

1 **R277. Education, Administration.**

2 **R277-726. Statewide Online Education Program.**

3 **R277-726-1. 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 of public education in the Board;

7 (b) Section [53F-4-514](#), which requires the Board to make rules:

8 (i) providing for the administration of the applicable statewide assessments to
9 students enrolled in online courses;

10 (ii) that establish a course credit acknowledgment form and procedures for
11 completing and submitting the form to the Board; and

12 (iii) that establish protocols for an online course provider to obtain approval to
13 become an authorized or certified online course provider; and

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

16 (2) The purpose of this rule is to:

17 (a) define necessary terms;

18 (b) provide and describe a program registration agreement; and

19 (c) provide other requirements for an LEA, the Superintendent, a parent and a
20 student, and an authorized online course provider for program implementation and
21 accountability.

22

23 **R277-726-2. Definitions.**

24 (1) "~~Actively participates~~ Active participation" means, for purposes of an initial
25 funding distribution described in Section [53F-4-505](#), the student actively participates as
26 defined by the provider in a written standard of active participation on record with the
27 Superintendent.

28 (2) "Applicable statewide assessments" means:

29 (a) the high school assessment described in Section [53E-4-304](#) and Subsection
30 R277-404-2(7);

31 (b) a standards assessment as defined in Section [53E-4-303](#); and

32 (c) a Utah alternative assessment as defined in Rule R277-404.

33 (3) "Approved absence" means an absence permitted in accordance with
34 Subsection [53G-6-803](#)(5).

35 (4) "Authorized online course provider" or "provider" means the same as the
36 term is defined in Section [53F-4-501](#).

37 (5) "Certified online course provider" means the same as the term is defined in
38 Section [53F-4-501](#).

39 (6) "Course completion" means that a student has completed a course with a
40 passing grade and the provider has transmitted the course title, course code, grade and
41 credit to the primary LEA of enrollment and the Superintendent.

42 (7) "Course Credit Acknowledgment" or "CCA" means an agreement and
43 registration record that:

44 (a) uses the Statewide Online Education Program application provided by the
45 Superintendent; and

46 (b) except as provided in Section [53F-4-508](#), is signed by the designee of the
47 primary school of enrollment, and the qualified provider.

48 (8) "Effective Date" means that, notwithstanding [Title 63G, Chapter 3](#), Utah
49 Administrative Rulemaking Act, a delayed effective date that the Board is required to
50 provide after the school year has ended for changes in administrative rule related to the
51 Statewide Online Education Program, as described in Subsection [53F-4-514](#)(1).

52 (9)(a) "Eligible student" means the same as the term is defined in Section [53F-4-](#)
53 [501](#).

54 (b) "Eligible student" does not include a student, up to an including a student age
55 19, enrolled in an adult education program unless the student re-enrolls in a public or
56 private secondary school prior to the date of the student's cohort graduation..

57 (10) "Enrollment confirmation" means a provider's certification that a student
58 who initially registered [~~and actively participated~~] had entered into active participation,
59 as defined under Subsections (1) and (23)(b).

60 (11) "Executed CCA" means a CCA that has been executed pursuant to
61 Subsection [53F-4-508](#)(3) and received by the Superintendent.

62 (12) "Fee" means the same as the term is defined in Rule R277-407.

63 (13) "High school" means the same as the term is defined in Section [53F-4-501](#).

64 (14) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and
65 the Blind.

66 (15) "Middle school" means the same as the term is defined in Section [53F-4-](#)
67 [501](#).

68 (16) "Online course" means the same as the term is defined in Section [53F-4-](#)
69 [501](#) regardless of whether the student participates in the online course at home, at a
70 school, at another location, or in any combination of these settings.

71 (17) "Online course payment" means the amount of funds withheld from a
72 student's primary LEA and disbursed, or otherwise paid to the designated provider
73 following satisfaction of the requirements of the law, and as directed in Subsection [53F-](#)
74 [4-507](#)(2) and Section [53F-4-518](#).

75 (18) "Primary LEA of enrollment" means the LEA reporting the student to be in
76 regular membership, and special education membership, if applicable.

77 (19) "Primary school of enrollment" means:

78 (a) a student's school of record within a primary LEA of enrollment;

79 (b) the school that maintains the student's cumulative file, enrollment
80 information, individualized education program, and transcript for purposes of high
81 school graduation; and

82 (c) the school responsible for oversight and implementation of the student's
83 educational requirements under the Individuals with Disabilities Education Act.

84 (20) "Resident school" means the district school within whose attendance
85 boundaries the student's custodial parent or legal guardian resides.

86 (21) "School" means the same as the term is defined in Rule R277-100.

87 (22) "Section 504" means Section 504 of the Rehabilitation Act of 1973, 29
88 U.S.C. 794.

89 (23) "Standard of active participation" means:

90 (a) the measure of student engagement used by an authorized online course
91 provider to count a student [as] in attendance and participation at least once every ten
92 school days for a course consistent with Section R277-419-5[-]; or

93 (b) a document articulating evidence validating student participation contained in
94 a Learning Management System and used by an authorized online course provider to
95 qualify to receive payment as provided in Subsection [53F-4-505](#)(4), including
96 determining when a student may be defined as "confirmed" to be actively participating in
97 a course defined in Section [53F-4-501](#).

98 (24) "Statewide Online Education Program" or "program" means the Statewide
99 Online Education Program created in Section [53F-4-502](#).

100 (25) "Teacher of record" means the teacher who is assigned by a provider and
101 to whom students are assigned for purposes of reporting and data submissions to the
102 Superintendent in accordance with Section R277-484-3 and this rule.

103 (26) "Underenrolled student" means a student with less than a full course load,
104 as defined by the LEA, during the regular school day at the student's primary school of
105 enrollment.

106 (27) "USBE course code" means a code for a designated subject matter course
107 assigned by the Superintendent.

108 (28) "Withdrawal from online course" means that a student withdraws from or
109 ceases participation in an online course as follows:

110 (a) within 20 calendar days of the start date of the course, if the student enrolls
111 on or before the start date;

112 (b) within 20 calendar days of enrolling in a course, if the student enrolls after
113 the start date;

114 (c) within 20 calendar days after the start date of the second 0.5 credit of a 1.0
115 credit course;

116 (d) as the result of a student suspension from an online course following
117 adequately documented due process by the provider; or

118 (e) as a result of the student losing program eligibility, including when the
119 student moves out of state.

120

121 **R277-726-3. Course Credit Acknowledgment (CCA) Process.**

122 (1) A student, a student's parent, a counselor, or a provider may initiate a CCA.

123 (2)(a) A counselor designated by a student's primary school of enrollment shall
124 review the student's CCA to ensure consistency with:

125 (i) graduation requirements;

126 (ii) the student's plan for college and career readiness;

127 (iii) the student's IEP;

128 (iv) the student's Section 504 plan; or

129 (v) the student's international baccalaureate program.

130 (b) The primary school of enrollment shall return the CCA to the Superintendent
131 within 72 business hours.

132 (3)(a) The primary school of enrollment is not required to meet with the student
133 or parent for approval of a course request.

134 (b) The Superintendent shall notify a primary school of enrollment of a student's
135 enrollment in the program.

136 (4) If a student enrolling in the program has an IEP, Section 504 plan, or
137 qualifies for multilingual supports, the primary LEA or school of enrollment shall:

138 (a) invite a representative of the authorized online course provider to meet as a
139 member of the student's IEP team to determine and coordinate services and
140 accommodations applicable to online course delivery of content and instruction;

141 (b) following an IEP revision or amendment after the meeting described in
142 Subsection (4)(a), ensure that a counselor and special education staff from the LEA

143 forward an existing or amended IEP or description of 504 accommodations, relevant
144 supports, and related aids, accommodations, and services, to the provider:

- 145 (i) consistent with IDEA timelines; or
- 146 (ii) within 72 business hours of receiving notice from the Superintendent that the
147 provider has accepted the enrollment request where IDEA timelines do not apply.

148 (5) The Superintendent shall develop and administer procedures for facilitation
149 of a CCA that informs the appropriate parties.

150 (6) Once a student's enrollment and active participation is confirmed, the
151 Superintendent shall direct funds to the provider, consistent with Sections [53F-4-505](#)
152 through [53F-4-507](#), and Section [53F-4-518](#).

153

154 **R277-726-4. Eligible Student and Parent Rights and Responsibilities.**

155 (1) An eligible student may register for program credits consistent with Section
156 [53F-4-503](#) and this rule.

157 (2) An eligible student may exceed a full course load during a regular school
158 year if:

159 (a) the student's plan for college and career readiness indicates that the student
160 intends to complete high school graduation requirements and exit high school before
161 the rest of the student's high school cohort; or

162 (b) the student's local school board or charter school governing board has a
163 policy that allows students to enroll in additional courses.

164 (3)(a) Only original credit may be funded through the program.

165 (b) Competency-based award of credit without engagement in a course of
166 digital, teacher-led instruction may not be funded under Statewide Online Education
167 Program and Minimum School Program provisions.

168 (4)(a) An eligible student is expected to complete courses in which the student
169 enrolls in a timely manner consistent with Section [53F-4-505](#) and requirements for
170 attendance and participation in accordance with Subsection R277-726-7(15) and
171 Subsection R277-726-2(17).

172 (b) If a student changes the student's enrollment in the student's primary LEA or
173 withdraws from an online course for any reason, it is the student's or student's parent's
174 responsibility to notify the provider immediately.

175 (5) A student shall enroll in online courses, or declare an intention to enroll,
176 during the school course registration period designated by the primary LEA of
177 enrollment for regular course registration, provided the student's LEA notifies students
178 of the opportunity to enroll in the program as described in Section [53F-4-513](#).

179 (6)(a) A student may alter a course schedule by dropping a traditional course
180 and adding an online course in accordance with the primary school of enrollment's
181 same established deadline for dropping and adding traditional courses.

182 (b) A student may enroll in a course outside of the primary school of enrollment's
183 established deadline for dropping and adding traditional courses if the student is not
184 seeking to alter a course schedule by dropping a traditional course and adding an online
185 course but is instead seeking to add courses above full-time-enrollment consistent with
186 an approved plan for early graduation.

187 (7)(a) Notwithstanding Subsection (5), an underenrolled student may enroll in an
188 online course at any time during a calendar year.

189 (b) If an underenrolled student enrolls in an online course as described in
190 Subsection (7)(a), the primary school of enrollment may immediately claim the student
191 for the adjusted portion of enrollment by entering the course into the primary LEA's
192 student information system and increasing membership, if necessary.

193 (8)(a) An authorized online course provider shall reasonably accommodate a
194 request of a student's parent to visit and observe any class the student attends,
195 including allowing appropriate access to digital systems of course delivery, as required
196 in Section [53G-6-803](#).

197 (b) An authorized online course provider shall reasonably accommodate and
198 record an excused absence at the request of a student's parent as an "approved
199 absence" as described in Subsection [53G-6-803](#)(5) if:

200 (i) the parent submits a written statement at least one school day before the
201 scheduled absence; and

202 (ii) the student agrees to make up coursework for school days missed for the
203 scheduled absence in accordance with LEA policy.

204

205 **R277-726-5. LEA Requirements and Responsibilities.**

206 (1) A primary school of enrollment shall facilitate student enrollment with any
207 eligible providers selected by an eligible student consistent with course credit limits.

208 (2) A primary school of enrollment and a provider LEA shall use the CCA
209 application, records, and processes provided by the Superintendent for the program.

210 (3) In accordance with Subsection [53F-4-509](#)(5), if a student enrolled in a
211 program course intends to graduate early and exceeds a full course load during a
212 regular school year, a primary LEA of enrollment may mark the student as an early
213 graduate and increase membership in accordance with Section R277-419-6, Section
214 R277-700-6 and Rule R277-484 to account for credits in excess of full-time enrollment
215 in a local student information system.

216 (4) A primary school or LEA of enrollment shall provide information about
217 available online courses and programs:

218 (a) in registration materials;

219 (b) on the LEA's website; and

220 (c) on the school's website.

221 (5) To facilitate enrollment as required by Section [53F-4-513](#), a primary school
222 or LEA of enrollment shall provide the notice required under Subsection (4) concurrent
223 with the high school course registration period designated by the LEA for the upcoming
224 school year.

225 (6) A primary school of enrollment shall include a student's online courses in the
226 student's enrollment records and, upon course completion, include online course grades
227 and credits on the student's transcripts, including appropriate student coursework

228 completed before grade 9, including appropriate student coursework using course title
229 and core codes.

230 (7) A primary school of enrollment shall recognize credit earned toward high
231 school graduation by a participating student through courses completed before grade 9
232 for purposes of high school graduation.

233 (8) A primary school of enrollment shall determine fee waiver eligibility for
234 participating public school students pursuant to Rule R277-407.

235 (9)(a) If a participating student qualifies for a fee waiver, the student's primary
236 LEA or school of enrollment shall provide the participating student access to an online
237 course by:

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

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

243 (b) If a participating student who qualifies for a fee waiver is a home or private
244 school student, the online course provider shall provide the participating home or private
245 school student access to the online course.

246 (10) A primary school of enrollment shall provide participating students access to
247 facilities for the student to participate in an online course during the regular school day,
248 sports, extracurricular and co-curricular activities, and graduation services consistent
249 with local policies governing participation irrespective of relative levels of participation in
250 traditional courses versus Statewide Online Education courses.

251 (11)(a) Course completions conferring high school credit shall be recorded in a
252 student's record of credit and course completion for grade 9 to allow recognition toward
253 grades 9-12, and high school graduation requirements.

254 (b) A primary LEA of enrollment accepting credit toward high school
255 requirements is not required to independently verify:

256 (i) early graduation status; or

257 (ii) that high school courses taken through the program did not replace middle
258 school courses for a student.

259 (12) When a student satisfactorily completes an online semester or quarter
260 course:

261 (a) for high school credit, in accordance with the LEA's procedures, a designated
262 counselor or registrar at the primary school of enrollment shall forward records of
263 grades and high school graduation credit, listing core codes for each completed course;
264 or

265 (b) for a student participating in the program before grade 9, the student's grade
266 9 primary school of enrollment shall record grades and credit per Subsection (11) once
267 the student completes grade 8.

268

269 **R277-726-6. Superintendent Requirements and Responsibilities.**

270 (1) The Superintendent shall provide a website for the program, including
271 information required under Section [53F-4-512](#) and other information as determined by
272 the Board.

273 (2) The Superintendent shall direct a provider to administer the Utah standards
274 and high school assessments, as applicable, consistent with Section [53F-4-514](#) and
275 Rule R277-404.

276 (3)(a) The Superintendent shall prepare and make available applications and
277 program agreements for authorized online course providers.

278 (b) The Superintendent shall review each application within a reasonable
279 amount of time and may invite prospective providers for interviews or further
280 discussions of qualifications to clarify outstanding issues.

281 (4)(a) With the exception of the requirements of Subsection [53F-~~5~~4-514](#)(2), the
282 Superintendent may determine space availability standards and appropriate course load
283 standards for online courses consistent with Subsection [53F-4-512](#)(3)(g).

284 (b) Course load standards may differ based on subject matter.

285 (5)~~(a)~~ Before approving a provider~~;~~:

286 (a) the Superintendent shall review Annual Financial Reports and state-
287 administered test data, consistent with Subsection [53F-4-504\(1\)](#), to establish capacity of
288 a program to serve an increased range of students while still meeting program
289 requirements[-]; and

290 (b) the Superintendent shall verify that a prospective provider:

291 (i) is organized as a 501(c)(3) non-profit entity;

292 (ii) demonstrates data security and privacy compliance capacity through
293 submission of a report selected by the Superintendent to evaluate data security controls
294 and assessing organizational safeguards in place to protect sensitive data, which aligns
295 with the data security requirements of FERPA; and

296 (iii) provides a description of the applicant's academic service experience offering
297 general insight into the entity's familiarity with education broadly, its approach to
298 instruction; and its academic philosophy; and

299 (c) the Superintendent may establish other requirements necessary for
300 establishing the capacity of the provider to act as an LEA for purposes of program
301 participation.

302 ~~([b]6)~~ The Superintendent may restrict a provider from offering coursework if the
303 Superintendent determines that the provider demonstrates repeated low performance
304 on statewide assessments in English Language Arts, math, or science.

305 ~~([e]7)~~ The Superintendent shall withhold funds from a primary LEA of enrollment
306 and pay a provider consistent with Sections [53F-4-505](#) through [53F-4-507](#), and Section
307 [53F-4-518](#).

308 ~~([7]8)~~ The Superintendent may refuse to provide funds under a CCA if the
309 Superintendent finds that information has been submitted fraudulently or in violation of
310 the law or Board rule by any of the parties to a CCA.

311 ~~([8]9)~~ The Superintendent shall receive and investigate complaints, and impose
312 sanctions, if appropriate, regarding course integrity, financial mismanagement,
313 enrollment fraud or inaccuracy, or violations of the law or this rule specific to the
314 requirements and provisions of the program.

315 (~~19~~110) If a Superintendent or federal entity's investigation finds that a provider
316 has violated the IDEA or Section 504 provisions for a student taking online courses, the
317 provider shall compensate the student's primary LEA of enrollment for costs related to
318 compliance.

319 (~~140~~111) The Superintendent may monitor an LEA's or program provider's
320 compliance with any requirement of state or federal law or Board rule under the
321 program.

322 (~~141~~112) The Superintendent may withhold funds from a program provider for the
323 participant's failure to comply with a reasonable request for records or information.

324 (~~142~~113) Program records are available to the public subject to [Title 63G,](#)
325 [Chapter 2](#), Government Records Access and Management Act.

326 (~~143~~114) The Superintendent shall withhold online course payment from a
327 primary LEA of enrollment and payments to an eligible provider at the nearest monthly
328 transfer of funds, subject to verification of information, in an amount consistent with, and
329 when a provider qualifies to receive payment, under Subsections [53F-4-505\(4\)](#), [53F-4-](#)
330 [507\(3\)\(b\)](#) and [53F-4-508\(2\)\(b\)](#).

331 (~~144~~115) The Superintendent shall pay a provider consistent with Minimum
332 School Program funding transfer schedules.

333 (~~145~~116)(a) The Superintendent may make decisions on questions or issues
334 unresolved by [Title 53F, Chapter 4, Part 5](#), Statewide Online Program Act or this rule on
335 a case-by-case basis.

336 (b) The Superintendent shall report decisions described in Subsection (15)(a) to
337 the Board consistent with the purposes of the law and this rule.

338 (~~146~~117) In accordance with [Title 53E, Chapter 4](#), Academic Standards,
339 Assessments, and Materials, the Superintendent shall establish criteria for an
340 authorized online course provider to submit for approval an online course that does not
341 have an existing Board course code.

342

343 **R277-726-7. Provider Requirements and Responsibilities.**

344 (1)(a) A provider shall administer the applicable statewide assessments to a
345 participating private or home school student as directed by the Superintendent,
346 including proctoring the applicable statewide assessments, consistent with Section [53F-](#)
347 [4-510](#) and Rule R277-404.

348 (b) A provider shall pay administrative and proctoring costs for the applicable
349 statewide assessments described in Subsection (1)(a).

350 (c) A provider shall establish a procedure that a student or parent may complete
351 online to excuse the student from statewide assessments as described in Subsection
352 [53G-6-803](#)(9).

353 (2) A provider shall provide a parent or a student with email and telephone
354 contacts for the provider during regular business hours to facilitate parent contact.

355 (3) A provider and any third party working with a provider shall, for all eligible
356 students, satisfy Board requirements for:

357 (a) consistency with course standards as described in Sections [53F-4-514](#) and
358 [53E-6-201](#);

359 (b) criminal background checks for provider employees consistent with [Title](#)
360 [53G, Chapter 11, Part 4](#), Background Checks;

361 (c) documentation of student enrollment and participation; and

362 (d) compliance with:

363 (i) the IDEA;

364 (ii) Section 504; and

365 (iii) requirements for multilingual students.

366 (4) A provider shall receive payments for a student properly enrolled in the
367 program from the Superintendent consistent with:

368 (a) Board procedures;

369 (b) Board timelines; and

370 (c) Sections [53F-4-505](#) through [53F-4-508](#), and Section [53F-4-518](#).

371 (5)(a) A provider may charge a fee consistent with other secondary schools and
372 in accordance with [Title 53G, Chapter 7, Part 5](#), Student Fees, and Rule R277-407.

- 373 (b) If a provider intends to charge a fee of any kind, the provider:
- 374 (i) shall notify the primary school of enrollment with whom the provider has the
- 375 CCA of the purpose for fees and amounts of fees;
- 376 (ii) shall provide timely notice to a parent of required fees and fee waiver
- 377 opportunities;
- 378 (iii) shall post fees on the provider website;
- 379 (iv) shall be responsible for fee waivers for an eligible student, including
- 380 materials for a student designated fee waiver eligible by a student's primary school of
- 381 enrollment;
- 382 (v) shall satisfy the requirements of Rule R277-407, as applicable; and
- 383 (vi) shall provide fee waivers to home school or private school students who
- 384 meet fee waiver eligibility at the provider's expense.
- 385 (6) A provider shall maintain a student's records and comply with the federal
- 386 Family Educational Rights and Privacy Act, [Title 53E, Chapter 9, Part 3](#), Student Data
- 387 Protection, and Rule R277-487, including:
- 388 (a) protecting the confidentiality of a student's records and providing a parent
- 389 and an eligible student access to records; and
- 390 (b) providing a parent or student documentation of educational performance,
- 391 including:
- 392 (i) test scores;
- 393 (ii) grades;
- 394 (iii) progress and performance measures; and
- 395 (iv) completion of credit.
- 396 (7) Except as otherwise provided in this rule, a provider shall submit a student's
- 397 credit and grade to the Superintendent, using processes and applications provided by
- 398 the Superintendent for this purpose, and listing core codes for each included course, to
- 399 a designated counselor or registrar at the primary school of enrollment, and the
- 400 student's parent no later than the earlier of:

401 (a) 30 days after a student satisfactorily completes an online semester or quarter
402 course; or

403 (b) June 30 of the school year.

404 (8) A provider may not withhold a student's credits, grades, or transcripts from
405 the student, parent, or the student's school of enrollment for any reason.

406 (9)(a) If a provider suspends or expels a student from an online course for
407 disciplinary reasons, the provider shall notify the student's primary LEA of enrollment by
408 placing the student on disciplinary withdrawal.

409 (b) A provider is responsible for due process procedures for student disciplinary
410 actions in the provider's online program.

411 (c)(i) A provider shall notify the Superintendent of a student's administrative
412 withdrawal, if the student is inactive in a course for more than ten days, using forms and
413 processes developed by the Superintendent for this purpose.

414 (ii) If a student, parent, or counselor fails to request reinstatement following
415 notification under Subsection (c)(i), the provider shall formally withdraw the student
416 within 72 hours and notify the student, parent, and primary LEA of the action.

417 (10) If a student entitled to services under the IDEA is removed from an online
418 program, the primary LEA shall work with the student and the student's parents to
419 identify alternatives to provide a free and appropriate public education.

420 (11)(a) A provider shall provide to the Superintendent a list of course options
421 using USBE-provided course codes.

422 (b) Beginning with the 2024-25 school year, a provider may only code program
423 courses as semester or quarter courses.

424 (c) A provider shall update the provider's course offerings annually.

425 (12) A provider shall serve a student on a first-come-first-served basis who
426 desires to take courses and who is designated eligible by a primary school of enrollment
427 if desired courses have space available.

428 (13) A provider shall maintain and provide records and systems as part of a
429 public online school or program, including:

- 430 (a) financial and enrollment records;
- 431 (b) information for accountability, program monitoring, and audit purposes; and
- 432 (c) providing timely documentation of student participation, enrollment, educator
- 433 credentials, and additional data for other purposes including giving a student's primary
- 434 school of enrollment access to the student's records to appropriately support the
- 435 student.

436 (14) A provider shall maintain the following for at least five calendar years after

437 the student graduates:

- 438 (a) test scores;
- 439 (b) student grades;
- 440 (c) completion of credit; and
- 441 (d) other progress and performance measures.

442 (15)(a) A provider is responsible for complete and timely submissions of record

443 changes to executed CCAs and submission of other reports and records as required by

444 the Superintendent.

445 (b) A provider shall update CCAs to the nearest credit value earned by June 30

446 annually.

447 (c) A provider may only maintain an CCA open after June 30 if a student

448 remains actively engaged in coursework, meeting the provider's standard of active

449 participation.

450 (16)(a) Before the inception of coursework, as a component of the provider's

451 initial communication of provisions of the provider's standard of active participation, a

452 provider shall inform a student and the student's parent of travel expectations to fulfill

453 course requirements.

454 (b) Travel expectations to fulfill course requirements as described in Subsection

455 (16)(a) include a requirement to participate in a proctored assessment or other

456 proctored or assessment requirement outside a student's home, including travel to

457 participate in statewide assessments at a secure testing site.

458 (17)(a) An LEA may participate in the program as a provider by offering a school
459 or program consistent with Rule R277-115 to a Utah student in grades 6-12 who is not a
460 resident student of the LEA and a regularly-enrolled student of the LEA consistent with
461 Sections [53F-4-501](#) and [53F-4-503](#).

462 (b) An LEA program created in accordance with Subsection (18)(a) for serving
463 students in grades 9-12 online must partner with an accredited school and shall:

- 464 (i) report grades and credit earned by a student to the Superintendent; and
- 465 (ii) record educator assignments consistent with Rule R277-484.

466 (18) A program school or program shall:

467 (a) be accredited consistent with Rule R277-410;

468 (b) have a designated administrator who meets the requirements of Rule R277-
469 309;

470 (c) ensure that a student who qualifies for a fee waiver receives services offered
471 by and through the public schools consistent with Section [53G-7-504](#) and Rule R277-
472 407;

473 (d) maintain student records consistent with:

474 (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and
475 34 CFR Part 99;

476 (ii) Rule R277-487;

477 (iii) this rule; and

478 (e) shall offer course work:

479 (i) aligned with Utah Core standards as described in Sections [53E-4-202](#), [53F-4-](#)
480 [505](#), and [53F-4-514](#);

481 (ii) in accordance with program requirements; and

482 (iii) in accordance with Rules R277-700 and R277-404;

483 (f) shall not issue transcripts under the name of a third party provider; and

484 (g) shall record teaching assignments by November 15 annually consistent with
485 Rule R277-484 and Section R277-312-3, either directly or through a partner school in
486 accordance with Subsection (18)(b).

487 (19) An LEA that offers an online program or school as a provider under the
488 program:

489 (a) shall employ only educators licensed in Utah as teachers;

490 (b) may not employ an individual whose educator license has been suspended
491 or revoked;

492 (c) shall require employees to meet requirements of [Title 53G, Chapter 11, Part](#)
493 [4](#), Background Checks, before the provider offering services to a student;

494 (d) may only employ teachers who meet the requirements of Section [53E-6-201](#),
495 Section [53F-4-504](#), and Rule R277-309;

496 (e) for a provider that provides an online course, including to a private or home
497 school student, shall agree to administer and, before approval as an authorized online
498 course provider, have the capacity to proctor and carry out the applicable statewide
499 assessments, consistent with Sections [53E-4-302](#), [53F-2-103](#), and Rule R277-404;

500 (f) in accordance with Section R277-726-8, shall provide services to a student
501 consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights
502 Act of 1964 for multilingual students;

503 (g) shall submit CCAs to the Superintendent before the provider initiating
504 instruction of a student;

505 (h) may not begin offering instruction to a student until the Superintendent issues
506 a notice of enrollment, and the provider follows other enrollment procedures as
507 prescribed by the Superintendent for the student, and for each course the student
508 participates in; and

509 (i) shall agree that funds may be withheld by the Superintendent consistent with
510 Sections [53F-4-505](#), [53F-4-506](#), [53F-4-508](#), and [53F-4-518](#).

511 (21) A provider shall post required information online on the provider's individual
512 website including required assessment and accountability information.

513 (22)(a) A provider contracting with a third party to provide educational services
514 to students participating with the provider through the Statewide Online Education
515 Program shall:

516 (b) develop a written monitoring plan to supervise the activities and services
517 provided by the third party provider to ensure:

518 (i) a third party provider is complying with:

519 (A) federal law;

520 (B) state law; and

521 (C) Board rules;

522 (ii) curriculum provided by a third party provider is aligned with the Board's core
523 standards and rules;

524 (iii) a third party provider has access to curriculum for alignment and adjustment
525 to ensure the curriculum is consistent with the Utah core standards in Rule R277-700
526 and a Board approved core code;

527 (iv) supervision of third party facilitation by an educator licensed in Utah:

528 (A) assigned by the provider; and

529 (B) reported as teacher of record per Section R277-484-3 and Subsection R277-
530 726-2(3); and

531 (iv) consistent with the LEA's administrative records retention schedule,
532 maintenance of documentation of the LEA's supervisory activities.

533 (23) A provider shall offer courses consistent with standards outlined in an
534 applicable Statewide Services Agreement, which may be updated or amended to reflect
535 changes in law, rule or recommended practice.

536 (24) All authorized online course providers are subject to the same approval and
537 annual performance review as described for a certified online course provider in
538 Subsections R277-726-(11)(1) through (10) while utilizing the applicable applications for
539 an authorized online course provider described in Subsections R277-726-3(1)(a) and
540 (b).

541 (25) A provider utilizing a third party shall establish contractual and procedural
542 safeguards:

543 (a) retaining legal and procedural authority to open coursework to a participating
544 student only upon issuance of a notice of enrollment regarding a particular course and
545 credit;

546 (b) signifying the provider's authority to interact instructionally with a student not
547 regularly-enrolled in an LEA, but participating in SOEP courses with approval of the
548 student's primary LEA of enrollment; and

549 (c) including acceptance of financial responsibility by a primary LEA of
550 enrollment.

551 (26) A provider is not required to independently verify:

552 (a) early graduation status; or

553 (b) that high school courses taken through the Statewide Online Education
554 Program did not replace Middle School courses.

555 (28)(a) A provider shall adhere to requirements to remain certified and in good
556 standing within the program, including:

557 (b) before providing services to students, ensuring that 100% of all educators
558 assigned as teacher of record for all course sections shall be appropriately licensed,
559 endorsed and aligned with core code describing course assignment; and

560 (c) complying with requirements applicable to an authorized online course
561 provider described in this Rule R277-726, including the requirement to maintain a
562 course completion rate of at least 80%.

563

564 **R277-726-8. Services to Students with Disabilities Participating in the Program.**

565 (1)(a) If a student wishes to receive services under Section 504 of the
566 Rehabilitation Act of 1973, the student shall make a request with either the student's
567 primary school of enrollment or a provider.

568 (b) Responsibility for ensuring a request is evaluated in accordance with federal
569 law, Utah Code, and Board Rule resides with a primary school of enrollment.

570 (c) If a student's request for services is initially directed to a provider, the
571 provider shall immediately contact the 504 coordinator of the student's primary school of
572 enrollment.

573 (d) Under the direction of the primary school of enrollment where feasible, the
574 student's primary school of enrollment and the provider shall jointly evaluate a student's
575 request under Subsection (1)(a) and determine if the student is eligible for related aids,
576 accommodations, and services under Section 504.

577 (e) The provider shall implement the Section 504 plan in accordance with
578 Subsection (1)(d).

579 (2) If a student's request for services is initially directed to a provider and a good
580 faith effort at cooperation with the student's primary school of enrollment is
581 unsuccessful, the provider may determine student eligibility and provide services.

582 (3) If a student with an existing Section 504 plan for related aids,
583 accommodations, or services newly enrolls in online courses or requests amendments
584 related to an existing plan for related aids, accommodations, and services:

585 (a) the primary school of enrollment and the provider shall jointly prepare a
586 Section 504 plan in accordance with Subsection (4); and

587 (b) the provider shall implement the Section 504 plan and provide related aids,
588 accommodations, and services to the student in accordance with the student's Section
589 504 plan.

590 (4) To prepare or amend a 504 plan for related aids, accommodations, and
591 services under Section 504 of the Rehabilitation Act of 1973, the committee evaluating
592 the student shall:

593 (a) be drawn jointly from the student's primary school of enrollment and the
594 provider; and

595 (b) include persons knowledgeable about the student, the meaning of the
596 evaluation data, and placement options available in a virtual environment.

597 (5) If a home or private school student requests services under Section 504 of
598 the Rehabilitation Act of 1973, a provider may determine student eligibility, prepare a

599 504 plan for the home or private school student's online program, and provide related
600 aids, accommodations, and services.

601 (6) For a student enrolled in a primary LEA of enrollment, if a student
602 participating in the program qualifies to receive services under the IDEA:

603 (a) the student's primary LEA of enrollment shall:

604 (i) working with a provider LEA representative, review or develop an IEP for the
605 student within ten days of enrollment;

606 (ii) working with a provider LEA representative, update an existing IEP with
607 necessary accommodations and services, considering the courses selected by the
608 student;

609 (iii) provide the IEP described in Subsection (6)(a)(i) to the provider within 72
610 business hours of completion of the student's IEP; and

611 (iv) continue to claim the student in the primary LEA of enrollment's membership;
612 and

613 (b) the provider shall provide special education services and accommodations to
614 the student in accordance with the student's IEP described in Subsection (6)(a)(i).

615 (7) If a home or private school student requests an evaluation for eligibility to
616 receive special education services:

617 (a) the home or private school student's resident school shall:

618 (i) evaluate the student's eligibility for services under the IDEA;

619 (ii) if eligible, the student may enroll in the LEA that will prepare an IEP for the
620 student, with input from the provider LEA, in accordance with the timelines required by
621 the IDEA;

622 (iii) provide the IEP described in Subsection (7)(a)(ii) to the provider within 72
623 business hours of completion of the student's IEP; and

624 (b) the provider shall provide special education services and accommodations to
625 the student in accordance with the student's IEP described in Subsection (7)(a)(i)
626 including in cases where the provider utilizes a third party provider for delivery of
627 educational or other services.

628

629 **R277-726-9. Limited Appropriations for Special Populations.**

630 (1) The Superintendent shall allocate the annual appropriation for home and
631 private school tuition, along with any carryover or unobligated funds.

632 (2) The Superintendent shall distribute funds appropriated to the Statewide
633 Online Education Program to support students from small high schools, home schools,
634 or private schools based on the needs of the eligible students.

635 (3)(a) Subject to legislative appropriations available for this purpose, for each
636 public high school with a student population of less than 1,000 students, the
637 Superintendent shall incentivize program use by small schools by prioritizing small
638 schools to the extent of funding available for this purpose.

639 (b) The Superintendent shall carry forward unallocated funds to meet the needs
640 of eligible students.

641 (4) The Superintendent shall determine student and LEA eligibility using prior-
642 year UTREx end of year data.

643

644 **R277-726-10. Other Information.**

645 (1) A primary school of enrollment shall set reasonable timelines and standards
646 and shall inform providers of timelines necessary for reporting grades and credit for
647 graduating seniors.

648 (2) A provider shall adhere to timelines and standards described in Subsection
649 (1) for student grades and enrollment in online courses for purposes of:

650 (a) school awards and honors;

651 (b) Utah High School Activities Association participation; and

652 (c) high school graduation.

653 (3) If a student is at risk of academic failure or at risk of not graduating with the
654 student's graduation cohort, a provider shall:

655 (a) inform counselors at the student's primary school of enrollment that student
656 is at risk of academic or other failure; and

657 (b) before quarter 4 a student's senior school year, inform counselors at the
658 student's primary school of enrollment that the senior student is at risk of failure.

659

660 **R277-726-11. Certified and Authorized Online Course Provider Application**
661 **Approval, Program Requirements, and Fees.**

662 (1) An entity other than an authorized online course provider may become a
663 certified online course provider if the entity submits an application on a form provided by
664 the Superintendent.

665 (2) An entity shall submit an application on or before the annual deadline
666 established by the Superintendent.

667 (3) The Superintendent shall review each application within a reasonable
668 amount of time and may invite prospective providers for interviews or further discussion
669 of qualifications to clarify outstanding issues.

670 (4) If the Superintendent finds the application submitted is satisfactory, including
671 a demonstration of the entity's ability to adhere to requirements within the application,
672 this rule, and state law, the Superintendent shall forward the application to the Board for
673 final approval.

674 (5) Once approved by the Board, an entity shall become a certified online course
675 provider.

676 (6) A certified online course provider shall adhere to the following requirements
677 to remain certified and in good standing within the program, including:

678 (a) complying with a process within existing state systems to provide the
679 Superintendent with the provider's educator's licensing, endorsement, certification, and
680 assignment information;

681 (b) if the provider's educator is teaching an online course for the provider, the
682 educator's online course assignments shall be listed in CACTUS or USIMS under an
683 employing school;

684 (c) if an authorized online course provider that is not a certified online course
685 provider forwards an educator to the Board for a provider-specific license as described

686 in Sections [53F-4-514](#) and [53E-6-201](#), the educator's employment and online course
687 assignments shall be listed in CACTUS or USIMS;

688 (d) before providing services to students, 100% of the provider's educators
689 assigned as teacher of record for all course sections shall be appropriately licensed and
690 endorsed for any course assignment as required in Rule R277-309;

691 (e) requirements applicable to an online course provider described in this rule,
692 including the requirement to maintain a course completion rate of at least 80%;

693 (f) additional requirements prescribed in the application; and

694 (g) state laws applicable to an online course provider, including Sections [53F-4-](#)
695 [501](#) et. seq. and Sections [53F-4-504](#) and [53F-4-514](#).

696 (7) If the Superintendent finds the certified online course provider is not in
697 compliance with any requirement as outlined in Subsection (6) of this part, the
698 Superintendent shall provide the certified online course provider with a list of non-
699 compliance issues and a reasonable timeline for the certified online course provider to
700 cure the instances of non-compliance.

701 (8) If a certified online course provider fails to correct instances of non-
702 compliance within the allotted timeline as described in Section [53F-4-504](#), the certified
703 online course provider shall be removed from the program.

704 (9) A certified online course provider that has been removed from the program
705 may apply in the application round following removal from the program for re-admission
706 to the program using an application provided by the Superintendent.

707 (10) A certified online course provider shall remit fees to the Superintendent for
708 participation in the program as follows:

709 (a) 5% of revenue collected for the first \$200,000 received pursuant to Section
710 [53F-4-505](#); and

711 (b) 1% of revenue collected after the first \$200,000 received pursuant to
712 Sections [53F-4-505](#) and [53F-4-514](#).

713

714 **R277-726-12. Online Concurrent Enrollment.**

715 For a student enrolled in a concurrent enrollment course through an SOEP
716 provider, to the extent there is a conflict between this rule and [Title 53F, Chapter 4, Part](#)
717 [5](#), Statewide Online Education Program, and [Title 53E, Chapter 10, Part 3](#), Concurrent
718 Enrollment, the concurrent enrollment code provisions shall govern.

719

720 **KEY: statewide online education program**

721 **Date of Last Change: August 8, 2023**

722 **Notice of Continuation: January 13, 2022**

723 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53F-4-510](#); [53F-4-](#)**
724 **[514](#); [53E-3-401](#)**