-404](#)**