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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Associate Superintendent
Policy and Communication

DATE: August 11-12, 2016

ACTION: R277-109 *Legislative Reporting and Accountability* (Continuation and Amendment)

Background:

R277-109 is amended to provide technical and conforming changes. R277-109 is also coming due for its five-year review and continuation filing date of October 11, 2016. Staff has reviewed the rule and determined that the rule continues to be necessary.

Board Strategic Plan:

This item supports the following imperative and strategies in the Board's Strategic Plan:
Oversight - Monitor, review, and provide general supervision to all public education institutions and other entities for which the State Board has responsibility.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-109, as continued and amended, on first reading and, if approved by the Committee, the Board consider approving R277-109, as continued and amended, on second reading.

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1 **R277. Education, Administration.**

2 **R277-109. Legislative Reporting and Accountability.**

3 **R277-109-[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 the]~~over public education ~~[system]~~in the Board~~[-by]~~;

7 (b) Subsection 53A-1-402(1), which directs the Board to establish rules and
8 minimum standards for the public schools~~[-by]~~;

9 (c) Subsection 53A-1-401(1)(a), which gives the Board general control and
10 supervision of the state's public education system for adoption and enforcement of
11 rules~~[-by]~~;

12 (d) Section 53A-1-401~~[(3)]~~; which allows the Board to ~~[adopt]~~make rules ~~[in~~
13 ~~accordance with its]~~to execute the Boards duties and responsibilities under the Utah
14 ~~[c]~~Constitution and state law[s], and allows the Board to interrupt disbursements of
15 state aid to any district which fails to comply with rules adopted in accordance with
16 Section 53A-1-401~~[(3)]~~.

17 ~~[B.]~~(2) The purpose of this rule is to:

18 (a) require the Superintendent to create data collection plans necessary as
19 determined by the Superintendent to fulfill statutory or Board reporting requirements;
20 and

21 (b) ~~[to]~~require LEAs to submit data upon request to the Superintendent.

22 (3) The rule provides that LEA participation in Minimum School Program
23 funding is conditioned upon LEAs providing complete and accurate data and
24 information to the Superintendent and the Board.

25 **R277-109-[4]2. Definitions.**

26 ~~[A. "Board" means the Utah State Board of Education.~~

27 ~~—— B. "LEA" means school districts, charter schools and other public education~~
28 ~~entities over which the Board has state constitutional authority.]~~

29 ~~[D.]~~(1) "Minimum school program funds" or ~~["MSP funds"]~~ means the~~[total~~
30 ~~of]~~ state and local funds appropriated for the Minimum School Program to support
31 educational activities in all grades Kindergarten through 12th grade, including the

32 Basic State-Supported School Program, Related to Basic Program, the
33 State-Supported Voted and Board Leeway Levy Programs, and other programs or
34 allocations appropriated by the Legislature in ~~[53A-17a, the]~~Title 53A, Chapter 17a,
35 Minimum School Program Act.

36 ~~[C.](2) “[Legislative statute or directive]~~Statutory or Board reporting
37 requirement” means a ~~[statute]~~reporting requirement as described in:

38 (a) the Utah Code or legislative intent as documented by legislative records[-];

39 or

40 (b) Board rule.

41 ~~[E. “Superintendent” means the State Superintendent of Public Instruction~~
42 ~~who is directed to administer all programs assigned to the Board under Section~~
43 ~~53A-1-301(1)(c).]~~

44 **R277-109-3. ~~[State] Board [of Education] Direction to [State] Superintendent~~**
45 **~~and LEA Appeal Process.~~**

46 ~~[A.](1) The [Board expects the]~~Superintendent shall, in consultation with
47 LEAs,~~[to]~~ collect data ~~[or]~~and prepare data collection reports or plans, as the Board
48 directs or as the Superintendent deems necessary, to fulfill statutory or Board
49 reporting requirements.

50 ~~[B.](2) The Superintendent is authorized by the Board to assist LEAs to fulfill~~
51 ~~reporting requests and to complete accountability or reporting plans.~~

52 (3) The Superintendent[’s authority extends to] may sanction[ing] an LEA[s],
53 if necessary, [for failure]if the LEA fails to provide required data or reports[-, up to
54 and including;]by withholding MSP funds [for an]due to the LEA’s failure to provide
55 complete and accurate data or reports as requested.

56 ~~[C.](4) The Superintendent[- or USOE staff, as authorized by the~~
57 ~~Superintendent,]~~ shall provide adequate notice to LEAs of reporting requirements
58 and procedures for providing data in requested formats.

59 ~~[D.](5) If an LEA does not comply with a data program request or requirement,~~
60 ~~the Superintendent shall provide adequate and timely notice to the LEA that data~~
61 ~~was not submitted accurately and completely and LEA has 30 days to respond to the~~
62 ~~Superintendent’s request for data or a required data report.~~

63 [E.](6) The Superintendent may impose sanctions for noncompliance up to
64 and including the withholding of MSP funds directly related to the data collection or
65 reporting requirement.

66 (7) The Superintendent may withhold the program funds related to the
67 requested data report or reporting requirement beginning with the next MSP transfer
68 or beginning with subsequent MSP transfers including MSP funding for a subsequent
69 fiscal year.

70 [F.](8) An LEA may appeal to the Board in writing the [s]Superintendent's
71 decision to withhold program funds within 10 calendar days.

72 [G.](9) The Board shall respond to the LEA within 30 calendar days.

73 [H.](10) The Board's response is the final administrative action.

74 **KEY: reporting, accountability**

75 **Date of Enactment or Last Substantive Amendment: [~~October 11, 2011~~]2016**

76 **Notice of Continuation: 2016**

77 **Authorizing, Implemented, or Interpreted Law: Art X Sec 3; 53A-1-402(1);**

78 **53A-1-401(1)(a); 53A-1-401(3)**