

1 **R277. Education, Administration.**

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

3 **R277-726-1. Authority, ~~[and]~~ Purpose, and Oversight Category.**

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-4-502](#), which created the program to enable eligible students,
8 through publicly funded online courses, to:

9 (i) earn college credit by July 1, 2025;

10 (ii) earn high school graduation credit; and

11 (iii) earn middle school credit;

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

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

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

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

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

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

22 (a) define necessary terms;

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

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

27 (3) This Rule R277-726 is categorized as Category 4 as described in Rule [R277-](#)
28 [111](#).

29

30 **R277-726-2. Definitions.**

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

34 (2) "Applicable statewide assessments" means:

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

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

38 (c) a Utah alternative assessment as defined in Rule [R277-404](#).

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

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

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

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

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

50 (a) uses the Statewide Online Education Program application provided by the
51 Superintendent; and

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

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

58 (9)(a) "Eligible student" means the same as the term is defined in Section [53F-4-](#)
59 [501](#).

60 [~~(b) "Eligible student" does not include a student enrolled in an adult education~~
61 ~~program.~~]

62 (b) A student up to the age of 19 in an adult education program may be an
63 "eligible student" if the student re-enrolls in a public or private secondary school prior to
64 the student's cohort's date of graduation.

65 (c) "Eligible student" does not include a student receiving a scholarship under
66 [Title 53F, Chapter 6, Part 4](#), Utah Fits All Scholarship Program.

67 (10) "Enrollment confirmation" means a provider's certification that a student
68 ~~[who]~~ initially registered and actively participated, as defined under Subsections (1) and
69 [23\(b\)](#).

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

72 (12) "Fee" means the same as the term is defined in Rule [R277-407](#).

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

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

76 (15) "Middle school" means the same as the term is defined in Section [53F-4-](#)
77 [501](#).

78 (16) "Online course" means the same as the term is defined in Section [53F-4-](#)
79 [501](#) regardless of whether the student participates in the online course at home, at a
80 school, at another location, or in any combination of these settings.

81 (17) "Online course payment" means the amount of funds withheld from a
82 student's primary LEA and disbursed, or otherwise paid to the designated provider
83 following satisfaction of the requirements of the law, and as directed in Subsection [53F-](#)
84 [4-507](#)(2) and Section [53F-4-518](#).

85 (18) "Primary LEA of enrollment" means:

86 (a) the LEA reporting the student to be in regular membership, and special
87 education membership, if applicable[-]; and

88 _____ (b) the LEA in which an eligible student is enrolled for courses other than online
89 courses offered through the Statewide Online Education Program.

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

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

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

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

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

99 (21) "School" means the same as the term is defined in Rule [R277-100](#).

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

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

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

106 _____ (b) a document articulating evidence validating student participation contained in
107 a learning management system and used by an authorized online course provider to
108 qualify to receive payment as provided in Subsection [53F-4-505](#)(4), including
109 determining when a student is actively participating in a course defined in Section [53F-](#)
110 [4-501](#); and

111 _____ (c) the measure of student engagement used to monitor program outcomes and
112 program financial compliance in accordance with Rule [R277-114](#).

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

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

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

121 (27) "USB E course code" means a code for a designated subject matter course
122 assigned by the Superintendent.

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

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

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

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

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

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

135

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

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

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

140 (i) graduation requirements; and

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

142 ~~——(iii) the student's IEP;~~

143 ~~——(iv) the student's Section 504 plan; or~~

144 ~~_____ (v) the student's international baccalaureate program].~~

145 (b) The primary school and LEA of enrollment and an online course provider
146 shall ~~[return]~~ respond to the CCA [tø] using forms and processes provided by the
147 Superintendent within ~~[72]~~ 24 business hours.

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

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

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

154 ~~_____ (a) invite a representative of the authorized online course provider to meet as a~~
155 ~~member of the student's IEP team to determine and coordinate services and~~
156 ~~accommodations applicable to online course delivery of content and instruction;~~

157 ~~_____ (b) following an IEP revision or amendment after the meeting described in~~
158 ~~Subsection (4)(a), ensure that a counselor and special education staff from the LEA~~
159 ~~forward an existing or amended IEP or description of 504 accommodations, relevant~~
160 ~~supports, and related aids, accommodations, and services, to the provider:~~

161 ~~_____ (i) consistent with IDEA timelines; or~~

162 ~~_____ (ii) within ~~[72]~~24 business hours of receiving notice from the Superintendent that~~
163 ~~the provider has accepted the enrollment request where IDEA timelines do not apply.~~

164 ~~_____ (5) The Superintendent shall develop and administer procedures for facilitation~~
165 ~~of a CCA that informs the appropriate parties.]~~

166 (4) If an eligible student has an IEP or Section 504 plan, the eligible student's
167 primary LEA shall provide or facilitate enrollment by:

168 _____ (a) forwarding a copy of the relevant portions of the eligible student's existing IEP
169 or Section 504 accommodation plan to the authorized online course provider in
170 accordance with federal law and regulations;

171 _____ (b) ensure the eligible student's IEP team and the authorized online course
172 provider review a course enrollment for compliance with Subsection (1);

173 _____ (c) coordinate additional IEP team reviews, as necessary, with the authorized
174 online course provider to ensure appropriate services, supports and accommodations
175 are in place for the eligible student; and

176 _____ (d) ensure the authorized online course provider is included in an eligible
177 student's IEP revision.

178 ([6]5) Once a student's enrollment and active participation is confirmed, the
179 Superintendent shall direct funds to the provider, consistent with Sections [53F-4-505](#)
180 through [53F-4-507](#), and Section [53F-4-518](#).

181

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

183 (1) An eligible student may register for program credits consistent with Section
184 [53F-4-503](#) and this rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

232

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

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

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

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

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

246 (a) in registration materials;

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

248 (c) on the school's website.

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

253 (6) A primary school of enrollment shall include a student's online courses in the
254 student's enrollment records and, upon course completion, include online course grades
255 and credits on the student's transcripts, including [~~appropriate student~~] high school

256 coursework completed before grade 9 ~~[, including appropriate student coursework]~~ using
257 course title and core codes.

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

261 (8) A primary school of enrollment shall determine fee waiver eligibility for
262 participating public school students pursuant to Rule [R277-407](#).

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

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

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

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

274 (10) Where students access program courses using LEA-owned and managed
275 devices, an LEA shall configure devices to participating students to form a separate
276 user account or otherwise allow access to program provider materials using credentials
277 supplied by a program provider.

278 ~~(10)~~¹¹ A primary school of enrollment shall provide participating students
279 access to facilities for the student to participate in an online course during the regular
280 school day, student leadership opportunities, sports, extracurricular and co-curricular
281 activities, counseling, ~~and~~ graduation, and other services offered to students generally
282 [consistent with local policies governing participation irrespective] without consideration
283 of relative levels of participation in traditional courses versus [Statewide Online
284 Education] program courses.

285 ([14]12)(a) Course completions conferring high school credit shall be recorded in
286 a student's record of credit and course completion for grade 9 to allow recognition
287 toward grades 9-12, and high school graduation requirements.

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

290 (i) early graduation status; or

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

293 ([12]13) When a student satisfactorily completes an online semester or quarter
294 course:

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

299 (b) for a student participating in the program before grade 9, the student's grade
300 9 primary school of enrollment shall record grades and credit per Subsection (11) once
301 the student completes grade 8.

302

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

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

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

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

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

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

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

319 (5)~~(a)~~ Before approving a provider, consistent with Section [53F-4-504](#), the
320 Superintendent shall:

321 (a) review Annual Financial Reports and state-administered test data to establish
322 capacity of a program to serve an increased range of students while still meeting
323 program requirements; and

324 (b) verify that a prospective provider:

325 (i) has a student information system that is compatible with USIMS;

326 (ii) is a 501(c)(3) non-profit entity;

327 (iii) demonstrates data security and privacy compliance capacity, consistent with
328 FERPA, through submission of a report selected by the Superintendent or developed by
329 the American International Society of Certified Public Accountants to evaluate data
330 security controls and assess organization safeguards in place to protect sensitive data;

331 (iv) provides a description of the applicant's academic service experience offering
332 general insight into the entity's:

333 (A) familiarity with education broadly;

334 (B) approach to instruction; and

335 (C) academic philosophy; and

336 (v) meets other requirements identified by the Superintendent to establish the
337 capacity of the provider to act as an LEA for purposes of program participation.

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

341 (~~6~~7) The Superintendent shall withhold funds from a primary LEA of enrollment
342 and pay a provider consistent with Sections [53F-4-505](#) through [53F-4-507](#), and Section
343 [53F-4-518](#).

344 (~~7~~8) The Superintendent may refuse to provide funds under a CCA if the
345 Superintendent finds that information has been submitted fraudulently or in violation of
346 the law or Board rule by any of the parties to a CCA.

347 (~~8~~9) The Superintendent shall receive and investigate complaints, and impose
348 sanctions, if appropriate, regarding course integrity, financial mismanagement,
349 enrollment fraud or inaccuracy, or violations of the law or this rule specific to the
350 requirements and provisions of the program.

351 (~~9~~10) If a Superintendent or federal entity's investigation finds that a provider
352 has violated the IDEA or Section 504 provisions for a student taking online courses, the
353 provider shall compensate the student's primary LEA of enrollment for costs related to
354 compliance.

355 (~~10~~11) The Superintendent may monitor an LEA's or program provider's
356 compliance with any requirement of state or federal law or Board rule under the
357 program.

358 (~~11~~12) The Superintendent may withhold funds from a program provider for the
359 participant's failure to comply with a reasonable request for records or information.

360 (~~12~~13) Program records are available to the public subject to [Title 63G,](#)
361 [Chapter 2](#), Government Records Access and Management Act.

362 (~~13~~14) The Superintendent shall withhold online course payment from a
363 primary LEA of enrollment and payments to an eligible provider at the nearest monthly
364 transfer of funds, subject to verification of information, in an amount consistent with, and
365 when a provider qualifies to receive payment, under Subsections [53F-4-505\(4\)](#), [53F-4-](#)
366 [507\(3\)\(b\)](#) and [53F-4-508\(2\)\(b\)](#).

367 (~~14~~15) The Superintendent shall pay a provider consistent with Minimum
368 School Program funding transfer schedules.

369 (16) Upon request from a primary LEA, the Superintendent shall provide an
370 itemized report showing deductions described in Subsection [53F-4-508\(2\)](#), by student
371 and course enrolled.

372 (~~15~~17)(a) The Superintendent may make decisions on questions or issues
373 unresolved by [Title 53F, Chapter 4, Part 5](#), Statewide Online Program Act or this rule on
374 a case-by-case basis.

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

377 (~~16~~18) In accordance with [Title 53E, Chapter 4](#), Academic Standards,
378 Assessments, and Materials, the Superintendent shall establish criteria for an
379 authorized online course provider to submit for approval an online course that does not
380 have an existing Board course code.

381 (19) The Superintendent may advise an eligible student regarding how an online
382 course meets state graduation requirements.

383 (20) The Superintendent shall direct an eligible student to a counselor at the
384 student's school for advice regarding:

385 (a) whether an online course meets LEA or school-specific graduation
386 requirements; and

387 (b) all other counseling services.

388 (21) The Superintendent shall create a model cooperative agreement between a
389 primary LEA and an authorized online course provider to be used when the primary LEA
390 determines IEP services with costs are best provided by an authorized online course
391 provider.

392 (22) The Superintendent shall organize and conduct annual mandatory training
393 for relevant staff at a primary LEA that address program requirements for a primary
394 LEA, including:

395 (a) reporting requirements and methods;

396 (b) uses of resources and tools to ensure adequate monitoring of an eligible
397 student's progress;

398 (c) federal and state requirements for accommodating enrollments that involve
399 special education;

400 (d) appropriate circumstances and methodologies for reducing an eligible
401 student's schedule; and

402 (e) other necessary components as determined by the Superintendent.

403 (23) The Superintendent shall create a communication dashboard for the
404 program that includes:

405 (a) a counselor contact list for an eligible student that is accessible to an
406 authorized online course provider; and

407 (b) progress monitoring fields containing:

408 (i) grade progress reporting of an eligible student by an authorized online course
409 provider;

410 (ii) flags for a student that is at risk of failing an online course; and

411 (iii) other information as determined by the Superintendent.

412 (24) The dashboard described in Subsection (23) shall be accessible to an
413 eligible student's:

414 (a) primary LEA;

415 (b) school counselor;

416 (c) authorized online course provider; and

417 (d) parent.

418

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

420 (1)(a) A provider shall administer the applicable statewide assessments to a
421 participating private or home school student as directed by the Superintendent,
422 including proctoring the applicable statewide assessments, consistent with Section [53F-](#)
423 [4-510](#) and Rule [R277-404](#).

424 (b) A provider [~~shall pay~~] is responsible for administrative and proctoring costs
425 and planning for the applicable statewide assessments described in Subsection (1)(a).

426 ([e]2) A provider shall:

427 (a) establish a procedure that a student or parent may complete online to excuse
428 the student from statewide assessments as described in Subsection [53G-6-803\(9\)](#)[-];

429 and

430 _____ (b) record and maintain a choice to opt a student out of a statewide assessment
431 in a manner prescribed by the Superintendent.

432 ([2]3) A provider shall provide a parent or a student with email and telephone
433 contacts for the provider during regular business hours to facilitate parent contact.

434 ([3]4) A provider and any third party working with a provider shall, for all eligible
435 students, satisfy Board requirements for:

436 (a) consistency with course standards as described in Sections [53F-4-514](#) and
437 [53E-6-201](#);

438 (b) criminal background checks for provider employees consistent with Title
439 [53G, Chapter 11, Part 4](#), Background Checks;

440 (c) documentation of student enrollment and participation consistent with a
441 standard of active participation on record with the Superintendent; and

442 (d) compliance with:

443 (i) the IDEA;

444 (ii) Section 504; and

445 (iii) requirements for multilingual students.

446 ([4]5) A provider shall receive payments for a student properly enrolled in the
447 program from the Superintendent consistent with:

448 (a) Board procedures;

449 (b) Board timelines; and

450 (c) Sections [53F-4-505](#) through [53F-4-508](#), [~~and~~] Section [53F-4-518](#), and Board
451 rule.

452 ([5]6)(a) A provider may charge a fee consistent with other secondary schools
453 and in accordance with [Title 53G, Chapter 7, Part 5](#), Student Fees, and Rule [R277-407](#).

454 (b) If a provider intends to charge a fee of any kind, the provider:

455 (i) shall notify the primary school of enrollment with whom the provider has the
456 CCA of the purpose for fees and amounts of fees;

457 (ii) shall provide timely notice to a parent of required fees and fee waiver
458 opportunities;

459 (iii) shall post fees on the provider website and disclose fees in course notes
460 provided to the Superintendent as part of a the provider's annual submission of course
461 lists;

462 (iv) shall be responsible for fee waivers for an eligible student, including
463 materials for a student designated fee waiver eligible by a student's primary school of
464 enrollment;

465 (v) shall satisfy the requirements of Rule [R277-407](#), as applicable; and

466 (vi) shall provide fee waivers to home school or private school students who
467 meet fee waiver eligibility at the provider's expense.

468 ([6]7) A provider shall maintain a student's records and comply with the federal
469 Family Educational Rights and Privacy Act, Title 53E, Chapter 9, Part 3, Student Data
470 Protection, and Rule [R277-487](#), including:

471 (a) protecting the confidentiality of a student's records and providing a parent
472 and an eligible student access to records; and

473 (b) providing a parent or student timely documentation of and access to
474 evidence and records of educational performance, including:

475 (i) test scores;

476 (ii) grades;

477 (iii) progress and performance measures; and

478 (iv) completion of credit.

479 (8) A provider may not grade a student on a pass/fail basis for an SOEP course.

480 ([7]9) Except as otherwise provided in this rule, a provider shall, using processes
481 and applications provided by the Superintendent within five business days following the
482 20 school day statutory period allowed for student withdrawal:

483 (a) confirm a student to be in active participation in a course; or

484 (b) record a student's lack of confirmation.

485 (10) Following confirmation of a student's active participation, a provider shall:

486 (a) routinely update course records to reflect student participation as determined
487 by student credit accruals;

488 (b) [a provider shall] submit a student's credit and grade to the Superintendent,
489 [using processes and applications provided by the Superintendent for this purpose, and
490 listing core codes] providing for each included course[;]:

491 (i) the core code and short course description provided by the Superintendent
492 associated with the course in program enrollment applications;

493 (ii) as necessary, the unique title a provider utilizes to identify a course to a
494 designated counselor or registrar at the primary school of enrollment, and the student's
495 parent [no later than the earlier of:]; and

496 (c) complete the submissions required under Subsection (10)(b):

497 ([a]i) 30 days after a student satisfactorily completes an online semester or
498 quarter course; or

499 ([b]ii) by June 30 [of the school year] annually.

500 ([8]11) A provider may not withhold a student's credits, grades, or transcripts
501 from the student, parent, or the student's school of enrollment for any reason.

502 ([9]12)(a) If a provider suspends or expels a student from an online course for
503 disciplinary reasons, the provider shall notify the student's primary LEA of enrollment by
504 placing the student on disciplinary withdrawal.

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

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

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

513 (~~140~~113) If a student entitled to services under the IDEA is removed from an
514 online program, the primary LEA shall work with the student and the student's parents to
515 identify alternatives to provide a free and appropriate public education.

516 (~~144~~114)(a) A provider shall provide to the Superintendent a list of course options
517 using USBE-provided course codes.

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

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

521 (~~142~~115) A provider shall serve a student on a first-come-first-served basis who
522 desires to take courses and who is designated eligible by a primary school of enrollment
523 if desired courses have space available.

524 (~~143~~116) A provider shall maintain and provide records and systems as part of a
525 public online school or program, including:

526 (a) financial and enrollment records;

527 (b) information for accountability, program monitoring, and audit purposes; and

528 (c) providing timely documentation of student participation, enrollment, educator
529 credentials, and additional data for other purposes including giving a student's primary
530 school of enrollment access to the student's records to appropriately support the
531 student.

532 (~~144~~117) A provider shall maintain the following for at least five calendar years
533 after the student graduates:

534 (a) test scores;

535 (b) student grades;

536 (c) completion of credit; and

537 (d) other progress and performance measures.

538 (~~145~~118)(a) A provider is responsible for complete and timely submissions of
539 record changes to executed CCAs and submission of other reports and records as
540 required by the Superintendent.

541 (b) A provider shall update CCAs to the nearest credit value earned by June 30
542 annually.

543 (c) A provider may only maintain an CCA open after June 30 if a student
544 remains actively engaged in coursework, meeting the provider's standard of active
545 participation.

546 ([46]19)(a) Before the inception of coursework, as a component of the provider's
547 initial communication of provisions of the provider's standard of active participation, a
548 provider shall inform a student and the student's parent of travel expectations to fulfill
549 course requirements.

550 (b) Travel expectations to fulfill course requirements as described in Subsection
551 ([46]19)(a) include a requirement to participate in a proctored assessment or other
552 proctored or assessment requirement outside a student's home, including travel to
553 participate in statewide assessments at a secure testing site.

554 ([47]20)(a) An LEA may participate in the program as a provider by offering a
555 school or program consistent with Rule [R277-115](#) to a Utah student in grades 6-12 who
556 is not a resident student of the LEA and a regularly-enrolled student of the LEA
557 consistent with Sections [53F-4-501](#) and [53F-4-503](#).

558 (b) An LEA program created in accordance with Subsection ([48]20)(a) for
559 serving students in grades 9-12 online must partner with an accredited school and shall:

- 560 (i) report grades and credit earned by a student to the Superintendent; and
561 (ii) record educator assignments consistent with Rule [R277-484](#).

562 ([48]21) A program school or program shall:

563 (a) be accredited consistent with Rule [R277-410](#);

564 (b) have a designated administrator who meets the requirements of Rule [R277-](#)
565 [309](#);

566 (c) ensure that a student who qualifies for a fee waiver receives services offered
567 by and through the public schools consistent with Section [53G-7-504](#) and Rule [R277-](#)
568 [407](#);

569 (d) maintain student records consistent with:

- 570 (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and
571 34 CFR Part 99;
- 572 (ii) Rule [R277-487](#);
- 573 (iii) this rule; and
- 574 (e) shall offer course work:
- 575 (i) aligned with Utah Core standards as described in Sections [53E-4-202](#), [53F-4-](#)
576 [505](#), and [53F-4-514](#);
- 577 (ii) in accordance with program requirements; and
- 578 (iii) in accordance with Rules [R277-700](#) and [R277-404](#);
- 579 (f) shall not issue transcripts under the name of a third party provider; and
- 580 (g) shall record teaching assignments by November 15 annually consistent with
581 Rule [R277-484](#) and Section [R277-312](#)-3, either directly or through a partner school in
582 accordance with Subsection (~~[18]~~20)(b).
- 583 (~~[19]~~22) An LEA that offers an online program or school as a provider under the
584 program:
- 585 (a) shall employ only educators licensed in Utah as teachers;
- 586 (b) may not employ an individual whose educator license has been suspended
587 or revoked;
- 588 (c) shall require employees to meet requirements of Title [53G, Chapter 11, Part](#)
589 [4](#), Background Checks, before the provider offering services to a student;
- 590 (d) may only employ teachers who meet the requirements of Section [53E-6-201](#),
591 Section [53F-4-504](#), and Rule [R277-309](#);
- 592 (e) for a provider that provides an online course, including to a private or home
593 school student, shall agree to administer and, before approval as an authorized online
594 course provider, have the capacity to proctor and carry out the applicable statewide
595 assessments, consistent with Sections [53E-4-302](#), [53F-2-103](#), and Rule [R277-404](#);
- 596 (f) in accordance with Section [R277-726-8](#), shall provide services to a student
597 consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights
598 Act of 1964 for multilingual students;

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

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

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

607 (~~24~~23) A provider shall post required information online on the provider's
608 individual website including required assessment and accountability information.

609 (~~22~~24)(a) A provider contracting with a third party to provide educational
610 services to students participating with the provider through the Statewide Online
611 Education Program shall:

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

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

615 (A) federal law;

616 (B) state law; and

617 (C) Board rules;

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

620 (iii) a third party provider has access to curriculum for alignment and adjustment
621 to ensure the curriculum is consistent with the Utah core standards in Rule [R277-700](#)
622 and a Board approved core code;

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

624 (A) assigned by the provider; and

625 (B) reported as teacher of record per Section [R277-484](#)-3 and Subsection R277-
626 726-2(3); and

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

629 ([23]25) A provider shall offer courses consistent with standards outlined in an
630 applicable Statewide Services Agreement, which may be updated or amended to reflect
631 changes in law, rule or recommended practice.

632 ([24]26) All authorized online course providers are subject to the same approval
633 and annual performance review as described for a certified online course provider in
634 [~~Subsections R277-726-(11)(1) through (10)~~] Section R277-726-11 while utilizing the
635 applicable applications for an authorized online course provider described in
636 Subsections R277-726-3(1)(a) and (b).

637 ([25]27) A provider utilizing a third party shall establish contractual and
638 procedural safeguards:

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

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

645 (c) including acceptance of financial responsibility by a primary LEA of
646 enrollment.

647 ([26]28) A provider is not required to independently verify:

648 (a) early graduation status; or

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

651 ([28]29)(a) A provider shall adhere to requirements to remain certified and in
652 good standing within the program, including:

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

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

659 (30) If the Superintendent finds that an authorized online course provider is out of
660 compliance with Subsection (29), the Superintendent shall provide the provider with a
661 list of violations and a reasonable timeline for provider to cure the non-compliance.

662 (31) If an authorized online course provider fails to correct a violation identified
663 under Subsection (30) within the time provided, the Superintendent may remove the
664 provider from participation in the program.

665

666 **R277-726-8. Services to Students with Disabilities and other Unique Learning**
667 **Needs Participating in the Program.**

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

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

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

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

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

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

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

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

690 (b) the provider shall implement the Section 504 plan and provide related aids,
691 accommodations, and services to the student in accordance with the student's Section
692 504 plan.

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

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

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

700 (5) If a home or private school student requests services under Section 504 of
701 the Rehabilitation Act of 1973, a provider may determine student eligibility, prepare a
702 504 plan for the home or private school student's online program, and provide related
703 aids, accommodations, and services.

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

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

707 (i) forward a copy of an existing IEP or relevant sections to a provider;

708 (ii) working with a provider LEA representative, review [or develop] and
709 determine implementation of an IEP for the student within [ten days of enrollment] a
710 timeline consistent with IDEA requirements;

711 (iii) working with a provider LEA representative, [update] review and revise, as
712 the IEP determines appropriate an existing IEP with necessary accommodations and
713 services, considering the courses selected by the student;

714 (~~iii~~iv) provide the IEP described in Subsection (6)(a)(i) to the provider within ~~[72]~~
715 24 business hours of completion of the student's IEP or within a timeline consistent with
716 IDEA requirements; and

717 (~~iv~~v) continue to claim the student in the primary LEA of enrollment's
718 membership; and

719 (b) the provider shall provide special education services and accommodations to
720 the student in accordance with the student's IEP~~[described in Subsection (6)(a)(i)]~~.

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

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

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

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

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

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

734 (8)(a) A provider shall implement a Section 504 plan for an eligible student as
735 directed by the primary LEA or school of enrollment.

736 (b) If a student with an existing Section 504 plan newly enrolls in online courses
737 or requests amendments to an existing plan, the primary school of enrollment and the
738 provider, working jointly, shall prepare a revised Section 504 plan, as appropriate.

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

742 (d) When preparing or amending a Section 504 plan, the evaluation committee
743 shall include individuals from the student's primary school of enrollment and the
744 provider, including persons knowledgeable about the student, the meaning of the
745 evaluation data, and placement options available in a virtual environment.

746 (9)(a) A provider shall administer a home language survey upon initial student
747 registration.

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

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

754 (10) For a student needing alternative language services, who is multilingual, an
755 immigrant, or a refugee:

756 (a) the provider and the primary LEA or primary school of enrollment shall
757 develop an individual learning plan in cooperation with persons knowledgeable about
758 the student, the meaning of the evaluation data, and the placement options available for
759 the student in a virtual environment, which outline a student's current level of ability, and
760 identifies specific goals for future attainment, progress, and exit criteria ;

761 (b) the primary LEA or primary school of enrollment shall identify the need for
762 alternative language services through administration of a home language survey and
763 WIDA testing; and

764 (c) the primary LEA or primary school of enrollment shall administer a language
765 instruction Educational Program in which a student learning English is placed for
766 developing and attaining English proficiency, while meeting state standards.

767

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

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

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

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

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

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

782

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

784 (1) A primary school of enrollment shall communicate with a provider, where
785 necessary, to set reasonable timelines and standards and shall inform providers of
786 timelines necessary for reporting grades and credit for graduating seniors.

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

789 (a) school awards and honors;

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

791 (c) high school graduation.

792 (3) If a student is at risk of academic failure or at risk of not graduating with the
793 student's graduation cohort, a provider shall utilize automated notices or other means
794 to:

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

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

799

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

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

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

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

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

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

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

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

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

824 (c) if an authorized online course provider that is not a certified online course
825 provider forwards an educator to the Board for a provider-specific license as described
826 in Sections [53F-4-514](#) and [53E-6-201](#), the educator's employment and online course
827 assignments shall be listed in CACTUS or USIMS;

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

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

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

834 (g) state laws applicable to an online course provider, including Sections [53F-4-](#)
835 [501](#) et. seq. and Sections [53F-4-504](#) and [53F-4-514](#).

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

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

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

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

849 (a) 5% of revenue collected for the first \$200,000 received pursuant to Section
850 [53F-4-505](#); and

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

853

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

855 For a student enrolled in a concurrent enrollment course through an SOEP
856 provider, to the extent there is a conflict between this rule and [Title 53F, Chapter 4, Part](#)

857 [5](#), Statewide Online Education Program, and [Title 53E, Chapter 10, Part 3](#), Concurrent
858 Enrollment, the concurrent enrollment code provisions shall govern.

859

860 **KEY: statewide online education program**

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

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

863 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53F-4-510](#); [53F-4-](#)
864 [514](#); [53E-3-401](#)**