2024

UTAH STATE BOARD OF EDUCATION

Policy and Procedure
SOEP Provider Manual

Statewide Online
Education Program

Introduction

This manual offers guidance and support for the Authorized Online Course providers ("providers") of Utah's Statewide Online Education Program (SOEP), a "course access" program connecting Utah students in grades 6-12 with online course providers approved by the Utah State Board of Education to serve students within a narrowed mandate extending only to instruction, content, and requested accommodation of unique needs across an agreed-upon SOEP course or courses.

What is the purpose of the Statewide Online Education Program (SOEP)?

The Statewide Online Education Program (SOEP) enhances educational opportunities for Utah students by broadening course access, providing flexibility, and supporting college and career readiness. Unlike many other states, Utah mandates that all districts offer access to this online learning program, ensuring equitable access for all students. Home and private school students may also participate. This unique approach distinguishes SOEP. Equitable access combines with state oversight, financial assistance to small schools, and the use of experienced online schools and programs offering curriculum consistent with the Utah state core, and instruction by Utah-licensed educators with qualifications aligned to content-area assignments. These characteristics are the foundation of the program's ability to expand access to quality online learning.

Unlike many other states with limited or decentralized online learning programs, Utah mandates statewide participation in SOEP and provides state-level support. This comprehensive framework demonstrates a commitment to using online learning to enhance educational opportunities for all students.

Governing Statute and Rule

Title 53F Chapter 4 Part 5
Utah Core Standards
R277-726: Statewide Online Education Program (SOEP)
R277-700: The Elementary and Secondary School General Core
Article X Section 9, Utah State Constitution

SOEP Providers: Delivering Quality Online Education for Secondary Students

Statute ([§53F-4-501](#)) does not allow a provider to serve its own students through this program. Statute defines a student's "primary" LEA by the fact that it is not the provider of SOEP courses (§53F-4-501(9)):

"Primary" LEA of enrollment means the LEA in which an eligible student is enrolled for courses other than online courses offered through the Statewide Online Education Program.

SOEP providers are the driving force behind exceptional online learning experiences for secondary students. Their expertise in online instruction, support services, and curriculum design ensures that students receive a high-quality education tailored to their individual needs.

Engaging Learning Environments:

SOEP providers create stimulating and effective online learning environments that promote optimal learning outcomes and student engagement. Their deep understanding of virtual instructional strategies allows them to personalize the learning experience and maximize student success.

Comprehensive Support Services:

SOEP providers offer dedicated academic advisors, technical assistance, and readily available resources to guide and support students throughout their online learning journey. This personalized support helps students overcome challenges, stay motivated, and achieve their academic goals.

Dynamic and Relevant Curriculum:

SOEP providers leverage their expertise in curricular design to create engaging and relevant online courses aligned with Utah core standards. They utilize interactive elements, multimedia resources, and real-world applications to make learning meaningful and foster a lifelong love of learning. All authorized online course providers share the following attributes:

- Proven track record in online instruction, support, and curricular design

- Expertise in creating engaging and effective online learning environments

- Deep understanding of instructional strategies for virtual settings

- Proficiency in providing comprehensive support services

- Experience in curricular design aligned with Utah core standards

- Commitment to preparing students for future success

SOEP providers are dedicated to providing secondary students with the best possible online learning experience. Their expertise and commitment to quality ensure that students receive a high-quality education that prepares them for success in college, career, and beyond.

A SOEP Provider

An SOEP provider has the capacity and expertise to offer online education to students from different schools and backgrounds, using their own systems and materials. SOEP providers demonstrate a high level of completion and performance for their courses and meet application criteria established by the Utah State Board of Education.

SOEP providers include:
o   A public school or program created exclusively to serve students online.
o   A program of an Utah public institution of higher education that offers secondary school level courses and was created exclusively to serve students online.
o   A non-profit entity that permits open-entry open-exit instruction and has prior experience offering NCAA approved online courses to secondary students.

Oversight

State law requires Board oversight for performance of certain educational functions (§53G-4-402, §53G-5-404).

Provider Approval

Statute requires the Board to approve providers (§53F-4-518), to set rules governing approval, and to act consistently with elements of statute outlining provider qualifications (§53F-4-518).

Provider Application Period

Applications for the upcoming school year are accepted on a rolling basis from July 1st to April 1st. Providers are approved by the Utah State Board of Education and begin service at the start of the semester in June (Summer), August (Fall), or January (Winter). Course listings are submitted the spring before the service year. Providers should ideally be approved and ready to submit listings by February.

Application types

Applications and Statewide Services Agreements differ between these provider types:

- LEA SOEP Provider Application and Statewide Services Agreement.

- [Institution of Higher Education (IHE) SOEP Provider Application and Statewide Services Agreement.](#)

- Certified Online SOEP Provider Application and Statewide Services Agreement.

While all approved providers are "authorized online course providers," some legal provisions apply specifically to "certified online course providers" (§53F-5-514). The primary distinction between authorized and certified online course providers lies in assessing fees. Certified providers, unlike authorized providers, are subject to fees called "dedicated credits" as outlined in (§53F-5-514). Additionally, certain legal provisions apply exclusively to certified online course providers, further differentiating the two categories.

Annual Report on Providers

An "Annual Report on Providers" is prepared and disseminated yearly. With inclusions governed by statute (§53F-4-511), the report may be used to e assess the quality of an online course provider. Providers also demonstrate their strength by achieving an 80% timely completion rate.

Capacity and expertise in online learning

All SOEP authorized online course providers offer their online education expertise to students in cooperating LEAs, and home and private schools. These providers have the experience, expertise, and systems to effectively serve students virtually, utilizing their existing infrastructure for the benefit of external students. In exchange for accepting lower payments than those associated with regular student enrollment, providers benefit from economies of scale that also advantage their own schools and students.

Teachers

Utah State Board Administrative Rule (R277-309-3) requires all public school teachers to hold a current educator license with appropriate endorsements, and a background check. To help providers meet staffing needs, a provider-specific license (POSL) has been established for online educators (§53E-6-201(1)(d)). USBE verifies teacher credentials before listing courses. Educators must also have a Utah Background Check and Ethics Tests. Assistance is available for meeting these requirements.

Resources:

o [License Requirements](#)
o [Endorsement Requirements](#)
o [Educator Look Up Tool](#)

Curriculum

Providers are held to standards public schools must observe. State law requires Board oversight for performance of certain educational functions ([§53G-4-402](#), [§53G-5-404](#)). Providers may only offer Utah core codes ("curriculum and content") approved by the local-LEA governing Board. Each course must be taught by a licensed individual with a current background check. Each teacher's license and endorsements must be aligned with content requirements listed under the core code describing their course assignment.

Assessment

SOEP providers must administer the same assessments required for Utah public schools, adhering to identical ethical standards and security conditions. They must

also serve and accommodate students with disabilities or unique needs in compliance with state and federal law (see "Assessment Pullout"). While USBE business rules generally route testing to the primary school of enrollment, results are attributed to the SOEP provider if the student is enrolled in a tested course during the assessment window.

Security of student data

SOEP providers follow state and federal laws regarding student PII security. They retain student activity records for five years after graduation and collect sensitive information like birth certificates, addresses, and emails ([Section §53G Part 9](#)).

Mandatory minimum level of completion

Providers undergo an initial approval process, combined with an annual performance review. SOEP Providers hold a unique position, enrolling students from other LEAs without broad LEA discretion to deny access. They must maintain trust with partner LEAs and USBE while facilitating access for Home and Private School students through SOEP processes. Providers demonstrate their strength by ensuring consistency between SEATS and UTREx reports and achieving an 80% timely completion rate in UTREx.

The "Course Credit Acknowledgement"

Course Credit Acknowledgements (CCAs) are bilateral contracts between LEAs (or between USBE and an LEA) that allow a student's primary school of enrollment to outsource instructional services to a SOEP provider. The primary LEA retains responsibility for all matters except instruction, accommodations, services, and materials for the specific SOEP course.

Division of services between cooperating LEAs

CCAs outline the roles of primary schools and SOEP providers. SOEP allows students to access provider courses not available at their primary school. Providers cannot certify graduation requirements or confer diplomas for SOEP students; this remains the responsibility of the primary school and LEA.A CCA is a contract where the primary LEA acknowledges grades and credit from the provider and agrees to pay for services. The provider offers instruction, content, and accommodations per the CCA and student's IEP/504 plan.Primary schools handle non-instructional services, while providers manage instruction and accommodations. Regardless of

SOEP enrollment, students remain enrolled in their primary school and retain access to its facilities, activities, and services. Even if a student takes all courses through SOEP, they still maintain their rights as a public school student.

Serving the home school student

Home school students can use SOEP courses to fulfill graduation requirements, but they must enroll in a public or private school to receive a diploma (§53G-6-406).

Serving the private school student

Private school students do not require counselor approval or primary LEA approval to enroll in SOEP courses. These requirements are intended to protect the rights of a cognizant LEA. Private school student enrollment is not managed by a cognizant LEA.

Student eligibility

With some exceptions, "eligible student"should be understood to mean (§53F-4-501) a student who intends to take a course for middle school or high school credit and:

(i)   who is enrolled in an LEA in Utah; or
(ii) who attends a private school or home school and whose custodial parent is a resident of Utah, or
(iii) who is an exchange student residing in Utah and enrolled in an LEA or private school in Utah.

SOEP statutes do not define "parent," but other laws governing student participation in public education define it broadly to include a custodial parent, a legally appointed guardian, or any other person exercising authority over the minor that a custodial parent or guardian could exercise.

Categories of students eligible to participate in SOEP
- Students enrolled in public schools
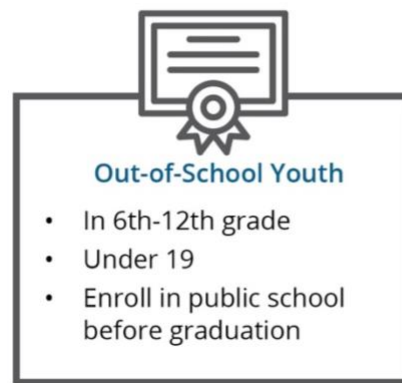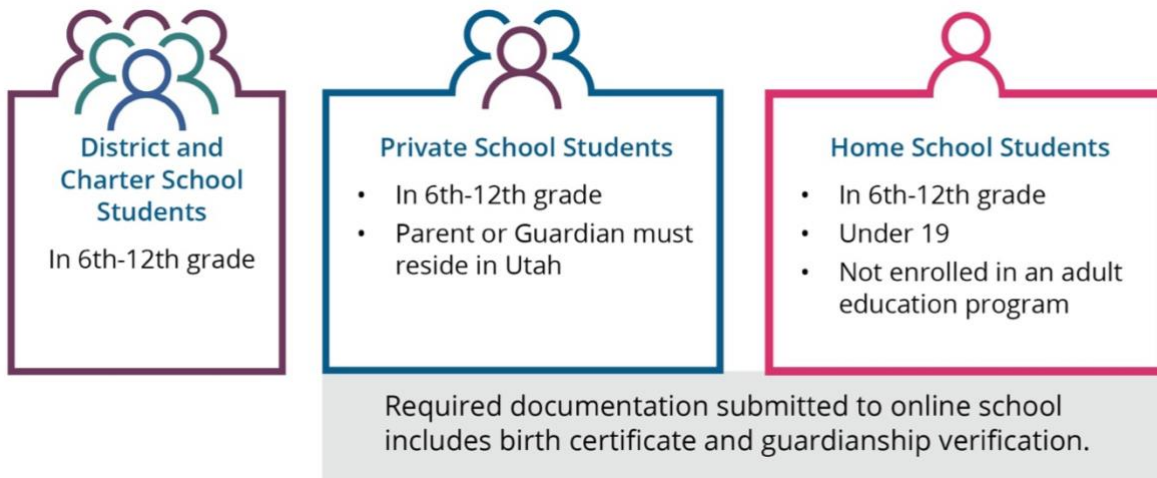- Students in grades 6-12 enrolled in a Utah public school are eligible.

Home school students

Home school students remain eligible if the student is no more than 18 years old on or before September 1 of the school year in which the student commences instruction. Until the age of 19, students in grades 6-12 supplying acceptable proof of age and identity and a current-year certificate of release from compulsory education issued by a school district or charter school qualify. A release from the Utah compulsory education requirement implies that the student must be a resident of Utah. The law requires (§53F-4-501) that a custodial parent must be a Utah resident.

Private school students

HB3001 passed in a 2024 Special Session of the Legislature and was signed into law on June 21, 2024 by Governor Cox. This bill revised eligibility of exchange students

District and Charter School Students

In 6th-12th grade

Private School Students
- In 6th-12th grade
- Parent or Guardian must reside in Utah

Home School Students
- In 6th-12th grade
- Under 19
- Not enrolled in an adult education program

Required documentation submitted to online school includes birth certificate and guardianship verification.

Students in Group Care
- In 6th-12th grade
- Enroll in the district of the care facility

Out-of-School Youth
- In 6th-12th grade
- Under 19
- Enroll in public school before graduation

enrolled in Utah schools. HB3001"Exchange Student Guardianship Amendments" makes it clear that students in grades 6-12 enrolled in a private school are eligible to participate in SOEP if:

(i) Their custodial parent or legal guardian is a resident of Utah, or

(ii) They are an exchange student enrolled in a Utah private school under a J-1, J-2, or F-1 visa program.

Students enrolled in a private school under a Carson Smith Scholarship (§53F-4-302(8)) or a Carson Smith Opportunity Scholarship are eligible for SOEP enrollment. Students accepting a Carson Smith Opportunity Scholarship attend a private school, meaning they are enrolled in the Utah private school and, to qualify for a scholarship, the student's custodial parent must reside within Utah (§53F-4-302), wherein a Carson Smith Opportunity Scholarship student meets statutory criteria for enrollment.

Students in group care settings

Students in grades 6-12 residing in temporary care through a state-licensed group or "congregate-care" facility may enroll through the school district where the facility is physically located or through their school district of residence if facility attendance is part-time and non-resident.

Out-of-school youth

A student under the age of 19, in grades 6-12,and enrolled in Adult Education qualifies for SOEP participation if their graduation cohort is still participating in schooling (R277-702), and the student enrolls in a public school prior to their cohort graduation date (the date the student would normally have graduated if the student had not moved on to enroll in Adult Education).

Carson Smith Recipients

Students enrolled in a private school under a Carson Smith Scholarship (§53F-4-302(8)) or a Carson Smith Opportunity Scholarship are eligible for SOEP enrollment. Students accepting a Carson Smith Opportunity Scholarship attend a private school, meaning they are enrolled in the Utah private school and, to qualify for a scholarship, the student's custodial parent must reside within Utah (§53F-4-302),

wherein a Carson Smith Opportunity Scholarship student meets statutory criteria for enrollment.

Students not eligible to participate in SOEP

"Utah Fits All" scholarship recipients

The statutory definition of "eligible student" does not include students receiving a scholarship under the Utah Fits All Scholarship Program (Title 53F, Chapter 6, Part 4 and R277-126). If a student is currently benefiting from a Utah Fits All Scholarship, or if the student has been notified that they will receive a scholarship award in the upcoming school year, the student is not eligible for participation in the Statewide Online Education Program.

SOEP Eligibility and Enrollment: Clarifying Misconceptions

Students do not need to take any in-person courses at their "primary" school of enrollment to be eligible for SOEP. This clarifies potential confusion stemming from references to traditional courses offered directly by an LEA.
Here's why:

- Statute:

  - §53F-4-509: Requires LEAs to include SOEP credit hours in daily membership calculations, implying SOEP courses are equivalent to traditional courses offered directly by the LEA.

  - §53F-4-501(9): Defines "primary" LEA as the one where a student is enrolled in courses other than SOEP, but clarifies that SOEP students are considered enrolled in their "primary" LEA even if taking only SOEP courses.

  - §53F-4-503(1): Allows students to enroll in SOEP if they meet course prerequisites, regardless of enrollment in other courses at their "primary" LEA.

  - §53F-4-501(5): Prohibits "primary" LEAs from imposing restrictions on SOEP course selection if those courses fulfill graduation requirements and align with the student's plan.

- Board Rule:

○ R277-726-5: Requires "primary" schools to provide access to facilities for SOEP students, suggesting a sliding scale of SOEP vs. traditional courses, potentially including zero traditional courses.

Therefore, students can be fully enrolled in SOEP and take all courses online, facilitated by their "primary" LEA. Additional Clarifications:

● Home and Private School Students: Statute clarifies that SOEP students are not considered enrolled in an LEA, differentiating them from students enrolled in traditional courses at an LEA.

● Tracking SOEP Students: LEAs are required to track SOEP students' progress toward graduation while they learn online.

In summary:

● Students do not need to take in-person courses at their "primary" school to be eligible for SOEP.

● SOEP courses are considered equivalent to traditional courses offered directly by the LEA.

● LEAs are responsible for facilitating SOEP participation and tracking student progress.

LIFECYCLE OF A CCA
FILING OF AN ENROLLMENT REQUEST

Students can file an enrollment request using the USBE SEATS application, independently or with assistance from a counselor or provider. A "primary" LEA officer reviews the request and has 3 business days to respond. Providers also have 24 hours to respond unless the student has not completed local registration. The student's counselor at the "primary" school verifies course alignment with the student's graduation plan and IEP and ensures the student's credit load does not exceed full-time enrollment (July 1 to June 30). Students with a plan for early graduation may exceed full-time enrollment. An intent to graduate early is nonbinding.

Resource:

- [Students Eligible for Early Graduation - a nonbinding intent](#)

REJECTIONS

SEATS automatically notifies stakeholders when an enrollment request is rejected, providing an explanation to the student and the "primary" LEA or provider ([§53F-4-508](#)).

"Primary" LEA Rejection and Limitations

A "primary" LEA must assist with scheduling and cannot restrict course selection based on graduation requirements, college and career plans, or favor specific providers. Students are eligible for enrollment if they:

- Meet course prerequisites.

- The course is open for enrollment.

- The course aligns with their college and career plan.

Primary Rejection Reasons

- Misalignment: A "primary" LEA can only reject an SOEP enrollment request if the online course misaligns with the student's college and career plan.

- Credit Limit: The student exceeds the annual 6-credit limit for SOEP courses. However, while students are limited to 6 credits per year, the LEA or the Board may allow the student to exceed the 6-credit limit if it aligns with their academic goals.

Additional Considerations

- A student's enrollment may be rejected if they leave their "primary" LEA.

- Students can enroll in up to 6 credits per year, but the LEA or the Board may allow the student to exceed the 6-credit limit if it aligns with their academic goals.

Enrollment Changes

- "Underenrolled" students can add an SOEP course anytime.

- Students who want to replace a traditional course with an SOEP course must follow the LEA's schedule change procedures and deadlines.

Provider Rejection

An authorized online course provider may only reject a course credit acknowledgment if the student does not meet course prerequisites, or the course is not open for enrollment ([§53F-4-508](#)). In practice, a provider where the student is ineligible for participation under program guidelines may also reject a record.

USBE Rejection

USBE may reject a CCA if, in consultation with a provider, parent or student, the enrollment request is a duplicate, otherwise erroneous, or if a parent requests that the request is withdrawn prior to issuance of a notice of enrollment. USBE may also reject a record when the student is ineligible for participation under program guidelines. No notice is sent in this case because it is not statutorily required.

ORDER OF OPERATIONS

To support reporting accuracy, CCAs are required to go through a one-way process, moving from origination, through stages of completion, on to a "terminal" status signifying final outcome in terms of grades and credit earned. Certain statuses are disproportionately significant. Movement of a record through successive status is governed by the Order of Operations linked below.

Resource:

o   [SEATS Status Flowchart](#)

A provider should strictly follow the order of operations outlined in the Status Flowchart and choose a status most consistent with actual student circumstances to prevent payment and accountability being incorrectly assigned.

PENDING EXECUTION

A provider's decision to accept or reject a request is independent from a decision made by a "primary" school and LEA of enrollment. A provider should not delay a decision to determine how a "primary" will respond, nor should the provider automatically reject a record based on rejection by a primary. In the "pending execution" phase, a student has submitted an enrollment request. Parties to the

agreement have 24 business hours or roughly three business days to verify student eligibility and other issues allowing or impeding enrollment. A provider is excused from this requirement only where the student has not:

> (i) provided documentation of age and identity as required, or
>
> (ii) completed local registration established by the provider to verify student identity and collect "necessary student data" ([§53E-9-301](#)).

Local registration form

The provider must establish a local registration process to verify student identity and collect complete local registration procedures established by the provider to verify student identity and collect other "necessary student data" ([§53E-9-301](#)). While a decision to accept or reject an enrollment request must occur wIthin 24 business hours (approximately three business days), a provider is practically limited by the need to verify student identity and collect other "necessary student data" ([§53E-9-301](#)). If you have questions about what constitutes "necessary student data," please consult the statutory reference linked here.

A student must complete local registration procedures to allow a provider to accept a course enrollment. A local registration document will usually include the following:

- Special Education services (existing prior plan)

- 504 accommodations (existing need or prior receipt)

- ML (Multilingual) status and "[Home Language Survey](#)"

- Fee waiver qualification (Home and private school students must be given a fee waiver application; public school students submit this form to a "primary").

- Gender

- Preferred name

- Home address

- School address

- Telephone (student, parent, other guardian)

- Preferred means of contact (text, email etc.)

- Home Language Test

- Home school certification (as applicable)

- Birth certificate or acceptable alternative for home school students

Following successful student registration as above, a provider must complete the following CCA fields:

- Approval of enrollment request:

  o Planned start-date

  o Teacher of record

- Rejection of Request (Course not available; student does not meet prerequisites; local registration and required documentation are not complete)

  o Reason for Rejection

*It may, for selected providers, be most appropriate to enter a Start Date and a Teacher of Record at a later date (nearer to a start date for programs allowing open enrollment).

Teacher of Record Designation

Documents included here outline the process of ensuring that USBE has determined 100% all teachers assigned to courses to have credentials aligned to teaching assignments prior to the initiation of instruction, which is determined by the start date of the course. USBE's assessment of Teacher of Record alignment is determined as outlined in the following documents:

Resource:

- o [2024-2025 Teacher of Record Standard Operating Procedure for Providers](#)
- o [2024-2025 SOEP Teacher of Record Qualifications Accountability Procedures](#)
- o [2024-2025 Notice to Provider of Non-Compliance (Sample)](#)

Verification of Teacher of Record alignment is accomplished through interactive spreadsheets listing educators scheduled for planned course listings. A Teacher or Record declared in SEATS must be included and "pre-vetted" prior to assignment in SEATS. Additionally, a Teacher of Record contained in a provider's SIS enrollment record for a course uploaded into UTREx must match teachers submitted to SEATS. USBE will verify consistency of records in all three areas: TOR spreadsheets, SEATS, and UTREx.

ENROLLMENT COMPLETE

Once both a "primary" LEA of enrollment and a provider have had the opportunity to review a course request, the provider has accepted the request, and either the primary has accepted the request, or it is ready for statutory approval by the Board, the enrollment request is complete, allowing its final execution. At this point, the Board may issue a Notice of Enrollment. The Board's action in moving the status of a record to "Enrollment Complete" generates a Notice of Enrollment, establishing a binding contract. Upon issuance of a Notice of Enrollment, a provider may contact the student and release courseware.

LOSS OF ELIGIBILITY WITHIN FIRST 20 SCHOOL DAYS

Loss of eligibility ([§53F-4-501(10)](#)) occurs when a student is unable to complete a course due to circumstances that are beyond their control. For instance, a family might shift school districts or move out of state. A student may experience health challenges wherein the best solution is to withdraw from a course. A provider is asked to document circumstances using existing systems. If a student loses eligibility within the first 20 days of activity in a course (or within the 20 school day period reserved for student withdrawal), associated course enrollments for this student will never move to the point when a decision is required to Confirm a student as being in active participation or to mark a student as Not Confirmed.

WITHDRAWN WITHIN FIRST 20 SCHOOL DAYS

A student may withdraw from an online course within 20 school calendar days of the start date of the course ([§53F-4-506](#)), where the start date is assumed to be the student's date of entry into the course. A provider is asked to document

circumstances using existing systems. If a requests to withdraw from a course during the first 20 days of activity in a course (or within the 20 school day period reserved for student withdrawal), associated course enrollments for this student will never move to the point when a decision is required to Confirm a students as being in active participation, or to mark a student as Not Confirmed.

This status applies to a student who did not become active in a course as judged by the Provider's Standard of Active Participation. Within five business days following the 20 school day statutory period allowed for student withdrawal. Upon the "Day of Census" (the day following the expiration of the statutory withdrawal period, or 20 days past the date of entry into a course), a provider must confirm a student to be in active participation in a course or record a student's lack of confirmation.

Active Participation

Following a statutory withdrawal period (see below), providers must determine whether a student is in "Active Participation." Providers must define and implement criteria for judging student "active participation" in SOEP courses. "Actively participates' ' means, for purposes of an initial funding distribution described in Section 53F-4-505, the student actively participates as defined by the provider in a written standard of active participation on record with the Superintendent (R277-726-2(1)). This statutory definition aligns with the requirement for an initial payment based on a determination of active participation, allowing providers to certify student participation and receive initial funding. Provided that a student has not withdrawn or lost program eligibility within the first twenty school days of a course, the provider has a binary choice of statuses: Confirmed and Not Confirmed.

Confirmed	Not Confirmed

An SSID is required before a provider can shift a record to a status indicating a student is active in a course. In other words, a record may not be "confirmed" until an SSID is in place for the participating student. Providers will receive the following message if they attempt to make a status change on a CCA that is missing the SSID: "SSID missing. Please update in order to change status."

NOT CONFIRMED

This status applies to a student who did not become active in a course as judged by the Provider's Standard of Active Participation. Five business days following the expiration of the statutory withdrawal period, a provider must determine whether a student has become active in a course as judged by the Provider's Standard of Active Participation. If the student did not become active, a provider must shift the record to Not Confirmed. Shifting a record to this status will trigger an automatic email to parents, the student, and the counselor, warning that the student was withdrawn from the course due to inactivity. If a provider is contacted to reactivate the student, the provider may shift the student's enrollment record (CCA) to a Confirmed status once the student has begun participating in the course. The twenty day withdrawal period does not restart. The original start date is still in force. Based on the student's subsequent short-term investment in course activity demonstrated by the student, the provider must make a decision as to whether to move the student to a Confirmed status. Moving the student to a Confirmed status signifies that the provider is comfortable accepting the liability of instruction and accountability, in exchange for an initial payment of 50% of the course fee, because they now have confidence that the student will continue in activity and complete successfully.

CONFIRMED

Moving a record to a "confirmed" status signifies that a provider certifies or attests that, with reference to learner-led enrollment measures documented in a provider LMS, the student is in active participation in a particular course. Within five business days following the 20 school day statutory period allowed for student withdrawal, a provider is required to:

(a) confirm a student to be in active participation in a course; or
(b) record a student's lack of confirmation.

Following confirmation of active participation, a student must be entered into a local SIS. From this point, a provider must routinely update SEATS and a local SIS based on evidence validating student participation contained in a Learning Management System (LMS). A provider qualifies to receive payment based on SEATS status attributions, combined with expectations of certain external processes such as sending a transcript and satisfactory evidence of instruction contained in a provider LMS or other secure systems controlled by the provider. Data contained in

these systems should be consistent with data housed in a provider SIS.

> In ordinary circumstances, it is hoped that no more than 10 school days will elapse before all reports and systems are updated to reflect a student's status, or state of activity. An exception to this rule is encountered as a student is initially moved from "enrollment complete" to "confirmed" to be in active participation at the "day of census," which occurs twenty school days following release of course content to a student (i.e.the "start date" of the course). Confirmation of active participation must occur within 24 business hours or approximately 5 business or school days of the date of census, which is the date a decision regarding student activity is made.

Providers are required to maintain consistency among systems housing student participation data, including the SEATS, a provider SIS, and UTREx. Providers must abide by USBE's direction regarding the use of SEATS status, as summarized in the Order of Operations. At any particular point, SEATS status attributions for a particular course enrollment should be consistent with data contained in other systems housing:

Educator Data

- Teacher of Record Spreadsheets

- SEATS

- SIS

- UTREx

Student Data

- LMS

- SEATS

- SIS

- UTREx

"Day of census" - the day following the 20-day withdrawal period

The day following the 20-day withdrawal period outlined in law is the friendly term of the "day of census." On the day of census, student activity is assessed for evidence of student activity within a provider's Learning Management System (LMS). Records of an excused period of inactivity or another complicating factor must also be assessed, and a decision must be made regarding whether (or not):

(a) a student has been in activity in a particular course, as recorded in an LMS, and
(b) is currently in activity in this particular course, as recorded in an LMS.

A student meeting both criteria should be marked as "confirmed."

"Standard of active participation" (SAP)

A "Standard of active participation" (SAP) measures student engagement, requiring participation at least every ten school days (R277-419-5). A provider for reporting and data submissions (R277-484-3; R277-726-2) assigns a "Teacher of record". An "Educator Expectations" Agreement outlines a provider's standards for teacher-student interactions and course oversight (R277-726-2).

An SAP articulates evidence validating student participation contained in a Learning Management System (LMS) that enables a provider to qualify to receive payment (§53F-4-505(4)), including determining when a student may be defined as "Confirmed" to be actively participating in a course (§53F-4-501). Subsequent to confirmation, a "Standard of Active Participation" (SAP) is the "primary" tool used by an SOEP provider to measure student attendance and participation, program outcomes and other forms of compliance (R277-114-3). An SAP articulates the measure of student engagement used by a provider to count a student in attendance and participation in a course of digital instruction at least once every ten school days consistent with R277-419, which governs enrollment in a partner LEA).

When implementing an SAP, course design and instructional models should facilitate activity-tracking and foster learner-instructor and learner-learner interaction. Providers can ensure regular interaction by offering or requiring substantive interactions with students on a predictable and scheduled basis

appropriate for the course length and content. Providers are also encouraged to consider:

- Early instructor-student interactions to confirm active participation.

- Frequent formative assessments with live-instructor feedback.

- Opportunities for instructor-student and student-student interaction.

- Grading policies that incorporate student participation standards.

- A prominently placed Pacing Guide in each course.

Absence

An SOEP provider must create continuing enrollment measures (school attendance) policies and procedures to account for student membership. Policies may model those defined in Board rule (R277-419-5(4)) for "primary" schools of enrollment using learner-validated enrollment measurement. Rule requires that, to generate membership for funding through the Minimum School Program on any school day at a "primary" LEA, a student does not have unapproved absences across a period exceeding ten days. "Excused absence" means an absence permitted in accordance with §53G-6-803(5) and §53G-6-205. "Excused absence" means an absence permitted in accordance with §53G-6-803(5) and §53G-6-205. An unexcused absence is an absence which could not be accounted for by evidence of a legitimate or valid excuse in accordance with local board policy on truancy (§53G-6-201).

A school or provider is required to approve an extended absence if it determines that the absence will not adversely impact the school-age child's education. A school or provider may not require documentation from a medical professional to substantiate a valid excuse that is a mental or physical illness (§53G-6-205). In determining whether to preapprove an extended absence of a school-age child as a valid excuse, a school must approve an extended absence if it determines that the absence will not adversely impact the school-age child's education. A school or provider may not require documentation from a medical professional to substantiate a valid excuse that is a mental or physical illness (§53G-6-205).

ADMINISTRATIVE WITHDRAWAL

A provider must inform a student and the student's parent of expectations for

active participation in course work as soon as a notice of enrollment has been issued. If the student is "actively participating" per these expectations, the student is required to be placed on Administrative Withdrawal, which process will notify the family and counselor of an intent to withdraw the student for inactivity. Thereafter, if the student contacts a provider with a commitment to become and remain active in a course, the provider may allow the student to complete the course. Moving the record back to "confirmed" will notify a counselor that the student is active in the course. If the student had formerly earned credit, the provider must shift the record from "confirmed" to "pass at .25 (additional credit in progress." This two-stage process will enable a "primary" school of enrollment to receive appropriate notice of student activity.

Beginning in the 2024-2025 school year, providers are not accountable for portions of a contract which have not been satisfied. Unearned credit will not accrue against a provider competition rate as a negative value when a student is administratively withdrawn from a course.

Exceptions

Inclusions in a provider's written policy regarding expectations for Active Participation may ensure that a provider acts within the law but can still fulfill the objective of moving the student forward swiftly enough to ensure timely completion. Providers may include the required percentages of progress per week or per another monitored period, for instance.

Unique needs

IEP and 504 accommodations allow accommodation of the individual needs of students with disabilities.

DISCIPLINARY WITHDRAWAL

A provider must inform a student and the student's parent of expectations for student conduct. Students violating a school's code of conduct may be placed in Disciplinary Withdrawal. Moving a record to the status of disciplinary withdrawal status in SEATS will notify the family and counselor of the provider's decision or intent to withdraw the student for disciplinary reasons. It is also prudent to communicate this separately and in more detail to parents and counselors. Providers must also update relevant areas of an SIS to document the type of discipline issue involved.

LOSS OF ELIGIBILITY

Loss of eligibility occurs when a student is unable to complete a course due to circumstances beyond their control. For instance, a family might shift school districts or move out of state. A student may experience health challenges, and the best solution is to withdraw from a course. A student may experience health challenges wherein the best solution is withdrawal from a course. A provider is asked to document circumstances using existing systems.

PASS ALL COMPLETE

Course Completion

Board Administrative Rule ([R277-726-2(2))](#) defines "Course Completion" as a situation in which "a student has completed a course with a passing grade and the provider has transmitted the grade and credit to the "primary" LEA of enrollment." Once a learner has successfully completed each quarter value of a course of instruction, within 30 days (about 4 weeks), providers must forward a formal transcripts or comparable report of grades to:

- Parent (mail)

- "Primary" school of enrollment (mail, fax or secure link)

- USBE (SEATS and UTREx)

If a student completes credit during the last quarter of a school year, the provider must report credit and grades to the above entities no later than June 30 of the school year. If a "primary" school of enrollment has requested earlier reporting for a senior, athlete or other unique learner type, a provider must follow this earlier reporting deadline.

Transcripts

A provider must submit a transcript of a student's credit and grade to USBE, a primary school of enrollment, and the student's parent no later than the earlier of:

(a) 30 days after a student satisfactorily completes an online semester or quarter course; or
(b) June 30 of the school year.

During the school year, an unofficial transcript may be transmitted to parents and "primary" schools of enrollment in lieu of mailing an official transcript. Official and unofficial transcripts must be sent by a secure means. Secure means include transfer within an SIS, mail, FAX, secure email or secure link. An official transcript must be mailed to both a parent and a "primary" school of enrollment's designated counselor or register by June 30 each year, unless the transcript has been requested earlier for a graduating senior. Providers must also:

- Exit students to their "primary" LEA once all course activity is complete.

NOT PASSING

If a student has completed a course of instruction and failed to achieve a passing grade, a transcript must still be issued with a grade of "NG" or "I." Note that a provider may not issue a failing grade. If a student completes no credit but was actively engaged in coursework, a provider should mark the course record (in SEATS) as "Not Passed."

PASS AT .25 - CANCEL REMAINDER

For students completing only a portion of credit with a passing grade, regardless of the fact that the students may not have completed another portion of the credit with a passing grade, a provider should mark the record to indicate that some portion of the credit was earned. In this case, the appropriate status is "Cancel Remainder." For instance, a .5 course in which the student either failed a portion or failed to complete a portion, may be marked "Passed 0.xx – Cancel Remainder."

GRADING AND COURSE COMPLETION

To facilitate computation of LEA obligations, at the close of each fiscal year, R277-726 requires that contracts are closed at the nearest credit value by June 30 of each year. "Closing" refers to the systematic procedure used to finalize educational and financial records to prepare for current-year report submission and the next reporting period.

If the student requests that a contract is not closed, and they continue to meet requirements of a provider's Standard of Active Participation (SAP), the student may continue to work towards completion, and a transcript may be issued reflecting a grade of "NG", followed by an official transcript reflecting grade and credit earned upon completion of the course. In all cases, completion and reporting of grades and

credit for "Late Passing" students should occur prior to September 30 to allow a "primary" LEA time to update UTREx records for the student, in the event that the student is a retained senior. 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 school senior in the years after the student's cohort has graduated (R277-419-2).

Providers are given a monetary incentive to support student completion. To encourage a provider to offer remediation, The Superintendent must limit the undistributed percentage of a course fee to payment equal to only 30% of an undistributed percentage of the course fee (§53F-4-505) if the student completes the online course beyond June 30 of the school year in which the student began the course. "Payment" means funds distributed to a provider in relation to an online course offered through this program, following satisfaction of the requirements of the law (§53F-4-507(2); §53F-4-505).

Payments to providers are decreased if a student does not complete a course in a "timely" fashion. Nevertheless, a student may have extra time to complete a course. Active Participation standards should include progress or log-in standards; students may be given approved periods of inactivity, on a case-by-case basis. In this case, a provider may only maintain an CCA open after June 30 if a student remains actively engaged in coursework, meeting the provider's standard of active participation.

Statute allows students only until graduation to complete a course. A senior may be accorded extra time past a cohort date of graduation if a "primary" school of enrollment agrees to allow the student extra time (to September) to record the student's graduation. A provider or USBE must determine whether the student will be retained as an "other completer" or "retained senior" to approve continued course participation by a senior following a cohort date of graduation.

Grade Reports

R277-726-7 requires a student's credit and grade to be reported to USBE, parent and Primary LEA, within 30 days (about 4 and a half weeks) of the student achieving a passing grade per each .25 or .5 credit value. Grades and credit are reported to USBE through UTREx. Additional reporting requirements are satisfied by transcripts sent to the Primary LEA and the student's parent/guardian. Grades/credit must be submitted by two appropriate parties 30 days (about 4 and a half weeks) after a

student satisfactorily completes an online semester or quarter course and June 30 of the school year.

A provider may not withhold a student's credits, grades, or transcripts from the student, parent, or the student's school of enrollment for any reason (R277-726-7).

Special reporting at-risk students and seniors

A provider is also required to provide notice to a "primary" school of enrollment if a student is at risk of failing. Providers must be especially attentive to this requirement in relation to Seniors during their last semester of enrollment. A "primary" school of enrollment may select a date in May to receive final transcripts for seniors. SOEP providers must follow this direction.

Graduating Seniors

For seniors, providers must adhere to timelines and standards set by a primary school of enrollment for student grades to facilitate high school graduation (R277-726-10(1)). Rule requires a primary school of enrollment to set reasonable timelines and standards and shall inform providers of timelines necessary for reporting grades and credit for graduating seniors (R277-726-10(2)). Providers are required to follow a reasonable request.

At-Risk Students

By January 31, 2026, the Superintendent is required to develop progress monitoring fields containing: grade progress reporting of an eligible student by a provider, and the ability to flag a student that is at-risk of failing an online course (§53F-4-514).

RECORD RETENTION

- Maintain the following for at least five calendar years (R277-726-7(17)) after the student's cohort graduation date:

    - test scores;

    - student grades;

    - completion of credit; and

    - other progress and performance measures.

TIMELY UPDATING OF RECORDS

A provider is responsible for complete and timely submissions of record changes to executed CCAs and submission of other reports and records as required by the Superintendent (R277-726-7(15)). A provider must maintain and provide records and systems as part of a public online school or program, including:

(a) financial and enrollment records;
(b) information for accountability, program monitoring, and audit purposes.

A provider must offer timely documentation of student participation, enrollment, educator credentials, and additional data for other purposes including giving a student's primary school of enrollment access to the student's records to appropriately support the student (R277-726-7(13)).

An enrollment record for a particular course/student is originally filed in SEATS and moved to "enrollment complete" when approvals are complete. Once the record is moved to a "confirmed" status, a parallel enrollment record should be reflected in a provider's local SIS, and UTREx or USIMS. At this point, the student has been "confirmed" to be in active participation, and the provider is responsible for providing services to the student. In this case, an "education records" encompass parallel records maintained in SEATS, a provider SIS, and UTREx or USIMS.

Providers are advised to enter a student course enrollment into their local Student Information System (SIS) immediately following the Day of Census, and to maintain consistency among systems housing student participation data thereafter. Systems housing student participation data include SEATS, a provider SIS, and UTREx or USIMS.

UTREx REPORTING

To simplify reporting and maintain consistency, providers should only enter course enrollments into their local Student Information System (SIS) after confirming student activity in the course. This should be done immediately following "Confirmation" of active participation, ideally right after the Day of Census (the 5th day after the 20-day withdrawal period). Consistent data maintenance across all systems (LMS, SEATS, SIS, and UTREx) is crucial, as UTREx is USBE's official repository for grades and credit. Ensuring alignment between SEATS and SIS will guarantee accurate reporting in UTREx

By August 1st, October 30th, and January 15th annually, providers may compare local SEATS data to their LEA's "Examine" File referencing UTREx data reported on October 1st, December 1st, and July 7th (June 30th) reporting deadlines (R277-484-3).

- UTREx – Current Year Complete October 1st, Update October 7th
- UTREx – Current Year Complete December 1st, Update December 7th
- UTREx – Final Prior School/Fiscal Year Comprehensive Update July 7th

USBE downloads each provider's SEATS and UTREx data for comparison to ensure that the data in both systems is consistent and accurate. This helps to maintain the integrity of student records and facilitates accurate reporting.To further assist with ensuring that data is consistent across systems, USBE will download provider's SEATS and UTREx data for comparison on the following dates:

- Nov. 1
- Feb 1
- April 1
- June 1

ENROLLMENT VERIFICATION

It is not the policy of USBE to disburse funds based solely on record changes to Course Credit Acknowledgments (CCAs); record changes to CCAs are paired with UTREx verification, including appropriate matching of identifying information including a Statewide Student Identifier (SSID) for funding, accountability, and reporting purposes. To facilitate student identification, a provider will utilize existing USBE systems to assign each participating student a unique student identifier (53E-4-308). Payment will be distributed only for CCAs of students for whom the SEATS enrollment platform includes a unique student identifier (§53E-4-308) assigned to the student by a provider for identification purposes.

Providers must record a student's grade and credit in their Student Information System (SIS) to allow automatic uploading to Utah eTranscript and Record Exchange (UTREx). USBE suggests that providers check with LEA staff in charge of UTREx reporting to ensure live rather than static data is reported regularly.

DISTINGUISHING SOEP RECORDS IN UTREx

A participating SOEP student is not considered to be in regular membership and must be marked appropriately in the school's SIS system to ensure a student is not double funded but is nevertheless included in data collections uploaded into the "year-end extract" for accountability purposes.

In SIS records, SOEP students must be marked as:

- "School of Record" field is marked as "N" and not left blank (an SIS may code this selection as "Non-Attender").

- "Enrollment Validation Type"*must be marked as "100% learner validated."

- "Credit Attempted" defined by the value of a SEATS Semester or Quarter enrollment in a particular course.

- "Credit Earned" is defined by the amount of credit the student completed with a passing grade prior to June 30.

- Instructional Setting OP

School of Record
- **Entry Point:** Student Record (S1)
- **Regularly Enrolled Students:** Blank
- **SOEP Student:** N

Days Attended
- **Entry Point:** Student Record (S1)
- **Regularly Enrolled Students:** Actual sum of days attended by an SOEP student
- **SOEP Student:** 0

Enrollment Validation Type
- **Entry Point:** Student Record (S1)
- **Regularly Enrolled Students:** Regarding Students with SOEP courses, a "primary" school of enrollment should not consider SOEP courses when determining the Enrollment Validation Type

- **SOEP Student:** L

Credits Attempted

- **Entry Point:** Course Membership Record (AM)
- **Regularly Enrolled Students:** Consistent with length of course enrollment
- **SOEP Student:** Credit equalling credit of associated CCA, or a lesser value which is increased at the beginning of each quarter or semester

Credits Earned

- **Entry Point:** Course Membership Record (AM)
- **Regularly Enrolled Students:** Credit accruals should be recorded following the conclusion of each quarter or semester
- **SOEP Student:** Credit accruals should be recorded following the conclusion of each quarter or semester
  - The SEATS status of all records should be updated consistently with credit earned to date, following student completion of credit, or following the conclusion of each quarter or semester

Grade Earned

- **Entry Point:** Course Membership Record (AM)
- **Regularly Enrolled Students:** A grade should be recorded following the conclusion of each quarter or semester
- **SOEP Student:** A grade should be recorded following the conclusion of each quarter or semester

Instructional Setting

- **Entry Point:** Course Master Record (AC)
- **Regularly Enrolled Students:** ON
- **SOEP Student:** OP

Teacher ID

- **Entry Point:** Course Master Record (AC)
- **Regularly Enrolled Students:** Teacher Assignment submitted to CACTUS by Oct. 1
- **SOEP Student:** Teacher submitted as TOR July-August; Teacher submitted in SEATS at time of CCA acceptance; Teacher Assignment submitted to CACTUS by October 1

Course Title

- **Entry Point:** Course Master Record (AC)
- **Regularly Enrolled Students:** Core code assigned to course in SEATS
- SOEP Student: Core code assigned to course in SEATS

Board Rule [R277-484](#) requires each LEA to submit daily updates to the Board Clearinghouse using all School Interoperability Framework (SIF) objects defined in the UTREx Clearinghouse specification. Records are set for automatic upload between major reporting dates via a vertical integration between an SIS and UTREx. On a reporting date, records are finalized, automatic submissions are temporarily canceled, and data is submitted. Thereafter, automatic submissions are reinstituted.

Accountability results are drawn from UTREx. Providers are advised to check with their LEA's "UTREx" specialist to review their school or program's "examine file" to monitor consistency between SEATS and UTREx data periodically to best "position" a school for success. Opportunities for comparison may exist at any point in the year provided that both SEATS and your local SIS are updated to present levels of enrollment, participation, credits attempted, and credit earned within both SEATS and a local SIS.

USBE collects the following mandatory data reports:

October 1 Count = "Enrollment Count" including review of appropriate entry of associated data fields, such as Enrollment Validation Type and School of Record.

December 1 Midyear Update: "Special Education Enrollment Count"

June 30 Year-End Upload: Final collection of membership and attendance data.

Resources:

o [UTREx Data Submission: October Guidance](#)
o [UTREx Data Submission: December Guidance](#)
o [UTREx Data Submission: Year-End Guidance](#)

At each reporting date, LEAs are responsible for reviewing and finalizing their data and ensuring that they are in compliance with Board Rule. Each of the reporting dates requires complete and accurate submission of all data fields. Providers are encouraged to review "Examine" files available from district-level personnel to ascertain reporting accuracy on these dates.

The goal of these reviews is to achieve consistency between SEATS and UTREX. Errors in SEATS reporting or inconsistencies between SEATS and UTREx represent a

failure to report as directed by rule. A provider is responsible for complete and timely submissions of record changes to executed CCAs and submission of other reports and records as required by the Superintendent ([R277-726-7](#)). This responsibility requires timely updates to SEATS and a local SIS, along with maintenance of consistency between SEATS and a local SIS.

Additional tips:

- All data fields should be populated, parallel to treatment of students in regular membership.

- SOEP students should be exited from each course when the course is complete, and from the school when participation in all courses is complete.

- To preserve consistency with SEATS data, providers must, as necessary, amend "Credit Attempted" if a student is withdrawn.

A "[Reporting Cheat Sheet](#)" provided by Dr. Kerong is available.

COURSE FEES & REIMBURSEMENT

Fees reflect the expense of course provision, scaling cost to content. To ensure the ratio of cost to available funding remains stable, fees rise yearly at the rate of increase in the value of the regular education WPU ("weighted pupil unit") established by the Legislature for the upcoming school year (§53F-4-505). Following the Legislative Session each March, providers may expect USBE to send a list of revised course fees for your records. Course fees are tiered into pricing "categories" outlined in statute. Tiers move from the lowest prices (Tier I), to higher prices (Tiers II and II), on to the highest pricing category (Tier IV):

Tier I

- Financial Literacy
- Health
- Physical Education
- Digital Studies
- Driver Education

Tier II

- Fine Arts
- Career & Technical Education
- Other Elective Credits

Tier III

- Social Studies Core
- World Language

Tier IV

- Language Arts, Math, Science
- Concurrent Enrollment

Pricing note - lower-fee designation

If a course falls into two categories, the course must be priced at the lower rate (§53F-4-505). For instance, a "CE (Concurrent Enrollment) Financial Literacy" course must be priced at the lowest cost, which in this case is Financial Literacy. Similarly, a 7-8th grade Digital Literacy course is classed as either an elective or digital literacy.

Digital literacy is the lower-fee designation, despite this course not meeting high school digital literacy graduation requirements (which could mislead parents, as this is the designation associated with this curricular category).

Timely passing

To qualify for full payment of the last increment of funding, statute allows students 9 weeks (about 2 months) past the end of a traditional semester to complete a .5 credit course, 1 year to complete a full-credit course. Following Board approval of a requirement to close records on June 30, USBE has relied on a standard of active participation allowing providers to design a standard of active participation fostering timely completion and preventing the need for remediation. As such, this provision of law is rarely used. Early experience demonstrated that, when students were not given participation requirements, they failed to complete the course in most all cases.

Protections for Unique Learners

Special Education - Child Find

The Child Find process ensures that all students who are enrolled, who may have a disability or need special education and related services, are identified, located, and evaluated. Federal law requires that all children with disabilities, including children with disabilities who are homeless or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated. LEAs should provide ongoing professional development and training on Child Find obligations and processes to school faculty and staff. Procedures and training should include examples of strategies to modify Child Find activities based on the LEA's instructional delivery method(e.g., asynchronous, synchronous, blended/hybrid) and learning management system (LMS).

IEP and 504 implementation - "primary" LEA responsibility

If a student enrolling in the program has an IEP, Section 504 plan, or qualifies for multilingual supports, a "primary" LEA or school of enrollment may invite a provider representative to meet as a member of the student's IEP team to determine and coordinate services and accommodations applicable to online course delivery of content and instruction. Following an IEP revision or amendment after the meeting, a "primary" school or LEA of enrollment must forward an existing or amended IEP or description of 504 accommodations, relevant supports, and related aids, accommodations, and services to the provider consistent with IDEA timelines, or where IDEA timelines do not apply within 72 business hours of receiving notice from the Superintendent that the provider has accepted the enrollment request (R277-726-8(7)).

The student's "primary" LEA is responsible for meeting all IDEA requirements and ensuring the student receives special education and related services, and accommodations required for Free and Appropriate Public Education (FAPE). An IEP may need updates to include digital learning environment needs. The "primary" LEA is required to communicate with digital course provider(s) to ensure that special education accommodations are appropriately implemented. Providers should develop:

- A written standard for how concerns will be relayed to a Counselor in a FERPA-

Secure environment?
- A Process to follow up if you suspect that a student is due services, and a Counselor does not contact you in this regard?
- Records that indicate whether a student may have had an IEP in the past.
- Records that indicate whether a student may have had a 504 Plan in the past.
- Common Accommodations
- Flexible work environment with a biweekly due date.
- Pacing schedules outlining daily tasks to keep students organized and on pace to meet biweekly due dates.
- Careful tracking of individual student progress by teacher, facilitator, and monitoring parent.
- Personalized and descriptive feedback for all student work.
- Opportunities for differentiated instruction based on different learning styles.
- One-on-one access to the teacher as necessary.
- Opportunities to preview course content, as requested.
- Ability to work in a quiet environment with limited distractions.
- Access to review activities and/or study guides.
- Ability to plan and prepare for upcoming assessments.
- Flexibility in start and end dates.
- Continuous means of communication.
- Opportunities to revise and resubmit.

Title III & Alternative Language Services

The purposes of providing timely support to English Language Learners (ELs) and their families is to ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English, and to to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects, enabling all students to meet the same challenging State academic standards. Federal law protecting ELs and their families also supports schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners.

Home Language Survey

The Home Language Survey is a tool used by schools and LEAs to identify potential English Learners (ELs) who may require assessment of their English language

proficiency (ELP) to determine their eligibility for language assistance services. A provider must includes an identification process for students learning English, including a Board-approved home language survey with student registration materials (R277-716-4(1)(a)) and §53G-7-221, and:

(a) If a provider suspects that a student qualifies for alternative language services or other Title III services, a provider shall contact the Title III Coordinator at the student's "primary" LEA or "primary" school of enrollment.

(b) A provider shall implement an individual learning plan as directed by the "primary" LEA or "primary" school of enrollment for a student who is eligible for alternative language services of Title II services.

Alternative Language Services

Public School Students

For a student needing alternative language services, who is multilingual, an immigrant, or a refugee:

- The provider and primary LEA or school will develop an ILP with input from experts, outlining the student's current ability, goals, progress, and exit criteria.

- The primary LEA or school will identify the need for services using a home language survey and WIDA testing.

- The primary LEA or school will administer a language instruction program to help the student develop and attain English proficiency while meeting state standards.

Home School Students

- Home school students suspected of needing alternative language services may be referred to a boundary school for evaluation. If a student remains unevaluated, the student is not identified as being eligible for services or accommodations.

FERPA

FERPA (34 CFR §99.3, §99.30, §99.31) limits disclosure of personally identifiable information (PII) from student education records without written consent from parents or eligible students. PII is information that would enable a reasonable person in the school community to identify a student. Educational agencies or institutions maintain education records. FERPA grants parents and students rights regarding their children's education records, including the right to consent to PII disclosure. These rights transfer to the student when they reach 18 or attend postsecondary education.

Schools may disclose directory information (e.g., student ID numbers, names, contact information) without consent, but they must first provide public notice to parents or students about the designated directory information and an opportunity to opt out. Schools may also adopt a limited directory information policy that allows disclosure to specific parties for specific purposes, which must be specified in the public notice.

Program Administration

A Cornerstone of Quality Online Education for Secondary Students

Effective program administration plays a pivotal role in ensuring quality online education for secondary students. It encompasses a range of essential functions that contribute to a positive and successful learning experience. Here's a summary of why program administration is crucial:

Ensuring Academic Rigor and Alignment:

- Curriculum Development and Standards: Administrators oversee the development and implementation of rigorous online curricula aligned with state and national standards. This ensures that students receive a high-quality education comparable to traditional classrooms.

- Faculty Support and Development: Administrators provide ongoing support and professional development opportunities for online instructors to enhance their teaching skills and knowledge of online pedagogy. This promotes a dynamic and effective learning environment.

- Assessment and Evaluation: Administrators establish and manage comprehensive assessment systems to measure student progress and program effectiveness. This data-driven approach allows for continuous improvement and ensures students are on track for academic success.

Fostering a Supportive Learning Environment:

- Student Support Services: Administrators create and manage a network of support services for online students, including academic advising, technical assistance, and social-emotional support. This comprehensive approach addresses diverse needs and helps students navigate the online learning environment.

- Communication and Collaboration: Administrators facilitate clear and consistent communication between students, instructors, parents, and other stakeholders. This fosters a sense of community and collaboration, promoting a positive and engaging learning experience.

- Technology Infrastructure and Resources: Administrators ensure reliable access to technology infrastructure, including learning platforms, online tools, and technical support. This gives students the resources to succeed in the online environment.

Compliance and Regulations:

- Federal and State Requirements: Administrators ensure compliance with federal and state regulations governing online education, including data privacy, accessibility, and special education needs. This protects students' rights and ensures equitable access to quality education.

- Funding and Budgeting: Administrators manage program finances effectively, securing funding to support program operations and technological infrastructure. This ensures the program's sustainability and continued growth.

Continuous Improvement and Innovation:

- Data Analysis and Research: Administrators analyze data from various sources to track student performance, program effectiveness, and emerging trends in online education. This data-driven approach informs continuous

improvement and innovation in the program.

- Collaboration and Partnerships: Administrators foster collaboration and partnerships with other educational institutions, organizations, and technology providers. This facilitates the exchange of best practices, resources, and expertise, leading to enhanced program quality.

In conclusion, effective program administration is an essential component of rendering quality service to secondary students studying online. By focusing on academic rigor, student support, compliance, and continuous improvement, program administrators contribute significantly to creating a successful and enriching online learning experience for all students.

USBE Role in Supporting Statewide Online Education Program Providers

The USBE plays a multifaceted role in supporting Statewide Online Education Program (SOEP) providers, encompassing oversight, compliance, and operational functions. Key responsibilities include:

- Oversight and Monitoring: USBE ensures that SOEP providers adhere to state and federal laws, and USBE rules and regulations. This includes monitoring provider performance, reviewing course offerings and teacher qualifications, and verifying data accuracy and consistency across various systems.

- Compliance and Accountability: USBE holds SOEP providers accountable for meeting performance standards, such as maintaining high course completion rates and student success. It also ensures compliance with requirements related to student data privacy, accessibility, and special education services.

- Operational Support: USBE facilitates the day-to-day operations of the SOEP, including managing the Course Credit Acknowledgement (CCA) process, coordinating student enrollment and registration, and providing guidance on program policies and procedures.

- Financial Management: USBE oversees the financial aspects of the SOEP, including setting course fees, managing payments to providers, and ensuring the appropriate use of funds.

- Data Collection and Reporting: USBE collects and analyzes data from SOEP

providers to monitor program effectiveness, identify areas for improvement, and inform policy decisions. It also generates various reports on student performance, enrollment trends, and other key metrics.

- Resource and Training: USBE develops and disseminates resources and training materials to support SOEP providers in their efforts to deliver high-quality online education. This includes providing guidance on best practices, instructional strategies, and technology tools.

Overall, the USBE plays a critical role in ensuring the success of the SOEP by providing oversight, support, and guidance to providers. This collaborative approach helps ensure all Utah students have access to high-quality online learning opportunities.

What resources and training does the USBE provide to SOEP providers?

The document includes several resources that the USBE provides to SOEP providers to help them understand and follow the program's requirements. These include:

- SEATS Status Flowchart: This resource outlines the required workflow for CCAs, guiding providers through the various stages of the process, from initiation to completion.

- 2024-2025 Teacher of Record Standard Operating Procedure for Providers: This document details the process for ensuring that all teachers assigned to SOEP courses have the appropriate credentials and qualifications.

- 2024-2025 SOEP Teacher of Record Qualifications Accountability Procedures: This resource outlines the procedures for holding providers accountable for meeting teacher qualification standards.

- 2024-2025 Notice to Provider of Non-Compliance (Sample): This sample notice demonstrates the type of communication providers may receive if they fail to meet program requirements.

- UTREx Data Submission Guidance: These documents provide guidance on submitting data to the UTREx system for the October, December, and Year-End reporting periods.

- SOEP Data Reporting Cheat Sheet: This resource offers a concise overview of the data reporting requirements for SOEP providers.

Tools available to assist providers in managing course enrollment

The USBE provides an enrollment platform and records management system called SEATS, which significantly facilitates program administration for the Statewide Online Education Program (SOEP) in several ways:

1. Streamlined Enrollment and Registration: SEATS provides a centralized platform for student enrollment and registration, automating many of the manual processes involved in managing course requests and approvals. This reduces administrative burden and allows efficient and timely enrollment of students.

2. Centralized Records Management: SEATS serves as a repository for all student records, including course enrollments, grades, and transcripts. This centralized system enables efficient tracking of student progress, simplifies reporting requirements, and ensures the accuracy and security of student data.

3. Data-Driven Decision Making: SEATS generates various reports on student performance, enrollment trends, and other key metrics. These reports provide valuable insights for program administrators, enabling them to make informed decisions about resource allocation, course offerings, and program improvement.

4. Compliance and Accountability: SEATS helps to ensure compliance with state and federal regulations by tracking student eligibility, verifying teacher qualifications, and monitoring course completion rates. It also facilitates accountability by providing a transparent record of provider performance and student outcomes.

5. Communication and Collaboration: SEATS facilitates communication and collaboration between SOEP providers, LEAs, schools, and students. This includes features for sharing information, tracking approvals, and resolving issues related to enrollment, registration, and course delivery.

6. Efficiency and Scalability: By automating many administrative tasks and

providing a centralized platform for data management, SEATS improves the efficiency and scalability of the SOEP. This allows the program to serve a larger number of students and providers without compromising on quality or oversight.

USBE Tools Supporting Providers' Program Participation

Overall, the SEATS platform plays a critical role in supporting the effective administration of the SOEP. It streamlines processes, improves data management, and enhances communication and collaboration, ultimately contributing to the program's success in providing high-quality online education to Utah students.

SEATS access

An individual needing access to SEATS must register for a SEATS account. Provider-specific access can be extended to any person approved by an SOEP provider's coordinator and/or principle for this right. Access allows a provider to view external SOEP participants.

Course registration

SOEP providers assist students with course registration upon request. Students are encouraged to enroll in SOEP courses concurrently with in-person or other courses at their primary school of enrollment. During the course listing process (February), courses are scanned for educator qualifications and alignment with Utah core code standards. All courses available to students must be listed in the spring, following USBE's course listing process.

Mass enrollment

Providers working with an individual school to manage large-scale enrollments may submit courses offered to a particular school or class through the ordinary course listing process. USBE will designate a "Session" labeled so as to allow a provider to distinguish school-based cohorts, and the provider will coordinate an appropriate enrollment period (open and close dates) with USBE.

USBE Processes Supporting Providers' Program Participation

Course Catalog

Providers are required to send their course catalog to USBE for upload into SEATS. Providers should use the [Course Catalog Spreadsheet](#) provided by USBE. For more information, contact Kimberly Howard (kimberly.howard@schools.utah.gov).

In updating course offerings, providers must use the [Course Catalog Template](#). Providers must include the registration dates and session dates on the left side of the template. Column A allows a provider to designate the time of year when the class will be starting from the drop-down menu. The names of the categories are CTE, Digital Studies, Driver Education, Elective Credits, Financial Literacy, Fine Arts, Health, Language Arts, Mathematics, Physical Education, Science, Social Studies, and World Languages. Providers are required to use the class names that are listed on the CACTUS core code listing. Many students are not sure which class to enroll in because of the different names.

Do not use any punctuation in the Course Name. SEATS will not allow punctuation in that area. The "&" is the only exception. Please format the course code column as "text" to prevent the spreadsheet from dropping zeros at the beginning of core codes, and check all spelling and formatting. Place all the notes in the note section, recognizing that:

- NCAA notes should be consistent with NCAA approval and guidelines.

- Am age-appropriate disclaimer must be present for: Health II, Financial Literacy, Forensics, Medical Anatomy, Adult Roles & Responsibilities, and Health Science Introduction.

Possible Disclaimers

The following disclaimers may be used in counseling students and parents regarding subtleties of curriculum:

- "Students enrolling below grade 9 might find this curriculum not fully age-appropriate, and parents should be aware that curriculum is developed for 9-12th grade students and should consider this when making enrollment

decisions."

- "Content may not be appropriate for students younger than 11th or 12th grade."

- "An online Driver Education course provides only the curriculum instruction portion of driver education. You will also need in-person instruction with a certified driver education instructor to obtain a Utah driver license. Please contact the driver education instructor at your "primary" high school to get scheduled for the required behind-the-wheel portion of driver education. Schools MAY charge a fee for the in-person instruction.

Binary Credits

Course credits are input into SEATS using binary code. The place values are coded to allow for four quarter (1.0 credit) offerings. With a transition to half credit offerings, only the first two digits will be significant:

- A first digit value of:

  - "1" indicates to the application that a .25 credit option should be shown in the course drop-down, the first digit value of

  - "0" indicates to the application that a .25 credit option should be shown in the course drop-down.

- A second digit value of:

  - "1" indicates to the application that a .50 credit option should be shown in the course drop-down, the first digit value of

  - "0" indicates to the application that a .50 credit option should be shown in the course drop-down.

- The last two digits should always be zero.

Notice of Fees and Fee Waiver Opportunities

Providers must provide notice of fees in annual course listings. For more information, see "Fee Waiver Recipients."

Annual Provider Statewide Services Agreement

Providers must update an annual provider agreement due approximately July 1 each year. This annual "refresh" allows USBE to be aware of program changes at the provider level. It also allows USBE to acquaint providers with new provisions of law and rule that will affect service.

Monitoring Visits (Spring)

A "Site visit" means a digital and/or physical inspection of the infrastructure,

tools, individuals, data, and procedures supporting the provider in achieving its service commitments. USBE will provide at least 90 days notice of an impending site visit. A site visit enables USBE to identify areas requiring change in practices to ensure compliance with law and rule. It also helps address specific, previously identified support needs related to compliance or other aspects vital to the provider's success. Providers collaborate with USBE to identify methods through which USBE can enhance support, contributing to the provider's success and the students served by the provider. Review of consistency between data combined in a local LMS and SIS, SEATS, UTREX, and TOR spreadsheets circulated yearly is required.

By August 1st, October 30th, and January 15th annually, USBE will ensure providers have the appropriate knowledge to access their LEA's "Examine" File referencing UTREx data reported on October 1st, December 1st, and July 7th (June 30th) reporting deadlines (R277-484-3).

Reporting Milestones:

- UTREx – Current Year Complete October 1st, Update October 7th
- UTREx – Current Year Complete December 1st, Update December 7th
- UTREx – Final Prior School/Fiscal Year Comprehensive Update July 7th

To further assist with ensuring that data is consistent across systems, USBE will download provider's SEATS and UTREx data for comparison on the following dates:

- Nov. 1
- Feb 1
- April 1
- June 1

Resource:

o [SOEP Performance Framework](#)

Annual Report on Providers

The Superintendent will annually calculate a provider's course completion rate and other information contained in the "Annual Report on Providers" using the Year End UTREx Submission ([R277-484](#)) reported to UTRex and consistent with statute ([53F-4-511](#)). To assess the quality of a provider ([53F-4-511](#)), the Superintendent or its Contractor will train providers in reporting mandates sufficient to obtain all data required for calculating a course completion rate, producing an "Annual Report on Providers," and disaggregating data by student demographic characteristics. A provider's "Course completion rate" is the year-end percentage of credits earned versus credits attempted, calculated per provider, for students that a provider initially confirmed to be in active participation; the Superintendent calculates this percentage annually using the "Year End UTREx Submission" ([R277-484](#)).

An "Annual Report on Providers" will be prepared and disseminated yearly. After August 01, providers are sent data used in it for review and input. This report includes statutory assessments of provider activity and results of online courses offered to SEOP students and to regularly-membered students of a provider LEA outside of Statewide Online Education Program participation. Report inclusions are governed by statute ([§53F-4-511](#)), "Report on the performance of online course providers," which requires the State Board of Education, in collaboration with online course providers, to develop a report on the performance of online course providers, which may be used to evaluate the Statewide Online Education Program and to assess the quality of an online course provider. This report must include:

● Scores aggregated by statewide tests taken by students at the end of an online course after initial confirmation of active participation provider students who engage in assessed courses during an open testing window.

● The percentage of the online course provider's students completing online courses before the student graduates from high school but no later than 9 weeks (about 2 months) beyond the end of a traditional semester.

● The percentage of the online course provider's students do not complete courses with a passing grade.

- The pupil-teacher ratio for the combined online courses of the online course provider.

Computation of Teacher to Student (pupil-teacher ratio for the combined online courses of the online course authorized online course provider as per §53F-4-511) will be performed by the USBE Data and Statistics section using UTREx and/or Cactus data. Pupil to Teacher Ratios for LEAs offering online courses to In-District students will be similarly calculated. The distinction between the two types of online students is ascertained by reference to the "School of Record" field in UTREx; however, the pupil-teacher calculation is defined in statute, and this distinction is not considered.

USBE and providers must post this report on the performance of online course providers on their respective websites.

General Calendar

This calendar shows recurring events required for all providers and USBE staff.

Month	Activity
January	New Provider Training
January 15	Approximate Quarter 2 and Semester 2 start date.
February 1	USBE distributes CACTUS core codes to LEA Data Specialists.
February 28	Course catalog spreadsheets for the new school year due to USBE.
March 15	Registration opens for the upcoming school year; Approximate Quarter 3 start date.
March 31	Final notice of session closure dates set by providers.
May 15	Registration is closed for a current school year.
June 30	All CCA's closed for the current school year.
June 15	Annual Provider Agreement distributed by USBE.
July 1	Annual Provider Agreement is due.
July 1	90-Day Progression of Accountability Step 1-"Teacher of Record Template" sent to providers.
July 7	Year-End Close of Utrex Reporting due
July 15	90-Day Progression of Accountability Step 2 - "Teacher of Record Template" due from Providers to USBE.
July 17	UTREx re-opening
August 15	90-Day Progression of Accountability Step 3 - Providers are notified of Teacher of Record alignment. Approx Quarter 1 and Semester 1 start
September 1	NA
October 1	First UTREx reporting date ("October 01 Count")
October 15	Approx Quarter 2 start
November 1	Prospective Provider Training
December 1	First UTREx reporting date ("December 01 Count")

 *If any of these dates fall on a weekend or state or federal holiday, then the due date is the next business day.

Provider Responsibilities for Program Administration

Instructional models

Non-cohort-based instruction (open-entry-open-exit models)

Courses that are self-contained modules allow individual students to work through course material in isolation. Educator contact might be limited to correspondence with a licensed educator through email within the Learning Management System (LMS) delivering courseware to students. This design meets the demand for self-paced completion. This instructional model is most successful when participating students with open-entry-open-exit providers are self-motivated and capable of assimilating material with limited support.

Cohort-based instruction open to students during a fixed enrollment window

In a case where students move through a course in a cohort, instruction is delivered in an environment where students progress through a course of instruction in a substantially isolated manner, without built-in or planned student-to-student or student-to-teacher interaction, or in an environment where students are moving in a cohort synchronously to allow peer and teacher interaction, and ongoing teacher assistance. In a cohort-based environment, a teacher and multiple students are integrated into activities taking place on a defined schedule, educator contact is ongoing and frequent, and generally, Providers integrate students into courses with their regularly enrolled student body. This is an efficient means of capturing economies of scale. Data indicates that student completion increases dramatically when contrasted with situations where students are not integrated into cohorts, including regularly membered students.

Cohort-based instruction using unique session labels

A "primary" school of enrollment or a private school may coordinate with a provider to schedule a course or course accommodating a set of students in a single class section with a single teacher. Enrollment may be facilitated with USBE assistance. USBE's SEATS specialist facilitates "cohort-based'' enrollment through the construction of sessions designed to aid in the identification of members of a pre-arranged cohort. A uniquely-labeled "session" captures students engaging in cohort delivery of instruction and allows a provider to maintain a separate "roster" of participating students as an accounting and tracking vehicle.

Hybrid instruction

The SOEP statute does not encompass hybrid instruction, which encompasses publicly funded online courses. In this instructional environment, a Teacher of Record (TOR) must interact with students digitally. Where students interact in a physical environment to any extent, "teacher of record" means the teacher who interacts physically with participating students.

A TOR acts under the authority and oversight of a provider. In a hybrid environment, a TOR is the teacher in physical and digital contact with students. If a provider simultaneously utilizes a single TOR across both physical and digital instructional environments, a Standard of Active Participation must rely solely on digital artifacts contained in an LMS and other secure systems evidencing student participation in a digital course of instruction.

Virtual instruction with physical supervision present

If a "primary" school of enrollment chooses to allow students participating in coursework with an SOEP Provider to congregate together in a physical space overseen by a qualified teacher or another supervising adult, and all instruction takes place in the online "space" supplied by the SOEP provider, this situation is not "hybrid instruction." In this case, the teacher of record is the provider teacher of record assigned to instruct the online course digitally.

Staffing

Providers must hire administrative leadership and/or educational instructors who meet the USBE licensing requirements. For non-licensed employees, volunteers, and contract employees, background checks are required (§53A-15-1503). USBE Educator Licensing provides information about all aspects of educator licensing in Utah and some about teacher preparation and professional learning activities.

The program will be overseen by an administrator holding a current School leadership license area of concentration and meeting requirements of R277-305 and R277-726-7(17).

Administrative Staff

Utah State Board of Education Administrative Rule requires providers to be overseen by a licensed administrator.

Assessment staff

Utah State Board Administrative rule requires each LEA to retain an Assessment Administrator responsible for ensuring that all statewide assessment policies and procedures are adhered to and implemented. An LEA and school must require an educator, assessment administrator, and proctor, including a third-party proctor, to individually sign a document provided by the Superintendent acknowledging or assuring that the educator administers statewide assessments consistent with ethics and protocol requirements. An assessment administrator must conduct assessment preparation, supervise assessment administration, and certify assessment results before providing results to the Superintendent, and must securely handle and return all protected assessment materials, where instructed, in strict accordance with the procedures and directions specified in assessment administration manuals, LEA rules and policies, and the "Standard Test Administration and Testing Ethics Policy."

Mentors

Mentors are non-licensed personnel supporting student activity. All non-licensed employees, contractors, and volunteers given significant unsupervised access to a student in connection with the volunteer's assignment are required to submit to a background check, including an initial fingerprint-based background check by the FBI and the Bureau of Criminal Identification Utah (BCI) within the Department of Public Safety. Certified Online Providers are also required to conduct background checks as above for an employee or contractor having significant access to student data.

Licensed Special Education Coordinator

Policy requires providers to also retain a licensed Special Education Coordinator, given the provider's responsibility to serve students qualifying or potentially qualifying for aids, accommodations, and services under the Individuals with Disabilities in Education Act (IDEA), Section 504 of the Rehabilitation Act, and Free and Appropriate Public Education (FAPE) under federal and state law. The person holding this role should have a current educator license with a special education area of concentration.

Teachers

The Statewide Online Education Program (SOEP) is designated as a program of the

public education system (§53F-4-502). The Utah State Board of Education's (USBE's) general control and supervision of the state's public education system (§5E-3-401-(2)) entitles the Board to ensure confidence in entities' ability to deliver quality instruction. General control and supervision include situations where an entity contracts with the Board to provide an educational good or service regardless of whether the entity is a school district, a charter school (§5E-401-(1)(a)), a program of a school district or charter school, a program created by a Utah Public Institution of Higher Education, or a Certified Online Provider. A Certified Online Provider and a Higher Education provider is, for purposes of service as an SOEP provider, treated as an LEA overseen by the Board.

The SOEP was created to allow students increased access to online learning options (§53f-4-502(3)). Quality learning options require the assignment of licensed and endorsed educators for whom background checks are current, and consistent with an educator's direct, unsupervised contact with minors. If background monitoring indicates potential liability or danger to learners, a qualified replacement must be immediately identified and assigned. If a replacement cannot be found, the USBE should be contacted to determine solutions. Individuals 18 years old or older in the employment of an educational entity must submit to a nationwide criminal background check and ongoing monitoring as a condition for employment or appointment (§53G-11-402(1)). In addition to having direct unsupervised contact with minors, educators ensure elements of program administrative quality by facilitating quality instruction and attesting to student activity (R277-726).

Educators employed by SOEP providers meet standards applied to Utah public schools generally. Teachers in Utah public schools must hold a current educator license along with appropriate license areas of concentration and endorsements (R277-309-3). Providers ensure that instruction includes regular instruction or facilitation by a designated employee of the LEA (R277-419-5). By applying these strategies, educators and instructional designers elevate the quality of online courses, ensuring a better learning experience for students.

What constitutes a teacher of record?

Board Rule (R277-726-2(24)) defines a "Teacher of Record" (TOR) as the teacher assigned by a provider and to whom students are assigned for purposes of reporting and data submissions to the Superintendent (R277-484-3). Board Rule (R277-726-2) defines a "Teacher of Record" (TOR) as the teacher assigned by a

provider and to whom students are assigned for purposes of reporting and data submissions to the Superintendent (R277-484-3). A TOR "Teacher of record" is the educator assigned by a provider to instruct an online course identified by core code and:

- Is used by a provider for instruction, assessment, and/or oversight of learner activity, progression, and interaction with course materials and peers.

- Has first-hand knowledge of student participation in and completion of instructional activities.

- Has direct synchronous or asynchronous contact and communication with learners for purposes of instruction, assessment, and oversight of learner activities, progression, and interaction with course materials and peers.

- Has first-hand knowledge of assessment activities and records for learners assigned to a course.

- Supports provider reports related to student participation in an online course.

A TOR is used by a provider for instruction, assessment, and/or oversight of learner activity, progression, and interaction with course materials, and peers. This person has first-hand knowledge of student participation in and completion of instructional activities and is in direct synchronous or asynchronous contact and communication with learners for purposes of instruction, assessment, and oversight of learner activities, progression, and interaction with course materials and peers. A TOR also has first-hand knowledge of assessment activities and records for learners assigned to a course.

Resource:

o   Utah Effective Teaching Standards, August 2022

Additional considerations regarding educator assignments

The Board's Superintendent of Schools (Superintendent) may decide on questions or issues unresolved by Title 53F, Chapter 4, Part 5. The Superintendent may

determine appropriate course load standards ([R277-726-6(4)](#)). Due to the Superintendent's ability to make decisions on questions or issues unresolved by [Title 53F, Chapter 4, Part 5](#), the Superintendent may set limits on the number of distinct courses and/or students a particular instructor may oversee at any point in time. In part, this ensures provider contact guarantees the integrity of collected data and instructional support.

While USBE understands students benefit from access to well-designed and supported curriculum and content, the USBE has determined these to be separable components of SOEP benefits. Additional facets of program delivery and integrity connected with educator attestations rely on the ethical behavior of licensed educators. Educator presence combines with accessible, equitable, and engaging (1) course design, (2) curriculum, and (3) program management to support instruction. Educators support learner success and oversee and attest to the delivery of instructional services and student activity. A current license and background check is a prerequisite to instructional oversight. TOR attestations ([R277-484-3](#); [R277-726-2](#)) stored in a provider's Learning Management System (LMS) provide auditable records of content mastery, student activity, program, and provider integrity. Fiduciary oversight by a provider is supported by auditable data recorded by a TOR regardless of a mastery or project-based focus. Accuracy, efficiency, and consistency of data recorded by a TOR support financial obligations ([§53F-4-505](#)) between partner institutions interacting under legal contracts.

A Teacher of Record holding an LEA-specific license holds a license to teach in a particular LEA. A Teacher of Record holding a Provider Online Specific License (POSL) has been granted a license to teach for an SOEP provider. Since the LEA Specific License provided the framework for the creation of the Provider Online Specific License, the USBE will accept Professional, LEA-specific, and Provider-Online-Specific (POSL) licenses as an allowable license type for educators assigned to SOEP courses.

Provider responsibilities for educator assignments

All teachers in public education entities must hold a current educator license along with appropriate license areas of concentration and endorsements. ([§53E-6-604](#)). For purposes of its participation in the SOEP as a provider, an entity must employ a teacher holding a current educator license along with appropriate license areas of concentration and endorsements ([R277-726-7](#)). A provider may employ an educator simultaneously employed as a classroom teacher at a private school if the provider

has an employment agreement with the educator and the educator is fully qualified.

Rule ([R726-276](#)) requires a provider contracting with a third party to provide educational services to students participating with the provider through the SOEP to develop a written monitoring plan to ensure facilitation and instruction by an educator licensed in Utah, employed by the provider and reported as teacher of record ([R277-484-3](#) and [R277-726-2](#)). Providers must also keep documentation of LEA's supervisory activities.

Providers offering Early College courses using non-licensed (higher education) instructors submit documentation of current background checks through the Utah Department of Public Safety, Bureau of Criminal Investigation (Utah BCI). Providers offering Early College courses must also submit documentation from a cooperating Utah Institution of Higher Education attesting that current background checks are in place utilizing Utah BCI processes. A Utah System of Higher Education (USHE) institution that employs a faculty member who teaches in a high school has the responsibility for ensuring and maintaining documentation that the faculty member has successfully completed a criminal background check, consistent with Section [§53G-11-402](#) and [R277-701-10(5)](#).

Educator assignment by Utah core code

Educator assignments are tied to a core code, identifying a "course" of instruction directed toward mastery of a discrete set of state standards. For this reason, USBE requires that each course assignment be identified with a Utah Core Code. An assigned educator's License Area of Concentration and Endorsements must be consistent with the core code of the course to which an educator is assigned ([R277-301-2](#)).
An "endorsement" is interpreted ([R277-301-2](#)) as demonstrating required competencies qualifying the individual to:
a) provide instruction in a specific content area; or
b) apply a specific set of skills in an educational setting.

A provider must select a Utah core code attached to current Utah core standards. Each teacher of record must be matched to a Utah core code, and educators lacking an appropriate license and appropriate license areas of concentration and

endorsements are considered misaligned. Educators may not be assigned to courses where core codes have been retired, and such courses may not be offered.

Managing Unique Learner Needs

o   IEP Services
o   The "primary" school or LEA of enrollment role
o   Public School Students

A student's "primary" LEA is responsible for meeting all IDEA requirements and ensuring that the student receives special education and related services, and accommodations required for FAPE (Free Appropriate Public Education). IEPs (Individualized Education Plan) (Individualized Education Plan) (Individualized Education Plan) may be updated to include digital learning environment needs. While this is always a best practice, law was amended in 2023 to make this an option rather than a requirement. If an IEP team chooses this option, a "primary" LEA can direct providers to administer IEP-related services and must cover costs in a Memorandum of Understanding (MOU) (§53F-4-503(11)).

For students with existing IEPs, the "primary" LEA must forward the provider with relevant IEP portions and updates. Statute (§53F-4-508) requires a counselor at the "primary" LEA to transmit a current IEP up to 72 business hours to a provider (§53F-4-503(6)). A cognizant LEA may, as needed, coordinate additional IEP team reviews with the authorized online course provider to ensure appropriate services, supports, and accommodations are in place for the eligible student (§53F-4-503(10)).

Home School Students

Students without a "primary" LEA must be directed to their district of residence for eligibility evaluation (R277-726-8(7)). Students can participate whether they choose to be evaluated or accept services.

An SOEP provider role | Public School Students

SOEP providers follow state and federal laws and USBE regulations to conduct Child Find (R277-716-4(4)) and accommodate student needs under the direction of the student's "primary" school district . SOEP providers also implement IEP accommodation plans and can seek assistance from the "primary" LEA to better ensure appropriate accommodations are in place. The "primary" LEA may

collaborate with the provider to review course enrollment and coordinate IEP team reviews to ensure appropriate services and accommodations. The IEP team may invite a member of the provider to serve on the IEP Team. If the provider has received notification of IEP accommodations from the "primary" LEA, if accommodations are not provided by the provider, the provider will be required to compensate the a "primary" LEA of enrollment for all costs related to compliance (R277-726-6(G,H,I,J)). USBE has created a model cooperative agreement for use when the "primary" LEA determines the provider is best suited to provide IEP services, requiring the "primary" LEA to fund these services.

A provider should refer public school students suspected of needing services but lacking an IEP to the Special Education Coordinator at their "primary" school of enrollment. The "primary" school or LEA is responsible for responding appropriately.

Home School Students

Home school students suspected of having unique needs under IDEA may be directed to their boundary school for evaluation, or the student may waive the right to accommodations (§53F-4-503(7)). If a home or private school student requests an evaluation, a provider should refer the parent to the school of residence (§53F-4-503(7)). The resident school will evaluate the student's eligibility for IDEA services (§53F-4-503(7)). If eligible, the student may enroll in the LEA, which will prepare an IEP and coordinate with the provider. The provider will deliver special education services and accommodations according to the IEP, even if using a third-party provider.

ALternatively, if a home or private school student requests services under Section 504 of the Rehabilitation Act of 1973, a provider may determine student eligibility, prepare a 504 plan for the home or private school student's online program, and provide related aids, accommodations, and services (R277-726-8(5)).

Section 504 of the Rehabilitation Act

Public School Students | "primary" school responsibility:

The student's "primary" school of enrollment reviews requests for services under Section 504 (§53F-4-503(10) and (R277-726-8(1)(a) and (b)). A "primary" school of enrollment must forward relevant portions of the eligible student's existing Section 504 accommodation plan to the authorized online course provider in accordance

with federal law and guidelines (§53F-4-503(10)).

Provider Responsibility:

If a request is initially directed to a provider, the provider should contact the 504 Coordinator at the student's "primary" school (R277-726-8(1)(c)). In addition, a provider may seek assistance from the "primary" LEA to implement a Section 504 accommodation plan. The provider implements the Section 504 plan directed by the "primary" LEA or school of enrollment. A provider may seek assistance from the "primary" LEA to implement a student's Section 504 accommodation plan (§53F-4-503(10)).

Failure of coordination:

If the student's request for services is initially directed to a provider and a good faith effort at cooperation with the student's "primary" school of enrollment is unsuccessful, the provider may determine student eligibility and provide services (R277-726-8(1)).

Evaluation committee:

To prepare or amend a 504 plan for related aids, accommodations, and services under Section 504 of the Rehabilitation Act of 1973, the committee evaluating a student must include persons knowledgeable about the student, the meaning of the 697 evaluation data, and placement options available in a virtual environment.

When preparing or amending a 504 plan, the evaluation committee must include individuals knowledgeable about the student and placement options in a virtual environment. Providers may be invited to serve on the committee to provide insight regarding placement options.

What is the role of the provider in determining a student's eligibility for services under Section 504?

The provider's role in determining a student's eligibility for services under Section 504 is limited. If a student's request for services is initially directed to a provider and a good faith effort at cooperation with the student's "primary" school of enrollment is unsuccessful, the provider may determine student eligibility and provide services. In most cases, however, the "primary" school or LEA is responsible for determining eligibility and developing a 504 plan. The provider may be invited to

serve on an evaluation team to offer insight regarding placement options in a virtual environment.

Multilingual (ML) students, immigrants & refugees – the need for alternative language services (ALS)

"Primary" LEA role

LEAs must identify in a timely manner EL students in need of language assistance services. The home language survey (HLS) is a questionnaire given to parents or guardians that helps schools and LEAs identify which students are potential English Learners (ELs), and who will require assessment of their English language proficiency (ELP) to determine whether they are eligible for language assistance services.

A "primary" school of enrollment will coordinate with a provider to develop an Individual Learning Plan (ILP) in cooperation with individuals knowledgeable about the student, the meaning of the evaluation data, and placement options in a virtual environment (R277-726-8(8)). The "primary" LEA/school of enrollment is responsible for (R277-726-8(10)) :

Identifying the need for Alternative Language Services (ALS)

A "primary" school of enrollment screens students for administering a Home Language Survey and WIDA testing.

1. Developing an ILP: This outlines the student's current level of ability, identifies specific goals for future attainment, and establishes progress and exit criteria.

2. Collaboration with Provider to Develop and Amend and ILP: the "primary" LEA or "primary" school of enrollment and the provider aare required to collaborate (R277-726-8(10)) in the development of an individual learning plan. This effort must include persons knowledgeable about the student, the meaning of the evaluation data, and the placement options available for the student in a virtual environment (R277-726-8(10)). The ILP will outline a student's current level of ability, and identifies specific goals for future attainment, progress, and exit criteria (R277-726-8(10)) .

3. Administering a "Language Instruction Educational Program" (LIEP): This program is designed to help students enrolled in the LEA who are learning English develop and attain English proficiency while meeting state standards.

Provider role in serving Multilingual Learners

Federal law (Title VI) protects English Learners (ELs) from discrimination and ensures their equal access to language services and educational opportunities. This includes providing alternative language services to parents in need. LEAs must identify ELL students promptly and accurately, ensure their access to school programs and activities, and monitor their progress in English and academics. Utah mandates the use of the Home Language Survey to screen students for potential EL status.

Provider Responsibilities

Providers must administer the Home Language Survey upon student registration. If a student is suspected of needing EL services, the provider will contact the Title III Coordinator at the student's "primary" LEA or school. Within the parameters of the provider's own Language Instruction Educational Program, the provider will implement an ILP as directed by the "primary" LEA or school. The provider must also ensure that the qualifying student receives appropriate materials.

Identified ALS or other Title III needs

The "primary" LEA or school must forward an existing Language Instruction Educational Program (LIEP) to the provider. The provider will implement an ILP as directed by the "primary" LEA or school, within the parameters of the provider's own LIEP. The provider must ensure that the qualifying student receives appropriate materials.

Students without previously identified ALS needs

Providers must administer the Home Language Survey upon student registration. If a student is suspected of needing EL services, the provider will contact the Title III Coordinator at the student's "primary" LEA or school. If a student is subsequently determined to be eligible for EL services, the provider will implement an ILP as directed by the "primary" LEA or school, within the parameters of the provider's own Language Instruction Educational Program. The provider must also ensure that the qualifying student receives appropriate materials.

Home and private school student ALS needs

If a student is suspected of needing EL services, the provider will contact the Title III Coordinator at the student's "primary" LEA or school. If a student is subsequently determined to be eligible for EL services, the provider will implement an ILP as directed by the "primary" LEA or school, within the parameters of the provider's own Language Instruction Educational Program. The provider must also ensure that the qualifying student receives appropriate materials and accommodations.

Federal protections

Americans with Disabilities Act (ADA)

Digital assets and experiences need to conform with the Web Content Accessibility Guidelines (WCAG), Version 2.1, Levels A and AA. This requirement also applies to publicly available web content, including video and audio content and new social media posts. Providers also must ensure that all web and mobile experiences are accessible, including digital experiences from third-party vendors and agencies. Specifically, the rule states that any digital content that a public entity "provides or makes available" to users must meet accessibility standards, whether this content is provided directly by the public entity (e.g., published to a government's own website) or by a third-party organization as part of a contractual, licensing, or other agreement.

In March of 2024, the U.S. Attorney General signed a final rule regarding the accessibility of digital experiences under Title II of the ADA, which dictates that state and local governments' services, programs, and activities must conform with web accessibility standards and be accessible to people with disabilities. Digital Assets including all components of Learning Management Systems (LMSs) and courseware, educational and service experiences need to conform with the Web Content Accessibility Guidelines (WCAG), Version 2.1, Levels A and AA. SImilar rules apply to publicly available web content, including video and audio content and new social media posts. Read more by clicking this link. For more information, consult the Department of Justice communication linked here.

General prohibitions of the Americans with Disabilities Act prohibit discrimination based on disability (seen or unseen). No qualified individual with a disability must, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity. Web Content Accessibility Guidelines (WCAG) 2.1 outlines measures used to make Web content more accessible to people with disabilities.

Section 508 of the Rehabilitation Act of 1973

Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. §794d) requires agencies to provide individuals with disabilities equal access to electronic information and data comparable to those who do not have disabilities unless an undue burden would

be imposed on the agency. Web Content Accessibility Guidelines (WCAG) 2.1 defines how to make web content accessible to people with disabilities. Accessibility involves a wide range of disabilities, including visual, auditory, physical, speech, cognitive, language, learning, and neurological disabilities. Although these guidelines cover a wide range of issues, they are not able to address the needs of people with all types, degrees, and combinations of disability. These guidelines also make Web content more usable by older individuals with changing abilities due to aging and often improve usability for users in general. No otherwise qualified individual with a disability in the United States, as defined in [Section 705 (20) of the Rehabilitation Act of 1973](), must, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity.

It is the legal responsibility of the LEA to train their officers and educators in principles of accessibility, and to ensure that all materials utilized in any capacity by the LEA are accessible. [Section 504 of the Rehabilitation Act of 1973]() requires that materials be accessible before these are published or otherwise made available to students. All students must be offered the same speed, regardless of disability status. A delay will occur if students, in general, have access to a course which must, thereafter, be made available in an accessible format when the course is requested by a disabled student. As a result, it is not acceptable to offer a course which is not accessible while promising "let us get an accessible version ready for you." Requirements for accessibility of online materials have been made clear in higher education, state agencies and K-12. [Section 508 of the Rehabilitation Act of 1973]() applies to procurement of all materials (including vendor-supplied online courses) by these entities.

Accommodating unique learners

Statewide Online Education Program providers sign a "Statewide Services Agreement" acknowledging that course materials offered through the Statewide Online Education Program are accessible to all persons, consistent with Section 508 of the Rehabilitation Act of 1973. This requires electronic content to conform to Level A and Level AA Success Criteria and Conformance Requirements in WCAG (Web Content Accessibility Guidelines) 2.1. User interface components and the content of platforms and applications must conform to Level A and Level AA Success Criteria and Conformance Requirements in WCAG 2.0. Performance

Criteria include:

Without Vision
Where a visual mode of operation is provided, content must provide at least one mode of operation that does not require user vision.

With Limited Vision
Where a visual mode of operation is provided, content must provide at least one mode of operation that enables users to make use of limited vision.

Without Perception of Color
Where a visual mode of operation is provided, content must provide at least one visual mode of operation that does not require user perception of color.

Without Hearing
Where an audible mode of operation is provided, content must provide at least one mode of operation that does not require user hearing.

With Limited Hearing
Where an audible mode of operation is provided, content must provide at least one mode of operation that enables users to make use of limited hearing.

Without Speech
Where speech is used for input, control, or operation, content must provide at least one mode of operation that does not require user speech.

With Limited Mobility
Where a manual mode of operation is provided, content must provide at least one mode of operation that does not require fine motor control or simultaneous manual operations.

With Limited Reach and Strength
Where a manual mode of operation is provided, content must provide at least one mode of operation that is operable with limited reach and limited strength.

With Limited Language, Cognitive, and Learning Abilities
Content must provide features making its use by individuals with limited cognitive, language, and learning abilities simpler and easier.

General

Where content displays or processes video with synchronized audio, content must provide closed caption processing technology. In addition, software must interoperate with assistive technology.

These are a sampling of overarching requirements. More information is provided by clicking the link that follows [Accessibility Guidelines and Standards](#).

It is essential that several different components work together for web-based materials to be accessible to people with disabilities, including content, technology used to deliver content, a user interface used to access content, and the user experience and access to training and just-in-time assistance. Content is the information in a web page or web application, including:natural information such as text, images, and sounds, and code or markup that defines structure, presentation, etc.

Technology used in the process of delivering content must include readiness for use of assistive technology (software that some people with disabilities use to manage physical or other limitations) including screen readers, alternative keyboards, switches, scanning software, etc. Providers must ensure user interfaces make technological and other forms of assistance readily available. User knowledge, experiences, and in some cases, adaptive strategies using the web resources may require training of users and guardians to ensure content is readily accessible.

In technical terms, user interfaces controlling media players, readers and other applications rendering web content, allowing communication of between courseware and other technologies, including assistive technologies/devices, must be in place and enabled through "the back end" programming of an LMS and related software. Back-end programming ensures that web-based and non-web-based functionality is accessible, enhancing navigation through the design of the content structure to benefit all users. Ease of navigation ensures that cognitive load is decreased, facilitating student learning for disabled and non-disabled students. Video containing audio essential for understanding the presentation must have open or closed captions, facilitating student learning for disabled and non-disabled students alike.

It is a provider's responsibility to survey materials and determine which are fully

accessible, which might be retrofitted, and which may not be offered statewide. USBE requires providers to submit [Voluntary Product Accessibility Templates (VPATs)](#) (a document produced by the vendor or product originator detailing Section 508 requirements and how the product supports these criteria) for all tools and resources to ensure providers are technically prepared to offer accessible learning materials. Courses that are not suitable for all users will be removed from the SOEP statewide catalog. VPATS are collected as the provider files an annual update to its statewide service agreement. If original content is produced by a provider, the provider is responsible for developing a VPAT. These efforts are evidence of efforts toward compliance with accessibility mandates.

Video Resource: [What Is a VPAT?](#)

Managing vendor activity

Providers utilizing vendors must ensure that they have direct access to each course, and all course components, to assess consistency with Utah core standards. Providers, rather than vendors, must control when a student is given access to the curriculum. In the context of Statewide Online Education Program participation, a provider contracting with a third party to provide educational services must develop a written monitoring plan to supervise the activities and services provided by the third-party provider and to ensure:

- The third-party provider is complying with Utah state law and Utah State Board of Education Administrative Rule.

- Federal law.

- Curriculum provided by a third-party provider is consistent with USBE core curriculum and standards and approved by the provider's local board

- Supervision of third-party instruction and facilitation and reporting for teachers of record per [R277-484-3](#) and [R277-726-2(3)](#).

- Provider activities were consistent with the LEA's administrative records retention schedule.

- Maintain documentation of LEA's oversight activities.

- Third-party compliance with the Family Educational Rights and Privacy Act (FERPA), including in secure transmission of student data.

Given that liability for vendor activity can reside with a provider, providers shall take measures consistent with the complexity and uniqueness of the service provided to fulfill a fiduciary duty to the Board by conducting reasonable due diligence with respect to any third party assisting the provider in rendering services under this program.

Service to Fee Waiver Recipients

"Fee" means something of monetary value requested or required by an LEA as a condition to a student's participation in an activity, class, or program provided, sponsored, or supported by a school (R277-407-2). Fees include access software, digital content, or other instructional materials required as part of a course. A school must annually provide notice to parents that the school will collect fees. Notice is provided to SOEP students using "notes" attached to a course listing.

 If a class is established or approved, which requires payment of fees or purchase of items in order for students to participate fully and to have the opportunity to acquire all skills and knowledge required for full credit and highest grades, the fees or costs for the class shall be subject to the fee waiver requirements (R277-407-3(4)).

In a secondary school, fees include instructional equipment required for a student to use as part of a course. Instructional materials include tools or instruments required for a student to use as part of a course. Instructional materials encompass a digital camera, required software, or a musical instrument that typically becomes the property of the student upon exiting the activity, course, or program. "Instructional equipment" does not include school equipment (R277-407-2(8)).

Like all public schools, providers must publish a Board-approved menu (R277-407-6(1)) of fees subject to waiver yearly. A "primary" school of enrollment is responsible for determining fee waiver eligibility pursuant to R277-407 for participating public school students.

Public school students

"Primary" School of Enrollment Responsibility

If a public school student qualifies for a fee waiver, the student's "primary" LEA or school of enrollment must provide the student access to an online course by (R277-726-5):

(i) allowing a student access to necessary technology in a computer lab or other space within the school building during a school period or during the regular school day for the student to participate in an online course; or

(ii) providing a participating student with technology and wi-fi needed for the student to participate outside of the school building.

Provider Responsibility

The provider is responsible for providing materials for an eligible student, including materials for a student designated fee waiver eligible by a student's "primary" school of enrollment ([R277-726-5](#)).

Home and Private School Students

An SOEP provider has the responsibility for determining fee waiver eligibility for participating home and private school students ([R277-726-7(5)](#)). If a participating home or private school student qualifies for a fee waiver, a provider is required to provide:

(a) Materials to home school or private school students who meet fee waiver eligibility at the provider's expense ([R277-726-7(5)](#)).

(b) Access to an online course by ([R277-726-5(9)](#)) by providing a participating student with technology and wi-fi needed for the student to participate outside of a school building.

Quality online courses

Middle School Requirements

High School Requirements

- [Middle School Students Keeping High School Credit](#)
- [Core Courses Meeting Graduation Requirements](#)

- [Grade Replacement](#)

Course construction standards

[National Standards for Quality Online Courses](#)
[Quality Indicators and Accreditation (AdvancEd Standards for Digital Learning)](#)
[Specific Review Standards from the QM (Quality Matters) K-12 Rubric, Fifth Edition for K-12 Reviews](#)

National Collegiate Athletics Association (NCAA) requirements

Because the NCAA determines eligibility for sports participation and sports scholarships at the post-secondary level, students who may be eligible to play in college athletics must be cognizant of whether a course is NCAA-approved. NCAA determines which courses may be applied, student-athletes incur a risk when taking high school courses prior to grade 9. An NCAA division may only recognize a course taken in the 9-12th grade. Colleges typically make similar decisions. We do not want to mislead a student or make them lose something valuable. That is also why it is important for us to be transparent in our notes.

Resource:

- [NCAA Eligibility Standards](#)

Competency-based courses

Under the Statewide Online Education Program and Minimum School Program provisions (R277-726-5(3)), competency-based credit awards without engagement in a course of digital, teacher-led instruction may not be funded.

Questions about enrollment

Access to facilities

R277-726-5 (8)] (9) A "primary" school of enrollment must provide participating students access to facilities for the student to participate in an online course during the regular school day, sports, extracurricular and co-curricular activities, and graduation services consistent with local policies governing participation irrespective of relative levels of participation in traditional courses versus Statewide Online Education courses.

Can an LEA reject applications for courses?

A "primary" LEA of enrollment may reject a course credit acknowledgment if the online course is not aligned with the student's College and Career Ready Plan (CCRP), which may be interpreted to include instances when the number of online course credits exceeds the maximum allowed for the year as provided in Section §53F-4-503. The right to reject a CCA is limited to 24 business hours from the point of its filing.

Credit recovery

A student may enroll in credits exceeding what would normally be considered full-time enrollment at the school of record for purposes of credit recovery only where LEA policy permits the student to do so. Normally, a student's "primary" LEA will not permit this. SOEP providers may not offer courses specifically designed for credit recovery purposes. SOEP was created to provide original credit to students. All courses offered must have all components of the original credit course. If an LEA opts to allow a student to take a course and use it for credit recovery, they can reject the application, so the online provider would not provide the course y that is their choice to do so. An LEA may reject an application when preferring the student to use a different option.

The "Early Graduate" UTREx field will be available for students in grades 6-12 throughout all years of their secondary school career to enable credit acceleration. This funding mechanism is used to accrue additional membership to fund remedial courses if the student has a plan for early graduation on record.

A student's "primary" LEA of enrollment may only reject a course credit acknowledgment (CCA) if the online course is not aligned with the student's

graduation plan. Statute (§53F-4-508(3)(e)) requires a "primary" LEA of enrollment or online course provider shall submit an acceptance or rejection of a CCA within 24 business hours of its filing. If a "primary" LEA of enrollment does not submit an acceptance or rejection within 24 business hours, the State Board of Education must consider the course credit acknowledgment accepted (§53F-4-508(3)(e)). In this case, applications for remedial credit may pass through the approval process without sufficient review - which may cause problems for a student subsequently. Students must be counseled to check with a counselor to ensure that an LEA does not wish to suggest alternative options for recovery credit. Board rule notes that only original credit may be funded through the program (R277-726-4(3)(a)). In other words, only courses designed for original credit may be funded. Competency-based award of credit without engagement in a course of digital, teacher-led instruction may not be funded under Statewide Online Education Program and Minimum School Program provisions.

Grade replacement

Board rule requires students to gain prior authorization for grade replacement. "Grade Replacement" authorization guarantees that a school will accept a grade to replace a prior grade. The SOEP (CCA) approval process only guarantees that a course is paid for to allow a student access to content and instruction. Students need separate approval of the course from a counselor to ensure the counselor judges the new course to be a direct replacement of or substitute for a course for which a student has a grade on file.

For public school students, the decision to approve an enrollment for grade replacement purposes through SOEP is local. Students should be counseled to consult their school counselor in these matters.

Resource:

- Grade Replacement FAQs

Limitations on the selection of a course or provider

An eligible student's "primary" school district or charter school of enrollment may not give preference to an online course or online course provider,or including the LEA's in-district online provider. A "primary" school district or charter school of

enrollment may not impose restrictions on a student's selection of an online course that:

- Fulfills graduation requirements.

- Is consistent with the student's plan for college and career readiness or post-secondary plans.

Grade and credit reports

"Course completion" means that a student has completed a course with a passing grade, and the provider has transmitted the course title, course code, grade, and credit to the "primary" LEA of enrollment and the Superintendent (R277-726-2(6)). A provider may not grade a student on a pass/fail basis for an SOEP course. R277-726-7(G) requires a student's credit and grade to be reported to USBE, parent, and "primary" LEA within 30 days (about 4 and a half weeks) of the student achieving a passing grade per each .5 credit value (semester); however, all grades/credit must be submitted to appropriate parties no later than June 30. Grades and credit are reported to USBE through UTREx. Additional reporting requirements are satisfied by transcripts sent to parent(s) and the "primary" school or enrollment.

To facilitate the computation of LEA obligations, at the close of each fiscal year, R277-726 requires that contracts be closed at the nearest credit value by June 30 of each year. Providers are required to ensure consistency among systems housing student participation data, including SEATS or a Contractor's enrollment platform or tool, a provider Student Information System (R277-484-2), other provider systems as defined in Title 53E Part 3 (53E-3-518), and UTREx or USIMS.

Moving students to a timely completion

If the student requests that a contract is not closed and they continue to meet the requirements of a provider's Standard of Active Participation (SAP), the student may continue to work towards completion, and a transcript may be issued reflecting a grade of "NG", followed by an official transcript reflecting grade and credit earned upon completion of the course. In all cases, completion and reporting of grades and credit for "Late Passing" students should occur prior to September 30 to allow a "primary" LEA time to update UTREx records for the student in the event that the student is a retained senior.

Providers are given a monetary incentive to support student completion. Payments to providers are decreased if a student does not complete a course in a "timely" fashion, as defined in statute and the statutory provisions that students may have 9 weeks (about 2 months) past the end of a traditional semester to complete a .5 credit course or 1 year to complete a full-credit course are made in relation to payment. Nevertheless, a student may have extra time to complete a course. Active Participation standards should include progress or log-in standards. Students may be given approved periods of inactivity on a case-by-case basis.

A provider may only maintain a CCA open after June 30 if a student remains actively engaged in coursework, meeting the provider's standard of active participation. Statute allows students only until graduation to complete a course. A senior may be accorded extra time past a cohort date of graduation if a "primary" school of enrollment agrees to allow the student extra time (to September) to record the student's graduation.

Intention to enroll

A student should enroll in an online course or declare an intention to enroll in an online course during the high school course registration period designated by the LEA (§53F-4-513). Notwithstanding this, a student may enroll in an online course at any time during a calendar year. A student may alter a course schedule at their "primary" school by dropping a traditional classroom course and adding an online course consistent with a course schedule alteration procedures adopted by the student's "primary" LEA of enrollment or high school, by the school district's or high school's same deadline for dropping and adding a traditional classroom course.

A school of record

A "primary" LEA is the only LEA that will accrue membership-based funding for a child participating in the SOEP. This will include membership-based Special Education Add-On Funding. The school within the "primary" LEA that the student attends is the student's "School of Record" for graduation and counseling purposes, including IEP formation and management and dispute resolution.

SEOP enrollment process

Regularly enrolled students at all Utah school districts and charter schools may access publicly provided online courses in one of two ways:

Split Enrollment

At the discretion of an LEA, a student may split regular enrollment ([R277-419-5(1)](#)) between two school districts or charter schools ([R277-419-5(1)](#)). This situation is particularly attractive to a student where one of the schools offers online coursework. "Split enrollment student" means a student who is regularly enrolled at two schools within two LEAs at the same time and eligible for graduation and other services at both schools ([R277-100-2](#)). In this case there is not a legal or rule-based distinction between these and not regularized means of facilitating cooperation between the two.

The SOEP was set up as a solution to this problem. Responsibilities between cooperating LEAs are clearly specified in law and rule. Administrative Rule [R277-419](#) accommodates split enrollment in pupil accounting terms.

Statewide Online Education Program (SOEP) Enrollment

A student may remain regularly enrolled in a single school district or charter school ("primary" LEA of enrollment," where an LEA is a Local Educational Agency) that directs all aspects of the student's education, including facilitating access to online coursework through another school district and charter school where the student does not establish regular enrollment.

How does the enrollment process work?

SOEP enrollment is governed by statute ([§53F-4 Part 5](#)) and State Board Administrative Rule [R277-726](#) associated with the Statewide Online Education Program (SOEP). Students, either alone or with the assistance of a Provider or Counselor, may file an enrollment request online using USBE's "SEATS" ("Student Enrollment and Tracking System") application. Once an enrollment request is filed, it passes through a statutory review process lasting up to 3 business days (24 business hours). If the student is regularly enrolled in the public education system, officers of both the "primary" LEA and the provider must accept the enrollment. A "primary" LEA approval is completed by an official designated for this responsibility.

The student's counselor is notified at the time that an enrollment request is filed, and a counselor is asked to assess its consistency with the student's graduation plan (SEOP or CCRP (College and Career Ready Plan). The counselor does not offer final or formal approval. This role is reserved for the LEA's "primary" approver. A counselor's evaluation is available to the "primary" approving officer, and the

counselors ensure coursework is consistent with graduation planning and that the total of all course enrollments at the "primary" school of enrollment and externally (across the entire fiscal year spanning July 01 to June 30) do not exceed a "primary" school's definition of full-time enrollment. A counselor also assures that IEP/504/ML Plans are amended to include necessary support for external coursework, inviting a designated provider official to participate.

Interaction between cooperating entities ("primary" School of Enrollment and Provider) is specified in statutory inclusions of the "Course Credit Acknowledgement" (CCA), which signifies acceptance (actual or effective) of an enrollment request. Once acceptances of both a "primary" LEA and a provider are obtained, USBE emails a "Notice of Enrollment" to the parent, counselor, provider, and "primary".

Once a notice of enrollment is issued, a "Course Credit Acknowledgment" (a contract to allow and provide instruction between cooperating entities, with the "primary" LEA agreeing to acknowledge resulting credit and payment obligations for purposes of a student's progress toward high school graduation at the "primary" school of enrollment) has been executed by cooperating entities. A CCA binds entities to cooperate in allowing a student of the "primary" LEA of enrollment to earn credit toward high school graduation at the "primary" school of enrollment under the direction of the provider.

Following coursework, a transcript is required to be forwarded from a provider to the parent, and a "primary" LEA. "Course completion" means that a student has completed a course with a passing grade, and the provider has securely transmitted grades, credit, and information necessary to identify course content and student, including a USBE core code and unique student identifier, to the "primary" school of enrollment, a parent or guardian, and the Superintendent.

Providers are accredited consistent with USBE requirements and thus credit issued for completed courses must be acknowledged for purposes of graduation at the school where the student is enrolled for purposes of high school graduation. High school graduation credit for courses offered by a provider is recorded by a "primary" school of enrollment upon receipt of a transcript, per an accepted "course credit acknowledgment" (CCA).

Program maintenance - routine tasks

Certain tasks must be accomplished on a routine and recurring basis. Tasks significant to program administration are outlined here.

YouFunding

To qualify for current payment, statuses must be changed by the end of the business day on the 9th of every month. USBE will download a monthly report on the morning of the 10th to prepare a funding report for the USBE Minimum School Program Specialist. Any statuses changed after the report has been downloaded will be in next month's report.

Assuming a student does not withdraw within the 20 school days (approximately one month) allowed by law, funding is disbursed to the provider based on a statutory schedule that begins with participation.

When a record is marked as "Confirmed" that means a student is confirmed to be in active participation. Actively participates" means, for purposes of an initial funding distribution (§53F-4-505), that the student actively participates as defined by the provider in a written standard of active participation on record with the Superintendent. A "standard of active participation" means:

(a) a document articulating the measure of student engagement used by an authorized online course provider to count a student in attendance and participation at least once every ten school days (consistent with R277-419-5, which outlines standards applicable to "primary" LEAs, partners to instructional agreements (CCAs) governing activity within this program).
(b) a document articulating evidence validating student participation contained in a Learning Management System (LMS) and enabling an authorized online course provider to qualify to receive payment consistent with statute (§53F-4-505(4)), including determining when a student may be defined as "Confirmed" to be actively participating in a course (§53F-4-501).
(c) the measure of student engagement used to audit program outcomes and program financial outcomes (R277-114-3).

Payment and activity "confirmation"

"Payment"refers to funds distributed to a provider for an online course offered

through this program, following satisfaction of the requirements of the law ([53F-4-507(2)](); [53F-4-505]()). Payment is dependent on course fees.

COURSE FEES

Fees reflect the expense of course provision, scaling cost to content. To ensure the ratio of cost to available funding remains stable, fees rise yearly at the rate of increase in the value of the regular education WPU ("weighted pupil unit") established by the Legislature for the upcoming school year ([§53F-4-505]()). Following the Legislative Session each March, providers may expect USBE to send a list of revised course fees for your records. Course fees are tiered into pricing "categories" outlined in statute. Tiers move from the lowest prices (Tier I) to higher prices (Tiers II and II), on to the highest pricing category (Tier IV):

Tier I

- Financial Literacy
- Health
- Physical Education
- Digital Studies
- Driver Education

Tier II

- Fine Arts
- Career & Technical Education
- Other Elective Credits

Tier III

- Social Studies Core
- World Language

Tier IV

- Language Arts, Math, Science
- Concurrent Enrollment

Course Fee Determination

The Superintendent will determine the assignment of core codes among pricing tiers and course fee categories (53F-4-505) and communicate the assignment to providers.

Lowest fee

A course meeting the requirements of more than one fee category must be the lowest of the applicable course fee categories (§53F-4-505(2)). This distinction is also determined by the attribution "Y" in the "Core" column of USBE core codes, indicative of the ability of these credits to fulfill Core requirements in the applicable subject. Other courses in the applicable subject will be classified as "Electives."

Fee increases

Course Fees are updated following the end of each legislative session. Fees rise at the same percentage increase as the Regular Education WPU (§53F-4-505(3)). The Superintendent will adjust course fees annually by the percentage change in the value of the weighted pupil unit from the previous school year and communicate fees to providers.

Independent studies

"Independent Studio Study" illustrates general rules surrounding courses that may have an independent studies component or which may be construed to involve experiences external to formal LEA instruction. The course description for "02040000120 Independent Studio Study" notes that this course:

> **"Provides the advanced music student the opportunity to work individually on personal progress and development in their chosen area of musical expertise. Time is spent in each class session under the supervision of one of the music faculty, practicing and improving personal skills and musical development. Students in this class must show a great desire for continuation in the art form beyond high school and generally study privately with a college professor or other professional instructor."**

If a student is engaged in external study with a private instructor, instruction must be rendered by a provider faculty member (meaning employee) directly engaged in

overseeing the student's development to be offered through the SOEP. Where instruction is not rendered by a faculty member of the SOEP provider, and students are engaged in instruction solely rendered by an individual who is not the teacher of record, SOEP cannot list this course. Similarly, supervision of activity by parents and private coaches or sports instructors does not meet requirements for SOEP course listing unless a Teacher of Record is also actively engaged in a related course of instruction. Significantly, the teacher must render ongoing instruction and delivery of curriculum. In addition, no course can be structured to allow the granting of credit for activities and instruction not rendered by an LEA. A "primary" activity might be performance. A student could videotape a performance reviewed by the teacher employed by the LEA. If the student is on a team or in private lessons, this activity could serve as a substitute for this student. In this case, however, the teacher must have access to the performance in a way that will allow the teacher to review the performance for instructional input and feedback, although the performance occurs in an external environment.

Funding for home and private school students

To ensure that home and private school students' funding accrues to the appropriate allocation. Allocations are provided for home school and private school students when their "primary" LEA is marked, respectively, "HOME" and "PRIVATE" for their "primary" LEA. This is a procedural convention allowing student fees to be deducted from the appropriate legislative allocation. ⌗To avoid unnecessary depletion of legislative allocations for home and private school students, if a home or private school student is dually enrolled (splitting enrollment between a home or private school and a public school), all SOEP enrollments must be initiated under the public LEA in which they are enrolled. Public education enrollment allows funding to be automatically generated through the Minimum School Program (MSP) without recourse to a special and limited legislative allocation.

Appendix

Troubleshooting student login problems

The following tips may help in determining the origin of common registration errors:

- Students must use their legal names when registering. If a student goes by another name, USBE can change the name after the account is set up. The parent/guardian, counselor or provider must request name changes.

- USBE recommends students set up accounts using home email addresses. School firewalls sometimes block emails students must receive.

- Students may change some of their personal information by going to the Manage My Account Tab on the home page. However, the SOEP team can only change student names and birthdates.

Pre-existing account

A student who has already set up an account with a different email address may receive an error message when attempting to form a subsequent SEATS account. The email addresses used are often home, school, or parent/guardian emails. If the student does not know the email used, please email edonline @ schools.utah.gov or call 801-538-7826 for assistance.

Students cannot choose a counselor, or the counselor is not in the drop-down menu.

The following process may be used to direct a student in finding their counselor in the SEATS registration drop-down:

1. The student must visit the "Account Tab" on the main page.
2. The student must confirm that they have listed their "primary" school and school district or charter school (LEA) of enrollment accurately. Students often put the name of the online provider that they want to sign up with, instead of their "primary" school of enrollment..
3. Home and private school students must choose the "Home School" or "Private School" designation at the top of the list of "primary" enrollment

options.

4. Once these designations are correct, the changes must be saved.
5. If the correct counselor does not show up in the drop-down menu, then choose another counselor at the school. Contact edonline@schools.utah.gov to change the counselor.

Username retrieval

If the student has logged in with the correct username and password and is still getting an error message, the student needs to look at the 'menu" button at the top of the page. If the phrase "Hello Username" is there, then the student is logged in correctly. A student may additionally click on the "home" icon to reset the page orientation.

Contact information and school correction - a student option

Students may edit school and contact information in SEATS.

Identifying data correction - a USBE option

USBE must correct dates of birth and spelling of names.

School attribution within an existing CCA - a USBE option

If a school needs to be changed within an existing CCA, only USBE can accomplish this.

Contacting USBE for assistance

When contacting USBE regarding student-focused issues, be sure to include the following information when requesting assistance:

1. The student's first name (first 3 letters only)

2. Student's last name

3. Birth month

4. Email address(s)

If a provider's email system does not automatically encrypt emails, please place this information in an attached, password-protected document or a document shared

and accessible through verification of login credentials. The SOEP team will need to merge the different accounts. If necessary, USBE can also change a recovery email.

PROVIDER WEBSITE SPECIFICATIONS

Provider materials linked to the Statewide Online Education Program are required to meet the following standards:

1. The webpage may be in any accepted format, such as PDF or HTML. It must be accessible to anyone who may need technical assistance to navigate the page.
2. The provider name must appear on the web page as the main header.
3. Name on file with USBE.
4. Subheaders may display other logos, trademarks, or trade names at the provider's discretion, presuming the provider has obtained the legal right to do so on the website.
5. There must be a dedicated webpage for the Statewide Online Education Program.
6. A link to the course catalog on another website is not acceptable. However, functionality that reveals additional portions of the course catalog is acceptable. An example of an acceptable format is if there is a category listed with a plus sign next that reveals the courses and the descriptions.
7. The course catalog must only include courses that will be offered to SOEP. No classes should be offered that cannot be offered to every student in grades 6-12, in the State of Utah. Each course must have an approved USBE Core Code next to each course.
8. Additional information on the program, school or enrollment may be on the webpage. All information must be specific to participation in the Statewide Online Education Program.
9. Contact information for the provider's online program must appear on the webpage.

A STUDENT'S RIGHT TO ENROLL

Each school district is responsible for providing educational services for all children of school age who are residents of the district (§53G-6-302(6)). A student enrolled in a Utah school district or charter school (§53F-4-501(4)) may enroll in coursework through the Statewide Online Education Program (SOEP) if the student:

    a. intends to take a course for middle school or high school credit (§53G-6-302(1)), and

    b. meets course prerequisites, and the course is aligned with a plan for college and career readiness (§53F-4-503(1)).

 Statute limits a student to six credits online credits per academic year (§53F-4-503(1)). A student may exceed this limit if more online credits "... better meet the academic goals of the student." (§53F-4-503(3)). The student can also exceed full-time enrollment with a plan to graduate early or under local board policy. Assistant Attorney General for USBE, Bryan Quesenberry, determined that an intent to graduate early is nonbinding:

Resource:

- [Students Eligible for Early Graduation - a nonbinding intent](#)

 Given that a student may exceed six online credits if this better meets the academic goals of the student, a student has the legal right to take all credits which they would normally take at their "primary" LEA through the SOEP. A student does not need to physically attend courses at their "primary" school of enrollment to participate in SOEP courses. In addition, there is no requirement to take credits physically or otherwise directly through a "primary" LEA of enrollment. All credits may be taken online through the SOEP in any particular year, across multiple years, or across the child's high school career. A student is in membership with a "primary" LEA for all SOEP credits; The "primary" LEA, being the entity funded for these credits, may be thought of as facilitating external instruction though SOEP.

During a period of SOEP enrollment, a "primary" school of enrollment is required to provide participating students access to facilities for the student to participate in an online course during the regular school day, sports, extracurricular and co-curricular activities, and graduation services consistent with local policies governing

participation irrespective of relative levels of participation in traditional courses versus Statewide Online Education courses (R277-726-5(10)). A school cannot require a student to leave school premises during periods of SOEP participation.

Several levels of approval take place to ensure a student chooses a course consistent with graduation planning, and current registration at their "primary" school of enrollment. In general, if a provider has space available, the student has room in their schedule, and a course is not inconsistent with graduation planning, a student has a legally protected right to enroll.

SCHOOL FEES & FEE WAIVER QUALIFICATION

Introduction

To preserve equal opportunity for all students and limit the diversion of money and school and staff resources from the basic school program, each Local Education Agencies (LEAs) fee policies must be designed to limit student expenditures for school-sponsored activities.

"Fee" means something of monetary value requested or required by an LEA as a condition to a student's participation in an activity, class, or program provided, sponsored, or supported by a school (R277-407-2). Fees include access software, digital content, or other instructional materials required as part of a course. A school must annually provide notice to parents that the school will collect fees. Notice is provided to SOEP students using "notes" attached to a course listing.

If a class is established or approved, which requires payment of fees or purchase of items in order for students to participate fully and to have the opportunity to acquire all skills and knowledge required for full credit and highest grades, the fees or costs for the class shall be subject to the fee waiver requirements (R277-407-3(4)).

In a secondary school, fees include instructional equipment required for a student to use as part of a course. Instructional materials include tools or instruments required for a student to use as part of a course. Instructional materials encompass a digital camera, required software, or a musical instrument that typically becomes the property of the student upon exiting the activity, course, or program. "Instructional equipment" does not include school equipment (R277-407-2(8)).

Like all public schools, providers must publish a Board-approved menu (R277-407-6(1)) of fees subject to waiver yearly. A "primary" school of enrollment is responsible for determining fee waiver eligibility pursuant to R277-407 for participating public school students.

Resource:

- School Fees FAQs

Regulation

- [R277-407: School Fees](#) Utah State Board of Education Administrative Rules
- [Title 53G-7-5: School Fees](#) Utah State Legislature
- [Index to the Permanent Injunction](#) 1994 Third District Court Order

Responsibilities with specific reference to provisions of R277-726

"PRIMARY" LEA RESPONSIBILITIES:

A "primary" school of enrollment must determine fee waiver eligibility for participating public school students ([R277-726-5](#)).

For eligible students, the student's "primary" LEA or school of enrollment must provide access ([R277-726-5](#)) to an online course by:

- allowing the student access to necessary technology in a computer lab or other space within the school building during a school period or during the regular school day for the student to participate in an online course; or

- providing the student with technology and wi-fi needed for the student to participate outside of the school building.

PROVIDER RESPONSIBILITIES:

- Providers must post fees on the provider's website.

- Providers must provide timely notice to a parent of required fees and fee waiver opportunities.

- Providers must furnish materials for a public school student designated fee waiver eligible ([R277-726-7(5)(iv)](#)).

- Providers must determine fee-waiver eligibility of participating home school students.

- In addition to providing materials for a student designated fee waiver eligible, providers must provide an eligible home or private school student access ([R277-](#)

726-5(9)) to an online course by furnishing them with technology and wi-fi needed for the student to participate outside of the school building.

Public School Students

With the exception of access to technology and wi-fi, if a provider intends to charge a fee of any kind, the provider is responsible for fee waivers for an eligible student, including materials for a student designated fee waiver eligible by a student's "primary" school of enrollment (R277-726-7). If a public school student qualifies for a fee waiver, the student's "primary" LEA or school of enrollment must provide the student access to an online course by (R277-726-5):

(i)   allowing a student access to necessary technology in a computer lab or other space within the school building during a school period or during the regular school day for the student to participate in an online course; or

(ii) providing a participating student with technology and wi-fi.

Home and Private School Students

An SOEP provider has the responsibility for determining fee waiver eligibility for participating home and private school students (R277-726-7). If a participating home or private school student qualifies for a fee waiver, a provider is required to provide fee waivers to home school or private school students who meet fee waiver eligibility at the provider's expense. The provider must also provide the student access to an online course by (R277-726-5):

(i)   allowing a student access to necessary technology in a computer lab or other space within the school building during a school period or during the regular school day for the student to participate in an online course; or

(ii) providing a participating student with technology and wi-fi needed for the student to participate outside of the school building.

Given the legal requirement that services are provided online (§53F-4-502(1)), allowing a student access to necessary technology in a computer lab or other space within the school building during a school period or during the regular school day is inconsistent with statutory provisions governing student and provider participation in the SOEP. In this case, a provider must provide an eligible home or private school student technology and wi-fi needed for the student to participate outside of the

school building.

Notes:

1. Items routinely required to fully participate in school or in a school activity, class, or program, successfully complete a school class for the highest grade, receive credit, or avoid a direct or indirect limitation on full participation in a school activity, class, or program are fee-waiverable. Fee-waiverable items may, for example, include musical instruments, fees for participation in athletic or artistic activities, software, musical instruments, and digital cameras. A requirement to print documents for assignment completion and submission may also be a fee.

2. A provider may not require participation in private lessons or team sports as a condition of offering credit.

3. Where possible, alternatives to fee-waiverable items may be considered in course design. Thoughtful course design is a component of [Universal Design for Learning](UDL), which reduces impediments to learning and increases accessibility for all students.

SOEP STATUS, COMPLETION & CLOSURE

Purpose of Guidance

This document is intended to guide Statewide Online Education Program stakeholders in marking records for annual SEATS record closure and UTREx uploads. SEATS records must be closed by June 30 annually.

Measures based on record attributions in SEATS inform:

Progress Measurement via UTREx: On June 30 each year, internal (SIS) records must be marked for UTREx upload.

- Program Staff should be able to easily decipher linkages between SEATS and UTREx data match.

Accountability Measures derived from SEATS and UTREx: Program Staff must understand how CCA statuses correspond to Accountability.

- Staff members should be able to easily decipher linkages between SEATS and aggregation of results for the Annual Report on Providers.

Funding Distribution: Program Staff must understand how CCA statuses correspond to Funding.

- Staff should easily identify status options with funding events.

Information Sharing: Program Staff must understand the informational component of CCA status.

- Staff members should easily relate status to student course activity.

Measures:

Timely Completion

"Course completion" means that a student has completed a course with a passing grade, and the provider has securely transmitted grades, credit, and information necessary to identify course content and student, including a USBE core code and unique student identifier, to the "primary" school of enrollment, a parent or guardian, and the Superintendent. The percentage of an authorized online course

provider's students who complete online courses within the applicable time period (§53F-4-505(5)(a)). A "course completion rate" is the year-end percentage of credits earned versus credits attempted, calculated per provider, for students that a provider initially confirmed to be in active participation. The Superintendent calculates this percentage annually using the "Year End UTREx Submission" (R277-484).

Late Completion

The percentage of students, calculated per provider, who were initially confirmed to be in active participation and who complete online courses after June 30 and before the student graduates from high school (§53F-4-505(5)(b)).

Not Passing

The percentage, calculated per provider, of students initially confirmed to be in active participation who complete an agreed-upon course of instruction but fail to achieve a passing grade in the content measured across the whole agreed-to credit increment or any portion thereof.

Record closure (June 30)

By June 30, annually, courses that a provider reasonably expects a student to complete prior to the beginning of an upcoming school year (between July 1 and August 01) must be closed and labeled with terminal record statuses. Terminal statuses indicate final disposition of all agreed to credit, for current year reporting purposes. Course records categorized as "Late Passing" must be labeled with an interim status, "Anticipated Late Pass. This is a provisional or temporary status that must be finalized by August 01. By August 01, students placed in an "Anticipated Late Pass" status must be moved to either "Late Pass," "No Credit Earned, " or another terminal status indicating the final disposition of all agreed credit.

More explanation regarding "Anticipated Late Pass"

After June 30, records may not be amended to indicate that a provider cannot close a record due to the provider's anticipation of additional changes in status. Few records should remain in this state. On June 30, few or no courses should be Active. The provider's Standard of Active Participation should be designed to make this status rare. If a student is marked as Anticipated Late Pass, the student must remain in active participation until coursework is complete.

Any record for students continuing past June 30th should be marked with a grade of NA or the highest credit value earned at June 30 in UTREx. By August 01, the record must be moved to a terminal status indicating the final disposition of all agreed-to credit.

Finalizing SEATS records at year-end

Year-end status attributions support parallel recording of course records between SEATS and UTREx. Provider data is distinguished, within the "Year End UTREx Submission" (R277-484), based on the following combination of unique data elements:

1. Instructional Setting Code OP.
2. School of Record code N.

Consistency between SEATS and UTREx requires providers to ensure that both of the UTREx fields specified here are appropriately marked. In addition, providers must ensure that credit earned, credit completed, entry and exit dates, exit codes, "necessary student data" (53E-9-301), and educator and course identifiers are correctly completed. Membership students must be described as using a 100% learner-validated enrollment measurement (R277-419-5), and days membership must be listed as "0."

Limitations of Reporting Systems

The classification of a completed course as **Timely Completion, Late Completion,** or **Not Passing** is based on statute, Board Administrative Rule, and reporting system limitations. Statute (§53F-4-505) directs the USBE to disburse payment to online course providers through appropriate SEATS record markings indicative of stages of participation and completion:

- Full payment occurs when a student succeeds in completing agreed-upon credit (timely completion).
- Course completion is timely if a provider submits a student's credit and grade to the Superintendent no later than:
  (a) 30 days after a student satisfactorily completes an online semester or quarter course: and
  (b) June 30 of the school year.
- Statute requires a course fee to be diminished when a student fails to complete

a course in a timely fashion (late completion), resulting in a need for an "Anticipated Late Pass." Changes to those records after June 30 trigger a reduction in payment, although a provider is still paid.

Rule clarifies reporting requirements. Providers must report course completion (meaning the terminal status of the course of instruction, as reported to UTREx in that year) to the Superintendent by June 30 annually (R277-726-8). The process of amending SEATS statuses to reflect student progress highlights the importance of keeping both SEATS records and SIS/Utrex records "up to date." Rule requires a provider to maintain and provide records and systems, including "...providing timely documentation of student participation, enrollment, educator credentials (R277-726).

USBE Administrative Rule defines Course Completion (R277-728-2) as occurring when a student has completed a course with a passing grade, and the provider has transmitted the grade and credit to the "primary" LEA of enrollment. Because transmission of Transcripts is not visible or discernable to the Board, the Board determines a student's passing of a course through a provider's report of Course Completion in SEATS, via an appropriate change in record status. Put differently, rule-based metrics cannot be ascertained, verified, or independently and directly observed by USBE. For this reason, timely or late course completion is thus determined by the date on which a Provider certifies within SEATS the student completed a course with a passing grade. It is assumed that the provider has concurrently forwarded a Transcript of Grades and Credit to the parent and "primary", and has reported the grade to the USBE through entry of course data into a local SIS for UTREx daily upload.

Closed Records must be marked and then no longer amended to ensure they match UTREx uploads and guarantee the integrity of SEATs data over time. Records are closed in the current year when all agreed credit has been earned with a passing grade or the course agreement (CCA) has been amended to reflect a student's intention to cease activity at a lower credit value.

If a student completes coursework without earning credit, the course is labeled "Not Passing" and closed. Records are also closed in the current year if a student formally withdrew from a course, was withdrawn for administrative or disciplinary reasons, or did not begin a course.

Aggregation & the "Annual Report on Providers"

SEATS status attributions are summarized visually in the attached resource.

Resource:
- [SEATS Status Flowchart](#)

Closing procedure

Terminal statuses | Not Included in calculations

- Not Confirmed (No Initial Activity)
- Rejected (USBE, Primary, Provider)
- Withdrawn within first 20 school days (with Documentation and Date)
- Disciplinary Withdrawal
- Loss of Eligibility
- Administrative Withdrawal - portion of credit that has not been earned does not count negatively

Included in Calculations/Aggregation - Timely Pass:
- Pass (All Agreed Credit with Passing Grade by June 30)
- Pass .25 (Cancel Remainder) - portion of credit that has not been earned counts negatively
- Withdrawn (After 20 days, no credit earned) - portion of credit that has not been earned counts negatively
- Withdrawn (After 20 days, .25 credit earned) - portion of credit that has not been earned counts negatively

Included in Calculations/Aggregation - Not Passing:
- Not Passing (Grade Too Low to Earn Credit)

Late Passing
- Late Pass (Late - Completed All Agreed Credit with Passing Grade after June 30)
- Late Pass - Completed some portion of credit with Passing grade after June 30

Terminal CCA Status (SEATS)
* Not included in Accountability Calculations)
- Rejected Provider
- Not Confirmed Closed (No initial activity)

- Loss of Eligibility
- Student Withdrawal
- Pass (All agreed credit completed)
- Not Passing Grade Too Low to Earn Credit
- Passing Grade Too Low to Earn Credit
- Administrative Withdrawal
- Disciplinary Withdrawal

Definitions and Practical Application

Definitions

Administrative Withdrawal
Students who do not continue in active participation are marked as "Administrative Withdrawal" after 10 consecutive school days of failing to meet a Provider's Standard of Active Participation. Remediation is allowable if the provider is contacted within 10 business days or in a similarly short period.

Cancellation
A student requesting Cancelation of Credit after Completion of an intermediate Credit Increment may not later request to complete additional credit under that same CCA (contract) given that the "primary" LEA's obligation for payment has been truncated upon Withdrawal. Providers remain accountable for uncompleted credit increments.

Closure
Record changes cease, and payment is commensurate with the final status of a record as of June 30 of an academic Year.

Completion
Completion is reported to the Utah State Board of Education (USBE) via SEATS and UTREx. "Course completion" means that a student has completed a course with a passing grade, and the provider has transmitted the course title, course code, grade, and credit to the primary LEA of enrollment and the Superintendent (R277-726-2).

"Funding Milestones"
Funding milestones mark points in the student activity cycles wherein funding disbursements occur per §53F-4-505. Milestones are connected to CCA Status or

"Stages of Completion."

"Instructional Setting"
Instructional setting is a UTREx term describing the environment in which instruction is delivered. "FF" indicates a traditional face-to-face course taught in a brick-and-mortar classroom. "ON'' indicates an online course taught outside of the parameters of SOEP participation. "OP" indicates an online course taught within the parameters of SOEP participation.

Membership Basis
All SOEP courses must be marked as "Learner-Validated" versus "Attendance-Validated."

Not Confirmed
This status applies to a student who did not become active in a course as judged by the Provider's Standard of Active Participation. Within five business days following the 20 school day statutory period allowed for student withdrawal. Upon the "Day of Census" (the day following the expiration of the statutory withdrawal period, or 20 days past the date of entry into a course), a provider must confirm a student to be in active participation in a course or record a student's lack of confirmation. Following confirmation of a student's active participation, a provider must routinely update course records to reflect student participation as determined by student credit accruals;

Not Passing
A course is classified as not passing if a student did not earn a passing grade of .25 or more credit.

Stage of Completion at Closing
The stage of completion at closing signifies the CCA Status as of June 30 of the fiscal year (July 1 - June 30) in which the student initiates coursework.

Timely Completion
Timely completion is reported to the USBE via SEATS and UTREx by June 30 of the academic year in which the student initiates instruction.

Terminal Status
The terminal status of an enrollment record in SEATS is the final status of a record.

No further amendments to the status will be made.

Untimely/Late Completion
Late Completion is reported to the USBE via SEATS and UTREx by June 30 of the academic year in which the student initiates instruction.

UTREx (Utah Transcripts and Records Exchange)
UTREx is the "System of Record" for reporting student course enrollments, credit earned, and grades.

Withdrawal
Students requesting formal withdrawal from a course before or after the Twenty Days provided for in statute are not eligible for remediation, given that the "primary" LEA's obligation for payment is truncated upon withdrawal.

Practical Application

Aggregation
Aggregation of credits for reporting in the "Annual Report on Providers" is based on credit. A CCA consisting of > .25 credits is considered to have an unearned (incomplete) value imputed from the Closing Status of the CCA in relation to the agreed-upon Credit Value of the CCA. On June 30, all course records reported in the current year must be "Closed," with the record status consistent with their Terminal Status. An exception is made for records market "late Passing." Late passing records must be moved to a terminal status by August 01.

SEATS
SEATS is the system of record for instructional agreements under SOEP program statutes ([Section 53F-4 Part 5](#)). Course records in SEATS are updated to their status as of June 30.

UTREx
UTREx Year-End submissions accurately reflect course record status in SEATS as of June 30. (BE_UPASS) is the file used to compute UTREx accountability.

ENROLLING HOME SCHOOL STUDENTS

The following local registration procedures verify student identity and collect "necessary student data" (53E-9-301) and other certifications from home school students:

1. SSID: To facilitate tracking of student participation, a provider will utilize existing USBE systems to assign each participating student a unique student identifier (53E-4-308).

2. Current Certificate of Release for Homeschooling: A provider must collect a Certificate issued by the student's district of residence or charter school excusing a school-age child from compulsory education requirements (53G-6-204). Certificates expire annually (§53G-6-204).

3. Proof of Age and Identity: Upon enrollment of a student for the first time in the school and as a part of local enrollment procedures, a provider is required to collect a certified copy of a student's birth certificate or other reliable proof of age and identity for each home school student. If a birth certificate is not available, an affidavit explaining why it cannot be produced is required (53G-6-603).

4. Fee Waiver Responsibility: Consistent with R277-407, a provider must notify a home school student of fee waiver opportunities, determine eligibility using forms provided by the Superintendent, and maintain documentation of resulting fee waivers. The provider is required to provide home school students eligible for a fee waiver with access to an online course at the provider's expense, including providing a participating student with technology and wi-fi (R277-726-5(9)).

5. Assessment: A Provider must inform parent(s)/guardian(s) that Providers are required to administer state-designated assessments, and document opt-outs as directed.

ASSESSMENT AND ACCOUNTABILITY EXPECTATIONS

SOEP providers are responsible for assessing students in grades 6 through 10. Utah State Board Administrative Rule R277-726(20) outlines this accountability requirement for a SOEP provider. While this requirement is different from the standard school accountability system, (§53E-5 Part 2), it is important for providers to understand this requirement because it answers the "why" of "do SOEP providers need to worry about state assessments?"

ASSESSMENT WINDOW

Providers can only test students enrolled when an assessment window is open. If a student completes a course during a period when the assessment window is open, assessments will be attributed to the provider.

ASSESSMENT PLAN

Providers that are also LEAs or programs of LEAs will be familiar with the requirement to submit a "plan to administer statewide assessments by September 15 annually." Non-LEA providers are likely to be less familiar with processes involved in rostering and administration of assessments required by R277-726(7)(18(e). These processes are outlined in Utah State Board Administrative Rule R277-404-5(4), which requires a provider to submit a "plan to administer statewide assessments by September 15 annually." Providers may contact USBE's Assessment and Accountability Section for more detailed information in this regard. Assessment training occurs monthly, however non-LEAs must request inclusion in monthly Assessment Director Meetings and other training. SOEP staff may also request this on behalf of a non-LEA provider.

GRADES 6-8 – RISE

R277-726-7 requires a Provider to administer statewide assessments to a participating private or home school student as directed by the Superintendent, including proctoring the assessment, consistent with Statute and Rule (§53F-4-510, R277-726-8 and R277-404). A Provider is required to pay administrative and proctoring costs for the assessment described in R277-726 Subsection (1)(a) and (b). LEA assessment staff or third-party proctor staff shall use the Standard Test

Administration and Testing Ethics Policy in providing training for all assessment administrators and proctors (R277-404-5(6)).

If a student is enrolled in a course (RISE) or grade (Utah Aspire Plus) that generates or is associated with a state assessment, and the student does not complete the required assessment, the LEA will need to provide a participation code indicating why the student did not complete the required assessment. Instructions for entering participation codes are in the Test Administration Manuals for RISE and Utah Aspire Plus.

Important to note, as RISE is a course-based test (assigned to a student based on course number), based on the revised R277-726, SOEP Providers are required to administer the RISE ELA (English Language Arts), Mathematics, and/or Science assessments to any student enrolled in an ELA, Mathematics, and/or Science course during the period that the testing window is open. These students will be rostered directly to the Provider of the applicable course. A SOEP Provider offering student instruction in 8th grade English is not excluded from the requirement to administer the 8th grade RISE writing assessment.

GRADES 9-10 – UTAH ASPIRE PLUS

An LEA must annually administer the high school assessment adopted by the State Board (Utah Aspire Plus) to all students in grades 9 and 10. A public-school student in grades 9-10 will be rostered for the Utah Aspire Plus assessment at their "primary" school of enrollment if a SOEP Provider has recorded them with school of record marked "No." USBE uses the school of record field and then the other fields as listed in the tiebreaker business rules.

Unlike RISE, the course-based assessment for middle school students, Utah Aspire Plus is an end-of-grade-level assessment for 9th and 10th grade students. Rostering for Utah Aspire Plus is assigned based on grade level and not on the course a student takes. Utah Aspire Plus is used to assess student attainment of end-of-grade-level expectations for 9th grade, and for 10th grade. Students registered as 9th grade students will be rostered to the 9th grade battery (English, math, reading, and science), and students registered as 10th grade students will be rostered to the 10th grade battery (English, math, reading, and science). All 9th grade students take the same fixed-form assessment regardless of course enrollment. Likewise, all 10th

grade students take the same fixed-form assessment regardless of course enrollment.

UTAH ASPIRE PLUS TIEBREAKER BUSINESS RULES

In cases where a student is currently enrolled in more than one school, the endpoint prioritizes schools by giving preference to:

a. School of Record (where school of record is "Y" in Data Gateway)

b. Primary Enrollment over Non-Primary (expressed in membership days).

c. Priority school entry date (descending order).

d. Brick and mortar school setting (where brick and mortar is 1, or True).

e. Higher grade over lower grade

f. Lowest OrgSourceId (Concatenated district number and school number)

Schools can work together to manually transfer student enrollment for testing if they determine that they would like to do so. In situations where students are enrolled in multiple organizations in UTREx, the school that receives the student testing assignment due to the application of tie break rules has the responsibility to communicate with the student to ensure that testing takes place. This is true for grades 9 & 10.

For 9th and 10th grade students taking Utah Aspire Plus, a school where the student is rostered is responsible for ensuring that testing is completed, regardless of whether the student does or does not have a particular class at their school location.

PUBLIC SCHOOL STUDENTS IN GRADES 6-8

A public-school student in grades 6-8 will be rostered in RISE to the school or Provider offering the course. If a student is taking math 8 at the SOEP Provider school and ELA 8 at the "primary" LEA, then the SOEP Provider will be responsible for administering the Math 8 RISE assessment and the "primary" LEA will be responsible for administering ELA 8 RISE assessment. You can find more detailed

explanations for course-based rostering in the Utah Accountability Technical Manual, which is provided along with other [Accountability Resources](#).

HOME AND PRIVATE SCHOOL STUDENTS

Providers must test home and private school students enrolled when the assessment window is open. Providers are not accountable for testing students not registered during a testing window, and if this student is rostered with a provider, the applicable test should be manually transferred to the "primary" LEA. If a private or homeschool student is not enrolled with an SOEP Provider during a testing window, they will not be rostered in the Utah Aspire Plus system, and the school will be technically unable to complete a related assessment.

Two additional policies govern homeschool student's access to state assessments. If the student is enrolled in a SOEP Provider through the SOEP program, [R277-726](#) provides student participation in state assessments, but the ACT is not required. The high school assessment is the Utah Aspire Plus.

ACCOUNTABILITY ATTRIBUTION

Application of student scores for accountability purposes depends on how students are registered in UTREx. Students who receive regular state funding for the coursework and whose UTREx records indicate that a SOEP Provider is a school of record will be rostered at their school of record. Students whose records in UTREx indicate that they are SOEP students (School of Record = N, for "No," correctly indicating that the SOEP Provider is not their school of record) are not included in regular state/federal accountability of the Provider, even while they must be tested. [R277-726(20)](#) specifies this accountability requirement for the SOEP Provider

ASSESSMENT WINDOW

Providers can only test students enrolled when the assessment window is open. Providers who are also LEAs or programs of LEAs will be familiar with the requirement to submit a "plan to administer statewide assessments by September 15 annually." Non-LEA Providers are likely to be less familiar with processes involved in rostering and administration of assessments required by [R277-726(7)(18(e)](#). These processes are outlined in Utah State Board Administrative [R277-](#)

[404-5(4)](#) which requires a Provider to submit a "plan to administer statewide assessments by September 15 annually."

EXEMPTIONS

A parent is primarily responsible for a child's education and has the constitutional right to determine which aspects of public education the child participates in, including assessment systems. A parent may exercise the right to exempt their child from a statewide assessment (R277-404-7). Parents have many rights, with some of them documented in [§53G-6-803](#), including parental exclusion from statewide testing.

Local Education Agencies (LEAs) are nevertheless required to provide annual notice for each parental right listed in statute. If an LEA singles out the parental exclusion from statewide assessments (failing to give equal weight to the other identified parental rights), they may be viewed as being in violation of the [Standard Test Administration and Testing Ethics Policy](#) which includes the prohibition of "explicitly or implicitly encouraging parents to exclude their students from participating in a statewide assessment."