

R277-419 received final approval by the Utah State Board of Education on July 23, 2020. R277-419 will be published in the August 15, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of September 22, 2020.

## **R277. Education, Administration.**

### **R277-419. Pupil Accounting.**

#### **R277-419-1. Authority and Purpose.**

- (1) This rule is authorized by:
  - (a) [Utah Constitution Article X, Section 3](#), which vests general control and supervision over public education in the Board;
  - (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;
  - (c) Subsection [53E-3-501](#)(1)(e), which directs the Board to establish rules and standards regarding:
    - (i) cost-effectiveness;
    - (ii) school budget formats; and
    - (iii) financial, statistical, and student accounting requirements;
  - (d) Subsection [53E-3-602](#)(2), which requires a local school board's auditing standards to include financial accounting and student accounting;
  - (e) Subsection [53E-3-301](#)(3)(d), which requires the Superintendent to present to the Governor and the Legislature data on the funds allocated to LEAs;
  - (f) Section [53G-4-404](#), which requires annual financial reports from all school districts; and
  - (g) Subsection [53G-5-404](#)(4), which requires charter schools to make the same annual reports required of other public schools.
- (2) The purpose of this rule is to specify pupil accounting procedures used in apportioning and distributing state funds for education.

#### **R277-419-2. Definitions.**

- (1) "Aggregate Membership" means the sum of all days in membership during a school year for eligible students enrolled in a public school.
- (2) "Approved CTE course" means a course approved by the Board within the

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

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

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

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

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

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

(6) "Competency based learning program" means an education program that provides instruction through competency-based education as defined in Section [53F-5-501](#).

~~[(7) "Continuing enrollment measurement" means a methodology used to establish a student's continuing membership or enrollment status for purposes of generating membership days.]~~

~~[(8)](7) "Data Clearinghouse" means the electronic data collection system used by the Superintendent to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.~~

~~[(9)](8) "Early graduation student" means a student who has an early graduation student education plan as described in Section [R277-703-4](#).~~

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

(a) high quality instruction for each student;

(b) personalized learning supports for each student; and

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

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

(11) "Enrollment verification data" includes:

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

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

(b) The differences between a home school student and an online student include:

(i) an online student may receive instruction at home, but the student is enrolled in a public school that follows state Core Standards;

(ii) an online student is:

(A) subject to laws and rules governing state and federal mandated tests; and

(B) included in accountability measures;

(iii) an online student receives instruction under the direction of a highly qualified, licensed teacher who is subject to the licensure requirements of [R277-502](#) and fingerprint and background checks consistent with R277-~~516~~214 and [R277-520](#);

(iv) instruction delivered in a home school course is not eligible to be claimed in membership of an LEA and does not qualify for funding under the Minimum School Program in [Title 53F, Chapter 2](#), Minimum School Program Act.

(13) "Home school course" means instruction:

(a) delivered in a home school environment where the curriculum and instruction methods, evaluation of student progress or mastery, and reporting, are provided or

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administered by the parent, guardian, custodian, or other group of individuals; and

(b) not supervised or directed by an LEA.

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

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

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

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

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

~~[(17)]~~(18) "Learner validated program" means a program within an LEA that consists of eligible, enrolled public school students where the student receives instruction through:

- (a) an online learning program;
- (b) a blended learning program; or
- (c) a competency based learning program.

~~[(18)]~~(19)(a) "Membership" means a public school student is on the current roll of a public school class or public school as of a given date.

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

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

~~[(19)]~~(20) "Minimum School Program" means the same as that term is defined in Section 53F-2-102.

~~[(20)]~~(21) "Online learning program" means a program:

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

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

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

(a) is not an LEA;

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

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

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

(24) "Qualifying school age" means:

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

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

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

~~[(23)]~~(25) "Resource" means a student who receives 1 to 179 minutes of special education services during a typical school day consistent with the student's IEP provided for under the Individuals with Disabilities Education Act (IDEA), [20 U.S.C. Sec. 1400 et seq.](#), amended in 2004.

~~[(24)]~~ ~~"Qualifying school age" means:~~

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

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

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

~~[(25)]~~(26) "Retained senior" means a student beyond the general compulsory school age who is authorized at the discretion of an LEA to remain in enrollment as a high

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school senior in the year(s) after the student's cohort has graduated due to:

- (a) sickness;
- (b) hospitalization;
- (c) pending court investigation or action; or
- (d) other extenuating circumstances beyond the control of the student.

~~[(26)]~~(27) "S1" means the record maintained by the Superintendent containing individual student demographic and school membership data in a Data Clearinghouse file.

~~[(27)]~~(28) "S2" means the record maintained by the Superintendent containing individual student data related to participation in a special education program in a Data Clearinghouse file.

~~[(28)]~~(29) "S3" means the record maintained by the Superintendent containing individual student data related to participation in a YIC program in a Data Clearinghouse file.

~~[(29)]~~(30) "School" means an educational entity governed by an LEA that:

- (a) is supported with public funds;
- (b) includes enrolled or prospectively enrolled full-time students;
- (c) employs licensed educators as instructors that provide instruction consistent with Section [R277-502](#);
- (d) has one or more assigned administrators;
- (e) is accredited consistent with Section [R277-410-3](#); and
- (f) administers required statewide assessments to the school's students.

~~[(30)]~~(31) "School day" means a day where an LEA provides educational services to students [~~minimum of two hours per day per session in kindergarten and a minimum of four hours per day in grades one through twelve,~~] subject to the requirements described in Section R277-419-5.

~~[(31)]~~(32) "School membership" means membership other than in a special education or YIC program in the context of the Data Clearinghouse.

~~[(32)]~~(33) "School of enrollment" means:

- (a) a student's school of record; and

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

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

~~(33)~~(35) "School year" means the 12 month period from July 1 through June 30.

~~(34)~~(36) "Self-contained" means a public school student with an IEP or YIC, who receives 180 minutes or more of special education or YIC related services during a typical school day.

~~(35)~~(37) "Self-Contained Resource Attendance Management (SCRAM)" means a record that tracks the aggregate membership of public school special education students for state funding purposes.

~~(36)~~(38) "SSID" means Statewide Student Identifier.

~~(37)~~(39) "Unexcused absence" means an absence charged to a student when:

(a) the student was not physically present at school at any of the times attendance checks were made in accordance with Subsection R277-419-~~(6)~~7(4); and

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

~~(38)~~(40) "Year end upload" means the Data Clearinghouse file due annually by July 15 from LEAs to the Superintendent for the prior school year.

~~(39)~~(41) "Youth in custody (YIC)" means a person under the age of 21 who is:

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

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

(c) being held in a juvenile detention facility.

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**R277-419-3. Incorporation by Reference of Continuity of Education Plan Form and School Reopening Requirements Template.**

(1) This rule incorporates by reference:

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

~~[(a)]~~(i) e-learning;

~~[(b)]~~(ii) special education services;

~~[(c)]~~(iii) student meals;

~~[(d)]~~(iv) event planning; and

~~[(e)]~~(v) staffing.

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

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

(a) <http://schools.utah.gov/administrativerules/documentsincorporated>; and

(b) the Utah State Board of Education.

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

(a) <https://www.schools.utah.gov> \_\_\_\_\_; and

(b) the Utah State Board of Education.

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

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

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

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

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

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

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

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

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

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

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

(1)(a) Except as provided in Subsection (1)(b), [Section R277-419-6](#), and Subsection [53F-2-102](#)(4), an LEA shall conduct school for at least 990 [instructional] hours of educational services over a minimum of 180 school days each school year.

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

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

(ii) for a school closure due to snow, inclement weather, or other emergency as described in Section [R277-419-14](#); or

(iii) for an individual student as described in Section [R277-419-13](#).

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

~~[(b) All school day calculations shall:~~

~~——(i) exclude lunch periods and pass time between classes;~~

~~——(ii) include recess periods; and~~

~~——(iii) include alternative breakfast models where breakfast is consumed in class.~~

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~~(c) Each school day that satisfies the minimum hourly instruction educational service time described in Subsection R277-419-2(31), shall count as a school day, regardless of the number or length of class periods or whether or not particular classes meet.]~~

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

~~[(b) If school is closed for any reason, the school shall make up the instructional time missed under the emergency or activity time as part of the minimum required time to qualify for full Minimum School Program funding.]~~

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

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

(6)(a) In addition to the allowance to use up to 32 ~~[instructional]~~ hours of educational services or four school days for professional learning described in Subsection [53F-2-102](#)(4), to provide planning and professional development time for staff, an LEA may hold school longer some days of the week and shorter other days so long as minimum school day requirements, as provided for in this Section R277-419-5 ~~[and Subsection R277-419-2(32)]~~, are satisfied.

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

(c) Parent-teacher and college and career readiness conferences may only be held for a total of the equivalent of three full school days or a maximum of 16.5 hours for the school year.

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

(e) An LEA may designate no more than a total of 12 ~~[instructional]~~educational service days at the beginning of the school year, at the end of the school year, or both for

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the assessment of students entering or completing kindergarten.

(f) If ~~[instruction]~~educational service days are designated for kindergarten assessment:

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

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

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

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

(g) The final decision and approval regarding planning time, parent-teacher and SEP conferences rests with an LEA, consistent with Utah law and Board administrative rules.

(h) Total instructional time and school calendars shall be approved by an LEA in an open meeting.

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

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

#### **R277-419-[6]7. Student Membership Eligibility and ~~[Continuing]~~ Learner Validated Enrollment Measurements.**

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

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

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(3) In order to generate membership for funding through the Minimum School Program~~[for any clock hour of instruction]~~ on any school day, an LEA shall ensure that a student being counted by the LEA in membership:

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

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

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

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

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

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

(ii) has direct instructional contact with a licensed educator provided by an LEA at:

(A) an LEA-sponsored center for tutorial assistance; or

(B) the student's place of residence or convalescence for at least 120 minutes each week during an expected period of absence, if physically excused from such a facility for an extended period of time, due to:

(I) injury;

(II) illness;

(III) surgery;

(IV) suspension;

(V) pregnancy;

(VI) pending court investigation or action; or

(VII) an LEA determination that home instruction is necessary;

(iii) is enrolled in an approved CTE course(s) on the campus of another state funded institution where such a course is:

(A) not offered at the student's school of membership;

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(B) being used to meet Board-approved CTE graduation requirements under Subsection [R277-700-6\(14\)](#); and

(C) a course consistent with the student's SEOP/Plan for College and Career Readiness; or

(iv) is enrolled in a learner validated program under the direction of an LEA that:

(A) is consistent with the student's SEOP/Plan for College and Career Readiness;

(B) has been approved by the student's counselor; and

(C) includes regular instruction or facilitation by a designated employee of an LEA.

(4) An LEA shall use one of the following ~~[continuing]~~ learner validated enrollment measures:

(a) For a student primarily enrolled in an attendance validated program, the LEA may not count a student as an eligible student if the eligible student has unexcused absences during all of the prior ten consecutive school days.

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

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

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

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

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

(5) The ~~[continuing]~~ learner validated enrollment measurement described in Subsection (4)(b) may include some or all of the following components, in addition to other

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components, as determined by an LEA:

- (a) a minimum student login or teacher contact requirement;
- (b) required periodic contact with a licensed educator;
- (c) a minimum hourly requirement, per day or week, when students are engaged

in course work; or

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

~~[(6) For a student enrolled in both attendance validated and learner validated programs, an LEA shall measure a student's continuing enrollment status using the methodology for the program in which the student earns the majority of their membership days.]~~

~~[(7)](6)(a)~~ An LEA desiring to generate membership for student enrollment in courses outlined in Subsection (3)(f)(iii), or to seek a waiver from a requirement(s) in Subsection (3)(f)(iii), shall submit an application for course approval by April 1 of the year prior to which the membership will be counted.

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

### **R277-419-[7]8. Student Membership Calculations.**

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

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

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

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

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

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

(d) If the exceptions in Subsections (2)(b) and (2)(c) do not apply but a student transfers from one LEA to another at least one time during the school year, the student is eligible for regular membership in an amount not to exceed the sum of:

(i) 170 days; plus

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

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

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

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

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

(5)(a) An LEA shall calculate the days in membership for all students using a method equivalent to the following: total clock hours of ~~[instruction]~~ educational services

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for which the student was enrolled during the school year divided by 990 hours and then multiplied by 180 days and finally rounded up to the nearest whole day.

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

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

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

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

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

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

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

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

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

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

(i) a concurrent enrollment program that satisfies all the criteria of Rule [R277-713](#);

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

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meeting;

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

(iv) a school operated by an LEA under a Utah Schools for the Deaf and the Blind

IEP provided that:

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

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

**R277-419-[8]9. Student Membership Calculation During the 2020 Covid-19 Pandemic.**

Notwithstanding the requirements of Sections R277-419-[6]7 and R277-419-[7]8, the Superintendent shall calculate an LEA's membership for days of instruction from March 16, 2020 to June 30, 2020, based on the LEA's average rate of membership between July 1, 2019 and March 13, 2020 if:

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

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

**R277-419-[9]10. Calculations for a First Year Charter School.**

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

(2) For the second operational year of a charter school or a new satellite campus, the Superintendent shall determine the charter school's WPU funding based on Section [53F-2-302](#).

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**R277-419-[10]11. Reporting Requirements, LEA Records, and Agreed-Upon Procedures Engagements.**

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

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

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

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

(4) An LEA shall ensure that:

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

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

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

(5) An LEA shall ensure that each school within the LEA completes a minimum of one attendance check each school day.

(6) Due to school activities requiring schedule and program modification during the

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first days and last days of the school year:

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

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

(c) schools shall continue ~~[instructional]~~ educational service activities throughout required calendared ~~[instruction]~~ days.

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

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

(b) report any findings of the engagement to:

(i) the LEA board; and

(ii) the Financial Operations Section of the Board.

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

(9) The Superintendent:

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

(b) may periodically or for cause review LEA records and practices for compliance with the laws and this rule.

### **R277-419-~~[11]~~12. High School Completion Status.**

(1) An LEA shall account for the final status of all students who enter high school (grades 9-12) whether they graduate or leave high school for other reasons, using the following decision rules to indicate the high school completion or exit status of each student who leaves the Utah public education system:

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

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

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

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

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

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

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

(c) continuing students are students who:

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

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

(iii) age out of special education;

(d) dropouts are students who:

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

(ii) withdraw due to a situation so serious that educational services cannot be continued even under the conditions of Subsection [R277-419-6\(3\)\(f\)\(ii\)](#);

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

(iv) transfer to adult education;

(e) an LEA shall exclude a student from the cohort calculation if the student:

(i) transfers out of state, out of the country, to a private school, or to home schooling;

(ii) is a U.S. citizen who enrolls in another country as a foreign exchange student;

(iii) is a non-U.S. citizen who enrolls in a Utah public school as a foreign exchange student under Section [53G-6-707](#) in which case the student shall be identified by resident

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status (J for those with a J-1 visa, F for all others), not by an exit code;

(iv) dies; or

(v) beginning with the 2015-2016 school year, is attending an LEA that is not the student's school of enrollment.

(2)(a) An LEA shall report the high school completion status or exit code of each student to the Superintendent as specified in Data Clearinghouse documentation.

(b) High School completion status or exit codes for each student are due to the Superintendent by year end upload for review related to the Agreed-Upon Procedures Engagement.

(c) Except as provided in Subsection (2)(d), an LEA shall submit any further updates of completion status or exit codes by October 1 following the end of a student's graduating cohort pursuant to Section [R277-484-3](#).

(d) An LEA with an alternative school year schedule where all of the students have an extended break in a season other than summer, shall submit the LEA's data by the next complete data submission update, following the LEA's extended break, as defined in Section [R277-484-3](#).

(3)(a) The Superintendent shall report a graduation rate for each school, LEA, and the state.

(b) The Superintendent shall calculate the graduation rates in accordance with applicable federal law.

(c) The Superintendent shall include a student in a school's graduation rate if:

(i) the school was the last school the student attended before the student's expected graduation date; and

(ii) the student does not meet any exclusion rules as stated in Subsection (1)(e).

(d) The last school a student attended will be determined by the student's exit dates as reported to the Data Clearinghouse.

(e) A student's graduation status will be attributed to the school attended in their final cohort year.

(f) If a student attended two or more schools during the student's final cohort year,

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a tie-breaking logic to select the single school will be used in the following hierarchical order of sequence:

- (i) school with an attached graduation status for the final cohort year;
  - (ii) school with the latest exit date;
  - (iii) school with the earliest entry date;
  - (iv) school with the highest total membership;
  - (v) school of choice;
  - (vi) school with highest attendance; or
  - (vii) school with highest cumulative GPA.
- (g) The Superintendent shall report the four-year cohort rate on the annual state reports.

**R277-419-1[2]3. Student Identification and Tracking.**

(1)(a) Pursuant to Section [53E-4-308](#), an LEA shall:

(i) use the SSID system maintained by the Superintendent to assign every student enrolled in a program under the direction of the Board or in a program or a school that is supported by public school funding a unique student identifier; and

(ii) display the SSID on student transcripts exchanged with LEAs and Utah public institutions of higher education.

(b) The unique student identifier:

(i) shall be assigned to a student upon enrollment into a public school program or a public school-funded program;

(ii) may not be the student's social security number or contain any personally identifiable information about the student.

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

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

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

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

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

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

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

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

#### **R277-419-1[3]4. Exceptions.**

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

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

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

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

This rule is effective for the 2020-21 school year.

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

**Date of Enactment or Last Substantive Amendment: July 1, 2020**

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

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