

**MEMORANDUM**

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

**FROM:** Aaron Brough, Chief Privacy Officer  
Data and Statistics

**DATE:** March 17-18, 2016

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

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**Background:**

An issue concerning Rule R277-726 *Statewide Online Education Program (SOEP)* and graduation rates was discussed during the February 12, 2016 Administrative Rules Review Committee meeting. The issue raised was in regards to the possible incorrect assignment of a student's graduation status when a student is enrolled in both a primary school and online program. Currently, the school with the last date of enrollment receives the student's final graduation status. This policy raises concern that an SOEP provider may "race to exit" a student in order to avoid receiving a potential dropout against the school's graduation rate. This process is incorrect, as an SOEP provider by itself is not designed to graduate a student and the enrollment within an SOEP should not be attributed to the school that offers the program. R277-419 is amended to exclude a student from the cohort calculation when the student is attending an LEA that is not the student's school of enrollment. The definition for the term, "student of enrollment," is also updated.

These changes are made in addition to separate changes originating in the Finance Committee and passed by the Board on second reading in the February Board meeting. Those changes would otherwise have been on the Consent Calendar this month. This amendment combines those changes with the additional technical changes, with the suggestion that all changes be approved on all three readings this month.

**Board Strategic Plan:**

This item supports the following imperative(s) and strategies in the Board's Strategic Plan:

- Imperatives: I. Educational Equity, and III. System Values
- Strategies: Accountability, Educational options, and Oversight

**Anticipated Action:**

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

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1 **R277. Education, Administration.**

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

3 **R277-419-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

7 (b) Subsection 53A-1-401(3), which allows the Board to make rules in  
8 accordance with its responsibilities;

9 (c) Subsection 53A-1-402(1)(e), which directs the Board to establish rules and  
10 standards regarding:

11 (i) cost-effectiveness;

12 (ii) school budget formats; and

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

14 (d) Subsection 53A-1-404(2), which directs that local school board auditing  
15 standards shall include financial accounting and student accounting;

16 (e) Subsection 53A-1-301(3)(d), which directs the Superintendent to present  
17 to the Governor and the Legislature data on the funds allocated to LEAs; and

18 (f) Section 53A-3-404, which requires annual financial reports from all school  
19 districts.

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

22 **R277-419-2. Definitions.**

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

25 (2) "Approved CTE course" means a course approved by the Board within the  
26 Career and Technical Education (CTE) Pathways in the eight areas of study.

27 (3) "Blended learning program" means a program under the direction of an  
28 LEA:

29 (a) where a student learns at least in part:

30 (i) at a supervised brick and mortar location away from a student's home; and

31 (ii) through an online delivery; and

32 (b) that may include some element of student control over time, place, or  
33 path, or pace.

34 (4) "Brick and mortar school" means a traditional school or traditional school  
35 building.

36 (5) "Competency based learning program" means an education program that  
37 requires a student to acquire a competency and includes a classroom structure and  
38 operation that aid and facilitate the acquisition of specified competencies on an  
39 individual basis wherein a student is allowed to master and demonstrate  
40 competencies as fast as the student is able.

41 (6) "Continuing enrollment measurement" means a methodology used to  
42 establish a student's continuing membership or enrollment status for purposes of  
43 generating membership days.

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

48 (8) "Distance learning program" means a program, under the direction of an  
49 LEA, in which students receive educational services in a location other than a brick  
50 and mortar school, and may include educational services delivered over the internet.

51 (9) "Early graduation student" means a student who has an early graduation  
52 student education plan as described in Rule R277-703.

53 (10) "Electronic High School" means a rigorous program offering 9-12 grade  
54 level courses delivered over the Internet and coordinated by the USOE.

55 (11) "Eligible student" means a student who satisfies the criteria for enrollment  
56 in an LEA, set forth in Subsection R277-419-5.

57 (12) "Enrollment verification data" includes:

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

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

60 (c) proof of Utah public school residency;

61 (d) family income verification; or

62 (e) special education program information, including:

63 (i) an individualized education program;

64 (ii) a Section 504 accommodation plan; or  
65 (iii) an English learner plan.

66 (13) “Face-to-face learning program” means a program within an LEA that  
67 consists of eligible, enrolled public school students who physically attend school in  
68 a brick and mortar school.

69 (14) “Home school” means the formal instruction of children in their homes  
70 instead of in an LEA. The differences between a home school student and an online  
71 student include:

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

74 (b) an online student is:

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

76 (ii) included in accountability measures;

77 (c) an online student receives instruction under the direction of highly  
78 qualified, licensed teachers who are subject to the licensure requirements of Rule  
79 R277-502 and fingerprint and background checks consistent with Rules R277-516  
80 and R277-520;

81 (d) instruction delivered in a home school course is not eligible to be claimed  
82 in membership of an LEA and does not qualify for funding under the Minimum  
83 School Program in Title 53A, Chapter 17a, Minimum School Program Act.

84 (15) “Home school course” means instruction:

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

89 (b) not supervised or directed by an LEA.

90 (16) “Influenza pandemic” or “pandemic” means a global outbreak of serious  
91 illness in people. It may be caused by a strain of influenza that most people have no  
92 natural immunity to and that is easily spread from person to person.

93 (17) “ISI-1” means a student who receives 1 to 59 minutes of YIC related  
94 services during a typical school day.

95 (18) “ISI-2” means a student who receives 60 to 179 minutes of YIC related

96 services during a typical school day.

97 (19) "Membership" means a public school student is on the current roll of a  
98 public school class or public school as of a given date:

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

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

104 (20) "Minimum School Program" means the same as that term is defined in  
105 Section 53A-17a-103.

106 (21) "Nontraditional Program" means a program within an LEA that consists  
107 of eligible, enrolled public school students where the student receives instruction  
108 through a:

109 (a) distance learning program;

110 (b) online learning program;

111 (c) blended learning program; or

112 (d) competency based learning program.

113 (22) "Online learning program" means a program:

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

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

116 (23) "Private school" means an educational institution that:

117 (a) is not an LEA;

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

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

122 (24) "Program" means a course of instruction within a school that is designed  
123 to accomplish a predetermined curricular objective or set of objectives.

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

128 (26) “Qualifying school age” means:  
129 (a) a person who is at least five years old and no more than 17 years old on  
130 or before September 1;  
131 (b) with respect to special education, a person who is at least three years old  
132 and no more than 21 years old on or before September 1;  
133 (3) with respect to YIC, a person who is at least five years old and no more  
134 than 21 years old on or before September 1.  
135 (27). “Retained senior” means a student beyond the general compulsory  
136 school age who is authorized at the discretion of an LEA to remain in enrollment as  
137 a high school senior in the year(s) after the student’s cohort has graduated due to:  
138 (a) sickness;  
139 (b) hospitalization;  
140 (c) pending court investigation or action; or  
141 (d) other extenuating circumstances beyond the control of the student.  
142 (28) “S1” means the record maintained by the USOE containing individual  
143 student demographic and school membership data in a Data Clearinghouse file.  
144 (29) “S2” means the record maintained by the USOE containing individual  
145 student data related to participation in a special education program in a Data  
146 Clearinghouse file.  
147 (30) “S3” means the record maintained by the USOE containing individual  
148 student data related to participation in a YIC program in a Data Clearinghouse file.  
149 (31) “School” means an educational entity governed by an LEA that:  
150 (a) is supported with public funds;  
151 (b) includes enrolled or prospectively enrolled full-time students;  
152 (c) employs licensed educators as instructors that provide instruction  
153 consistent with Rule R277-502-5;  
154 (d) has one or more assigned administrators;  
155 (e) is accredited consistent with Rule R277-410-3; and  
156 (f) administers required statewide assessments to the school’s students.  
157 (32) “School day” means:  
158 (a) a minimum of two hours per day per session in kindergarten and a  
159 minimum of four hours per day in grades one through twelve, subject to the following

160 constraints described in Subsection (32)(b).

161 (b)(i) All school day calculations shall exclude lunch periods and pass time  
162 between classes but may include recess periods that include organization or  
163 instruction from school staff.

164 (ii) Each day that satisfies hourly instruction time shall count as a school day,  
165 regardless of the number or length of class periods or whether or not particular  
166 classes meet.

167 (33) "School membership" means membership other than in a special  
168 education or YIC program in the context of the Data Clearinghouse.

169 (34) "School of enrollment" means ~~[- the school]:~~

170 (a) ~~[where a student takes a majority of the student's classes]~~ a student's  
171 school of record; and

172 (b) ~~[designated to receive the student's weighted pupil unit]~~ the school that  
173 maintains the student's cumulative file, enrollment information, and transcript for  
174 purposes of high school graduation.

175 (35) "School year" means the 12 month period from July 1 through June 30.

176 (36) "Self-contained" means a public school student with an IEP or YIC, who  
177 receives 180 minutes or more of special education or YIC related services during a  
178 typical school day.

179 (37) "Self-Contained Resource Attendance Management (SCRAM)" means  
180 a record that tracks the aggregate membership of public school special education  
181 students for state funding purposes.

182 (38) "SSID" means Statewide Student Identifier.

183 (39) "Unexcused absence" means an absence charged to a student when:

184 (a) the student was not physically present at school at any of the times  
185 attendance checks were made in accordance with Subsection R277-419-4(8); and

186 (b) the student's absence could not be accounted for by evidence of a  
187 legitimate or valid excuse in accordance with local board policy on truancy as  
188 defined in Section 53A-11-101.

189 (40) "Year end upload" means the Data Clearinghouse file due annually by  
190 July 15 from LEAs to the USOE for the prior school year.

191 (41) "Youth in Custody (YIC)" means a person under the age of 21 who is:

- 192 (a) in the custody of the Department of Human Services;  
193 (b) in the custody of an equivalent agency of a Native American tribe  
194 recognized by the United States Bureau of Indian Affairs and whose custodial parent  
195 or legal guardian resides within the state; or  
196 (c) being held in a juvenile detention facility.

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

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

201 (b) All schools shall submit a Clearinghouse report to the Superintendent.

202 (c) All schools shall employ at least one licensed educator and one  
203 administrator.

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

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

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

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

212 (3) A private school or program may not be required to submit data to the  
213 USOE.

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

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

216 (1)(a) Except as provided in Subsection (1)(b), an LEA shall conduct school  
217 for at least 990 instructional hours and 180 school days each school year.

218 (b) an LEA may seek an exception to the number of school days described  
219 in Subsection (1)(a) for an individual student or school as provided for in Section  
220 R277-419-10.

221 (2) An LEA may offer the required school days and hours described in

222 Subsection (1)(a) at any time during the school year, consistent with the law.

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

227 (b) In the event that the Board is unable to meet in a timely manner, the  
228 Superintendent may issue a waiver following consultation with a majority of Board  
229 members.

230 (c) A waiver may be for a designated time period, for a specific area, or for a  
231 specific LEA in the state, as determined by the health department directive.

232 (d) A waiver may allow an LEA to continue to receive state funds for pupil  
233 services and reimbursements.

234 (e) A waiver by the Board or Superintendent shall direct an LEA to provide as  
235 much notice to students and parents of the suspension of school services, as is  
236 reasonably possible.

237 (f) A waiver shall direct an LEA to comply with health department directives,  
238 but to continue to provide any services to students that are not inconsistent with the  
239 directive.

240 (g) The Board may encourage an LEA to provide electronic or distance  
241 learning services to affected students for the period of the pandemic or other public  
242 health emergency to the extent of personnel and funds available.

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

245 (5) An LEA's governing board is encouraged to provide adequate school days  
246 and hours in the LEA's yearly calendar to avoid the necessity of a waiver request  
247 except in the most extreme circumstances.

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

251 (a) entry date;

252 (b) exit date;

253 (c) exit or high school completion status;

254 (d) whether or not an absence was excused;  
255 (e) disability status (resource or self-contained, if applicable); and  
256 (f) YIC status (ISI-1, ISI-2 or self-contained, if applicable).

257 (7) An LEA shall ensure that:

258 (a) computerized or manually produced records for CTE programs are kept  
259 by teacher, class, and Classification of Instructional Program (CIP) code; and  
260 (b) the records described in Subsection (7)(a) clearly and accurately show for  
261 each student in a CTE class the:

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

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

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

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

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

275 (c) schools shall continue instructional activities throughout required  
276 calendared instruction days.

277 (10) An LEA shall employ an independent auditor, under contract, to:

278 (a) annually audit student accounting records; and  
279 (b) report the findings of the audit to:

280 (i) the LEA board; and  
281 (ii) the Finance and Statistics Section of the USOE.

282 (11) Reporting dates, forms, and procedures are found in the State of Utah  
283 Legal Compliance Audit Guide, provided to LEAs by the Superintendent in  
284 cooperation with the State Auditor's Office and published under the heading of APP  
285 C-5.

- 286 (12) The Superintendent:  
287 (a) shall review each LEA's student membership and fall enrollment audits as  
288 they relate to the allocation of state funds in accordance with the policies and  
289 procedures established in Rule R277-484-7 and 8; and  
290 (b) may periodically or for cause review LEA records and practices for  
291 compliance with the laws and this rule.

292 **R277-419-5. Student Membership Eligibility and Continuing Enrollment**  
293 **Measurements.**

- 294 (1) A student may enroll in two or more LEAs at the discretion of the LEAs.  
295 (2) A kindergarten student may only enroll in one LEA at a time.  
296 (3) In order to generate membership for funding through the Minimum School  
297 Program for any clock hour of instruction on any school day, an LEA shall ensure  
298 that a student being counted by the LEA in membership:  
299 (a) has not previously earned a basic high school diploma or certificate of  
300 completion;  
301 (b) has not been enrolled in a YIC program with a YIC time code other than  
302 ISI-1 or ISI-2;  
303 (c) does not have unexcused absences, which are determined using one of  
304 the continuing enrollment measurements described in Subsection (4);  
305 (d) is a resident of Utah as defined under Sections 53A-2-201 through 213;  
306 (e) is of qualifying school age or is a retained senior;  
307 (f)(i) is expected to attend a regular learning facility operated or recognized  
308 by an LEA on each regularly scheduled school day, if enrolled in a face-to-face  
309 learning program;  
310 (ii) has direct instructional contact with a licensed educator provided by an  
311 LEA at:  
312 (A) an LEA-sponsored center for tutorial assistance; or  
313 (B) the student's place of residence or convalescence for at least 120 minutes  
314 each week during an expected period of absence, if physically excused from such  
315 a facility for an extended period of time, due to:  
316 (l) injury;

317 (II) illness;  
318 (III) surgery;  
319 (IV) suspension;  
320 (V) pregnancy;  
321 (VI) pending court investigation or action; or  
322 (VII) an LEA determination that home instruction is necessary;  
323 (iii) is enrolled in an approved CTE course(s) on the campus of another state  
324 funded institution where such a course is:  
325 (A) not offered at the student's school of membership;  
326 (B) being used to meet Board-approved CTE graduation requirements under  
327 Rule R277-700-6(14); and  
328 (C) a course consistent with the student's SEOP/Plan for College and Career  
329 Readiness; or  
330 (iv) is enrolled in a nontraditional program under the direction of an LEA, other  
331 than the Utah Electronic High School, that:  
332 (A) is consistent with the student's SEOP/Plan for College and Career  
333 Readiness;  
334 (B) has been approved by the student's counselor; and  
335 (C) includes regular instruction or facilitation by a designated employee of an  
336 LEA.  
337 (4) An LEA shall use one of the following continuing enrollment measures:  
338 (a) For a student primarily enrolled in a face-to-face learning program, the  
339 LEA may not count a student as an eligible student if the eligible student has  
340 unexcused absences during all of the prior ten consecutive school days.  
341 (b) For a student enrolled in a nontraditional program, an LEA shall:  
342 (i) adopt a written policy that designates a continuing enrollment  
343 measurement to document the continuing membership or enrollment status for each  
344 student enrolled in the nontraditional program consistent with Subsection (3)(c);  
345 (ii) document each student's continued enrollment status in compliance with  
346 the continuing enrollment policy at least once every ten consecutive school days;  
347 and  
348 (iii) appropriately adjust and update student membership records in the

349 student information system for students that did not meet the continuing enrollment  
350 measurement, consistent with Subsection (3)(c).

351 (5) The continuing enrollment measurement described in Subsection (4)(b)  
352 may include some or all of the following components, in addition to other  
353 components, as determined by an LEA:

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

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

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

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

360 (6) For a student enrolled in both face-to-face and nontraditional programs,  
361 an LEA shall measure a student's continuing enrollment status using the  
362 methodology for the program in which the student earns the majority of their  
363 membership days.

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

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

370 **R277-419-6. Student Membership Calculations.**

371 (1)(a) Except as provided in Subsection (1)(b), a student is eligible for no  
372 more than 180 days of regular membership per school year.

373 (b) An early graduation student may be counted for more than 180 days of  
374 regular membership in accordance with the student's early graduation student  
375 education plan.

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

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

380 school year.

381 (2) A student enrolled in two or more LEAs is eligible for no more than 180  
382 days of regular membership per school year.

383 (3) If a student is enrolled in two or more LEAs, the Superintendent shall  
384 apportion the 180 days of regular membership between the LEAs.

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

390 (a) If the student was enrolled for 4 periods each day in a 7 period school day  
391 for all 180 school days, the student's aggregate membership would be  $\frac{4}{7}$  of 180  
392 days or 103 days.

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

395 (5) For students in grades 2 through 12, an LEA shall calculate the days in  
396 membership using a method equivalent to the following: total clock hours of  
397 instruction for which the student was enrolled during the school year divided by 990  
398 hours and then multiplied by 180 days and finally rounded up to the nearest whole  
399 day. For example, if a student was enrolled for only 900 hours during the school  
400 year, the student's aggregate membership would be  $(\frac{900}{990}) * 180$ , and the LEA  
401 would report 164 days.

402 (6) For students in grade 1, an LEA shall adjust the first term of the formula  
403 to use 810 hours as the denominator.

404 (7) For students in kindergarten, an LEA shall adjust the first term of the  
405 formula to use 450 hours as the denominator.

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

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

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

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

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

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

418 (ii) participating in one or more extracurricular activities under Rule R277-438,  
419 but has otherwise been exempted from school attendance under Section  
420 53A-11-102 for home schooling;

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

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

426 (i) a concurrent enrollment program that satisfies all the criteria of Rule  
427 R277-713;

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

432 (iii) a foreign exchange student program under Subsection 53A-2-206(8);

433 (iv) Electronic High School courses for credit which meet curriculum  
434 requirements, consistent with the student's SEOP/Plan for College and Career  
435 Readiness and following written school counselor approval; or

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

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

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

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

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

446 (2) For the second operational year of a charter school or a new satellite  
447 campus, the Superintendent shall determine the charter school's WPU funding  
448 based on Section 53A-17a-106.

449 **R277-419-8. Reporting Requirements.**

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

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

456 **R277-419-9. High School Completion Status.**

457 (1) An LEA shall account for the final status of all students who enter high  
458 school (grades ~~10~~9-12) whether they graduate or leave high school for other  
459 reasons, using the following decision rules to indicate the high school completion or  
460 exit status of each student who leaves the Utah public education system:

461 (a) graduates are students who earn a basic high school diploma by satisfying  
462 one of the options consistent with Rule R277-705-4(2) or out-of-school youths of  
463 school age who complete adult education secondary diploma requirements  
464 consistent with R277-733;

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

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

468 (ii)(A) meet any additional criteria established by an LEA consistent with its  
469 authority under Rule R277-705-4;

470 (B) meet any criteria established for special education students under Utah  
471 State Board of Education Special Education Rules, Revised, November 2013, and  
472 available from the USOE, and R277-700-8(5); or

473 (C) pass a General Educational Development (GED) test with a designated  
474 score;

475 (c) continuing students are students who:

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

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

479 (iii) age out of special education;

480 (d) dropouts are students who:

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

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

484 (iii) are expelled and do not re-enroll in another public education institution;

485 or

486 (iv) transfer to adult education;

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

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

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

492 (iii) is a non-U.S. citizen who enrolls in a Utah public school as a foreign  
493 exchange student under Section 53A-2-206 in which case the student shall be  
494 identified by resident status (J for those with a J-1 visa, F for all others), not by an  
495 exit code; ~~or~~

496 (iv) dies; or

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

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

502 (b) High School completion status or exit codes for each student are due to  
503 the Superintendent by year end upload for processing and auditing.

504 (c) Except as provided in Subsection (2)(d), an LEA shall submit any further

505 updates of completion status or exit codes by October 1 following the end of a  
506 student's graduating cohort pursuant to Rule R277-484-3.

507 (d) An LEA with an alternative school year schedule where all of the students  
508 have an extended break in a season other than summer, shall submit the LEA's data  
509 by the next complete data submission update, following the LEA's extended break,  
510 as defined in Rule R277-484-3.

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

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

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

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

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

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

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

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

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

529 (ii) school with the latest exit date;

530 (iii) school with the earliest entry date;

531 (iv) school with the highest total membership;

532 (v) school of choice;

533 (vi) school with highest attendance; or

534 (vii) school with highest cumulative GPA.

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

537 **R277-419-10. Student Identification and Tracking.**

538 (1)(a) Pursuant to Section 53A-1-603.5, an LEA shall:

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

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

544 (b) The unique student identifier:

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

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

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

552 (a) A school shall transcribe the names from the student's birth certificate or  
553 other reliable proof of the student's identity and age, consistent with Section 53A-11-  
554 503;

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

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

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

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

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

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

572 **R277-419-11. Variances.**

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

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

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

580 (b) If school is closed for any reason, the school shall make up the  
581 instructional time missed under the emergency/activity time as part of the minimum  
582 required time to qualify for full Minimum School Program funding.

583 (3)(a) To provide planning and professional development time for staff, an  
584 LEA may hold school longer some days of the week and shorter other days so long  
585 as minimum school day requirements, as provided for in Subsection R277-419-  
586 2(32), are satisfied.

587 (b) A school may conduct parent-teacher and Student Education Plan (SEP)  
588 conferences during the school day.

589 (c) Parent-teacher and SEP conferences may only be held for a total of the  
590 equivalent of three full school days or a maximum of 16.5 hours for the school year.

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

593 (e) An LEA may designate no more than 12 instructional days at the  
594 beginning of the school year, at the end of the school year, or both for the  
595 assessment of students entering or completing kindergarten.

596 (f) If instruction days are designated for kindergarten assessment:

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

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

600 (iii) qualified school employees shall conduct the assessment consistent with  
601 Section 53A-3-410; and

602 (iv) assessment time per student shall be adequate to justify the forfeited  
603 instruction time.

604 (g) The final decision and approval regarding planning time, parent-teacher  
605 and SEP conferences rests with an LEA, consistent with Utah law and Board  
606 administrative rules.

607 (h) Total instructional time and school calendars shall be approved by an LEA  
608 in an open meeting.

609 (4) A school using a modified 45-day/15-day year round schedule initiated  
610 prior to July 1, 1995 shall be considered to be in compliance with this rule if the  
611 school's schedule includes a minimum of 990 hours of instruction time in a minimum  
612 of 172 days.

613 **KEY: education finance, school enrollment, pupil accounting**

614 **Date of Enactment or Last Substantive Amendment: 2016**

615 **Notice of Continuation: 2016**

616 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3);**  
617 **53A-1-402(1)(e); 53A-1-404(2); 53A-1-301(3)(d); 53A-3-404; 53A-3-410**