

R277. Education, Administration.

R277-419. Pupil Accounting.

R277-419-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Subsection 53E-3-501(1)(e), which directs the Board to establish rules and standards regarding:

(i) cost-effectiveness;

(ii) school budget formats; and

(iii) financial, statistical, and student accounting requirements;

(d) Subsection 53E-3-602(2), which requires a local school board's auditing standards to include financial accounting and student accounting;

(e) Subsection 53E-3-301(3)(d), which requires the Superintendent to present to the Governor and the Legislature data on the funds allocated to LEAs;

(f) Section 53G-4-404, which requires annual financial reports from school districts; and

(g) Subsection 53G-5-404(4), which requires charter schools to make the same annual reports required of other public schools.

(2) The purpose of this rule is to specify pupil accounting procedures used in apportioning and distributing state funds for education.

(3) This rule is categorized as Category 4 as described in Rule R277-111.

R277-419-2. Definitions.

(1) "Aggregate Membership" means the sum of all days in membership during a school year for eligible students enrolled in a public school.

29 (2) "Approved CTE course" means a course approved by the Board within the
30 Career and Technical Education (CTE) Pathways.

31 (3) "Attendance validated program" means a program within an LEA that
32 consists of eligible, enrolled public school students who physically attend school in a
33 brick and mortar school.

34 (4) "Blended learning program" means a formal education program under the
35 direction of an LEA in which a student learns through an integrated experience that is in
36 part:

37 (a) through online learning, with an element of student control over time, place,
38 path, or pace; and

39 (b) in a supervised brick and mortar school away from home.

40 (5) "Brick and mortar school" means a school where classes are conducted in a
41 physical school building.

42 (6) "Data Clearinghouse" means the electronic data collection system used by
43 the Superintendent to collect information required by law from LEAs about individual
44 students at certain points throughout the school year to support the allocation of funds
45 and accountability reporting.

46 (7) "Educational services" means providing learning opportunities and services
47 designed to support a student to be prepared to succeed and lead by having the
48 knowledge and skills to learn, engage civically, and lead meaningful lives, including by
49 providing:

50 (a) high quality instruction for each student;

51 (b) personalized learning supports for each student; and

52 (c) implementation of evidence-based student health and wellness practices.

53 (8) "Eligible student" means a student who satisfies the criteria for enrollment in
54 an LEA, set forth in Section R277-419-5.

55 (9) "Enrollment verification data" includes:

56 (a) a student's birth certificate or other verification of age;

57 (b) verification of immunization or exemption from immunization form;

- (c) proof of Utah public school residency;
- (d) family income verification; or
- (e) special education program information, including:
 - (i) an individualized education program;
 - (ii) a Section 504 accommodation plan; or
 - (iii) an English learner plan.

(10)(a) "Home school" means the formal instruction of children in their homes instead of in an LEA.

(b) "Home school" does not include public school instruction provided in a home, including when:

(i) an online student receives instruction at home, but the student is enrolled in a public school that follows state Core Standards;

(ii) an online student is:

(A) subject to laws and rules governing state and federal mandated tests; and

(B) included in accountability measures; or

(iii) an online student receives instruction under the direction of a highly qualified, licensed teacher who is subject to the licensure requirements of Rule R277-301 and fingerprint and background checks consistent with Rules R277-214 and R277-309.

(iv) instruction is received by a home-based scholarship student consistent with Section 53F-6-401.

(11) "Home school course" means instruction:

(a) delivered in a home school environment where the curriculum and instruction methods, evaluation of student progress or mastery, and reporting, are provided or administered by the parent, guardian, custodian, or other group of individuals; and

(b) not supervised or directed by an LEA.

(12)(a) "Influenza pandemic" or "pandemic" means a global outbreak of serious illness in people.

(b) "Influenza pandemic" or "pandemic" may be caused by a strain of influenza that most people have no natural immunity to and that is easily spread from person to person.

(13) "ISI-1" means a student who receives 1 to 59 minutes of YIC related services during a typical school day.

(14) "ISI-2" means a student who receives 60 to 179 minutes of YIC related services during a typical school day.

(15) "Instructional time" means time during which a school is responsible for a student and the student is required or expected to be actively engaged in a learning activity as defined in 53G-7-701(7)(a).

~~[(15)]~~(16) "Learner validated enrollment measurement" means a methodology used to establish a student's membership or enrollment status for purposes of generating membership days.

~~[(16)]~~(17) "Learner validated program" means a program within an LEA that consists of eligible, enrolled public school students where the student receives instruction through:

(a) an online learning program;

(b) a blended learning program; or

(c) a personalized, competency-based learning program.

~~[(17)]~~(18)(a) "Membership" means a public school student is on the current roll of a public school class or public school as of a given date.

(b) A student is a member of a class or school from the date of entrance at the school and is placed on the current roll until official removal from the class or school due to the student having left the school.

(c) Removal from the roll does not mean that an LEA should delete the student's record, only that the student should no longer be counted in membership.

~~[(18)]~~(19) "Minimum School Program" means the same as that term is defined in Section 53F-2-102.

~~[(19)]~~(20) "Online learning program" means a program:

(a) that is under the direction of an LEA; and

(b) in which students receive educational services primarily over the internet.

~~[(20)]~~(21) "Personalized, Competency-based Learning Grants Program" means an education program that provides instruction through personalized, competency-based learning as defined in Section 53F-5-501.

~~[(21)]~~(22) "Private school" means an educational institution that:

(a) is not an LEA;

(b) is owned or operated by a private person, firm, association, organization, or corporation; and

(c) is not subject to governance by the Board consistent with the Utah Constitution.

~~[(22)]~~(23) "Program" means a course of instruction within a school that is designed to accomplish a predetermined curricular objective or set of objectives.

~~[(23)]~~(24) "Qualifying school age" means:

(a) a person who is at least five years old and no more than 18 years old on or before September 1;

(b) with respect to special education, a person who is at least three years old and no more than 21 years old on or before July 1;

(c) with respect to YIC, a person who is at least five years old and no more than 21 years old on or before September 1.

~~[(24)]~~(25) "Resource" means a student who receives 1 to 179 minutes of special education services during a typical school day consistent with the student's IEP provided for under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et seq., amended in 2004.

~~[(25)]~~(26) "Retained senior" means a student beyond the general compulsory school age who is authorized at the discretion of an LEA to remain in enrollment as a high school senior in the years after the student's cohort has graduated due to:

(a) sickness;

(b) hospitalization;

(c) pending court investigation or action; or

(d) other extenuating circumstances beyond the control of the student.

~~[(26)]~~(27) "S1" means the record maintained by the Superintendent containing individual student demographic and school membership data in a Data Clearinghouse file.

~~[(27)]~~(28) "S2" means the record maintained by the Superintendent containing individual student data related to participation in a special education program in a Data Clearinghouse file.

~~[(28)]~~(29) "S3" means the record maintained by the Superintendent containing individual student data related to participation in a YIC program in a Data Clearinghouse file.

~~[(29)]~~(30) "School" means an educational entity governed by an LEA that:

(a) is supported with public funds;

(b) includes enrolled or prospectively enrolled full-time students;

(c) employs licensed educators as instructors that provide instruction consistent with Rule R277-301;

(d) has one or more assigned administrators;

(e) is accredited consistent with Section R277-410-3; and

(f) administers required statewide assessments to the school's students.

~~[(30)]~~(31) "School day" means a day where an LEA provides educational services to students subject to the requirements described in Section R277-419-4.

~~[(31)]~~(32) "School membership" means membership other than in a special education or YIC program in the context of the Data Clearinghouse.

~~[(32)]~~(33) "School of enrollment" means:

(a) a student's school of record; and

(b) the school that maintains the student's cumulative file, enrollment information, and transcript for purposes of high school graduation.

~~[(33)]~~(34) "School year" means the 12 month period from July 1 through June 30.

173 ~~[(34)]~~(35) "Self-contained" means a public school student with an IEP or YIC,
174 who receives 180 minutes or more of special education or YIC related services during a
175 typical school day.

176 ~~[(35)]~~(36) "Self-Contained Resource Attendance Management (SCRAM)" means
177 a record that tracks the aggregate membership of public school special education
178 students for state funding purposes.

179 ~~[(36)]~~(37) "SSID" means Statewide Student Identifier.

180 ~~[(37)]~~(38) "Student with a disability" means a student who:

181 (a)(i)(A) is of an age during which it is mandatory under state law to provide
182 educational services to persons with disabilities as described in Subsection 53E-3-
183 503(1)(a); or

184 (B) is of an age during which a student without a disability is provided
185 educational services; and

186 (ii) is entitled to receive a free appropriate public education under the Individuals
187 with Disabilities Education Act or Board rules related to special education, including
188 Rule R277-750; or

189 (b) is entitled to receive a free appropriate public education under Section 504 of
190 the Rehabilitation Act of 1973 because the student:

191 (i) has a physical or mental impairment which substantially limits one or more
192 major life activities;

193 (ii) has a record of an impairment described in Subsection (37)(b)(i); or

194 (iii) is regarded as having an impairment described in Subsection (37)(b)(i).

195 ~~[(38)]~~(39) "Unexcused absence" means an absence charged to a student when:

196 (a) the student was not physically present at school at any of the times
197 attendance checks were made in accordance with Subsection R277-419-8(5); and

198 (b) the student's absence could not be accounted for by evidence of a legitimate
199 or valid excuse in accordance with local board policy on truancy as defined in Section
200 53G-6-201.

201 ~~[(39)]~~(40) "Weighted pupil unit" or "WPU" means the same as that term is
202 defined in Section 53F-2-102.

203 ~~[(40)]~~(41) "Year end upload" means the Data Clearinghouse file due annually by
204 July 15 from LEAs to the Superintendent for the prior school year.

205 ~~[(41)]~~(42) "Youth in care or YIC" means a person under the age of 21 who is:

- 206 (a) in the custody of the Department of Health and Human Services;
207 (b) in the custody of an equivalent agency of a Native American tribe recognized
208 by the United States Bureau of Indian Affairs and whose custodial parent or legal
209 guardian resides within the state; or
210 (c) being held in a juvenile detention facility.

211
212 **R277-419-3. Schools and Programs.**

213 (1)(a) The Superintendent shall provide a list to each school detailing the
214 required accountability reports and other state-mandated reports for the school type and
215 grade range.

216 (b) A school shall submit a Clearinghouse report to the Superintendent.

217 (c) A school shall employ at least one licensed educator and one administrator.

218 (2)(a) A student who is enrolled in a program is considered a member of a public
219 school.

220 (b) The Superintendent may not require programs to receive separate
221 accountability and other state-mandated reports.

222 (c) A student reported under an LEA's program shall be included in the LEA's
223 WPU and student enrollment calculations of the LEA's school of enrollment.

224 (d) A course taught at a program shall be credited to the appropriate school of
225 enrollment.

226 (3) A private school or program may not be required to submit data to the
227 Superintendent.

228 (4) A private school or program may not receive annual accountability reports.

229

R277-419-4. Minimum School Days.

(1)(a) Except as provided in Subsection (1) and Subsection 53F-2-102(4), an LEA shall provide educational services over a minimum of 180 school days each school year.

(b)(i) Except as provided in Subsection (1)(b)(ii), an LEA that participates in the National School Lunch Program shall provide school meals on each day that the LEA schedules toward the LEA's 180 educational service days described in Subsection (1)(a).

(ii) The requirement to provide school meals described in Subsection (1)(b)(i) does not apply to:

(A) an unplanned school closure or unplanned learn from home day due to snow, inclement weather, or other emergency;

(B) a day that an LEA governing board reallocates as a teacher preparation or teacher professional development day as described in Subsection 53F-2-102(4)(d);

(C) a day that an LEA counts in student membership for professional development or parent-teacher conference days as described in Subsection (6); or

(D) a day where the LEA provides educational services while all the LEA's students engage in distance learning.

(c) An LEA may seek an exception to the number of school days described in Subsection (1)(a):

(i) except as provided in Subsection (1)(c)(ii), for a whole school or LEA as described in Rule R277-121;

(ii) for a school closure due to snow, inclement weather, or other emergency as described in Section R277-121-5; or

(iii) for an individual student as described in Section R277-419-11.

(2) An LEA may offer the required school days described in Subsection (1)(a) at any time during the school year, consistent with the law.

(3) An LEA shall plan for emergency, activity, and weather-related exigency time in its annual calendaring.

(4) Minimum standards apply to a public school in all settings unless Utah law or this rule provides for a specific exception.

(5) An LEA's governing board shall provide adequate contingency school days in the LEA's yearly calendar to avoid the necessity of requesting a waiver except in the most extreme circumstances.

(6)(a) A school may conduct parent-teacher and student Plan for College and Career Readiness conferences during the school day.

(b) Parent-teacher and college and career readiness conferences may only be held for a total of the equivalent of three full school days for the school year.

(c) Student membership for professional development or parent-teacher conference days shall be counted as that of the previous school day.

(d) The final decision and approval regarding planning time, parent-teacher and Student Plan for College and Career Readiness conferences rests with an LEA, consistent with Utah Code and Board administrative rules.

(7)(a) An LEA may designate no more than a total of five educational service days at the beginning of the school year for the assessment of students entering kindergarten.

(b) If an LEA designates educational services days for kindergarten assessment:

(i) an LEA shall designate the days in an open meeting;

(ii) an LEA shall provide adequate notice and explanation to kindergarten parents well in advance of the assessment period; and

(iii) assessment time per student shall be adequate to justify the forfeited instruction time.

(8) An LEA shall approve total instructional time and school calendars in an open meeting.

R277-419-5. Student Membership Eligibility and Learner Validated Enrollment Measurements.

(1) A student may enroll in two or more LEAs at the discretion of the LEAs.

288 (2) A kindergarten student may only enroll in one LEA at a time.

289 (3) To generate membership for funding through the Minimum School Program
290 on any school day, an LEA shall ensure that a student being counted by the LEA in
291 membership:

292 (a) has not previously earned a basic high school diploma or certificate of
293 completion;

294 (b) has not been enrolled in a YIC program with a YIC time code other than ISI-1
295 or ISI-2;

296 (c) does not have unexcused absences, which are determined using one of the
297 learner validated enrollment measurements described in Subsection (4);

298 (d) is a resident of Utah as defined under Section 53G-6-302;

299 (e) is of qualifying school age or is a retained senior;

300 (f)(i) is expected to attend a regular learning facility operated or recognized by
301 an LEA on each regularly scheduled school day, if enrolled in an attendance validated
302 program;

303 (ii) has direct instructional contact with a licensed educator provided by an LEA
304 at:

305 (A) an LEA-sponsored center for tutorial assistance; or

306 (B) the student's place of residence or convalescence for at least 120 minutes
307 each week during an expected period of absence, if physically excused from such a
308 facility for an extended time, due to:

309 (I) injury;

310 (II) illness;

311 (III) surgery;

312 (IV) suspension;

313 (V) pregnancy;

314 (VI) pending court investigation or action; or

315 (VII) an LEA determination that home instruction is necessary;

(iii) is enrolled in an approved CTE course on the campus of another state funded institution where such a course is:

(A) not offered at the student's school of membership;

(B) being used to meet Board-approved CTE graduation requirements under Subsection R277-700-6(16); and

(C) a course consistent with the student's Plan for College and Career Readiness; or

(iv) is enrolled in a learner validated program under the direction of an LEA that:

(A) is consistent with the student's Plan for College and Career Readiness;

(B) has been approved by the student's counselor; and

(C) includes regular instruction or facilitation by a designated employee of an LEA.

(4) An LEA shall use one of the following learner validated enrollment measures:

(a) For a student primarily enrolled in an attendance validated program, the LEA may not count a student as an eligible student if the eligible student has unexcused absences during the prior ten consecutive school days.

(b) For a student enrolled in a learner validated program, an LEA shall:

(i) adopt a written policy that designates a learner validated enrollment measurement to document the learner validated membership or enrollment status for each student enrolled in the learner validated program consistent with this section;

(ii) document each student's continued enrollment status in compliance with the learner validated enrollment policy at least once every ten consecutive school days; and

(iii) appropriately adjust and update student membership records in the student information system for students that did not meet the learner validated enrollment measurement, consistent with this section.

(c) For a student enrolled in a learner validated program, the LEA may not count a student as an eligible student if the LEA has not engaged with the student during the prior ten consecutive school days.

(5) Notwithstanding Subsection (4), an LEA:

(a) shall continue to provide a student with a disability a free and appropriate public education even when the student has not attended school or engaged with the LEA during the prior ten consecutive days;

(b) shall maintain the student with a disability's enrollment in the LEA; and

(c) may continue to count the student with a disability in membership for funding purposes up to 30 days if the LEA documents that the LEA is working to locate and engage with the student with a disability.

(6) The learner validated enrollment measurement described in Subsection (4)(b) may include the following components, in addition to other components, as determined by an LEA:

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

(b) required periodic contact with a licensed educator;

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

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

(7)(a) Beginning with the 2021-22 school year, an LEA shall submit each student's attendance validated or learner validated enrollment status through the UTREx or Data Clearinghouse.

(b) For a student who participates in both attendance validated, and learner validated programs, the LEA shall designate the student's status as learner validated enrollment.

(8)(a) An LEA desiring to generate membership for student enrollment in courses outlined in Subsection (3)(f)(iii), or to seek a waiver from a requirement in Subsection (3)(f)(iii), shall submit an application for course approval by April 1 of the year before which the membership will be counted.

(b) An LEA shall be notified within 30 days of the application deadline if courses have been approved.

R277-419-6. Student Membership Calculations.

(1)(a) Except as provided in Subsection (1)(b) or (1)(c), a student enrolled in only one LEA during a school year is eligible for no more than 180 days of regular membership per school year.

(b) With written verification from the student's parent that the student intends to graduate early, an early graduation student may be counted for more than 180 days of regular membership in accordance with the student's Plan for College and Career Readiness.

(c) A student transferring within an LEA to or from a year-round school is eligible for no more than 205 days of regular membership per school year.

(2)(a) Except as provided in Subsection (2)(b), (2)(c), or (2)(d), a student enrolled in two or more LEAs during a school year is eligible for no more than 180 days of regular membership per school year.

(b) A student transferring to or from an LEA with a schedule approved under Subsection R277-419-4(1)(b) is eligible for no more than 220 days of regular membership per school year.

(c) A student transferring to or from an LEA where the student attended or will attend a year-round school is eligible for no more than 205 days of regular membership per school year.

(d) If the exceptions in Subsections (2)(b) and (2)(c) do not apply but a student transfers from one LEA to another at least one time during the school year, the student is eligible for regular membership in an amount not to exceed the sum of:

(i) 170 days; plus

(ii) 10 days multiplied by the number of LEAs the student attended during the school year.

(3) If a student is enrolled in two or more LEAs during a school year and the aggregate regular membership generated for the student between the LEAs exceeds the amount allowed under Subsection (2), the Superintendent shall apportion the days of regular membership allowed between the LEAs.

(4) If a student was enrolled for only part of the school day or only part of the school year, an LEA shall prorate the student's membership according to the number of hours, periods or credits for which the student was enrolled in relation to the number of hours, periods or credits for which a full-time student normally would have been enrolled, for example:

(a) if the student was enrolled for four periods each day in a seven period school day for 180 school days, the student's aggregate membership would be $\frac{4}{7}$ of 180 days or 103 days; or

(b) if the student was enrolled for seven periods each day in a seven period school day for 103 school days, the student's membership would also be 103 days.

~~(5)(a) An LEA shall calculate the days in membership for all students [using a method equivalent to the following: total clock hours of educational services for which the student was enrolled during the school year divided by 990 hours and then multiplied by 180 days and finally rounded up to the nearest whole day.~~

~~—— (b) For example, if a student was enrolled for only 900 hours during the school year, the student's aggregate membership would be $(900/990)*180$, and the LEA would report 164 days] using the proration method described in Subsection (4).~~

(6) The sum of regular plus self-contained special education and self-contained YIC membership days may not exceed 180 days.

(7) The sum of regular and resource special education membership days may not exceed 360 days.

(8) The sum of regular, ISI-1 and ISI-2 YIC membership days may not exceed 360 days.

(9) An LEA may also count a student in membership for the equivalent in hours of up to:

(a) one period each school day, if the student has been:

(i) released by the school, upon a parent or guardian's request, during the school day for religious instruction or individual learning activity consistent with the student's Plan for College and Career Readiness; or

(ii) participating in one or more co-curricular activities under Rule R277-438, but has otherwise been exempted from school attendance under Section 53G-6-204 for home schooling;

(b) two periods each school day per student for time spent in bus travel during the regular school day to and from another state funded institution, if the student is enrolled in CTE instruction consistent with the student's Plan for College and Career Readiness;

(c) all periods each school day, if the student is enrolled in:

(i) a concurrent enrollment program that satisfies the Title 53E, Chapter 10, Part 3, Concurrent Enrollment;

(ii) a private school without religious affiliation under a contract initiated by an LEA to provide special education services which directs that the instruction be paid by public funds if the contract with the private school is approved by an LEA board in an open meeting;

(iii) a foreign exchange student program under Section 53G-6-707; or

(iv) a school operated by an LEA under a Utah Schools for the Deaf and the Blind IEP provided that:

(A) the student may only be counted in S1 membership and may not have an S2 record; and

(B) the S2 record for the student is submitted by the Utah Schools for the Deaf and the Blind.

(10)(a) Except as provided in Subsection (10)(b), a student receiving instruction delivered in a home school course or by a private school is not eligible to be claimed in an LEA's membership and does not qualify for funding under the Minimum School Program in Title 53F, Chapter 2, Minimum School Program Act.

(b) Subsection (10)(a) does not apply to public school instruction provided by an LEA to a home school or private school student participating in dual enrollment as described in Section 53G-6-702.

R277-419-7. Calculations for a First Year Charter School.

(1) For the first operational year of a charter school or a new satellite campus, the Superintendent shall determine the charter school's WPU funding based on October 1 counts.

(2) For the second operational year of a charter school or a new satellite campus, the Superintendent shall determine the charter school's WPU funding based on Section 53F-2-302.

R277-419-8. Reporting Requirements and LEA Records.

(1) An LEA shall report aggregate membership for each student via the School Membership field in the S1 record and special education membership in the SCRAM Membership field in the S2 record and YIC membership in the S3 record of the Year End upload of the Data Clearinghouse file.

(2) In the Data Clearinghouse, aggregate membership is calculated in days of membership.

(3) To determine student membership, an LEA shall ensure that records of daily student attendance or student engagement are maintained in each school which clearly and accurately show for each student the:

(a) entry date;

(b) exit date;

(c) exit or high school completion status;

(d) whether or not an absence was excused as a valid excuse as listed in 53G-6-201;

(e) disability status, resource or self-contained, if applicable; and

(f) YIC status, ISI-1, ISI-2 or self-contained, if applicable.

(4) An LEA shall ensure that:

(a) computerized or manually produced records for CTE programs are kept by teacher, class, and core code; and

(b) the records described in Subsection (4)(a) clearly and accurately show for each student in a CTE class the:

- (i) entry date;
- (ii) exit date; and
- (iii) excused or unexcused status of absence.

(5) An LEA shall ensure that each school within the LEA completes a minimum of one attendance check each school day.

(6) Due to school activities requiring schedule and program modification during the first days and last days of the school year:

(a) for the first five school days, an LEA may report aggregate days of membership equal to the number recorded for the second five-day period of the school year;

(b) for the last five-day period, an LEA may report aggregate days of membership equal to the number recorded for the immediately preceding five-day period; and

(c) schools shall continue educational service activities throughout required calendared days.

(7) The Superintendent:

(a) shall review each LEA's student membership and fall enrollment reports as they relate to the allocation of state funds; and

(b) may periodically or for cause review LEA records and practices for compliance with federal and state laws and this rule.

R277-419-9. High School Completion Status.

(1) An LEA shall account for the final status of students who enter high school, grades 9-12, whether they graduate or leave high school for other reasons, using the following decision rules to state the high school completion or exit status of each student who leaves the Utah public education system:

(a) graduates are students who earn a basic high school diploma by satisfying one of the options consistent with Rule R277-705 or out-of-school youths of school age who complete adult education secondary diploma requirements consistent with Rule R277-733;

(b) completers are students who have not satisfied Utah's requirements for graduation but who:

(i) are in membership in twelfth grade on the last day of the school year; and

(ii)(A) meet any additional criteria established by an LEA consistent with its authority under Rule R277-705;

(B) meet any criteria established for special education students under Utah State Board of Education Special Education Rules, Revised, June 2016, and available at: <http://www.schools.utah.gov/sars/Laws.aspx> and the Utah State Board of Education;

(C) meet any criteria established for special education students under Subsection R277-700-8(5); or

(D) pass a General Educational Development or GED test with a designated score;

(c) continuing students are students who:

(i) transfer to higher education, without first obtaining a diploma;

(ii) transfer to the Utah Center for Assistive Technology without first obtaining a diploma; or

(iii) age out of special education;

(d) dropouts are students who:

(i) leave school with no legitimate reason for departure or absence;

~~[(ii) withdraw due to a situation so serious that educational services cannot be continued even under the conditions of Subsection R277-419-5(3)(f)(ii);]~~

~~[(iii)](ii)~~ are expelled and do not re-enroll in another public education institution;

or

~~[(iv)](iii)~~ transfer to adult education;

(e) an LEA shall exclude a student from the cohort calculation if the student:

(i) transfers out of state, out of the country, to a private school, or to home schooling;

(ii) is a U.S. citizen who enrolls in another country as a foreign exchange student;

(iii) is a non-U.S. citizen who enrolls in a Utah public school as a foreign exchange student under Section 53G-6-707 in which case the student shall be identified by resident status, J for those with a J-1 visa, F for all others, not by an exit code;

(iv) dies; or

(v) beginning with the 2015-2016 school year, is attending an LEA that is not the student's school of enrollment.

(2)(a) An LEA shall report the high school completion status or exit code of each student to the Superintendent as specified in Data Clearinghouse documentation.

(b) High School completion status or exit codes for each student are due to the Superintendent by year end upload for review.

(c) Except as provided in Subsection (2)(d), an LEA shall submit any further updates of completion status or exit codes by October 1 following the end of a student's graduating cohort pursuant to Rule R277-484.

(d) An LEA with an alternative school year schedule where the students have an extended break in a season other than summer, shall submit the LEA's data by the next complete data submission update, following the LEA's extended break, as defined in Rule R277-484.

(3)(a) The Superintendent shall report a graduation rate for each school, LEA, and the state.

(b) The Superintendent shall calculate the graduation rates in accordance with applicable federal law.

(c) The Superintendent shall include a student in a school's graduation rate if:

(i) the school was the last school the student attended before the student's expected graduation date; and

(ii) the student does not meet any exclusion rules as stated in Subsection (1)(e).

(d) The last school a student attended will be determined by the student's exit dates as reported to the Data Clearinghouse.

(e) A student's graduation status will be attributed to the school attended in the student's final cohort year.

(f) If a student attended two or more schools during the student's final cohort year, a tie-breaking logic to select the single school will be used in the following hierarchical order of sequence:

(i) school with an attached graduation status for the final cohort year;

(ii) school with the latest exit date;

(iii) school with the earliest entry date;

(iv) school with the highest total membership;

(v) school of choice;

(vi) school with highest attendance; or

(vii) school with highest cumulative GPA.

(g) The Superintendent shall report the four-year cohort rate on the annual state reports.

R277-419-10. Student Identification and Tracking.

(1)(a) Pursuant to Section 53E-4-308, an LEA shall:

(i) use the SSID system maintained by the Superintendent to assign every student enrolled in a program under the direction of the Board or in a program or a school that is supported by public school funding a unique student identifier; and

(ii) display the SSID on student transcripts exchanged with LEAs and Utah public institutions of higher education.

(b) The unique student identifier:

(i) shall be assigned to a student upon enrollment into a public school program or a public school-funded program;

(ii) may not be the student's social security number or contain any personally identifiable information about the student.

(2)(a) An LEA shall require all students to provide their legal first, middle, and last names at the time of registration to ensure that the correct SSID follows students who transfer among LEAs.

(b) A school shall transcribe the names from the student's birth certificate or other reliable proof of the student's identity and age, consistent with Section 53G-6-603;

(c) The direct transcription of student names from birth certificates or other reliable proof of student identity and age shall be the student's legal name for purposes of maintaining school records; and

(d) An LEA may modify the order of student names, provide for nicknames, or allow for different surnames, consistent with court documents or parent preferences, so long as legal names are maintained on student records and used in transmitting student information to the Superintendent.

(3) The Superintendent and LEAs shall track students and maintain data using students' legal names.

(4) If there is a compelling need to protect a student by using an alias, an LEA should exercise discretion in recording the name of the student.

(5) An LEA is responsible to verify the accuracy and validity of enrollment verification data, before enrolling students in the LEA, and provide students and their parents with notification of enrollment in a public school.

(6) An LEA shall ensure enrollment verification data is collected, transmitted, and stored consistent with sound data policies, established by the LEA as required in Rule R277-487.

R277-419-11. Exceptions.

(1)(a) An LEA may, at its discretion, make an exception for school attendance for a public school student, in the length of the school day or year, for a student with compelling circumstances.

(b) The time an excepted student is required to attend school shall be established by the student's IEP or Plan for College and Career Readiness.

(2) A school using a modified 45-day/15-day year-round schedule initiated before July 1, 1995 is in compliance with this rule if the school's schedule ~~[includes a minimum of 990 hours of time the LEA will provide educational services]~~] meets the minimum instructional day requirements described in Subsection R277-419- 4(1) over a minimum of 172 days.

KEY: education finance, school enrollment, pupil accounting

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