

1      **R277. Education, Administration.**

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

3      **R277-726-1. Authority, 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           (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]~~ establishing a course credit acknowledgment form and  
16 procedures for completing and submitting the form to the Board; and

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

19           (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)(a) ~~["Actively participates"]~~ "Active participation" means, for purposes of an  
32 initial funding distribution described in Section 53F-4-505, ~~[the student actively~~  
33 ~~participates as defined by the provider in a written standard of active participation on~~  
34 ~~record with the Superintendent.] that, during the twenty day period allowed for~~  
35 ~~withdrawal at the beginning of a semester-length course, a student has:~~

36 (i) logged into a course one or more times;  
37 (ii) submitted one or more grade assignments; and  
38 (iii) not requested to withdraw.

39 (2) "Applicable statewide assessments" means:

40 (a) the high school assessment described in Section 53E-4-304 and Subsection  
41 R277-404-2(7);

42 (b) a standards assessment as defined in Section 53E-4-303; and  
43 (c) a Utah alternative assessment as defined in Rule R277-404.

44 (3) "Approved absence" means an absence permitted in accordance with  
45 Subsection 53G-6-803(5).

46 (4) "Authorized online course provider" or "provider" means the same as the  
47 term is defined in Section 53F-4-501.

48 (5) "Certified online course provider" means the same as the term is defined in  
49 Section 53F-4-501.

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

53 (7) "Confirm" means that a provider certifies:

54 (a) that a student has met the criteria outlined in Subsection (1) for active  
55 participation; and

56 (b) that the provider acknowledges an obligation to the Board or a cooperating  
57 LEA for related accountability mandates associated with the student and the student's  
58 course of instruction.

59           ([7]8) "Course Credit Acknowledgment" or "CCA" means an agreement and  
60 registration record that:

61           (a) uses the Statewide Online Education Program application provided by the  
62 Superintendent; and

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

65           (9) "Day of census" means the school day immediately following the expiration of  
66 the twenty school days allowed for a student to withdraw from an SOEP course.

67           (10) "Disciplinary withdrawal" means that:

68           (a) a student was administratively withdrawn from an online course for  
69 disciplinary reasons; and

70           (b) the student, counselor, and parents were duly notified.

71           ([8]11) "Effective Date" means that, notwithstanding [Title 63G, Chapter 3](#), Utah  
72 Administrative Rulemaking Act, a delayed effective date that the Board is required to  
73 provide after the school year has ended for changes in administrative rule related to the  
74 Statewide Online Education Program, as described in Subsection [53F-4-514](#)(1).

75           ([9]12)(a) "Eligible student" means the same as the term is defined in Section  
76 [53F-4-501](#).

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

80           (c) "Eligible student" does not include:

81           (i) a student receiving a scholarship under [Title 53F, Chapter 6, Part 4](#), Utah Fits  
82 All Scholarship Program[-];

83           (ii) a student attending a private school; or

84           (iii) a student participating in the Utah Private Course Choice Empowerment  
85 Program under Section [53F-5-501](#).

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

89        (13)(a) "Enrollment notice" means a certification issued by the Superintendent indicating that a student:

91            (i) completed registration procedures;

92            (ii) was accepted to participate by a provider;

93            (iii) received actual or statutory approval from a primary LEA of enrollment.

94        (b) An "enrollment notice" enables a provider to initiate instruction based on:

95            (i) the primary LEA's acknowledgment of financial responsibility in the case of a public school student; or

97            (ii) the Superintendent's acknowledgment of financial responsibility in the case of a home school student.

99        ~~([11]14) "Executed CCA" means a CCA that has been executed pursuant to Subsection [53F-4-508](#)(3) [and received by] causing the Superintendent to issue a notice of enrollment informing all participating parties.~~

102        ~~([12]15) "Fee" means the same as the term is defined in Rule [R277-407](#).~~

103        ~~([13]16) "High school" means the same as the term is defined in Section [53F-4-501](#).~~

105        ~~([14]17) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.~~

107        (18)(a) "Learner validated enrollment measures" means measures approved for establishing attendance and participation in online coursework.

109            (b) "Learner validated enrollment measures" shall include:

110            (i) required periodic contact with a teacher of record through means applicable in an online environment, such as asynchronous discussion boards, emails, or scheduled synchronous meetings; and

113            (ii) one or more mandatory measures chosen by the provider from the following:

114            (A) a minimum frequency of student logins every five or ten days;

115        (B) student work submitted within required timelines for the student to provide  
116        completed assignments, coursework, or to have made progress toward academic goals;  
117        (C) routinely completed student assignments demonstrating acceptable progress  
118        toward timely completion, or otherwise meeting established pacing guidelines; or  
119        (D) additional measures selected for display in a dashboard communicating  
120        student progress to a counselor.

121        (19) "Loss of eligibility" means that a change in circumstances causes a student  
122        to lose program eligibility for reasons beyond the student's control, resulting in the  
123        student being administratively withdrawn from a course.

124        ([15]20) "Middle school" means the same as the term is defined in Section [53F-4-501](#).

126        ([16]21) "Online course" means the same as the term is defined in Section [53F-4-501](#) regardless of whether the student participates in the online course at home, at a  
127        school, at another location, or in any combination of these settings.

129        ([17]22) "Online course payment" means the amount of funds withheld from a  
130        student's primary LEA and disbursed, or otherwise paid, to the designated provider  
131        following satisfaction of the requirements of the law, and as directed in Subsection [53F-4-507](#)(2) and Section [53F-4-518](#).

133        (23) "Participation" means that a student continues to satisfy learner validated  
134        enrollment measures following confirmation.

135        ([18]24) "Primary LEA of enrollment" means:

136        (a) the LEA reporting the student to be in regular membership, and special  
137        education membership, if applicable; and

138        (b) the LEA in which an eligible student is enrolled for courses other than online  
139        courses offered through the [Statewide Online Education Program] SOEP, if the student  
140        is enrolled in additional, non-SOEP courses.

141        ([19]25) "Primary school of enrollment" means:

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

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

150                   ([e]d) the school responsible for oversight and implementation of the student's  
151 educational requirements under the Individuals with Disabilities Education Act.

152                   ([20]26) "Resident school" means the district school within whose attendance  
153                    boundaries the student's custodial parent or legal guardian resides.

154                   ([24]27) "School" means the same as the term is defined in Rule [R277-100](#).

155                   ([22]28) "Section 504" means Section 504 of the Rehabilitation Act of 1973, 29  
156                   U.S.C. 794.

157 ([23]29) "Standard of active participation" means:

158 (a) [the] established measures of student engagement selected from a menu of  
159 Board-approved learner validated enrollment measures used by an authorized online  
160 course provider to count a student in attendance and participation at least once every  
161 ten school days for a course consistent with Section [R277-419-5](#);

162 (b) a [document] written policy:

163        (i) articulating evidence [validating] of student participation contained in a  
164 learning management system and used by an authorized online course provider to  
165 qualify to receive payment as provided in Subsection 53F-4-505(4)[, including  
166 ~~determining when a student is actively participating in a course defined in Section 53F-~~  
167 ~~4-501]~~; and

168                   (ii) used to monitor program outcomes and program financial compliance in  
169                   accordance with Rule [R277-114](#).

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

172        ([24]30) "Statewide Online Education Program" or "SOEP" or "program" means  
173 the Statewide Online Education Program created in Section [53F-4-502](#).

174        ([25]31) "Teacher of record" means the teacher who is ~~assigned by a provider~~  
175 ~~and to whom students are assigned for purposes of reporting and data submissions to~~  
176 ~~the Superintendent]~~ contractually responsible for collecting student participation and  
177 success data in accordance with Section [R277-484](#)-3 and this rule.

178        ([26]32) "Underenrolled student" means a student with less than a full course  
179 load, as defined by the LEA, during the regular school day at the student's primary  
180 school of enrollment.

181        (33) "Unexcused absence" means an absence charged to a student when the  
182 student, without prior authorization, does not meet required participation criteria and  
183 fails to respond to out reach, resulting in administrative withdrawal from a course.

184        ([27]34) "USBE course code" means a code for a designated subject matter  
185 course assigned by the Superintendent.

186        ([28]35) "Withdrawal from online course" means that a student ~~[withdraws from~~  
187 ~~or ceases participation in]~~ requests to withdraw from an online course as follows:

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

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

192        ~~[(c) within 20 calendar days after the start date of the second 0.5 credit of a 1.0~~  
193 ~~credit course;~~

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

196        ~~(e) as a result of the student losing program eligibility, including when the~~  
197 ~~student moves out of state.]~~

198        (c) within a prorated period of ten school days for a quarter-length course,  
199 without penalty, or at a subsequent point with a penalty attached.

200

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

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

203 (2)(a) A counselor designated by a student's primary school of enrollment shall

204 review the student's CCA to ensure consistency with:

205 (i) graduation requirements; ~~[and]~~

206 (ii) the student's plan for college and career readiness~~[,]~~;

207 (iii) scheduling; and

208 (iv) requirements for course replacement.

209 (b) The primary school and LEA of enrollment and an online course provider

210 shall respond to the CCA using forms and processes provided by the Superintendent

211 within 24 business hours.

212 (3)(a) The primary school of enrollment is not required to meet with the student

213 or parent for approval of a course request.

214 (b) The primary school of enrollment shall consider an online course request that

215 duplicates a prior physical course request to constitute a simultaneous request to drop

216 the prior physical course request in favor of the online course, without a requirement for

217 additional procedures to drop the physical course to allow appropriate space for the

218 online course in the student's schedule.

219 ([b]4) The Superintendent shall notify a primary school of enrollment of a

220 student's enrollment in the program, and the primary school of enrollment may work with

221 a student to request that an online course be dropped within the times outlined for

222 withdrawal from a course in Subsection R277-726-2(35).

223 ([4]5) If an eligible student has an IEP or Section 504 plan, the eligible student's

224 primary LEA shall provide or facilitate enrollment by:

225 (a) forwarding a copy of the relevant portions of the eligible student's existing

226 IEP or Section 504 accommodation plan to the authorized online course provider in

227 accordance with federal law and regulations;

228 (b) ensure the eligible student's IEP team and the authorized online course

229 provider review a course enrollment for compliance with Subsection (1);

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

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

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

238

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

240 (1)(a) An eligible student may register for program credits consistent with  
241 Section 53F-4-503 and this rule.

242 (b) A student's selection of a course as described in Subsection (1)(a) is limited  
243 in relation to Health I and Health II without written approval from a counselor at the  
244 student's school of record transmitted to a provider prior to acceptance of a request for  
245 enrollment.

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

248 (a) the student's plan for college and career readiness indicates that the student  
249 intends to complete high school graduation requirements and exit high school before  
250 the rest of the student's high school cohort, allowing a school to mark the student as an  
251 early graduate and increase membership days to claim additional funding in accordance  
252 with Section R277-419-6; or

253 (b) the student's local school board or charter school governing board has a  
254 policy that allows students to enroll in additional courses without seeking additional  
255 funding.

256 [ (3)(a) Only original credit may be funded through the program. ]

257 \_\_\_\_\_ (b) ~~Competency-based award of credit without engagement in a course of~~  
258 ~~digital, teacher-led instruction may not be funded under Statewide Online Education~~  
259 ~~Program and Minimum School Program provisions.]~~

260 (4)3)(a) An eligible student is expected to complete courses in which the student  
261 enrolls in a timely manner consistent with Section [53F-4-505](#) and requirements for  
262 attendance and participation in accordance with Subsection R277-726-7(15) and  
263 Subsection R277-726-2(17).

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

267 (5)4) A student shall enroll in online courses, or declare an intention to enroll,  
268 during the school course registration period designated by the primary LEA of  
269 enrollment for regular course registration, provided the student's LEA notifies students  
270 of the opportunity to enroll in the program as described in Section [53F-4-513](#).

271 (6)5)(a) A student may alter a course schedule by dropping a traditional course  
272 and adding an online course in accordance with the primary school of enrollment's  
273 same established deadline for dropping and adding traditional courses.

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

279 (7)6)(a) Notwithstanding Subsection (5)4), an underenrolled student may enroll  
280 in an online course at any time during a calendar year.

281 (b) If an underenrolled student enrolls in an online course as described in  
282 Subsection (7)6)(a), the primary school of enrollment may immediately claim the  
283 student for the adjusted portion of enrollment by entering the course into the primary  
284 LEA's student information system and increasing membership, if necessary.

285           ([8]7)(a) An authorized online course provider shall reasonably accommodate a  
286 request of a student's parent to visit and observe any class the student attends,  
287 including allowing appropriate access to digital systems of course delivery, as required  
288 in Section 53G-6-803.

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

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

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

296

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

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

300           (2) A student's course credit limits are up to six online credits per academic year  
301 unless:

302           (a) the primary school of enrollment agrees that more credits better suit the  
303 academic needs of the student in accordance with Section 53F-4-502; or

304           (b) the Superintendent approves a different number of credits acceptable to the  
305 student and the primary school of enrollment.

306           (3) The sum of SOEP and traditional LEA credits may not exceed full-time  
307 enrollment unless a plan for early graduation is reflected in the student's records.

308           ([2]4) A primary school of enrollment and a provider LEA shall use the CCA  
309 application, records, and processes provided by the Superintendent for the program.

310           ([3]5) In accordance with Subsection 53F-4-509(5), if a student enrolled in a  
311 program course intends to graduate early and exceeds a full course load during a  
312 regular school year, a primary LEA of enrollment may mark the student as an early  
313 graduate and increase membership in accordance with Section R277-419-6, Section

314        [R277-700-6](#) and Rule [R277-484](#) to account for credits in excess of full-time enrollment  
315        in a local student information system.

316        ([4]6) A primary school or LEA of enrollment shall provide information about  
317        available online courses and programs:

- 318        (a) in registration materials;
- 319        (b) on the LEA's website; and
- 320        (c) on the school's website.

321        (7) A primary school or LEA of enrollment may not require a student to participate  
322        in onsite or in person courses to:

- 323        (a) remain enrolled in the LEA or school;
- 324        (b) access sports, facilities, or student honors; or
- 325        (c) meet special education service needs.

326        ([5]8) To facilitate enrollment as required by Section [53F-4-513](#), a primary school  
327        or LEA of enrollment shall provide the notice required under Subsection (4) concurrent  
328        with the high school course registration period designated by the LEA for the upcoming  
329        school year.

330        ([6]9) A primary school of enrollment:

- 331        (a) shall include a student's online courses in the student's schedule and
- 332        enrollment records generally;
- 333        (b) may increase membership to account for SOEP credits; and
- 334        (c) upon course completion, shall include online course grades and credits on the  
335        student's transcripts, including high school coursework completed before grade 9 using  
336        course title and core codes.

337        ([7]10) A primary school of enrollment shall recognize credit earned toward high  
338        school graduation by a participating student through courses completed before grade 9  
339        for purposes of high school graduation.

340        ([8]11) A primary school of enrollment shall determine fee waiver eligibility for  
341        participating public school students pursuant to Rule [R277-407](#).

342           ([9]12)(a) If a participating student qualifies for a fee waiver, the student's  
343 primary LEA or school of enrollment shall provide the participating student access to an  
344 online course by:

345           (i) allowing a student access to necessary technology in a computer lab or other  
346 space within the school building during a school period or during the regular school day  
347 for the student to participate in an online course; or  
348           (ii) providing a participating student technology and Wi-Fi needed for the student  
349 to participate outside of the school building.

350           (b) If a participating student who qualifies for a fee waiver is a home [or private]  
351 school student, the online course provider shall provide the participating home [or  
352 private] school student access to the online course.

353           ([10]13) Where students access program courses using LEA-owned and  
354 managed devices, an LEA shall configure devices to participating students to form a  
355 separate user account or otherwise allow access to program provider materials using  
356 credentials supplied by a program provider.

357           ([11]14)(a) [A] During the regular school day, a primary school of enrollment  
358 shall provide participating students access to facilities for the student to participate in an  
359 online course. [during the regular school day,]

360           (b) A primary school of enrollment may not restrict a participating student from  
361 student leadership opportunities, sports, extracurricular and co-curricular activities,  
362 counseling, graduation, and other non-instructional services, honors, activities, and  
363 amenities offered to students generally [without consideration of] solely on the basis of  
364 the student's participation in SOEP courses or on the basis of relative levels of  
365 participation in traditional courses versus program courses.

366           ([12]15)(a) A primary LEA of enrollment shall record course [Course] completions  
367 conferring high school credit [shall be recorded] in a student's record of credit and  
368 course completion for grade 9 to allow recognition toward grades 9-12, and high school  
369 graduation requirements.

370 (b) A primary LEA of enrollment accepting credit toward high school  
371 requirements is not required to independently verify:  
372 (i) early graduation status; or  
373 (ii) that high school courses taken through the program did not replace middle  
374 school courses for a student.

375 ([43]16) When a student satisfactorily completes an online semester or quarter  
376 course:  
377 (a) for high school credit, in accordance with the LEA's procedures, a designated  
378 counselor or registrar at the primary school of enrollment shall forward records of  
379 grades and high school graduation credit, listing core codes for each completed course;  
380 or  
381 (b) for a student participating in the program before grade 9, the student's grade  
382 9 primary [school] LEA of enrollment shall record grades and credit per Subsection  
383 ([44]15) once the student completes grade 8.

## 385 R277-726-6. Superintendent Requirements and Responsibilities.

386 (1) The Superintendent shall provide a website for the program, including:  
387 (a) information required under Section [53F-4-512](#);  
388 (b) grade distributions for each course where course enrollment is large enough  
389 to allow disclosure;  
390 (c) completion rates for each course;  
391 (d) results of student and parent satisfaction surveys;  
392 (e) a standardized performance evaluation report card published annually  
393 assessing each provider, parallel to existing requirements of Section [53F-4-512](#); and  
394 ([e]f) other information as determined by the [Board] Superintendent.  
395 (2) On or before January 31, 2026, the Superintendent shall create a centralized  
396 registration, which shares the following information from the primary LEA of enrollment's  
397 student information system with a selected provider:  
398 (a) student transcripts;

399        (b) a student's current IEP or Section 504 accommodation plan; and

400        (c) and other information on necessary accommodations and services.

401        ([2]3) The Superintendent shall direct a provider to administer the Utah  
402 standards and high school assessments, as applicable, consistent with Section 53F-4-  
403 514 and Rule R277-404.

404        ([3]4)(a) The Superintendent shall prepare and make available applications and  
405 program agreements for authorized online course providers.

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

409        (c) An applicant receiving authorization by June 30 will begin service July 1  
410 following the conclusion of the next academic year to allow for necessary preparation of  
411 fall or summer enrollment in the subsequent academic year.

412        ([4]5)(a) With the exception of the requirements of Subsection 53F-5-514(2), the  
413 Superintendent may determine space availability standards and appropriate course load  
414 standards for online courses consistent with Subsection 53F-4-512(3)(g).

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

416        ([5]6) Before approving a provider, consistent with Section 53F-4-504, the  
417 Superintendent shall:

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

421        (b) disclose problematic findings to the applicant and as required, to the Board;  
422 and

423        ([b]c) verify that a prospective provider:

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

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

426        (iii) demonstrates data security and privacy compliance capacity, consistent with  
427 FERPA, through submission of a report selected by the Superintendent or developed by

428 the American International Society of Certified Public Accountants to evaluate data  
429 security controls and assess organization safeguards in place to protect sensitive data;

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

432 (A) familiarity with education broadly;

433 (B) competency in instruction;

434 (C) academic philosophy; and

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

437 ([6]7) The Superintendent may restrict a provider from offering coursework if the  
438 Superintendent determines that the provider demonstrates repeated low performance  
439 on statewide assessments in English Language Arts, math, or science.

440 ([7]8) The Superintendent shall withhold funds from a primary LEA of enrollment  
441 and pay a provider consistent with Sections [53F-4-505](#) through [53F-4-507](#), and Section  
442 [53F-4-518](#).

443 ([8]9) The Superintendent may refuse to provide funds under a CCA if the  
444 Superintendent finds that information has been submitted fraudulently or in violation of  
445 the law or Board rule by any of the parties to a CCA.

446 ([9]10) The Superintendent shall receive and investigate complaints, and impose  
447 sanctions, if appropriate, regarding course integrity, financial mismanagement,  
448 enrollment fraud or inaccuracy, or violations of the law or this rule specific to the  
449 requirements and provisions of the program.

450 ([10]11) If a Superintendent or federal entity's investigation finds that a provider  
451 has violated the IDEA or Section 504 provisions for a student taking online courses, the  
452 provider shall compensate the student's primary LEA of enrollment for costs related to  
453 compliance.

454 ([11]12) The Superintendent may monitor an LEA's or program provider's  
455 compliance with any requirement of state or federal law or Board rule under the  
456 program.

457        ([12]13) The Superintendent may withhold funds from a program provider for the  
458 participant's failure to comply with a reasonable request for records or information.

459        ([13]14) Program records are available to the public subject to [Title 63G](#),  
460 [Chapter 2](#), Government Records Access and Management Act.

461        ([14]15) The Superintendent shall withhold online course payment from a  
462 primary LEA of enrollment and payments to an eligible provider at the nearest monthly  
463 transfer of funds, subject to verification of information, in an amount consistent with, and  
464 when a provider qualifies to receive payment, under Subsections [53F-4-505\(4\)](#), [53F-4-](#)  
465 [507\(3\)\(b\)](#) and [53F-4-508\(2\)\(b\)](#).

466        ([15]16) The Superintendent shall pay a provider consistent with Minimum  
467 School Program funding transfer schedules.

468        ([16]17) Upon request from a primary LEA, the Superintendent shall provide an  
469 itemized report showing deductions described in Subsection [53F-4-508\(2\)](#), by student  
470 and course enrolled.

471        ([17]18)(a) The Superintendent may make decisions on questions or issues  
472 unresolved by [Title 53F, Chapter 4, Part 5](#), Statewide Online Program Act or this rule on  
473 a case-by-case basis.

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

476        ([18]19) In accordance with [Title 53E, Chapter 4](#), Academic Standards,  
477 Assessments, and Materials, the Superintendent shall establish criteria for an  
478 authorized online course provider to submit for approval an online course that does not  
479 have an existing Board course code.

480        ([19]20) The Superintendent may advise an eligible student regarding how an  
481 online course meets state graduation requirements.

482        ([20]21) The Superintendent shall direct an eligible student to a counselor at the  
483 student's school for advice regarding:

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

486 (b) all other counseling services.

487           ([24]22) The Superintendent shall create a model cooperative agreement  
488 between a primary LEA and an authorized online course provider to be used when the  
489 primary LEA determines IEP services with costs are best provided by an authorized  
490 online course provider.

491                   ([22]23) The Superintendent shall organize and conduct annual mandatory  
492 training for relevant staff at a primary LEA that address program requirements for a  
493 primary LEA, including:

494 (a) reporting requirements and methods;

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

497 (c) federal and state requirements for accommodating enrollments that involve  
498 special education;

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

(e) Other necessary components as determined by the Superintendent.

502 (123) (14) The Superintendent shall create a communication dashboard for the  
503 program that includes:

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

506 (b) progress monitoring fields containing:

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

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

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

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

513 (a) primary LEA

514 (b) school counselor;

515 (c) authorized online course provider; and  
516 (d) parent.

517

## 518 R277-726-7. Provider Requirements and Responsibilities.

519 (1)(a) A provider shall administer the applicable statewide assessments to a  
520 participating private or home school student as directed by the Superintendent,  
521 including proctoring the applicable statewide assessments, consistent with Section 53F-  
522 4-510 and Rule R277-404.

523 (b) A provider is responsible for administrative and proctoring costs and planning  
524 for the applicable statewide assessments described in Subsection (1)(a).

525 (2) A provider shall:

526 (a) establish a procedure that a student or parent may complete online to excuse  
527 the student from statewide assessments as described in Subsection 53G-6-803(9); and

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

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

532 (4) A provider and any third party working with a provider shall, for all eligible  
533 students, satisfy Board requirements for:

534 (a) consistency with course standards as described in Sections [53F-4-514](#) and  
535 [53E-6-201](#);

536 (b) criminal background checks for provider employees consistent with [Title](#)  
537 [53G, Chapter 11, Part 4, Background Checks;](#)

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

540 (d) compliance with:

541 (i) the IDEA;

542 (ii) Section 504; and

543 (iii) requirements for multilingual students.

544 (5) A provider shall receive payments for a student properly enrolled in the  
545 program from the Superintendent consistent with:

546 (a) Board procedures;

547 (b) Board timelines; and

548 (c) Sections 53F-4-505 through 53F-4-508, Section 53F-4-518, and Board rule.

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

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

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

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

556 (iii) shall post fees on the provider website and disclose fees in course notes  
557 provided to the Superintendent as part of the provider's annual submission of course  
558 lists:

559 (iv) shall be responsible for fee waivers for an eligible student, including  
560 materials for a student designated fee waiver eligible by a student's primary school of  
561 enrollment:

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

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

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

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

572 (i) test scores;

573 (ii) grades;  
574 (iii) progress and performance measures; and  
575 (iv) completion of credit.

576 (8) Except as otherwise provided in this rule, a provider shall, using processes  
577 and applications provided by the Superintendent within five business days following the  
578 20 school day statutory period allowed for student withdrawal:

579 (a) confirm that a student [to be in active participation] is participating in a  
580 course; or  
581 (b) record a student's lack of confirmation.

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

583 (a) routinely update [course records] SOEP enrollment and tracking system  
584 records and local records stored in the provider's student information system to reflect  
585 continuing student participation as determined by student credit accruals and to  
586 maintain parity across data storage and reporting tools;

587 (b) submit a student's credit and grade to the Superintendent by enrolling the  
588 student, per UTREx specifications, in an appropriately marked course with a start date  
589 lying within the provider's school calendar, providing for each included course:

590 (i) the core code [and short course description] provided by the Superintendent,  
591 [associated with the course in program enrollment applications];

592 (ii) a local section code;

593 (iii) teacher of record information; and

594 ([ii]iv) as necessary, the unique title a provider utilizes to identify a course to a  
595 designated counselor or registrar at the primary school of enrollment, and the student's  
596 parent; and

597 (c) complete the submissions required under Subsection (9)(b):

598 (i) 30 days after a student satisfactorily completes an online semester or quarter  
599 course; or

600 (ii) by June 30 annually.

601                   (10) A provider shall provide an official transcript to a student's parent and  
602                   school of record no later than June 30 for students in grades 6-11, and no later than  
603                   May 1 for students in grade twelve.

604                   ([10]11) A provider may not withhold a student's credits, grades, or transcripts  
605 from the student, parent, or the student's school of enrollment for any reason.

606                   ([11]12)(a) If a provider suspends or expels a student from an online course for  
607 disciplinary reasons, the provider shall notify the student's primary LEA of enrollment by  
608 placing the student on disciplinary withdrawal.

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

611                   (c)(i) A provider shall notify the [Superintendent] student, parent, and a  
612 counselor of the student's school of record of [a student's] the provider's intent to place  
613 the student on administrative withdrawal, if the student is inactive in a course for more  
614 than ten days[, using forms and processes developed by the Superintendent for this  
615 purpose].

616                   (ii) If a student, parent, or counselor fails to request reinstatement following  
617 notification under Subsection (c)(i), the provider shall formally withdraw the student  
618 within [72 hours and] five school days by changing the status of the course to  
619 administrative withdrawal, which process will automatically notify the student, parent,  
620 and primary LEA of the action.

621                   ([12]13) If a student entitled to services under the IDEA is removed from an  
622 online program, the primary LEA shall work with the student and the student's parents to  
623 identify alternatives to provide a free [and] appropriate public education.

624                   ([13]14)(a)(i) A provider shall provide to the Superintendent a list of course  
625 options using USBE-provided course codes.

626                   (ii) If a course may reference mature subject-matter, a provider shall attach a  
627 disclaimer to the course description that states, "This course may not be suitable for  
628 students of all ages."

629        ~~[(b) Beginning with the 2024-25 school year, a provider may only code program~~  
630 ~~courses as semester or quarter courses.]~~

631        ~~([e]b) A provider shall update the provider's course offerings [annually] by March~~  
632 1.

633        ~~([14]15) A provider shall serve a student on a first-come-first-served basis who~~  
634 ~~wishes to take courses and who is designated eligible by a primary school of enrollment~~  
635 ~~if desired courses have space available.~~

636        ~~([15]16) A provider shall maintain and provide records and systems as part of a~~  
637 ~~public online school or program, including:~~

638        (a) financial and enrollment records;  
639        (b) information for accountability, program monitoring, and audit purposes; and  
640        (c) providing timely documentation of student participation, enrollment, educator  
641 credentials, and additional data for other purposes including giving a student's primary  
642 school of enrollment access to the student's records to appropriately support the  
643 student.

644        ~~([16]17) A provider shall maintain the following for at least five calendar years~~  
645 ~~after the student graduates:~~

646        (a) test scores;  
647        (b) student grades;  
648        (c) completion of credit; and  
649        (d) other progress and performance measures.

650        ~~([17]18)(a) A provider is responsible for complete and timely submissions of~~  
651 ~~record changes to executed CCAs and submission of other reports and records as~~  
652 ~~required by the Superintendent.~~

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

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

658           ([18]19)(a) Before the inception of coursework, as a component of the provider's  
659 initial communication of provisions of the provider's standard of active participation, a  
660 provider shall inform a student and the student's parent of travel expectations to fulfill  
661 course requirements.

662           (b) Travel expectations to fulfill course requirements as described in Subsection  
663 (18)(a) include a requirement to participate in a proctored assessment or other  
664 proctored or assessment requirement outside a student's home, including travel to  
665 participate in statewide assessments at a secure testing site.

666           ([19]20)(a) An LEA may participate in the program as a provider by offering a  
667 school or program consistent with Rule [R277-115](#) to a Utah student in grades 6-12 who  
668 is not a resident student of the LEA and a regularly-enrolled student of the LEA  
669 consistent with Sections [53F-4-501](#) and [53F-4-503](#).

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

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

674           ([20]21) A program school or program shall:

675           (a) be accredited consistent with Rule [R277-410](#);  
676           (b) have a designated administrator who meets the requirements of Rule [R277-](#)  
677 [309](#);

678           (c) ensure that a student who qualifies for a fee waiver receives services offered  
679 by and through the public schools consistent with Section [53G-7-504](#) and Rule [R277-](#)  
680 [407](#);

681           (d) maintain student records consistent with:

682           (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and  
683 34 CFR Part 99;

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

685           (iii) this rule; and

686           (e) shall offer course work:

687 (i) aligned with Utah Core standards as described in Sections [53E-4-202](#), [53F-4-](#)  
688 [505](#), and [53F-4-514](#);

689 (ii) in accordance with program requirements; and

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

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

692 (g) shall record teaching assignments by November 15 annually consistent with

693 Rule [R277-484](#) and Section [R277-312](#)-3, either directly or through a partner school in  
694 accordance with Subsection (20)(b).

695                   ([24]22) An LEA that offers an online program or school as a provider under the  
696                   program:

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

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

700 (c) shall require employees to meet requirements of [Title 53G, Chapter 11, Part](#)  
701 [4](#), Background Checks, before the provider offering services to a student;

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

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

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

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

713 (h) may not begin offering instruction to a student until the Superintendent issues  
714 a notice of enrollment, and the provider follows other enrollment procedures as

715 prescribed by the Superintendent for the student, and for each course the student  
716 participates in; and

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

719 ([22]23) A provider shall post required information online on the provider's  
720 individual website including required assessment and accountability information.

721 ([23]24) A provider contracting with a third party to provide educational services  
722 to students participating with the provider through the Statewide Online Education  
723 Program shall develop a written monitoring plan to supervise the activities and services  
724 provided by the third party provider to ensure:

725 (a) a third party provider is complying with:

726 (i) federal law;

727 (ii) state law; and

728 (iii) Board rules;

729 (b) curriculum provided by a third party provider is aligned with the Board's core  
730 standards and rules;

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

734 (d) supervision of third party facilitation by an educator licensed in Utah:

735 (i) assigned by the provider; and

736 (ii) reported as teacher of record per Section [R277-484](#)-3 and Subsection R277-  
737 726-2(3); and

738 (e) consistent with the LEA's administrative records retention schedule,  
739 maintenance of documentation of the LEA's supervisory activities.

740 ([24]25) A provider shall offer courses consistent with standards outlined in an  
741 applicable Statewide Services Agreement, which may be updated or amended to reflect  
742 changes in law, rule, or recommended practice.

743        ([25]26) All authorized online course providers are subject to the same approval  
744 and annual performance review as described for a certified online course provider in  
745 Section R277-726-11 while utilizing the applicable applications for an authorized online  
746 course provider described in Subsections R277-726-3(1)(a) and (b).

747        ([26]27) A provider utilizing a third party shall establish contractual and  
748 procedural safeguards:

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

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

755            ~~(c) including acceptance of financial responsibility by a primary LEA of  
756 enrollment].~~

757        ([27]28) A provider is not required to independently verify:

758            (a) early graduation status; or

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

761        ([28]29)(a) A provider shall adhere to requirements to remain certified and in  
762 good standing within the program, including:

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

766            (c) complying with requirements applicable to an authorized online course  
767 provider described in this Rule R277-726, including the requirement to maintain a  
768 course completion rate of at least 80% based on the provider's year-end UTREx  
769 submission[.];

770            (d) maintaining parity, consisting of no more than 5% discrepancy at all points in  
771 the school year, among data storage and reporting systems and tools, including the

772     SOEP's Student Enrollment and Tracking System or a relevant alternative, a local  
773     student information system, and UTREx; and

774     (e) complying with timelines specified in law and rule regarding course  
775     acceptance, updating of data systems, and transcript submissions to parents and a  
776     primary school of enrollment.

777        ([29]30) If the Superintendent finds that an authorized online course provider is  
778 out of compliance with Subsection ([28]29), the Superintendent shall provide the  
779 provider with a list of violations and a reasonable timeline for provider to cure the non-  
780 compliance.

781        ([30]31) If an authorized online course provider fails to correct a violation  
782 identified under Subsection ([29]30) within the time provided, the Superintendent may  
783 remove the provider from participation in the program.

784     (32)(a) A provider may only offer a course designed for original credit through the  
785     program.

786     (b) A provider may not offer competency-based awards of credit without a  
787     student engaging in a course of digital, teacher-led instruction under the program.

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

789

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

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

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

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

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

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

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

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

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

814 (b) the provider shall implement the Section 504 plan and provide related aids,  
815 accommodations, and services to the student in accordance with the student's Section  
816 504 plan.

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

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

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

824 (5) If a home [or private] school student requests services under Section 504 of  
825 the Rehabilitation Act of 1973, a provider may determine student eligibility, prepare a  
826 504 plan for the home [or private] school student's online program, and provide related  
827 aids, accommodations, and services.

828 (6) For a student enrolled in a primary LEA of enrollment, if a student  
829 participating in the program qualifies to receive services under the IDEA:  
830 (a) the student's primary LEA of enrollment shall:  
831 (i) forward a copy of an existing IEP or relevant sections to a provider;  
832 (ii) working with a provider LEA representative, review and determine  
833 implementation of an IEP for the student within a timeline consistent with IDEA  
834 requirements;  
835 (iii) working with a provider LEA representative, review and revise, as the IEP  
836 determines appropriate an existing IEP with necessary accommodations and services,  
837 considering the courses selected by the student;  
838 (iv) collaborate with an online provider to develop digital options for service  
839 delivery if the student selects an online environment;  
840 ([iv]v) provide the IEP described in Subsection (6)(a)(i) to the provider within 24  
841 business hours of completion of the student's IEP or within a timeline consistent with  
842 IDEA requirements; and  
843 ([v]vi) continue to claim the student in the primary LEA of enrollment's  
844 membership; and  
845 (b) the provider shall provide special education services and accommodations to  
846 the student in accordance with the student's IEP.  
847 (7) If a home [or private] school student requests an evaluation for eligibility to  
848 receive special education services:  
849 (a) the home [or private] school student's resident school shall:  
850 (i) evaluate the student's eligibility for services under the IDEA;  
851 (ii) if eligible, the student may enroll in the LEA that will prepare an IEP for the  
852 student, with input from the provider LEA, in accordance with the timelines required by  
853 the IDEA;  
854 (iii) provide the IEP described in Subsection (7)(a)(ii) to the provider within 72  
855 business hours of completion of the student's IEP; and

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

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

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

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

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

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

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

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

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

882 (a) the provider and the primary LEA or primary school of enrollment shall  
883 develop an individual learning plan in cooperation with persons knowledgeable about  
884 the student, the meaning of the evaluation data, and the placement options available for

885 the student in a virtual environment, which outline a student's current level of ability, and  
886 identifies specific goals for future attainment, progress, and exit criteria ;

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

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

893

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

895 (1) The Superintendent shall allocate ~~the annual appropriation for home and~~  
896 ~~private school tuition, along with~~ any carryover or unobligated funds directed to  
897 students attending small schools, and an appropriation provided for students attending  
898 small schools, as described in this section.

899 (2) The Superintendent shall distribute funds appropriated to the Statewide  
900 Online Education Program to support students from small high schools, and home  
901 schools, ~~or private schools~~ based on the needs of the eligible students, in addition to  
902 the demonstrated inability of eligible schools to provide depth and range in:

903 (a) Career and Technical Education Pathways;  
904 (b) Advanced Placement and other advance coursework;  
905 (c) foundation, applied and advanced courses enabling students to move forward  
906 in technology-intensive paths requiring an educator with advanced license or  
907 endorsement areas; and

908 (d) established facilities and programs.

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

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

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

917        (3) The Superintendent shall prioritize funding distributions to small schools and  
918        adjust funding annually based on an annual assessment of demonstrated inability to  
919        provide needed courses due to:

920        (a) insufficient student enrollment to justify full course selections;  
921        (b) geographic isolation from qualified instructors;  
922        (c) limited staff capacity to teach courses;  
923        (d) financial constraints in hiring qualified educators; or  
924        (e) other similar factors limiting a school's ability to meet student needs in areas  
925        specified in this section.

926        (4) The Superintendent will prioritize funding to eligible schools using the  
927        following funding tiers:

928        (a) A Tier One school is identified by the following characteristics:  
929        (i) the school is in Title I status;  
930        (ii) the school has average daily membership that does not exceed 600;  
931        (iii) one-way bus travel for any student, grades 7-12, from the assigned school to  
932        the nearest school of the same type within the same district takes at least one hour and  
933        15 minutes; and  
934        (iv) the school is part of a school district that has a student population density of  
935        less than one student enrolled per square mile and the school is located more than 25  
936        miles by road from a city or town with a population of at least 2,000 people.

937        (b) A Tier Two school is identified by the following characteristics:  
938        (i) the school is physical rather than virtual;  
939        (ii) the school's October 1 enrollment count from the previous school year does  
940        not exceed 500 students;

941        (iii) assessed valuations of the school district in which the school is located are  
942        below the state-wide median;  
943        (iv) the school is identified as a Necessarily Existent Small School, but is not a  
944        Title I school;  
945        (v) the school has average daily membership that does not exceed 600;  
946        (vi) one-way bus travel for any student, grades 7-12, from the assigned school to  
947        the nearest school of the same type within the same district takes at least one hour and  
948        15 minutes; and  
949        (vii) the school is part of a school district that has a student population density of  
950        less than one student enrolled per square mile and the school is located more than 25  
951        miles by road from a city or town with a population of at least 2,000 people.  
952        (c) A Tier Three school is identified by the following characteristics:  
953        (i) the school is physical rather than virtual;  
954        (ii) the school's October 1 enrollment count from the previous school year does  
955        not exceed 500 students;  
956        (iii) the school is located in a school district in which district does not pay local  
957        property tax proceeds into the Uniform School Fund established in Section [53F-2-301.5](#);  
958        (iv) assessed valuations of the school district in which the school is located are  
959        no more than 1 standard deviation above the state-wide median;  
960        (v) the school is identified as a Necessarily Existent Small School or the district in  
961        which the school is located has one or more schools identified as Necessarily Existent  
962        Small Schools.  
963        (vi) the school is part of a school district that has a student population density of  
964        less than one student enrolled per square mile and the school is located more than 25  
965        miles by road from a city or town with a population of at least 2,000 people.  
966        (d) A Tier Four School is identified by the following characteristics:  
967        (i) the school is physical rather than virtual;

968        (ii) the school is located in a school district in which district does not pay local  
969        property tax proceeds into the Uniform School Fund established in Section [53F-2-301.5](#);  
970        and  
971        (iii) the school is part of a school district that has a student population density of  
972        less than one student enrolled per square mile and the school is located more than 25  
973        miles by road from a city or town with a population of at least 2,000 people; or  
974        (iv) the school is the Utah Schools for the Deaf and the Blind.  
975        (e) A Tier Five School is identified by the following characteristics:  
976        (i) the school is physical rather than virtual; and  
977        (ii) the school is located in a school district which does not pay local property tax  
978        proceeds into the Uniform School Fund established in Section [53F-2-301.5](#).  
979        (f) Other eligible schools are classified as Tier Six.  
980        (5) Subject to legislative appropriations:  
981        (a) Schools designated as Tiers One, Two and Three may receive small school  
982        funds as a course fee is deducted, with additional amounts reserved for obligations  
983        incurred at later points in a single school year.  
984        (b)(i) Schools designated as Tiers Four, Five, and Six, may receive small school  
985        funds after all obligations to schools with a higher order of priority are satisfied.  
986        (ii) The Superintendent shall determine funding for lower tiered schools by April  
987        1.  
988        (6)(a) Subject to legislative appropriations, for each public high school with a  
989        student population of less than 1,000 students and at least one student enrolled in  
990        grades 9-12, the Superintendent shall incentivize small school program use by  
991        prioritizing small schools to the extent of funding available for this purpose.  
992        (b) The Superintendent shall carry forward unallocated funds to meet the needs  
993        of eligible students.  
994        (7) The Superintendent shall determine student and LEA eligibility using prior  
995        year UTREx end of year data.  
996

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

998            (1) A primary school of enrollment shall communicate with a provider, where  
999 necessary, to set reasonable timelines and standards and shall inform providers of  
1000 timelines necessary for reporting grades and credit for graduating seniors.

1001            (2) A provider shall adhere to timelines and standards described in Subsection  
1002 (1) for student grades and enrollment in online courses for purposes of:

1003                (a) school awards and honors;  
1004                (b) Utah High School Activities Association participation; and  
1005                (c) high school graduation.

1006            (3) If a student is at risk of academic failure or at risk of not graduating with the  
1007 student's graduation cohort, a provider shall utilize automated notices or other means  
1008 to:

1009                (a) inform counselors at the student's primary school of enrollment that student  
1010 is at risk of academic or other failure; and  
1011                (b) before quarter 4 of a student's senior school year, inform counselors at the  
1012 student's primary school of enrollment that the senior student is at risk of failure.

1013

1014      **R277-726-11. Certified and Authorized Online Course Provider Application  
1015 Approval, Program Requirements, and Fees.**

1016            (1) An entity other than an authorized online course provider may become a  
1017 certified online course provider if the entity ~~[submits an application]~~ applies on a form  
1018 provided by the Superintendent.

1019            (2) An entity shall submit an application on or before the annual deadline  
1020 established by the Superintendent.

1021            (3) The Superintendent shall review each application within a reasonable  
1022 amount of time and may invite prospective providers for interviews or further discussion  
1023 of qualifications to clarify outstanding issues.

1024            (4) If the Superintendent finds the application submitted is satisfactory, including  
1025 a demonstration of the entity's ability to adhere to requirements within the application,

1026 this rule, and state law, the Superintendent shall forward the application to the Board for  
1027 final approval.

1028 (5) Once approved by the Board, an entity shall become a certified online course  
1029 provider.

1030 (6) A certified online course provider shall adhere to the following requirements  
1031 to remain certified and in good standing within the program, including:

1032 (a) complying with a process within existing state systems to provide the  
1033 Superintendent with the provider's educator's licensing, endorsement, certification, and  
1034 assignment information;

1035 (b) if the provider's educator is teaching an online course for the provider, the  
1036 educator's online course assignments shall be listed in CACTUS or USIMS under an  
1037 employing school;

1038 (c) if an authorized online course provider that is not a certified online course  
1039 provider forwards an educator to the Board for a provider-specific license as described  
1040 in Sections [53F-4-514](#) and [53E-6-201](#), the educator's employment and online course  
1041 assignments shall be listed in CACTUS or USIMS;

1042 (d) before providing services to students, 100% of the provider's educators  
1043 assigned as teacher of record for all course sections shall be appropriately licensed and  
1044 endorsed for any course assignment as required in Rule R277-309;

1045 (e) requirements applicable to an online course provider described in this rule,  
1046 including the requirement to maintain a course completion rate of at least 80%;

1047 (f) additional requirements prescribed in the application; and

1048 (g) state laws applicable to an online course provider, including Sections [53F-4-](#)  
1049 [501](#) et. seq. and Sections [53F-4-504](#) and [53F-4-514](#).

1050 (7) If the Superintendent finds the certified online course provider is not in  
1051 compliance with any requirement as outlined in Subsection (6) the Superintendent shall  
1052 provide the certified online course provider with a list of non-compliance issues and a  
1053 reasonable timeline for the certified online course provider to cure the instances of non-  
1054 compliance.

1055 (8) If a certified online course provider fails to correct instances of non-  
1056 compliance within the allotted timeline as described in Section [53F-4-504](#), the certified  
1057 online course provider shall be removed from the program.

1058 (9) A certified online course provider that has been removed from the program  
1059 may apply in the application round following removal from the program for re-admission  
1060 to the program using an application provided by the Superintendent.

1061 (10) A certified online course provider shall remit fees to the Superintendent for  
1062 participation in the program as follows:

1063 (a) 5% of revenue collected for the first \$200,000 received pursuant to Section  
1064 53F-4-505; and

1065 (b) 1% of revenue collected after the first \$200,000 received pursuant to  
1066 Sections [53F-4-505](#) and [53F-4-514](#).

1068 R277-726-12. Online Concurrent Enrollment.

1069 For a student enrolled in a concurrent enrollment course through an SOEP  
1070 provider, to the extent there is a conflict between this rule and [Title 53F, Chapter 4, Part](#)  
1071 [5, Statewide Online Education Program, and Title 53E, Chapter 10, Part 3](#), Concurrent  
1072 Enrollment, the concurrent enrollment code provisions shall govern.

1074 KEY: statewide online education program

1075 Date of Last Change: August 7, 2024

**1076 Notice of Continuation: January 13, 2022**

1077 Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53F-4-510](#); 53F-4-  
1078 **514; 53E-3-401**

1079