

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Associate Superintendent
Policy and Communication

DATE: November 5-6, 2015

ACTION: R277-726 *Statewide Online Education Program* (Amendment and Continuation)

Background:

1. The Law and Licensing Committee discussed issues related to the Statewide Online Education Program (SOEP) and Board rule R277-726 during the Committee's August meeting and gave policy direction to staff. R277-726 is amended to incorporate the policy decisions of the Committee as well as make technical and conforming changes.
2. In addition to the amendments to R277-726, the rule is continued consistent with Board policy for continuation of rules and the Utah Administrative Rulemaking Act. The rule has not yet come due for continuation, but was created effective October 11, 2011.

Key Points:

The amendments include changes to how the program requires LEAs and Statewide Online Education Program providers (SOEP providers) to deal with certain issues, including:

- How to manage a Section 504 Accommodation plan.
- How to serve SOEP students with disabilities.
- The responsibilities of SOEP providers that are higher education entities.
- How fee waiver eligible materials are provided to SOEP students.
- How to manage the SOEP appropriation for home and private school students.

The amendments also redefine the term "school of enrollment" and include technical and conforming changes throughout the rule.

Anticipated Action:

1. It is proposed that the Committee consider approving R277-726, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-726, as amended, on second reading.
2. It is proposed that the Committee consider approving R277-726 for continuation on first reading and, if approved by the Committee, the Board consider approving R277-726 for continuation on second reading.

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1 **R277. Education, Administration.**

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

3 **R277-726-[2]1. Authority and Purpose.**

4 [A-](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 53A-15-1210, which requires the Board to make rules providing
8 for the administration of statewide assessments to students enrolled in online
9 courses[;];

10 (c) Section 53A-15-1213, which requires the Board to make rules that
11 establish a course credit acknowledgment form and procedures for completing and
12 submitting the form to the Board[;]; and

13 (d) Subsection 53A-1-401(3), which permits the Board to adopt rules in
14 accordance with its responsibilities.

15 [B-](2) The purpose of this rule is to:

16 (a) define necessary terms[;];

17 (b) provide and describe a [P]program registration agreement; and

18 (c) provide other requirements for an LEA[s], [~~the~~]USOE, a parent[s] and a
19 student[s], and a [P]provider[s] for [P]program implementation and accountability.

20 **R277-726-[4]2. Definitions.**

21 [A-](1) “Actively participates” means the student actively participates as
22 defined by the [P]provider.

23 [B- “Board” means the Utah State Board of Education.]

24 [E-](2) “Course completion” means that a student has completed a course
25 with a passing grade and the [P]provider has transmitted the grade and credit to the
26 primary LEA of enrollment.

27 [D-](3)(a) “Course Credit Acknowledgment” or [{}“CCA[{}]”] means [~~the~~]an
28 agreement and registration record using [~~the~~]USOE provided Statewide Online
29 Education Program form.

30 (b) Except as provided in Subsection 53A-15-1208(3)(h), [F]the CCA shall be
31 signed by the[~~student, parent,~~] designee of the primary school of enrollment, and

32 the qualified [P]provider.

33 [E.](4) “Eligible student” means a student enrolled in grades 9-12 in a public
34 school, but does not include a student[s] enrolled in an adult education program[s].

35 [F.](5) “Enrollment confirmation” means the student initially registered and
36 actively participated, as defined under Subsection [R277-726-](1)[A].

37 [G.](6)(a) “Executed CCA” means a CCA that has been signed by all parties
38 [~~have signed the CCA and the CCA has been~~]and received by[~~the~~] USOE.

39 (b) Following enrollment confirmation and participation, [~~the~~]USOE directs
40 funds to the [P]provider, consistent with Sections 53A-15-1206, 53A-15-1206.5, and
41 53A-15-1207.

42 [H.](7) “LEA” [~~means a~~] or “local education agency”[~~including local school~~
43 ~~boards/public school districts, charter schools, and,~~] for purposes of this rule[~~;~~]
44 includes the Utah Schools for the Deaf and the Blind.

45 [I.](8) “Online course” means a course of instruction offered through the
46 Statewide Online Education Program.

47 [J.](9) “Online course payment” means the amount withheld from [~~the~~]a
48 student’s primary LEA and disbursed to the designated [P]provider following
49 satisfaction of the requirements of the law, and as directed in Section 53A-15-1207.

50 [K.](10) “Online course provider” or “[{P}provider{ }]” means:

51 (a) a school district school[~~;~~];

52 (b) a charter school[~~or~~];

53 (c) an LEA program created for the purpose of serving Utah students in
54 grades 9-12 online[~~;~~]; or

55 (d) a program of an institution of higher education described in Subsection
56 53A-15-1205(3).

57 [L.](11) “Primary LEA of enrollment” means the LEA in which an eligible
58 student is enrolled for courses other than online courses offered through the
59 Statewide Online Education Program.

60 [M.](12) “Primary school of enrollment” means:

61 (a) a student's school of record[~~where the student takes the majority of his~~
62 ~~classes~~]; and

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

64 information, and transcript for purposes of high school graduation.

65 (13) "Resident school" means the district school within whose attendance
66 boundaries the student's custodial parent or legal guardian resides.

67 ~~[N. "SEOP" means student education occupation plan as defined in R277-~~
68 ~~700.]~~

69 ~~[O.](14)~~ "Statewide assessment" means ~~[Criterion-Referenced]~~a test[s] or
70 ~~[computer adaptive tests]~~assessment required under Rule R277-404.

71 ~~[P.](15)~~ "Statewide Online Education Program" or ~~["(P)program"]~~ means
72 courses offered to students under ~~[Section 53A-15-1201 through 53A-15-1217]~~Title
73 53A, Chapter 15, Part 12, Statewide Online Education Program Act.

74 ~~[Q. "USOE" means the Utah State Office of Education.]~~

75 ~~[R.](16)~~ "USOE course code" means a code for a designated subject matter
76 course assigned by the ~~[USOE]~~Superintendent.

77 ~~[S.](17)~~ "Withdrawal from online course" means that a student withdraws or
78 ceases participation in an online course as follows:

79 ~~[(1)]a~~ within 20 calendar days of the start date of the course, if the student
80 enrolls on or before the start date;

81 ~~[(2)]b~~ within 20 calendar days of enrolling in a course, if the student enrolls
82 after the start date; or

83 ~~[(3)]c~~ within 20 calendar days after the start date of the second .5 credit of a
84 1.0 credit course; or

85 ~~[(4)]d~~ as the result of a student suspension from an online course following
86 adequate documented due process by the ~~[P]~~provider.

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

88 ~~[A.](1)~~ A student, a student's parent, or a ~~[P]~~provider may initiate a CCA.

89 ~~[B.](2)(a)~~ A counselor designated by ~~[the]~~a student's primary school of
90 enrollment shall review the student's CCA to ensure consistency with:

91 (i) graduation requirements~~[.];~~

92 (ii) the student's SEOP~~[.];~~

93 (iii) the student's ~~[Individualized Education Plan (IIEP)]~~;

94 (iv) the student's Section 504 plan~~[.];~~ or

95 (v) the student's international baccalaureate program~~[-if applicable]~~.

96 (b) The primary school of enrollment shall return the CCA to the
97 [USOE]Superintendent within 72 business hours.

98 [E-](3)(a) A [P]provider-initiated CCA may be sent directly to the
99 [USOE]Superintendent if the course is consistent with the student's SEOP.

100 (b) The primary school of enrollment ~~[need]~~is not required to meet with the
101 student or parent.

102 (c) The Superintendent shall notify a primary school or enrollment ~~[and shall~~
103 ~~be notified of such an]~~of a student's enrollment ~~[by the USOE]~~in the program.

104 [D-](4) If ~~[the]~~a student enrolling in the program has an IEP or a Section 504
105 plan, the primary LEA or school of enrollment shall forward the IEP or description of
106 504 accommodations to the [P]provider within 72 business hours of receiving notice
107 from the [USOE]Superintendent that the [P]provider has accepted the enrollment
108 request.

109 [E-](5) The [USOE]Superintendent shall develop and administer procedures
110 for facilitation of ~~[the]~~a CCA that informs all appropriate parties.

111 **R277-726-4. Eligible Student~~[f]~~ and Parent Rights and Responsibilities.**

112 [A-](1)(a) An [E]eligible student[s] may register for ~~[up to two P]~~program
113 credits [in the 2012-2013 school year]consistent with Section 53A-15-1204[;].

114 (b) ~~[however]~~Notwithstanding Subsection (1)(a), a student's primary LEA of
115 enrollment or the Board may allow an eligible student to enroll in additional online
116 courses consistent with Section 53A-15-1204 with documentation from the LEA.

117 [B-](2) A student enrolled in a [P]program course[~~(s)~~] may earn no more
118 credits in a year than the number of credits a student may earn by taking a full
119 course load during the regular school day in the student's primary school of
120 enrollment.

121 [E-](3) An [E]eligible student[s] may register for more than ~~[two online]~~the
122 maximum number of credits described in Subsection 53A-15-1204(2) if:

123 (a) the student's~~[-current]~~ SEOP indicates~~[-specifically]~~ that the student
124 intends to complete high school graduation requirements and exit high school before
125 the rest of the student's high school cohort; and

126 (b) the student's schedule demonstrates progress toward early graduation.

127 ~~[D:]~~(4)(a) An ~~[E]~~eligible student~~[s-are]~~ is expected to complete courses in
128 which the~~[y]~~ student enrolls in a timely manner consistent with Section 53A-15-1206.

129 (b) If a student changes ~~[his]~~the student's enrollment for any reason, it is the
130 student's~~[f]~~ or student's parent's responsibility to notify the ~~[P]~~provider immediately.

131 ~~[E:]~~(5) A Student~~[s]~~ should enroll in online courses, or declare an intention to
132 enroll, during the high school course registration period designated by the primary
133 LEA of enrollment for regular course registration.

134 ~~[F:]~~(6) A student may alter a course schedule by dropping a traditional course
135 and adding an online course [by]in accordance with the primary school of
136 enrollment's same established deadline for dropping and adding traditional courses.

137 ~~[G:]~~(7)(a) Notwithstanding ~~[this]~~Subsection (6), an underenrolled student may
138 enroll in an online course at any time during a calendar year.

139 (b) If ~~[this occurs]~~an underenrolled student enrolls in an online course as
140 described in Subsection (7)(a), the primary school of enrollment may immediately
141 claim the student for the adjusted portion of enrollment.

142 **R277-726-5. LEA Requirements and Responsibilities.**

143 ~~[A:]~~(1) A primary school of enrollment shall facilitate student enrollment with
144 any and all eligible ~~[P]~~providers selected by an eligible student~~[s]~~ consistent with
145 course credit limits.

146 ~~[B:]~~(2) A primary school of enrollment or a ~~[P]~~provider LEA shall use the CCA
147 form, records and processes provided by the ~~[USOE]~~Superintendent for the
148 ~~[P]~~program.~~[A school counselor or a Provider shall use a separate form for each~~
149 ~~course selected by parent/student.]~~

150 ~~[C:]~~(3) A primary school or LEA of enrollment shall provide information about
151 available online courses and programs:

152 (a) in registration materials; ~~[or through other reasonable communication and]~~

153 (b) on the LEA's~~[or school's]~~ website; ~~[or using a link to the USOE's website]~~

154 and

155 (c) on the school's website.

156 ~~[D:]~~(4) A primary school of enrollment shall include a student's online courses

157 in the student's enrollment records and, upon course completion, include online
158 course grades and credits on the student's transcripts.

159 **R277-726-6. [~~State Board of Education (Board)~~ Superintendent Requirements**
160 **and Responsibilities.**

161 [A.](1) The [Board]Superintendent shall develop and provide a website for the
162 [P]program that provides information required under Section 53A-15-1212 and other
163 information as determined by the Board.

164 (2)(a) Except as provided in Subsection (2)(b), once 70% of the appropriation
165 for home and private school students has been allocated, the Superintendent shall
166 give enrollment priority to home school students.

167 (b) Notwithstanding Subsection (2)(a), on or after January 1 of each year, any
168 remaining funds may be used for all students.

169 [B.](3) The [Board]Superintendent shall direct a [P]provider[s] to administer
170 state[-designated]wide assessments consistent with Rule R277-404[and R277-473]
171 for identified courses using LEA-adopted and state-approved assessments.

172 [C.](4)(a) The Board may determine space availab[te]ility standards and
173 appropriate course load standards for online courses consistent with Subsections
174 53A-15-1006(2) and 53A-15-1208(3)(d).

175 (b) Course load standards may differ based on subject matter and differing
176 accreditation standards.

177 [D.](5) The Board shall withhold funds from a primary LEA[s] of enrollment
178 and make payments to a [P]provider[s] consistent with Sections 53A-15-1206, 53A-
179 15-1206.5, and 53A-15-1207.

180 [E. ~~The Board shall establish an appeals process for students who request~~
181 ~~more than two online courses in the 2011-2012 school year and who are first denied~~
182 ~~by their primary LEA or school of enrollment.~~]

183 [F.](6) The Board may refuse to provide funds under a CCA if the Board finds
184 that information has been submitted fraudulently or in violation of the law or Board
185 [requirements]rule by any of the parties to a CCA.

186 [G.](7) The [~~USOE or the Board's designee~~]Superintendent shall receive[;]
187 and investigate complaints, and impose sanctions, if appropriate, regarding course

188 integrity, financial mismanagement, enrollment fraud or inaccuracy, or violations of
189 the law or this rule specific to the requirements and provisions of th[is]e [P]program.

190 ~~[H.](8)~~ If a Board investigation finds that a [P]provider has violated the IDEA
191 or Section 504 provisions for a student[s] taking online courses, the [P]provider shall
192 compensate the student's primary LEA of enrollment for all costs related to
193 compliance.

194 ~~[I.](9)(a)~~ The ~~[USOE]Superintendent~~ may audit, at the Board's sole discretion,
195 an LEA's or [P]program participant's compliance with any requirement of state or
196 federal law or Board rule under the [P]program.

197 ~~(b)~~ All participants shall provide timely access to all records, student
198 information, financial data or other information requested by the Board, the Board's
199 auditors, or the Superintendent ~~[or the Superintendent's designee]~~ upon request.

200 ~~[J.](10)~~ The Board may impose penalties, withhold funds, or sanction a
201 [P]program participant[s] for the participant's['] failure to comply with a reasonable
202 request[s] for records or information.

203 ~~[K.](11)~~ ~~[All records related to the Program that do not disclose protected~~
204 ~~student information are public records and shall be available upon request under~~
205 ~~Section 63G-2-301 or 63G-2-305]~~ Program records are available to the public subject
206 to the Government Records Access and Management Act, (GRAMA).

207 (12) The Superintendent shall withhold online course payment from a primary
208 LEA of enrollment and payments to an eligible provider at the nearest monthly
209 transfer of funds, subject to verification of information, in an amount consistent with,
210 and at the time a provider qualifies to receive payment, under Subsection 53A-15-
211 1206(4).

212 (13) The Superintendent shall pay a provider consistent with Minimum School
213 Program funding transfer schedules.

214 (14)(a) The Superintendent may make decisions on questions or issues
215 unresolved by Title 53A, Chapter 15, Part 12, Statewide Online Program Act or this
216 rule on a case-by-case basis.

217 (b) The Superintendent shall report decisions described in Subsection (14)(a)
218 to the Board consistent with the purposes of the law and this rule.

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

220 ~~[A-](1)(a)~~ A [P]provider[s] shall administer state~~[-designated]~~wide
221 assessments as directed by the ~~[Board]~~Superintendent, including proctoring
222 statewide assessments, consistent with Section 53A-15-1210 and Rule R277-
223 4[73]04.

224 (b) A [P]provider[s] shall pay administrative and proctoring costs for all state~~[-~~
225 ~~designated]~~wide assessments.

226 ~~[B-](2)~~ A [P]provider[s] shall provide a parent[s]/ or a student[s] with email and
227 telephone contacts for the [P]provider during regular business hours in order to
228 facilitate parent information.

229 ~~[C-](3)~~ A [P]provider[s] and any third part[ies]y working with a [P]provider[s]
230 shall, for all eligible students, satisfy all Board requirements for:

231 (a) consistency with course ~~[curriculum,]~~standards;

232 (b) criminal background checks for [P]provider employees[-];

233 (c) documentation of student enrollment and participation; and

234 (d) compliance with:

235 (i) the IDEA[-];

236 (ii) Section 504[-]; and

237 (iii) requirements for ELL students~~[-for all eligible students].~~

238 ~~[D-](4)~~ A [P]provider[s] shall receive payments for a student[s] properly
239 enrolled in the [P]program from the ~~[USOE]~~Superintendent consistent with:

240 (a) Board procedures[-];

241 (b) Board timelines; and

242 (c) Sections 53A-15-1206, 53A-15-1206.5, 53A-15-1207, and 53A-15-1208.

243 ~~[E-](5)(a)~~ A [P]provider[s] may charge a fee[s] consistent with other secondary
244 schools.

245 (b) If ~~[the]~~a [P]provider intends to charge a fee[s], the [P]provider:

246 (i) shall notify the primary school of enrollment with whom the [P]provider
247 has the CCA of the purpose for fees[-] and amounts of fees~~[-and]~~;

248 (ii) provide timely notice to a parent[s] of required fees and fee waiver
249 opportunities~~[-and]~~;

250 (iii) post fees on the [P]provider website[-]; and

251 ([2]iv) shall be responsible for fee waivers for an eligible student[s], including
252 all materials for a student[s] designated fee waiver eligible by a student's primary
253 school of enrollment.

254 [F.](6) A [P]provider[s] shall maintain a student's records and comply with the
255 federal Family Educational Rights and Privacy Act, Title 53A, Chapter 13, Part 3,
256 Utah Family Educational Rights and Privacy Act, and Rule R277-487, including
257 protecting the confidentiality of a student's records and providing a parent[s] and an
258 eligible student[s] access to records.

259 [G.](7) Except as provided in Subsection R277-726-8A]9, [the P]a provider
260 shall submit a student's credit and grade [~~within 30 days after a student satisfactorily~~
261 ~~completes an online semester course~~] to the [USOE]Superintendent, primary school
262 of enrollment, and the student's parent[(s)] no later than:

263 (a) 30 days after a student satisfactorily completes an online semester or
264 quarter course; or

265 (b) June 30 of the school year.

266 [H.](8) A [P]provider[s] ~~shall~~ may not withhold a student's^[?] credits, grades,
267 or transcripts from the student[s], parent[s], or the student's^[?] school[s] of enrollment
268 for any reason.

269 [I.](9)(a) If a [P]provider [~~desires~~] seeks to suspend a student from an online
270 course for disciplinary reasons, the [P]provider is responsible for all student due
271 process procedures, including the [~~Individuals with Disabilities Education Act~~
272 [~~IDEA~~]-20 U.S.C. 1400] and Section 504 of the Rehabilitation Act of 1973.

273 (b) A provider shall notify the Superintendent of a student's withdrawal, [I]if
274 [a]the student is suspended for more than 10 days[, the Provider shall notify the
275 USOE of a withdrawal].

276 [J.](10)(a) A [P]provider[s] shall provide to the [USOE]Superintendent a list of
277 course options using [~~the~~]USOE-provided course codes.

278 (b) [~~(a)All program courses shall be coded as semester or quarter courses~~].

279 (c) [~~Course offerings~~]A provider shall [~~be~~] update[d] the provider's course
280 offerings in January and August annually.

281 [K.](11) A [P]provider[s] shall serve a [H] student[s] on a first-come-first-served
282 basis who desires to take courses and who [~~are~~]is designated eligible by a primary

283 school of enrollment if desired courses have space available.

284 ~~[L:]~~(12) A [P]provider[s] shall provide all records maintained as part of a public
285 online school or program, including:

286 (a) financial and enrollment records[;]; and

287 (b) information for accountability and audit purposes upon request by the
288 [USOE,]Superintendent and the [P]provider's external auditor[({s})].

289 [M:](13) A [P]provider[s] shall maintain documentation of student work,
290 including dates of submission, for [P]program audit purposes.

291 [N:](14) A [P]provider[s ~~are primarily~~] is responsible for complete and timely
292 submissions of record changes to executed CCAs and submission of other reports
293 and records as required by the [USOE]Superintendent.

294 [O:](15) A [P]provider[s] shall inform a student[s] and the student's parent[s]
295 of expectations for active participation in course work.

296 [P:](16) An LEA[s] may participate in the [P]program as a [P]provider[s] by
297 offering a school[s] or program[s ~~or both~~] to a Utah student[s] in grades 9-12 who
298 ~~[are]~~is not a resident student[s] of the LEA consistent with Section 53A-15-
299 1205([3]2).

300 [Q:](17) A [P]program school[s] or program[s] shall:

301 ([1]a) ~~[shall]~~be accredited by the ~~[Northwest Accreditation~~
302 ~~Commission]~~accrediting entity adopted by the Board consistent with Rule R277-
303 41[3]0;

304 ([2]b) ~~[shall]~~have a designated administrator who meets the requirements of
305 Section 53A-6-110[~~or Section 53A-1a-512(5)~~];

306 ([3]c) ~~[shall]~~ensure that a student[s] who qualif[y]ies for a fee waiver[s] shall
307 receive all services offered by and through the public schools consistent with Section
308 53A-12-103 and Rule R277-407;

309 ([4]d) ~~[shall]~~maintain student records consistent with:

310 (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. Sec
311 1232g and 34 CFR Part 99; and

312 (ii) Rule R277-487; and

313 ([5]e) shall offer course work:

314 (i) aligned with Utah Core standards[;];

315 (ii) ~~[course]~~in accordance with program requirements[;]; and
316 (iii) in accordance with the provisions of Rules R277-700 and R277-404[;and
317 R277-473].

318 ~~[R:]~~(18) An LEA[s] that offers an online program[s] or school[s] as a
319 [P]provider[s] under the [P]program:

320 ([1]a) shall employ only licensed Utah educators as teachers;

321 ([2]b) ~~[shall]~~may not employ an individual[s] whose educator license[s] ha[ve]s
322 been suspended or revoked;

323 ([3]c) shall require all employees to meet requirements of Sections ~~[53A-3-410~~
324 ~~and R277-516]~~53A-15-1503 and 53A-15-1504 prior to the [P]provider offering
325 services to a student[s];

326 ([4]d) ~~[shall]~~may only employ teachers who meet the requirements of Rule
327 R277-510, Educator Licensing - Highly Qualified Assignment;

328 ([5]e) shall agree to administer and have the capacity to carry out state[=
329 ~~designated]~~wide assessments, including proctoring statewide assessments,
330 consistent with Section 53A-15-1210(2)[;] and Rule R277-404[~~and R277-473]~~;

331 ([6]f) in accordance with Section R277-726-8, shall provide services to a
332 student[s] consistent with requirements of the IDEA, Section 504, and Title VI of the
333 Civil Rights Act of 1964 for English Language Learners (ELL);

334 ([7]g) shall maintain copies of all CCAs [(for audit purposes)]; and

335 ([8]h) shall agree that funds shall be withheld by the [USOE]Superintendent
336 consistent with Sections 53A-15-1206 and 53A-15-1206.5.

337 (19) A [P]provider shall cooperate with the [USOE]Superintendent in
338 providing timely documentation of student participation, enrollment, and other
339 additional data consistent with Board directives and procedures and as requested[;
340 and].

341 ~~[(9) shall ensure that third parties assisting with LEA online schools or~~
342 ~~programs comply with R277-726-7R, R277-404 and R277-473.]~~

343 ~~[S:]~~(20) A [P]provider[s] shall post all required information online on the[if]
344 provider's individual website[s] including required assessment and accountability
345 information.

346 **R277-726-8. Services to Students with Disabilities Participating in the Program.**

347 (1)(a) If a student requests services related to a Section 504 accommodation
348 under the Americans with Disabilities Act, a provider shall:

349 (i) except as provided in Subsection (1)(b), prepare a Section 504 plan for the
350 student; and

351 (ii) provide the services or accommodations to the student in accordance with
352 the student's Section 504 plan.

353 (b) An LEA of enrollment shall provide a Section 504 plan of a student
354 described in Subsection (1)(a) to a provider within 72 business hours if:

355 (i) the student is enrolled in a primary LEA of enrollment; and

356 (ii) the primary LEA of enrollment has a current Section 504 plan for the
357 student.

358 (2) For a student enrolled in a primary LEA of enrollment, if a student
359 participating in the program qualifies to receive services under the IDEA:

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

361 (i) prepare an IEP for the student in accordance with the timelines required
362 by the IDEA;

363 (ii) provide the IEP described in Subsection (2)(a)(i) to the provider within 72
364 business hours of completion of the student's IEP; and

365 (iii) continue to claim the student in the primary LEA of enrollment's
366 membership; and

367 (b) the provider shall provide special education services to the student in
368 accordance with the student's IEP described in Subsection (2)(a)(i).

369 (3) If a home or private school student participating in the program qualifies
370 to receive special education services under the IDEA, the home or private school
371 student:

372 (a) may waive the student's right to receive the special education services; or

373 (b) subject to the requirements of Subsection (4), enroll in the home or private
374 school student's resident school for the purpose of receiving special education
375 services.

376 (4) If a home or private school student requests to receive special education

377 services as described in Subsection (3)(b):
378 (a) the home or private school student's resident school shall:
379 (i) prepare an IEP for the student in accordance with the timelines required
380 by the IDEA;
381 (ii) provide the IEP described in Subsection (4)(a)(i) to the provider within 72
382 business hours of completion of the student's IEP; and
383 (iii) claim the student in the resident school's membership; and
384 (b) the provider shall provide special education services to the student in
385 accordance with the student's IEP described in Subsection (4)(a)(i).

386 **R277-726-[8]9. Other Information.**

387 ~~[A.](1) A [P]primary school[s] of enrollment shall set reasonable timelines and~~
388 ~~standards[-and].~~

389 ~~(2) A [P]provider[s] shall adhere to timelines and standards described in~~
390 ~~Subsection (1) for student grades and enrollment in online courses for purposes of:~~

391 ~~([1]a) school awards and honors;~~

392 ~~([2]b) Utah High School Activities Association participation; and~~

393 ~~([3]c) high school graduation.~~

394 ~~[B. Withholding of the online course payment from a primary LEA of~~
395 ~~enrollment and payments to the eligible Provider shall occur at the nearest monthly~~
396 ~~transfer of funds subject to verification of information, in an amount consistent with~~
397 ~~and at the time a Provider qualifies to receive payment under Section 53A-15-~~
398 ~~1206(4).~~

399 ~~—— C. The USOE shall pay the Provider consistent with Minimum School~~
400 ~~Program funding transfer schedules.~~

401 ~~—— D. The Superintendent or the Superintendent's designee may make decisions~~
402 ~~on questions or issues unresolved by Section 53A-15-1002 et seq. or R277-726 on~~
403 ~~a case-by-case basis. The Superintendent shall report decisions to the Board~~
404 ~~consistent with the purposes of the law and this rule.]~~

405 **KEY: statewide online education program**

406 **Date of Enactment or Last Substantive Amendment: [October 9, 2012]2016**

407 **Notice of Continuation: 2015**
408 **authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-15-1210;**
409 **53A-15-1213; 53A-1-401(3)**