

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-
28 111.

29

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

31 (1) "Active participation" means, for purposes of an initial funding distribution
32 described in Section 53F-4-505, that during the 20 day period allowed for withdrawal at
33 the beginning of a semester-length course, or a quarter length course when taken in
34 isolation, a student has:

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

38 (2) "Applicable statewide assessments" means:

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

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

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

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

49 (6) "Confirm" means that a provider certifies:

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

52 (b) that the provider acknowledges an obligation to the Board or a primary LEA
53 for related accountability mandates associated with the student and the student's course
54 of instruction.

55 (7) "Course completion" means that a student has completed a course with a
56 passing grade and the provider has transmitted the course title, course code, grade,
57 and credit to the primary LEA and the Superintendent.

58 (8) "Course Credit Acknowledgment" or "CCA" means an agreement and
59 registration record that:

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

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

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

66 (10) "Disciplinary withdrawal" means that:

67 (a) a student was administratively withdrawn from an online course for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

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

74 (12)(a) "Eligible student" means the same as the term is defined in Section 53F-
75 4-501.

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

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

80 (i) a student receiving a scholarship under Title 53F, Chapter 6, Part 4, Utah Fits
81 All Scholarship Program;

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

83 (iii) a student participating in the Utah Private Course Choice Empowerment
84 program under Section 53F-5-501.

85 (13) "Executed CCA" means a CCA that has been executed pursuant to
86 Subsection 53F-4-508(3) resulting in the issuance of a notice of enrollment.

87 (14) "Fee" means the same as the term is defined in Rule R277-407.

88 (15) "High school" means the same as the term is defined in Section 53F-4-501.

89 (16) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and

90 the Blind.

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

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

95 (i) asynchronous discussion boards;

96 (ii) emails; or

97 (iii) scheduled synchronous meetings;

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

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

100 (ii) student work submitted within required timeline for the student to provide
101 completed assignments, coursework, or to have made progress toward academic goals;

102 (iii) routinely completed student assignments demonstrating acceptable progress
103 toward timely completion; or otherwise meeting established pacing guidelines; or

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

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

109 (19) "Middle school" means the same as the term is defined in Section 53F-4-
110 501.

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

113 (i) completed registration procedures;

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

144 (d) the school responsible for oversight and implementation of the student's
145 educational requirements under the Individuals with Disabilities Education Act.

146 (26) "Resident school" means the district school within whose attendance
147 boundaries the student's custodial parent or legal guardian resides.

148 (27) "School" means the same as the term is defined in Rule R277-100.

149 (28) "Section 504" means Section 504 of the Rehabilitation Act of 1973, 29
150 U.S.C. 794.

151 (29) "Standard of active participation" means:

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

156 (b) a written policy:

157 (i) articulating evidence of student participation contained in a learning
158 management system and used by an authorized online course provider to qualify to
159 receive payment as provided in Subsection 53F-4-505(4); and

160 (ii) used to monitor program outcomes and program financial compliance in
161 accordance with Rule R277-114.

162 (24) "Statewide Online Education Program" or "SOEP" or "program" means the
163 Statewide Online Education Program created in Section 53F-4-502.

164 (31) "Teacher of record" means the teacher who is assigned by a provider and
165 to whom students are assigned for purposes of reporting and data submissions to the
166 Superintendent in accordance with Section R277-484-3 and this rule.

167 (32) "Underenrolled student" means a student with less than a full course load,
168 as defined by the LEA, during the regular school day at the student's primary school.

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

172 (34) "USBE course code" means a code for a designated subject matter course
173 assigned by the Superintendent.

174 (35) "Withdrawal from online course" means that a student requests to withdraw
175 from an online course as follows:

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

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

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

182

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

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

185 (2)(a) A counselor designated by a student's primary school shall review the
186 student's CCA to ensure consistency with:

187 (i) graduation requirements;

188 (ii) the student's plan for college and career readiness;

189 (iii) scheduling; and

190 (iv) requirements for course replacement under Rule R277-717.

191 (b) The primary school, the primary LEA and an online course provider shall
192 respond to the CCA using forms and processes provided by the Superintendent within
193 24 business hours.

194 (3)(a) The primary school is not required to meet with the student or parent for
195 approval of a course request.

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

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

201 (5) If an eligible student has an IEP or Section 504 plan, the eligible student's
202 primary LEA shall provide or facilitate enrollment by:

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

206 (b) ensuring the eligible student's IEP team and the authorized online course
207 provider review a course enrollment for compliance with Subsection (1);

208 (c) coordinating additional IEP team reviews, as necessary, with the authorized
209 online course provider to ensure appropriate services, supports and accommodations
210 are in place for the eligible student; and

211 (d) [ensuring] considering the authorized online course provider [is included] in
212 an eligible student's IEP revisions.

213 (6) Once a student's enrollment and active participation are confirmed, the
214 Superintendent shall direct funds to the provider, consistent with Sections 53F-4-505
215 through 53F-4-507, and Section 53F-4-518.

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

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

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

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

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

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

231 (3) Only original credit may be funded through the program.

232 (4)(a) An eligible student is expected to complete courses in which the student
233 enrolls in a timely manner consistent with Section 53F-4-505 and requirements for
234 attendance and participation in accordance with Subsection R277-726-7(15) and
235 Subsection R277-726-2(17).

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

239 (5) A student shall enroll in online courses, or declare an intention to enroll,
240 during the school course registration period designated by the primary LEA or primary
241 school for regular course registration, provided the student's LEA notifies students of the
242 opportunity to enroll in the program as described in Section 53F-4-513.

243 (6)(a) A student may alter a course schedule by dropping a physical course and
244 adding an online course in accordance with the primary school's same established
245 deadline for dropping and adding physical courses.

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

251 (7) Notwithstanding Subsection (5), an underenrolled student may enroll in an
252 online course at any time during a calendar year.

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

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

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

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

264

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

266 (1) A primary school shall facilitate student enrollment with any eligible online
267 provider selected by an eligible student consistent with course credit limits.

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

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

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

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

275 (4) A primary school and a primary LEA shall use the CCA application, records,
276 and processes provided by the Superintendent.

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

283 (6) A primary school or primary LEA shall provide information about available
284 online courses and programs:

285 (a) in registration materials;

286 (b) on the LEA's website; and
287 (c) on the school's website.

288 (7) A primary LEA may not require a student to participate in onsite or in-person
289 courses to:

290 (a) access sports, facilities, or student honors; or
291 (b) meet special education service needs.

292 (8) To facilitate enrollment as required by Section 53F-4-513, a primary school
293 or primary LEA shall provide the information required under Subsection (6) concurrent
294 with the high school course registration period designated by the primary LEA for the
295 upcoming school year.

296 (9) A primary school:

297 (a) shall include a student's online courses in the student's schedule and
298 enrollment records;

299 (b) may increase membership to account for SOEP credits for students with
300 documented early graduation plans; and

301 (c) upon course completion, shall include online course grades and credits on
302 the student's transcript, including high school coursework completed before grade 9
303 using course title and core codes for purposes of high school graduation.

304 (10) A primary school shall determine fee waiver eligibility for participating public
305 school students pursuant to Rule R277-407.

306 (11)(a) If a participating student qualifies for a fee waiver, the student's primary
307 LEA or primary school shall provide the participating student access to an online course
308 by:

- 309 (i) allowing a student access to necessary technology within the school building
- 310 during the regular school day for the student to participate in an online course; or
- 311 (ii) providing a participating student with the technology and Wi-Fi needed for the
- 312 student to participate outside of the school building.

313 (b) If a participating student who qualifies for a fee waiver is a home school
314 student, the online course provider shall provide the participating home school student
315 access to the online course.

316 (13) Where participating students access program courses using LEA-owned
317 and managed devices, the primary LEA shall configure devices so the participating
318 students may form a separate user account or otherwise allow access to online course
319 provider materials using credentials supplied by an online course provider.

320 (14)(a) During the regular school day, a primary school shall provide
321 participating students access to facilities for the student to participate in an online
322 course;

323 (b) A primary school may not restrict a participating student from leadership
324 opportunities, sports, extracurricular and co-curricular activities, counseling, graduation,
325 honors, activities, amenities, and other non-instructional services offered to students
326 generally on the basis of the student's participation in SOEP courses or on the basis of
327 relative levels of participation in physical courses versus program courses.

328 (15)(a) A primary LEA shall record course completions conferring high school
329 credit in a student's record of credit and course completion for grade 9 to allow
330 recognition toward grades 9-12, and high school graduation requirements.

331 (b) A primary LEA accepting credit toward high school requirements is not
332 required to independently verify:

333 (i) early graduation status; or

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

336 (16) When a student satisfactorily completes an online semester or quarter
337 course:

338 (a) for high school credit, in accordance with the LEA's procedures, a designated
339 counselor or registrar at the primary school shall forward records of grades and high
340 school graduation credit, listing core codes for each completed course; or

341 (b) for a student participating in the program in grades 6 through 8, the primary
342 LEA for grade 9 shall record grades and credit per Subsection (15) once the student
343 completes grade 8.

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

347

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

349 (1) The Superintendent shall provide a website for the program, including
350 information required under Section 53F-4-512 and other information as determined by
351 the Superintendent.

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

355 (a) transcripts;

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

357 (c) other necessary accommodations and services.

361 (4)(a) The Superintendent shall prepare and make available applications and
362 program agreements for authorized online course providers.

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

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

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

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

373 (6) Before approving a provider, consistent with Section 53F-4-504, the
374 Superintendent shall:

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

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

379 (c) verify that a non-LEA prospective provider:

380 (i) has a student information system that is compatible with UTREx and USIMS;
381 (ii) is a 501(c)(3) non-profit entity;
382 (iii) demonstrates data security and privacy compliance capacity, consistent with
383 FERPA, through submission of a report selected by the Superintendent or developed by
384 the American International Society of Certified Public Accountants to evaluate data
385 security controls and assess organizational safeguards in place to protect sensitive
386 data;

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

389 (A) familiarity with education broadly;

390 (B) competency in instruction;

391 (C) academic philosophy; and

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

397 (8) The Superintendent shall withhold funds from a primary LEA and pay an
398 online course provider consistent with Sections 53F-4-505 through 53F-4-507, and
399 Section 53F-4-518.

400 (9) The Superintendent may refuse to provide funds if the Superintendent finds
401 that information has been submitted fraudulently or in violation of the law or Board rule
402 by any of the parties to a CCA.

403 (10) The Superintendent shall receive and investigate complaints, and impose
404 sanctions, if appropriate, regarding course integrity, financial mismanagement,
405 enrollment fraud or inaccuracy, or violations of the law or this rule specific to the
406 requirements and provisions of the program.

407 (11) If a Superintendent or federal entity's investigation finds that a provider has
408 violated the IDEA or Section 504 provisions for a student taking online courses, the
409 provider shall compensate the student's primary LEA for costs related to compliance.

410 (12) The Superintendent may monitor an LEA or online course provider for
411 compliance with any requirement of state or federal law or Board rule under the
412 program.

413 (13) The Superintendent may withhold funds from a program provider for failure
414 to comply with a reasonable request for records or information.

415 (14) The Superintendent shall withhold online course payment from a primary
416 LEA and payments to a provider at the nearest monthly transfer of funds, subject to
417 verification of information, in an amount consistent with, and when a provider qualifies to
418 receive payment, under Subsections 53F-4-505(4), 53F-4-507(3)(b) and 53F-4-
419 508(2)(b).

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

422 (16) Upon request from a primary LEA, the Superintendent shall provide an
423 itemized report, by student and course enrolled, showing deductions described in
424 Subsection 53F-4-508(2).

425 (17)(a) The Superintendent may make decisions on questions or issues
426 unresolved by Title 53F, Chapter 4, Part 5, Statewide Online Education Program or this
427 rule on a case-by-case basis.

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

430 (18) In accordance with Title 53E, Chapter 4, Academic Standards,
431 Assessments, and Materials, the Superintendent shall establish criteria for an
432 authorized online course provider to submit for approval of an online course that does
433 not have an existing Board course code.

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

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

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

440 (b) all other counseling services.

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

445 (22) The Superintendent shall organize and conduct annual mandatory training
446 for relevant staff at a primary LEA that addresses program requirements, including:

447 (a) reporting requirements and methods;

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

450 (c) federal and state requirements for accommodating enrollments that involve
451 special education;

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

454 (e) other necessary components as determined by the Superintendent.

455 (23) The Superintendent shall create a communication dashboard for the

456 program that includes:

457 (a) a counselor contact list that is accessible to an authorized online course

458 provider; and

459 (b) progress monitoring fields containing:

460 (i) grades and progress;

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

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

463 (24) The dashboard described in Subsection (23) shall be accessible to an

464 eligible student's:

465 (a) primary LEA;

466 (b) school counselor;

467 (c) authorized online course provider; and

468 (d) parent.

469

470 R277-726-7. Provider Requirements and Responsibilities.

471 (1)(a) A provider shall administer the applicable statewide assessments to a

472 participating home school student as directed by the Superintendent, including

473 proctoring the applicable statewide assessments, consistent with Section 53F-4-510

474 and Rule R277-404.

475 (b) A provider is responsible for administrative and proctoring costs and planning

476 for the applicable statewide assessments described in Subsection (1)(a).

477 (2) A provider shall:

478 (a) establish a procedure that a student or parent may complete online to excuse

479 the student from statewide assessments as described in Subsection 53G-6-803(9); and

480 (b) record and maintain a choice to opt a student out of a statewide assessment

481 in a manner prescribed by the Superintendent.

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

484 (4) A provider and any third party working with a provider shall satisfy Board
485 requirements for:

486 (a) consistency with core standards as described in Sections 53F-4-514 and
487 53E-6-201;

488 (b) criminal background checks for employees consistent with Title 53G, Chapter
489 11, Part 4, Background Checks;

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

492 (d) compliance with:

493 (i) the IDEA;

494 (ii) Section 504; and

495 (iii) requirements for multilingual students.

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

498 (a) Board procedures;

499 (b) Board timelines; and

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

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

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

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

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

508 (iii) shall post fees on the provider website and disclose fees in course notes
509 provided to the Superintendent as part of the provider's annual submission of course
510 lists;

511 (iv) shall provide materials for a student who qualifies for fee waivers;
512 (v) shall satisfy the requirements of Rule R277-407, as applicable; and
513 (vi) shall provide fee waivers to a home school student who meets fee waiver
514 eligibility at the provider's expense.

515 (7) A provider shall maintain a student's records and comply with the federal
516 Family Educational Rights and Privacy Act, Title 53E, Chapter 9, Part 3, Student Data
517 Protection, and Rule R277-487, including:

518 (a) protecting the confidentiality of a student's records and providing a parent
519 and an eligible student access to records; and
520 (b) providing a parent or student timely documentation of and access to
521 evidence and records of educational performance, including:

- 522 (i) test scores;
- 523 (ii) grades;
- 524 (iii) progress and performance measures; and
- 525 (iv) completion of credit.

529 (a) confirm that a student is participating in a course; or
530 (b) record a student's lack of participation.

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

532 (a) routinely update SOEP enrolment and tracking system records and local
533 records stored in the provider's SIS to reflect continuing student participation as
534 determined by student credit accruals and to maintain parity across data storage and
535 reporting tools;

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

539 (c) provide for each included course:

569 withdrawal, which will automatically notify the student, parent, and primary LEA of the
570 action.

571 (13) If a student entitled to services under the IDEA is removed from an online
572 course, the primary LEA shall work with the student and the student's parents to identify
573 alternatives to provide a free and appropriate public education.

574 (14)(a) A provider shall provide to the Superintendent a list of course options
575 using USBE-provided course codes.

576 (b) A provider shall update the provider's course offerings by March 1 annually.

577 (c) If a course may reference mature subject matter, a provider shall attach a
578 disclaimer to the course description that states, "This course may contain mature
579 content and may not be suitable for students of all ages."

580 (15) A provider shall serve a student on a first-come-first-served basis.

581 (16) A provider shall maintain and provide records and systems as part of a
582 public online school or program, including:

583 (a) financial and enrollment records;

584 (b) information for accountability, program monitoring, and audit purposes;

585 (c) timely documentation of student participation, enrollment, and educator
586 credentials; and

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

588 (17) A provider shall maintain the following for at least five calendar years after
589 the student graduates:

590 (a) test scores;

591 (b) student grades;

592 (c) completion of credit; and

593 (d) other progress and performance measures.

594 (18)(a) A provider is responsible for complete and timely submissions of record
595 changes to executed CCAs and submission of other reports and records as required by
596 the Superintendent.

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

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

602 (19) A provider shall inform a student and the student's parent of travel
603 expectations to fulfill course requirements or participate in statewide assessments,
604 before the start of the course.

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

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

611 (i) report grades and credit earned by a student to the Superintendent; and
612 (ii) record educator assignments consistent with Rule R277-484.

613 (21) A program school or program shall:

614 (a) be accredited consistent with Rule R277-410;

615 (b) have a designated administrator who meets the requirements of Rule R277-
616 309;

617 (c) ensure that a student who qualifies for a fee waiver receives services offered
618 by and through the public schools consistent with Section 53G-7-504 and Rule R277-
619 407;

620 (d) maintain student records consistent with:

621 (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and
622 34 CFR Part 99;

623 (ii) Rule R277-487;

624 (iii) this rule; and

625 (e) shall offer cou

626 (i) aligned with Utah Core standards as described in Sections 53E-4-202, 53F-4-
627 505, and 53F-4-514;

628 (ii) in accordance with program requirements; and

629 (iii) in accordance with Rules R277-700 and R277-404;

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

631 (g) shall record teaching assignments in CACTUS or USIMS by October 13

632 annually consistent with Rule R277-484 and Section R277-312-3.

633 (22) An LEA that offers an online program or school as a provider under the

634 program:

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

636 (b) may not employ an individual whose educator license has been suspended

637 or revoked;

638 (c) shall require employees to meet requirements of Title 53G, Chapter 11, Part

639 4, Background Checks, before offering services to a student;

640 (d) may only employ teachers who meet the requirements of Section 53E-6-201,

641 Section 53F-4-504, and Rule R277-309;

642 (e) shall agree to administer and, before approval as an authorized online

643 course provider, have the capacity to proctor, and carry out the applicable statewide

644 assessments, consistent with Sections 53E-4-302, 53F-2-103, and Rule R277-404;

645 (f) in accordance with Section R277-726-8, shall provide services to a student

646 consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights

647 Act of 1964 for multilingual students;

648 (g) shall submit CCAs to the Superintendent before the provider initiates

649 instruction of a student; and

650 (h) may not begin instruction until the Superintendent issues a notice of

651 enrollment.

652 (23) A provider shall prominently post required information on the provider's
653 website.

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

656 (a) the third-party provider complies with:

657 (i) federal law;

658 (ii) state law; and

659 (iii) Board rules;

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

662 (c) the third-party provider provides the provider with access to curriculum for
663 alignment and adjustment to ensure the curriculum is consistent with the Utah core
664 standards in Rule R277-700 and a Board approved core code; and

665 (d) compliance with the provider's administrative records retention schedule.

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

670 (26) A provider shall offer services as outlined in the Statewide Services
671 Agreement, which may be updated or amended to reflect changes in law, rule, policy or
672 recommended practice.

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

674 (a) early graduation status; or

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

677 (28) A provider shall adhere to program r

678 (a) ensuring that all assigned educators are appropriately licensed

679 and aligned with course assignments before providing services to students;
680 (b) complying with requirements applicable to an authorized online course.

681 provider described in this Rule R277-726, including the requirement to maintain a

682 course completion rate of at least 80% based on the provider's year-end UTREx
683 submission;

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

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

689 (29) If the Superintendent finds that an authorized online course provider is out
690 of compliance with Subsection (28), the Superintendent shall provide the provider with a
691 list of violations and a reasonable timeline for provider to correct the non-compliance.

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

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

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

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

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

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

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

707

708 **R277-726-8. Students with Disabilities and Other Unique Learning Needs.**

709 (1) A primary school shall provide an online provider with an existing Section
710 504 plan for a student enrolling in the program.

711 (2)(a) If a student without an existing Section 504 plan wishes to receive
712 services under Section 504 of the Rehabilitation Act of 1973, the student shall make a
713 request with either the student's primary school or a provider.

714 (b) Responsibility for ensuring a request is evaluated in accordance with federal
715 law, Utah Code, and Board Rule resides with the student's primary school.

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

718 (d) Under the direction of the primary school, the student's primary school and
719 the provider shall jointly evaluate a student's request under Subsection (1)(a) and
720 determine if the student is eligible for related aids, accommodations, and services under
721 Section 504.

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

724 (3) If a student with an existing Section 504 plan for related aids,
725 accommodations, or services requests amendments related to an existing plan for
726 related aids, accommodations, and services:

727 (a) the primary school and the provider shall jointly amend the Section 504 plan
728 in accordance with Subsection (4); and

729 (b) the provider shall implement the Section 504 plan and provide related aids,
730 accommodations, and services to the student in accordance with the student's Section
731 504 plan.

732 (4) To prepare or amend a 504 plan for related aids, accommodations, and
733 services, the committee evaluating the student shall:

734 (a) be drawn jointly from the student's primary school and the provider; and

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

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

740 (6) If a home school student requests services under Section 504, a provider
741 may determine student eligibility, prepare a 504 plan, and provide related aids,
742 accommodations, and services.

743 (7) If a student participating in the program qualifies to receive services under
744 the IDEA:

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

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

748 (ii) working with a provider, review and determine implementation of the IEP for
749 the student within a timeline consistent with IDEA requirements;

750 (iii) working with a provider revise the IEP with accommodations and services,
751 appropriate for the courses selected by the student;

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

754 (v) provide the amended IEP to the provider within three school days; and
755 (vi) continue to claim the student in the primary LEA's membership; and

756 (b) the provider shall provide special education services and accommodations
757 as required for the student to access the curriculum in accordance with the student's
758 IEP.

759 (8) If a home school student requests an evaluation for eligibility to receive
760 special education services:

761 (a) the home school student's LEA of residence shall:

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

763 (ii) if eligible, consider enrolling the student in the primary LEA, which will
764 prepare an IEP for the student, with input from the provider, in accordance with the
765 timelines required by the IDEA;

766 (iii) provide the IEP described in Subsection (ii) to the provider within three
767 school days of completion of the student's IEP; and

768 (b) the provider shall provide special education services and accommodations to
769 the student in accordance with the student's IEP described in Subsection (a)(i).

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

772 (b) If a provider suspects that a student qualifies for alternative language
773 services or other Title III services, the provider shall contact the Title III Coordinator at
774 the student's primary LEA or primary school.

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

777 (10) For a student needing alternative language services, who does not have an
778 individual learning plan:

779 (a) the primary LEA or primary school shall identify the need for alternative
780 language services;

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

786 (c) the primary LEA or primary school shall administer a language instruction
787 Educational Program in which a student learning English is placed for developing and
788 attaining English proficiency.

789

790 R277-726-9. Limited Appropriations for [Special Populations] Small Schools.

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

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

797 (a) Career and Technical Education pathways;
798 (b) Advanced Placement and other advanced coursework;
799 (c) foundation, applied and advanced courses enabling students to move
800 forward in technology-intensive paths requiring an educator with advanced license or
801 endorsement areas; and established facilities and programs.

802 (3)(a) The Superintendent shall determine eligibility using end of year UTREx
803 data from the prior year.

804 (b) The Superintendent shall determine funding and distributions, with annual
805 adjustments, based on an assessment of demonstrated inability to provide needed
806 courses due to:

807 (i) insufficient student enrollment to justify full course selections;
808 (ii) geographic isolation from qualified instructors;
809 (iii) limited staff capacity to teach courses;
810 (iv) financial constraints in hiring qualified educators; or
811 (v) other similar factors limiting a school's ability to meet student needs in areas
812 specified in this section.

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

815 (a) A Tier One school:
816 (i) is eligible for Title I funding in the current or previous school year;
817 (ii) is located within an area within National Center for Education Statistics locale
818 code of 33 or higher;
819 (iii) is located within a school district in a county of the fourth, fifth, or sixth class
820 as described in Section 17-50-501;
821 (iv) demonstrates a high average cost of providing educational services relative
822 to larger school districts due to location factors;
823 (v) does not serve students online; and
824 (vi) is not a specialty, technical, or alternative school.

825 (b) A Tier Two School:

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

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

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

832 (iv) does not serve students online; and

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

834 (c) A Tier Three School:

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

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

839 (iii) does not serve students online; and

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

841 (d) A Tier Four School:

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

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

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

847 (iv) does not serve students online; and

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

849 (e) A Tier Five School:

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

852 (ii) does not serve students online; and

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

854 (f) A Tier Six school is any small school that does not meet the criteria of Tiers
855 One through Five.

856 (5)(a) Subject to legislative appropriations, a school designed as Tiers One,
857 Two, or Three will receive a monthly offset to cover course fees deducted from the
858 school's Minimum School Program allocation.

859 (b) After May 1 annually, if all obligations to schools under Subsection (5)(a) are
860 met, a school designated as Tiers Four, Five, or Six may receive funds on a prorated
861 basis, by tier, to cover course fees previously deducted from the school's Minimum
862 School Program allocation.

863

R277-726-10. Limited Appropriations for Home School Students.

865 (1) The Superintendent shall allocate the annual appropriation for home school
866 tuition, along with any carryover or unobligated funds.

867 (2) The Superintendent shall distribute funds appropriated to the Statewide
868 Online Education Program to support home school students based on the needs of the
869 eligible students.

870

R277-726-[10]11. Other Information.

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

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

877 (a) school awards and honors;
878 (b) Utah High School Activities Association participation; and
879 (c) high school graduation.

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

883 (a) inform counselors at the student's primary school that the student is at risk of
884 academic or other failure; and

885 (b) before quarter 4 of an SOEP student's senior school year, or as soon as
886 possible, inform counselors at the student's primary school that the senior student is at
887 risk of failure.

888

889 **R277-726-[11]12. Certified and Authorized Online Course Provider Application**
890 **Approval, Program Requirements, and Fees.**

891 (1) An entity that does not otherwise meet criteria to be an authorized online
892 course provider may become a certified online course provider as provided in this
893 section.

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

896 (3) The Superintendent shall review each application within a reasonable
897 amount of time and may invite prospective providers for interviews.

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

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

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

903 (a) 5% of revenue collected for the first \$200,000 received pursuant to Section
904 53F-4-505; and

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

907

908 R277-726-[12]13. Online Concurrent Enrollment.

909 For a student enrolled in a concurrent enrollment course through an SOEP
910 provider, to the extent there is a conflict between this rule and Title 53F, Chapter 4, Part

911 5, Statewide Online Education Program, and Title 53E, Chapter 10, Part 3, Concurrent
912 Enrollment, the concurrent enrollment code provisions shall govern.

913

914 **KEY: statewide online education program**

915 **Date of Last Change: November 7, 2025**

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

917 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-4-510; 53F-4-
918 514; 53E-3-401**

919

920