

**R277. Education, Administration.**

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

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

(1) This rule is authorized by:

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

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

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

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

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

(ii) investigate matters pertaining to public schools.

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

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

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

(2) "Oversight entity" means:

(a) an LEA;

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

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

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

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

(d) a charter school authorizer, as that term is defined in Section [53G-5-102](#), if 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.  
39

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.

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

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

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

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

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

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

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

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

(1) before December 15, 2024; and

(2) at the request of the Board thereafter.

**KEY: monitoring, oversight,**

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

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