

R277-706 received final approval by the Utah State Board of Education on November 4, 2021. R277-706 was published in the December 1, 2021, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of January 10, 2021.

R277. Education, Administration.

R277-706. Regional Education Service Agencies.

R277-706-1. Authority and Purpose.

(1) This rule is authorized by:

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

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

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

(2) The purpose of this rule is:

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

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

R277-706-2. Definitions.

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

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

R277-706-3. Regional Education Service Agencies.

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

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

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(3) A RESA may provide services and participate in programs consistent with state law and Board rule, including:

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

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

(c) recommend educators to USBE for licensing;

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

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

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

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

(h) may charge indirect costs to a state funded program as described in R277-424.

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

R277-706-4. Distribution of Funds.

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

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

(b) satisfies all requirements established by the Board.

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

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

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

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

(6) The Superintendent shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the executive director of each RESA;

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

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

(d) the Superintendent.

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

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

KEY: eligible regional service agencies

Date of Last Change: 2022~~[December 16, 2020]~~

Notice of Continuation: August 6, 2019

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53G-4-410; 53E-3-401(4)