

1 **R277. Education, Administration.**

2 **R277-111. Board Oversight Framework.**

3 **R277-111-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

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

9 (c) Section [53F-1-104](#), which requires the Board to monitor state-funded
10 education programs and the expenditure of state funds in accordance with certain
11 statutory provisions; and

12 (d) Section [53E-3-301](#), which requires the Superintendent to:

13 (i) administer programs assigned to the state board in accordance with the
14 policies and the standards established by the state board; and

15 (ii) investigate matters pertaining to public schools.

16 (2) The purpose of this rule is to define minimum Board oversight standards,
17 including establishing an oversight framework for public education-related requirements.

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19 **R277-111-2. Definitions.**

20 (1) "Framework" means the Board Oversight Framework established in this rule.

21 (2) "Oversight entity" means:

22 (a) an LEA;

23 (b) a regional service agency, as that term is defined in Section [53G-4-410](#);

24 (c) an entity that enters into a contract with the Board:

25 (i) to provide an educational good or service; or

26 (ii) as the Board is directed by the Legislature;

27 (d) a charter school authorizer, as that term is defined in Section [53G-5-102](#), if

28 the charter school authorizer has an approved charter school;

- 29 (e) an institution of higher education that is associated with an educator
30 preparation program, as defined in R277-303-2;
31 (f) an entity that receives a distribution of state funds through a grant program
32 funded by the state board; or
33 (g) a nonfederal entity that receives an award through the Board to carry out part
34 of a federal program.
35 (3) “Program or [other] set of requirements” means a requirement or set of
36 requirements in state or federal law that is related to:
37 (a) the public education system; and
38 (b) an oversight entity.
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40 **R277-111-3. Board Oversight of Public Education Programs and Requirements.**

- 41 (1) The Superintendent shall create a framework, as described in R277-114-4,
42 that sets minimum standards for oversight of a program or [other] set of requirements.
43 (2) In accordance with R277-111-4, the Superintendent shall:
44 (a) on or before July 31, 2029, designate each program or [other] set of
45 requirements into a framework category that corresponds to the Board’s oversight role
46 for that program or set of requirements; and
47 (b) fulfill related oversight duties as described in rule and internal policy and
48 procedures.
49 (3) In accordance with R277-114, the Board or Superintendent may take
50 investigative or corrective action with regard to any program or set of requirements.
51 (4) An oversight entity shall provide all information and documents requested by
52 the Board or the Superintendent in a timely manner.
53

54 **R277-111-4. Board Oversight Framework.**

- 55 (1) The framework shall consist of four categories that represent an increasing
56 degree of Board oversight for each subsequent category.
57 (2) Before categorizing a program or set of requirements, the Superintendent

58 shall analyze the program or set of requirements based on the following factors:

59 (a) the quantity and content of the legal requirements, including explicit

60 monitoring requirements in state or federal law;

61 (b) the risk inherent in:

62 (i) the requirements; and

63 (ii) the individual oversight entities subject to the requirements, with regard to the

64 effectiveness of each oversight entity's internal control system;

65 (c) all general and dedicated resources available to carry out the requirements,

66 including:

67 (i) the restricted or unrestricted nature of applicable funding; and

68 (ii) options for using dedicated staff; and

69 (d) any other factors the Superintendent considers relevant to the analysis.

70 (3) Based on the analysis described in Subsection (2), the Superintendent shall

71 [typically] categorize a program or set of requirements in the framework typically as

72 follows:

73 (a) a program or set of requirements belongs in category one if the

74 Superintendent determines that:

75 (i) the Superintendent will not [specifically] dedicate specific staff to the program

76 or set of requirements; and

77 (ii) either:

78 (A) local control is critical to the purpose of the requirements; or

79 (B) the Superintendent will not use resources for implementing the requirements

80 and will typically refer complaints and allegations back to the oversight entity for

81 resolution;

82 (b) a program or set of requirements belongs in category two if the

83 Superintendent determines that:

84 (i) the Superintendent will not specifically dedicate staff to the program or set of

85 requirements; and

86 (ii) the Superintendent will provide assistance as needed to an oversight entity

87 implementing the requirements;

88 (c) a program or set of requirements belongs in category three if the
89 Superintendent determines:

90 (i) that the Superintendent will dedicate staff to the program or set of
91 requirements; and

92 (ii) at least one of the following:

93 (A) that less frequent than annual desk monitoring is sufficient to fulfill the
94 requirements; or

95 (B) that resources are limited to either completely fulfill monitoring requirements
96 or to appropriately mitigate identified risks; and

97 (d) a program or set of requirements belongs in category four if the
98 Superintendent determines that:

99 (i) the Superintendent will dedicate staff to the program or set of requirements;

100 (ii) annual or more frequent monitoring is necessary to ensure accountability of
101 the oversight entity;

102 (iii) monitoring may include on-site visits; and

103 (iv) resources are sufficient to fulfill the requirements.

104 (4) When the Board makes, amends, or continues a rule regarding a program or
105 set of requirements, the rule:

106 (a) shall state the Board's oversight objectives and related duties, based on the
107 Superintendent's analysis and framework categorization of the program or set of

108 requirements; and

109 (b) may include, as necessary for the intended category of oversight:

110 (i) designing an internal control system to achieve the Board's oversight
111 objectives and creating an implementation plan;

112 (ii) creating a mechanism to check the effectiveness of the oversight process;

113 and

114 (iii) setting a standard for satisfactory outcomes for the program or set of
115 requirements.

116 (5) For a program or set of requirements that needs monitoring, the details of the
117 monitoring system shall be described:

118 (a) in the rule relating to the program or set of requirements; or

119 (b) in contract, if the program or set of requirements is established in contract.

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121 **R277-111-5. Framework standards.**

122 (1) The framework does not supersede or limit the Board's power of general
123 control and supervision and the Board may vote to change part or all of the framework
124 or categorizations within the framework at any time.

125 (2) The Board's internal audit function is not part of the framework and is not
126 limited by the framework.

127

128 **R277-111-6. Superintendent Status Reports on Framework.**

129 The Superintendent shall provide a report to the Board that reviews and
130 evaluates the effectiveness of the framework:

131 (1) before December 15, 2024; and

132 (2) at the request of the Board thereafter.

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134 **KEY: monitoring, oversight,**

135 **Date of Enactment or Last Substantive Amendment:**

136 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53E-](#)**
137 **[3-301](#); [53F-1-104](#)**