

**R277. Education, Administration.**

**R277-418. Distance, Blended, Online, or Competency Based Learning Program.**

**R277-418-1. Definitions.**

A. "Blended learning program" means a program under the direction of an LEA:  
(1) where a student learns at least in part:  
(a) at a supervised brick and mortar location away from home; and  
(b) at least in part through an online delivery; and  
(2) that may include some element of student control over time, place, or path, or  
pace.

B. "Board" means the Utah State Board of Education.

C. "Distance learning program" means a program, under the direction of an LEA,  
in which the participants are a distance from each other in space.

D. "Enrollment verification data" includes:

- (1) a student's birth certificate or other verification of age;
- (2) verification of immunization or exemption from immunization form;
- (3) proof of Utah public school residency;
- (4) family income verification; or
- (5) special education program information, including information for:
  - (a) an individualized education program;
  - (b) a Section 504 accommodation plan; and
  - (c) an English learner plan.

E. "Competency based learning program" means an education program that  
requires a student to acquire a competency and includes a classroom structure and  
operation that aid and facilitate the acquisition of specified competencies on an individual  
basis wherein a student is allowed to master and demonstrate competencies as fast as the  
student is able.

F. "LEA" or "local education agency" means a school district or charter school.

F. "Nontraditional Program" means a program within an LEA that consists of eligible,  
enrolled public school students where the student receives instruction through a:

- (1) distance learning program;

- (2) online learning program;
- (3) blended learning program; or
- (4) competency based learning program.

G. "Online learning program" means a program, under the direction of an LEA, where there is an organized offering of courses delivered primarily over the internet.

H. "Superintendent" means the State Superintendent of Public Instruction or the Superintendent's designee.

I. "Third party provider" means a third party who provides educational services on behalf of an LEA.

**R277-418-2. Authority and Purpose.**

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board and by Subsection 53E-3-401(4) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide standards and procedures for nontraditional programs.

**R277-418-3. Distance, Blended, Online, or Competency Based Learning Program Standards.**

A. An LEA offering a nontraditional program shall comply with the following standards:

(1) student eligibility and membership/enrollment requirements described in R277-419-5, 419-6, and 419-7;

(2) school and program requirements described in R277-419-3(A);

(3) minimum school day requirements described in R277-419-4(A)1-2;

(4) compliance with official record standards and membership audit requirements described in:

(a) R277-419-4B(1) and (2); and

(b) R277-419-4C and 4D;

(5) educator licensure requirements described in R277-502;

(6) fingerprint and background check requirements for educators, employees and volunteers, described in:

- (a) Title 53G, Chapter 11, Part 4, Background Checks;
- (b) 53G-5-402;
- (c) 53E-6-403;
- (d) R277-516; and
- (e) R277-520;

(7) integration of the Utah Core Standards in the nontraditional program's student instruction consistent with Subsection 53E-3-501(1)(a) and R277-700;

(8) compliance with statewide assessment administration requirements by the LEA, as required under:

- (a) Title 53E, Chapter 4, Part 3, Achievement Tests; and
- (b) R277-404; and

(9) compliance with the public school data confidentiality and disclosure requirements described in R277-487.

B. An LEA that contracts with a third party provider to provide educational services on behalf of the LEA for the LEA's nontraditional program shall:

(1) develop a written monitoring plan to supervise the activities and services provided by the third party provider;

(2) ensure the third party provider is complying with:

- (a) federal law;
- (b) state law; and
- (c) Board rules;

(3) monitor and supervise all activities of the third party provider related to services provided by the third party provider to the LEA; and

(4) maintain documentation of the LEA's supervisory activities consistent with the LEA's administrative records retention schedule.

C. An LEA shall:

(1) verify the accuracy and validity of a student's enrollment verification data, prior to enrolling a student in the LEA; and

(2) provide a student and the student's parent or guardian with notification of the student's enrollment in a school or program within the LEA.

D. The Board or the Superintendent may require an LEA to repay public funds to the Superintendent if:

(1) the LEA or the LEA's third party provider fails to comply with the provisions of this R277-418; and

(2) the repayment is made in accordance with the procedures established in R277-114.

E. An LEA offering a nontraditional program shall retain sufficient documentation to demonstrate the nontraditional program's compliance with this R277-418-3.

**KEY: student, enrollment, nontraditional learning programs**

**Date of Enactment or Last Substantive Amendment: July 8, 2015**

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