

R277-421 received final approval by the Utah State Board of Education on October 7, 2021. R277-421 was published in the November 1, 2021, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of December 8, 2021.

R277. Education, Administration.

R277-421. Out-of-State Tuition Reimbursement.

R277-421-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Section 53G-6-305, which outlines when a school district may pay out-of-state tuition for a resident student to attend a school district out[-]of[-]state.
- (2) The purpose of this rule is to establish procedures for:
 - (a) obtaining Board approval for reimbursement of out-of-state tuition expenses;
 - (b) calculating reimbursement costs; and
 - (c) recording out[-]of[-]state students in district records.

R277-421-2. Definitions.

- (1) "ADM" means average daily membership.
- (2) "Minimum school program" or "MSP" means the same as that term is defined in Section 53F-2-102.
- (3) "NESS" means the Necessarily Existent Small Schools Fund.
- (4) "Utah eTranscript and Records Exchange" or "UTREx" means a system that allows individual detailed student records to be exchanged electronically between public education districts and the Superintendent, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.
- (5) "WPU" means the weighted pupil unit.

R277-421-3. ~~[Board]~~Review of Out-of-State Tuition Agreements.

R277-421 received final approval by the Utah State Board of Education on October 7, 2021. R277-421 was published in the November 1, 2021, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of December 8, 2021.

(1) A district shall submit to the Superintendent an agreement to pay tuition to an out-of-state district in accordance with Subsection 53G-6-305(1) by June 30.

(2) A district requesting reimbursement for excess tuition costs under Subsection 53G-6-305(3) shall submit a request to the Superintendent by June 30 including:

(a) an estimate of ADM for out[-]of[-]state students for the upcoming school year; and

(b) an estimate of tuition payment amounts for the upcoming school year.

(3)(a) The ~~[Board]~~Superintendent shall review a request submitted under Subsection (2) no later than August 30.

(b) The ~~[Board]~~Superintendent may deny a request submitted under Subsection (2) if there are insufficient funds to cover the reimbursement.

R277-421-4. Calculation of Out-of-State Tuition Reimbursement.

(1) The Superintendent shall calculate out-of-state reimbursement to a district by subtracting state funds that are calculated based on the WPU generated by an out-of-state resident student's ADM from the total tuition payment per student:

(a) Kindergarten WPU;

(b) Grade 1-12 WPU;

(c) Professional Staff Costs;

(d) NESS;

(e) District Administrative Costs;

(f[i]) Class-Size Reduction;

(g) Flexible Allocation;

(h) Gifted and Talented program;

(i) K-3 Reading Improvement program;

(j) Voted and Board Local Levy Guarantee programs; and

(k) Applicable Special Education programs.

(2) A district shall not include out-of-state tuition payments in any other MSP formula.

R277-421 received final approval by the Utah State Board of Education on October 7, 2021. R277-421 was published in the November 1, 2021, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of December 8, 2021.

(3) The Superintendent may include in a calculation under Subsection (1) mileage costs reimbursed by a district to parents for transporting students to the nearest bus stop in accordance with Section R277-600-7.

(4) The Superintendent shall reserve the estimated funds identified by a district under Subsection R277-421-3(2)(a) from the new year NESS appropriation, and pay Board-authorized reimbursement payments from reserved funds.

R277-421-5. Recording Student Membership for Out-of-State Students.

(1) A district shall record student membership for students receiving out-of-state tuition reimbursement in accordance with District enrollment and membership policies.

(2) A district shall report students in UTREx for whom they are paying out-of-state tuition using codes identified by the Superintendent.

(3) A district shall report ADM for students attending school out-of-state pursuant to a tuition agreement under Section 53G-6-305 in the same manner as the district calculates ADM for students attending the district's schools.

KEY: out-of-state, tuition, reimbursements

Date of Last Change: 2021[~~October 11, 2016~~]

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-6-305