

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 ~~[6]~~7-12 in a
41 secondary 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) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and
54 the Blind.

55 (10) "Online course" means a course of instruction offered through the Statewide
56 Online Education Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

84 (18) "Statewide Online Education Program" or "program" means courses offered

85 to students under Title 53F, Chapter 4, [Part 5](#), Statewide Online Education Program
86 Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119

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

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

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

124 (i) graduation requirements;

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

126 (iii) the student's IEP;

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

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

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

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

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

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

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

141 of a CCA that informs the appropriate parties.

142

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

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

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

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

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

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

157 (4)(a) An eligible student is expected to complete courses in which the student
158 enrolls in a timely manner consistent with Section [53F-4-505](#) and requirements for
159 attendance and participation in accordance with Subsection ~~R277-726-~~[8]~~7~~(15) and
160 Subsection R277-726-2(17).

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

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

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

169 established deadline for dropping and adding traditional courses.

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

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

176

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

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

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

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

184 (a) in registration materials;

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

186 (c) on the school's website.

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

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

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

197 before grade 9 for purposes of high school graduation provided that:

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

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

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

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

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

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

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

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

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

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

225 requirements is not required to independently verify:

226 (i) early graduation status; or

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

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

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

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

239 (2) The Superintendent shall direct a provider to administer the Utah standards
240 and high school assessments, as applicable, consistent with Section [53F-4-514](#) and
241 Rule [R277-404](#).

242 (3) The Superintendent shall prepare and make available applications and
243 program agreements for:

244 (a) LEA providers;

245 (b) higher education providers; and

246 (c) certified online providers.

247 ~~(3)4~~(a) The Superintendent may determine space availability standards and
248 appropriate course load standards for online courses consistent with Subsection [53F-4-](#)
249 [512](#)(3)(d).

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

251 (5)(a) Prior to approving a provider, the Superintendent shall review Annual
252 Financial Reports and state-administered test data to establish capacity of a program to

253 serve an increased range of students while still meeting program requirements.

254 (b) The Superintendent may restrict a provider from offering coursework if the
255 Superintendent determines that the provider demonstrates repeated low performance
256 on statewide assessments in English Language Arts, math, or science.

257 ([4]6) The Superintendent shall withhold funds from a primary LEA of enrollment
258 and make payments to a provider consistent with Sections [53F-4-505](#) through [53F-4-](#)
259 [507](#).

260 ([5]7) The Superintendent may refuse to provide funds under a CCA if the
261 Superintendent finds that information has been submitted fraudulently or in violation of
262 the law or Board rule by any of the parties to a CCA.

263 ([6]8) The Superintendent shall receive and investigate complaints, and impose
264 sanctions, if appropriate, regarding course integrity, financial mismanagement,
265 enrollment fraud or inaccuracy, or violations of the law or this rule specific to the
266 requirements and provisions of the program.

267 ([7]9) If a Superintendent or federal entity's investigation finds that a provider has
268 violated the IDEA or Section 504 provisions for a student taking online courses, the
269 provider shall compensate the student's primary LEA of enrollment for costs related to
270 compliance.

271 ([8]10) The Superintendent may monitor an LEA's or program provider's
272 compliance with any requirement of state or federal law or Board rule under the
273 program.

274 ([9]11) The Superintendent may withhold funds from a program provider for the
275 participant's failure to comply with a reasonable request for records or information.

276 ([10]12) Program records are available to the public subject to Title 63G,
277 [Chapter 2](#), Government Records Access and Management Act.

278 ([14]13) The Superintendent shall withhold online course payment from a
279 primary LEA of enrollment and payments to an eligible provider at the nearest monthly
280 transfer of funds, subject to verification of information, in an amount consistent with, and

281 when a provider qualifies to receive payment, under Subsection [53F-4-505\(4\)](#).

282 (~~[142]~~14) The Superintendent shall pay a provider consistent with Minimum
283 School Program funding transfer schedules.

284 (~~[143]~~15)(a) The Superintendent may make decisions on questions or issues
285 unresolved by Title 53F, Chapter 4, [Part 5](#), Statewide Online Program Act or this rule on
286 a case-by-case basis.

287 (b) The Superintendent shall report decisions described in Subsection
288 (~~[143]~~15)(a) to the Board consistent with the purposes of the law and this rule.

289

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

291 (1)(a) A provider shall administer the applicable statewide assessments to a
292 participating private or home school student as directed by the Superintendent,
293 including proctoring the applicable statewide assessments, consistent with Section [53F-](#)
294 [4-510](#) and Rule [R277-404](#).

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

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

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

301 (a) consistency with course standards;

302 (b) criminal background checks for provider employees;

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

304 (d) compliance with:

305 (i) the IDEA;

306 (ii) Section 504; and

307 (iii) requirements for multilingual students.

308 (4) A provider shall receive payments for a student properly enrolled in the

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

- 337 (iv) completion of credit.
- 338 (7) Except as otherwise provided in this Rule R277-726, a provider shall submit
339 a student's credit and grade to the Superintendent, using processes and applications
340 provided by the Superintendent for this purpose, to a designated counselor or registrar
341 at the primary school of enrollment, and the student's parent no later than:
- 342 (a) 30 days after a student satisfactorily completes an online semester or quarter
343 course; or
- 344 (b) June 30 of the school year.
- 345 (8) A provider may not withhold a student's credits, grades, or transcripts from
346 the student, parent, or the student's school of enrollment for any reason.
- 347 (9)(a) If a provider suspends or expels a student from an online course for
348 disciplinary reasons, the provider shall notify the student's primary LEA of enrollment by
349 placing the student on disciplinary withdrawal.
- 350 (b) A provider is responsible for due process procedures for student disciplinary
351 actions in the provider's online program.
- 352 (c)(i) A provider shall notify the Superintendent of a student's administrative
353 withdrawal, if the student is inactive in a course for more than ten days, using forms and
354 processes developed by the Superintendent for this purpose.
- 355 (ii) If a student, parent, or counselor fails to request reinstatement following
356 notification under Subsection (c)(i), the provider shall formally withdraw the student
357 within 72 hours and notify the student, parent, and primary LEA of the action.
- 358 (10) If a student entitled to services under the IDEA is removed from an online
359 program, the primary LEA shall work with the student and the student's parents to
360 identify alternatives to provide a free and appropriate public education.
- 361 (11)(a) A provider shall provide to the Superintendent a list of course options
362 using USBE-provided course codes.
- 363 (b) A provider shall [Program] code program courses ~~[shall be coded]~~ as
364 semester or quarter courses.

- 365 (c) A provider shall update the provider's course offerings annually.
- 366 (12) A provider shall serve a student on a first-come-first-served basis who
367 desires to take courses and who is designated eligible by a primary school of enrollment
368 if desired courses have space available.
- 369 (13) A provider shall maintain and provide records and systems as part of a
370 public online school or program, including:
- 371 (a) financial and enrollment records;
- 372 (b) information for accountability, program monitoring, and audit purposes; and
- 373 (c) providing timely documentation of student participation, enrollment, educator
374 credentials, and other additional data for purposes including giving a student's primary
375 school of enrollment access to the student's records to appropriately support the
376 student.
- 377 (14) A provider shall maintain the following for at least five calendar years after
378 the student graduates:
- 379 (a) test scores;
- 380 (b) student grades;
- 381 (c) completion of credit; and
- 382 (d) other progress and performance measures.
- 383 (15)(a) A provider is responsible for complete and timely submissions of record
384 changes to executed CCAs and submission of other reports and records as required by
385 the Superintendent.
- 386 (b) A provider shall update CCAs to the nearest credit value earned by June 30
387 annually.
- 388 (c) A provider may only maintain an CCA open after June 30 if a student
389 remains actively engaged in coursework, meeting the provider's standard of active
390 participation.
- 391 (16) A provider shall inform a student and the student's parent of expectations
392 for active participation before the inception of course work, including informing the

393 student and the student's parent of travel expectations to fulfill course requirements.

394 (17)(a) An LEA may participate in the program as a provider by offering a school
395 or program consistent with Rule [R277-115](#) to a Utah secondary student in grades [6]7-
396 12 who is not a resident student of the LEA and a regularly-enrolled student of the LEA
397 consistent with Sections [53F-4-501](#) and [53F-4-503](#).

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

400 (i) report grades and credit earned by a student to the Superintendent; and
401 (ii) record educator assignments consistent with Rule [R277-484](#).

402 (18) A program school or program shall:

403 (a) be accredited [~~by the accrediting entity adopted by the Board~~] consistent with
404 Rule [~~R277-305~~] [R277-410](#);

405 (b) have a designated administrator who meets the requirements of Rule [~~R277-~~
406 ~~520~~] [R277-309](#);

407 (c) ensure that a student who qualifies for a fee waiver receives services offered
408 by and through the public schools consistent with Section [53G-7-504](#) and Rule [R277-](#)
409 [407](#);

410 (d) maintain student records consistent with:

411 (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. [~~Sec~~] [1232g](#)
412 and 34 CFR [Part 99](#);

413 (ii) Rule [R277-487](#);

414 (iii) this Rule [R277-726](#); and

415 (e) shall offer course work:

416 (i) aligned with Utah Core standards;

417 (ii) in accordance with program requirements; and

418 (iii) in accordance with Rules [R277-700](#) and [R277-404](#);

419 (f) shall not issue transcripts under the name of a third party provider; and

420 (g) shall record teaching assignments by November 15 annually consistent with

421 Rule [R277-484](#) and Section ~~[R277-512-7]~~ [R277-312-3](#), either directly or through a
422 partner school in accordance with Subsection (18)(b).

423 (19) An LEA that offers an online program or school as a provider under the
424 program:

425 (a) shall employ only educators licensed in Utah as teachers;

426 (b) may not employ an individual whose educator license has been suspended
427 or revoked;

428 (c) shall require employees to meet requirements of Title 53G, Chapter 11, [Part](#)
429 [4](#), Background Checks, before the provider offering services to a student;

430 (d) may only employ teachers who meet the requirements of Rule [R277-301](#),
431 Educator Licensing - Highly Qualified Assignment;

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

436 (f) in accordance with Section R277-726-8, shall provide services to a student
437 consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights
438 Act of 1964 for multilingual students;

439 (g) shall submit CCAs to the Superintendent before the provider initiating
440 instruction of a student;

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

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

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

447 (22)(a) A provider contracting with a third party to provide educational services
448 to students participating with the provider through the Statewide Online Education

449 Program shall:

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

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

453 (A) federal law;

454 (B) state law; and

455 (C) Board rules;

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

458 (iii) a third party provider has access to curriculum for alignment and adjustment
459 to ensure the curriculum is consistent with the Utah core standards in Rule [R277-700](#)
460 and a Board approved core code;

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

463 (A) employed by the provider, and

464 (B) reported as teacher of record per Section [R277-484](#)-3 and Subsection R277-
465 726-2(3); and

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

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

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

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

- 477 (26) A provider utilizing a third party shall establish contractual and procedural
478 safeguards:
- 479 (a) retaining legal and procedural authority to open coursework to a participating
480 student only upon issuance of a notice of enrollment regarding a particular course and
481 credit;
 - 482 (b) signifying the provider's authority to interact instructionally with a student not
483 regularly enrolled in an LEA, but participating in SOEP courses with approval of the
484 student's primary LEA of enrollment; and
 - 485 (c) including acceptance of financial responsibility by a primary LEA of
486 enrollment.
- 487 (27) A provider is not required to independently verify:
- 488 (a) early graduation status; or
 - 489 (b) the non-supplanting nature of SOEP courses.

490

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

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

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

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

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

504 (i) except as provided in Subsection (2)(b), review and implement the plan for

505 the student; and

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

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

510 (i) the student is enrolled in a primary LEA of enrollment; and
511 (ii) the primary LEA of enrollment has a current Section 504 plan for the student.

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

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

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

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

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

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

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

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

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

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

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

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

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

539

540 **R277-726-[10]9. [Home and Private School Appropriation] Limited Appropriations**
541 **for Special Populations.**

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

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

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

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

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

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

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

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

560 ~~(b)(i) The Superintendent may prioritize funding to schools based on enrollment~~

561 ~~thresholds of qualifying students.~~
562 ~~_____ (ii) The Superintendent shall determine thresholds in a manner to ensure equity,~~
563 ~~and taking into account the needs of both charter and district schools.~~
564 ~~_____ (c) The Superintendent shall determine small school eligibility using prior-year~~
565 ~~UTREx end of year extracts.~~
566 ~~_____ (d)(i) Each LEA shall certify to the Superintendent by August 1 annually if the~~
567 ~~LEA will opt out of eligibility for small school funding, or claim proportionate amounts~~
568 ~~accruing to eligible schools in the LEA.~~
569 ~~_____ (ii) An LEA may opt out on a per school basis.]~~
570 (4)(a) For each school with a student population of less than 1000 students, the
571 Superintendent shall prioritize available funds to cover one course per student at the
572 highest course rate.
573 _____ (b) After disbursing funds in accordance with Subsection (4)(a), if funds remain,
574 the Superintendent shall distribute the remaining funds based on population with 70% to
575 qualifying district schools and 30% to charter schools.
576 _____ (c) If unused funds remain after March 1 annually, the Superintendent may
577 redistribute available funds to qualifying LEAs whose needs exceeded their initial
578 allocation.
579 _____ (d) The Superintendent shall calculate allocations using prior-year UTREx end of
580 year extracts.

581
582 **R277-726-[44]10. Other Information.**

- 583 (1) A primary school of enrollment shall set reasonable timelines and standards.
584 (2) A provider shall adhere to timelines and standards described in Subsection
585 (1) for student grades and enrollment in online courses for purposes of:
586 (a) school awards and honors;
587 (b) Utah High School Activities Association participation; and
588 (c) high school graduation.

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

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

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

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

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

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

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

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

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

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

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

(8) If the Superintendent finds the certified online course provider is not in compliance with any requirement as outlined in Subsection (6) of this part, the

Superintendent shall provide the certified online course provider with a list of non-compliance issues and a reasonable timeline for the certified online course provider to cure the instances of non-compliance.

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

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

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

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

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

R277-726-12. Online Concurrent Enrollment.

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

KEY: statewide online education program

Date of Last Change:

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