

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

27 (2) "Applicable statewide assessments" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

56 (10) "Enrollment confirmation" means a provider's certification that a student
57 who initially registered and actively participated, as defined under Subsections (1) and
58 (23)(b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

124

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

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

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

129 (i) graduation requirements; and

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

131 ~~——(iii) the student's IEP;~~

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

133 ~~——(v) the student's international baccalaureate program].~~

134 (b) The primary school of enrollment shall ~~[return]~~ respond to the CCA ~~[to]~~ using
135 forms and processes provided by the Superintendent within 72 business hours.

136 (3) The primary LEA may intervene to withdraw a student from a course within
137 the statutory period allowed for withdrawal by contacting the Superintendent if the
138 primary LEA determines the online course enrollment is inconsistent with the student's
139 CCA.

140 ([3]4)(a) The primary school of enrollment is not required to meet with the
141 student or parent for approval of a course request.

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

144 ~~[(4) If a student enrolling in the program has an IEP, Section 504 plan, or~~
145 ~~qualifies for multilingual supports, the primary LEA or school of enrollment shall:~~
146 ~~—— (a) invite a representative of the authorized online course provider to meet as a~~
147 ~~member of the student's IEP team to determine and coordinate services and~~
148 ~~accommodations applicable to online course delivery of content and instruction;~~
149 ~~—— (b) following an IEP revision or amendment after the meeting described in~~
150 ~~Subsection (4)(a), ensure that a counselor and special education staff from the LEA~~
151 ~~forward an existing or amended IEP or description of 504 accommodations, relevant~~
152 ~~supports, and related aids, accommodations, and services, to the provider:~~
153 ~~—— (i) consistent with IDEA timelines; or~~
154 ~~—— (ii) within 72 business hours of receiving notice from the Superintendent that the~~
155 ~~provider has accepted the enrollment request where IDEA timelines do not apply.~~
156 ~~—— (5) The Superintendent shall develop and administer procedures for facilitation~~
157 ~~of a CCA that informs the appropriate parties.]~~
158 (5) If an eligible student has an IEP or Section 504 accommodation plan, the
159 eligible student's primary LEA shall provide or facilitate enrollment by:
160 —— (a) forwarding a copy of the relevant portions of the eligible student's existing IEP
161 or Section 504 accommodation plan to the authorized online course provider in
162 accordance with federal law and regulations;
163 —— (b) ensure the eligible student's IEP team and the authorized online course
164 provider review a course enrollment for compliance with Subsection (1);
165 —— (c) coordinate additional IEP team reviews, as necessary, with the authorized
166 online course provider to ensure appropriate services, supports, and accommodations
167 are in place for the eligible student; and
168 —— (d) ensure the authorized online course provider is included in an eligible
169 student's IEP revision.
170 (6) Once a student's enrollment and active participation is confirmed, the
171 Superintendent shall direct funds to the provider, consistent with Sections [53F-4-505](#)
172 through [53F-4-507](#), and Section [53F-4-518](#).

173

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

175 (1) An eligible student may register for program credits consistent with Section
176 [53F-4-503](#) and this rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

224

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

226 (1) A primary school of enrollment shall facilitate student enrollment with any
227 eligible providers selected by an eligible student [~~consistent with course credit limits~~].

228 (2) A primary school of enrollment and a provider LEA shall use [~~the CCA~~
229 ~~application, records,~~ applications and processes provided by the Superintendent for
230 ~~the~~ program enrollment].

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

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

- 239 (a) in registration materials;
- 240 (b) on the LEA's website; and
- 241 (c) on the school's website.

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

246 (6) A primary school of enrollment shall include a student's online courses in the
247 student's enrollment records and, upon course completion, include online course grades
248 and credits on the student's transcripts, including appropriate student coursework
249 completed before grade 9, including appropriate student coursework using course title
250 and core codes.

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

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

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

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

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

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

267 (10) Where students access program courses using LEA-owned and managed
268 devices, an LEA shall configure devices to all students to form a separate user account
269 or otherwise allow access to program provider materials using credential supplied by
270 the program provider.

271 ([10]11) A primary school of enrollment shall provide participating students
272 access to facilities for the student to participate in an online course during the regular
273 school day, sports, extracurricular and co-curricular activities, and graduation services
274 consistent with local policies governing participation irrespective of relative levels of
275 participation in traditional courses versus Statewide Online Education courses.

276 ([14]12)(a) Course completions conferring high school credit shall be recorded in
277 a student's record of credit and course completion for grade 9 to allow recognition
278 toward grades 9-12, and high school graduation requirements.

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

281 (i) early graduation status; or

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

284 ([12]13) When a student satisfactorily completes an online semester or quarter
285 course:

286 (a) for high school credit, in accordance with the LEA's procedures, a designated
287 counselor or registrar at the primary school of enrollment shall forward records of

288 grades and high school graduation credit, listing core codes for each completed course;
289 or

290 (b) for a student participating in the program before grade 9, the student's grade
291 9 primary school of enrollment shall record grades and credit per Subsection (11) once
292 the student completes grade 8.

293

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

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

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

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

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

306 (4)(a) With the exception of the requirements of Subsection ~~[53F-514-](#)~~
307 ~~[514\(2\)\(3\)b](#)~~ the Superintendent may determine space availability standards and
308 appropriate course load standards for online courses consistent with Subsection [53F-4-](#)
309 [512\(3\)\(g\)](#).

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

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

312 (a) the Superintendent shall review Annual Financial Reports and state-
313 administered test data to establish capacity of a program to serve an increased range of
314 students while still meeting program requirements as required by Subsection [53F-4-](#)
315 [504\(1\)](#);

316 (b) as required by Subsection [53F-4-504\(2\)](#), verify that a prospective provider:

- 317 (i) has a student information system that is compatible with USIMS;
318 (ii) is a 501(c)(3) non-profit entity;
319 (iii) demonstrates data security and privacy compliance capacity through
320 submission of a report selected by the Superintendent or developed by the American
321 International Society of Certified Public Accountants to evaluate data security controls
322 and assess organizational safeguards in place to protect sensitive data, which aligns
323 with the data security requirements of FERPA;
324 (iv) provides a description of the applicant's academic service experience offering
325 general insight into the entity's familiarity with education broadly, its approach to
326 instruction, and academic philosophy; and
327 (v) meets other requirements identified by the Superintendent to establish the
328 capacity of the provider to act as an LEA for purposes of program participation.
- 329 ([6]6) The Superintendent may restrict a provider from offering coursework if the
330 Superintendent determines that the provider demonstrates repeated low performance
331 on statewide assessments in English Language Arts, math, or science.
- 332 ([6]7) The Superintendent shall withhold funds from a primary LEA of enrollment
333 and pay a provider consistent with Sections [53F-4-505](#) through [53F-4-507](#), and Section
334 [53F-4-518](#).
- 335 ([7]8) The Superintendent may refuse to provide funds under a CCA if the
336 Superintendent finds that information has been submitted fraudulently or in violation of
337 the law or Board rule by any of the parties to a CCA.
- 338 ([8]9) The Superintendent shall receive and investigate complaints, and impose
339 sanctions, if appropriate, regarding course integrity, financial mismanagement,
340 enrollment fraud or inaccuracy, or violations of the law or this rule specific to the
341 requirements and provisions of the program.
- 342 ([9]10) If a Superintendent or federal entity's investigation finds that a provider
343 has violated the IDEA or Section 504 provisions for a student taking online courses, the
344 provider shall compensate the student's primary LEA of enrollment for costs related to
345 compliance.

346 (~~140~~11) The Superintendent may monitor an LEA's or program provider's
347 compliance with any requirement of state or federal law or Board rule under the
348 program.

349 (~~144~~12) The Superintendent may withhold funds from a program provider for the
350 participant's failure to comply with a reasonable request for records or information.

351 (~~142~~13) Program records are available to the public subject to [Title 63G,](#)
352 [Chapter 2](#), Government Records Access and Management Act.

353 (~~143~~14) The Superintendent shall withhold online course payment from a
354 primary LEA of enrollment and payments to an eligible provider at the nearest monthly
355 transfer of funds, subject to verification of information, in an amount consistent with, and
356 when a provider qualifies to receive payment, under Subsections [53F-4-505\(4\)](#), [53F-4-](#)
357 [507\(3\)\(b\)](#) and [53F-4-508\(2\)\(b\)](#).

358 (~~144~~15) The Superintendent shall pay a provider consistent with Minimum
359 School Program funding transfer schedules.

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

363 (~~145~~17)(a) The Superintendent may make decisions on questions or issues
364 unresolved by [Title 53F, Chapter 4, Part 5](#), Statewide Online Program Act or this rule on
365 a case-by-case basis.

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

368 (~~146~~18) In accordance with [Title 53E, Chapter 4](#), Academic Standards,
369 Assessments, and Materials, the Superintendent shall establish criteria for an
370 authorized online course provider to submit for approval an online course that does not
371 have an existing Board course code.

372 (19) The Superintendent may advise an eligible student or an eligible student's
373 parent regarding how an online course relates to graduation requirements described in
374 Section [53E-4-204](#) and Board rules.

375 (20) The Superintendent shall direct an eligible student or an eligible student's
376 parent to a counselor at the student's school for advice regarding:

377 (a) online course enrollment as it relates to LEA or school-specific graduation
378 requirements; and

379 (b) all other counseling services.

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

384 (22) The Superintendent shall organize and conduct annual mandatory training
385 for relevant staff at a primary LEA that addresses program requirements for a primary
386 LEA, including:

387 (a) reporting requirements and methods;

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

390 (c) federal and state requirements for accommodating enrollments that involve
391 special education;

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

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

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

397 (a) a counselor contact list for an eligible student that is accessible to an
398 authorized online course provider;

399 (b) progress monitoring fields containing:

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

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

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

404 (24) The dashboard required under Subsection (27) shall be accessible to a
405 student's:
406 (a) primary LEA;
407 (b) counselor;
408 (c) authorized online course provider; and
409 (d) parent.

410

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

412 (1)(a) A provider shall administer the applicable statewide assessments to a
413 participating private or home school student as directed by the Superintendent,
414 including proctoring the applicable statewide assessments, consistent with Section [53F-](#)
415 [4-510](#) and Rule [R277-404](#).

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

418 ([e]2) A provider shall:

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

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

424 ([2]3) A provider shall provide a parent or a student with email and telephone
425 contacts for the provider during regular business hours to facilitate parent contact.

426 ([3]4) A provider and any third party working with a provider shall, for all eligible
427 students, satisfy Board requirements for:

428 (a) consistency with course standards as described in Sections [53F-4-514](#) and
429 [53E-6-201](#);

430 (b) criminal background checks for provider employees consistent with Title
431 [53G, Chapter 11, Part 4](#), Background Checks;

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

434 (d) compliance with:

435 (i) the IDEA;

436 (ii) Section 504; and

437 (iii) requirements for multilingual students.

438 ([4]5) A provider shall receive payments for a student properly enrolled in the
439 program from the Superintendent consistent with:

440 (a) Board procedures;

441 (b) Board timelines; and

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

444 ([5]6)(a) A provider may charge a fee consistent with other secondary schools
445 and in accordance with [Title 53G, Chapter 7, Part 5](#), Student Fees, and Rule [R277-407](#).

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

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

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

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

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

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

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

459 ([6]7) A provider shall maintain a student's records and comply with the federal
460 Family Educational Rights and Privacy Act, [Title 53E, Chapter 9, Part 3](#), Student Data
461 Protection, and Rule [R277-487](#), including:

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

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

466 (i) test scores;

467 (ii) grades;

468 (iii) progress and performance measures; and

469 (iv) completion of credit.

470 ([7]8) Except as otherwise provided in this rule, a provider shall, using processes
471 and applications provided by the Superintendent:

472 (a) within five business days following the 20 school day statutory period allowed
473 for student withdrawal, confirm a student to be in active participation in a course; or

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

475 (9) Following confirmation of a student's active participation, a provider shall:

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

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

481 (i) the USBE-provided core code associated with the course in program
482 enrollment applications;

483 (ii) the USBE-provided course short-description associated with the core code
484 described in Subsection (9)(b)(i); and

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

488 ~~(a)~~(c) A provider shall complete a submission required under Subsection (9)(b):
489 (i) 30 days after a student satisfactorily completes an online semester or quarter
490 course; or
491 ~~(b)~~(ii) June 30 of the school year.
492 ~~(8)~~10 A provider may not withhold a student's credits, grades, or transcripts
493 from the student, parent, or the student's school of enrollment for any reason.
494 ~~(9)~~11(a) If a provider suspends or expels a student from an online course for
495 disciplinary reasons, the provider shall notify the student's primary LEA of enrollment by
496 placing the student on disciplinary withdrawal.
497 (b) A provider is responsible for due process procedures for student disciplinary
498 actions in the provider's online program.
499 (c)(i) A provider shall notify the Superintendent of a student's administrative
500 withdrawal, if the student is inactive in a course for more than ten days, using forms and
501 processes developed by the Superintendent for this purpose.
502 (ii) If a student, parent, or counselor fails to request reinstatement following
503 notification under Subsection (c)(i), the provider shall formally withdraw the student
504 within 72 hours and notify the student, parent, and primary LEA of the action.
505 ~~(10)~~12 If a student entitled to services under the IDEA is removed from an
506 online program, the primary LEA shall work with the student and the student's parents to
507 identify alternatives to provide a free and appropriate public education.
508 ~~(14)~~13(a) A provider shall provide to the Superintendent a list of course options
509 using USBE-provided course codes.
510 (b) Beginning with the 2024-25 school year, a provider may only code program
511 courses as semester or quarter courses.
512 (c) A provider shall update the provider's course offerings annually.
513 ~~(12)~~14 A provider shall serve a student on a first-come-first-served basis who
514 desires to take courses and who is designated eligible by a primary school of enrollment
515 if desired courses have space available.

516 ([13]15) A provider shall maintain and provide records and systems as part of a
517 public online school or program, including:

- 518 (a) financial and enrollment records;
- 519 (b) information for accountability, program monitoring, and audit purposes; and
- 520 (c) providing timely documentation of student participation, enrollment, educator
521 credentials, and additional data for other purposes including giving a student's primary
522 school of enrollment access to the student's records to appropriately support the
523 student.

524 ([14]16) A provider shall maintain the following for at least five calendar years
525 after the student graduates:

- 526 (a) test scores;
- 527 (b) student grades;
- 528 (c) completion of credit; and
- 529 (d) other progress and performance measures.

530 ([15]17)(a) A provider is responsible for complete and timely submissions of
531 record changes to executed CCAs and submission of other reports and records as
532 required by the Superintendent.

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

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

538 ([16]18)(a) Before the inception of coursework, as a component of the provider's
539 initial communication of provisions of the provider's standard of active participation, a
540 provider shall inform a student and the student's parent of travel expectations to fulfill
541 course requirements.

542 (b) Travel expectations to fulfill course requirements as described in Subsection
543 ([16]18)(a) include a requirement to participate in a proctored assessment or other

544 proctored or assessment requirement outside a student's home, including travel to
545 participate in statewide assessments at a secure testing site.

546 (~~17~~19)(a) An LEA may participate in the program as a provider by offering a
547 school or program consistent with Rule [R277-115](#) to a Utah student in grades 6-12 who
548 is not a resident student of the LEA and a regularly-enrolled student of the LEA
549 consistent with Sections [53F-4-501](#) and [53F-4-503](#).

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

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

554 (~~18~~20) A program school or program shall:

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

556 (b) have a designated administrator who meets the requirements of Rule [R277-](#)
557 [309](#);

558 (c) ensure that a student who qualifies for a fee waiver receives services offered
559 by and through the public schools consistent with Section [53G-7-504](#) and Rule [R277-](#)
560 [407](#);

561 (d) maintain student records consistent with:

562 (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and
563 34 CFR Part 99;

564 (ii) Rule [R277-487](#);

565 (iii) this rule; and

566 (e) shall offer course work:

567 (i) aligned with Utah Core standards as described in Sections [53E-4-202](#), [53F-4-](#)
568 [505](#), and [53F-4-514](#);

569 (ii) in accordance with program requirements; and

570 (iii) in accordance with Rules [R277-700](#) and [R277-404](#);

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

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

575 ([19]21) An LEA that offers an online program or school as a provider under the
576 program:

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

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

580 (c) shall require employees to meet requirements of [Title 53G, Chapter 11, Part](#)
581 [4](#), Background Checks, before the provider offering services to a student;

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

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

588 (f) in accordance with Section [R277-726-8](#), shall provide services to a student
589 consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights
590 Act of 1964 for multilingual students;

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

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

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

599 ([24]22) A provider shall post required information online on the provider's
600 individual website including required assessment and accountability information.

601 (~~22~~23)(a) A provider contracting with a third party to provide educational
602 services to students participating with the provider through the Statewide Online
603 Education Program shall:

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

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

607 (A) federal law;

608 (B) state law; and

609 (C) Board rules;

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

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

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

616 (A) assigned by the provider; and

617 (B) reported as teacher of record per Section [R277-484](#)-3 and Subsection R277-
618 726-2(3); and

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

621 (~~23~~24) A provider shall offer courses consistent with standards outlined in an
622 applicable Statewide Services Agreement, which may be updated or amended to reflect
623 changes in law, rule or recommended practice.

624 (~~24~~25) All authorized online course providers are subject to the same approval
625 and annual performance review as described for a certified online course provider in
626 Subsections R277-726-(11)(1) through (10) while utilizing the applicable applications for
627 an authorized online course provider described in Subsections R277-726-3(1)(a) and
628 (b).

629 (~~25~~26) A provider utilizing a third party shall establish contractual and
630 procedural safeguards:

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

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

637 (c) including acceptance of financial responsibility by a primary LEA of
638 enrollment.

639 (~~26~~27) A provider is not required to independently verify:

640 (a) early graduation status; or

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

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

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

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

651 (29) If the Superintendent finds that an authorized online course provider is out of
652 compliance with Subsection (28), the Superintendent shall provide the provider with a
653 list of violations and a reasonable timeline for the provider to cure the non-compliance.

654 (30) If an authorized online course provider fails to correct a violation identified
655 under Subsection (29) within the time provided, the Superintendent may remove the
656 provider from the program.

657

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

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

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

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

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

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

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

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

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

681 (b) the provider shall implement the Section 504 plan and provide related aids,
682 accommodations, and services to the student in accordance with the student's Section
683 504 plan.

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

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

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

691 (5) If a home or private school student requests services under Section 504 of
692 the Rehabilitation Act of 1973, a provider may determine student eligibility, prepare a
693 504 plan for the home or private school student's online program, and provide related
694 aids, accommodations, and services.

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

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

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

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

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

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

708 ~~[(iv)]v~~ continue to claim the student in the primary LEA of enrollment's
709 membership; and

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

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

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

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

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

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

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

725

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

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

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

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

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

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

740

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

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

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

747 (a) school awards and honors;

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

749 (c) high school graduation.

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

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

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

757

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

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

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

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

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

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

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

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

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

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

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

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

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

792 (g) state laws applicable to an online course provider, including Sections [53F-4-](#)
793 [501](#) et. seq. and Sections [53F-4-504](#) and [53F-4-514](#).

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

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

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

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

807 (a) 5% of revenue collected for the first \$200,000 received pursuant to Section
808 [53F-4-505](#); and

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

811

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

813 For a student enrolled in a concurrent enrollment course through an SOEP
814 provider, to the extent there is a conflict between this rule and [Title 53F, Chapter 4, Part](#)
815 [5](#), Statewide Online Education Program, and [Title 53E, Chapter 10, Part 3](#), Concurrent
816 Enrollment, the concurrent enrollment code provisions shall govern.

817

818 **KEY: statewide online education program**

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

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

821 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53F-4-510](#); [53F-4-](#)
822 [514](#); [53E-3-401](#)**