

R277-100 received final approval by the Utah State Board of Education on November 5, 2020. R277-100 will be published in the December 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of January 7, 2021.

R277. Education, Administration.

R277-100. Definitions for Utah State Board of Education (Board) Rules.

R277-100-1. Authority and Purpose.

(1) This rule is authorized by:

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

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

(2) The purpose of this rule is to provide definitions that are used in the Board rules beginning with R277.

R277-100-2. Definitions.

(1) "Accreditation" means the formal process for internal and external review and approval under the standards of an accrediting entity adopted by the Board.

(2) "Agency" means:

(a) an entity governed by the Board;

(b) an LEA; or

(c) a grant sub-recipient.

(3) "Board" means the State Board of Education.

(4) "Charter school" means a school established as a charter school by a charter school authorizer under Title 53G, Chapter 5, Charter Schools, and Board rule.

(5) "Comprehensive dropout intervention and prevention program" means a program that:

(a) addresses needs of students who are not succeeding in a traditional school environment;

(b) provides targeted instruction that increases student credit-earning rates toward graduation; and

(c) partners with community entities to provide a continuum of services with the focus of preparing students for life after high school.

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(6)(a) "Cumulative file" or "cumulative folder" means a physical or digital record maintained by an LEA for each student containing, at a minimum, the following information:

- (i) evidence of the student's legal name and date of birth;
- (ii) student demographic data, including race, ethnicity, and gender;
- (iii) name and contact information for the student's parents;
- (iv) a record of the student's courses, teachers, and grades or progress;
- (v) a record of the student's performance on statewide assessments;
- (vi) documentation concerning a student's eligibility for IDEA or 504 services;
- (vii) a record of suspensions and expulsions, in accordance with Subsection 53G-8-208(4)(a);
- (viii) known allergies;
- (ix) a record of vision and health screening results; and
- (x) a record of required student immunizations; and
- (xi) pertinent legal documents, including protective orders, custody orders, and parenting or education plans.

(b) "Cumulative file" may include additional student information in accordance with an LEA's policies.

(7) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

- (8) "Dual enrollment student" means a student who:
- (a) is enrolled simultaneously in:
 - (i) a private school or home school; and
 - (ii) a public school; and
 - (b) is counted by an LEA in membership for purposes of generating state or federal funding for only those courses or subjects for which the LEA provides instruction.

(9) "Educator" means an individual licensed under Section 53E-6-201 and who meets the requirements of Board rule.

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(10) "ESSA" or the "Every Student Succeeds Act" means the Congressional act, which reauthorized the Elementary and Secondary Education Act of 1965, which is found at 20 U.S.C. 6301, et seq.

(11)(a) "Evaluate" or "review" means to observe and assess a program receiving state or federal funds with an objective of making recommendations, if appropriate, for necessary changes or improvement.

(b) An "evaluation" or "review" may include providing training and technical assistance on program-related matters and performing on-site reviews of program operations.

(12)(a) "External audit" means an appraisal activity established under the direction of an individual or entity outside of the subject agency to examine and evaluate the adequacy and effectiveness of:

- (i) agency control systems;
- (ii) compliance;
- (iii) performance; and
- (iv) financial position.

(b) An external audit is conducted in accordance with current professional and industry technical standards, as applicable, for external audits.

(13)(a) "Home school student" means a student who:

- (a) attends a home school pursuant to Section 53G-6-204; and
- (b) is not counted by an LEA in membership for purposes of generating state or federal funding.

(14) "Individualized education program" or "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Part B of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 (2004), and rule.

(15) "Individuals with Disabilities Education Act" or "IDEA," 20 U.S.C. Section 1400 et seq. (2004), is a four part (A-D) piece of federal legislation that ensures a

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student with a disability is provided with a Free Appropriate Public Education (FAPE) that is tailored to the student's individual needs.

(16)(a) "Internal audit" means an independent appraisal activity established within an agency as a control system to examine and objectively evaluate the adequacy and effectiveness of other internal control systems within the agency.

(b) An "internal audit" is conducted in accordance with the current:

- (i) International Standards for the Professional Practice of Internal Auditing; or
- (ii) Government Auditing Standards, issued by the Comptroller General of the United States.

(17)(a) "LEA" or "local education agency" means a school district or charter school.

(b) For purposes of certain rules, "LEA" or "local education agency" may include the Utah Schools for the Deaf and the Blind (USDB) if indicated in the specific rule.

(18)(a) "LEA governing board" means:

- (i) for a school district, a local school board; and
- (ii) for a charter school, a charter school governing board.

(b) For purposes of certain rules, "LEA governing board" may include the State Board of Education as the governing board for the Utah Schools for the Deaf and the Blind if indicated in the specific rule.

(19)(a) "Monitor" or "oversee" means to formally supervise, inspect, or examine the compliance, performance, or finances of a program receiving state or federal education funding.

(b) A monitoring or oversight program may include:

- (i) review of financial and performance reports required of the subject program;
- (ii) follow-up to ensure the subject program takes timely and appropriate actions to correct identified deficiencies;

(iii) supervising remedial action recommended by audit or monitoring findings or required by Board rule; and

- (iv) any function performed in an evaluation or review.

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(20)(a) "Multi-disciplinary team" means a group of individuals from multiple disciplines who meet to:

- (i) pursue the common goal of evaluating and triaging the academic, social, emotional, physical, and behavioral needs of a student or group of students; and
- (ii) create individualized strategies and interventions to address identified needs.

(b) An LEA's multi-disciplinary school team as described in Subsection (20)(a) may include:

- (i) administrative personnel;
- (ii) a local law enforcement officer or school resource officer;
- (iii) a mental health professional;
- (iv) a general education or special education teacher; and
- (v) other community members as determined by the LEA.

(21) "Parent" means a parent or guardian who has established residency of a child under Sections 53G-6-302, 53G-6-303, or 53G-6-402, or another applicable Utah guardianship provision.

(22) "Plan for College and Career Readiness" or "SEOP" means a student education occupation plan for college and career readiness that is a developmentally organized intervention process that includes:

- (a) a written plan, updated annually, for a secondary student's (grades 7-12) education and occupational preparation;
- (b) all Board, local board and local charter board graduation requirements;
- (c) evidence of parent or guardian, student, and school representative involvement annually;
- (d) attainment of approved workplace skill competencies, including job placement when appropriate; and
- (e) identification of post secondary goals and approved sequence of courses.

(23) "Preschool" means a school in which all the students enrolled are pre-kindergarten.

(24)(a) "Private school student" means a student who:

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(a) attends a private school; and

(b) is not counted by an LEA in membership for purposes of generating state or federal funding.

(25) "Program" means an instructional environment that does not meet the criteria to be classified a school, as described in Subsection (26).

(26) "Public school student" means a student who:

(a) attends an LEA governed public school; and

(b) is counted by an LEA in membership for purposes of generating state or federal funding.

(27) "School" means an instructional environment that:

(a) is governed by an LEA board;

(b) has an assigned administrator;

(c) has enrolled students that generate average daily membership hours during the school year;

(d) has assigned instructional staff;

(e) provides instruction in the Utah core standards;

(f) has one or more grade groups in the range from kindergarten through grade 12; and

(g) is not a program for students enrolled in another public school.

(28) "Social emotional learning" or "SEL" means the process through which students acquire and effectively apply the knowledge, attitude, and skills necessary to:

(a) understand and manage emotions;

(b) set and achieve positive goals;

(c) feel and show empathy for others;

(d) establish and maintain positive relationships;

(e) make responsible decisions; and

(f) self-advocate.

(29) "Split enrollment student" means a student who is:

(a) regularly enrolled at two schools within two LEAs at the same time;

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(b) eligible for graduation and other services at both schools; and

(c) subject to the split enrollment provisions of R277-419, counted by each LEA in membership for purposes of generating state or federal funding for only those courses or subjects for which each LEA provides instruction.

(30) "State Charter School Board" or "SCSB" means the State Charter School Board created in Section 53G-5-201.

(31) "Student Threat assessment" means a prevention strategy that involves: (a) identifying student threats including to commit a violent act, (b) determining the seriousness of the threat, and (c) developing intervention plans that protect potential victims and address the underlying problem or conflict that stimulated the threatening behavior.

(3[4]2) "Superintendent" means the State Superintendent of Public Instruction or the Superintendent's designee.

(3[2]3) "Suspension" means:

(a) an in-school suspension that is a temporary removal of a student from the student's regular classroom for disciplinary reasons for at least half a school day but remains under the direct supervision of school personnel; or

(b) an out-of-school suspension that is the removal of a student from school grounds for disciplinary reasons unless the student removed is:

(i) served solely under a Section 504 plan, where an out-of-school suspension is the excluding of the student from school for disciplinary purposes for one day or longer; or

(ii) a student with disabilities under IDEA, where an out-of-school suspension is the temporary removal of the student from the student's regular school for disciplinary reasons to another setting.

(34) "Threat" means an expression of intent to harm someone that is direct, indirect, or implied and may be spoken, written, or expressed in some other way.

([33]35) "USDB" means the Utah Schools for the Deaf and the Blind.

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