

1 **R277. Education, Administration.**

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

3 **R277-726-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

7 (b) Section [53F-4-514](#), which requires the Board to make rules providing for the
8 administration of statewide assessments to students enrolled in online courses;

9 (c) Section [53F-4-508](#), which requires the Board to make rules that establish a course
10 credit acknowledgment form and procedures for completing and submitting the form to the
11 Board; and

12 (d) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute the
13 Board's duties and responsibilities under the Utah Constitution and state law.

14 (2) The purpose of this rule is to:

15 (a) define necessary terms;

16 (b) provide and describe a program registration agreement; and

17 (c) provide other requirements for an LEA, the Superintendent, a parent and a student,
18 and a provider for program implementation and accountability.

19 **R277-726-2. Definitions.**

20 (1) "Actively participates" means the student actively participates as defined by the
21 provider.

22 (2) "Course completion" means that a student has completed a course with a passing
23 grade and the provider has transmitted the grade and credit to the primary LEA of enrollment.

24 (3)(a) "Course Credit Acknowledgment" or "CCA" means an agreement and
25 registration record using the Statewide Online Education Program application provided by the
26 Superintendent.

27 (b) Except as provided in Subsection [53F-4-508\(3\)\(h\)](#), the CCA shall be signed by the
28 designee of the primary school of enrollment, and the qualified provider.

29 (4)(a) "Eligible student" means a student enrolled in grades 6-12 in a secondary
30 environment in a course that:

31 (i) is offered by a public school; and

32 (ii) provides the student the opportunity to earn high school graduation credit.

33 (b) "Eligible student" does not include a student enrolled in an adult education
34 program.

35 (5) "Enrollment confirmation" means the student initially registered and actively
36 participated, as defined under Subsection(1).

37 (6)(a) "Executed CCA" means a CCA that has been signed by all parties as provided
38 in Subsection [53F-4-508](#)(3)(h) and received by the Superintendent.

39 (b) Following enrollment confirmation and participation, Superintendent directs funds
40 to the provider, consistent with Sections [53F-4-505](#) through [53F-4-507](#).

41 (7) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the
42 Blind.

43 (8) "Online course" means a course of instruction offered through the Statewide Online
44 Education Program.

45 (9) "Online course payment" means the amount withheld from a student's primary LEA
46 and disbursed or otherwise paid to the designated provider following satisfaction of the
47 requirements of the law, and as directed in Subsection [53F-4-507](#)(2).

48 (10) "Online course provider" or "provider" means:

49 (a) a school district school;

50 (b) a charter school;

51 (c) an LEA program created for the purpose of serving Utah students in grades 9-12
52 online; or

53 (d) a program of an institution of higher education described in Subsection [53F-4-](#)
54 [504](#)(3).

55 (11) "Primary LEA of enrollment" means the LEA in which an eligible student is
56 enrolled for courses other than online courses offered through the Statewide Online Education

57 Program, and which reports the student to be in regular membership, and special education
58 membership, if applicable.

59 (12) "Primary school of enrollment" means:

60 (a) a student's school of record within a primary LEA of enrollment; and

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

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

65 (14) "Statewide assessment" means a test or assessment required under [Rule R277-](#)
66 [404](#).

67 (15) "Statewide Online Education Program" or "program" means courses offered to
68 students under [Title 53F, Chapter 4, Part 5, Statewide Online Education Program Act](#).

69 (16) "Teacher of record" means the teacher who is employed by a provider and to
70 whom students are assigned for purposes of reporting and data submissions to the
71 Superintendent in accordance with Section [R277-484-3](#).

72 (17) "Underenrolled student" means a student with less than a full course load, as
73 defined by the LEA, during the regular school day at the student's primary school of
74 enrollment.

75 (18) "USB E course code" means a code for a designated subject matter course
76 assigned by the Superintendent.

77 (19) "Withdrawal from online course" means that a student withdraws or ceases
78 participation in an online course as follows:

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

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

83 (c) within 20 calendar days after the start date of the second 0.5 credit of a 1.0 credit
84 course; or

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

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

88 (1) A student, a student's parent, a counselor, or a provider may initiate a CCA.

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

91 (i) graduation requirements;

92 (ii) the student's plan for college and career readiness;

93 (iii) the student's IEP;

94 (iv) the student's Section 504 plan; or

95 (v) the student's international baccalaureate program.

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

98 (3)(a) The primary school of enrollment is not required to meet with the student or
99 parent for approval of a course request.

100 (b) The Superintendent shall notify a primary school of enrollment of a student's
101 enrollment in the program.

102 (4) If a student enrolling in the program has an IEP or a Section 504 plan, the primary
103 LEA or school of enrollment shall forward the IEP or description of 504 accommodations to
104 the provider within 72 business hours of receiving notice from the Superintendent that the
105 provider has accepted the enrollment request.

106 (5) The Superintendent shall develop and administer procedures for facilitation of a
107 CCA that informs all appropriate parties.

108 **R277-726-4. Eligible Student and Parent Rights and Responsibilities.**

109 (1) An eligible student may register for program credits consistent with Section [53F-4-](#)
110 [503](#).

111 (2) An eligible student may exceed a full course load during a regular school year if:

112 (a) the student's plan for college and career readiness indicates that the student
113 intends to complete high school graduation requirements and exit high school before the rest
114 of the student's high school cohort; and

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

116 (3) In accordance with Section [53F-4-509](#)(5), if a student enrolled in a program course
117 exceeds a full course load during a regular school year, a primary LEA of enrollment may
118 mark the student as an early graduate and increase membership in accordance with Section
119 [R277-419-6](#) and Rule [R277-484](#) to account for credits in excess of full-time enrollment in a
120 local Student Information System.

121 (4)(a) An eligible student is expected to complete courses in which the student enrolls
122 in a timely manner consistent with Section [53F-4-505](#) and requirements for attendance and
123 participation in accordance with Subsection [R277-726-7](#)(15).

124 (b) If a student changes the student's enrollment for any reason, it is the student's or
125 student's parent's responsibility to notify the provider immediately.

126 (5) A student should enroll in online courses, or declare an intention to enroll, during
127 the school course registration period designated by the primary LEA of enrollment for regular
128 course registration.

129 (6) A student may alter a course schedule by dropping a traditional course and adding
130 an online course in accordance with the primary school of enrollment's same established
131 deadline for dropping and adding traditional courses.

132 (7)(a) Notwithstanding Subsection (6), an underenrolled student may enroll in an online
133 course at any time during a calendar year.

134 (b) If an underenrolled student enrolls in an online course as described in Subsection
135 (7)(a), the primary school of enrollment may immediately claim the student for the adjusted
136 portion of enrollment.

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

138 (1) A primary school of enrollment shall facilitate student enrollment with any and all
139 eligible providers selected by an eligible student consistent with course credit limits.

140 (2) A primary school of enrollment or a provider LEA shall use the CCA application,
141 records, and processes provided by the Superintendent for the program.

142 (3) A primary school or LEA of enrollment shall provide information about available
143 online courses and programs:

144 (a) in registration materials;

145 (b) on the LEA's website; and

146 (c) on the school's website.

147 (4) A primary school or LEA of enrollment shall provide the notice required under
148 Subsection (3) concurrent with the high school course registration period designated by the
149 LEA for the upcoming school year to facilitate enrollment as required by Section [53F-4-513](#).

150 (5) A primary school of enrollment shall include a student's online courses in the
151 student's enrollment records and, upon course completion, include online course grades and
152 credits on the student's transcripts.

153 (6) A primary school of enrollment shall recognize credit earned by a participating
154 secondary student through courses completed prior to grade 9 for purposes of high school
155 graduation provided that:

156 (a) the student has in the student's records documentation of the student's intention
157 to graduate early; and

158 (b) the student is enrolled at a middle school or junior high school and a high school
159 accredited in accordance with Rule [R277-410](#).

160 (7) A primary school of enrollment shall determine fee waiver eligibility for participating
161 public school students.

162 (8) A primary school of enrollment shall provide participating students access to sports,
163 extracurricular and co-curricular activities, and graduation services consistent with local
164 policies governing participation irrespective of relative levels of participation in traditional
165 courses versus Statewide Online Education courses.

166 (9)(a) If a participating student's primary school of enrollment is a middle school or
167 junior high as defined in Rule [R277-700](#), course completions will be recorded in a student's

168 record of credit and course completion for grade 9 to allow recognition toward grades 9-12,
169 high school graduation requirements, and post-secondary requirements.

170 (b) A primary LEA accepting credit toward high school requirements is not required to
171 independently verify:

172 (i) early graduation status; or

173 (ii) the non-supplanting nature of SOEP courses.

174 (10) When a student satisfactorily completes an online semester or quarter course, in
175 accordance with the LEA's procedures, a designated counselor or registrar at the primary
176 school of enrollment shall forward records of grades and credit for students participating prior
177 to grade 9 to the student's grade 9 primary school of enrollment for recording grades and
178 credit per Subsection R277-726-5(8) once a student completes grade 8.

179 **R277-726-6. Superintendent Requirements and Responsibilities.**

180 (1) The Superintendent shall provide a website for the program, including information
181 required under Section [53F-4-512](#) and other information as determined by the Board.

182 (2) The Superintendent shall direct a provider to administer statewide assessments
183 consistent with Rule [R277-404](#) and Section [53F-4-514](#) for identified courses using LEA-
184 adopted and state-approved assessments.

185 (3)(a) The Board may determine space availability standards and appropriate course
186 load standards for online courses consistent with Subsection [53F-4-512](#)(3)(d).

187 (b) Course load standards may differ based on subject matter.

188 (4) The Board shall withhold funds from a primary LEA of enrollment and make
189 payments to a provider consistent with Sections [53F-4-505](#) through [53F-4-507](#).

190 (5) The Board may refuse to provide funds under a CCA if the Board finds that
191 information has been submitted fraudulently or in violation of the law or Board rule by any of
192 the parties to a CCA.

193 (6) The Superintendent shall receive and investigate complaints, and impose
194 sanctions, if appropriate, regarding course integrity, financial mismanagement, enrollment

195 fraud or inaccuracy, or violations of the law or this rule specific to the requirements and
196 provisions of the program.

197 (7) If a Board investigation finds that a provider has violated the IDEA or Section 504
198 provisions for a student taking online courses, the provider shall compensate the student's
199 primary LEA of enrollment for all costs related to compliance.

200 (8)(a) The Superintendent may audit, at the Board's sole discretion, an LEA's or
201 program participant's compliance with any requirement of state or federal law or Board rule
202 under the program.

203 (b) All participants shall provide timely access to all records, student information,
204 financial data or other information requested by the Board, the Board's auditors, or the
205 Superintendent upon request.

206 (9) The Board may withhold funds from a program participant for the participant's
207 failure to comply with a reasonable request for records or information.

208 (10) Program records are available to the public subject to [Title 63G, Chapter 2,](#)
209 [Government Records Access and Management Act.](#)

210 (11) The Superintendent shall withhold online course payment from a primary LEA of
211 enrollment and payments to an eligible provider at the nearest monthly transfer of funds,
212 subject to verification of information, in an amount consistent with, and at the time a provider
213 qualifies to receive payment, under Subsection [53F-4-505\(4\)](#).

214 (12) The Superintendent shall pay a provider consistent with Minimum School Program
215 funding transfer schedules.

216 (13)(a) The Superintendent may make decisions on questions or issues unresolved
217 by [Title 53F, Chapter 4, Part 5, Statewide Online Program Act](#) or this rule on a case-by-case
218 basis.

219 (b) The Superintendent shall report decisions described in Subsection (13)(a) to the
220 Board consistent with the purposes of the law and this rule.

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

222 (1)(a) A provider shall administer statewide assessments as directed by the

223 Superintendent, including proctoring statewide assessments, consistent with Section 53F-4-
224 415 and Rule R277-404.

225 (b) A provider shall pay administrative and proctoring costs for all statewide
226 assessments.

227 (2) A provider shall provide a parent or a student with email and telephone contacts
228 for the provider during regular business hours to facilitate parent contact.

229 (3) A provider and any third party working with a provider shall, for all eligible students,
230 satisfy all Board requirements for:

231 (a) consistency with course standards;

232 (b) criminal background checks for 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.

238 (4) A provider shall receive payments for a student properly enrolled in the program
239 from the Superintendent consistent with:

240 (a) Board procedures;

241 (b) Board timelines; and

242 (c) Sections 53F-4-505 through 53F-4-508.

243 (5)(a) A provider may charge a fee consistent with other secondary schools.

244 (b) If a provider intends to charge a fee of any kind, the provider:

245 (i) shall notify the primary school of enrollment with whom the provider has the CCA
246 of the purpose for fees and amounts of fees;

247 (ii) shall provide timely notice to a parent of required fees and fee waiver opportunities;

248 (iii) shall post fees on the provider website;

249 (iv) shall be responsible for fee waivers for an eligible student, including all materials
250 for a student designated fee waiver eligible by a student's primary school of enrollment;

251 (v) shall satisfy all requirements of Rule R277-407, as applicable; and

252 (vi) shall provide fee waivers to home school or private school students who meet fee
253 waiver eligibility at the provider's expense.

254 (6) A provider shall maintain a student's records and comply with the federal Family
255 Educational Rights and Privacy Act, [Title 53E, Chapter 9, Part 3, Utah Family Educational](#)
256 [Rights and Privacy Act](#), and Rule R277-487, including:

257 (a) protecting the confidentiality of a student's records and providing a parent and an
258 eligible student access to records[:]; and

259 (b) providing a parent or student documentation of educational performance, including:

260 (i) test scores;

261 (ii) grades;

262 (iii) progress and performance measures; and

263 (iv) completion of credit.

264 (7) Except as otherwise provided in this Rule [R277-726](#), a provider shall submit a
265 student's credit and grade to the Superintendent, using processes and applications provided
266 by the Superintendent for this purpose, to a designated counselor or registrar at the primary
267 school of enrollment, and the student's parent no later than:

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

270 (b) June 30 of the school year.

271 (8) A provider may not withhold a student's credits, grades, or transcripts from the
272 student, parent, or the student's school of enrollment for any reason.

273 (9)(a) If a provider suspends or expels a student from an online course for disciplinary
274 reasons, the provider shall notify the student's primary LEA of enrollment by placing the
275 student on disciplinary withdrawal.

276 (b) A provider is responsible for all due process procedures for student disciplinary
277 actions in the provider's online program.

278 (c)(i) A provider shall notify the Superintendent of a student's administrative withdrawal,
279 if the student is ~~[suspended]~~ inactive in a course for more than ten days, using forms and
280 processes developed by the Superintendent for this purpose.

281 (ii) If a student, parent, or counselor fails to request reinstatement following notification
282 under Subsection (c)(i), the provider shall formally withdraw the student within 72 hours and
283 notify the student, parent, and primary LEA of the action.

284 (10) If a student entitled to services under the IDEA is removed from an online program,
285 the primary LEA shall work with the student and the student's parents to identify alternatives
286 to provide a free and appropriate public education.

287 (1[0]1)(a) A provider shall provide to the Superintendent a list of course options using
288 USBE-provided course codes.

289 (b) All program courses shall be coded as semester or quarter courses.

290 (c) A provider shall update the provider's course offerings annually.

291 (1[4]2) A provider shall serve a student on a first-come-first-served basis who desires
292 to take courses and who is designated eligible by a primary school of enrollment if desired
293 courses have space available.

294 (1[2]3) A provider shall provide all records maintained as part of a public online school
295 or program, including:

296 (a) financial and enrollment records; and

297 (b) information for accountability and audit purposes upon request by the
298 Superintendent and the provider's external auditors.

299 (1[3]4) A provider shall maintain ~~[documentation of student work, including dates of~~
300 ~~submission, for program audit purposes:]~~ the following for at least three calendar years after
301 the student exits the provider's or third party's program:

302 (a) test scores;

303 (b) student grades;

304 (c) completion of credit; and

305 (d) other progress and performance measures

306 (1[4]5)(a) A provider is responsible for complete and timely submissions of record
307 changes to executed CCAs and submission of other reports and records as required by the
308 Superintendent.

309 (b) A provider shall update CCAs to the nearest credit value earned by June 30
310 annually.

311 (c) A provider may only maintain an CCA open after June 30 if a student remains
312 actively engaged in coursework, meeting the provider's standard of active participation.

313 (1[5]6) A provider shall inform a student and the student's parent of expectations for
314 active participation ~~[in]~~ prior to the inception of course work.

315 (1[6]7)(a) An LEA may participate in the program as a provider by offering a school or
316 program consistent with the provisions of Rule [R277-115](#) to a Utah secondary student[s] in
317 grades 6-12 who is not a resident student of the LEA and a regularly-enrolled student of the
318 LEA consistent with Sections [53F-4-501](#) and [53F-4-503](#).

319 (b) An LEA program created in accordance with Subsection (17)(a) for serving students
320 in grades 9-12 online must partner with an accredited school and shall:

321 (i) report grades and credit earned by a student to the Superintendent; and

322 (ii) record educator assignments consistent with Rule [R277-484](#).

323 (1[7]8) A program school or program shall:

324 (a) be accredited by the accrediting entity adopted by the Board consistent with Rule
325 R277-410;

326 (b) have a designated administrator who meets the requirements of Rule [R277-520](#);

327 (c) ensure that a student who qualifies for a fee waiver shall receive all services offered
328 by and through the public schools consistent with Section [53G-7-504](#) and Rule [R277-407](#);

329 (d) maintain student records consistent with:

330 (i) the [federal Family Educational Rights and Privacy Act](#), 20 U.S.C. Sec 1232g and
331 34 CFR Part 99; ~~[and]~~

332 (ii) Rule [R277-487](#); and

333 (iii) this Rule [R277-726](#); and

334 (e) shall offer course work:

335 (i) aligned with Utah Core standards;

336 (ii) in accordance with program requirements; and

337 (iii) in accordance with the provisions of Rules [R277-700](#) and [R277-404](#); ~~[and]~~

338 (f) shall not issue transcripts under the name of a third-party provider[-]; and
339 (g) shall record teaching assignments by November 15 annually consistent with Rule
340 [R277-484](#) and Section [R277-512-7](#), either directly or through a partner school in accordance
341 with Subsection (17)(b).

342 (1[8]9) An LEA that offers an online program or school as a provider under the
343 program:

344 (a) shall employ only educators licensed in Utah as teachers;

345 (b) may not employ an individual whose educator license has been suspended or
346 revoked;

347 (c) shall require all employees to meet requirements of [Title 53G, Chapter 11, Part 4](#),
348 Background Checks, prior to the provider offering services to a student;

349 (d) may only employ teachers who meet the requirements of Rule R277-510, Educator
350 Licensing - Highly Qualified Assignment;

351 (e) shall agree to administer and have the capacity to carry out statewide
352 assessments, including proctoring statewide assessments, consistent with Sections ~~[53F-4-~~
353 ~~514]~~ [53E-4-302](#), [53F-2-103](#), and Rule R277-404;

354 (f) in accordance with Section R277-726-8, shall provide services to a student
355 consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights Act of
356 1964 for English Language Learners (ELL);

357 (g) shall maintain copies of all CCAs for audit purposes; and

358 (h) shall agree that funds shall be withheld by the Superintendent consistent with
359 Sections [53F-4-505](#), [53F-4-506](#), and [53F-4-508](#).

360 ([19]20) A provider shall cooperate with the Superintendent in providing timely
361 documentation of student participation, enrollment, educator credentials, and other additional
362 data consistent with Board directives and procedures and as requested.

363 (2[0]1) A provider shall post required information online on the provider's individual
364 website including required assessment and accountability information.

365 (2[1]2)(a) A provider contracting with a third-party to provide educational services to
366 students participating with the provider through the Statewide Online Education Program shall:

367 (b) develop a written monitoring plan to supervise the activities and services provided
368 by the third-party provider to ensure:

369 (i) a third-party provider is complying with:

370 (A) federal law;

371 (B) state law; and

372 (C) Board rules;

373 (ii) curriculum provided by a third-party provider is aligned with the Board's core
374 standards and rules;

375 (iii) a third-party provider has access to curriculum for alignment and adjustment to
376 ensure the curriculum is consistent with the Utah core standards in Rule R277-700 and a
377 Board approved core code;

378 (i) supervision of third-party facilitation and instruction by an educator licensed in
379 Utah:

380 (A) employed by the provider, and

381 (B) reported as teacher of record per Section [R277-484-3](#) and Subsection [R277-726-](#)
382 2(3); and

383 (iv) consistent with the LEA's administrative records retention schedule, maintenance
384 of documentation of the LEA's supervisory activities.

385 (2) A provider shall offer courses consistent with standards outlined in an
386 applicable Statewide Services Agreement, which may be updated or amended to reflect
387 changes in law, rule or recommended practice.

388 (24) A provider LEA is not required to independently verify:

389 (a) early graduation status; or

390 (b) the non-supplanting nature of SOEP courses.

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

392 (1)(a) If a student wishes to receive services under Section 504 of the Rehabilitation
393 Act of 1973, the student shall make a request with the student's primary school of enrollment.

394 (b) The primary school of enrollment shall evaluate a student's request under
395 Subsection (1)(a) and determine if a student is eligible for Section 504 accommodations.

396 (c) If the primary school of enrollment determines the student is eligible, the school
397 shall prepare a Section 504 plan and implement the plan in accordance with Subsection (2)(b).

398 (2)(a) If a student requests services related to an existing Section 504 accommodation,
399 a provider shall:

400 (i) except as provided in Subsection (2)(b), review and implement the plan for the
401 student; and

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

404 (b) An LEA of enrollment shall provide a Section 504 plan of a student to a provider
405 within 72 business hours if:

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

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

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

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

411 (i) working with a provider LEA representative, review or develop an IEP for the
412 student within ten days of enrollment;

413 (ii) working with a provider LEA representative, update an existing IEP with necessary
414 accommodations and services, considering the courses selected by the student;

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

417 (iv) continue to claim the student in the primary LEA of enrollment's membership; and

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

420 (3) If a home or private school student requests an evaluation for eligibility to receive
421 special education services:

422 (a) the home or private school student's resident school shall:

- 423 (i) evaluate the student's eligibility for services under the IDEA;
- 424 (ii) if eligible, prepare an IEP for the student, with input from the provider LEA, in
425 accordance with the timelines required by the IDEA;
- 426 (iii) provide the IEP described in Subsection (4)(a)(ii) to the provider within 72 business
427 hours of completion of the student's IEP; and
- 428 (iv) claim the student in the resident school's membership; and
- 429 (b) the provider shall provide special education services and accommodations to the
430 student in accordance with the student's IEP described in Subsection (4)(a)(i) including in
431 cases where the provider utilizes a third party provider for delivery of educational or other
432 services.

433 **R277-726-9. Home and Private School Appropriation.**

- 434 (1) The Superintendent shall allocate the annual appropriation for home and private
435 school tuition, along with any carryover or unobligated funds, as follows:
- 436 ~~[(a) 50% of the total appropriation for home school students; and~~
437 ~~— (b) 50% of the total appropriation for private school students.~~
- 438 ~~— (2) The Superintendent shall receive and accept enrollment requests on a first come,
439 first served basis until all available funds are obligated.]~~
- 440 (a) Prior to December 1 annually, the Superintendent shall accommodate home school
441 students with a least 50% of the total appropriation for home and private school students,
442 unless the home school demand is less.
- 443 (b) After December 1 annually, until available funds are obligated, the Superintendent
444 shall:
- 445 (i) receive and accept enrollment requests on a first come, first served basis; and
446 (ii) offer preference to home school students in the event demand exceeds available
447 funding.
- 448 (3) If home school or private school student funds remain by ~~[March]~~ December 1, the
449 Superintendent may release the funds for any pending enrollment requests.

450 **R277-726-10. Other Information.**

451 (1) A primary school of enrollment shall set reasonable timelines and standards.

452 (2) A provider shall adhere to timelines and standards described in Subsection (1) for
453 student grades and enrollment in online courses for purposes of:

454 (a) school awards and honors;

455 (b) Utah High School Activities Association participation; and

456 (c) high school graduation.

457 **KEY: statewide online education program**

458 **Date of Enactment or Last Substantive Amendment: May 23, 2019**

459 **Notice of Continuation: December 15, 2015**

460 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); ~~[53A-15-1210]~~[53F-4-510](#);**

461 ~~[53A-15-1213]~~[53F-4-514](#); ~~[53A-1-401]~~[53E-3-401](#)