

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 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)~~]Section  
29 [53E-4-303](#);

30 [~~—(c) a statewide assessment as defined in Subsection R277-404-2(10);]~~ and  
31 [~~—(d)~~(c) a Utah alternative assessment as defined in Subsection [R277-404-](#)  
32 ~~2[(12)](13)~~.

33 (3) "Certified online course provider" means the same as the term is defined in  
34 Subsection [53F-4-501](#)(1).

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

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

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

43 (6)(a) "Eligible student" means a student enrolled in grades 6-12 in a secondary  
44 environment in a course that:

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

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

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

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

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

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

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

58 (10) "Online course" means a course of instruction offered through the Statewide

59 Online Education Program.

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

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

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

66 (b) a charter school with an approved application described in Subsection R277-  
67 726-3(1)(a);

68 (c) an LEA program created for the purpose of serving Utah students in grades 7-  
69 12 online with an approved application described in Subsection R277-726-3(1)(a); or

70 (d) a program of an institution of higher education described in Subsection [53F-4-](#)  
71 [504\(3\)](#) with an approved application described in Subsection R277-726-3(1)(b).

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

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

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

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

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

82 (16) "Section 504" means Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.  
83 794.

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

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

88 to students under Title 53F, Chapter 4, Part 5, Statewide Online Education Program Act.

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

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

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

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

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

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

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

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

107

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

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

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

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

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

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

- 117 (2) A copy of each provider application is located at:  
118 (a) [https://schools.utah.gov/\[administrativerules/documentsincorporated\]edonline](https://schools.utah.gov/[administrativerules/documentsincorporated]edonline);  
119 and  
120 (b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah  
121 84111.

122

123 **R277-726-4. 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, Section 504 plan, or qualifies  
139 for multilingual supports, the primary LEA or school of enrollment shall forward the IEP or  
140 description of 504 accommodations and other relevant supports to the provider within 72  
141 business hours of receiving notice from the Superintendent that the provider has accepted  
142 the enrollment request.  
143 (5) The Superintendent shall develop and administer procedures for facilitation of  
144 a CCA that informs the appropriate parties.

145

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

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

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

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

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

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

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

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

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

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

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

173 (b) If an underenrolled student enrolls in an online course as described in  
174 Subsection (7)(a), the primary school of enrollment may immediately claim the student for

175 the adjusted portion of enrollment.

176

177 **R277-726-6. LEA Requirements and Responsibilities.**

178 (1) A primary school of enrollment shall facilitate student enrollment with any and  
179 all 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 available  
183 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 53F-  
190 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.

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

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

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

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

203 (8)(a) If a participating student qualifies for a fee waiver, the student's primary LEA

204 or school of enrollment shall provide the participating student access to an online course  
205 by:

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

209 (ii) providing a participating student technology and wifi needed for the student to  
210 participate outside of the school building.

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

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

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

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

225 (i) early graduation status; or

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

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



233 **R277-726-7. Superintendent Requirements and Responsibilities.**

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

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

240 (3)(a) The ~~[Board]~~Superintendent may determine space availability standards and  
241 appropriate course load standards for online courses consistent with Subsection [53F-4-](#)  
242 [512](#)(3)(d).

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

244 (4) The ~~[Board]~~Superintendent shall withhold funds from a primary LEA of  
245 enrollment and make payments to a provider consistent with Sections [53F-4-505](#) through  
246 [53F-4-507](#).

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

250 (6) The Superintendent shall receive and investigate complaints, and impose  
251 sanctions, if appropriate, regarding course integrity, financial mismanagement, enrollment  
252 fraud or inaccuracy, or violations of the law or this rule specific to the requirements and  
253 provisions of the program.

254 (7) If a ~~[Board]~~Superintendent or federal entity's investigation finds that a provider  
255 has violated the IDEA or Section 504 provisions for a student taking online courses, the  
256 provider shall compensate the student's primary LEA of enrollment for costs related to  
257 compliance.

258 (8)~~[(a)]~~ The Superintendent may monitor~~[audit, at the Board's sole discretion,]~~ an  
259 LEA's or program provider's~~[participant's]~~ compliance with any requirement of state or  
260 federal law or Board rule under the program.

261 ~~[(b)]~~ A participant shall provide timely access to records, student information,

262 ~~financial data or other information requested by the Board, the Board's auditors, or the~~  
263 ~~Superintendent upon request].~~

264 (9) The ~~[Board]~~Superintendent may withhold funds from a program  
265 provider~~[participant]~~ for the participant's failure to comply with a reasonable request for  
266 records or information.

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

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

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

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

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

280

281 **R277-726-8. Provider Requirements and Responsibilities.**

282 (1)(a) A provider shall administer the applicable statewide assessments to a  
283 participating private or home school student as directed by the Superintendent,  
284 including proctoring the applicable statewide assessments, consistent with Section [53F-](#)  
285 [4-510](#) and Rule [R277-404](#).

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

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

290 (3) A provider and any third party working with a provider shall, for all eligible

- 291 students, satisfy Board requirements for:
- 292 (a) consistency with course standards;
  - 293 (b) criminal background checks for provider employees;
  - 294 (c) documentation of student enrollment and participation; and
  - 295 (d) compliance with:
    - 296 (i) the IDEA;
    - 297 (ii) Section 504; and
    - 298 (iii) requirements for multilingual students.
  - 299 (4) A provider shall receive payments for a student properly enrolled in the  
300 program from the Superintendent consistent with:
    - 301 (a) Board procedures;
    - 302 (b) Board timelines; and
    - 303 (c) Sections [53F-4-505](#) through [53F-4-508](#).
  - 304 (5)(a) A provider may charge a fee consistent with other secondary schools.
  - 305 (b) If a provider intends to charge a fee of any kind, the provider:
    - 306 (i) shall notify the primary school of enrollment with whom the provider has the  
307 CCA of the purpose for fees and amounts of fees;
    - 308 (ii) shall provide timely notice to a parent of required fees and fee waiver  
309 opportunities;
    - 310 (iii) shall post fees on the provider website;
    - 311 (iv) shall be responsible for fee waivers for an eligible student, including materials  
312 for a student designated fee waiver eligible by a student's primary school of enrollment;
    - 313 (v) shall satisfy the requirements of Rule [R277-407](#), as applicable; and
    - 314 (vi) shall provide fee waivers to home school or private school students who meet  
315 fee waiver eligibility at the provider's expense.
  - 316 (6) A provider shall maintain a student's records and comply with the federal  
317 Family Educational Rights and Privacy Act, Title 53E, Chapter 9, Part 3, Utah Family  
318 Educational Rights and Privacy Act, and Rule [R277-487](#), including:
    - 319 (a) protecting the confidentiality of a student's records and providing a parent and

320 an eligible student access to records; and

321 (b) providing a parent or student documentation of educational performance,  
322 including:

323 (i) test scores;

324 (ii) grades;

325 (iii) progress and performance measures; and

326 (iv) completion of credit.

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

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

333 (b) June 30 of the school year.

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

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

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

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

344 (ii) If a student, parent, or counselor fails to request reinstatement following  
345 notification under Subsection (c)(i), the provider shall formally withdraw the student within  
346 72 hours and notify the student, parent, and primary LEA of the action.

347 (10) If a student entitled to services under the IDEA is removed from an online  
348 program, the primary LEA shall work with the student and the student's parents to identify

349 alternatives to provide a free and appropriate public education.

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

352 (b) Program courses shall be coded as semester or quarter courses.

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

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

357 (13) A provider shall maintain and provide records and systems~~[maintained]~~ as  
358 part of a public online school or program, including:

359 (a) financial and enrollment records; ~~[and]~~

360 (b) information for accountability, program monitoring, and audit purposes~~[-upon~~  
361 ~~request by the Superintendent and the provider's external auditors.]; and~~

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

365 (14) A provider shall maintain the following for at least five calendar years after the  
366 student graduates~~[exits the provider's or third party's program]:~~

367 (a) test scores;

368 (b) student grades;

369 (c) completion of credit; and

370 (d) other progress and performance measures.

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

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

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

378           (16) A provider shall inform a student and the student's parent of expectations for  
379 active participation prior to the inception of course work, including informing the student  
380 and the student's parent of travel expectations to fulfill course requirements.

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

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

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

389           (18) A program school or program shall:

390           (a) be accredited by the accrediting entity adopted by the Board consistent with  
391 Rule [R277-305](#);

392           (b) have a designated administrator who meets the requirements of Rule [R277-](#)  
393 [520](#);

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

396           (d) maintain student records consistent with:

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

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

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

401           (e) shall offer course work:

402           (i) aligned with Utah Core standards;

403           (ii) in accordance with program requirements; and

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

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

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

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

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

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

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

414 (c) shall require employees to meet requirements of Title 53G, Chapter 11, Part 4,  
415 Background Checks, prior to the provider offering services to a student;

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

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

422 (f) in accordance with Section [R277-726-8](#), shall provide services to a student  
423 consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights Act  
424 of 1964 for multilingual students;

425 (g) shall ~~[maintain copies of]~~submit CCAs to the Superintendent prior to the  
426 provider initiating instruction of a student~~[for audit purposes];~~

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

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

431 ~~[(20) A provider shall cooperate with the Superintendent in providing timely~~  
432 ~~documentation of student participation, enrollment, educator credentials, and other~~  
433 ~~additional data consistent with Board directives and procedures and as requested.]~~

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

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

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

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

442 (A) federal law;

443 (B) state law; and

444 (C) Board rules;

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

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

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

452 (A) employed by the provider, and

453 (B) reported as teacher of record per Section [R277-484](#)-3 and Subsection R277-  
454 726-2(3); and

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

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

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

462 (25) A provider is subject to the same approval and annual performance review as  
463 described for a certified online course provider in Subsections R277-726-12(1)-(10) while  
464 utilizing the applicable applications for a provider described in Subsections R277-726-



465 3(1)(a) and (b).

466

467 **R277-726-9. Services to Students with Disabilities Participating in the Program.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

513

514 **R277-726-10. Home and Private School Appropriation.**

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

517 (a) Prior to December 1 annually, the Superintendent shall accommodate home  
518 school students with at least 50% of the total appropriation for home and private school  
519 students, unless the home school demand is less.

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

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

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

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

527

528 **R277-726-11. Other Information.**

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

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

532 (a) school awards and honors;

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

534 (c) high school graduation.

535

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

538 (1) An entity other than an online course provider may become a certified online  
539 course provider if the entity submits an application described in Subsection R277-726-  
540 3(1)(c).

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

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

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

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

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

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

556 (b) additional requirements prescribed in the application described in Subsection  
557 R277-726-3(1)(c); and

558 (c) state laws applicable to an online course provider including Subsections [53F-4-](#)  
559 [501](#) et. seq.

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

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

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

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

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

575 (a) 5% of revenue collected for the first \$200,000 received pursuant to Section  
576 [53F-4-505](#); and

577 (b) 1% of revenue collected after the first \$200,000 received pursuant to Section  
578 [53F-4-505](#).

579

580 **KEY: statewide online education program**

581 **Date of Last Change: September 22, 2021**  
582 **Notice of Continuation: November 9, 2020**  
583 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53F-4-510](#); [53F-4-](#)**  
584 **[514](#); [53E-3-401](#)**