

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 a course credit acknowledgment form and procedures for
16 completing and submitting the form to the Board; and

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

19 (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 [R277-111](#).

29

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

31 (1) "[~~Actively participates~~]Active participation" means, for purposes of an initial
32 funding distribution described in Section 53F-4-505, [~~the student actively participates as~~
33 ~~defined by the provider in a written standard of active participation on record with the~~
34 ~~Superintendent~~]that during the 20 day period allowed for withdrawal at the beginning of
35 a semester-length course, or a quarter length course when taken in isolation, a student
36 has:

37 (a) logged into the course one or more times;
38 (b) submitted one or more grade assignments; and
39 (c) not requested to withdraw.

40 (2) "Applicable statewide assessments" means:

41 (a) the high school assessment described in Section 53E-4-304 and Subsection
42 R277-404-2(7);
43 (b) a standards assessment as defined in Section 53E-4-303; and
44 (c) a Utah alternative assessment as defined in Rule R277-404.

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

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

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

51 (6) "Confirm" means that a provider certifies:
52 (a) that a student has met the criteria outlined in Subsection (1) for active
53 participation; and
54 (b) that the provider acknowledges an obligation to the Board or a primary LEA
55 for related accountability mandates associated with the student and the student's
56 course of instruction.

57 ([6]7) "Course completion" means that a student has completed a course with a
58 passing grade and the provider has transmitted the course title, course code, grade,
59 and credit to the primary LEA [~~of enrollment~~] and the Superintendent.

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

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

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

66 (9) "Day of census" means the school day immediately following the expiration of
67 the 20 school days allowed for a student to withdraw from an SOEP course.

68 (10) "Disciplinary withdrawal" means that:

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

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

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

76 ([9]12)(a) "Eligible student" means the same as the term is defined in Section
77 [53F-4-501](#).

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

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

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

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

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

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

90 ~~([11]13) "Executed CCA" means a CCA that has been executed pursuant to~~
91 ~~Subsection [53F-4-508](#)(3) [and received by the Superintendent]resulting in the issuance~~
92 ~~of a notice of enrollment.~~

93 ~~([12]14) "Fee" means the same as the term is defined in Rule [R277-407](#).~~

94 ~~([13]15) "High school" means the same as the term is defined in Section [53F-4-](#)~~
95 ~~[501](#).~~

96 ~~([14]16) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf~~
97 ~~and the Blind.~~

98 (17) "Learner validated enrollment measures" means measures for establishing
99 attendance and participation in online coursework, which shall include:

100 (a) required periodic contact with a teacher of record through means applicable
101 to an online environment, such as:

102 (i) asynchronous discussion boards;

103 (ii) emails; or

104 (iii) scheduled synchronous meetings;

105 (b) one or more mandatory measures chosen by a provider from the following:

106 (i) a minimum frequency of student logins every five or ten days;

107 (ii) student work submitted within required timeline for the student to provide

108 completed assignments, coursework, or to have made progress toward academic goals;

109 (iii) routinely completed student assignments demonstrating acceptable progress

110 toward timely completion; or otherwise meeting established pacing guidelines; or

111 (iv) additional measures selected for display in a dashboard communicating
112 student progress to a counselor.

113 (18) "Loss of eligibility" means that a change in circumstances caused a student
114 to lose program eligibility, resulting in the student being administratively withdrawn from
115 a course.

116 ([15]19) "Middle school" means the same as the term is defined in Section [53F-4-501](#).

118 (20)(a) "Notice of enrollment" means a certification issued by the Superintendent
119 indicating that a student:

120 (i) completed registration procedures;

121 (ii) was accepted to participate by a provider; and

122 (iii) received actual or statutory approval from a primary LEA, or the
123 Superintendent, for a home school student.

124 (b) A "notice of enrollment" enables a provider to initiate instruction based on:

125 (i) for a public school student, the primary LEA's acknowledgment of financial
126 responsibility; or

127 (ii) for a home school student, the Superintendent's acknowledgment of financial
128 responsibility.

129 ([16]21) "Online course" means the same as the term is defined in Section [53F-4-501](#)
130 regardless of whether the student participates in the online course at home, at a
131 school, at another location, or in any combination of these settings.

132 ([17]22) "Online course payment" means the amount of funds withheld from a
133 student's primary LEA and disbursed, or otherwise paid to the designated provider
134 following satisfaction of the requirements of the law, and as directed in Subsection [53F-4-507\(2\)](#) and Section [53F-4-518](#).

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

138 ([18]24) "Primary LEA[~~of enrollment~~]" means:

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

141 (b) the LEA in which an eligible student is enrolled[~~for courses other than online~~
142 ~~courses offered through the Statewide Online Education Program~~].

143 ([19]25) "Primary school of enrollment" or "primary school" means:

144 (a) a student's school of record within a primary LEA[~~of enrollment~~];

145 (b) the school that maintains the student's cumulative file, enrollment

146 information, individualized education program, and transcript for purposes of high

147 school graduation;

148 (c) the school responsible for providing a student access to facilities, techn

149 internet, and other non-instructional amenities required by membership-related funding
150 derived from the minimum school program, and other local, state, and federal funding
151 streams; and

152 (e) the school responsible for oversight and implementation of the student's
153 educational requirements under the Individuals with Disabilities Education Act.

154 ([20]26) "Resident school" means the district school within whose attendance
155 boundaries the student's custodial parent or legal guardian resides.

156 ([24]27) "School" means the same as the term is defined in Rule [R277-100](#).

157 ([22]28) "Section 504" means Section 504 of the Rehabilitation Act of 1973, 29
158 U.S.C. 794.

159 ([23]29) "Standard of active participation" means:

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

164 (b) a written policy:

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

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

172 (24) "Statewide Online Education Program" or "SOEP" or "program" means the
173 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 in accordance with Section [R277-484](#)-3 and this rule.

177 ([26]32) "Underenrolled student" means a student with less than a full course
178 load, as defined by the LEA, during the regular school day at the student's primary
179 school [of enrollment].

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

183 ([27]34) "USBE course code" means a code for a designated subject matter
184 course assigned by the Superintendent.

185 ([28]35) "Withdrawal from online course" means that a student [withdraws from
186 or ceases participation in] requests to withdraw from an online course as follows:

187 (a) within 20 school calendar days of the start date [of the] for a semester-length
188 course, if the student enrolls on or before the start date;

189 (b) within 20 school calendar days of enrolling in a semester-length course, if the
190 student enrolls after the start date; or

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

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

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

197 (c) within ten school calendar days after the start date or enrollment in a quarter-
198 length course.

199

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

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

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

204 (i) graduation requirements; [and]

205 (ii) the student's plan for college and career readiness[.];

206 (iii) scheduling; and

207 (iv) requirements for course replacement under Rule R77-717.

208 (b) The primary school [and LEA of enrollment], the primary LEA and an online
209 course provider shall respond to the CCA using forms and processes provided by the
210 Superintendent within 24 business hours.

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

213 ~~(b) The Superintendent shall notify a primary school of enrollment of a student's
214 enrollment in the program.]~~

215 (b) The primary school shall consider an online request to constitute a
216 simultaneous request to drop a duplicated physical course in favor of the online course.

217 (4) Following the issuance of a notice of enrollment, the primary school may
218 work with a student to request that an online course be dropped within the times
219 outlined for withdrawal from a course in Subsection R277-726-2(35).

220 ([4]5) If an eligible student has an IEP or Section 504 plan, the eligible student's
221 primary LEA shall provide or facilitate enrollment by:

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

225 (b) [ensure]ensuring the eligible student's IEP team and the authorized online
226 course provider review a course enrollment for compliance with Subsection (1);

227 (c) [coordinate]coordinating additional IEP team reviews, as necessary, with the
228 authorized online course provider to ensure appropriate services, supports and
229 accommodations are in place for the eligible student; and

230 (d) [ensure]ensuring the authorized online course provider is included in an
231 eligible student's IEP revisions.

232 ([5]6) Once a student's enrollment and active participation [is]are confirmed, the
233 Superintendent shall direct funds to the provider, consistent with Sections [53F-4-505](#)
234 through [53F-4-507](#), and Section [53F-4-518](#).

235

236 R277-726-4. Eligible Student and Parent Rights and Responsibilities.

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

239 (b) Notwithstanding Subsection (1)(a), an eligible student in grades 6 through 8
240 may not register for Health I or Health II without written approval from a counselor at the
241 student's primary school transmitted to an online provider prior to acceptance of a
242 request for enrollment.

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

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

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

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

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

254 (4)(a) An eligible student is expected to complete courses in which the student
255 enrolls in a timely manner consistent with Section [53F-4-505](#) and requirements for

256 attendance and participation in accordance with Subsection R277-726-7(15) and
257 Subsection R277-726-2(17).

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

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

265 (6)(a) A student may alter a course schedule by dropping a [traditional]physical
266 course and adding an online course in accordance with the primary school's [of
267 enrollment's-]same established deadline for dropping and adding [traditional]physical
268 courses.

269 (b) A student may enroll in a course outside of the primary school's [of
270 enrollment's-]established deadline for dropping and adding [traditional]physical courses
271 if the student is not seeking to alter a course schedule by dropping a [traditional]physical
272 course and adding an online course but is instead seeking to add courses above full-
273 time-enrollment consistent with an approved plan for early graduation.

274 (7)[(a)] Notwithstanding Subsection (5), an underenrolled student may enroll in
275 an online course at any time during a calendar year.

276 [—— (b) If an underenrolled student enrolls in an online course as described in
277 Subsection (7)(a), the primary school of enrollment may immediately claim the student
278 for the adjusted portion of enrollment by entering the course into the primary LEA's
279 student information system and increasing membership, if necessary.]

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

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

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

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

291

292 R277-726-5. LEA Requirements and Responsibilities.

293 (1) A primary school [of enrollment] shall facilitate student enrollment with any
294 eligible online provider[s] selected by an eligible student consistent with course credit
295 limits.

296 (2) An eligible student may only take six online credits per academic year
297 unless:

298 (a) the primary school agrees that more credits better meets the academic
299 needs of the student in accordance with Section 53F-4-502; or

300 (b) the Superintendent approves additional credits for the student.

301 (3) The sum of program and physical credits may not exceed full-time enrollment
302 unless a plan for early graduation is reflected in a student's records.

303 ([2]4) A primary school [of enrollment] and a [provider] primary LEA shall use the
304 CCA application, records, and processes provided by the Superintendent [for the
305 program].

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

312 ([4]6) A primary school [~~or LEA of enrollment~~or primary LEA] shall provide
313 information about available online courses and programs:
314 (a) in registration materials;
315 (b) on the LEA's website; and
316 (c) on the school's website.
317 (7) A primary LEA may not require a student to participate in onsite or in-person
318 courses to:
319 (a) remain enrolled in the primary LEA;
320 (b) access sports, facilities, or student honors; or
321 (c) meet special education service needs.
322 ([5]8) To facilitate enrollment as required by Section [53F-4-513](#), a primary school
323 [~~or LEA of enrollment~~or primary LEA] shall provide the [~~notice~~information] required
324 under Subsection ([4]6) concurrent with the high school course registration period
325 designated by the primary LEA for the upcoming school year.
326 ([6]9) A primary school [~~of enrollment~~]:
327 (a) shall include a student's online courses in the student's schedule and
328 enrollment records;[and,]
329 (b) may increase membership to account for SOEP credits for students with
330 documented early graduation plans; and
331 (c) upon course completion, shall include online course grades and credits on
332 the student's transcript[s], including high school coursework completed before grade 9
333 using course title and core codes for purposes of high school graduation.
334 [— (7) ~~A primary school of enrollment shall recognize credit earned toward high~~
335 ~~school graduation by a participating student through courses completed before grade 9~~
336 ~~for purposes of high school graduation.]~~
337 ([8]10) A primary school [~~of enrollment~~] shall determine fee waiver eligibility for
338 participating public school students pursuant to Rule [R277-407](#).

339 ([9]11)(a) If a participating student qualifies for a fee waiver, the student's primary
340 LEA or primary school [~~of enrollment~~]shall provide the participating student access to
341 an online course by:

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

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

350 ([10]13) Where participating students access program courses using LEA-owned
351 and managed devices, [~~an~~]the primary LEA shall configure devices [~~to~~]so the
352 participating students [~~to~~]may form a separate user account or otherwise allow access
353 to [program]online course provider materials using credentials supplied by [a
354 program]an online course provider.

355 ([11]14)(a) During the regular school day, [A]a primary school [~~of enrollment~~]
356 shall provide participating students access to facilities for the student to participate in an
357 online course;[~~During the regular school day,~~]
358 (b) A primary school may not restrict a participating student from leadership
359 opportunities, sports, extracurricular and co-curricular activities, counseling, graduation,
360 honors, activities, amenities, and other non-instructional services offered to students
361 generally [~~without consideration of~~]on the basis of the student's participation in SOEP
362 courses or on the basis of relative levels of participation in [~~traditional~~]physical courses
363 versus program courses.

364 ([12]15)(a) [Course]A primary LEA shall record course completions conferring
365 high school credit [~~shall be recorded~~]in a student's record of credit and course
366 completion for grade 9 to allow recognition toward grades 9-12, and high school
367 graduation requirements.

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

370 (i) early graduation status; or

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

373 ([13]16) When a student satisfactorily completes an online semester or quarter
374 course:

375 (a) for high school credit, in accordance with the LEA's procedures, a designated
376 counselor or registrar at the primary school [of enrollment] shall forward records of
377 grades and high school graduation credit, listing core codes for each completed course;
378 or

379 (b) for a student participating in the program [before grade 9, the student's grade
380 9 primary school of enrollment] in grades 6 through 8, the primary LEA for grade 9 shall
381 record grades and credit per Subsection ([11]15) once the student completes grade 8.

382 (17) For participating high school seniors, a primary school shall inform students
383 requiring SOEP credit for graduation of the course completion deadlines necessary to
384 facilitate official transcript receipt prior to verification for graduation.

385

386 R277-726-6. Superintendent Requirements and Responsibilities.

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

390 (2) On or before January 31, 2026, the Superintendent shall create a centralized
391 option, which shares the following information from the primary LEA's SIS with a
392 selected provider for an enrolled student:

393 (a) transcripts;

394 (b) current IEP or Section 504 accommodation plan; and

395 (c) other necessary accommodations and services.

396 ([2]3) The Superintendent shall direct a provider to administer the Utah
397 standards and high school assessments, as applicable, consistent with Section 53F-4-
398 514 and Rule R277-404.

399 ([3]4)(a) The Superintendent shall prepare and make available applications and
400 program agreements for authorized online course providers.

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

404 (c) A provider authorized by the Superintendent by June 30 will begin service
405 July 1 of the following year to allow preparation of fall or summer enrollment in the
406 subsequent academic year.

407 ([4]5)(a) With the exception of the requirements of Subsection 53F-5-514(2), the
408 Superintendent may determine space availability standards and appropriate course load
409 standards for online courses consistent with Subsection 53F-4-512(3)(g).

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

411 ([5]6) Before approving a provider, consistent with Section 53F-4-504, the
412 Superintendent shall:

413 (a) review Annual Financial Reports and state-administered test data to establish
414 capacity of a program to serve an increased range of students while still meeting
415 program requirements; [and]

416 (b) disclose problematic findings to the applicant and the Board; and

417 ([b]c) verify that a non-LEA prospective provider:

418 (i) has a student information system that is compatible with UTREx and USIMS;
419 (ii) is a 501(c)(3) non-profit entity;

420 (iii) demonstrates data security and privacy compliance capacity, consistent with
421 FERPA, through submission of a report selected by the Superintendent or developed by
422 the American International Society of Certified Public Accountants to evaluate data
423 security controls and assess organizational safeguards in place to protect sensitive
424 data;

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

- 427 (A) familiarity with education broadly;
- 428 (B) competency in instruction;
- 429 (C) academic philosophy; and

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

432 ([6]7) The Superintendent may restrict a provider from offering coursework if the
433 Superintendent determines that the provider demonstrates repeated low performance
434 on statewide assessments in English Language Arts, math, or science.

435 ([7]8) The Superintendent shall withhold funds from a primary LEA [ef
436 enrollment] and pay an online course provider consistent with Sections [53F-4-505](#)
437 through [53F-4-507](#), and Section [53F-4-518](#).

438 ([8]9) The Superintendent may refuse to provide funds [under a CCA] if the
439 Superintendent finds that information has been submitted fraudulently or in violation of
440 the law or Board rule by any of the parties to a CCA.

441 ([9]10) The Superintendent shall receive and investigate complaints, and impose
442 sanctions, if appropriate, regarding course integrity, financial mismanagement,
443 enrollment fraud or inaccuracy, or violations of the law or this rule specific to the
444 requirements and provisions of the program.

445 ([10]11) If a Superintendent or federal entity's investigation finds that a provider
446 has violated the IDEA or Section 504 provisions for a student taking online courses, the
447 provider shall compensate the student's primary LEA [of enrollment] for costs related to
448 compliance.

449 ([14]12) The Superintendent may monitor an [LEA's or program provider's]LEA
450 or online course provider for compliance with any requirement of state or federal law or
451 Board rule under the program.

452 ([12]13) The Superintendent may withhold funds from a program provider for
453 [the participant's] failure to comply with a reasonable request for records or information.

454 [—— (13) Program records are available to the public subject to Title 63G, Chapter 2,
455 Government Records Access and Management Act.]

456 (14) The Superintendent shall withhold online course payment from a primary
457 LEA [~~of enrollment~~] and payments to [~~an eligible~~] a provider at the nearest monthly
458 transfer of funds, subject to verification of information, in an amount consistent with, and
459 when a provider qualifies to receive payment, under Subsections [53F-4-505\(4\)](#), [53F-4-](#)
460 [507\(3\)\(b\)](#) and [53F-4-508\(2\)\(b\)](#).

461 (15) The Superintendent shall pay a provider consistent with Minimum School
462 Program funding transfer schedules.

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

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

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

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

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

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

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

481 (b) all other counseling services.

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

486 (22) The Superintendent shall organize and conduct annual mandatory training
487 for relevant staff at a primary LEA that addresses program requirements [for a primary
488 LEA], including:

489 (a) reporting requirements and methods;

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

492 (c) federal and state requirements for accommodating enrollments that involve
493 special education;

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

496 (e) other necessary components as determined by the Superintendent.
497 (23) The Superintendent shall create a communication dashboard for the
498 program that includes:

499 (a) a counselor contact list [for an eligible student] that is accessible to an
500 authorized online course provider; and

501 (b) progress monitoring fields containing:

502 (i) grades and progress [reporting of an eligible student by an authorized online
503 course provider];

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

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

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

- 508 (a) primary LEA;
- 509 (b) school counselor;
- 510 (c) authorized online

511 (d) parent.

512

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

514 (1)(a) A provider shall administer the applicable statewide assessments to a
515 participating ~~private or~~ home school student as directed by the Superintendent,
516 including proctoring the applicable statewide assessments, consistent with Section [53F-
517 4-510](#) and Rule [R277-404](#).

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

520 (2) A provider shall:

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

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

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

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

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

531 (b) criminal background checks for ~~provider~~ employees consistent with Title
532 [53G, Chapter 11, Part 4](#), Background Checks;

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

535 (d) compliance with:

536 (i) the IDEA;

537 (ii) Section 504; and

538 (iii) requirements for multilingual students.

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

541 (a) Board procedures;

542 (b) Board timelines; and

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

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

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

547 (i) shall notify the primary school [of enrolment] with whom the provider has the
548 CCA of the purpose for fees and amounts of fees;

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

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

554 (iv) shall [be responsible for fee waivers for an eligible student, including
555 materials for a student designated fee waiver eligible by a student's primary school or
556 enrollment] provide materials for a student who qualifies for fee waivers:

557 (v) shall satisfy the requirements of Rule R277-407, as applicable; and

558 (vi) shall provide fee waivers to a ~~home~~ school [~~or private school~~]student[s] who
559 meets fee waiver eligibility at the provider's expense.

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

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

567 (i) test scores;

568 (ii) grades;
569 (iii) progress and performance measures; and
570 (iv) completion of credit.

571 (8) Except as otherwise provided in this rule, a provider shall, using processes
572 and applications provided by the Superintendent within five business days following the
573 20 school day statutory period allowed for student withdrawal:

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

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

578 (a) routinely update [course records] SOEP enrolment and tracking system
579 records and local records stored in the provider's SIS to reflect continuing student
580 participation as determined by student credit accruals and to maintain parity across data
581 storage and reporting tools;

582 (b) submit a student's credit and grade to the Superintendent by enrolling the
583 student, per UTREx specifications, in an appropriately marked course with a start date
584 within the provider's school calendar;

585 (c) [providing] provide for each included course:

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

588 (ii) a local section code;

589 (iii) teacher of record information; and

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

593 ([e]d) complete the submissions required under Subsection (9)([b]c) and submit
594 official transcripts of grade and credit for each .25, .5, or greater credit earned by a
595 student by a secure means to the student's parent and the primary LEA by the earlier
596 of:

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

599 (ii) by June 30 annually.

600 (10) A provider shall provide an official transcript to a student's parent and

601 primary school:

602 (a) no later than June 30 for students in grades 6-11; or

603 (b) within the reasonably requested timeline of a primary school for a student in
604 grade 12.

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

607 ([14]12)(a) If a provider suspends or expels a student from an online course for
608 disciplinary reasons, the provider shall notify the student's primary LEA [of enrollment]
609 by placing the student on disciplinary withdrawal.

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

612 (c)(i) A provider shall notify [the Superintendent]a student, parent, and a
613 counselor at the student's primary school of [a student's administrative withdrawal]if the
614 provider intends to administratively withdraw the student, [if the]as a result of the
615 student [is]being inactive in a course for more than ten days[, using forms and
616 processes developed by the Superintendent for this purpose].

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

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

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

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

631 (c) If a course may reference mature subject matter, a provider shall attach a
632 disclaimer to the course description that states, "This course may not be suitable for
633 students of all ages."

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

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

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

645 (d) records of services provided through third parties.

646 ([16]17) A provider shall maintain the following for at least five calendar years
647 after the student graduates:

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

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

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

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

660 ([18]19)(a) ~~Before the inception of coursework, as a component of the provider's initial communication of provisions of the provider's standard of active participation, a]~~ A provider shall inform a student and the student's parent of travel expectations to fulfill course requirements or participate in statewide assessments, prior to the start of the course.

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

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

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

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

677 ([20]21) A program school or program shall:

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

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

684 (d) maintain student records consistent with:

685 (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and
686 34 CFR Part 99:

687 (ii) Rule R277-487:

687 (ii) Rule R277-487;

688 (iii) this rule; and

689 (e) shall offer course work:

690 (i) aligned with Utah Core standards as described in Sections [53E-4-202](#), [53F-4-](#)
691 [505](#), and [53F-4-514](#);

692 (ii) in accordance with program requirements; and

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

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

695 (g) shall record teaching assignments in CACTUS or USIMS by [November]

696 15]October 13 annually consistent with Rule [R277-484](#) and Section [R277-312-3](#)[, either
697 directly or through a partner school in accordance with Subsection (20)(b)].

698 ([Z+22]) An LEA that offers an online program or school as a provider under the
699 program:

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

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

703 (c) shall require employees to meet requirements of [Title 53G, Chapter 11, Part](#)
704 [4](#), Background Checks, before [the provider] offering services to a student;

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

707 (e) [for a provider that provides an online course, including to a private or home
708 school student,] shall agree to administer and, before approval as an authorized online

709 course provider, have the capacity to proctor, and carry out the applicable statewide
710 assessments, consistent with Sections [53E-4-302](#), [53F-2-103](#), and Rule [R277-404](#);

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

714 (g) shall submit CCAs to the Superintendent before the provider

715 ~~[initiating]initiates~~ instruction of a student; ~~and~~

716 (h) may not begin ~~[offering-]instruction [to a student]~~ until the Superintendent
717 issues a notice of enrollment~~[, and the provider follows other enrollment procedures as~~
718 ~~prescribed by the Superintendent for the student, and for each course the student~~
719 ~~participates in; and~~

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

722 (23) A provider shall prominently post required information ~~[online]~~ on the
723 provider's ~~[individual]~~ website~~[including required assessment and accountability~~
724 ~~information].~~

725 ~~(23) A provider contracting with a third party to provide educational services to~~
726 ~~students participating with the provider through the Statewide Online Education~~
727 ~~Program shall develop a written monitoring plan to supervise the activities and services~~
728 ~~provided by the third party provider to ensure:]~~

729 (24) A provider shall develop a written monitoring plan to supervise any third-
730 party providing educational services to a student to ensure:

731 (a) ~~[a]~~the third-party provider ~~[is complying]~~complies with:

732 (i) federal law;

733 (ii) state law; and

734 (iii) Board rules;

735 ~~(b) curriculum provided by a third party provider is aligned with the Board's core~~
736 ~~standards and rules;]~~

737 (b) the third-party provider understands that it is under an obligation to provide
738 appropriate services to students;

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

742 [—— (d) supervision of third party facilitation by an educator licensed in Utah:
743 ——— (i) assigned by the provider; and
744 ——— (ii) reported as teacher of record per Section R277-484-3 and Subsection R277-
745 726-2(3);] and

746 ([e]d) [consistent with the LEA's]compliance with the provider's administrative
747 records retention schedule[, maintenance of documentation of the LEA's supervisory
748 activities].

749 (25) A provider shall establish contractual and procedural safeguards with any
750 third-party, through which the provider retains legal and procedural authority to open
751 coursework to a participating student only upon issuance of a notice of enrollment by
752 the Superintendent.

753 ([24]26) A provider shall offer [courses consistent with standards outlined in an
754 applicable]services as outlined in the Statewide Services Agreement, which may be
755 updated or amended to reflect changes in law, rule, policy or recommended practice.

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

760 (26) A provider utilizing a third party shall establish contractual and procedural
761 safeguards:

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

765 _____ (b) ~~signifying the provider's authority to interact instructionally with a student not~~
766 ~~regularly enrolled in an LEA, but participating in SOEP courses with approval of the~~
767 ~~student's primary LEA of enrollment; and~~
768 _____ (c) ~~including acceptance of financial responsibility by a primary LEA of~~
769 ~~enrollment.]~~

770 (27) A provider is not required to independently verify:

771 (a) early graduation status; or
772 (b) that high school courses taken through the Statewide Online Education
773 Program did not replace Middle School courses.

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

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

779 _____ (a) ensuring that all assigned educators are appropriately licensed, endorsed,
780 and aligned with course assignments before providing services to students;

781 _____ (b) complying with requirements applicable to an authorized online course
782 provider described in this Rule R277-726, including the requirement to maintain a
783 course completion rate of at least 80% based on the provider's year-end UTREx
784 submission[-];

785 _____ (c) maintaining parity of no more than 5% discrepancy at all points in the school
786 year between the Student Enrollment and Tracking System, "SEATS," or a relevant
787 alternative local student information system, and UTREx; and

788 _____ (d) complying with timelines specified in law and rule regarding course
789 acceptance, updating of data systems, and transcript submissions.

790 (29) If the Superintendent finds that an authorized online course provider is out
791 of compliance with Subsection (28), the Superintendent shall provide the provider with a
792 list of violations and a reasonable timeline for provider to ~~[cure]~~ correct the non-
793 compliance.

794 (30) If an authorized online course provider fails to correct a violation identified
795 under Subsection (29) within the time provided, the Superintendent may remove the
796 provider from participation in the program.

797 (31) A provider may only offer a course designed for original credit through the
798 program.

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

801 (33) A provider may not grade a student on a pass-fail basis.

(34) If a student fails to complete a course of instruction following course confirmation, a provider shall issue a transcript reflecting a grade of Incomplete (I) or No Grade (NG).

805 (35) If a student completes a course of instruction but fails to earn a passing
806 grade or refuses an offer to remediate, the provider shall issue the student a failing
807 grade.

808 (36) A provider may not encourage a student to withdraw from a course.

809

810 R277-726-8. [Services to] Students with Disabilities and other Unique Learning
811 Needs [Participating in the Program].

812 (1) A primary school shall provide an online provider with an existing Section
813 504 plan for a student enrolling in the program.

814 ([4]2)(a) If a student without an existing Section 504 plan wishes to receive
815 services under Section 504 of the Rehabilitation Act of 1973, the student shall make a
816 request with either the student's primary school [or enrollment] or a provider.

817 (b) Responsibility for ensuring a request is evaluated in accordance with federal
818 law, Utah Code, and Board Rule resides with [a]the student's primary school [ef
819 enrollment].

820 (c) If a student's request for services is initially directed to a provider, the
821 provider shall immediately contact the 504 coordinator of the student's primary school[
822 of enrollment].

823 (d) Under the direction of the primary school[~~of enrollment where feasible~~], the
824 student's primary school [~~of enrollment~~] and the provider shall jointly evaluate a
825 student's request under Subsection (1)(a) and determine if the student is eligible for
826 related aids, accommodations, and services under Section 504.

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

829 [—— (2) If a student's request for services is initially directed to a provider and a good
830 faith effort at cooperation with the student's primary school of enrollment is
831 unsuccessful, the provider may determine student eligibility and provide services.]

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

835 (a) the primary school [of enrollment] and the provider shall jointly [prepare
836 a]amend the Section 504 plan in accordance with Subsection (4); and

837 (b) the provider shall implement the Section 504 plan and provide related aids,
838 accommodations, and services to the student in accordance with the student's Section
839 504 plan.

840 (4) To prepare or amend a 504 plan for related aids, accommodations, and
841 services[~~under Section 504 of the Rehabilitation Act of 1973~~], the committee evaluating
842 the student shall:

843 (a) be drawn jointly from the student's primary school [or enrollment] and the
844 provider; and

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

847 (5) If a student's request for services is initially directed to a provider and a good
848 faith effort at cooperation with the student's primary school is unsuccessful, the provider
849 may determine student eligibility and provide services.

850 ([5]6) If a home [~~or private~~] school student requests services under Section 504
851 [~~of the Rehabilitation Act of 1973~~], a provider may determine student eligibility, prepare

852 a 504 plan[~~for the home or private school student's online program~~], and provide
853 related aids, accommodations, and services.

854 ([6]7) [~~For a student enrolled in a primary LEA of enrollment, if~~]If a student
855 participating in the program qualifies to receive services under the IDEA:

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

857 (i) forward a copy of an existing IEP or relevant sections to a provider within
858 three school days of receiving a notice of enrollment;

859 (ii) working with a provider[~~LEA representative~~], review and determine
860 implementation of [~~an~~]the IEP for the student within a timeline consistent with IDEA
861 requirements;

862 (iii) working with a provider [~~LEA representative, review and~~]revise[~~, as~~] the IEP
863 [~~determines appropriate an existing IEP~~]with [~~necessary~~]accommodations and
864 services, [~~considering~~]appropriate for the courses selected by the student;

865 (iv) collaborate with a provider to develop digital options if the IEP team has
866 determined that services are best provided in an online environment;

867 [— (iv) provide the IEP described in Subsection (6)(a)(i) to the provider within 24
868 business hours of completion of the student's IEP or within a timeline consistent with
869 IDEA requirements;]

870 (v) provide the amended IEP to the provider within three school days; and

871 ([v]vi) continue to claim the student in the primary LEA's [~~LEA of enrollment's~~]
872 membership; and

873 (b) the provider shall provide special education services and accommodations
874 [~~to~~] as required for the student to access the curriculum in accordance with the student's
875 IEP.

876 ([7]8) If a home [~~or private~~] school student requests an evaluation for eligibility to
877 receive special education services:

878 (a) the home [~~or private~~]school student's [~~resident school~~]LEA of residence
879 shall:

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

881 (ii) if eligible, consider enrolling the student [may enroll] in the primary LEA, [that]
882 which will prepare an IEP for the student, with input from the provider[LEA], in
883 accordance with the timelines required by the IDEA;

884 (iii) provide the IEP described in Subsection [(7)(a)](ii) to the provider within [72
885 ~~business hours~~three school days of completion of the student's IEP; and

886 (b) the provider shall provide special education services and accommodations to
887 the student in accordance with the student's IEP described in Subsection [(7)](a)(i).
888 ~~[including in cases where the provider utilizes a third party provider for delivery of~~
889 ~~educational or other services.~~

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

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

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

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

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

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

907 [——— (c) A provider shall implement an individual learning plan as directed by the
908 primary LEA or primary school of enrollment for a student who is eligible for alternative
909 language services of Title II services.]

910 (c) If a student has an individual learning plan, the provider shall implement the
911 plan provided by the student's primary LEA or primary school.

912 (10) For a student needing alternative language services, who [is multilingual, an
913 immigrant, or a refugee]does not have an individual learning plan:

914 [—— (a) the provider and the primary LEA or primary school of enrollment shall
915 develop an individual learning plan in cooperation with persons knowledgeable about
916 the student, the meaning of the evaluation data, and the placement options available for
917 the student in a virtual environment, which outline a student's current level of ability, and
918 identifies specific goals for future attainment, progress, and exit criteria ;]

919 ([b]a) the primary LEA or primary school [of enrollment] shall identify the need
920 for alternative language services[through administration of a home language survey
921 and WIDA testing; and];

922 (b) the provider and the primary LEA or primary school shall develop an
923 individual learning plan in cooperation with persons knowledgeable about the student,
924 the meaning of the evaluation data, and the placement options available for the student
925 in a virtual environment, which outlines a student's current level of ability, and identifies
926 specific goals for future attainment, progress, and exit criteria; and

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

930

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

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

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

937 ——— (3)(a) Subject to legislative appropriations available for this purpose, for each
938 public high school with a student population of less than 1,000 students, the

939 ~~Superintendent shall incentivize program use by small schools by prioritizing small
940 schools to the extent of funding available for this purpose.~~

941 ~~(b) The Superintendent shall carry forward unallocated funds to meet the needs
942 of eligible students.~~

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

945 ~~(1) “Small school” means, for purposes of this section, a public high school with
946 a student population of less than 1,000 students and at least one student enrolled in
947 grades 9-12.~~

948 ~~(2) The Superintendent shall incentivize SOEP use for small schools through
949 funding available for the purpose based on the demonstrated inability of eligible schools
950 to provide depth and range in:~~

951 ~~(a) Career and Technical Education pathways;
952 (b) Advanced Placement and other advanced coursework;
953 (c) foundation, applied and advanced courses enabling students to move
954 forward in technology-intensive paths requiring an educator with advanced license or
955 endorsement areas; and established facilities and programs.~~

956 ~~(3)(a) The Superintendent shall determine eligibility using end of year UTREx
957 data from the prior year.~~

958 ~~(b) The Superintendent shall determine funding and distributions, with annual
959 adjustments, based on an assessment of demonstrated inability to provide needed
960 courses due to:~~

961 ~~(i) insufficient student enrollment to justify full course selections;
962 (ii) geographic isolation from qualified instructors;
963 (iii) limited staff capacity to teach courses;
964 (iv) financial constraints in hiring qualified educators; or
965 (v) other similar factors limiting a school’s ability to meet student needs in areas
966 specified in this section.~~

967 (4) The Superintendent shall prioritize funding to eligible schools using the
968 following funding tiers:

969 (a) A Tier One school:

970 (i) is eligible for Title I funding in the current or previous school year;
971 (ii) is located within an area within National Center for Education Statistics locale
972 code of 33 or higher;

973 (iii) is located within a school district in a county of the fourth, fifth, or sixth class
974 as described in Section 17-50-501;

975 (iv) demonstrates a high average cost of providing educational services relative
976 to larger school districts due to location factors;

977 (v) does not serve students online; and

978 (vi) is not a specialty, technical, or alternative school.

979 (b) A Tier Two School:

980 (i) is located within an area within National Center for Education Statistics locale
981 code of 33 or higher;

982 (ii) is located within a school district in a county of the fourth, fifth, or sixth class
983 as described in Section 17-50-501;

984 (iii) demonstrates a high average cost of providing educational services relative
985 to larger school districts due to location factors;

986 (iv) does not serve students online; and

987 (v) is not a specialty, technical, or alternative school.

988 (c) A Tier Three School:

989 (i) is located within a school district in a county of the fourth, fifth, or sixth class
990 as described in Section 17-50-501;

991 (ii) demonstrates a high average cost of providing educational services relative
992 to larger school districts due to location factors;

993 (iii) does not serve students online; and

994 (iv) is not a specialty, technical, or alternative school.

995 (d) A Tier Four School:

996 (i) is operated by the Utah Schools for the Deaf and the Blind.

997 (ii) is located within a school district in a county of the fourth, fifth, or sixth class

998 as described in Section 17-50-501;

999 (iii) demonstrates a high average cost of providing educational services relative

1000 to larger school districts due to location factors;

1001 (iv) does not serve students online; and

1002 (v) is not a specialty, technical, or alternative school.

1003 (e) A Tier Five School:

1004 (i) is located within an area within National Center for Education Statistics locale

1005 code of 33 or higher;

1006 (ii) does not serve students online; and

1007 (iii) is not a specialty, technical, or alternative school.

1008 (f) A Tier Six school is any small school that does not meet the criteria of Tiers

1009 One through Five.

1010 (5)(a) Subject to legislative appropriations, a school designed as Tiers One,

1011 Two, or Three will receive a monthly offset to cover course fees deducted from the

1012 school's Minimum School Program allocation.

1013 (b) After May 1 annually, if all obligations to schools under Subsection (5)(a) are

1014 met, a school designated as Tiers Four, Five, or Six may receive funds on a prorated

1015 basis, by tier, to cover course fees previously deducted from the school's Minimum

1016 School Program allocation.

1017
1018

1019 **R277-726-10. Other Information.**

1020 (1) A primary school [of enrollment] shall communicate with a provider, where

1021 necessary, to set reasonable timelines and standards and shall inform providers of

1022 timelines necessary for reporting grades and credit for graduating seniors.

1023 (2) A provider shall adhere to timelines and standards described in Subsection

1024 (1) for student grades and enrollment in online courses for purposes of:

1025 (a) school awards and honors;
1026 (b) Utah High School Activities Association participation; and
1027 (c) high school graduation.

1028 (3) If a student is at risk of academic failure or at risk of not graduating with the
1029 student's graduation cohort, a provider shall utilize automated notices or other means
1030 to:

1031 (a) inform counselors at the student's primary school [of enrollment] that the
1032 student is at risk of academic or other failure; and

1033 (b) before quarter 4 of an SOEP student's senior school year, or as soon as
1034 possible, inform counselors at the student's primary school [~~of enrollment~~] that the
1035 senior student is at risk of failure.

1036

1037 R277-726-11. Certified and Authorized Online Course Provider Application
1038 Approval, Program Requirements, and Fees.

1039 (1) An entity that does not otherwise meet criteria to be [than]an authorized
1040 online course provider may become a certified online course provider [if the entity
1041 submits an application on a form provided by the Superintendent]as provided in this
1042 section.

1043 (2) An entity shall submit an application on or before the annual deadline
1044 established by the Superintendent.

1045 (3) The Superintendent shall review each application within a reasonable
1046 amount of time and may invite prospective providers for interviews[~~or further discussion~~
1047 ~~of qualifications to clarify outstanding issues~~].

1048 [(4) If the Superintendent finds the application submitted is satisfactory, including
1049 a demonstration of the entity's ability to adhere to requirements within the application,
1050 this rule, and state law, the Superintendent shall forward the application to the Board for
1051 final approval.]

1052 (4) The Superintendent shall forward the application to the Board for approval.

1053 (5) Once approved by the Board, an entity shall become a certified online course
1054 provider.

1055 [———(6) A certified online course provider shall adhere to the following requirements
1056 to remain certified and in good standing within the program, including:

1057 (a) complying with a process within existing state systems to provide the
1058 Superintendent with the provider's educator's licensing, endorsement, certification, and
1059 assignment information;

1060 (b) if the provider's educator is teaching an online course for the provider, the
1061 educator's online course assignments shall be listed in CACTUS or USIMS under an
1062 employing school;

1063 (c) if an authorized online course provider that is not a certified online course
1064 provider forwards an educator to the Board for a provider-specific license as described
1065 in Sections 53F-4.514 and 53E-6.201, the educator's employment and online course
1066 assignments shall be listed in CACTUS or USIMS;

1067 (d) before providing services to students, 100% of the provider's educators
1068 assigned as teacher of record for all course sections shall be appropriately licensed and
1069 endorsed for any course assignment as required in Rule R277-309;

1070 (e) requirements applicable to an online course provider described in this rule,
1071 including the requirement to maintain a course completion rate of at least 80%;

1072 (f) additional requirements prescribed in the application; and

1073 (g) state laws applicable to an online course provider, including Sections 53F-4
1074 501 et. seq. and Sections 53F-4 504 and 53F-4 514.

1075 (7) If the Superintendent finds the certified online course provider is not in
1076 compliance with any requirement as outlined in Subsection (6) the Superintendent shall
1077 provide the certified online course provider with a list of non-compliance issues and a
1078 reasonable timeline for the certified online course provider to cure the instances of non-
1079 compliance.

1080 ——— (8) If a certified online course provider fails to correct instances of non-
1081 compliance within the allotted timeline as described in Section 53F-4-504, the certified
1082 online course provider shall be removed from the program.

1083 ——— (9) A certified online course provider that has been removed from the program
1084 may apply in the application round following removal from the program for re-admission
1085 to the program using an application provided by the Superintendent.]

1086 ([10]6) A certified online course provider shall remit fees to the Superintendent
1087 for participation in the program as follows:

1088 (a) 5% of revenue collected for the first \$200,000 received pursuant to Section
1089 53F-4-505; and

1090 (b) 1% of revenue collected after the first \$200,000 received pursuant to
1091 Sections 53F-4-505 and 53F-4-514.

1092

1093 **R277-726-12. Online Concurrent Enrollment.**

1094 For a student enrolled in a concurrent enrollment course through an SOEP
1095 provider, to the extent there is a conflict between this rule and Title 53F, Chapter 4, Part
1096 5, Statewide Online Education Program, and Title 53E, Chapter 10, Part 3, Concurrent
1097 Enrollment, the concurrent enrollment code provisions shall govern.

1098

1099 **KEY: statewide online education program**

1100 **Date of Last Change: August 7, 2024**

1101 **Notice of Continuation: January 13, 2022**

1102 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-4-510; 53F-4-**
1103 **514; 53E-3-401**

1104

1105