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## MEMORANDUM

**TO:** Members, Utah State Board of Education

**FROM:** Brad C. Smith  
Chief Executive Officer

**DATE:** May 7-8, 2015

**ACTION:** R277-419 *Pupil Accounting* (Amendment)

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### **Background:**

During the April meeting of the Law and Licensing Committee, there was a discussion regarding repealing emergency rule R277-419-9 and amending other Subsections of R277-419 to incorporate pupil accounting provisions currently in R277-419-9.

### **Key Points:**

The amendments to R277-419 provide that an LEA may enroll students in both traditional and nontraditional programs and clarify that a home school program does not qualify for public school funding.

### **Anticipated Action:**

It is proposed that the Law and Licensing Committee consider approving R277-419, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-419, as amended, on second reading.

**Contact:** Bruce Williams, Associate Superintendent, 801-538-7514  
Angie Stallings, Associate Superintendent, 801-538-7550  
Natalie Grange, 801-538-7668

1 **R277. Education, Administration.**

2 **R277-419. Pupil Accounting.**

3 **R277-419-1. Definitions.**

4 A. "Aggregate Membership" means the sum of all days in  
5 membership during a school year for [~~the~~eligible students~~[-~~  
6 ~~program, school, LEA, or state]~~ enrolled in a public school.

7 B. "Approved CTE course" means a course approved by the  
8 Board within the Career and Technical Education (CTE) Pathways  
9 in the eight areas of study.

10 C. "Blended program" means a program under the direction  
11 of an LEA where a student receives educational services  
12 through both traditional and nontraditional programs.

13 [~~E~~]D. "Board" means the Utah State Board of Education.

14 E. "Brick and mortar school" means a traditional school  
15 or traditional school building.

16 [~~D~~. "Charter school" means a school that is authorized  
17 and operated under Sections 53A-1a-501.6, 53A-1a-515 and 53A-  
18 1a-501.3.]

19 [~~F~~]F. "Compulsory school age" means:

20 (1) a person who is at least five years old and no more  
21 than 17 years old on or before September 1;

22 (2) with respect to special education, a person who is at  
23 least three years old and no more than 21 years old on or  
24 before September 1;

25 (3) with respect to YIC, a person who is at least five  
26 years old and no more than 21 years old on or before September  
27 1.

28 G. "Continuing enrollment measurement" means a  
29 methodology used to establish a student's continuing  
30 membership or enrollment status for purposes of generating  
31 membership days.

32 [F]H. "Data Clearinghouse" means the electronic data  
33 collection system used by the USOE to collect information  
34 required by law from LEAs about individual students at certain  
35 points throughout the school year to support the allocation of  
36 funds and accountability reporting.

37 I. "Distance learning program" means a program, under the

38 direction of an LEA, in which students receive educational  
39 services in a location other than a brick and mortar school,  
40 and may include educational services delivered over the  
41 internet.

42 [G]J. "Electronic high school" means a rigorous program  
43 offering 9-12 grade level courses delivered over the Internet  
44 and coordinated by the USOE.

45 K. "Eligible student" means a student who satisfies the  
46 criteria for enrollment in an LEA, set forth in R277-419-5.

47 L. "Enrollment verification data" includes:

48 (1) a student's birth certificate or other verification  
49 of age;

50 (2) verification of immunization or exemption from  
51 immunization form;

52 (3) proof of Utah public school residency;

53 (4) family income verification; and

54 (5) special education program information, including  
55 information for:

56 (a) an individualized education program;

57 (b) a Section 504 accommodation plan; or

58 (c) an English learner plan.

59 M. "Home school" means the formal instruction of children  
60 in their homes instead of in an LEA. The differences between  
61 a home school student and an online student include:

62 (1) an online student may receive instruction at home,  
63 but the student is enrolled in a public school that follows  
64 state Core Standards;

65 (2) an online student is subject to state and federal  
66 mandated tests and is included in accountability measures;

67 (3) an online student receives instruction under the  
68 direction of highly qualified, licensed teachers who are  
69 subject to the licensure requirements of R277-502 and  
70 fingerprint and background checks consistent with R277-516  
71 and R277-520;

72 (4) instruction delivered in a home school course is not  
73 eligible to be claimed in membership of an LEA and does not  
74 qualify for funding under the minimum school program in Title

75 53A, Chapter 17a, Minimum School Program Act.

76 N. "Home school course" means instruction:

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

82 (2) not supervised or directed by an LEA.

83 [H]O. "Influenza pandemic (pandemic)" means a global  
84 outbreak of serious illness in people. It may be caused by a  
85 strain of influenza that most people have no natural immunity  
86 to and that is easily spread from person to person.

87 [F]P. "ISI-1" means a student who receives 1 to 59  
88 minutes of YIC related services during a typical school day.

89 [F]Q. "ISI-2" means a student who receives 60 to 179  
90 minutes of YIC related services during a typical school day.

91 [K]R. "LEA" ~~[means a]~~ or "local education agency" ~~[,~~  
92 ~~including local school boards/public]~~ means a school district ~~[s~~  
93 ~~and]~~ or a charter school ~~[s]~~.

94 [E]S. "Membership" means a public school student is on  
95 the current roll of a public school class or public school as  
96 of a given date:

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

101 (2) Removal from the roll does not mean that ~~[the]~~ an LEA  
102 should delete the student's record, only that the student  
103 should no longer be counted in membership.

104 [M]T. "Minimum School Program (MSP)" means ~~[public~~  
105 ~~school programs for kindergarten, elementary, and secondary~~  
106 ~~schools described]~~ the same as that term is defined in Section  
107 53A-17a-103[+5)].

108 U. "Nontraditional program" means a program within an LEA  
109 that consists of eligible, enrolled public school students  
110 where the student receives instruction through a distance  
111 learning program or online learning program.

112 V. "Online learning program" means a program:  
113 (1) that is under the direction of an LEA; and  
114 (2) in which students receive educational services  
115 primarily over the internet.

116 [N]W. "Private school" means an educational institution  
117 that:

- 118 (1) is not an [charter school but]LEA;  
119 (2) is owned or operated by a private person, firm,  
120 association, organization, or corporation[, rather than]; and  
121 (3) is not subject to governance by the Board consistent  
122 with the Utah Constitution.

123 [O]X. "Program" means a[~~n institution~~] program within a  
124 [~~larger education entity~~]school that is designed to accomplish  
125 a predetermined curricular objective or set of objectives.

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

131 [Q]Z. "Retained senior" means a student beyond the  
132 general compulsory education age who is authorized at the  
133 discretion of [~~the~~]an LEA to remain in enrollment as a high  
134 school senior in the year(s) after the cohort has graduated  
135 due to:

- 136 (1) sickness;  
137 (2) hospitalization;  
138 (3) pending court investigation or action[~~or both~~]; or  
139 (4) other extenuating circumstances beyond the control of  
140 the student.

141 [R]AA. "S1" means the record maintained by the USOE  
142 containing individual student demographic and school  
143 membership data in a Data Clearinghouse file.

144 [S]BB. "S2" means the record maintained by the USOE  
145 containing individual student data related to participation in  
146 a special education program in a Data Clearinghouse file.

147 [T]CC. "S3" means the record maintained by the USOE  
148 containing individual student data related to participation in

149 a YIC program in a Data Clearinghouse file.

150 [⊕]DD. "School" means an educational entity governed by  
151 an LEA that:

152 (1) is supported with public funds[,-];

153 (2) includes enrolled or prospectively enrolled full-time  
154 students[,-];

155 (3) employs licensed educators as instructors that  
156 provide instruction consistent with R277-502-5[,-];

157 (4) has one or more assigned administrators[,-];

158 (5) is accredited consistent with R277-410-3[-] and

159 (6) administers required statewide assessments to  
160 [its]the school's students.

161 [∀]FF. "School day" means:

162 (1) a minimum of two hours per day per session in  
163 kindergarten and a minimum of four hours per day in grades one  
164 through twelve, subject to the following constraints described  
165 in R277-419-1FF(2).[+]

166 (2)(a) All school day calculations shall exclude lunch  
167 periods and pass time between classes but may include recess  
168 periods that include organization or instruction from school  
169 staff.

170 (b) Each day that satisfies hourly instruction time shall  
171 count as a school day, regardless of the number or length of  
172 class periods or whether or not particular classes meet.

173 [⊗]GG. "School membership" means membership other than  
174 in a special education or YIC program in the context of the  
175 Data Clearinghouse.

176 [×]HH. "School of enrollment" means the school:

177 (1) where a student takes a majority of [his]the  
178 student's classes;[~~the school~~]and

179 (2) designated to receive the student's weighted pupil  
180 unit.

181 [¥]II. "School year" means the 12 month period from July  
182 1 through June 30.

183 [Z]JJ. "Self-contained" means a public school student  
184 with an IEP or YIC, who receives 180 minutes or more of  
185 special education or YIC related services during a typical

186 school day.

187 ~~[AA]~~KK. "Self-Contained Resource Attendance Management  
188 (SCRAM)" means a record that tracks the aggregate membership  
189 of public school special education students for state funding  
190 purposes.

191 LL. "SEOP/Plan for College and Career Readiness" means a  
192 student education occupation plan for College and Career  
193 Readiness that is a developmentally organized intervention  
194 process that includes:

195 (1) a written plan, updated annually, for a secondary  
196 student's (grades 7-12) education and occupational  
197 preparation;

198 (2) all Board, local school board and local charter  
199 school governing board graduation requirements;

200 (3) evidence of parent or guardian, student, and school  
201 representative involvement annually;

202 (4) attainment of approved workplace skill competencies,  
203 including job placement when appropriate; and

204 (5) identification of post secondary goals and approved  
205 sequence of courses.

206 ~~[BB]~~MM. "SSID" means Statewide Student Identifier.

207 NN. "Superintendent" means the State Superintendent of  
208 Public Instruction or the Superintendent's designee.

209 OO. "Traditional program" means a program within an LEA  
210 that consists of eligible, enrolled public school students who  
211 physically attend school in a brick and mortar school.

212 ~~[EE]~~PP. "UCAT" means any public institution of higher  
213 education affiliated with the Utah College of Applied  
214 Technology.

215 ~~[DD]~~QQ. "Unexcused absence" means an absence charged to  
216 a student when the student was not physically present at  
217 school at any of the times attendance checks were made in  
218 accordance with Section R277-419-4B(3) and the student's  
219 absence could not be accounted for by evidence of a legitimate  
220 or valid excuse in accordance with local board policy on  
221 truancy as defined in Section 53A-11-101.

222 ~~[EE]~~RR. "USOE" means the Utah State Office of Education.

223 ~~[FF. "Virtual education" means the use of information~~  
224 ~~and communication technologies to offer educational~~  
225 ~~opportunities to students in a manner that transcends~~  
226 ~~traditional limitations of time and space with respect to~~  
227 ~~their relationships with teachers, peers, and instructional~~  
228 ~~materials.]~~

229 [GG]SS. "Year End upload" means the Data Clearinghouse  
230 file due annually by July 15 from ~~[school districts and~~  
231 ~~charter schools]~~LEAs to the USOE for the prior school year.

232 [HH]TT. "Youth in Custody (YIC)" means a person under  
233 the age of 21 who is:

- 234 (1) in the custody of the Department of Human Services;  
235 (2) in the custody of an equivalent agency of a Native  
236 American tribe recognized by the United States Bureau of  
237 Indian Affairs and whose custodial parent or legal guardian  
238 resides within the state; or  
239 (3) being held in a juvenile detention facility.

240 **R277-419-2. Authority and Purpose.**

241 A. This rule is authorized under Utah Constitution  
242 Article X, Section 3 which vests general control and  
243 supervision over public education in the State Board of  
244 Education, by Section 53A-1-401(3) which allows the Board to  
245 make rules in accordance with its responsibilities, Section  
246 53A-1-402(1)(e) which directs the Board to establish rules and  
247 standards regarding cost-effectiveness, school budget formats  
248 and financial, statistical, and student accounting  
249 requirements, and Section 53A-1-404(2) which directs that  
250 local school board auditing standards shall include financial  
251 accounting and student accounting. This rule is further  
252 authorized by Section 53A-1-301(3)(d) which directs the  
253 Superintendent to present to the Governor and the Legislature  
254 data on the funds allocated to ~~[school districts]~~LEAs, and  
255 Section 53A-3-404 which requires annual financial reports from  
256 all school districts.

257 B. The purpose of this rule is to specify pupil  
258 accounting procedures used in apportioning and distributing

259 state funds for education.

260 **R277-419-3. Schools and Programs**

261 A. Schools

262 (1) ~~[Each school shall receive]~~The Superintendent shall  
263 provide to each school the appropriate accountability reports  
264 ~~[from the USOE]~~and other state-mandated reports for the  
265 school type and grade range~~[+ and]~~.

266 (2) All schools shall submit a Clearinghouse report to  
267 the Superintendent.~~[+ and]~~

268 (3) All schools shall employ at least one licensed  
269 educator and one administrator.

270 B. Programs

271 (1) Students who are enrolled in a program ~~[shall~~  
272 ~~remain]~~are considered members of a public school~~[+ and]~~.

273 (2) The Superintendent may not require ~~[P]~~programs ~~[shall~~  
274 ~~not]~~to receive separate accountability and other state-  
275 mandated reports~~[from the USOE; and]~~.

276 (3) Students reported under an LEA's program shall be  
277 included in the LEA's WPU and student enrollment calculations  
278 of ~~[a]~~the LEA's school of enrollment~~[+ and]~~.

279 (4) Courses taught at programs shall be credited to the  
280 appropriate school of enrollment.

281 C. Private school or program

282 (1) Private schools or programs ~~[shall]~~may not be  
283 required to submit data to the USOE~~[+ and]~~.

284 (2) Private schools or programs ~~[shall]~~may not receive  
285 annual accountability reports.

286 **R277-419-4. Minimum School Days, LEA Records, and Audits.**

287 A. Minimum standards for school days

288 (1)(a) Except as provided in R277-419-4(1)(b), an LEA~~[s]~~  
289 shall conduct school for at least 990 instructional hours and  
290 180 school days each school year~~[+]~~.

291 (b) an LEA may seek an exception~~[s]~~ to the number of  
292 school days described in R277-419-4A(1)(a) for individual  
293 students and schools ~~[are]~~as provided for in R277-419-8.

294 (2) An LEA may offer ~~[¶]~~the required school days and  
295 hours ~~[may be offered]~~described in R277-419-4A(1)(a) at any  
296 time during the school year, consistent with the law.

297 (3) Health Department Emergency or Pandemic

298 (a) The Board may waive the school day and hour  
299 requirement, following a vote of Board members, pursuant to a  
300 directive from the Utah State Health Department or a local  
301 health department, that results in the closure of a school in  
302 the event of a pandemic or other public health emergency.

303 (b) In the event that the Board is unable to meet in a  
304 timely manner, the ~~[State—]~~Superintendent~~[—of—Public~~  
305 ~~Instruction]~~ may issue a waiver following consultation with a  
306 majority of Board members.

307 (c) The waiver may be for a designated time period, ~~[and]~~  
308 for specific areas, ~~[school districts, or schools]~~or for a  
309 specific LEA in the state, as determined by the health  
310 department directive.

311 (d) The waiver may allow ~~[for school districts]~~an LEA to  
312 continue to receive state funds for pupil services and  
313 reimbursements.

314 (e) The waiver by the Board or ~~[State—]~~Superintendent~~[—of~~  
315 ~~Public Instruction]~~ shall direct ~~[school districts]~~an LEA to  
316 provide as much notice to students and parents of the  
317 suspension of school services, as is reasonably possible.

318 (f) The waiver shall direct ~~[school districts]~~an LEA to  
319 comply with health department directives, but to continue to  
320 provide any services to students that are not inconsistent  
321 with the directive.

322 (g) The ~~[b]~~Board may encourage ~~[school districts]~~an LEA  
323 to provide electronic or distance learning services to  
324 affected students for the period of the pandemic or other  
325 public health emergency to the extent of personnel and funds  
326 available.

327 (4) Minimum standards~~[—shall]~~ apply to all public schools  
328 in all settings unless Utah law or this rule provides for a  
329 specific ~~exceptions~~.

330 (5) ~~[Local boards are]~~An LEA's governing board is

331 encouraged to provide adequate school days and hours in the  
332 [~~school district~~LEA's yearly calendar to avoid the necessity  
333 of a waiver request except in the most extreme circumstances.

334 B. Official records

335 (1) To determine student membership, an LEA[~~s~~] shall  
336 ensure that records of daily student attendance are maintained  
337 in each school which clearly and accurately show for each  
338 student the:

- 339 (a) entry date;
- 340 (b) exit date;
- 341 (c) exit or high school completion status;
- 342 (d) whether or not an absence was excused;
- 343 (e) disability status (resource or self-contained, if  
344 applicable); and
- 345 (f) YIC status (ISI-1, ISI-2 or self-contained, if  
346 applicable).

347 (2) An LEA shall ensure that:

348 (a) [~~e~~]computerized or manually produced records for CTE  
349 programs [~~shall be~~are kept by teacher, class, and  
350 Classification of Instructional Program (CIP) code[~~-~~]; and

351 (b) [~~These~~the records [~~shall~~described in R277-419-  
352 4B(2)(a) clearly and accurately show for each student in a CTE  
353 class the:

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

357 (3) An LEA shall ensure that each school within the LEA  
358 completes a minimum of one attendance check[~~shall be made by~~  
359 ~~each public school~~] each school day.

360 C. Due to school activities requiring schedule and  
361 program modification during the first days and last days of  
362 the school year:

363 (1) [~~F~~]for the first five school days, an LEA may report  
364 aggregate days of membership equal to the number recorded for  
365 the second five-day period of the school year[~~-~~];

366 (2) [~~F~~]for the last five-day period, an LEA may report  
367 aggregate days of membership equal to the number recorded for

368 the immediately preceding five-day period~~[-]~~; and

369 (3) ~~[\$]~~ schools shall continue instructional activities  
370 throughout required calendared instruction days.

371 D. Audits

372 (1) An LEA shall employ an independent auditor~~[-shall be~~  
373 ~~employed]~~, under contract, ~~[by each LEA]~~ to:

374 (a) annually audit~~[-its]~~ student accounting records  
375 [annually]; and

376 (b) report the findings of the audit to:

377 (i) the LEA board~~[-of education]~~; and

378 (ii) ~~[to]~~ the Finance and Statistics Section of the  
379 USOE~~[+]~~.

380 (2) Reporting dates, forms, and procedures are found in  
381 the State of Utah Legal Compliance Audit Guide, provided to  
382 LEAs by the ~~[USOE]~~ Superintendent in cooperation with the State  
383 Auditor's Office and published under the heading of APP C-  
384 5~~[+]~~.

385 (3) The ~~[USOE]~~ Superintendent:

386 (a) shall review each LEA's student membership and fall  
387 enrollment audits as they relate to the allocation of state  
388 funds in accordance with the policies and procedures  
389 established in R277-484-7 and 8; and

390 (b) may periodically or for cause review LEA records and  
391 practices for compliance with the laws and this rule.

392 **R277-419-5. Student Membership.**

393 A. Eligibility

394 (1) In order to generate membership for funding through  
395 the Minimum School Program for any clock hour of instruction  
396 on any school day, an LEA shall ensure that a student being  
397 counted by the LEA in membership~~[-shall]~~:

398 (a) has not~~[-have]~~ previously earned a basic high school  
399 diploma or certificate of completion;

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

402 (c) does not have unexcused absences which is determined  
403 using one of the continuing enrollment measurements described

404 in R277-419-5A(2);

405 (d) ~~[be]~~is a resident of Utah as defined under Sections  
406 53A-2-201 through 213;

407 (e) ~~[be]~~is of compulsory school age or is a retained  
408 senior;

409 (f)(i) ~~[be]~~is expected to attend a regular learning  
410 facility operated or recognized by ~~[the]~~an LEA on each  
411 regularly scheduled school day, if enrolled in a traditional  
412 program;[-or]

413 (ii) ~~[have]~~has direct instructional contact with a  
414 licensed educator provided by ~~[the]~~an LEA at:

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

416 (B) ~~[at—]~~the student's place of residence or  
417 convalescence for at least 120 minutes each week during an  
418 expected period of absence, if physically excused from such a  
419 facility for an extended period of time, due to:

420 (~~[A]~~I) injury, illness, surgery, suspension, pregnancy,  
421 pending court investigation or action; or

422 (~~[B]~~II) an LEA determination that home instruction is  
423 necessary~~[-]~~;

424 (iii) ~~[be]~~is enrolled in an approved CTE course(s) on the  
425 campus of another state funded institution where such a course  
426 is:

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

428 (B) being used to meet Board-approved CTE graduation  
429 requirements under R277-700-6C(7); and

430 (C) a course consistent with the student's SEOP/Plan for  
431 College and Career Readiness[-]; or

432 (iv) is enrolled in a nontraditional program under the  
433 direction of an LEA, other than the Utah Electronic High  
434 School, that:

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

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

438 (C) includes regular face-to-face instruction or  
439 facilitation by a designated employee of an LEA.

440 ~~[(2) Students may generate MSP funding by participation~~

441 ~~in an LEA-sponsored or LEA-supported virtual education program~~  
442 ~~other than the Utah Electronic High School that is consistent~~  
443 ~~with the student's SEOP, has been approved by the student's~~  
444 ~~counselor, and includes regular face-to-face instruction or~~  
445 ~~facilitation by a designated employee of the LEA.]~~

446 (2) An LEA shall use one of the following continuing  
447 enrollment measures:

448 (a) For a student primarily enrolled in a traditional  
449 program, the LEA may not count a student as an eligible  
450 student if the eligible student has unexcused absences during  
451 all of the prior ten consecutive school days.

452 (b) For a student enrolled in a nontraditional program,  
453 an LEA shall:

454 (i) adopt a written policy that designates a continuing  
455 enrollment measurement to document the continuing membership  
456 or enrollment status for each student enrolled in the  
457 nontraditional program consistent with R277-419-5A(1)(c);

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

461 (iii) appropriately adjust and update student membership  
462 records in the student information system for students that  
463 did not meet the continuing enrollment measurement, consistent  
464 with R277-419-5A(1)(c).

465 (3) The continuing enrollment measurement described in  
466 R277-419-5A(2)(b) may include some or all of the following  
467 components, in addition to other components, as determined by  
468 an LEA:

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

471 (b) required periodic contact with a licensed educator;

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

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

477 (4) For a student enrolled in both traditional and

478 nontraditional programs, an LEA shall measure a student's  
479 continuing enrollment status using the methodology for the  
480 program in which the student earns the majority of their  
481 membership days.

482 [~~(iv)~~]5(a) An LEA[~~s~~] desiring to generate membership for  
483 student enrollment in courses outlined in R277-419-  
484 5A(1)(f)(iii), or to seek a waiver from a requirement(s) in  
485 R277-419-5A(1)(f)(iii), shall submit an application for course  
486 approval by April 1 of the year prior to which the membership  
487 will be counted.

488 (b) An LEA[~~s~~] shall be notified within 30 days of the  
489 application deadline if courses have been approved.

490 B. Reporting

491 (1) An LEA[~~s~~] shall report aggregate membership for each  
492 student via the School Membership field in the S1 record and  
493 special education membership in the SCRAM Membership field in  
494 the S2 record and YIC membership in the S3 record of the Year  
495 End upload of the Data Clearinghouse file.

496 (2) In the Data Clearinghouse, aggregate membership  
497 [~~shall be expressed~~]is calculated in days of membership.

498 C. Calculations

499 (1) If a student was enrolled for only part of the school  
500 day or only part of the school year, an LEA shall prorate the  
501 student's membership[~~shall be prorated~~] according to the  
502 number of hours, periods or credits for which the student  
503 actually was enrolled in relation to the number of hours,  
504 periods or credits for which a full-time student normally  
505 would have been enrolled. For example:

506 (a) If the student was enrolled for 4 periods each day in  
507 a 7 period school day for all 180 school days, the student's  
508 aggregate membership would be 4/7 of 180 days or 103 days.

509 (b) If the student was enrolled for 7 periods each day in  
510 a 7 period school day for 103 school days, the student's  
511 membership would also be 103 days.

512 (2) For students in grades 2 through 12, an LEA shall  
513 calculate the days in membership[~~shall be calculated by the~~  
514 ~~LEA~~] using a method equivalent to the following: total clock

515 hours of instruction for which the student was enrolled during  
516 the school year divided by 990 hours and then multiplied by  
517 180 days and finally rounded up to the nearest whole day. For  
518 example, if a student was enrolled for only 900 hours during  
519 the school year, the student's aggregate membership would be  
520  $(900/990)*180$ , and the LEA would report 164 days.

521 (3) For students in grade 1, an LEA shall adjust the  
522 first term of the formula[~~shall be adjusted~~] to use 810 hours  
523 as the denominator.

524 (4) For students in kindergarten, an LEA shall adjust the  
525 first term of the formula[~~shall be adjusted~~] to use 450 hours  
526 as the denominator.

#### 527 D. Constraints

528 (1) The sum of regular plus self-contained special  
529 education and self-contained YIC membership days may not  
530 exceed 180 days[+].

531 (2) The sum of regular and resource special education  
532 membership days may not exceed 360 days[+].

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

535 E. Exceptions - An LEA[§] may also count a student in  
536 membership for the equivalent in hours of up to:

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

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

542 (b) participating in one or more extracurricular  
543 activities under R277-438, but has otherwise been exempted  
544 from school attendance under 53A-11-102 for home schooling  
545 [and participates in one or more extracurricular activities  
546 under R277-438];

547 (2) two periods each school day per student for time  
548 spent in bus travel during the regular school day to and from  
549 another state-funded institution, if the student is enrolled  
550 in CTE instruction consistent with the student's SEOP/Plan for  
551 College and Career Readiness[-];

552 (3) all periods each school day, if the student is  
553 enrolled in:

554 (a) a concurrent enrollment program that satisfies all  
555 the criteria of R277-713;

556 (b) a private school without religious affiliation under  
557 a contract initiated by an LEA to provide special education  
558 services which directs that the instruction be paid by public  
559 funds~~[.—e]~~ if the contract~~[s shall be]~~ with the private  
560 school is approved by ~~[the]~~an LEA board in an open meeting~~[.];~~;

561 (c) a foreign exchange student program under  
562 53A-2-206(8)~~[.];~~;

563 (d) Electronic High School courses for credit which meet  
564 curriculum requirements, consistent with the student's  
565 SEOP/Plan for College and Career Readiness and following  
566 written school counselor approval~~[.];~~ or

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

569 (i) the student~~[s]~~ may only be counted in (S1) membership  
570 and ~~[shall]~~may not have an S2 record; and

571 (ii) the S2 record for the~~[se]~~ student~~[s shall only be]~~  
572 is submitted by the Utah Schools for the Deaf and the Blind.

573 **R277-419-6. High School Completion Status.**

574 A. An LEA shall account for ~~[T]~~the final status of all  
575 students who enter high school (grades 10-12)~~[—shall be~~  
576 ~~accounted for,]~~ whether they graduate or leave high school for  
577 other reasons~~[. LEAs shall use]~~, using the following decision  
578 rules to indicate the high school completion or exit status of  
579 each student who leaves the Utah public education system:

580 (1) ~~[G]~~graduates are students who earn a basic high  
581 school diploma by satisfying one of the options consistent  
582 with R277-705-4B or out-of-school youths of school age who  
583 complete adult education secondary diploma requirements  
584 consistent with R277-733~~[.];~~;

585 (2) ~~[O]~~other students are completers who have not  
586 satisfied Utah's requirements for graduation but who:

587 (a) ~~[shall be]~~are in membership in twelfth grade on the

588 last day of the school year; and  
589 (b)(i) meet any additional criteria established by  
590 ~~the~~an LEA consistent with its authority under R277-705-4C;  
591 ~~or~~

592 (~~e~~ii) meet any criteria established for special  
593 education students under Utah State Board of Education Special  
594 Education Rules, Revised, August 2007, and available from the  
595 USOE, and R277-700-8E; or

596 (~~d~~iii) pass a General Educational Development (GED)  
597 test with a designated score~~[-]~~;

598 (3) ~~e~~continuing students are students who:  
599 (a) transfer to higher education, without first obtaining  
600 a diploma;~~[-or]~~

601 (b) transfer to the Utah Center for Assistive Technology  
602 (UCAT) without first obtaining a diploma; or

603 (c) age out of special education~~[-]~~;

604 (4) ~~D~~dropouts are students who:  
605 (a) ~~have~~leave school with no legitimate reason for  
606 departure or absence~~[-from school or who-]~~;

607 (~~a~~b) withdraw due to a situation so serious that  
608 educational services cannot be continued even under the  
609 conditions of R277-419-5A(1)(f)(ii);~~[-or]~~

610 (~~b~~c) are expelled and do not re-enroll in another  
611 public education institution; or

612 (~~e~~d) transfer to adult education~~[-]~~;

613 (5) ~~Students~~an LEA shall~~[-be]~~ exclude~~d~~a student from  
614 the cohort calculation if the~~y~~ student:  
615 (a) transfers out of state, out of the country, to a  
616 private school, or to home schooling;~~[-or]~~

617 (b) ~~are~~is a U.S. citizen~~s~~ who enroll~~ed~~s in another  
618 country as a foreign exchange student;~~[-or]~~

619 (c) ~~are~~is a non-U.S. citizen~~s~~ who enroll~~ed~~s in a  
620 Utah public school as a foreign exchange student under Section  
621 53A-2-206 in which case the~~y~~ student shall be identified by  
622 resident status (J for those with a J-1 visa, F for all  
623 others), not by an exit code; or

624 (d) die~~d~~s.

625 B[-](1) An LEA[§] shall report the high school completion  
626 status or exit code of each student to the  
627 [USOE]Superintendent as specified in Data Clearinghouse  
628 documentation.

629 (2) High School completion status or exit codes for each  
630 student are due to the Superintendent by Year End upload for  
631 processing and auditing.

632 (3) Except as provided in R277-419-6B(4), an LEA shall  
633 submit any further updates of completion status or exit codes  
634 by October 1 following the end of the student's graduating  
635 cohort pursuant to R277-484-3, Deadlines for Data Submission.

636 (4) An LEA with an alternative school year schedule where  
637 all of the students have a summer break in a season other than  
638 summer, shall submit the LEA's data by the next complete data  
639 submission update, following the LEA's summer break, as  
640 defined in R277-484-3.

641 C[-](1) The [USOE]Superintendent shall report a  
642 graduation rate for each school, LEA, and the state.

643 (2) The Superintendent shall calculate the graduation  
644 rates in accordance with the No Child Left Behind Act of 2001  
645 (NCLB) and the NCLB High School Graduation Rate:  
646 Non-Regulatory Guidance.

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

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

651 (b) if the student does not meet any exclusion rules as  
652 stated in R277-419-6A(5).

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

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

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

661 (a) school with an attached graduation status for the

662 final cohort year;

663 (b) school with the latest exit date;

664 (c) school with the earliest entry date;

665 (d) school with the highest total membership;

666 (e) school of choice;

667 (f) school with highest attendance; or

668 (g) school with highest cumulative GPA.

669 ~~[(1)7] The Superintendent shall report [7]the four-year~~  
670 ~~cohort rate [shall be reported] on the annual state reports.~~

671 ~~[(2) The three-year cohort graduation rate shall be~~  
672 ~~reported separately for high schools on the official state~~  
673 ~~graduation report.]~~

674 **R277-419-7. Student Identification and Tracking.**

675 A~~[-]~~(1) Pursuant to Section 53A-1-603.5, an LEA[~~s~~] shall:

676 ~~[(1)a]~~ use the SSID system maintained by the  
677 ~~[USOE]Superintendent~~ to assign every student enrolled in a  
678 program under the direction of the Board or in a program or a  
679 school that is supported by public school funding a unique  
680 student identifier~~[-]~~; and

681 ~~[(2)b]~~ display the SSID on student transcripts exchanged  
682 with LEAs and Utah public institutions of higher education.

683 (2)(a) The ~~[number]~~unique student identifier shall be  
684 assigned to a student upon enrollment into a public school  
685 program or a public school-funded program.

686 (b) The ~~[number]~~unique student identifier ~~[shall]~~may not  
687 be the student's social security number or contain any  
688 personally identifiable information about the student.

689 ~~B[(1)]~~. An LEA[~~s~~] shall require all students to provide  
690 their legal first, middle, and last names at the time of  
691 registration to ensure that the correct SSID follows students  
692 who transfer among LEAs.

693 ~~[(2)(a)1]~~ A school shall transcribe the [N]names [shall  
694 ~~be transcribed]~~ from the student's birth certificate or other  
695 reliable proof of the student's identity and age, consistent  
696 with Section 53A-11-503;

697 ~~[(b)2]~~ The direct transcription of student names from

698 birth certificates or other reliable proof of student identity  
699 and age shall be the student's legal name for purposes of  
700 maintaining school records; and

701 (~~e~~)3) [~~Schools or school districts~~]An LEA may modify the  
702 order of student names, provide for nicknames, or allow for  
703 different surnames, consistent with court documents or parent  
704 preferences, so long as legal names are maintained on student  
705 records and used in transmitting student information to the  
706 USOE.

707 C. The [~~USOE~~]Superintendent and LEAs shall track  
708 students and maintain data using students' legal names.

709 D. If there is a compelling need to protect a student by  
710 using an alias, [~~the~~]an LEA should exercise discretion in  
711 recording the name of the student.

712 E. An LEA is responsible to verify the accuracy and  
713 validity of enrollment verification data, prior to enrolling  
714 students in a the LEA, and provide students and their parents  
715 with notification of enrollment in a public school.

716 F. An LEA shall ensure enrollment verification data is  
717 collected, transmitted, and stored consistent with sound data  
718 policies, established by the LEA as required in R277-487.

719 **R277-419-8. Variances.**

720 A[~~-~~](1) An LEA may, at its discretion, make [A]an  
721 exception for school attendance for public school students  
722 [may be made at the discretion of the local board], in the  
723 length of the school day or year, for students with compelling  
724 circumstances.

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

728 B[~~-~~](1)An LEA shall plan for [E]emergency[+],  
729 activity[+], and[+]weather-related exigency time [shall be  
730 planned for in an LEA's]in its annual calendaring.

731 (2) If school is closed for any reason, the school shall  
732 make up the instructional time missed[~~shall be made up~~] under  
733 the emergency/activity time as part of the minimum required

734 time to qualify for full MSP funding.

735 C. Staff Planning, Professional Development, Student  
736 Assessment Time, and Parent-Teacher and Student Education Plan  
737 (SEP) Conferences.

738 (1) To provide planning and professional development  
739 time for staff, an LEA[s] may hold school longer some days of  
740 the week and shorter other days so long as minimum school day  
741 requirements, as provided for in R277-419-1[~~V~~]FF, are  
742 satisfied.

743 (2) Schools may conduct parent-teacher and [~~s~~]Student  
744 [~~e~~]Education [~~p~~]Plan (SEP) conferences during the school day.

745 (3) [~~Such~~]Parent-teacher and SEP conferences may only be  
746 held for a total of the equivalent of three full school days  
747 or a maximum of 16.5 hours for the school year.

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

751 (~~[4]~~5) An LEA[s] may designate no more than 12  
752 instructional days at the beginning of the school year~~[-or-]~~,  
753 at the end of the school year, or both for the assessment of  
754 students entering or completing kindergarten.

755 (6) If instruction days are designated for kindergarten  
756 assessment:

757 (a) an LEA shall designate the days~~[-shall be designated~~  
758 ~~by the LEA board]~~ in an open meeting;

759 (b) an LEA shall provide adequate notice and explanation  
760 ~~[-shall be provided-]~~to kindergarten parents well in advance of  
761 the assessment period;

762 (c) qualified school employees shall conduct the  
763 ~~assessment[-shall be conducted by qualified school employees]~~  
764 consistent with Section 53A-3-410; and

765 (d) assessment time per student shall be adequate to  
766 justify the forfeited instruction time.

767 (~~[5]~~7) The final decision and approval regarding  
768 planning time, parent-teacher and SEP conferences rests with  
769 ~~[the local board of education]~~an LEA, consistent with Utah law  
770 and Board administrative rules.

771           (~~6~~8) Total instructional time and school calendars  
772 shall be approved by ~~[local boards]~~an LEA in an open meeting.

773           D. A school using a modified 45-day 15-day year round  
774 schedule initiated prior to July 1, 1995 shall be considered  
775 to be in compliance with this rule if ~~[a]~~the school's schedule  
776 includes a minimum of 990 hours of instruction time in a  
777 minimum of 172 days.

778 ~~[R277-419-9. Provisions for Maintaining Student Membership and~~  
779 ~~Enrollment Documentation and Documentation of Student~~  
780 ~~Education Services Provided by Third Party Vendors.~~

781           ~~A. R277-419-1 through 8 provide direction for student~~  
782 ~~membership and enrollment and eligibility criteria for both~~  
783 ~~traditional and nontraditional schools and programs.~~

784           ~~B. A traditional program is a public school program that~~  
785 ~~consists of eligible enrolled public education students who~~  
786 ~~physically attend school in classrooms.~~

787           ~~C. A nontraditional program is a public school program~~  
788 ~~that consists of eligible, enrolled public education students~~  
789 ~~where students primarily receive instruction either online or~~  
790 ~~through a distance learning program.~~

791           ~~D. LEAs may enroll students in both traditional and~~  
792 ~~nontraditional programs.~~

793           ~~E. Home school courses do not qualify for public~~  
794 ~~education funding for both traditional and non-traditional~~  
795 ~~programs. Home school courses are those where the curriculum~~  
796 ~~and instructional methods, reporting, or evaluation of student~~  
797 ~~progress or mastery is provided or administered by the parent,~~  
798 ~~guardian, custodian, or other group of individuals, not~~  
799 ~~directly supervised by an LEA.~~

800           ~~F. LEA and Third Party Vendor Use of Public Funds for~~  
801 ~~Incentives and Reimbursements~~

802           ~~(1) LEAs or their third party vendors shall not use~~  
803 ~~public funds, as defined under Section 51-7-3(26), to provide~~  
804 ~~monetary or other incentives for enrollment or referral~~  
805 ~~bonuses to individuals or groups of individuals.~~

806 ~~—— (2) LEAs or their third party vendors shall not use~~  
807 ~~public funds to provide educational, curriculum, instruction,~~  
808 ~~private lessons, or technology reimbursements to individuals,~~  
809 ~~groups of individuals or third party vendors that are not~~  
810 ~~available to all students enrolled in the LEA or required by~~  
811 ~~an IEP or 504 plan that is approved by the LEA.~~

812 ~~—— (3) LEAs or their third party vendors that purchase items~~  
813 ~~or technology devices and provide them to students shall~~  
814 ~~ensure that these items are the property of the LEAs and are~~  
815 ~~subject to the LEAs asset policies.~~

816 ~~—— (4) LEAs shall establish provisions identified in R277-~~  
817 ~~419-9F(1) through (3) in their contracts with third party~~  
818 ~~vendors and shall monitor compliance with these provisions.~~

819 ~~—— G. LEAs shall ensure school enrollment verification~~  
820 ~~records are collected consistent with sound data collection~~  
821 ~~and storage procedures, established by the LEA, and that these~~  
822 ~~records are transmitted securely. It is the LEAs'~~  
823 ~~responsibility to verify the accuracy and validity of student~~  
824 ~~enrollment records, prior to enrolling students in an LEA, and~~  
825 ~~to provide students and their parents with notification of~~  
826 ~~enrollment in a public school. An LEA is the only entity~~  
827 ~~authorized by the Board to collect and store public school~~  
828 ~~enrollment verification records including:~~

829 ~~—— (1) birth certificates or other verification of age and~~  
830 ~~identity;~~

831 ~~—— (2) verification of immunization or exemption form;~~

832 ~~—— (3) proof of Utah public school residency;~~

833 ~~—— (4) family income verification; or~~

834 ~~—— (5) special education records, including:~~

835 ~~—— (a) individualized education program;~~

836 ~~—— (b) 504 plan; or~~

837 ~~—— (c) English learner plan.~~

838 ~~—— H. All LEAs that enroll public school students shall~~  
839 ~~maintain documentation of the following:~~

840 ~~—— (1) that the LEA complied with all provisions of R277-~~  
841 ~~419-1 through 8;~~

842 ~~—— (2) that the LEA complied with all educator licensure~~

843 ~~requirements of R277-502;~~  
844 ~~—— (3) that the LEA complied with all fingerprint and~~  
845 ~~background check requirements for educators, employees and~~  
846 ~~volunteers consistent with Section 53A-3-410, 53A-1a-512.5,~~  
847 ~~R277-516, and R277-520;~~  
848 ~~—— (4) that the LEA established a school schedule consistent~~  
849 ~~with R277-419-4A(1);~~  
850 ~~—— (5) that the LEA only enrolled students who met the~~  
851 ~~eligibility requirements of R277-419-5A(1) (a-e);~~  
852 ~~—— (6) that the LEA directed the instruction of the core~~  
853 ~~curriculum consistent with Section 53A-1-402(1)(a) and R277-~~  
854 ~~700; and~~  
855 ~~—— (7) that the LEA scheduled and administered all statewide~~  
856 ~~assessments, as required under Sections 53A-1-606.6 through~~  
857 ~~53A-1-611 and R277-404.~~  
858 ~~—— I. In addition to R277-419-9D, LEAs that enroll students~~  
859 ~~in traditional programs shall also satisfy the requirements of~~  
860 ~~R277-419-5A(1)(f).~~  
861 ~~—— J. In addition to R277-419-9D, LEAs that enroll students~~  
862 ~~in nontraditional programs shall also maintain documentation~~  
863 ~~that the LEA satisfied the following:~~  
864 ~~—— (1) adopted a written policy that designates a continuing~~  
865 ~~enrollment measurement to document the continuing membership~~  
866 ~~or enrollment status for individual students consistent with~~  
867 ~~R277-419-5A(1)(c);~~  
868 ~~—— (2) measured and documented each student's continued~~  
869 ~~enrollment using the adopted continuing enrollment measurement~~  
870 ~~at least every ten consecutive school days;~~  
871 ~~—— (3) documented that LEA employees confirmed students'~~  
872 ~~continued enrollment consistent with R277-419-9J(2) and~~  
873 ~~updated student membership records in the student information~~  
874 ~~system; and~~  
875 ~~—— (4) documented that the LEA adjusted the student~~  
876 ~~membership information for students that did not meet the~~  
877 ~~continuing enrollment measurement, consistent with R277-419-~~  
878 ~~5A(1)(c).~~  
879 ~~—— K. The continuing enrollment measurement may include some~~

880 ~~or all of the following components, in addition to other~~  
881 ~~components, as determined by the LEA:~~

882 ~~—— (1) a minimum student login or teacher contact~~  
883 ~~requirement;~~

884 ~~—— (2) required periodic contact with a licensed educator;~~

885 ~~—— (3) a minimum hourly requirement, per day or week, when~~  
886 ~~students are engaged in course work; or~~

887 ~~—— (4) required timelines for a student to provide or~~  
888 ~~demonstrate completed assignments, coursework or progress~~  
889 ~~toward academic goals.~~

890 ~~—— L. LEA Nontraditional Program and Third Party Vendor~~  
891 ~~Compliance~~

892 ~~—— (1) An LEA offering a nontraditional program that~~  
893 ~~contracts for curricular and instructional services which are~~  
894 ~~administered by third party vendors shall submit documentation~~  
895 ~~of compliance with law and Board rules (as prescribed by the~~  
896 ~~Board) to the Superintendent's office for review prior to the~~  
897 ~~initiation of the program.~~

898 ~~—— (2) An LEA offering a nontraditional program that~~  
899 ~~contracts for curricular and instructional services from a~~  
900 ~~third party vendor and does not resolve a corrective action~~  
901 ~~item, may not qualify for some or all Minimum School Program~~  
902 ~~funds.~~

903 ~~—— M. An LEA that contracts with a third party vendor to~~  
904 ~~provide curricular and instructional services to students for~~  
905 ~~nontraditional programs shall monitor and supervise the vendor~~  
906 ~~throughout the administration of the services and ensure~~  
907 ~~compliance, at a minimum, with the following:~~

908 ~~—— (1) all student eligibility and membership/enrollment~~  
909 ~~requirements of R277-419 are met;~~

910 ~~—— (2) all educator licensure requirements of R277-502 are~~  
911 ~~satisfied;~~

912 ~~—— (3) all fingerprint and background check requirements for~~  
913 ~~educators, employees and volunteers, consistent with Section~~  
914 ~~53A-3-410, 53A-1a-512.5, R277-516, and R277-520, are met;~~

915 ~~—— (4) the Board-directed core standards are used in student~~  
916 ~~instruction, consistent with Section 53A-1-402(1)(a) and R277-~~

917 700;  
918 ~~— (5) all required statewide assessments are administered~~  
919 ~~by the LEA, as required under Sections 53A-1-606.6 through~~  
920 ~~53A-1-611 and R277-404;~~  
921 ~~— (6) the LEA has a written supervision plan for the vendor~~  
922 ~~administration of curricular and instructional services; and~~  
923 ~~— (7) the LEA maintains documentation of supervisory~~  
924 ~~activities ensuring compliance with the written supervision~~  
925 ~~plan (copy of the agreement, assignment of supervising~~  
926 ~~personnel by title, meeting notes, correspondence with vendor)~~  
927 ~~consistent with the LEA's administrative records retention~~  
928 ~~schedule.~~  
929 ~~— N. Consistent with R277-114, the Superintendent may~~  
930 ~~withhold funds from traditional or nontraditional public~~  
931 ~~education programs for non-compliance with R277-419. An LEA~~  
932 ~~may appeal the decision of the Superintendent to the Board.]~~

933 **KEY: education finance, school enrollment**  
934 **Date of Enactment or Last Substantive Amendment: [~~December 8,~~**  
935 **~~2014]~~2015**  
936 **Notice of Continuation: September 14, 2012**  
937 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**  
938 **53A-1-401(3); 53A-1-402(1)(e); 53A-1-404(2); 53A-1-301(3)(d);**  
939 **53A-3-404; 53A-3-410**