

1 **R277. Education, Administration.**

2 **R277-419. Pupil Accounting.**

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

4 (1) This rule is authorized by:

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

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

9 (c) Subsection 53E-3-501(1)(e), which directs the Board to establish rules and  
10 standards regarding:

11 (i) cost-effectiveness;

12 (ii) school budget formats; and

13 (iii) financial, statistical, and student accounting requirements;

14 (d) Subsection 53E-3-602(2), which requires a local school board's auditing  
15 standards to include financial accounting and student accounting;

16 (e) Subsection 53E-3-301(3)(d), which requires the Superintendent to present to  
17 the Governor and the Legislature data on the funds allocated to LEAs;

18 (f) Section 53G-4-404, which requires annual financial reports from all school  
19 districts; and

20 (g) Subsection 53G-5-404(4), which requires charter schools to make the same  
21 annual reports required of other public schools.

22 (2) The purpose of this rule is to specify pupil accounting procedures used in  
23 apportioning and distributing state funds for education.

24

25 **R277-419-2. Definitions.**

26 (1) "Aggregate Membership" means the sum of all days in membership during a  
27 school year for eligible students enrolled in a public school.

28 (2) "Approved CTE course" means a course approved by the Board within the

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

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

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

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

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

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

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

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

47 (8) "Early graduation student" means a student who has an early graduation  
48 student education plan as described in Section R277-703-4.

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

53 (a) high quality instruction for each student;

54 (b) personalized learning supports for each student; and

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

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

58 (11) "Enrollment verification data" includes:

- 59 (a) a student's birth certificate or other verification of age;
- 60 (b) verification of immunization or exemption from immunization form;
- 61 (c) proof of Utah public school residency;
- 62 (d) family income verification; or
- 63 (e) special education program information, including:
- 64 (i) an individualized education program;
- 65 (ii) a Section 504 accommodation plan; or
- 66 (iii) an English learner plan.
- 67 (12)(a) "Home school" means the formal instruction of children in their homes
- 68 instead of in an LEA.
- 69 (b) "Home school" does not include public school instruction provided in a home,
- 70 including when:~~[The differences between a home school student and an online student~~
- 71 ~~include:]~~
- 72 (i) an online student [may] receives instruction at home, but the student is enrolled
- 73 in a public school that follows state Core Standards;
- 74 (ii) an online student is:
- 75 (A) subject to laws and rules governing state and federal mandated tests; and
- 76 (B) included in accountability measures; or
- 77 (iii) an online student receives instruction under the direction of a highly qualified,
- 78 licensed teacher who is subject to the licensure requirements of ~~[R277-502]~~R277-301 and
- 79 fingerprint and background checks consistent with R277-214 and ~~[R277-520;]~~R277-309.
- 80 ~~[(iv) instruction delivered in a home school course is not eligible to be claimed in~~
- 81 ~~membership of an LEA and does not qualify for funding under the Minimum School~~
- 82 ~~Program in Title 53F, Chapter 2, Minimum School Program Act.]~~
- 83 (13) "Home school course" means instruction:
- 84 (a) delivered in a home school environment where the curriculum and instruction
- 85 methods, evaluation of student progress or mastery, and reporting, are provided or
- 86 administered by the parent, guardian, custodian, or other group of individuals; and

87 (b) not supervised or directed by an LEA.

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

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

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

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

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

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

101 (a) an online learning program;

102 (b) a blended learning program; or

103 (c) a [personalized](#), competency based learning program.

104 (19)(a) "Membership" means a public school student is on the current roll of a  
105 public school class or public school as of a given date.

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

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

111 (20) "Minimum School Program" means the same as that term is defined in Section  
112 53F-2-102.

113 (21) "Online learning program" means a program:

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

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

116 (22) "Private school" means an educational institution that:

- 117 (a) is not an LEA;
- 118 (b) is owned or operated by a private person, firm, association, organization, or  
119 corporation; and
- 120 (c) is not subject to governance by the Board consistent with the Utah Constitution.
- 121 (23) "Program" means a course of instruction within a school that is designed to  
122 accomplish a predetermined curricular objective or set of objectives.
- 123 (24) "Qualifying school age" means:
- 124 (a) a person who is at least five years old and no more than 18 years old on or  
125 before September 1;
- 126 (b) with respect to special education, a person who is at least three years old and  
127 no more than 21 years old on or before July 1;
- 128 (c) with respect to YIC, a person who is at least five years old and no more than 21  
129 years old on or before September 1.
- 130 (25) "Resource" means a student who receives 1 to 179 minutes of special  
131 education services during a typical school day consistent with the student's IEP provided  
132 for under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et  
133 seq., amended in 2004.
- 134 (26) "Retained senior" means a student beyond the general compulsory school age  
135 who is authorized at the discretion of an LEA to remain in enrollment as a high school  
136 senior in the year(s) after the student's cohort has graduated due to:
- 137 (a) sickness;
- 138 (b) hospitalization;
- 139 (c) pending court investigation or action; or
- 140 (d) other extenuating circumstances beyond the control of the student.
- 141 (27) "S1" means the record maintained by the Superintendent containing individual  
142 student demographic and school membership data in a Data Clearinghouse file.

143 (28) "S2" means the record maintained by the Superintendent containing individual  
144 student data related to participation in a special education program in a Data  
145 Clearinghouse file.

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

148 (30) "School" means an educational entity governed by an LEA that:

149 (a) is supported with public funds;

150 (b) includes enrolled or prospectively enrolled full-time students;

151 (c) employs licensed educators as instructors that provide instruction consistent  
152 with Section [~~R277-502~~]R277-301;

153 (d) has one or more assigned administrators;

154 (e) is accredited consistent with Section R277-410-3; and

155 (f) administers required statewide assessments to the school's students.

156 (31) "School day" means a day where an LEA provides educational services to  
157 students subject to the requirements described in Section R277-419-5.

158 (32) "School membership" means membership other than in a special education  
159 or YIC program in the context of the Data Clearinghouse.

160 (33) "School of enrollment" means:

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

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

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

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

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

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

174 (38) "SSID" means Statewide Student Identifier.

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

176 (a) the student was not physically present at school at any of the times attendance  
177 checks were made in accordance with Subsection R277-419-~~7(4)~~11(5); and

178 (b) the student's absence could not be accounted for by evidence of a legitimate  
179 or valid excuse in accordance with local board policy on truancy as defined in Section 53G-  
180 6-201.

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

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

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

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

188 (c) being held in a juvenile detention facility.

189

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

192 (1) This rule incorporates by reference:

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

195 (i) e-learning;

196 (ii) special education services;

197 (iii) student meals;

198 (iv) event planning; and

199 (v) staffing.  
200 (b) the School Reopening Requirements Template created by the Superintendent  
201 and based on the K-12 School Reopening Requirements and Recommendations approved  
202 by the Board, which an LEA is required to submit to the Superintendent as an assurance  
203 that the LEA has addressed state requirements for safely reopening schools for the 2020-  
204 21 school year.

205 (2) A copy of the Continuity of Education Plan[~~the~~] form is located at:  
206 (a) <http://schools.utah.gov/administrativerules/documentsincorporated>; and  
207 (b) the Utah State Board of Education.  
208 (3) A copy of the School Reopening Requirements template is located at:  
209 (a) <https://www.schools.utah.gov>; and  
210 (b) the Utah State Board of Education.

211

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

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

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

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

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

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

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

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

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

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



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

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

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

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

237 (ii) for a school closure due to snow, inclement weather, or other emergency as  
238 described in Section R277-121-5; or

239 (iii) for an individual student as described in Section R277-419-~~13~~14.

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

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

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

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

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

254 ~~[(b)]~~(6)(a) A school may conduct parent-teacher and student Plan for College and  
255 Career Readiness conferences during the school day.

256 ~~[(c)]~~(b) Parent-teacher and college and career readiness conferences may only be

257 held for a total of the equivalent of three full school days~~[or a maximum of 16.5 hours]~~ for  
258 the school year.

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

261 ~~[(e)]~~(d) An LEA may designate no more than a total of 12 educational service days  
262 at the beginning of the school year, at the end of the school year, or both for the  
263 assessment of students entering or completing kindergarten.

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

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

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

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

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

272 ~~[(g)]~~(f) The final decision and approval regarding planning time, parent-teacher and  
273 SEP conferences rests with an LEA, consistent with Utah ~~[law]~~ Code and Board  
274 administrative rules.

275 ~~[(h)]~~(g) Total instructional time and school calendars shall be approved by an LEA  
276 in an open meeting.

277

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

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

285

286 **R277-419-7. Student Membership Eligibility and Learner Validated Enrollment**  
287 **Measurements.**

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

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

290 (3) In order to generate membership for funding through the Minimum School  
291 Program on any school day, an LEA shall ensure that a student being counted by the LEA  
292 in membership:

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

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

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

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

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

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

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

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

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

309 (I) injury;

310 (II) illness;

311 (III) surgery;

312 (IV) suspension;

313 (V) pregnancy;

314 (VI) pending court investigation or action; or  
315 (VII) an LEA determination that home instruction is necessary;  
316 (iii) is enrolled in an approved CTE course(s) on the campus of another state  
317 funded institution where such a course is:  
318 (A) not offered at the student's school of membership;  
319 (B) being used to meet Board-approved CTE graduation requirements under  
320 Subsection R277-700-6(14); and  
321 (C) a course consistent with the student's SEOP/Plan for College and Career  
322 Readiness; or  
323 (iv) is enrolled in a learner validated program under the direction of an LEA that:  
324 (A) is consistent with the student's SEOP/Plan for College and Career Readiness;  
325 (B) has been approved by the student's counselor; and  
326 (C) includes regular instruction or facilitation by a designated employee of an LEA.  
327 (4) An LEA shall use one of the following learner validated enrollment measures:  
328 (a) For a student primarily enrolled in an attendance validated program, the LEA  
329 may not count a student as an eligible student if the eligible student has unexcused  
330 absences during all of the prior ten consecutive school days.  
331 (b) For a student enrolled in a learner validated program, an LEA shall:  
332 (i) adopt a written policy that designates a learner validated enrollment  
333 measurement to document the learner validated membership or enrollment status for each  
334 student enrolled in the learner validated program consistent with Subsection (3)(c);  
335 (ii) document each student's continued enrollment status in compliance with the  
336 learner validated enrollment policy at least once every ten consecutive school days; and  
337 (iii) appropriately adjust and update student membership records in the student  
338 information system for students that did not meet the learner validated enrollment  
339 measurement, consistent with Subsection (3)(c).  
340 (c) For a student enrolled in an learner validated program, the LEA may not count  
341 a student as an eligible student if the LEA has not personally engaged with the student  
342 during the prior ten consecutive school days.

343 (5) The learner validated enrollment measurement described in Subsection (4)(b)  
344 may include some or all of the following components, in addition to other components, as  
345 determined by an LEA:

346 (a) a minimum student login or teacher contact requirement;

347 (b) required periodic contact with a licensed educator;

348 (c) a minimum hourly requirement, per day or week, when students are engaged  
349 in course work; or

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

352 (6)(a) Beginning with the 2021-22 school year, an LEA shall submit each  
353 student's attendance validated or learner validated enrollment status through the  
354 UTREx/Data Clearinghouse.

355 (b) For a student who participates in both attendance validated and learner  
356 validated programs, the LEA shall designate the student's status as learner validated  
357 enrollment.

358 ~~(6)~~(7)(a) An LEA desiring to generate membership for student enrollment in  
359 courses outlined in Subsection (3)(f)(iii), or to seek a waiver from a requirement(s) in  
360 Subsection (3)(f)(iii), shall submit an application for course approval by April 1 of the  
361 year prior to which the membership will be counted.

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

364

365 **R277-419-8. Student Membership Calculations.**

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

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

371 education plan.

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

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

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

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

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

386 (i) 170 days; plus

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

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

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

398 (a) [t]if the student was enrolled for 4 periods each day in a 7 period school day  
399 for all 180 school days, the student's aggregate membership would be 4/7 of 180 days  
400 or 103 days[~~:-~~]; or

401 (b) [f]if the student was enrolled for 7 periods each day in a 7 period school day  
402 for 103 school days, the student's membership would also be 103 days.

403 (5)(a) An LEA shall calculate the days in membership for all students using a  
404 method equivalent to the following: total clock hours of educational services for which  
405 the student was enrolled during the school year divided by 990 hours and then  
406 multiplied by 180 days and finally rounded up to the nearest whole day.

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

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

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

414 (8) The sum of regular, ISI-1 and ISI-2 YIC membership days may not exceed  
415 360 days.

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

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

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

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

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

- 429 (c) all periods each school day, if the student is enrolled in:  
430 (i) a concurrent enrollment program that satisfies all the criteria of Rule R277-  
431 713;  
432 (ii) a private school without religious affiliation under a contract initiated by an  
433 LEA to provide special education services which directs that the instruction be paid by  
434 public funds if the contract with the private school is approved by an LEA board in an  
435 open meeting;  
436 (iii) a foreign exchange student program under Subsection 53G-6-707(7); or  
437 (iv) a school operated by an LEA under a Utah Schools for the Deaf and the  
438 Blind IEP provided that:  
439 (A) the student may only be counted in S1 membership and may not have an S2  
440 record; and  
441 (B) the S2 record for the student is submitted by the Utah Schools for the Deaf  
442 and the Blind.

443 (10)(a) Except as provided in Subsection (10)(b), a student receiving instruction  
444 delivered in a home school course or by a private school is not eligible to be claimed in  
445 an LEA's membership and does not qualify for funding under the Minimum School  
446 Program in Title 53F, Chapter 2, Minimum School Program Act.

447 (b) Subsection (10)(a) does not apply to public school instruction provided by an  
448 LEA to a home school or private school student participating in dual enrollment as  
449 described in Section 53G-6-702.

450

451 **R277-419-9. Student Membership Calculation During the 2020 Covid-19**  
452 **Pandemic.**

453 Notwithstanding the requirements of Sections R277-419-7 and R277-419-8, the  
454 Superintendent shall calculate an LEA's membership for days of instruction from March  
455 16, 2020 to June 30, 2020, based on the LEA's average rate of membership between  
456 July 1, 2019 and March 13, 2020 if:

- 457 (1) the LEA has submitted a continuity of education plan on or before June 1,  
458 2020; and



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

461

462 **R277-419-10. Calculations for a First Year Charter School.**

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

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

469

470 **R277-419-11. Reporting Requirements, LEA Records, and Agreed-Upon**

471 **Procedures Engagements.**

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

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

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

481 (a) entry date;

482 (b) exit date;

483 (c) exit or high school completion status;

484 (d) whether or not an absence was excused;

485 (e) disability status (resource or self-contained, if applicable); and

486 (f) YIC status (ISI-1, ISI-2 or self-contained, if applicable).

487 (4) An LEA shall ensure that:  
488 (a) computerized or manually produced records for CTE programs are kept by  
489 teacher, class, and classification of instructional program (CIP) code; and  
490 (b) the records described in Subsection (4)(a) clearly and accurately show for  
491 each student in a CTE class the:  
492 (i) entry date;  
493 (ii) exit date; and  
494 (iii) excused or unexcused status of absence.  
495 (5) An LEA shall ensure that each school within the LEA completes a minimum  
496 of one attendance check each school day.  
497 (6) Due to school activities requiring schedule and program modification during  
498 the first days and last days of the school year:  
499 (a) for the first five school days, an LEA may report aggregate days of  
500 membership equal to the number recorded for the second five-day period of the school  
501 year;  
502 (b) for the last five-day period, an LEA may report aggregate days of  
503 membership equal to the number recorded for the immediately preceding five-day  
504 period; and  
505 (c) schools shall continue educational service activities throughout required  
506 calendared days.  
507 (7) An LEA shall employ an independent auditor, under contract, to:  
508 (a) perform an annual agreed-upon procedures engagement; and  
509 (b) report any findings of the engagement to:  
510 (i) the LEA board; and  
511 (ii) the Financial Operations Section of the Board.  
512 (8) Reporting dates, forms, and procedures are found in the Guide for Agreed-  
513 Upon Procedures Engagements for Local Education Agencies, published by the Office  
514 of the State Auditor, in collaboration with the Superintendent.  
515 (9) The Superintendent:  
516 (a) shall review each LEA's student membership and fall enrollment reports as

517 they relate to the allocation of state funds; and

518 (b) may periodically or for cause review LEA records and practices for  
519 compliance with Federal and State ~~[the]~~ laws and this rule.

520

521 **R277-419-12. High School Completion Status.**

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

526 (a) graduates are students who earn a basic high school diploma by satisfying  
527 one of the options consistent with Subsection R277-705-4(2) or out-of-school youths of  
528 school age who complete adult education secondary diploma requirements consistent  
529 with R277-733;

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

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

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

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

539 (C) meet any criteria established for special education students under  
540 Subsection R277-700-8(5); or

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

543 (c) continuing students are students who:

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

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

547 (iii) age out of special education;

548 (d) dropouts are students who:

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

550 (ii) withdraw due to a situation so serious that educational services cannot be  
551 continued even under the conditions of Subsection R277-419-7(3)(f)(ii);

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

553 (iv) transfer to adult education;

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

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

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

559 (iii) is a non-U.S. citizen who enrolls in a Utah public school as a foreign  
560 exchange student under Section 53G-6-707 in which case the student shall be  
561 identified by resident status (J for those with a J-1 visa, F for all others), not by an exit  
562 code;

563 (iv) dies; or

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

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

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

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

574 (d) An LEA with an alternative school year schedule where all of the students

575 have an extended break in a season other than summer, shall submit the LEA's data by  
576 the next complete data submission update, following the LEA's extended break, as  
577 defined in Section R277-484-3.

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

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

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

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

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

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

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

590 (f) If a student attended two or more schools during the student's final cohort  
591 year, a tie-breaking logic to select the single school will be used in the following  
592 hierarchical order of sequence:

593 (i) school with an attached graduation status for the final cohort year;

594 (ii) school with the latest exit date;

595 (iii) school with the earliest entry date;

596 (iv) school with the highest total membership;

597 (v) school of choice;

598 (vi) school with highest attendance; or

599 (vii) school with highest cumulative GPA.

600 (g) The Superintendent shall report the four-year cohort rate on the annual state  
601 reports.

602

603 **R277-419-13. Student Identification and Tracking.**

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

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

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

610 (b) The unique student identifier:

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

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

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

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

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

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

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

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

631 (5) An LEA is responsible to verify the accuracy and validity of enrollment  
632 verification data, prior to enrolling students in the LEA, and provide students and their

633 parents with notification of enrollment in a public school.

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

637

638 **R277-419-14. Exceptions.**

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

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

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

648

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

650 ~~———This rule is effective for the 2020-21 school year.]~~

651

652 **[R277-419-15. Effective Date.](#)**

653 [This rule is effective for the 2021-22 school year.](#)

654

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

656 **Date of Enactment or Last Substantive Amendment: September 24, 2020**

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

658 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53F-](#)  
659 [2-102\(7\)](#); [53E-3-501\(1\)\(e\)](#); [53E-3-602\(2\)](#); [53E-3-301\(3\)\(d\)](#); [53G-4-404](#)**