

1 **R277. Education, Administration.**

2 **R277-706. Regional Education Service Agencies.**

3 **R277-706-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

7 (b) Section [53G-4-410](#), which directs the Board to make rules regarding regional  
8 education service agencies; and

9 (c) Subsection [53E-3-401](#)(4), which permits the Board to adopt rules in  
10 accordance with the Board's responsibilities.

11 (2) The purpose of this rule is:

12 (a) to provide definitions and procedures for school districts to form interlocal  
13 agreements; and

14 (b) to provide for distribution of legislative funds to eligible regional education  
15 service agencies by the Board.

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17 **R277-706-2. Definitions.**

18 (1) "Eligible Regional education service agency" or "Eligible RESA" has the  
19 same meaning as the term is defined in Section [53G-4-410](#).

20 (2) "Regional education service agency" or "RESA" has the same meaning as  
21 the term is defined in Section [53G-4-410](#).

22  
23 **R277-706-3. Regional Education Service Agencies.**

24 (1) Two or more school districts may enter into an interlocal agreement and form  
25 regional education service agency as described in Section [53G-4-410](#).

26 (2) An interlocal agreement described in Subsection (1) shall confirm or  
27 formalize a RESA as described in Subsection [53G-4-410](#)(4) as of the effective date of  
28 the agreement.

29 (3) A RESA may provide services and participate in programs consistent with

30 state law and Board rule, including:

31 (a) apply for any grant or program in which an LEA may participate on behalf of  
32 its LEAs if the RESA has written consent from the LEAs that the RESA serves;

33 (b) apply for any grant or program in addition to its LEAs in accordance with the  
34 Board rule implementing the grant or program;

35 (c) recommend educators to USBE for licensing;

36 (d) provide student services as approved by the RESA's board;

37 (e) access, Board systems, on behalf of member LEAs, as approved by the  
38 Superintendent;

39 (f) elect to participate as an employer for retirement programs in the Public  
40 Employees Contributory retirement program; ~~and~~

41 (g) may receive services from or partner with any department, division, or  
42 agency of the state, including coverage through the Division of Risk Management in  
43 accordance with Subsection [53G-4-410\(3\)\(c\)](#)~~[-]; and~~

44 (h) may charge indirect costs to a state funded program as described in [R277-](#)  
45 [424](#).

46 (4) A RESA does not have authority over the LEAs which the RESA serves.

47

48 **R277-706-4. Distribution of Funds.**

49 (1) The Superintendent shall distribute funds, if provided by the Legislature, in  
50 equal amounts to each eligible regional education service agency if the RESA:

51 (a) submits the RESA's annual report described in Subsection R277-706-5(1)[a  
52 request for funds]; and

53 (b) satisfies all requirements established by the Board.

54 (2) The Superintendent shall provide notice to an eligible RESA of the deadlines  
55 and requirements for the annual report~~[a request for funds]~~ described in Subsection  
56 (1)(a).

57 (3) Subject to legislative appropriation, the Superintendent shall distribute funds  
58 to an eligible RESA after July 1 annually.

59 (4) The Board may provide additional funding, if available, to a RESA without  
60 prejudice to existing legislative appropriations to eligible RESAs.

61 (5) The Superintendent shall review the funding the legislature appropriates to  
62 support eligible RESAs by October 1 annually and make recommendations for  
63 consideration by the Board.

64 (6) The Superintendent shall:

65 (a) include the RESA appropriation as a category in the Board's annual funding  
66 requests to be considered by the Board to receive an increase of the appropriation up to  
67 the percentage increase approved for state employees during the previous fiscal year;  
68 and

69 (b) including the request described in Subsection (6)(a) as part of the Board's  
70 recommendation to the Governor's budget office in accordance to the budgetary  
71 procedures act.

72

73 **R277-706-5. Eligible Regional Education Service Agency Responsibilities.**

74 (1) An eligible regional education service agency shall submit an annual report  
75 [application for available funds] to the Superintendent.

76 (2) An eligible RESA's annual report [application for funds] shall include:

77 (a) if amended or updated within the previous year, a copy of the eligible RESA's  
78 completed interlocal agreement;

79 (b) a proposed budget and [request for] use of funds;

80 (c) a [current] copy of the previous fiscal year's:

81 (i) external audit report, management letter, and if applicable, corrective action  
82 plan related to audit findings; and

83 (ii) financial statements [of the eligible RESA's assets and liabilities]; and

84 (d) assurance, signed by the executive director and chair of the eligible RESA's  
85 board of directors [all parties to the interlocal agreement], that the eligible RESA will  
86 provide the eligible RESA's records to the Superintendent upon request[;]

87 (e) [an annual] a financial report from the [previous] current fiscal year [; and

88 ~~—— (f) a plan for the use and distribution of the eligible RESA's funds for the~~  
89 ~~applicable fiscal year with specific attention to:~~

90 ~~—— (i) the delivery of Utah Education Network and Telehealth services to the LEAs~~  
91 ~~within the eligible RESA; and~~

92 ~~—— (ii) the delivery of education-related services].~~

93 (3) An eligible regional service center shall provide an annual performance  
94 report to the Superintendent and the Board.] ~~including the following information:~~

95 ~~—— (a) the eligible regional service center's delivery of Utah Education and~~  
96 ~~Telehealth Network services;~~

97 ~~—— (b) the eligible regional service center's type, amount, and effectiveness of~~  
98 ~~delivery of public and higher education related services; and~~

99 ~~—— (c) the eligible regional service center's coordination of public and higher~~  
100 ~~education related services.]~~

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102 **R277-706-6. Regional Education Service Agency Coordinating Council.**

103 (1) There is hereby created a regional education service agency coordinating  
104 council.

105 (2) The council is an advisory body, which shall consist of the following  
106 members:

107 (a) the executive director of each RESA;

108 (b) the board chair of each RESA's governing board;

109 (c) A member of the Board appointed by the Board chair; and

110 (d) the Superintendent.

111 (3) The council created in Subsection (1) shall be chaired by one of the RESA  
112 board chairs as selected by the council's members.

113 (4) The regional education service agency coordinating council shall meet at  
114 least biannually, but may meet more often if necessary, to coordinate with the  
115 Superintendent on implementing state initiatives in the areas the RESAs cover.

116

117 **KEY: eligible regional service agencies**  
118 **Date of Enactment or Last Substantive Amendment: December 16, 2020**  
119 **Notice of Continuation: August 6, 2019**  
120 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53G-4-410](#); [53E-3-](#)**  
121 **[401\(4\)](#)**