

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Natalie Grange, CPA CFE
School Finance Director

DATE: June 9-10, 2016

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

Background:

The Standards and Assessment Committee reviewed previously proposed changes to R277-419 in a prior meeting. Following these changes, School Finance staff met with staff from the Data and Statistics Section to discuss implementation of the changes. During this process, staff discovered that additional changes would be needed to clarify the maximum membership allowances for each student, as contained in R277-419-6. The proposed changes clarify exceptions to the rule allowing only 180 days of aggregate regular membership per school year for each student in the state.

A previous change approved by the Board in May 2016 on second reading is incorporated into this rule. An additional change to the authority and purpose section of the rule is also included.

Board Strategic Plan:

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

- Educational Equity
- System Values

Action:

It is proposed that the Finance Committee consider approving R277-419, as amended, on 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) Section 53A-1-401, which allows the Board to make rules [~~in accordance~~
8 ~~with its responsibilities~~] to execute the Board's duties and responsibilities under the
9 Utah Constitution and state law;

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

12 (i) cost-effectiveness;

13 (ii) school budget formats; and

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

15 (d) Subsection 53A-1-404(2), which [~~directs that~~]requires a local school
16 board's auditing standards [~~shall~~]to include financial accounting and student
17 accounting;

18 (e) Subsection 53A-1-301(3)(d), which [~~directs~~]requires the Superintendent
19 to present to the Governor and the Legislature data on the funds allocated to LEAs;
20 and

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

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

25 **R277-419-2. Definitions.**

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

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

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

- (a) where a student learns at least in part:
- (i) at a supervised brick and mortar location away from a student's home; and
 - (ii) through an online delivery; and
- (b) that may include some element of student control over time, place, or path, or pace.
- (4) "Brick and mortar school" means a traditional school or traditional school building.
- (5) "Competency based learning program" means an education program that requires a student to acquire a competency and includes a classroom structure and operation that aid and facilitate the acquisition of specified competencies on an individual basis wherein a student is allowed to master and demonstrate competencies as fast as the student is able.
- (6) "Continuing enrollment measurement" means a methodology used to establish a student's continuing membership or enrollment status for purposes of generating membership days.
- (7) "Data Clearinghouse" means the electronic data collection system used by the USOE to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.
- (8) "Distance learning program" means a program, under the direction of an LEA, in which students receive educational services in a location other than a brick and mortar school, and may include educational services delivered over the internet.
- (9) "Early graduation student" means a student who has an early graduation student education plan as described in Rule R277-703.
- (10) "Electronic High School" means a rigorous program offering 9-12 grade level courses delivered over the Internet and coordinated by the USOE.
- (11) "Eligible student" means a student who satisfies the criteria for enrollment in an LEA, set forth in Subsection R277-419-5.
- (12) "Enrollment verification data" includes:
- (a) a student's birth certificate or other verification of age;
 - (b) verification of immunization or exemption from immunization form;
 - (c) proof of Utah public school residency;

64 (d) family income verification; or
65 (e) special education program information, including:
66 (i) an individualized education program;
67 (ii) a Section 504 accommodation plan; or
68 (iii) an English learner plan.

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

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

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

77 (b) an online student is:
78 (i) subject to laws and rules governing state and federal mandated tests; and
79 (ii) included in accountability measures;

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

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

87 (15) “Home school course” means instruction:
88 (a) delivered in a home school environment where the curriculum and
89 instruction methods, evaluation of student progress or mastery, and reporting, are
90 provided or administered by the parent, guardian, custodian, or other group of
91 individuals; and
92 (b) not supervised or directed by an LEA.

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

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

(18) "ISI-2" means a student who receives 60 to 179 minutes of YIC related services during a typical school day.

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

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

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

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

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

(a) distance learning program;

(b) online learning program;

(c) blended learning program; or

(d) competency based learning program.

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

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

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

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

(a) is not an LEA;

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

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

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

(25) "Resource" means a student who receives 1 to 179 minutes of special

128 education services during a typical school day consistent with the student's IEP
129 provided for under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.
130 Sec. 1400 et seq., amended in 2004.

131 (26) "Qualifying school age" means:

132 (a) a person who is at least five years old and no more than ~~[17]~~18 years old
133 on or before September 1;

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

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

138 (27). "Retained senior" means a student beyond the general compulsory
139 school age who is authorized at the discretion of an LEA to remain in enrollment as
140 a high school senior in the year(s) after the student's cohort has graduated due to:

141 (a) sickness;

142 (b) hospitalization;

143 (c) pending court investigation or action; or

144 (d) other extenuating circumstances beyond the control of the student.

145 (28) "S1" means the record maintained by the USOE containing individual
146 student demographic and school membership data in a Data Clearinghouse file.

147 (29) "S2" means the record maintained by the USOE containing individual
148 student data related to participation in a special education program in a Data
149 Clearinghouse file.

150 (30) "S3" means the record maintained by the USOE containing individual
151 student data related to participation in a YIC program in a Data Clearinghouse file.

152 (31) "School" means an educational entity governed by an LEA that:

153 (a) is supported with public funds;

154 (b) includes enrolled or prospectively enrolled full-time students;

155 (c) employs licensed educators as instructors that provide instruction
156 consistent with Rule R277-502-5;

157 (d) has one or more assigned administrators;

158 (e) is accredited consistent with Rule R277-410-3; and

159 (f) administers required statewide assessments to the school's students.

(32) "School day" means:

(a) a minimum of two hours per day per session in kindergarten and a minimum of four hours per day in grades one through twelve, subject to the following constraints described in Subsection (32)(b).

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

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

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

(34) "School of enrollment" means:

(a) a student's school of record; and

(b) the school that maintains the student's cumulative file, enrollment information, and transcript for purposes of high school graduation.

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

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

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

(38) "SSID" means Statewide Student Identifier.

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

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

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

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

192 (41) "Youth in Custody (YIC)" means a person under the age of 21 who is:
193 (a) in the custody of the Department of Human Services;
194 (b) in the custody of an equivalent agency of a Native American tribe
195 recognized by the United States Bureau of Indian Affairs and whose custodial parent
196 or legal guardian resides within the state; or
197 (c) being held in a juvenile detention facility.

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

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

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

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

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

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

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

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

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

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

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

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

219 (b) an LEA may seek an exception to the number of school days described
220 in Subsection (1)(a) for an individual student or school as provided for in Section
221 R277-419-11.

(2) An LEA may offer the required school days and hours described in Subsection (1)(a) at any time during the school year, consistent with the law.

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

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

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

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

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

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

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

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

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

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

(a) entry date;

(b) exit date;

254 (c) exit or high school completion status;
255 (d) whether or not an absence was excused;
256 (e) disability status (resource or self-contained, if applicable); and
257 (f) YIC status (ISI-1, ISI-2 or self-contained, if applicable).
258 (7) An LEA shall ensure that:
259 (a) computerized or manually produced records for CTE programs are kept
260 by teacher, class, and Classification of Instructional Program (CIP) code; and
261 (b) the records described in Subsection (7)(a) clearly and accurately show for
262 each student in a CTE class the:
263 (i) entry date;
264 (ii) exit date; and
265 (iii) excused or unexcused status of absence.
266 (8) An LEA shall ensure that each school within the LEA completes a
267 minimum of one attendance check each school day.
268 (9) Due to school activities requiring schedule and program modification
269 during the first days and last days of the school year:
270 (a) for the first five school days, an LEA may report aggregate days of
271 membership equal to the number recorded for the second five-day period of the
272 school year;
273 (b) for the last five-day period, an LEA may report aggregate days of
274 membership equal to the number recorded for the immediately preceding five-day
275 period; and
276 (c) schools shall continue instructional activities throughout required
277 calendared instruction days.
278 (10) An LEA shall employ an independent auditor, under contract, to:
279 (a) annually audit student accounting records; and
280 (b) report the findings of the audit to:
281 (i) the LEA board; and
282 (ii) the Finance and Statistics Section of the USOE.
283 (11) Reporting dates, forms, and procedures are found in the State of Utah
284 Legal Compliance Audit Guide, provided to LEAs by the Superintendent in
285 cooperation with the State Auditor's Office and published under the heading of APP

C-5.

(12) The Superintendent:

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

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

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

(1) A student may enroll in two or more LEAs at the discretion of the LEAs.

(2) A kindergarten student may only enroll in one LEA at a time.

(3) In order to generate membership for funding through the Minimum School Program for any clock hour of instruction on any school day, an LEA shall ensure that a student being counted by the LEA in membership:

(a) has not previously earned a basic high school diploma or certificate of completion;

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

(c) does not have unexcused absences, which are determined using one of the continuing enrollment measurements described in Subsection (4);

(d) is a resident of Utah as defined under Sections 53A-2-201 through 213;

(e) is of qualifying school age or is a retained senior;

(f)(i) is expected to attend a regular learning facility operated or recognized by an LEA on each regularly scheduled school day, if enrolled in a face-to-face learning program;

(ii) has direct instructional contact with a licensed educator provided by an LEA at:

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

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

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

(iii) appropriately adjust and update student membership records in the student information system for students that did not meet the continuing enrollment measurement, consistent with Subsection (3)(c).

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

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

(b) required periodic contact with a licensed educator;

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

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

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

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

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

R277-419-6. Student Membership Calculations.

(1)(a) Except as provided in Subsection (1)(b) or (1)(c), a student enrolled in only one LEA during a school year is eligible for no more than 180 days of regular membership per school year.

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

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

380 ~~[(d) A student transferring to or from an LEA with a schedule approved under~~
381 ~~R277-419-4(1)(b) is eligible for no more than 220 days of regular membership per~~
382 ~~school year.]~~

383 (2)(a) Except as provided in Subsection (2)(b), (2)(c), or (2)(d), [A]a student
384 enrolled in two or more LEAs during a school year is eligible for no more than 180
385 days of regular membership per school year.

386 (b) A student transferring to or from an LEA with a schedule approved under
387 Subsection R277-419-4(1)(b) is eligible for no more than 220 days of regular
388 membership per school year.

389 (c) A student transferring to or from an LEA where the student attended or will
390 attend a year-round school is eligible for no more than 205 days of regular
391 membership per school year.

392 (d) If the exceptions in Subsections (2)(b) and (2)(c) do not apply but a
393 student transfers from one LEA to another at least one time during the school year,
394 the student is eligible for regular membership in an amount not to exceed the sum
395 of:

396 (i) 170 days; plus

397 (ii) 10 days multiplied by the number of LEAs the student attended during the
398 school year.

399 (3) If a student is enrolled in two or more LEAs during a school year and the
400 aggregate regular membership generated for the student between all LEAs exceeds
401 the amount allowed under Subsection (2), the Superintendent shall apportion the
402 ~~[180]~~ days of regular membership allowed between the LEAs.

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

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

411 (b) If the student was enrolled for 7 periods each day in a 7 period school day

for 103 school days, the student's membership would also be 103 days.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

R277-419-9. High School Completion Status.

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

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

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

(i) are in membership in twelfth grade on the last day of the school year; and
(ii)(A) meet any additional criteria established by an LEA consistent with its authority under Rule R277-705-4;

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

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

(c) continuing students are students who:

(i) transfer to higher education, without first obtaining a diploma;
(ii) transfer to the Utah Center for Assistive Technology without first obtaining a diploma; or

(iii) age out of special education;

(d) dropouts are students who:

(i) leave school with no legitimate reason for departure or absence;
(ii) withdraw due to a situation so serious that educational services cannot be continued even under the conditions of R277-419-5(3)(f)(ii);

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

or

(iv) transfer to adult education;

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

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

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

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

514 (iv) dies; or

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

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

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

522 (c) Except as provided in Subsection (2)(d), an LEA shall submit any further
523 updates of completion status or exit codes by October 1 following the end of a
524 student's graduating cohort pursuant to Rule R277-484-3.

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

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

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

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

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

537 (ii) the student does not meet any exclusion rules as stated in Subsection

(1)(e).

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

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

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

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

(ii) school with the latest exit date;

(iii) school with the earliest entry date;

(iv) school with the highest total membership;

(v) school of choice;

(vi) school with highest attendance; or

(vii) school with highest cumulative GPA.

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

R277-419-10. Student Identification and Tracking.

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

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

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

(b) The unique student identifier:

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

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

(2) An LEA shall require all students to provide their legal first, middle, and last names at the time of registration to ensure that the correct SSID follows students

569 who transfer among LEAs.

570 (a) A school shall transcribe the names from the student's birth certificate or
571 other reliable proof of the student's identity and age, consistent with Section 53A-11-
572 503;

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

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

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

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

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

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

590 **R277-419-11. Variances.**

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

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

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

598 (b) If school is closed for any reason, the school shall make up the
599 instructional time missed under the emergency/activity time as part of the minimum

required time to qualify for full Minimum School Program funding.

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

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

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

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

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

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

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

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

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

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

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

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

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

631 **KEY: education finance, school enrollment, pupil accounting**
632 **Date of Enactment or Last Substantive Amendment: [~~May 23,~~]2016**
633 **Notice of Continuation: [~~September 14, 2012]~~2016**
634 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401;**
635 **53A-1-402(1)(e); 53A-1-404(2); 53A-1-301(3)(d); 53A-3-404; 53A-3-410**