



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, Vice Chair

Dixie L. Allen
Kim R. Burningham
Keith M. Buswell
Leslie B. Castle
Barbara W. Corry

Dan Griffiths
Heather Groom
Michael G. Jensen
Jennifer A. Johnson

Jefferson Moss
C. Mark Openshaw
Debra G. Roberts
Terry Warner

Joel Coleman, Interim Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Joel Coleman
Interim Chief Executive Officer

DATE: September 5, 2014

ACTION: R277-419-9 *Pupil Accounting - Provisions for Maintaining Student Membership and Enrollment Documentation and Documentation of Student Education Services Provided by Third Party Vendors* (Amendment)

Background:

R277-419-9 *Provisions for Maintaining Student Membership and Enrollment Documentation and Documentation of Student Education Services Provided by Third Party Vendors* was approved by the Board as an emergency filing, effective on June 9, 2014. An emergency filing is effective for no more than 120 days. The proposed R277-419-9 will supersede the emergency filing currently in place.

Key Points:

R277-419-9 is proposed as a new section to R277-419 *Pupil Accounting*. R277-419-9 provides guidance for student membership and enrollment documentation to LEAs with nontraditional programs and those that use third party vendors for educational services. Provisions of R277-419-9 require State Superintendent approval of nontraditional programs managed solely by third party vendors and require LEAs to establish a written monitoring plan to ensure compliance with law and Board rules for nontraditional programs managed by vendors.

R277-419-9D was clarified to indicate the types of courses that do not qualify for funding. R277-419-9E was added which disallows LEAs and their vendors from using public dollars to pay for enrollment or referral bonuses or provide educational, curriculum, instruction, private lessons, or technology reimbursements to parents and students that are not available to all students of the LEA. It requires LEAs to establish these provisions in contract with their third party vendors. It also requires LEAs and their third party vendors who purchase items and technology devices for students to retain them as LEA assets. 419-9F was added to require students initially enrolling in an LEA to physically provide requested enrollment information to an LEA employee, at designated LEA locations. 419-9G was added to disallow third party vendors from collecting and storing public school enrollment verification documents.

Anticipated Action:

It is proposed that the Finance Committee consider approving R277-419-9, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-419-9, as amended, on second and third reading.

Contact: Bruce Williams, Associate Superintendent, 801-538-7514
Natalie Grange, Internal Audit Director, 801-538-7813

1 **R277. Education, Administration.**

2 **R277-419. Pupil Accounting.**

3 **R277-419-9. Provisions for Maintaining Student Membership and**
4 **Enrollment Documentation and Documentation of Student**
5 **Education Services Provided by Third Party Vendors.**

6 A. R277-419-1 through 8 provide direction for student
7 membership and enrollment and eligibility criteria for both
8 traditional and nontraditional schools and programs.

9 B. A traditional program is a public school program that
10 consists of eligible public education students who physically
11 attend school in classrooms.

12 C. A nontraditional program is a public school program
13 that consists of eligible, enrolled public education students
14 where students primarily receive instruction either online or
15 through a distance learning program.

16 D. Home school courses do not qualify for public
17 education funding for both traditional and non-traditional
18 programs. Home school courses are those where the curriculum
19 and instructional methods, reporting, and evaluation of
20 student progress or mastery is provided or administered by the
21 parent, guardian, custodian, or other group of individuals,
22 not directly supervised by an LEA.

23 E. LEA and Third Party Vendor Use of Public Funds for
24 Incentives and Reimbursements

25 (1) LEAs or their third party vendors shall not use
26 public funds, as defined under Section 51-7-3(26), to provide
27 monetary or other incentives for enrollment or referral
28 bonuses to individuals or groups of individuals;

29 (2) LEAs or their third party vendors shall not use
30 public funds to provide educational, curriculum, instruction,
31 private lessons, or technology reimbursements to individuals,
32 groups of individuals or third party vendors that are not
33 available to all students enrolled in the LEA;

34 (3) LEAs shall establish these provisions in their
35 contracts with third party vendors and shall monitor
36 compliance with these provisions; and

37 (4) LEAs and their third party vendors that purchase

38 items or technology devices and provide them to students shall
39 ensure that these items are the property of the LEAs and are
40 subject to the LEAs asset policies.

41 F. Beginning with the 2015-2016 school year, students
42 initially enrolling in an LEA must physically provide all
43 requested registration information and enrollment documents to
44 an LEA employee, at designated LEA location(s).

45 G. LEA shall not authorize third party vendors to collect
46 or store public school enrollment verification records such
47 as:

48 (1) birth certificates or other verification of age and
49 identity;

50 (2) verification of immunization or exemption form;

51 (3) proof of Utah public school residency;

52 (4) family income verification; or

53 (5) special education records, including:

54 (a) individualized education program;

55 (b) 504 plan; or

56 (c) English Learner plan.

57 H. All LEAs that enroll students shall maintain
58 documentation of the following:

59 (1) that the LEA complied with all provisions of R277-
60 419-1 through 8;

61 (2) that the LEA complied with all educator licensure
62 requirements of R277-502;

63 (3) that the LEA complied with all fingerprint and
64 background check requirements for educators, employees and
65 volunteers consistent with Section 53A-3-410, 53A-1a-512.5,
66 R277-516, and R277-520;

67 (4) that the LEA established a school schedule consistent
68 with R277-419-4A(1);

69 (5) that the LEA only enrolled students who met the
70 eligibility requirements of R277-419-5A(1) (a-e);

71 (6) that the LEA directed the instruction of the core
72 curriculum consistent with Section 53A-1-402(1)(a) and R277-
73 700; and

74 (7) that the LEA scheduled and gave all statewide

75 assessments, as required under Sections 53A-1-606.6 through
76 53A-1-611 and R277-404.

77 I. In addition to R277-419-9D, LEAs that enroll students
78 in traditional programs shall also satisfy the requirements of
79 R277-419-5A(1)(f).

80 J. In addition to R277-419-9D, LEAs that enroll students
81 in nontraditional programs shall also maintain documentation
82 that the LEA satisfied the following:

83 (1) adopted a written policy that designates a continuing
84 enrollment measurement to document the continuing membership
85 or enrollment status for individual students consistent with
86 R277-419-5A(1)(c);

87 (2) measured and documented each student's continued
88 enrollment using the adopted continuing enrollment measurement
89 every ten consecutive school days;

90 (3) documented that LEA employees confirmed students'
91 continued enrollment consistent with R277-419-9J(2) and
92 updated student membership records in the student information
93 system; and

94 (4) documented that the LEA adjusted the student
95 membership information for students that did not meet the
96 continuing enrollment measurement, consistent with R277-419-
97 5A(1)(c).

98 K. The continuing enrollment measurement may include some
99 or all of the following components, in addition to other
100 components, as determined by the LEA:

101 (1) a minimum student login or teacher contact
102 requirement;

103 (2) required periodic contact with a licensed educator;

104 (3) a minimum hourly requirement, per day or week, that
105 students are engaged in course work; or

106 (4) required timelines for a student to provide or
107 demonstrate completed assignments, coursework or progress
108 toward academic goals.

109 L. LEA Nontraditional Program and Third Party Vendor
110 Compliance

111 (1) LEAs enrolling students in nontraditional programs,

112 where these programs are administered by third party vendors
113 contracted for curricular and instructional services, shall
114 submit documentation of compliance with law and Board rules
115 (as prescribed by the Board) to the Superintendent's office
116 for review and approval prior to the initiation of the
117 procurement process or prior to initiation of the
118 nontraditional program.

119 (2) An LEA offering a nontraditional program, that
120 contracts for curricular and instructional services from a
121 third party vendor, and does not receive approval or notice of
122 timelines required for corrective action from the
123 Superintendent's office, may not qualify for some or all
124 Minimum School Program funds.

125 M. An LEA that contracts with a third party vendor to
126 provide curricular and instructional services to students for
127 nontraditional programs shall monitor and supervise the vendor
128 throughout the administration of the services and ensure
129 compliance, at a minimum, with the following:

130 (1) all student eligibility and membership/enrollment
131 requirements of R277-419 are met;

132 (2) all educator licensure requirements of R277-502 were
133 satisfied;

134 (3) all fingerprint and background check requirements for
135 educators, employees and volunteers consistent with Section
136 53A-3-410, 53A-1a-512.5, R277-516, and R277-520 were met;

137 (4) the Utah State Board-directed core standards were
138 used in student instruction, consistent with Section 53A-1-
139 402(1)(a) and R277-700;

140 (5) all required statewide assessments were given, as
141 required under Sections 53A-1-606.6 through 53A-1-611 and
142 R277-404;

143 (6) LEA has developed a written supervision plan for the
144 vendor administration of curricular and instructional
145 services; and

146 (7) LEA has maintained documentation of supervisory
147 activities ensuring compliance with the written supervision
148 plan (copy of the agreement, assignment of supervising

149 personnel by title, meeting notes, correspondence with vendor)
150 consistent with the LEA's administrative records retention
151 schedule.

152 N. Consistent with R277-114, the Board may withhold funds
153 from traditional or nontraditional public education programs
154 for non-compliance with R277-419.

155 **KEY: education finance, school enrollment**

156 **Date of Enactment or Last Substantive Amendment: [~~October 9,~~**
157 **~~2012]2014~~**

158 **Notice of Continuation: September 14, 2012**

159 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
160 **53A-1-401(3); 53A-1-402(1)(e); 53A-1-404(2); 53A-1-301(3)(d);**
161 **53A-3-404; 53A-3-410**