

1 **R277. Education, Administration.**

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

3 **R277-726-1. Authority, Purpose, and Oversight Category.**

4 (1) This rule is authorized by:

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

7 (b) Section 53F-4-502, which created the program to enable eligible students,
8 through publicly funded online courses, to:

9 (i) earn college credit by July 1, 2025;

10 (ii) earn high school graduation credit; and

11 (iii) earn middle school credit;

12 (c) Section 53F-4-514, which requires the Board to make rules:

13 (i) providing for the administration of the applicable statewide assessments to
14 students enrolled in online courses;

15 (ii) ~~[that establish]~~ establishing a course credit acknowledgment form and
16 procedures for completing and submitting the form to the Board; and

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

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

21 (2) The purpose of this rule is to:

22 (a) define necessary terms;

23 (b) provide and describe a program registration agreement; and

24 (c) provide other requirements for an LEA, the Superintendent, a parent and a
25 student, and an authorized online course provider for program implementation and
26 accountability.

27 ~~[(3) This Rule R277-726 is categorized as Category 4 as described in Rule~~
28 ~~R277-111.]~~

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 graded assignments; and
- 37 (c) not requested to withdraw.

38 (2) "Administrative withdrawal" means a student was withdrawn due to a violation
39 of an online provider's standard of active participation.

40 ~~[(2) "Applicable statewide assessments" means:~~

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

43 ~~—— (b) a standards assessment as defined in Section 53E-4-303; and~~

44 ~~—— (c) a Utah alternative assessment as defined in Rule R277-404.~~

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

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

49 ~~[(5)3](a) "Certified online course provider" or "certified online provider" means~~
50 ~~the same as the term is defined in Section 53F-4-501.~~

51 (b) After approval, a "certified online provider" shall hereinafter be referred to as
52 an "online provider."

53 ~~[(6)4] "Confirm" means that a provider certifies[:~~

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

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

59 (5) "Core code" means a USIMS identifier used to identify each subject and
60 grade level.

61 (6) "Constructive approval" means approval by the Superintendent of a student in
62 accordance with Section 53F-4-508 where a primary LEA fails to respond to enrollment
63 request within 24 business hours.

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

67 (8) "Course Credit Acknowledgment" or "CCA" means ~~[an agreement and~~
68 ~~registration record that:~~

69 ~~—— (a) uses the Statewide Online Education Program application provided by the~~
70 ~~Superintendent; and~~

71 ~~—— (b) except as provided in Section 53F-4-508, is signed by the designee of the~~
72 ~~primary school, and the qualified provider.]~~ a contract between an online provider and a
73 primary LEA, which formalizes the outsourcing of instructional services for a student.

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

76 (10) "Disciplinary withdrawal" means ~~[that:~~

77 ~~—— (a) a student was administratively withdrawn from an online course for~~
78 ~~disciplinary reasons; and~~

79 ~~—— (b) the student, counselor, and parents were notified.]~~ withdrawal of a student by
80 an online provider as a result of a violation of the online provider's code of conduct.

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

85 (12)(a) "Eligible student" means the same as the term is defined in Section 53F-
86 4-501[-]; and

87 (b) ~~[A]~~a student up to the age of 19 ~~[in an adult education program may be an~~
88 "eligible student" if the student re-enrolls in a public or private secondary school before
89 ~~the student's cohort's date of graduation]~~ whose high school cohort has not graduated,
90 including students residing in temporary care through a state-licensed group care
91 facility, and enrolling through a district of residence.

92 ~~[(c) "Eligible student" does not include:~~

93 ~~—— (i) a student receiving a scholarship under Title 53F, Chapter 6, Part 4, Utah Fits~~
94 ~~All Scholarship Program;~~

95 ~~—— (ii) a student attending a private school; or~~

96 ~~—— (iii) a student participating in the Utah Private Course Choice Empowerment~~
97 ~~program under Section 53F-5-501.~~

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

100 ~~[(14)]13~~ "Fee" means the same as the term is defined in Rule R277-407.

101 ~~[(15)]14~~ "High school" means the same as the term is defined in Section 53F-4-
102 501.

103 ~~[(16)]15~~ "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf
104 and the Blind.

105 (17) "Learner validated enrollment measures" means measures for establishing
106 attendance and participation in online coursework every ten days, which shall include:

107 ~~[(a) required periodic contact with a teacher of record through means applicable~~
108 ~~to an online environment, such as:~~

109 ~~—— (i) asynchronous discussion boards;~~

110 ~~—— (ii) emails; or~~

111 ~~—— (iii) scheduled synchronous meetings;~~

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

113 ~~—— (i) a minimum frequency of student logins every five or ten days;~~

114 ~~—— (ii) student work submitted within required timeline for the student to provide~~

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

116 ~~_____ (iii) routinely completed student assignments demonstrating acceptable progress~~
117 ~~toward timely completion; or otherwise meeting established pacing guidelines; or~~
118 ~~_____ (iv) additional measures selected for display in a dashboard communicating~~
119 ~~student progress to a counselor.]~~

120 (a) logging into a course one or more times; and

121 _____ (b) submitting one or more graded assignments.

122 ~~[(18)17] "Loss of eligibility" means that a change in circumstances caused a~~
123 ~~student to lose program eligibility[, resulting in the student being administratively~~
124 ~~withdrawn from a course].~~

125 ~~[(19)18] "Middle school" means the same as the term is defined in Section 53F-~~
126 ~~4-501.~~

127 ~~[(20)(a)19] "Notice of enrollment" means a certification [issued] by the~~
128 ~~Superintendent allowing an online provider to begin instruction, [indicating that a~~
129 ~~student] which indicates that:~~

130 ~~[(i)a] a student completed registration procedures;~~

131 ~~[(ii)b] ~~[was accepted to participate by a provider]~~ an online provider accepted the~~
132 ~~course request, and acknowledged accountability to the Board and the student's~~
133 ~~primary LEA for the student's course instruction; and~~

134 ~~[(iii) ~~received actual or statutory approval from a primary LEA, or the~~~~
135 ~~Superintendent, for a home school student.]~~

136 (c) a student's primary LEA or the Superintendent accepted the course request,
137 acknowledging financial responsibility.

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

139 ~~_____ (i) for a public school student, the primary LEA's acknowledgment of financial~~
140 ~~responsibility; or~~

141 ~~_____ (ii) for a home school student, the Superintendent's acknowledgment of financial~~
142 ~~responsibility.]~~

143 (~~[21]~~20) "Online course" means the same as the term is defined in Section 53F-
144 4-501 [~~regardless of whether the student participates in the online course at home, at a~~
145 ~~school, at another location, or in any combination of these settings~~].

146 (~~[22]~~) "~~Online course payment~~" means the amount of funds withheld from a
147 student's primary LEA and disbursed, or otherwise paid to the designated provider
148 following satisfaction of the requirements of the law, and as directed in Subsection 53F-
149 ~~4-507(2) and Section 53F-4-518.~~]

150 (21) "Online provider" means the same as the term is defined in Section 53F-4-
151 501.

152 (~~[23]~~) "~~Participation~~" means that a student continues to satisfy learner validated
153 enrollment measures following confirmation.]

154 (~~[24]~~22) "Primary LEA" means[:

155 ~~——(a) the LEA reporting the student to be in regular membership, and special~~
156 ~~education membership, if applicable; and~~

157 ~~——(b) the LEA in which an eligible student is enrolled.]~~ the LEA in which an eligible
158 student is enrolled and receives membership-based funding.

159 (~~[25]~~23) "Primary school[~~-of enrollment~~" or "~~primary school~~]" means:

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

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

164 (c) the school responsible for providing a student access to facilities, technology,
165 internet, and other non-instructional amenities required by membership-related funding
166 derived from the minimum school program, and other local, state, and federal funding
167 streams.]; ~~and~~

168 ~~——(d) the school responsible for oversight and implementation of the student's~~
169 ~~educational requirements under the Individuals with Disabilities Education Act.]~~

170 (~~[26]~~) "~~Resident school~~" means the district school within whose attendance
171 boundaries the student's custodial parent or legal guardian resides.]

172 ([27]24) "School" means the same as the term is defined in Rule R277-100.

173 ([28]25) "Section 504" means Section 504 of the Rehabilitation Act of 1973, 29
174 U.S.C. 794.

175 (26) "Small school" means a public school with a student population of less than
176 1,000 students and at least one student enrolled in grades 9-12.

177 ([29]27) "Standard of active participation" means[:

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

182 ~~——(b) a written policy:~~

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

186 ~~——(ii) used to monitor program outcomes and program financial compliance in~~
187 ~~accordance with Rule R277-114.] a written policy that includes the learner-validated~~
188 ~~enrollment measures used to monitor program outcomes and program financial~~
189 ~~compliance in accordance with Rule R277-114.~~

190 ([24]28) "Statewide Online Education Program" [~~or "SOEP"~~] or "program" means
191 the [~~Statewide Online Education Program~~] program created in Section 53F-4-502.

192 (29) "Student withdrawal" means that a student has requested to withdraw from
193 an online course.

194 ([31]30) "Teacher of record" means the [~~teacher who is assigned by a provider~~
195 ~~and to whom students are assigned for purposes of reporting and data submissions to~~
196 ~~the Superintendent in accordance with Section R277-484-3 and this rule] educator~~
197 ~~assigned by an online provider for instruction, assessment, and oversight of learner~~
198 ~~activity, progression, interaction with course materials and peers, reporting, and data~~
199 ~~submissions.~~

200 (~~32~~31) "Underenrolled student" means a student with less than a full course
201 load, as defined by the LEA, during the regular school day at the student's primary
202 school.

203 (~~33~~32) "Unexcused absence" means an absence [~~charged to a student when~~
204 ~~the student, without prior authorization, does not meet required participation criteria and~~
205 ~~fails to respond to outreach, resulting in administrative withdrawal from a course]~~
206 recorded when a student fails to meet participation requirements and does not respond
207 to outreach, resulting in an administrative withdrawal.

208 ~~[(34) "USBE course code" means a code for a designated subject matter course~~
209 ~~assigned by the Superintendent.~~

210 ~~— (35) "Withdrawal from online course" means that a student requests to withdraw~~
211 ~~from an online course as follows:~~

212 ~~— (a) within 20 school calendar days of the start date for a semester length course,~~
213 ~~if the student enrolls on or before the start date;~~

214 ~~— (b) within 20 school calendar days of enrolling in a semester length course, if the~~
215 ~~student enrolls after the start date; or~~

216 ~~— (c) within ten school calendar days after the start date or enrollment in a quarter-~~
217 ~~length course.]~~

218

219 **~~[R277-726-3. Course Credit Acknowledgment (CCA) Process.~~**

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

221 ~~— (2)(a) A counselor designated by a student's primary school shall review the~~
222 ~~student's CCA to ensure consistency with:~~

223 ~~— (i) graduation requirements;~~

224 ~~— (ii) the student's plan for college and career readiness;~~

225 ~~— (iii) scheduling; and~~

226 ~~— (iv) requirements for course replacement under Rule R277-717.~~

227 ~~—— (b) The primary school, the primary LEA and an online course provider shall~~
228 ~~respond to the CCA using forms and processes provided by the Superintendent within~~
229 ~~24 business hours.~~

230 ~~—— (3)(a) The primary school is not required to meet with the student or parent for~~
231 ~~approval of a course request.~~

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

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

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

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

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

244 ~~—— (c) coordinating additional IEP team reviews, as necessary, with the authorized~~
245 ~~online course provider to ensure appropriate services, supports and accommodations~~
246 ~~are in place for the eligible student; and~~

247 ~~—— (d) considering the authorized online course provider in an eligible student's IEP~~
248 ~~revisions.~~

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

252

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

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

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

260 ~~—— (2) An eligible student may exceed a full course load during a regular school~~
261 ~~year if:~~

262 ~~—— (a) the student's plan for college and career readiness indicates that the student~~
263 ~~intends to complete high school graduation requirements and exit high school before~~
264 ~~the rest of the student's high school cohort; or~~

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

267 ~~—— (3) Only original credit may be funded through the program.~~

268 ~~—— (4)(a) An eligible student is expected to complete courses in which the student~~
269 ~~enrolls in a timely manner consistent with Section 53F-4-505 and requirements for~~
270 ~~attendance and participation in accordance with Subsection R277-726-7(15) and~~
271 ~~Subsection R277-726-2(17).~~

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

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

279 ~~—— (6)(a) A student may alter a course schedule by dropping a physical course and~~
280 ~~adding an online course in accordance with the primary school's same established~~
281 ~~deadline for dropping and adding physical courses.~~

282 ~~—— (b) A student may enroll in a course outside of the primary school's established~~
283 ~~deadline for dropping and adding physical courses if the student is not seeking to alter a~~
284 ~~course schedule by dropping a physical course and adding an online course but is~~

285 ~~instead seeking to add courses above full-time enrollment consistent with an approved~~
286 ~~plan for early graduation.~~

287 ~~—— (7) Notwithstanding Subsection (5), an underenrolled student may enroll in an~~
288 ~~online course at any time during a calendar year.~~

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

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

296 ~~—— (i) the parent submits a written statement at least one school day before the~~
297 ~~scheduled absence; and~~

298 ~~—— (ii) the student agrees to make up coursework for school days missed for the~~
299 ~~scheduled absence in accordance with LEA policy.~~

300

301 **~~R277-726-5. LEA Requirements and Responsibilities.~~**

302 ~~—— (1) A primary school shall facilitate student enrollment with any eligible online~~
303 ~~provider selected by an eligible student consistent with course credit limits.~~

304 ~~—— (2) An eligible student may only take six online credits per academic year~~
305 ~~unless:~~

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

308 ~~—— (b) the Superintendent approves additional credits for the student.~~

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

311 ~~—— (4) A primary school and a primary LEA shall use the CGA application, records,~~
312 ~~and processes provided by the Superintendent.~~

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

319 ~~—— (6) A primary school or primary LEA shall provide information about available~~
320 ~~online courses and programs:~~

321 ~~—— (a) in registration materials;~~

322 ~~—— (b) on the LEA's website; and~~

323 ~~—— (c) on the school's website.~~

324 ~~—— (7) A primary LEA may not require a student to participate in onsite or in-person~~
325 ~~courses to:~~

326 ~~—— (a) access sports, facilities, or student honors; or~~

327 ~~—— (b) meet special education service needs.~~

328 ~~—— (8) To facilitate enrollment as required by Section 53F-4-513, a primary school~~
329 ~~or primary LEA shall provide the information required under Subsection (6) concurrent~~
330 ~~with the high school course registration period designated by the primary LEA for the~~
331 ~~upcoming school year.~~

332 ~~—— (9) A primary school:~~

333 ~~—— (a) shall include a student's online courses in the student's schedule and~~
334 ~~enrollment records;~~

335 ~~—— (b) may increase membership to account for SOEP credits for students with~~
336 ~~documented early graduation plans; and~~

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

340 ~~—— (10) A primary school shall determine fee waiver eligibility for participating public~~
341 ~~school students pursuant to Rule R277-407.~~

342 ~~———— (11)(a) If a participating student qualifies for a fee waiver, the student's primary~~
343 ~~LEA or primary school shall provide the participating student access to an online course~~
344 ~~by:~~

345 ~~———— (i) allowing a student access to necessary technology within the school building~~
346 ~~during the regular school day for the student to participate in an online course; or~~

347 ~~———— (ii) providing a participating student with the technology and Wi-Fi needed for the~~
348 ~~student to participate outside of the school building.~~

349 ~~———— (b) If a participating student who qualifies for a fee waiver is a home school~~
350 ~~student, the online course provider shall provide the participating home school student~~
351 ~~access to the online course.~~

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

356 ~~———— (14)(a) During the regular school day, a primary school shall provide~~
357 ~~participating students access to facilities for the student to participate in an online~~
358 ~~course;~~

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

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

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

369 ~~———— (i) early graduation status; or~~

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

372 ~~—— (16) When a student satisfactorily completes an online semester or quarter~~
373 ~~course:~~

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

377 ~~—— (b) for a student participating in the program in grades 6 through 8, the primary~~
378 ~~LEA for grade 9 shall record grades and credit per Subsection (15) once the student~~
379 ~~completes grade 8.~~

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

383

384 **~~R277-726-6. Superintendent Requirements and Responsibilities.~~**

385 ~~—— (1) The Superintendent shall provide a website for the program, including~~
386 ~~information required under Section 53F-4-512 and other information as determined by~~
387 ~~the Superintendent.~~

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

391 ~~—— (a) transcripts;~~

392 ~~—— (b) current IEP or Section 504 accommodation plan; and~~

393 ~~—— (c) other necessary accommodations and services.~~

394 ~~—— (3) The Superintendent shall direct a provider to administer the Utah standards~~
395 ~~and high school assessments, as applicable, consistent with Section 53F-4-514 and~~
396 ~~Rule R277-404.~~

397 ~~—— (4)(a) The Superintendent shall prepare and make available applications and~~
398 ~~program agreements for authorized online course providers.~~

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

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

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

408 ~~—— (b) Course load standards may differ based on subject matter.~~

409 ~~—— (6) Before approving a provider, consistent with Section 53F-4-504, the~~
410 ~~Superintendent shall:~~

411 ~~—— (a) review Annual Financial Reports and state-administered test data to~~
412 ~~establish capacity of a program to serve an increased range of students while still~~
413 ~~meeting program requirements;~~

414 ~~—— (b) disclose problematic findings to the applicant and the Board; and~~

415 ~~—— (c) verify that a non-LEA prospective provider:~~

416 ~~—— (i) has a student information system that is compatible with UTREx and USIMS;~~

417 ~~—— (ii) is a 501(c)(3) non-profit entity;~~

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

423 ~~—— (iv) provides a description of the applicant's academic service experience~~
424 ~~offering general insight into the entity's:~~

425 ~~—— (A) familiarity with education broadly;~~

426 ~~—— (B) competency in instruction;~~

427 ~~—— (C) academic philosophy; and~~

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

430 ~~—— (7) The Superintendent may restrict a provider from offering coursework if the~~
431 ~~Superintendent determines that the provider demonstrates repeated low performance~~
432 ~~on statewide assessments in English Language Arts, math, or science.~~

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

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

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

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

446 ~~—— (12) The Superintendent may monitor an LEA or online course provider for~~
447 ~~compliance with any requirement of state or federal law or Board rule under the~~
448 ~~program.~~

449 ~~—— (13) The Superintendent may withhold funds from a program provider for failure~~
450 ~~to comply with a reasonable request for records or information.~~

451 ~~—— (14) The Superintendent shall withhold online course payment from a primary~~
452 ~~LEA and payments to a provider at the nearest monthly transfer of funds, subject to~~
453 ~~verification of information, in an amount consistent with, and when a provider qualifies to~~
454 ~~receive payment, under Subsections 53F-4-505(4), 53F-4-507(3)(b) and 53F-4-~~
455 ~~508(2)(b).~~

456 ~~———(15) The Superintendent shall pay a provider consistent with Minimum School~~
457 ~~Program funding transfer schedules.~~

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

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

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

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

470 ~~———(19) The Superintendent may advise an eligible student regarding how an online~~
471 ~~course meets state graduation requirements.~~

472 ~~———(20) The Superintendent shall direct an eligible student to a counselor at the~~
473 ~~student's primary school for advice regarding:~~

474 ~~———(a) whether an online course meets LEA or school-specific graduation~~
475 ~~requirements; and~~

476 ~~———(b) all other counseling services.~~

477 ~~———(21) The Superintendent shall create a model cooperative agreement between a~~
478 ~~primary LEA and an authorized online course provider to be used when the primary LEA~~
479 ~~determines IEP services with costs are best provided by an authorized online course~~
480 ~~provider.~~

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

483 ~~———(a) reporting requirements and methods;~~

484 ~~—— (b) uses of resources and tools to ensure adequate monitoring of an eligible~~
485 ~~student's progress;~~
486 ~~—— (c) federal and state requirements for accommodating enrollments that involve~~
487 ~~special education;~~
488 ~~—— (d) appropriate circumstances and methodologies for reducing an eligible~~
489 ~~student's schedule; and~~
490 ~~—— (e) other necessary components as determined by the Superintendent.~~

491 ~~—— (23) The Superintendent shall create a communication dashboard for the~~
492 ~~program that includes:~~

493 ~~—— (a) a counselor contact list that is accessible to an authorized online course~~
494 ~~provider; and~~

495 ~~—— (b) progress monitoring fields containing:~~

496 ~~—— (i) grades and progress;~~

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

498 ~~—— (iii) other information as determined by the Superintendent.~~

499 ~~—— (24) The dashboard described in Subsection (23) shall be accessible to an~~
500 ~~eligible student's:~~

501 ~~—— (a) primary LEA;~~

502 ~~—— (b) school counselor;~~

503 ~~—— (c) authorized online course provider; and~~

504 ~~—— (d) parent.~~

505

506 ~~**R277-726-7. Provider Requirements and Responsibilities.**~~

507 ~~—— (1)(a) A provider shall administer the applicable statewide assessments to a~~
508 ~~participating home school student as directed by the Superintendent, including~~
509 ~~proctoring the applicable statewide assessments, consistent with Section 53F-4-510~~
510 ~~and Rule R277-404.~~

511 ~~—— (b) A provider is responsible for administrative and proctoring costs and planning~~
512 ~~for the applicable statewide assessments described in Subsection (1)(a).~~

513 ~~—— (2) A provider shall:~~
514 ~~—— (a) establish a procedure that a student or parent may complete online to excuse~~
515 ~~the student from statewide assessments as described in Subsection 53G-6-803(9); and~~
516 ~~—— (b) record and maintain a choice to opt a student out of a statewide assessment~~
517 ~~in a manner prescribed by the Superintendent.~~
518 ~~—— (3) A provider shall provide a parent or a student with email and telephone~~
519 ~~contacts for the provider during regular business hours to facilitate parent contact.~~
520 ~~—— (4) A provider and any third party working with a provider shall satisfy Board~~
521 ~~requirements for:~~
522 ~~—— (a) consistency with core standards as described in Sections 53F-4-514 and~~
523 ~~53E-6-201;~~
524 ~~—— (b) criminal background checks for employees consistent with Title 53G, Chapter~~
525 ~~11, Part 4, Background Checks;~~
526 ~~—— (c) documentation of student enrollment and participation consistent with a~~
527 ~~standard of active participation on record with the Superintendent; and~~
528 ~~—— (d) compliance with:~~
529 ~~—— (i) the IDEA;~~
530 ~~—— (ii) Section 504; and~~
531 ~~—— (iii) requirements for multilingual students.~~
532 ~~—— (5) A provider shall receive payments for a student properly enrolled in the~~
533 ~~program from the Superintendent consistent with:~~
534 ~~—— (a) Board procedures;~~
535 ~~—— (b) Board timelines; and~~
536 ~~—— (c) Sections 53F-4-505 through 53F-4-508, Section 53F-4-518, and Board rule.~~
537 ~~—— (6)(a) A provider may charge a fee consistent with other secondary schools and~~
538 ~~in accordance with Title 53G, Chapter 7, Part 5, Student Fees, and Rule R277-407.~~
539 ~~—— (b) If a provider intends to charge a fee of any kind, the provider:~~
540 ~~—— (i) shall notify the primary school with whom the provider has the CCA of the~~
541 ~~purpose for fees and amounts of fees;~~

542 ~~—— (ii) shall provide timely notice to a parent of required fees and fee waiver~~
543 ~~opportunities;~~

544 ~~—— (iii) shall post fees on the provider website and disclose fees in course notes~~
545 ~~provided to the Superintendent as part of the provider's annual submission of course~~
546 ~~lists;~~

547 ~~—— (iv) shall provide materials for a student who qualifies for fee waivers;~~

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

549 ~~—— (vi) shall provide fee waivers to a home school student who meets fee waiver~~
550 ~~eligibility at the provider's expense.~~

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

554 ~~—— (a) protecting the confidentiality of a student's records and providing a parent~~
555 ~~and an eligible student access to records; and~~

556 ~~—— (b) providing a parent or student timely documentation of and access to~~
557 ~~evidence and records of educational performance, including:~~

558 ~~—— (i) test scores;~~

559 ~~—— (ii) grades;~~

560 ~~—— (iii) progress and performance measures; and~~

561 ~~—— (iv) completion of credit.~~

562 ~~—— (8) Except as otherwise provided in this rule, a provider shall, using processes~~
563 ~~and applications provided by the Superintendent within five business days following the~~
564 ~~20 school day statutory period allowed for student withdrawal:~~

565 ~~—— (a) confirm that a student is participating in a course; or~~

566 ~~—— (b) record a student's lack of participation.~~

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

568 ~~—— (a) routinely update SOEP enrolment and tracking system records and local~~
569 ~~records stored in the provider's SIS to reflect continuing student participation as~~

570 ~~determined by student credit accruals and to maintain parity across data storage and~~
571 ~~reporting tools;~~
572 ~~—— (b) submit a student's credit and grade to the Superintendent by enrolling the~~
573 ~~student, per UTREx specifications, in an appropriately marked course with a start date~~
574 ~~within the provider's school calendar;~~
575 ~~—— (c) provide for each included course:~~
576 ~~—— (i) the core code;~~
577 ~~—— (ii) a local section code;~~
578 ~~—— (iii) teacher of record information; and~~
579 ~~—— (iv) as necessary, the unique title a provider utilizes to identify a course to a~~
580 ~~designated counselor or registrar at the primary school, and the student's parent; and~~
581 ~~—— (d) complete the submissions required under Subsection (9)(c) and submit~~
582 ~~official transcripts of grade and credit for each .25, .5, or greater credit earned by a~~
583 ~~student by a secure means to the student's parent and the primary LEA by the earlier of:~~
584 ~~—— (i) 30 days after a student satisfactorily completes an online semester or quarter~~
585 ~~course; or~~
586 ~~—— (ii) by June 30 annually.~~
587 ~~—— (10) A provider shall provide an official transcript to a student's parent and~~
588 ~~primary school:~~
589 ~~—— (a) no later than June 30 for students in grades 6-11; or~~
590 ~~—— (b) within the reasonably requested timeline of a primary school for a student in~~
591 ~~grade 12.~~
592 ~~—— (11) A provider may not withhold a student's credits, grades, or transcripts from~~
593 ~~the student, parent, or the student's primary school for any reason.~~
594 ~~—— (12)(a) If a provider suspends or expels a student from an online course for~~
595 ~~disciplinary reasons, the provider shall notify the student's primary LEA by placing the~~
596 ~~student on disciplinary withdrawal.~~
597 ~~—— (b) A provider is responsible for due process procedures for student disciplinary~~
598 ~~actions in the provider's program.~~

599 ~~—— (c)(i) A provider shall notify a student, parent, and a counselor at the student's~~
600 ~~primary school of if the provider intends to administratively withdraw the student, as a~~
601 ~~result of the student being inactive in a course for more than ten days.~~

602 ~~—— (ii) If a student, parent, or counselor fails to request reinstatement following~~
603 ~~notification under Subsection (c)(i), the provider shall formally withdraw the student~~
604 ~~within five school days by changing the status of the course to administrative~~
605 ~~withdrawal, which will automatically notify the student, parent, and primary LEA of the~~
606 ~~action.~~

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

610 ~~—— (14)(a) A provider shall provide to the Superintendent a list of course options~~
611 ~~using USBE provided course codes.~~

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

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

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

617 ~~—— (16) A provider shall maintain and provide records and systems as part of a~~
618 ~~public online school or program, including:~~

619 ~~—— (a) financial and enrollment records;~~

620 ~~—— (b) information for accountability, program monitoring, and audit purposes;~~

621 ~~—— (c) timely documentation of student participation, enrollment, and educator~~
622 ~~credentials; and~~

623 ~~—— (d) records of services provided through third parties.~~

624 ~~—— (17) A provider shall maintain the following for at least five calendar years after~~
625 ~~the student graduates:~~

626 ~~—— (a) test scores;~~

627 ~~—— (b) student grades;~~

- 628 ~~—— (c) completion of credit; and~~
- 629 ~~—— (d) other progress and performance measures.~~
- 630 ~~—— (18)(a) A provider is responsible for complete and timely submissions of record~~
631 ~~changes to executed CCAs and submission of other reports and records as required by~~
632 ~~the Superintendent.~~
- 633 ~~—— (b) A provider shall update CCAs to the nearest credit value earned by June 30~~
634 ~~annually.~~
- 635 ~~—— (c) A provider may only maintain an CCA open after June 30 if a student~~
636 ~~remains actively engaged in coursework, meeting the provider's standard of active~~
637 ~~participation.~~
- 638 ~~—— (19) A provider shall inform a student and the student's parent of travel~~
639 ~~expectations to fulfill course requirements or participate in statewide assessments,~~
640 ~~before the start of the course.~~
- 641 ~~—— (20)(a) An LEA may participate in the program as a provider by offering a school~~
642 ~~or program consistent with Rule R277-115 to a Utah student in grades 6-12 who is not a~~
643 ~~resident student of the LEA and a regularly-enrolled student of the LEA consistent with~~
644 ~~Sections 53F-4-501 and 53F-4-503.~~
- 645 ~~—— (b) An LEA program created in accordance with Subsection (20)(a) for serving~~
646 ~~students in grades 9-12 online must partner with an accredited school and shall:~~
- 647 ~~—— (i) report grades and credit earned by a student to the Superintendent; and~~
- 648 ~~—— (ii) record educator assignments consistent with Rule R277-484.~~
- 649 ~~—— (21) A program school or program shall:~~
- 650 ~~—— (a) be accredited consistent with Rule R277-410;~~
- 651 ~~—— (b) have a designated administrator who meets the requirements of Rule R277-~~
652 ~~309;~~
- 653 ~~—— (c) ensure that a student who qualifies for a fee waiver receives services offered~~
654 ~~by and through the public schools consistent with Section 53G-7-504 and Rule R277-~~
655 ~~407;~~
- 656 ~~—— (d) maintain student records consistent with:~~

657 ~~—— (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and~~
658 ~~34 CFR Part 99;~~
659 ~~—— (ii) Rule R277-487;~~
660 ~~—— (iii) this rule; and~~
661 ~~—— (e) shall offer course work:~~
662 ~~—— (i) aligned with Utah Core standards as described in Sections 53E-4-202, 53F-4-~~
663 ~~505, and 53F-4-514;~~
664 ~~—— (ii) in accordance with program requirements; and~~
665 ~~—— (iii) in accordance with Rules R277-700 and R277-404;~~
666 ~~—— (f) may not issue transcripts under the name of a third-party provider; and~~
667 ~~—— (g) shall record teaching assignments in CACTUS or USIMS by October 13~~
668 ~~annually consistent with Rule R277-484 and Section R277-312-3.~~
669 ~~—— (22) An LEA that offers an online program or school as a provider under the~~
670 ~~program:~~
671 ~~—— (a) shall employ only educators licensed in Utah as teachers;~~
672 ~~—— (b) may not employ an individual whose educator license has been suspended~~
673 ~~or revoked;~~
674 ~~—— (c) shall require employees to meet requirements of Title 53G, Chapter 11, Part~~
675 ~~4, Background Checks, before offering services to a student;~~
676 ~~—— (d) may only employ teachers who meet the requirements of Section 53E-6-201,~~
677 ~~Section 53F-4-504, and Rule R277-309;~~
678 ~~—— (e) shall agree to administer and, before approval as an authorized online~~
679 ~~course provider, have the capacity to proctor, and carry out the applicable statewide~~
680 ~~assessments, consistent with Sections 53E-4-302, 53F-2-103, and Rule R277-404;~~
681 ~~—— (f) in accordance with Section R277-726-8, shall provide services to a student~~
682 ~~consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights~~
683 ~~Act of 1964 for multilingual students;~~
684 ~~—— (g) shall submit CCAs to the Superintendent before the provider initiates~~
685 ~~instruction of a student; and~~

686 ~~_____ (h) may not begin instruction until the Superintendent issues a notice of~~
687 ~~enrollment.~~

688 ~~_____ (23) A provider shall prominently post required information on the provider's~~
689 ~~website.~~

690 ~~_____ (24) A provider shall develop a written monitoring plan to supervise any third-~~
691 ~~party providing educational services to a student to ensure:~~

692 ~~_____ (a) the third-party provider complies with:~~

693 ~~_____ (i) federal law;~~

694 ~~_____ (ii) state law; and~~

695 ~~_____ (iii) Board rules;~~

696 ~~_____ (b) the third-party provider understands that it is under an obligation to provide~~
697 ~~appropriate services to students;~~

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

701 ~~_____ (d) compliance with the provider's administrative records retention schedule.~~

702 ~~_____ (25) A provider shall establish contractual and procedural safeguards with any~~
703 ~~third-party, through which the provider retains legal and procedural authority to open~~
704 ~~coursework to a participating student only upon issuance of a notice of enrollment by~~
705 ~~the Superintendent.~~

706 ~~_____ (26) A provider shall offer services as outlined in the Statewide Services~~
707 ~~Agreement, which may be updated or amended to reflect changes in law, rule, policy or~~
708 ~~recommended practice.~~

709 ~~_____ (27) A provider is not required to independently verify:~~

710 ~~_____ (a) early graduation status; or~~

711 ~~_____ (b) that high school courses taken through the Statewide Online Education~~
712 ~~Program did not replace Middle School courses.~~

713 ~~_____ (28) A provider shall adhere to program requirements, including:~~

- 714 ~~—— (a) ensuring that all assigned educators are appropriately licensed, endorsed,~~
715 ~~and aligned with course assignments before providing services to students;~~
- 716 ~~—— (b) complying with requirements applicable to an authorized online course~~
717 ~~provider described in this Rule R277-726, including the requirement to maintain a~~
718 ~~course completion rate of at least 80% based on the provider's year-end UTREx~~
719 ~~submission;~~
- 720 ~~—— (c) maintaining parity of no more than 5% discrepancy at all points in the school~~
721 ~~year between the Student Enrollment and Tracking System, "SEATS," or a relevant~~
722 ~~alternative local student information system, and UTREx; and~~
- 723 ~~—— (d) complying with timelines specified in law and rule regarding course~~
724 ~~acceptance, updating of data systems, and transcript submissions.~~
- 725 ~~—— (29) If the Superintendent finds that an authorized online course provider is out~~
726 ~~of compliance with Subsection (28), the Superintendent shall provide the provider with a~~
727 ~~list of violations and a reasonable timeline for provider to correct the non-compliance.~~
- 728 ~~—— (30) If an authorized online course provider fails to correct a violation identified~~
729 ~~under Subsection (29) within the time provided, the Superintendent may remove the~~
730 ~~provider from participation in the program.~~
- 731 ~~—— (31) A provider may only offer a course designed for original credit through the~~
732 ~~program.~~
- 733 ~~—— (32) A provider may not offer competency-based awards of credit without a~~
734 ~~student engaging in a course of digital, teacher-led instruction under the program.~~
- 735 ~~—— (33) A provider may not grade a student on a pass-fail basis.~~
- 736 ~~—— (34) If a student fails to complete a course of instruction following course~~
737 ~~confirmation, a provider shall issue a transcript reflecting a grade of Incomplete (I) or No~~
738 ~~Grade (NG).~~
- 739 ~~—— (35) If a student completes a course of instruction but fails to earn a passing~~
740 ~~grade or refuses an offer to remediate, the provider shall issue the student a failing~~
741 ~~grade.~~
- 742 ~~—— (36) A provider may not encourage a student to withdraw from a course.~~

743

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

745 ~~—— (1) A primary school shall provide an online provider with an existing Section~~
746 ~~504 plan for a student enrolling in the program.~~

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

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

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

754 ~~—— (d) Under the direction of the primary school, the student's primary school and~~
755 ~~the provider shall jointly evaluate a student's request under Subsection (1)(a) and~~
756 ~~determine if the student is eligible for related aids, accommodations, and services under~~
757 ~~Section 504.~~

758 ~~—— (e) The provider shall implement the Section 504 plan in accordance with~~
759 ~~Subsection (1)(d).~~

760 ~~—— (3) If a student with an existing Section 504 plan for related aids,~~
761 ~~accommodations, or services requests amendments related to an existing plan for~~
762 ~~related aids, accommodations, and services:~~

763 ~~—— (a) the primary school and the provider shall jointly amend the Section 504 plan~~
764 ~~in accordance with Subsection (4); and~~

765 ~~—— (b) the provider shall implement the Section 504 plan and provide related aids,~~
766 ~~accommodations, and services to the student in accordance with the student's Section~~
767 ~~504 plan.~~

768 ~~—— (4) To prepare or amend a 504 plan for related aids, accommodations, and~~
769 ~~services, the committee evaluating the student shall:~~

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

771 ~~—— (b) include persons knowledgeable about the student, the meaning of the~~
772 ~~evaluation data, and placement options available in a virtual environment.~~

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

776 ~~—— (6) If a home school student requests services under Section 504, a provider~~
777 ~~may determine student eligibility, prepare a 504 plan, and provide related aids,~~
778 ~~accommodations, and services.~~

779 ~~—— (7) If a student participating in the program qualifies to receive services under~~
780 ~~the IDEA:~~

781 ~~—— (a) the student's primary LEA of enrollment shall:~~

782 ~~—— (i) forward a copy of an existing IEP or relevant sections to a provider within~~
783 ~~three school days of receiving a notice of enrollment;~~

784 ~~—— (ii) working with a provider, review and determine implementation of the IEP for~~
785 ~~the student within a timeline consistent with IDEA requirements;~~

786 ~~—— (iii) working with a provider revise the IEP with accommodations and services,~~
787 ~~appropriate for the courses selected by the student;~~

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

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

792 ~~—— (b) the provider shall provide special education services and accommodations~~
793 ~~as required for the student to access the curriculum in accordance with the student's~~
794 ~~IEP.~~

795 ~~—— (8) If a home school student requests an evaluation for eligibility to receive~~
796 ~~special education services:~~

797 ~~—— (a) the home school student's LEA of residence shall:~~

798 ~~—— (i) evaluate the student's eligibility for services under the IDEA;~~

799 ~~—— (ii) if eligible, consider enrolling the student in the primary LEA, which will~~
800 ~~prepare an IEP for the student, with input from the provider, in accordance with the~~
801 ~~timelines required by the IDEA;~~
802 ~~—— (iii) provide the IEP described in Subsection (ii) to the provider within three~~
803 ~~school days of completion of the student's IEP; and~~
804 ~~—— (b) the provider shall provide special education services and accommodations to~~
805 ~~the student in accordance with the student's IEP described in Subsection (a)(i).~~
806 ~~—— (9)(a) A provider shall administer a home language survey upon initial student~~
807 ~~registration.~~
808 ~~—— (b) If a provider suspects that a student qualifies for alternative language~~
809 ~~services or other Title III services, the provider shall contact the Title III Coordinator at~~
810 ~~the student's primary LEA or primary school.~~
811 ~~—— (c) If a student has an individual learning plan, the provider shall implement the~~
812 ~~plan provided by the student's primary LEA or primary school.~~
813 ~~—— (10) For a student needing alternative language services, who does not have an~~
814 ~~individual learning plan:~~
815 ~~—— (a) the primary LEA or primary school shall identify the need for alternative~~
816 ~~language services;~~
817 ~~—— (b) the provider and the primary LEA or primary school shall develop an~~
818 ~~individual learning plan in cooperation with persons knowledgeable about the student,~~
819 ~~the meaning of the evaluation data, and the placement options available for the student~~
820 ~~in a virtual environment, which outlines a student's current level of ability, and identifies~~
821 ~~specific goals for future attainment, progress, and exit criteria; and~~
822 ~~—— (c) the primary LEA or primary school shall administer a language instruction~~
823 ~~Educational Program in which a student learning English is placed for developing and~~
824 ~~attaining English proficiency.~~

825

826 **~~R277-726-9. Limited Appropriations for Small Schools.~~**

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

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

833 ~~—— (a) Career and Technical Education pathways;~~

834 ~~—— (b) Advanced Placement and other advanced coursework;~~

835 ~~—— (c) foundation, applied and advanced courses enabling students to move~~
836 ~~forward in technology-intensive paths requiring an educator with advanced license or~~
837 ~~endorsement areas; and established facilities and programs.~~

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

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

843 ~~—— (i) insufficient student enrollment to justify full course selections;~~

844 ~~—— (ii) geographic isolation from qualified instructors;~~

845 ~~—— (iii) limited staff capacity to teach courses;~~

846 ~~—— (iv) financial constraints in hiring qualified educators; or~~

847 ~~—— (v) other similar factors limiting a school's ability to meet student needs in areas~~
848 ~~specified in this section.~~

849 ~~—— (4) The Superintendent shall prioritize funding to eligible schools using the~~
850 ~~following funding tiers:~~

851 ~~—— (a) A Tier One school:~~

852 ~~—— (i) is eligible for Title I funding in the current or previous school year;~~

853 ~~—— (ii) is located within an area within National Center for Education Statistics locale~~
854 ~~code of 33 or higher;~~

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

857 ~~—— (iv) demonstrates a high average cost of providing educational services relative~~
858 ~~to larger school districts due to location factors;~~

859 ~~—— (v) does not serve students online; and~~

860 ~~—— (vi) is not a specialty, technical, or alternative school.~~

861 ~~—— (b) A Tier Two School:~~

862 ~~—— (i) is located within an area within National Center for Education Statistics locale~~
863 ~~code of 33 or higher;~~

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

866 ~~—— (iii) demonstrates a high average cost of providing educational services relative~~
867 ~~to larger school districts due to location factors;~~

868 ~~—— (iv) does not serve students online; and~~

869 ~~—— (v) is not a specialty, technical, or alternative school.~~

870 ~~—— (c) A Tier Three School:~~

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

873 ~~—— (ii) demonstrates a high average cost of providing educational services relative~~
874 ~~to larger school districts due to location factors;~~

875 ~~—— (iii) does not serve students online; and~~

876 ~~—— (iv) is not a specialty, technical, or alternative school.~~

877 ~~—— (d) A Tier Four School:~~

878 ~~—— (i) is operated by the Utah Schools for the Deaf and the Blind.~~

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

881 ~~—— (iii) demonstrates a high average cost of providing educational services relative~~
882 ~~to larger school districts due to location factors;~~

883 ~~—— (iv) does not serve students online; and~~

884 ~~—— (v) is not a specialty, technical, or alternative school.~~

885 ~~—— (e) A Tier Five School:~~

886 ~~—— (i) is located within an area within National Center for Education Statistics locale~~
887 ~~code of 33 or higher;~~

888 ~~—— (ii) does not serve students online; and~~

889 ~~—— (iii) is not a specialty, technical, or alternative school.~~

890 ~~—— (f) A Tier Six school is any small school that does not meet the criteria of Tiers~~
891 ~~One through Five.~~

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

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

899

900 ~~**R277-726-10. Limited Appropriations for Home School Students.**~~

901 ~~—— (1) The Superintendent shall allocate the annual appropriation for home school~~
902 ~~tuition, along with any carryover or unobligated funds.~~

903 ~~—— (2) The Superintendent shall distribute funds appropriated to the Statewide~~
904 ~~Online Education Program to support home school students based on the needs of the~~
905 ~~eligible students.~~

906

907 ~~**R277-726-11. Other Information.**~~

908 ~~—— (1) A primary school shall communicate with a provider, where necessary, to set~~
909 ~~reasonable timelines and standards and shall inform providers of timelines necessary~~
910 ~~for reporting grades and credit for graduating seniors.~~

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

913 ~~—— (a) school awards and honors;~~

914 ~~—— (b) Utah High School Activities Association participation; and~~

915 ~~—— (c) high school graduation.~~

916 ~~—— (3) If a student is at risk of academic failure or at risk of not graduating with the~~
917 ~~student's graduation cohort, a provider shall utilize automated notices or other means~~
918 ~~to:~~

919 ~~—— (a) inform counselors at the student's primary school that the student is at risk of~~
920 ~~academic or other failure; and~~

921 ~~—— (b) before quarter 4 of an SOEP student's senior school year, or as soon as~~
922 ~~possible, inform counselors at the student's primary school that the senior student is at~~
923 ~~risk of failure.~~

924

925 **~~R277-726-12. Certified and Authorized Online Course Provider Application~~**
926 **~~Approval, Program Requirements, and Fees.~~**

927 ~~—— (1) An entity that does not otherwise meet criteria to be an authorized online~~
928 ~~course provider may become a certified online course provider as provided in this~~
929 ~~section.~~

930 ~~—— (2) An entity shall submit an application on or before the annual deadline~~
931 ~~established by the Superintendent.~~

932 ~~—— (3) The Superintendent shall review each application within a reasonable~~
933 ~~amount of time and may invite prospective providers for interviews.~~

934 ~~—— (4) The Superintendent shall forward the application to the Board for approval.~~

935 ~~—— (5) Once approved by the Board, an entity shall become a certified online course~~
936 ~~provider.~~

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

939 ~~—— (a) 5% of revenue collected for the first \$200,000 received pursuant to Section~~
940 ~~53F-4-505; and~~

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

943

944 **R277-726-13. Online Concurrent Enrollment.**

945 ~~_____ For a student enrolled in a concurrent enrollment course through an SOEP~~
946 ~~provider, to the extent there is a conflict between this rule and Title 53F, Chapter 4, Part~~
947 ~~5, Statewide Online Education Program, and Title 53E, Chapter 10, Part 3, Concurrent~~
948 ~~Enrollment, the concurrent enrollment code provisions shall govern.]~~

949

950 **R277-726-3. Superintendent Responsibilities.**

951 _____ (1) The Superintendent shall establish, publish, and provide training on
952 comprehensive policies and procedures to facilitate the effective operation of the
953 program.

954 _____ (2) The Superintendent shall prepare and make available program applications
955 and program agreements.

956 _____ (3) An online provider approved by the Superintendent by June 30 shall begin
957 service on July 1 of the following year.

958 _____ (4) Before approving an online provider, the Superintendent shall:

959 _____ (a) review annual financial reports and state-administered test data to establish
960 the capacity of a provider to serve students while meeting program requirements;

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

962 _____ (c) verify that a prospective non-LEA online provider, prior to certification:

963 _____ (i) has student information system that is compatible with UTREx and USIMS;

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

965 _____ (iii) demonstrates data security and privacy compliance consistent with federal
966 and state law through submission of a report selected by the Superintendent or
967 developed by the American Institute of Certified Public Accountants;

968 _____ (iv) provides a description of the applicant's academic service experience,
969 including:

970 (A) familiarity with education broadly;
971 (B) competency in instruction; and
972 (C) academic philosophy; and
973 (v) meets other requirements identified by the Superintendent to establish the
974 capacity of the online provider to act as an LEA for purposes of program participation.
975 (5)(a) With the exception of the requirements of Subsection 53F-4-514(2), the
976 Superintendent may determine space availability standards and appropriate course load
977 standards for online courses consistent with Subsection 53F-4-512(3)(g).
978 (b) Course load standards may differ based on subject matter.
979 (6) The Superintendent may restrict an online provider from offering coursework
980 if the online provider has repeatedly demonstrated low performance on statewide
981 assessments in English language arts, mathematics, or science.
982 (7) The Superintendent may refuse to provide funds to an online provider if
983 information has been submitted fraudulently or in violation of law or Board rule by any
984 party to a course credit acknowledgment.
985 (8) The Superintendent may withhold funds from an online provider for failure to
986 comply with reasonable requests for records or information.
987 (9) The Superintendent shall receive and investigate complaints concerning
988 course integrity, financial mismanagement, enrollment fraud or inaccuracies, or
989 violations of law or Board rules, any may impose sanction where appropriate.
990 (10) If an investigation by the Superintendent or a federal agency finds that an
991 online provider has violated the IDEA or Section 504, the online provider shall
992 compensate the student's primary LEA for costs incurred in achieving compliance.
993 (11) The Superintendent may monitor an LEA or online provider to ensure
994 compliance with law or rule.
995 (12) The Superintendent may make decisions regarding unresolved questions or
996 issues arising from Title 53F, Chapter 4, Part 5, Statewide Online Education Program,
997 or Board rule on a case-by-case basis.
998

999 **R277-726-4. Student Rights and Requirements.**

1000 (1) A student shall adhere to the student's primary LEA's established deadlines
1001 when dropping for a physical course for a program course.

1002 (2) A student may enroll in program courses at any during the calendar year, if
1003 the student is underenrolled.

1004 (3) A student shall immediately notify an online provider of any LEA enrollment
1005 changes or withdrawals.

1006 (4)(a) A student is not required to meet with the primary school for approval of a
1007 program course request.

1008 (b) A program course request constitutes a simultaneous request to drop any
1009 identical physical course, which shall result in automatic substitution by the primary
1010 school.

1011 (5)(a) A student may take up to six program credits per academic year unless the
1012 student's primary school agrees that more credits better meet the academic needs of
1013 the student.

1014 (b) A student may only exceed six program credits where there is an approved
1015 early graduation plan or exception allowed under the primary LEA's local policy.

1016 (c) The Superintendent may not fund credits over full-time enrollment unless:

1017 (i) an approved plan for early graduation is reflected in the student's records; and

1018 (ii) the student's primary LEA has increased membership to account for excess
1019 credits.

1020 (6) A student shall complete courses in a timely manner and meet all attendance
1021 and participation standards.

1022 (7) A student enrolling in program courses for grade replacement purposes shall
1023 follow the procedures outlined in Rule R277-717.

1024

1025 **R277-726-5. LEA Responsibilities.**

1026 (1) If a program course aligns with a student's college and career plan, an LEA
1027 shall assist a student with scheduling the course if:

- 1028 (a) the student has completed any required prerequisites; and
1029 (b) the course is open for enrollment.
- 1030 (2) An LEA may not give preference to a specific online provider or LEA online
1031 program for a student course request under Subsection (1).
- 1032 (3) A primary LEA shall include a student's program courses in the student's
1033 schedule and enrollment records.
- 1034 (4) A primary LEA may only receive funding for original credit courses.
- 1035 (5) A primary LEA shall respond to a course credit acknowledgment in the
1036 SEATS within three business days following the Superintendent's established
1037 procedures for approval or rejection.
- 1038 (6)(a) A primary LEA shall determine fee waiver eligibility for participating public
1039 school students pursuant to Rule R277-407.
- 1040 (b) If a student qualifies for a fee waiver, the primary LEA shall provide access to
1041 a program course by:
- 1042 (i) allowing the student access to necessary technology in a computer lab or
1043 other space within the school building during a school period or during the regular
1044 school day; or
- 1045 (ii) providing the student the technology and internet access needed for
1046 participation outside of the school building.
- 1047 (7) A primary school shall provide participating students access to facilities
1048 necessary to participate in a program course during the regular school day.
- 1049 (8) If a student uses an LEA device for program courses, the LEA shall configure
1050 the device to allow access, including:
- 1051 (a) creating a separate user account for the student; and
1052 (b) ensuring the device allows access to an online provider's materials using the
1053 credentials provided.
- 1054 (9) A primary school may not restrict a participating student, regardless of the
1055 proportion of in-person versus program courses, from:
- 1056 (a) special education services;

1057 _____ (b) leadership opportunities;

1058 _____ (c) extracurricular activities;

1059 _____ (d) co-curricular activities;

1060 _____ (e) counseling;

1061 _____ (f) graduation participation;

1062 _____ (g) honors and awards;

1063 _____ (h) school activities and events; or

1064 _____ (i) other non-instructional services offered to all students.

1065 _____ (10) A primary LEA shall include program course grades and credits on a
1066 student's transcript, including high school coursework completed before grade 9 using
1067 course titles and core codes.

1068 _____ (11) A primary LEA shall inform students taking program courses about the
1069 course completion deadlines required for graduation.

1070 _____ (12) The primary LEA has sole authority to certify graduation requirements and
1071 issue diplomas.

1072 _____ (13) A primary LEA shall provide information about program courses:

1073 _____ (a) in registration materials; and

1074 _____ (b) on school and LEA websites.

1075

1076 **R277-726-6. Online Provider Responsibilities.**

1077 _____ (1) An online provider shall function as an LEA for purposes of assessment,
1078 accountability, and other program requirements when providing program services.

1079 _____ (2) An online provider shall adhere to all program policies and procedures
1080 established by the Superintendent.

1081 _____ (3) An online provider shall ensure that third-party program providers comply with
1082 all applicable laws and Board rules.

1083 _____ (4) An online provider may not grade on a pass/fail basis or issue transcripts with
1084 a pass/fail grade unless a student is participating in a focused graduation pathway
1085 consistent with Rule R277-722.

1086 (5) An online provider shall record teaching assignments in USIMS by October
1087 13 annually.

1088 (6) An online provider shall identify educators and a course start date at the time
1089 of CCA acceptance, consistent with Sections 53F-4-506 and 53F-4-508.

1090 (7) An online provider may not encourage a student to withdraw from a course
1091 and shall retain a record of any student request to withdraw, including content, date,
1092 and rationale.

1093 (8)(a) An online provider shall notify a student, parent, and school counselor of
1094 the intent to change a CCA to administrative withdrawal due to inactivity exceeding ten
1095 days.

1096 (b) If a student, parent, or school counselor fails to request reinstatement
1097 following the notification, the online provider shall withdraw the student on the sixth day
1098 after the notice is sent by changing the status of the course to administrative withdrawal,
1099 which will automatically notify the student, parent, and primary LEA of the action.

1100 (9) By June 30, an online provider shall ensure appropriate closure of each CCA
1101 through selection of a SEATS closeout status.

1102 (10)(a) An online provider may charge fees consistent with Title 53G, Chapter 7,
1103 Part 5, Student Fees, and Rule R277-407.

1104 (b) If an online provider charges fees, the provider shall:

1105 (i) notify the primary school of the fee purpose and amount;

1106 (ii) provide timely notice to parents of fees and fee waiver opportunities;

1107 (iii) post fees on the provider website and include them in course submissions;

1108 (iv) provide materials for students eligible for fee waiver;

1109 (v) comply with Rule R277-407; and

1110 (vi) provide fee waivers to eligible home school students at the online provider's
1111 expense.

1112 **R277-726-7. Appropriations for Small Schools.**

1113 (1) The Superintendent shall incentivize program use for small schools through
1114 funding available for the purpose based on the demonstrated inability of eligible schools
1115 to provide depth and range in courses.

1116 (2) The Superintendent shall determine eligibility for small school funding use
1117 end-of-year UTREx data from the prior year.

1118 (3) The Superintendent shall determine funding and distributions, with annual
1119 adjustments, based on an assessment of demonstrated inability to provide needed
1120 courses due to:

1121 (a) insufficient student enrollment to justify full course selections;

1122 (b) geographic isolation from qualified instructors;

1123 (c) limited staff capacity to teach courses;

1124 (d) financial constraints in hiring qualified educators; or

1125 (e) other similar factors limiting a school's ability to meet student needs in areas
1126 specified in this section.

1127

1128 **R277-726-8. Online Concurrent Enrollment**

1129 The provisions of code shall govern to the extent there is a conflict for a student
1130 enrolled in concurrent enrollment through an online provider, if there is a conflict
1131 between this rule and:

1132 (1) Title 53F, Chapter 4, Part 5, Statewide Online Education Program; or

1133 (2) Title 53E, Chapter 10, Part 3, Concurrent Enrollment.

1134

1135 **KEY: statewide online education program**

1136 **Date of Last Change: March 10, 2026**

1137 **Notice of Continuation: January 13, 2022**

1138 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-4-510; 53F-4-**
1139 **514; 53E-3-401**

1140

1141