

R277-419-9 WAS APPROVED BY THE UTAH STATE BOARD OF EDUCATION ON OCTOBER 10, 2014. R277-419-9 IS PUBLISHED IN THE NOVEMBER 1, 2014 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF DECEMBER 8, 2014.

R277. Education, Administration.

R277-419. Pupil Accounting.

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

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

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

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

D. LEAs may enroll students in both traditional and nontraditional programs.

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

F. LEA and Third Party Vendor Use of Public Funds for Incentives and Reimbursements

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

(2) LEAs or their third party vendors shall not use public funds to provide educational, curriculum, instruction, private lessons, or technology reimbursements to individuals, groups of individuals or third party vendors that are not available to all students enrolled in the LEA or required by an IEP or 504 plan that is approved by the LEA.

(3) LEAs or their third party vendors that purchase items or technology devices and provide them to students shall ensure that these items are the property of the LEAs and are subject to the LEAs asset policies.

(4) LEAs shall establish provisions identified in R277-419-9F(1) through (3) in their contracts with third party vendors and shall monitor compliance with these provisions.

G. LEAs shall ensure school enrollment verification records are collected consistent with sound data collection and storage procedures, established by the LEA, and that these records are transmitted securely. It is the LEAs' responsibility to verify the

R277-419-9 WAS APPROVED BY THE UTAH STATE BOARD OF EDUCATION ON OCTOBER 10, 2014. R277-419-9 IS PUBLISHED IN THE NOVEMBER 1, 2014 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF DECEMBER 8, 2014.

accuracy and validity of student enrollment records, prior to enrolling students in an LEA, and provide students and their parents with notification of enrollment in a public school. An LEA is the only entity authorized by the Board to collect and store public school enrollment verification records including:

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

(2) verification of immunization or exemption form;

(3) proof of Utah public school residency;

(4) family income verification; or

(5) special education records, including:

(a) individualized education program;

(b) 504 plan; or

(c) English learner plan.

H. All LEAs that enroll public school students shall maintain documentation of the following:

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

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

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

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

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

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

(7) that the LEA scheduled and administered all statewide assessments, as required under Sections 53A-1-606.6 through 53A-1-611 and R277-404.

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

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

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

(2) measured and documented each student's continued enrollment using the adopted continuing enrollment measurement at

R277-419-9 WAS APPROVED BY THE UTAH STATE BOARD OF EDUCATION ON OCTOBER 10, 2014. R277-419-9 IS PUBLISHED IN THE NOVEMBER 1, 2014 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF DECEMBER 8, 2014.

least every ten consecutive school days;

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

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

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

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

(2) required periodic contact with a licensed educator;

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

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

L. LEA Nontraditional Program and Third Party Vendor Compliance

(1) An LEA offering a nontraditional program that contracts for curricular and instructional services which are administered by third party vendors shall submit documentation of compliance with law and Board rules (as prescribed by the Board) to the Superintendent's office for review prior to the initiation of the program.

(2) An LEA offering a nontraditional program that contracts for curricular and instructional services from a third party vendor and does not resolve a corrective action item, may not qualify for some or all Minimum School Program funds.

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

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

(2) all educator licensure requirements of R277-502 are satisfied;

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

(4) the Board-directed core standards are used in student instruction, consistent with Section 53A-1-402(1)(a) and R277-700;

(5) all required statewide assessments are administered by the LEA, as required under Sections 53A-1-606.6 through 53A-1-611 and R277-404;

R277-419-9 WAS APPROVED BY THE UTAH STATE BOARD OF EDUCATION ON OCTOBER 10, 2014. R277-419-9 IS PUBLISHED IN THE NOVEMBER 1, 2014 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF DECEMBER 8, 2014.

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

(7) the LEA maintains documentation of supervisory activities ensuring compliance with the written supervision plan (copy of the agreement, assignment of supervising personnel by title, meeting notes, correspondence with vendor) consistent with the LEA's administrative records retention schedule.

N. Consistent with R277-114, the Superintendent may withhold funds from traditional or nontraditional public education programs for non-compliance with R277-419. An LEA may appeal the decision of the Superintendent to the Board.

KEY: education finance, school enrollment

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

Notice of Continuation: September 14, 2012

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