

R277-708 received final approval by the Utah State Board of Education on March 19, 2020. R277-708 is published in the April 15, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of May 22, 2020.

**R277. Education, Administration.**

**R277-708. Enhancement for At-Risk Students.**

**R277-708-1. 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) Section 53F-2-410, which directs the Board to manage the Enhancement for At-Risk Students interventions by:

(i) developing a funding formula;

(ii) developing performance criteria;

(iii) supporting LEA implementation of evidence-based interventions;

(iv) distributing the appropriation; and

(v) monitoring and reporting the effectiveness of the evidence-based interventions; and

(c) 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)(a) The purpose of this rule is to establish criteria and procedures for distributing Enhancement for At-Risk Students funds to LEAs.

(b) The intent of the rule and the legislative appropriation is to improve academic achievement of students who are at risk of academic failure.

**R277-708-2. Definitions.**

(1) "At-risk of academic failure" means a k-12 public school student who[:

~~— (a) scores below proficient on a Board or LEA approved assessment; or~~

~~— (b)] meets an LEA governing board's approved definition of at-risk of academic failure.~~

(2) "Available funds" means the total funds appropriated for the Enhancement for At-Risk Students interventions, less funding designated for gang prevention under Subsection 53F-2-410(1)(b)(i).

(3) "Chronic absenteeism" means the number of students within an LEA who:

(a) were enrolled in the LEA 60 calendar days or more; and

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(b) missed 10% or more days of instruction, whether the absence was excused or not.

(4) "Homeless child" or "homeless youth" means the same as that term is defined in R277-616-2.

(5) "Homelessness" means the number of students within an LEA identified as homeless youth.

(6) "LEA governing board" means:

(a) a charter school governing board; or

(b) a district's local school board.

(7) "LEA share" means the percentage of k-12 students from an LEA who are at risk of academic failure compared to the total count for the state of Utah from the previous school year.

(8) "Limited English Proficiency" or "LEP" means the total number of English learner or "EL" students in an LEA from the October 1 count from the previous school year who received a score of 1-4 on the English language proficiency assessment.

(9) "Low performance on a statewide assessment" means the unduplicated count of k-12 students from an LEA scoring below proficient in Reading/Language, Math, and Science on ~~[one of the following exams]~~ a statewide assessment from the previous school year[-

~~— (a) for students in grades 3 through 8, the Readiness Improvement Success Empowerment (RISE) standards assessment;~~

~~— (b) for students in grades 9 and 10, Utah Aspire;~~

~~— (c) the Special Education alternate assessment; or~~

~~— (d) other Board approved assessment].~~

(10) "Mobility" means the number of k-12 students enrolled less than 160 days or its equivalent in one school within a school year, as determined by the prior year's year-end average daily membership submission.

(11) "Poverty" means the total number of k-12 students in an LEA reported as economically disadvantaged using federal child nutrition income eligibility guidelines for free or reduced-priced under the federal school lunch program from the official October 1 enrollment count from the previous school year.

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(12) "Statewide assessment" means the same as that term is defined in Subsection R277-404-2(10).

(1~~2~~3) "Truancy" or "truant student" means a student absent without a valid excuse.

(1~~3~~4) "UTREx System" 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.

(1~~4~~5) "Valid excuse" means the same as that term is defined in Section 53G-6-201.

### **R277-708-3. Allocation of Enhancement for At-Risk Student Funds.**

(1) The Superintendent shall base an LEA's allocation on the certified data from the UTREx System using the most recent school year for which data is complete and available.

(2) The Superintendent shall use the following funding formula to determine an LEA base to distribute to LEAs:

(a) the Superintendent shall annually calculate 4% of the state appropriation of the Enhancement for At-Risk Students funding available for LEA grants to provide a base amount to LEAs.

(b) The Superintendent shall divide the base amount described in Subsection (2)(a) equally among all eligible LEAs.

(3) The Superintendent shall annually calculate 20% of the state appropriation of the Enhancement for At-Risk Students on a per school basis to provide a targeted amount to LEAs with traditional elementary schools, secondary schools, and alternative high schools with at least 75% poverty.

(4)(a) Subject to Subsection (4)(b), the Superintendent shall award remaining funds to an LEA based on the LEA's number of students who meet any of the following criteria:

- (i) low performance on a Board approved assessment;
- (ii) poverty;
- (iii) mobility;
- (iv) limited English Proficiency;

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(v) chronic absenteeism; and

(vi) homelessness.

(b) When counting the number of students within an LEA who meet the criteria described in Subsection (4)(a), the Superintendent shall:

(i) for a student who meets one criterion, count the student once; and

(ii) for a student who meets more than one criterion, count the student for each criterion the student meets, up to three criteria.

(5) The Superintendent shall notify an LEA that qualifies for funding of the LEA's level of funding annually by May 1.

#### **R277-708-4. Fiscal Procedures.**

(1) An LEA shall submit its application to the Superintendent annually by [~~November~~ July 1 through the Board's grant management system.

(2) The Superintendent shall distribute available funds to LEAs with an approved application monthly based on a one-twelfth distribution beginning on July 1.

(3) Except as provided in Subsection (5)(a), an LEA shall spend all allocated funds annually by June 30.

(4) An LEA that accepts funds for Enhancement for At-Risk Students intervention services shall be subject to Board accounting, auditing, and budgeting rules and policies.

(5)(a) With written approval from the Superintendent, an LEA may carry over and spend up to ten percent of state Enhancement for At-Risk Student funds in the next fiscal year.

(b) An LEA shall submit a request to carry over funds under Subsection (5)(a) to the Superintendent annually.

(c) An LEA shall detail approved carry over amounts in a revised budget submitted with the LEA's application described in Subsection (1) and through the Board's grant management system.

(d) The Superintendent shall review and approve a revised budget submitted under Subsection (5)(c) no later than December 1 in the year submitted.

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#### **R277-708-5. Application Process.**

(1) An LEA may use funds for activities that support ~~[academic achievement of]~~ students who are at risk of academic failure, including addressing truancy.

(2) An LEA shall establish the following to include in the LEA's application for Enhancement for At-Risk Student money:

(a) ~~[supporting the specific measurable goals aligned to the growth goals in the state accountability system, including a baseline measurement, related to increased academic achievement of students at-risk of academic failure]~~ the LEA specific definition of a student at-risk of academic failure as described in Subsection R277-708-2(1); and

(b) a copy of the LEA's comprehensive plan for student and classroom management, and school discipline required in Section R277-609-4~~;~~ and

~~—— (c) if the LEA establishes an LEA specific definition of a student at-risk of academic failure as described in Subsection R277-708-2(1)(b), the LEA governing board's approved definition of a student at-risk of academic failure.]~~

(3) Annually, an LEA shall provide the following information to the Superintendent:

(a) a report of the LEA's use of funds through the annual financial reporting process;

(b) the LEA's outcome data related to the specific measurable goals included in the LEA's application; and

(c) a report of intervention effectiveness based on performance criteria defined by the Superintendent.

#### **R277-708-6. Oversight: Monitoring, Evaluation and Reports.**

(1)(a) The Superintendent shall conduct tri-annual intervention reviews of each LEA receiving Enhancement for At-Risk Students funding to ensure intervention compliance.

(b) ~~[he]~~ At the Superintendent's discretion or for good cause, the Superintendent may conduct additional formal or informal:

(i) monitoring;

(ii) reviews; or

(iii) site visits.

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(2) If the Superintendent identifies violations as a result of a review described in Subsection (1)(a), an LEA shall prepare and submit to the Superintendent a written corrective action plan for each finding made by the Superintendent.

(3) If an LEA fails to resolve findings identified by the Superintendent under Subsection (2), the Superintendent may implement corrective action as provided in R277-114.

**R277-708-7. Gang Prevention and Intervention Funds.**

(1) Consistent with Subsection 53F-2-410(1)(b), the Superintendent shall distribute funding to LEAs for gang prevention and intervention.

(2) An LEA desiring to receive gang prevention and intervention funds shall submit a proposal consistent with Rule R277-436.

**KEY: students at risk**

**Date of Enactment or Last Substantive Amendment: November 7, 2018**

**Notice of Continuation: September 15, 2016**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-2-410; 53E-3-401(4)**