

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 ~~[high-school]~~[applicable statewide](#)
9 [assessments](#) to students enrolled in online courses; ~~[and]~~

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 become
13 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 ~~(2)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 ~~(3)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 ~~(4)6~~(a) "Eligible student" means a student enrolled in grades 6-12 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
45 or earn high school graduation credit.

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

48 ~~(5)7~~ "Enrollment confirmation" means the student initially registered and actively
49 participated, as defined under Subsection(1).

50 ~~(6)8~~(a) "Executed CCA" means a CCA that has been executed pursuant to [signed
51 by all parties as provided in] Subsection 53F-4-508(3)(h) and received by the
52 Superintendent.

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

55 ~~(7)(a) "High school assessment" means the high school assessment described in~~
56 ~~Section 53E-4-304 and Subsection R277-404-2(6).~~

57 ~~——(b) "High school assessment" includes the board-approved alternate assessment for~~
58 ~~high school.]~~

59 ~~(8)9~~ "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and
60 the Blind.

61 ([9]10) "Online course" means a course of instruction offered through the Statewide
62 Online Education Program.

63 ([10]11) "Online course payment" means the amount withheld from a student's
64 primary LEA and disbursed or otherwise paid to the designated provider following
65 satisfaction of the requirements of the law, and as directed in Subsection 53F-4-507(2).

66 ([14]12) "Online course provider" or "provider" means:

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

69 (b) a charter school with an approved application described in Subsection R277-
70 726-3(1)(a);

71 (c) an LEA program created for the purpose of serving Utah students in grades [9]-
72 12 online with an approved application described in Subsection R277-726-3(1)(a); or

73 (d) a program of an institution of higher education described in Subsection 53F-4-
74 504(3) with an approved application described in Subsection R277-726-3(1)(b).

75 ([12]13) "Primary LEA of enrollment" means the LEA in which an eligible student is
76 enrolled for courses other than online courses offered through the Statewide Online
77 Education Program, and which reports the student to be in regular membership, and special
78 education membership, if applicable.

79 ([13]14) "Primary school of enrollment" means:

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

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

83 ([14]15) "Resident school" means the district school within whose attendance
84 boundaries the student's custodial parent or legal guardian resides.

85 (16) "Standard of active participation" means the measure of student engagement
86 that is used by the certified online course provider to count a student as in attendance for a
87 course.

88 ([15]17) "Statewide Online Education Program" or "program" means courses offered
89 to students under Title 53F, Chapter 4, Part 5, Statewide Online Education Program Act.

90 ([16]18) "Teacher of record" means the teacher who is employed by a provider and
91 to whom students are assigned for purposes of reporting and data submissions to the
92 Superintendent in accordance with Section R277-484-3.

93 ([17]19) "Underenrolled student" means a student with less than a full course load,
94 as defined by the LEA, during the regular school day at the student's primary school of
95 enrollment.

96 ([18]20) "USBE course code" means a code for a designated subject matter course
97 assigned by the Superintendent.

98 ([19]21) "Withdrawal from online course" means that a student withdraws or ceases
99 participation in an online course as follows:

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

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

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

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

108

109 **R277-726-3. Incorporation of Provider Applications by Reference.**

110 (1) This rule incorporates by reference the June 2021 edition of:

111 (a) the LEA SOEP Provider Application and Statewide Services Agreement;

112 (b) the Higher Education SOEP Provider Application and Statewide Services
113 Agreement (Utah Public Institutions of Higher Education);

114 (c) the Certified Online Provider SOEP Provider Application and Statewide Services
115 Agreement; and

116 (d) the Certified Online Provider SOEP Provider Application and Statewide Services
117 Agreement for Program Re-Admission.

118 (2) A copy of each provider application is located at:

119 (a) [INSERT LINK]; and

120 (b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah

121 84111.

122

123 **R277-726-~~3~~4. Course Credit Acknowledgment (CCA) Process.**

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

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

127 (i) graduation requirements;

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

129 (iii) the student's IEP;

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

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

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

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

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

138 (4) If a student enrolling in the program has an IEP, ~~or a~~ Section 504 plan, or
139 qualifies for multilingual supports, the primary LEA or school of enrollment shall forward the
140 IEP or description of 504 accommodations and other relevant supports to the provider within
141 72 business hours of receiving notice from the Superintendent that the provider has
142 accepted the enrollment request.

143 (5) The Superintendent shall develop and administer procedures for facilitation of a
144 CCA that informs all appropriate parties.

145

146 **R277-726-~~4~~5. Eligible Student and Parent Rights and Responsibilities.**

147 (1) An eligible student may register for program credits consistent with Section 53F-
148 4-503.

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

150 (a) the student's plan for college and career readiness indicates that the student
151 intends to complete high school graduation requirements and exit high school before the
152 rest of the student's high school cohort; and

153 (b) the student's schedule demonstrates progress toward early graduation.

154 (3) In accordance with Section 53F-4-509(5), if a student enrolled in a program
155 course exceeds a full course load during a regular school year, a primary LEA of enrollment
156 may mark the student as an early graduate and increase membership in accordance with
157 Section R277-419-~~[6]~~8 and Rule R277-484 to account for credits in excess of full-time
158 enrollment in a local Student Information System.

159 (4)(a) An eligible student is expected to complete courses in which the student
160 enrolls in a timely manner consistent with Section 53F-4-505 and requirements for
161 attendance and participation in accordance with Subsection R277-726-~~[7]~~8(15).

162 (b) If a student changes the student's enrollment for any reason, it is the student's or
163 student's parent's responsibility to notify the provider immediately.

164 (5) A student should enroll in online courses, or declare an intention to enroll, during
165 the school course registration period designated by the primary LEA of enrollment for regular
166 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 Subsection
173 (7)(a), the primary school of enrollment may immediately claim the student for the adjusted
174 portion of enrollment.

175

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

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

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

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

- 183 (a) in registration materials;
- 184 (b) on the LEA's website; and
- 185 (c) on the school's website.

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

189 (5) A primary school of enrollment shall include a student's online courses in the
190 student's enrollment records and, upon course completion, include online course grades
191 and credits on the student's transcripts.

192 (6) A primary school of enrollment shall recognize credit earned toward high school
193 graduation by a participating secondary student through courses completed prior to grade
194 9 for purposes of high school graduation provided that:

- 195 (a) the student has in the student's records documentation of the student's intention
196 to graduate early; and
- 197 (b) the student is enrolled at a middle school or junior high school and a high school
198 accredited in accordance with Rule [R277-410](#).

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

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

- 203 (i) allowing a student access to necessary technology in a computer lab or other
204 space within the school building during a school period or during the regular school day for
205 the student to participate in an online course; or
- 206 (ii) providing a participating student technology and wifi needed for the student to
207 participate outside of the school building.

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

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

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

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

225

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

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

229 (2) The Superintendent shall direct a provider to administer the ~~[high school]~~
230 applicable statewide assessments consistent with Section [53F-4-514](#) and Rule [R277-404](#).

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

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

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

236 (5) The Board may refuse to provide funds under a CCA if the Board finds that
237 information has been submitted fraudulently or in violation of the law or Board rule by any of
238 the parties to a CCA.

239 (6) The Superintendent shall receive and investigate complaints, and impose
240 sanctions, if appropriate, regarding course integrity, financial mismanagement, enrollment

241 fraud or inaccuracy, or violations of the law or this rule specific to the requirements and
242 provisions of the program.

243 (7) If a Board investigation finds that a provider has violated the IDEA or Section 504
244 provisions for a student taking online courses, the provider shall compensate the student's
245 primary LEA of enrollment for all costs related to compliance.

246 (8)(a) The Superintendent may audit, at the Board's sole discretion, an LEA's or
247 program participant's compliance with any requirement of state or federal law or Board rule
248 under the program.

249 (b) All participants shall provide timely access to all records, student information,
250 financial data or other information requested by the Board, the Board's auditors, or the
251 Superintendent upon request.

252 (9) The Board may withhold funds from a program participant for the participant's
253 failure to comply with a reasonable request for records or information.

254 (10) Program records are available to the public subject to Title 63G, Chapter 2,
255 Government Records Access and Management Act.

256 (11) The Superintendent shall withhold online course payment from a primary LEA
257 of enrollment and payments to an eligible provider at the nearest monthly transfer of funds,
258 subject to verification of information, in an amount consistent with, and at the time a provider
259 qualifies to receive payment, under Subsection 53F-4-505(4).

260 (12) The Superintendent shall pay a provider consistent with Minimum School
261 Program funding transfer schedules.

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

265 (b) The Superintendent shall report decisions described in Subsection (13)(a) to the
266 Board consistent with the purposes of the law and this rule.

267

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

269 (1)(a) A provider shall administer the ~~[high-school]~~applicable statewide assessments
270 to a participating private or home school student as directed by the Superintendent, including

271 proctoring the ~~[high school]~~applicable statewide assessments, consistent with Section 53F-
272 4-510 and Rule R277-404.

273 (b) A provider shall pay administrative and proctoring costs for the ~~[high~~
274 ~~school]~~applicable statewide assessments described in Subsection (1)(a).

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

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

279 (a) consistency with course standards;

280 (b) criminal background checks for provider employees;

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

282 (d) compliance with:

283 (i) the IDEA;

284 (ii) Section 504; and

285 (iii) requirements for ~~[ELL]~~multilingual students.

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

288 (a) Board procedures;

289 (b) Board timelines; and

290 (c) Sections 53F-4-505 through 53F-4-508.

291 (5)(a) A provider may charge a fee consistent with other secondary schools.

292 (b) If a provider intends to charge a fee of any kind, the provider:

293 (i) shall notify the primary school of enrollment with whom the provider has the CCA
294 of the purpose for fees and amounts of fees;

295 (ii) shall provide timely notice to a parent of required fees and fee waiver
296 opportunities;

297 (iii) shall post fees on the provider website;

298 (iv) shall be responsible for fee waivers for an eligible student, including all materials
299 for a student designated fee waiver eligible by a student's primary school of enrollment;

300 (v) shall satisfy all requirements of Rule R277-407, as applicable; and

301 (vi) shall provide fee waivers to home school or private school students who meet
302 fee waiver eligibility at the provider's expense.

303 (6) A provider shall maintain a student's records and comply with the federal Family
304 Educational Rights and Privacy Act, Title 53E, Chapter 9, Part 3, Utah Family Educational
305 Rights and Privacy Act, and Rule R277-487, including protecting the confidentiality of a
306 student's records and providing a parent and an eligible student access to records.

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

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

313 (b) June 30 of the school year.

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

316 (9)(a) If a provider suspends or expels a student from an online course for
317 disciplinary reasons, the provider shall notify the student's primary LEA of enrollment.

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

320 (c) A provider shall notify the Superintendent of a student's administrative
321 withdrawal, if the student is suspended for more than ten days, using forms and processes
322 developed by the Superintendent for this purpose.

323 (10)(a) A provider shall provide to the Superintendent a list of course options using
324 USBE-provided course codes.

325 (b) All program courses shall be coded as semester or quarter courses.

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

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

330 (12) A provider shall provide all records maintained as part of a public online school
331 or program, including:

332 (a) financial and enrollment records; and
333 (b) information for accountability and audit purposes upon request by the
334 Superintendent and the provider's external auditors.

335 (13) A provider shall maintain documentation of student work, including dates of
336 submission, for program audit purposes.

337 (14) A provider is responsible for complete and timely submissions of record
338 changes to executed CCAs and submission of other reports and records as required by the
339 Superintendent.

340 (15) A provider shall inform a student and the student's parent of expectations for
341 active participation in course work, including informing the student and the student's parent
342 of travel expectations to fulfill course requirements.

343 (16) An LEA may participate in the program as a provider by offering a school or
344 program to Utah secondary students in grades 6-12 who is not a resident student of the LEA
345 and a regularly-enrolled student of the LEA consistent with Sections 53F-4-501 and 53F-4-
346 503.

347 (17) A program school or program shall:

348 (a) be accredited by the accrediting entity adopted by the Board consistent with Rule
349 R277-~~419~~305;

350 (b) have a designated administrator who meets the requirements of Rule R277-520;

351 (c) ensure that a student who qualifies for a fee waiver shall receive all services
352 offered by and through the public schools consistent with Section 53G-7-504 and Rule
353 R277-407;

354 (d) maintain student records consistent with:

355 (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. Sec 1232g and
356 34 CFR Part 99; and

357 (ii) Rule R277-487; and

358 (e) shall offer course work:

359 (i) aligned with Utah Core standards;

360 (ii) in accordance with program requirements; and

361 (iii) in accordance with the provisions of Rules R277-700 and R277-404; and

362 (f) shall not issue transcripts under the name of a third-party provider.

- 363 (18) An LEA that offers an online program or school as a provider under the program:
364 (a) shall employ only educators licensed in Utah as teachers;
365 (b) may not employ an individual whose educator license has been suspended or
366 revoked;
367 (c) shall require all employees to meet requirements of Title 53G, Chapter 11, Part
368 4, Background Checks, prior to the provider offering services to a student;
369 (d) may only employ teachers who meet the requirements of Rule R277-301,
370 Educator Licensing - Highly Qualified Assignment;
371 (e) for a provider that provides an online course to a private or home school student,
372 shall agree to administer and have the capacity to proctor and carry out the ~~[high~~
373 ~~school]~~applicable statewide assessments, consistent with Section [53F-4-510](#) and Rule
374 R277-404;
375 (f) in accordance with Section R277-726-8, shall provide services to a student
376 consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights Act of
377 1964 for ~~[English Language Learners (ELL)]~~multilingual students;
378 (g) shall maintain copies of all CCAs for audit purposes; and
379 (h) shall agree that funds shall be withheld by the Superintendent consistent with
380 Sections [53F-4-505](#), [53F-4-506](#), and [53F-4-508](#).
- 381 (19) A provider shall cooperate with the Superintendent in providing timely
382 documentation of student participation, enrollment, educator credentials, and other
383 additional data consistent with Board directives and procedures and as requested.
- 384 (20) A provider shall post required information online on the provider's individual
385 website including required assessment and accountability information.
- 386 (21)(a) A provider contracting with a third-party to provide educational services to
387 students participating with the provider through the Statewide Online Education Program
388 shall:
- 389 (b) develop a written monitoring plan to supervise the activities and services provided
390 by the third-party provider to ensure:
- 391 (i) a third-party provider is complying with:
- 392 (A) federal law;
393 (B) state law; and

394 (C) Board rules;
395 (ii) curriculum provided by a third-party provider is aligned with the Board's core
396 standards and rules;

397 (iii) supervision of third-party facilitation and instruction by an educator licensed in
398 Utah:

399 (A) employed by the provider, and

400 (B) reported as teacher of record per Section R277-484-3 and Subsection R277-
401 726-2(3); and

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

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

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

409 (24) A provider is subject to:

410 (a) the same approval and annual performance review as described for a certified
411 online course provider in Subsections R277-726-12(1)-(10) including the cure period for
412 non-compliance described in Subsection R277-726-12(9); and

413 (b) while utilizing the applicable applications for a provider described in Subsections
414 R277-726-3(1)(a) & (b).

415

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

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

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

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

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

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

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

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

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

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

434 (2) For a student enrolled in a primary LEA of enrollment, if a student participating in
435 the program qualifies to receive services under the IDEA:

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

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

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

441 (iii) provide the IEP described in Subsection (2)(a)(i) to the provider within 72
442 business hours of completion of the student's IEP; and

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

445 (b) the provider shall provide special education services and accommodations to the
446 student in accordance with the student's IEP described in Subsection (2)(a)(i).

447 (3) If a home or private school student requests an evaluation for eligibility to receive
448 special education services:

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

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

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

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

456 ~~[(iv) claim the student in the resident school's membership; and]~~

457 (b) the provider shall provide special education services and accommodations to the
458 student in accordance with the student's IEP described in Subsection (4)(a)(i).

459

460 **R277-726-~~9~~10. Home and Private School Appropriation.**

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

463 (a) 50% of the total appropriation for home school students; and

464 (b) 50% of the total appropriation for private school students.

465 (2) The Superintendent shall receive and accept enrollment requests on a first come,
466 first served basis until all available funds are obligated.

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

469

470 **R277-726-1~~0~~1. Other Information.**

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

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

474 (a) school awards and honors;

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

476 (c) high school graduation.

477

478 **R277-726-12 Certified Online Course Provider Application Approval, Program**
479 **Requirements, and Fees.**

480 (1) An entity other than an online course provider may become a certified online
481 course provider if the entity submits an application described in Subsection R277-726-

482 3(1)(c).

483 (2) An entity other than an online course provider shall submit the application
484 described in Subsection R277-726-3(1)(c) on or before the annual deadline established by
485 the Superintendent.

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

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

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

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

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

498 (b) all additional requirements prescribed in the application described in Subsection
499 R277-726-3(1)(c); and

500 (c) all state laws applicable to an online course provider including Subsections 53F-
501 4-501 et. seq.

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

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

509 (9) If the certified online course provider fails to correct instances of non-compliance
510 within the following state fiscal year allotted timeline, the certified online course provider shall
511 be removed from the program.

512 (10) A certified online course provider that has been removed from the program may
513 apply in the application round following removal from the program for readmission to the
514 program using the application described in Subsection R277-726-3(1)(d).

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

517 (a) 5% of revenue collected for the first \$200,000 received pursuant to Section 53F-
518 4-505; and

519 (b) 1% of revenue collected after the first \$200,000 received pursuant to Section 53F-
520 4-505.

521

522 **KEY: statewide online education program**

523 **Date of Enactment or Last Substantive Amendment: ~~January 8~~, 2021**

524 **Notice of Continuation: ~~December 15, 2015~~2021**

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

526 **53E-3-401**

527