

1 **R277. Education, Administration.**

2 **R277-419. Pupil Accounting.**

3 **R277-419-1. 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 over public education in the Board;

7 (b) Subsection [53E-3-401](#)(4), which allows the Board to make rules to execute  
8 the Board's duties and responsibilities under the Utah Constitution and state law;

9 (c) Subsection [53E-3-501](#)(1)(e), which directs the Board to establish rules and  
10 standards regarding:

11 (i) cost-effectiveness;

12 (ii) school budget formats; and

13 (iii) financial, statistical, and student accounting requirements;

14 (d) Subsection [53E-3-602](#)(2), which requires a local school board's auditing  
15 standards to include financial accounting and student accounting;

16 (e) Subsection [53E-3-301](#)(3)(d), which requires the Superintendent to present to  
17 the Governor and the Legislature data on the funds allocated to LEAs;

18 (f) Section [53G-4-404](#), which requires annual financial reports from all school  
19 districts; and

20 (g) Subsection [53G-5-404](#)(4), which requires charter schools to make the same  
21 annual reports required of other public schools.

22 (2) The purpose of this rule is to specify pupil accounting procedures used in  
23 apportioning and distributing state funds for education.

24  
25 **R277-419-2. Definitions.**

26 (1) "Aggregate Membership" means the sum of all days in membership during a  
27 school year for eligible students enrolled in a public school.

28 (2) "Approved CTE course" means a course approved by the Board within the

29 Career and Technical Education (CTE) Pathway areas of study.

30 (3) "Attendance validated program" means a program within an LEA that  
31 consists of eligible, enrolled public school students who physically attend school in a  
32 brick and mortar school.

33 (4) "Blended learning program" means a formal education program under the  
34 direction of an LEA in which a student learns through an integrated experience that is in  
35 part:

36 (a) through online learning, with some element of student control over time,  
37 place, path, or pace; and

38 (b) in a supervised brick-and-mortar school away from home.

39 (5) "Brick and mortar school" means a school where classes are conducted in a  
40 physical school building.

41 [~~——(6) "Competency based learning program" means an education program that~~  
42 ~~provides instruction through competency-based education as defined in Section 53F-5-~~  
43 ~~504.]~~

44 ([7]6) "Data Clearinghouse" means the electronic data collection system used by  
45 the Superintendent to collect information required by law from LEAs about individual  
46 students at certain points throughout the school year to support the allocation of funds  
47 and accountability reporting.

48 [~~——(8) "Early graduation student" means a student who has an early graduation~~  
49 ~~student education plan as described in Section R277-703-4.]~~

50 ([9]7) "Educational services" means providing learning opportunities and  
51 services designed to support a student to be prepared to succeed and lead by having  
52 the knowledge and skills to learn, engage civically, and lead meaningful lives, including  
53 by providing:

54 (a) high quality instruction for each student;

55 (b) personalized learning supports for each student; and

56 (c) implementation of evidence-based student health and wellness practices.

57           (~~14~~8) "Eligible student" means a student who satisfies the criteria for enrollment  
58 in an LEA, set forth in Section R277-419-7.

59           (~~14~~9) "Enrollment verification data" includes:

- 60           (a) a student's birth certificate or other verification of age;  
61           (b) verification of immunization or exemption from immunization form;  
62           (c) proof of Utah public school residency;  
63           (d) family income verification; or  
64           (e) special education program information, including:  
65           (i) an individualized education program;  
66           (ii) a Section 504 accommodation plan; or  
67           (iii) an English learner plan.

68           (~~12~~10)(a) "Home school" means the formal instruction of children in their  
69 homes instead of in an LEA.

70           (b) "Home school" does not include public school instruction provided in a home,  
71 including when

- 72           (i) an online student receives instruction at home, but the student is enrolled in a  
73 public school that follows state Core Standards;  
74           (ii) an online student is:  
75           (A) subject to laws and rules governing state and federal mandated tests; and  
76           (B) included in accountability measures; or  
77           (iii) an online student receives instruction under the direction of a highly  
78 qualified, licensed teacher who is subject to the licensure requirements of [R277-301](#)  
79 and fingerprint and background checks consistent with [R277-214](#) and [R277-309](#).

80           (~~13~~11) "Home school course" means instruction:

- 81           (a) delivered in a home school environment where the curriculum and instruction  
82 methods, evaluation of student progress or mastery, and reporting, are provided or  
83 administered by the parent, guardian, custodian, or other group of individuals; and  
84           (b) not supervised or directed by an LEA.

85           (~~14~~12)(a) "Influenza pandemic" or "pandemic" means a global outbreak of  
86 serious illness in people.

87           (b) "Influenza pandemic" or "pandemic" may be caused by a strain of influenza  
88 that most people have no natural immunity to and that is easily spread from person to  
89 person.

90           (~~15~~13) "ISI-1" means a student who receives 1 to 59 minutes of YIC related  
91 services during a typical school day.

92           (~~16~~14) "ISI-2" means a student who receives 60 to 179 minutes of YIC related  
93 services during a typical school day.

94           (~~17~~15) "Learner validated enrollment measurement" means a methodology  
95 used to establish a student's membership or enrollment status for purposes of  
96 generating membership days.

97           (~~18~~16) "Learner validated program" means a program within an LEA that  
98 consists of eligible, enrolled public school students where the student receives  
99 instruction through:

- 100           (a) an online learning program;
- 101           (b) a blended learning program; or
- 102           (c) a personalized, competency based learning program.

103           (~~19~~17)(a) "Membership" means a public school student is on the current roll of  
104 a public school class or public school as of a given date.

105           (b) A student is a member of a class or school from the date of entrance at the  
106 school and is placed on the current roll until official removal from the class or school due  
107 to the student having left the school.

108           (c) Removal from the roll does not mean that an LEA should delete the student's  
109 record, only that the student should no longer be counted in membership.

110           (~~20~~18) "Minimum School Program" means the same as that term is defined in  
111 Section [53F-2-102](#).

112           (~~21~~19) "Online learning program" means a program:

113 (a) that is under the direction of an LEA; and

114 (b) in which students receive educational services primarily over the internet.

115 (20) "Personalized, Competency-based Learning Grants Program" means an  
116 education program that provides instruction through personalized, competency-based  
117 learning as defined in Section [53F-5-501](#).

118 ([22]21) "Private school" means an educational institution that:

119 (a) is not an LEA;

120 (b) is owned or operated by a private person, firm, association, organization, or  
121 corporation; and

122 (c) is not subject to governance by the Board consistent with the Utah  
123 Constitution.

124 ([23]22) "Program" means a course of instruction within a school that is  
125 designed to accomplish a predetermined curricular objective or set of objectives.

126 ([24]23) "Qualifying school age" means:

127 (a) a person who is at least five years old and no more than 18 years old on or  
128 before September 1;

129 (b) with respect to special education, a person who is at least three years old  
130 and no more than 21 years old on or before July 1;

131 (c) with respect to YIC, a person who is at least five years old and no more than  
132 21 years old on or before September 1.

133 ([25]24) "Resource" means a student who receives 1 to 179 minutes of special  
134 education services during a typical school day consistent with the student's IEP  
135 provided for under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec.  
136 1400 et seq., amended in 2004.

137 ([26]25) "Retained senior" means a student beyond the general compulsory  
138 school age who is authorized at the discretion of an LEA to remain in enrollment as a  
139 high school senior in the year(s) after the student's cohort has graduated due to:

140 (a) sickness;

- 141 (b) hospitalization;
- 142 (c) pending court investigation or action; or
- 143 (d) other extenuating circumstances beyond the control of the student.
- 144 ([27]26) "S1" means the record maintained by the Superintendent containing
- 145 individual student demographic and school membership data in a Data Clearinghouse
- 146 file.
- 147 ([28]27) "S2" means the record maintained by the Superintendent containing
- 148 individual student data related to participation in a special education program in a Data
- 149 Clearinghouse file.
- 150 ([29]28) "S3" means the record maintained by the Superintendent containing
- 151 individual student data related to participation in a YIC program in a Data Clearinghouse
- 152 file.
- 153 ([30]29) "School" means an educational entity governed by an LEA that:
- 154 (a) is supported with public funds;
- 155 (b) includes enrolled or prospectively enrolled full-time students;
- 156 (c) employs licensed educators as instructors that provide instruction consistent
- 157 with Section [R277-301](#);
- 158 (d) has one or more assigned administrators;
- 159 (e) is accredited consistent with Section [R277-410-3](#); and
- 160 (f) administers required statewide assessments to the school's students.
- 161 ([31]30) "School day" means a day where an LEA provides educational services
- 162 to students subject to the requirements described in Section R277-419-5.
- 163 ([32]31) "School membership" means membership other than in a special
- 164 education or YIC program in the context of the Data Clearinghouse.
- 165 ([33]32) "School of enrollment" means:
- 166 (a) a student's school of record; and
- 167 (b) the school that maintains the student's cumulative file, enrollment
- 168 information, and transcript for purposes of high school graduation.

169           (~~34~~33) "School reopening requirements template" means the template LEAs  
170 are required to submit to Superintendent as an assurance that the LEA has addressed  
171 state requirements for reopening schools for in person learning for the 2020-21 school  
172 year.

173           (~~35~~34) "School year" means the 12 month period from July 1 through June 30.

174           (~~36~~35) "Self-contained" means a public school student with an IEP or YIC, who  
175 receives 180 minutes or more of special education or YIC related services during a  
176 typical school day.

177           (~~37~~36) "Self-Contained Resource Attendance Management (SCRAM)" means a  
178 record that tracks the aggregate membership of public school special education  
179 students for state funding purposes.

180           (~~38~~37) "SSID" means Statewide Student Identifier.

181           (~~39~~38) "Unexcused absence" means an absence charged to a student when:

182           (a) the student was not physically present at school at any of the times  
183 attendance checks were made in accordance with Subsection R277-419-11(5); and

184           (b) the student's absence could not be accounted for by evidence of a legitimate  
185 or valid excuse in accordance with local board policy on truancy as defined in Section  
186 [53G-6-201](#).

187           (~~40~~39) "Year end upload" means the Data Clearinghouse file due annually by  
188 July 15 from LEAs to the Superintendent for the prior school year.

189           (~~41~~40) "Youth in custody (YIC)" means a person under the age of 21 who is:

190           (a) in the custody of the Department of Human Services;

191           (b) in the custody of an equivalent agency of a Native American tribe recognized  
192 by the United States Bureau of Indian Affairs and whose custodial parent or legal  
193 guardian resides within the state; or

194           (c) being held in a juvenile detention facility.

195

196 **R277-419-3. Incorporation by Reference of Continuity of Education Plan Form**

197 **and School Reopening Requirements Template.**

198 (1) This rule incorporates by reference:

199 (a) the Continuity of Education Plan form created by the Superintendent, which  
200 requires planning for services in the event of a school closure, including:

201 (i) e-learning;

202 (ii) special education services;

203 (iii) student meals;

204 (iv) event planning; and

205 (v) staffing.

206 (b) the School Reopening Requirements Template created by the  
207 Superintendent and based on the K-12 School Reopening Requirements and  
208 Recommendations approved by the Board, which an LEA is required to submit to the  
209 Superintendent as an assurance that the LEA has addressed state requirements for  
210 safely reopening schools for the 2020-21 year.

211 (2) A copy of the Continuity of Education Plan form is located at:

212 ( a )

213 [http://schools.utah.gov/administrativerules/documentsincorporated/File/56b38326-  
214 eb40-4e8e-bca2-e78437cd5897](http://schools.utah.gov/administrativerules/documentsincorporated/File/56b38326-<br/>214 eb40-4e8e-bca2-e78437cd5897); and

215 (b) the Utah State Board of Education.

216 (3) A copy of the School Reopening Requirements template is located at:

217 (a) <https://www.schools.utah.gov/file/37363ea4-65fe-4c4e-9064-665f2ba4890c>;

218 and

219 (b) the Utah State Board of Education.

220

221 **R277-419-4. Schools and Programs.**

222 (1)(a) The Superintendent shall provide a list to each school detailing the  
223 required accountability reports and other state-mandated reports for the school type and  
224 grade range.



225 (b) All schools shall submit a Clearinghouse report to the Superintendent.

226 (c) All schools shall employ at least one licensed educator and one  
227 administrator.

228 (2)(a) A student who is enrolled in a program is considered a member of a public  
229 school.

230 (b) The Superintendent may not require programs to receive separate  
231 accountability and other state-mandated reports.

232 (c) A student reported under an LEA's program shall be included in the LEA's  
233 WPU and student enrollment calculations of the LEA's school of enrollment.

234 (d) A course taught at a program shall be credited to the appropriate school of  
235 enrollment.

236 (3) A private school or program may not be required to submit data to the  
237 Superintendent.

238 (4) A private school or program may not receive annual accountability reports.

239

240 **R277-419-5. Minimum School Days.**

241 (1)(a) Except as provided in Subsection (1)(b), Section R277-419-6, and  
242 Subsection [53F-2-102](#)(4), an LEA shall provide educational services over a minimum of  
243 180 school days each school year.

244 (b) an LEA may seek an exception to the number of school days described in  
245 Subsection (1)(a):

246 (i) except as provided in Subsection (1)(b)(ii), for a whole school or LEA as  
247 described in [R277-121](#);

248 (ii) for a school closure due to snow, inclement weather, or other emergency as  
249 described in Section [R277-121](#)-5; or

250 (iii) for an individual student as described in Section R277-419-14.

251 (2) An LEA may offer the required school days described in Subsection (1)(a) at  
252 any time during the school year, consistent with the law.

253 (3) An LEA shall plan for emergency, activity, and weather-related exigency time  
254 in its annual calendaring.

255 (4) Minimum standards apply to all public schools in all settings unless Utah law  
256 or this rule provides for a specific exception.

257 (5) An LEA's governing board shall provide adequate contingency school days in  
258 the LEA's yearly calendar to avoid the necessity of requesting a waiver except in the  
259 most extreme circumstances.

260 (6)(a) A school may conduct parent-teacher and student Plan for College and  
261 Career Readiness conferences during the school day.

262 (b) Parent-teacher and college and career readiness conferences may only be  
263 held for a total of the equivalent of three full school days for the school year.

264 (c) Student membership for professional development or parent-teacher  
265 conference days shall be counted as that of the previous school day.

266 (d) An LEA may designate no more than a total of 12 educational service days at  
267 the beginning of the school year, at the end of the school year, or both for the  
268 assessment of students entering or completing kindergarten.

269 (e) If educational service days are designated for kindergarten assessment:

270 (i) an LEA shall designate the days in an open meeting;

271 (ii) an LEA shall provide adequate notice and explanation to kindergarten  
272 parents well in advance of the assessment period;

273 (iii) qualified school employees shall conduct the assessment consistent with  
274 Section [53G-7-205](#); and

275 (iv) assessment time per student shall be adequate to justify the forfeited  
276 instruction time.

277 (f) The final decision and approval regarding planning time, parent-teacher and  
278 SEP conferences rests with an LEA, consistent with Utah Code and Board  
279 administrative rules.

280 (g) Total instructional time and school calendars shall be approved by an LEA in

281 an open meeting.

282

283 **R277-419-6. Waiver of the 990 Hour Requirement For the 2020-21 School Year.**

284 Notwithstanding the requirements of Section R277-419-5, for the 2020-21 school  
285 year, an LEA is not subject to the requirement to conduct school for at least 990 hours  
286 of educational services if, by August 1, 2020, the LEA includes in the LEA's reopening  
287 requirements template, how the LEA will ensure continuity of teaching and learning by  
288 providing high quality instruction that includes blended learning and formative  
289 assessment strategies.

290

291 **R277-419-7. Student Membership Eligibility and Learner Validated Enrollment**  
292 **Measurements.**

293 (1) A student may enroll in two or more LEAs at the discretion of the LEAs.

294 (2) A kindergarten student may only enroll in one LEA at a time.

295 (3) In order to generate membership for funding through the Minimum School  
296 Program on any school day, an LEA shall ensure that a student being counted by the  
297 LEA in membership:

298 (a) has not previously earned a basic high school diploma or certificate of  
299 completion;

300 (b) has not been enrolled in a YIC program with a YIC time code other than ISI-1  
301 or ISI-2;

302 (c) does not have unexcused absences, which are determined using one of the  
303 learner validated enrollment measurements described in Subsection (4);

304 (d) is a resident of Utah as defined under Section [53G-6-302](#);

305 (e) is of qualifying school age or is a retained senior;

306 (f)(i) is expected to attend a regular learning facility operated or recognized by  
307 an LEA on each regularly scheduled school day, if enrolled in an attendance validated  
308 program;

- 309 (ii) has direct instructional contact with a licensed educator provided by an LEA  
310 at:
- 311 (A) an LEA-sponsored center for tutorial assistance; or  
312 (B) the student's place of residence or convalescence for at least 120 minutes  
313 each week during an expected period of absence, if physically excused from such a  
314 facility for an extended period of time, due to:
- 315 (I) injury;  
316 (II) illness;  
317 (III) surgery;  
318 (IV) suspension;  
319 (V) pregnancy;  
320 (VI) pending court investigation or action; or  
321 (VII) an LEA determination that home instruction is necessary;
- 322 (iii) is enrolled in an approved CTE course(s) on the campus of another state  
323 funded institution where such a course is:
- 324 (A) not offered at the student's school of membership;  
325 (B) being used to meet Board-approved CTE graduation requirements under  
326 Subsection [R277-700-6\(1\[4\]6\)](#); and  
327 (C) a course consistent with the student's SEOP/Plan for College and Career  
328 Readiness; or
- 329 (iv) is enrolled in a learner validated program under the direction of an LEA that:
- 330 (A) is consistent with the student's SEOP/Plan for College and Career  
331 Readiness;  
332 (B) has been approved by the student's counselor; and  
333 (C) includes regular instruction or facilitation by a designated employee of an  
334 LEA.
- 335 (4) An LEA shall use one of the following learner validated enrollment measures:  
336 (a) For a student primarily enrolled in an attendance validated program, the LEA

337 may not count a student as an eligible student if the eligible student has unexcused  
338 absences during all of the prior ten consecutive school days.

339 (b) For a student enrolled in a learner validated program, an LEA shall:

340 (i) adopt a written policy that designates a learner validated enrollment  
341 measurement to document the learner validated membership or enrollment status for  
342 each student enrolled in the learner validated program consistent with [~~Subsection~~  
343 ~~(3)(c)~~]this Section;

344 (ii) document each student's continued enrollment status in compliance with the  
345 learner validated enrollment policy at least once every ten consecutive school days; and

346 (iii) appropriately adjust and update student membership records in the student  
347 information system for students that did not meet the learner validated enrollment  
348 measurement, consistent with [~~Subsection (3)(c)~~]this Section.

349 (c) For a student enrolled in an learner validated program, the LEA may not  
350 count a student as an eligible student if the LEA has not personally engaged with the  
351 student during the prior ten consecutive school days.

352 (5) The learner validated enrollment measurement described in Subsection  
353 (4)(b) may include some or all of the following components, in addition to other  
354 components, as determined by an LEA:

355 (a) a minimum student login or teacher contact requirement;

356 (b) required periodic contact with a licensed educator;

357 (c) a minimum hourly requirement, per day or week, when students are engaged  
358 in course work; or

359 (d) required timelines for a student to provide or demonstrate completed  
360 assignments, coursework or progress toward academic goals.

361 (6)(a) Beginning with the 2021-22 school year, an LEA shall submit each  
362 student's attendance validated or learner validated enrollment status through the  
363 UTREx/Data Clearinghouse.

364 (b) For a student who participates in both attendance validated, and learner

365 validated programs, the LEA shall designate the student's status as learner validated  
366 enrollment.

367 (7)(a) An LEA desiring to generate membership for student enrollment in  
368 courses outlined in Subsection (3)(f)(iii), or to seek a waiver from a requirement(s) in  
369 Subsection (3)(f)(iii), shall submit an application for course approval by April 1 of the  
370 year prior to which the membership will be counted.

371 (b) An LEA shall be notified within 30 days of the application deadline if courses  
372 have been approved.

373

374 **R277-419-8. Student Membership Calculations.**

375 (1)(a) Except as provided in Subsection (1)(b) or (1)(c), a student enrolled in  
376 only one LEA during a school year is eligible for no more than 180 days of regular  
377 membership per school year.

378 (b) An early graduation student may be counted for more than 180 days of  
379 regular membership in accordance with the student's early graduation student education  
380 plan.

381 (c) A student transferring within an LEA to or from a year-round school is eligible  
382 for no more than 205 days of regular membership per school year.

383 (2)(a) Except as provided in Subsection (2)(b), (2)(c), or (2)(d), a student  
384 enrolled in two or more LEAs during a school year is eligible for no more than 180 days  
385 of regular membership per school year.

386 (b) A student transferring to or from an LEA with a schedule approved under  
387 Subsection R277-419-5(1)(b) is eligible for no more than 220 days of regular  
388 membership per school year.

389 (c) A student transferring to or from an LEA where the student attended or will  
390 attend a year-round school is eligible for no more than 205 days of regular membership  
391 per school year.

392 (d) If the exceptions in Subsections (2)(b) and (2)(c) do not apply but a student

393 transfers from one LEA to another at least one time during the school year, the student  
394 is eligible for regular membership in an amount not to exceed the sum of:

395 (i) 170 days; plus

396 (ii) 10 days multiplied by the number of LEAs the student attended during the  
397 school year.

398 (3) If a student is enrolled in two or more LEAs during a school year and the  
399 aggregate regular membership generated for the student between all LEAs exceeds the  
400 amount allowed under Subsection (2), the Superintendent shall apportion the days of  
401 regular membership allowed between the LEAs.

402 (4) If a student was enrolled for only part of the school day or only part of the  
403 school year, an LEA shall prorate the student's membership according to the number of  
404 hours, periods or credits for which the student actually was enrolled in relation to the  
405 number of hours, periods or credits for which a full-time student normally would have  
406 been enrolled, for example:

407 (a) if the student was enrolled for 4 periods each day in a 7 period school day for  
408 all 180 school days, the student's aggregate membership would be  $\frac{4}{7}$  of 180 days or  
409 103 days; or

410 (b) if the student was enrolled for 7 periods each day in a 7 period school day for  
411 103 school days, the student's membership would also be 103 days.

412 (5)(a) An LEA shall calculate the days in membership for all students using a  
413 method equivalent to the following: total clock hours of educational services for which  
414 the student was enrolled during the school year divided by 990 hours and then  
415 multiplied by 180 days and finally rounded up to the nearest whole day.

416 (b) For example, if a student was enrolled for only 900 hours during the school  
417 year, the student's aggregate membership would be  $(900/990)*180$ , and the LEA would  
418 report 164 days.

419 (6) The sum of regular plus self-contained special education and self-contained  
420 YIC membership days may not exceed 180 days.

421 (7) The sum of regular and resource special education membership days may  
422 not exceed 360 days.

423 (8) The sum of regular, ISI-1 and ISI-2 YIC membership days may not exceed  
424 360 days.

425 (9) An LEA may also count a student in membership for the equivalent in hours  
426 of up to:

427 (a) one period each school day, if the student has been:

428 (i) released by the school, upon a parent or guardian's request, during the school  
429 day for religious instruction or individual learning activity consistent with the student's  
430 SEOP/Plan for College and Career Readiness; or

431 (ii) participating in one or more ~~[extra]~~co-curricular activities under Rule [R277-](#)  
432 [438](#), but has otherwise been exempted from school attendance under Section [53G-6-](#)  
433 [204](#) for home schooling;

434 (b) two periods each school day per student for time spent in bus travel during  
435 the regular school day to and from another state-funded institution, if the student is  
436 enrolled in CTE instruction consistent with the student's SEOP/Plan for College and  
437 Career Readiness;

438 (c) all periods each school day, if the student is enrolled in:

439 (i) a concurrent enrollment program that satisfies all the ~~[criteria of Rule R277-~~  
440 ~~713]~~provisions of Title 53E, Chapter 10, Part 3, Concurrent Enrollment;

441 (ii) a private school without religious affiliation under a contract initiated by an  
442 LEA to provide special education services which directs that the instruction be paid by  
443 public funds if the contract with the private school is approved by an LEA board in an  
444 open meeting;

445 (iii) a foreign exchange student program under Subsection [53G-6-707](#)~~[(7)]~~; or

446 (iv) a school operated by an LEA under a Utah Schools for the Deaf and the  
447 Blind IEP provided that:

448 (A) the student may only be counted in S1 membership and may not have an S2



449 record; and

450 (B) the S2 record for the student is submitted by the Utah Schools for the Deaf  
451 and the Blind.

452 (10)(a) Except as provided in Subsection (10)(b), a student receiving instruction  
453 delivered in a home school course or by a private school is not eligible to be claimed in  
454 an LEA's membership and does not qualify for funding under the Minimum School  
455 Program in Title 53F, Chapter 2, Minimum School Program Act.

456 (b) Subsection (10)(a) does not apply to public school instruction provided by an  
457 LEA to a home school or private school student participating in dual enrollment as  
458 described in Section [53G-6-702](#).

459

460 **R277-419-9. Student Membership Calculation During the 2020 Covid-19**  
461 **Pandemic.**

462 Notwithstanding the requirements of Sections R277-419-7 and R277-419-8, the  
463 Superintendent shall calculate an LEA's membership for days of instruction from March  
464 16, 2020 to June 30, 2020, based on the LEA's average rate of membership between  
465 July 1, 2019 and March 13, 2020 if:

466 (1) the LEA has submitted a continuity of education plan on or before June 1,  
467 2020; and

468 (2) the LEA provides educational services through the end of the LEA's regular  
469 school year calendar.

470

471 **R277-419-10. Calculations for a First Year Charter School.**

472 (1) For the first operational year of a charter school or a new satellite campus,  
473 the Superintendent shall determine the charter school's WPU funding based on October  
474 1 counts.

475 (2) For the second operational year of a charter school or a new satellite  
476 campus, the Superintendent shall determine the charter school's WPU funding based

477 on Section [53F-2-302](#).

478

479 **R277-419-11. Reporting Requirements[;] and LEA Records[, ~~and Agreed-Upon~~**  
480 **~~Procedures Engagements~~].**

481 (1) An LEA shall report aggregate membership for each student via the School  
482 Membership field in the S1 record and special education membership in the SCRAM  
483 Membership field in the S2 record and YIC membership in the S3 record of the Year  
484 End upload of the Data Clearinghouse file.

485 (2) In the Data Clearinghouse, aggregate membership is calculated in days of  
486 membership.

487 (3) To determine student membership, an LEA shall ensure that records of daily  
488 student attendance or student engagement are maintained in each school which clearly  
489 and accurately show for each student the:

- 490 (a) entry date;
- 491 (b) exit date;
- 492 (c) exit or high school completion status;
- 493 (d) whether or not an absence was excused;
- 494 (e) disability status (resource or self-contained, if applicable); and
- 495 (f) YIC status (ISI-1, ISI-2 or self-contained, if applicable).

496 (4) An LEA shall ensure that:

497 (a) computerized or manually produced records for CTE programs are kept by  
498 teacher, class, and classification of instructional program (CIP) code; and

499 (b) the records described in Subsection (4)(a) clearly and accurately show for  
500 each student in a CTE class the:

- 501 (i) entry date;
- 502 (ii) exit date; and
- 503 (iii) excused or unexcused status of absence.

504 (5) An LEA shall ensure that each school within the LEA completes a minimum

505 of one attendance check each school day.

506 (6) Due to school activities requiring schedule and program modification during  
507 the first days and last days of the school year:

508 (a) for the first five school days, an LEA may report aggregate days of  
509 membership equal to the number recorded for the second five-day period of the school  
510 year;

511 (b) for the last five-day period, an LEA may report aggregate days of  
512 membership equal to the number recorded for the immediately preceding five-day  
513 period; and

514 (c) schools shall continue educational service activities throughout required  
515 calendared days.

516 ~~[(7) An LEA shall employ an independent auditor, under contract, to:~~

517 ~~—(a) perform an annual agreed-upon procedures engagement; and~~

518 ~~—(b) report any findings of the engagement to:~~

519 ~~—(i) the LEA board; and~~

520 ~~—(ii) the Financial Operations Section of the Board.~~

521 ~~—(8) Reporting dates, forms, and procedures are found in the Guide for Agreed-~~  
522 ~~Upon Procedures Engagements for Local Education Agencies, published by the Office~~  
523 ~~of the State Auditor, in collaboration with the Superintendent.]~~

524 ([9]7) The Superintendent:

525 (a) shall review each LEA's student membership and fall enrollment reports as  
526 they relate to the allocation of state funds; and

527 (b) may periodically or for cause review LEA records and practices for  
528 compliance with Federal and State laws and this rule.

529

530 **R277-419-12. High School Completion Status.**

531 (1) An LEA shall account for the final status of all students who enter high school  
532 (grades 9-12) whether they graduate or leave high school for other reasons, using the

533 following decision rules to indicate the high school completion or exit status of each  
534 student who leaves the Utah public education system:

535 (a) graduates are students who earn a basic high school diploma by satisfying  
536 one of the options consistent with [Subsection]Rule [R277-705](#)~~[-4(2)]~~ or out-of-school  
537 youths of school age who complete adult education secondary diploma requirements  
538 consistent with [R277-733](#);

539 (b) completers are students who have not satisfied Utah's requirements for  
540 graduation but who:

541 (i) are in membership in twelfth grade on the last day of the school year; and

542 (ii)(A) meet any additional criteria established by an LEA consistent with its  
543 authority under [Section]Rule [R277-705](#)~~[-4]~~;

544 (B) meet any criteria established for special education students under Utah State  
545 Board of Education Special Education Rules, Revised, June 2016, and available at:  
546 <http://www.schools.utah.gov/sars/Laws.aspx> and the Utah State Board of Education;

547 (C) meet any criteria established for special education students under  
548 Subsection [R277-700](#)-8(5); or

549 (D) pass a General Educational Development (GED) test with a designated  
550 score;

551 (c) continuing students are students who:

552 (i) transfer to higher education, without first obtaining a diploma;

553 (ii) transfer to the Utah Center for Assistive Technology without first obtaining a  
554 diploma; or

555 (iii) age out of special education;

556 (d) dropouts are students who:

557 (i) leave school with no legitimate reason for departure or absence;

558 (ii) withdraw due to a situation so serious that educational services cannot be  
559 continued even under the conditions of Subsection [R277-419-7\(3\)\(f\)\(ii\)](#);

560 (iii) are expelled and do not re-enroll in another public education institution; or

- 561 (iv) transfer to adult education;
- 562 (e) an LEA shall exclude a student from the cohort calculation if the student:
- 563 (i) transfers out of state, out of the country, to a private school, or to home  
564 schooling;
- 565 (ii) is a U.S. citizen who enrolls in another country as a foreign exchange  
566 student;
- 567 (iii) is a non-U.S. citizen who enrolls in a Utah public school as a foreign  
568 exchange student under Section [53G-6-707](#) in which case the student shall be identified  
569 by resident status (J for those with a J-1 visa, F for all others), not by an exit code;
- 570 (iv) dies; or
- 571 (v) beginning with the 2015-2016 school year, is attending an LEA that is not the  
572 student's school of enrollment.
- 573 (2)(a) An LEA shall report the high school completion status or exit code of each  
574 student to the Superintendent as specified in Data Clearinghouse documentation.
- 575 (b) High School completion status or exit codes for each student are due to the  
576 Superintendent by year end upload for review[~~related to the Agreed-Upon Procedures~~  
577 ~~Engagement~~].
- 578 (c) Except as provided in Subsection (2)(d), an LEA shall submit any further  
579 updates of completion status or exit codes by October 1 following the end of a student's  
580 graduating cohort pursuant to ~~[Section]~~Rule [R277-484](#)~~[-3]~~.
- 581 (d) An LEA with an alternative school year schedule where all of the students  
582 have an extended break in a season other than summer, shall submit the LEA's data by  
583 the next complete data submission update, following the LEA's extended break, as  
584 defined in ~~[Section]~~Rule [R277-484](#)~~[-3]~~.
- 585 (3)(a) The Superintendent shall report a graduation rate for each school, LEA,  
586 and the state.
- 587 (b) The Superintendent shall calculate the graduation rates in accordance with  
588 applicable federal law.

- 589 (c) The Superintendent shall include a student in a school's graduation rate if:
- 590 (i) the school was the last school the student attended before the student's
- 591 expected graduation date; and
- 592 (ii) the student does not meet any exclusion rules as stated in Subsection (1)(e).
- 593 (d) The last school a student attended will be determined by the student's exit
- 594 dates as reported to the Data Clearinghouse.
- 595 (e) A student's graduation status will be attributed to the school attended in the
- 596 student's final cohort year.
- 597 (f) If a student attended two or more schools during the student's final cohort
- 598 year, a tie-breaking logic to select the single school will be used in the following
- 599 hierarchical order of sequence:
- 600 (i) school with an attached graduation status for the final cohort year;
- 601 (ii) school with the latest exit date;
- 602 (iii) school with the earliest entry date;
- 603 (iv) school with the highest total membership;
- 604 (v) school of choice;
- 605 (vi) school with highest attendance; or
- 606 (vii) school with highest cumulative GPA.
- 607 (g) The Superintendent shall report the four-year cohort rate on the annual state
- 608 reports.

609

610 **R277-419-13. Student Identification and Tracking.**

- 611 (1)(a) Pursuant to Section [53E-4-308](#), an LEA shall:
- 612 (i) use the SSID system maintained by the Superintendent to assign every
- 613 student enrolled in a program under the direction of the Board or in a program or a
- 614 school that is supported by public school funding a unique student identifier; and
- 615 (ii) display the SSID on student transcripts exchanged with LEAs and Utah
- 616 public institutions of higher education.

617 (b) The unique student identifier:  
618 (i) shall be assigned to a student upon enrollment into a public school program  
619 or a public school-funded program;  
620 (ii) may not be the student's social security number or contain any personally  
621 identifiable information about the student.

622 (2)(a) An LEA shall require all students to provide their legal first, middle, and  
623 last names at the time of registration to ensure that the correct SSID follows students  
624 who transfer among LEAs.

625 (b) A school shall transcribe the names from the student's birth certificate or  
626 other reliable proof of the student's identity and age, consistent with Section [53G-6-603](#);

627 (c) The direct transcription of student names from birth certificates or other  
628 reliable proof of student identity and age shall be the student's legal name for purposes  
629 of maintaining school records; and

630 (d) An LEA may modify the order of student names, provide for nicknames, or  
631 allow for different surnames, consistent with court documents or parent preferences, so  
632 long as legal names are maintained on student records and used in transmitting student  
633 information to the Superintendent.

634 (3) The Superintendent and LEAs shall track students and maintain data using  
635 students' legal names.

636 (4) If there is a compelling need to protect a student by using an alias, an LEA  
637 should exercise discretion in recording the name of the student.

638 (5) An LEA is responsible to verify the accuracy and validity of enrollment  
639 verification data, prior to enrolling students in the LEA, and provide students and their  
640 parents with notification of enrollment in a public school.

641 (6) An LEA shall ensure enrollment verification data is collected, transmitted,  
642 and stored consistent with sound data policies, established by the LEA as required in  
643 Rule [R277-487](#).  
644

645 **R277-419-14. Exceptions.**

646 (1)(a) An LEA may, at its discretion, make an exception for school attendance  
647 for a public school student, in the length of the school day or year, for a student with  
648 compelling circumstances.

649 (b) The time an excepted student is required to attend school shall be  
650 established by the student's IEP or Plan for College and Career Readiness.

651 (2) A school using a modified 45-day/15-day year round schedule initiated prior  
652 to July 1, 1995 shall be considered to be in compliance with this rule if the school's  
653 schedule includes a minimum of 990 hours of time the LEA will provide educational  
654 services over a minimum of 172 days.

655

656 **R277-419-15. Effective Date.**

657 This rule is effective for the 2021-22 and 2022-23 school years.

658

659 **KEY: education finance, school enrollment, pupil accounting**

660 **Date of Enactment or Last Substantive Amendment: June 15, 2021**

661 **Notice of Continuation: August 14, 2017**

662 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53E-3-401\(4\)](#); [53F-](#)  
663 [2-102\(7\)](#); [53E-3-501\(1\)\(e\)](#); [53E-3-602\(2\)](#); [53E-3-301\(3\)\(d\)](#); [53G-4-404](#)**