

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 53E-3-401(4), which allows the Board to make rules to execute the
8 Board's duties and responsibilities under the Utah Constitution and state law;

9 (c) Subsection 53E-3-501(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 53E-3-602(2), which requires a local school board's auditing
15 standards to include financial accounting and student accounting;

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

18 (f) Section 53G-4-404, which requires annual financial reports from all school
19 districts.

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

22

23 **R277-419-2. Definitions.**

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

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

28 (3) "Blended learning program" means a program under the direction of an 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 path, or
- 33 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 individual
- 39 basis wherein a student is allowed to master and demonstrate competencies as fast as the
- 40 student is able.
- 41 (6) "Continuing enrollment measurement" means a methodology used to establish
- 42 a student's continuing membership or enrollment status for purposes of generating
- 43 membership days.
- 44 (7) "Data Clearinghouse" means the electronic data collection system used by the
- 45 Superintendent to collect information required by law from LEAs about individual students
- 46 at certain points throughout the school year to support the allocation of funds and
- 47 accountability reporting.
- 48 (8) "Distance learning program" means a program, under the direction of an LEA,
- 49 in which students receive educational services in a location other than a brick and mortar
- 50 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) "Eligible student" means a student who satisfies the criteria for enrollment in
- 54 an LEA, set forth in Section R277-419-5.
- 55 (11) "Enrollment verification data" includes:
- 56 (a) a student's birth certificate or other verification of age;

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

58 (c) proof of Utah public school residency;

59 (d) family income verification; or

60 (e) special education program information, including:

61 (i) an individualized education program;

62 (ii) a Section 504 accommodation plan; or

63 (iii) an English learner plan.

64 (12) "Face-to-face learning program" means a program within an LEA that
65 consists of eligible, enrolled public school students who physically attend school in a brick
66 and mortar school.

67 (13)(a) "Home school" means the formal instruction of children in their homes
68 instead of in an LEA.

69 (b) The differences between a home school student and an online student include:

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

72 (ii) an online student is:

73 (A) subject to laws and rules governing state and federal mandated tests; and

74 (B) included in accountability measures;

75 (iii) an online student receives instruction under the direction of a highly qualified,
76 licensed teacher who is subject to the licensure requirements of R277-502 and fingerprint
77 and background checks consistent with R277-516 and R277-520;

78 (iv) instruction delivered in a home school course is not eligible to be claimed in
79 membership of an LEA and does not qualify for funding under the Minimum School
80 Program in Title 53F, Chapter 2, Minimum School Program Act.

81 (14) "Home school course" means instruction:

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

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

86 (15)(a) "Influenza pandemic" or "pandemic" means a global outbreak of serious
87 illness in people.

88 (b) "Influenza pandemic" or "pandemic" may be caused by a strain of influenza
89 that most people have no natural immunity to and that is easily spread from person to
90 person.

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

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

95 (18)(a) "Membership" means a public school student is on the current roll of a
96 public school class or public school as of a given date.

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

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

102 (19) "Minimum School Program" means the same as that term is defined in
103 Section 53F-2-102.

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

106 (a) distance learning program;

107 (b) online learning program;

108 (c) blended learning program; or

109 (d) competency based learning program.

110 (21) "Online learning program" means a program:

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

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

113 (22) "Private school" means an educational institution that:

114 (a) is not an LEA;

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

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

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

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

125 (25) "Qualifying school age" means:

126 (a) a person who is at least five years old and no more than 18 years old on or
127 before September 1;

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

130 (c) with respect to YIC, a person who is at least five years old and no more than
131 21 years old on or before September 1.

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

135 (a) sickness;

136 (b) hospitalization;

137 (c) pending court investigation or action; or

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

139 (27) "S1" means the record maintained by the Superintendent containing
140 individual student demographic and school membership data in a Data Clearinghouse file.

141 (28) "S2" means the record maintained by the Superintendent containing
142 individual student data related to participation in a special education program in a Data
143 Clearinghouse file.

144 (29) "S3" means the record maintained by the Superintendent containing
145 individual student data related to participation in a YIC program in a Data Clearinghouse
146 file.

147 (30) "School" means an educational entity governed by an LEA that:

148 (a) is supported with public funds;

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

150 (c) employs licensed educators as instructors that provide instruction consistent
151 with Section R277-502;

152 (d) has one or more assigned administrators;

153 (e) is accredited consistent with Section R277-410-3; and

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

155 (31) "School day" means a minimum of two hours per day per session in
156 kindergarten and a minimum of four hours per day in grades one through twelve, subject
157 to the requirements described in Section R277-419-4.

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

160 (33) "School of enrollment" means:

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

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

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

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

168 (36) "Self-Contained Resource Attendance Management (SCRAM)" means a

169 record that tracks the aggregate membership of public school special education students
170 for state funding purposes.

171 (37) "SSID" means Statewide Student Identifier.

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

173 (a) the student was not physically present at school at any of the times attendance
174 checks were made in accordance with Subsection R277-419-6(3); and

175 (b) the student's absence could not be accounted for by evidence of a legitimate
176 or valid excuse in accordance with local board policy on truancy as defined in Section
177 53G-6-201.

178 (39) "Year end upload" means the Data Clearinghouse file due annually by July
179 15 from LEAs to the Superintendent for the prior school year.

180 (40) "Youth in custody (YIC)" means a person under the age of 21 who is:

181 (a) in the custody of the Department of Human Services;

182 (b) in the custody of an equivalent agency of a Native American tribe recognized
183 by the United States Bureau of Indian Affairs and whose custodial parent or legal guardian
184 resides within the state; or

185 (c) being held in a juvenile detention facility.

186

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

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

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

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

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

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

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

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

201 (3) A private school or program may not be required to submit data to the
202 Superintendent.

203 (4) A private school or program may not receive annual accountability reports.
204

205 **R277-419-4. Minimum School Days.**

206 (1)(a) Except as provided in Subsection (1)(b) and Subsection 53F-2-102(4), an
207 LEA shall conduct school for at least 990 instructional hours over a minimum of 180 school
208 days each school year.

209 (b) an LEA may seek an exception to the number of school days described in
210 Subsection (1)(a):

211 (i) except as provided in Subsection (1)(b)(ii), for a whole school or LEA as
212 described in R277-121;

213 (ii) for a school closure due to snow, inclement weather, or other emergency as
214 described in R277-419-12; or

215 (iii) for an individual student as described in Section R277-419-11.

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

218 (b) All school day calculations shall:

219 (i) exclude lunch periods and pass time between classes;~~but may include recess~~
220 ~~periods that include organization or instruction from school staff.]~~

221 (ii) include recess periods; and

222 (iii) include alternative breakfast models where breakfast is consumed in class.

223 (c) Each school day that satisfies the minimum hourly instruction time described in
224 Subsection R277-419-2(31), shall count as a school day, regardless of the number or

225 length of class periods or whether or not particular classes meet.

226 (3)(a) An LEA shall plan for emergency, activity, and weather-related exigency
227 time in its annual calendaring.

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

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

233 (5) An LEA's governing board shall provide adequate contingency school days
234 and hours in the LEA's yearly calendar to avoid the necessity of requesting a waiver
235 except in the most extreme circumstances.

236 (6)(a) In addition to the allowance to use up to 32 instructional hours or four school
237 days for professional learning described in Subsection 53F-2-102(6), to provide planning
238 and professional development time for staff, an LEA may hold school longer some days of
239 the week and shorter other days so long as minimum school day requirements, as
240 provided for in this R277-419-4 and Subsection R277-419-2(32), are satisfied.

241 (b) A school may conduct parent-teacher and student Plan for College and Career
242 Readiness conferences during the school day.

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

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

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

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

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

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

255 (iii) qualified school employees shall conduct the assessment consistent with
256 Section 53F-4-205; and

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

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

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

264

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

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

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

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

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

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

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

278 (d) is a resident of Utah as defined under Section 53G-6-302;

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

280 (f)(i) is expected to attend a regular learning facility operated or recognized by an

281 LEA on each regularly scheduled school day, if enrolled in a face-to-face learning
282 program;

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

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

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

288 (i) injury;

289 (II) illness;

290 (III) surgery;

291 (IV) suspension;

292 (V) pregnancy;

293 (VI) pending court investigation or action; or

294 (VII) an LEA determination that home instruction is necessary;

295 (iii) is enrolled in an approved CTE course(s) [-]on the campus of another state
296 funded institution where such a course is:

297 (A) not offered at the student's school of membership;

298 (B) being used to meet Board-approved CTE graduation requirements under
299 Subsection R277-700-6(14); and

300 (C) a course consistent with the student's SEOP/Plan for College and Career
301 Readiness; or

302 (iv) is enrolled in a nontraditional program under the direction of an LEA that:

303 (A) is consistent with the student's SEOP/Plan for College and Career Readiness;

304 (B) has been approved by the student's counselor; and

305 (C) includes regular instruction or facilitation by a designated employee of an LEA.

306 (4) An LEA shall use one of the following continuing enrollment measures:

307 (a) For a student primarily enrolled in a face-to-face learning program, the LEA
308 may not count a student as an eligible student if the eligible student has unexcused

309 absences during all of the prior ten consecutive school days.

310 (b) For a student enrolled in a nontraditional program, an LEA shall:

311 (i) adopt a written policy that designates a continuing enrollment measurement to
312 document the continuing membership or enrollment status for each student enrolled in the
313 nontraditional program consistent with Subsection (3)(c);

314 (ii) document each student's continued enrollment status in compliance with the
315 continuing enrollment policy at least once every ten consecutive school days; and

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

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

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

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

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

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

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

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

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

337

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

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

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

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

346 (2)(a) Except as provided in Subsection (2)(b), (2)(c), or (2)(d), a student enrolled
347 in two or more LEAs during a school year is eligible for no more than 180 days of regular
348 membership per school year.

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

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

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

358 (i) 170 days; plus

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

361 (3) If a student is enrolled in two or more LEAs during a school year and the
362 aggregate regular membership generated for the student between all LEAs exceeds the
363 amount allowed under Subsection (2), the Superintendent shall apportion the days of
364 regular membership allowed between the LEAs.

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

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

373 (b) If the student was enrolled for 7 periods each day in a 7 period school day for
374 103 school days, the student's membership would also be 103 days.

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

381 (6) For students in grade 1, an LEA shall adjust the first term of the formula to use
382 810 hours as the denominator.

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

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

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

389 (10) The sum of regular, ISI-1 and ISI-2 YIC membership days may not exceed
390 360 days.

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

- 393 (a) one period each school day, if the student has been:
- 394 (i) released by the school, upon a parent or guardian's request, during the school
- 395 day for religious instruction or individual learning activity consistent with the student's
- 396 SEOP/Plan for College and Career Readiness; or
- 397 (ii) participating in one or more extracurricular activities under Rule R277-438, but
- 398 has otherwise been exempted from school attendance under Section 53G-6-204 for home
- 399 schooling;
- 400 (b) two periods each school day per student for time spent in bus travel during the
- 401 regular school day to and from another state-funded institution, if the student is enrolled in
- 402 CTE instruction consistent with the student's SEOP/Plan for College and Career
- 403 Readiness;
- 404 (c) all periods each school day, if the student is enrolled in:
- 405 (i) a concurrent enrollment program that satisfies all the criteria of Rule R277-713;
- 406 (ii) a private school without religious affiliation under a contract initiated by an LEA
- 407 to provide special education services which directs that the instruction be paid by public
- 408 funds if the contract with the private school is approved by an LEA board in an open
- 409 meeting;
- 410 (iii) a foreign exchange student program under Subsection 53G-6-707(7); or
- 411 (iv) a school operated by an LEA under a Utah Schools for the Deaf and the Blind
- 412 IEP provided that:
- 413 (A) the student may only be counted in S1 membership and may not have an S2
- 414 record; and
- 415 (B) the S2 record for the student is submitted by the Utah Schools for the Deaf
- 416 and the Blind.

417

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

- 419 (1) For the first operational year of a charter school or a new satellite campus, the
- 420 Superintendent shall determine the charter school's WPU funding based on October 1

421 counts.

422 (2) For the second operational year of a charter school or a new satellite campus,
423 the Superintendent shall determine the charter school's WPU funding based on Section
424 53F-2-302.

425

426 **R277-419-8. Reporting Requirements, LEA Records, and Audits.**

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

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

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

- 436 (a) entry date;
- 437 (b) exit date;
- 438 (c) exit or high school completion status;
- 439 (d) whether or not an absence was excused;
- 440 (e) disability status (resource or self-contained, if applicable); and
- 441 (f) YIC status (ISI-1, ISI-2 or self-contained, if applicable).

442 (4) An LEA shall ensure that:

443 (a) computerized or manually produced records for CTE programs are kept by
444 teacher, class, and classification of instructional program (CIP)[-] code; and

445 (b) the records described in Subsection (4)(a)[-] clearly and accurately show for
446 each student in a CTE class the:

- 447 (i) entry date;
- 448 (ii) exit date; and

449 (iii) excused or unexcused status of absence.

450 (5) An LEA shall ensure that each school within the LEA completes a minimum of
451 one attendance check each school day.

452 (6) Due to school activities requiring schedule and program modification during
453 the first days and last days of the school year:

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

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

459 (c) schools shall continue instructional activities throughout required calendared
460 instruction days.

461 (7) An LEA shall employ an independent auditor, under contract, to:

462 (a) annually audit student accounting records; and

463 (b) report the findings of the audit to:

464 (i) the LEA board; and

465 (ii) the Financial Operations Section of the Board.

466 (8) Reporting dates, forms, and procedures are found in the State of Utah Legal
467 Compliance Audit Guide, provided to LEAs by the Superintendent in cooperation with the
468 State Auditor's Office.

469 (9) The Superintendent:

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

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

475

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

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

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

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

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

488 (ii)(A) meet any additional criteria established by an LEA consistent with its
489 authority under Section R277-705-4;

490 (B) meet any criteria established for special education students under Utah State
491 Board of Education Special Education Rules, Revised, June 2016, and available at:
492 <http://www.schools.utah.gov/sars/Laws.aspx> and the Utah State Board of Education;

493 (C) meet any criteria established for special education students under Subsection
494 R277-700-8(5); or

495 (D) pass a General Educational Development (GED)[-] test with a designated
496 score;

497 (c) continuing students are students who:

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

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

501 (iii) age out of special education;

502 (d) dropouts are students who:

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

504 (ii) withdraw due to a situation so serious that educational services cannot be

505 continued even under the conditions of Subsection R277-419-5(3)(f)(ii);
506 (iii) are expelled and do not re-enroll in another public education institution; or
507 (iv) transfer to adult education;
508 (e) an LEA shall exclude a student from the cohort calculation if the student:
509 (i) transfers out of state, out of the country, to a private school, or to home
510 schooling;
511 (ii) is a U.S. citizen who enrolls in another country as a foreign exchange student;
512 (iii) is a non-U.S. citizen who enrolls in a Utah public school as a foreign exchange
513 student under Section 53G-6-707 in which case the student shall be identified by resident
514 status (J for those with a J-1 visa, F for all others), not by an exit code;
515 (iv) dies; or
516 (v) beginning with the 2015-2016 school year, is attending an LEA that is not the
517 student's school of enrollment.

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

520 (b) High School completion status or exit codes for each student are due to the
521 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 student's
524 graduating cohort pursuant to Section 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 by
527 the next complete data submission update, following the LEA's extended break, as defined
528 in Section R277-484-3.

529 (3)(a) The Superintendent shall report a graduation rate for each school, LEA, and
530 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 if:
- 534 (i) the school was the last school the student attended before the student's
- 535 expected graduation date; and
- 536 (ii) the student does not meet any exclusion rules as stated in Subsection (1)(e).
- 537 (d) The last school a student attended will be determined by the student's exit
- 538 dates as reported to the Data Clearinghouse.
- 539 (e) A student's graduation status will be attributed to the school attended in their
- 540 final cohort year.
- 541 (f) If a student attended two or more schools during the student's final cohort year,
- 542 a tie-breaking logic to select the single school will be used in the following hierarchical
- 543 order of sequence:
- 544 (i) school with an attached graduation status for the final cohort year;
- 545 (ii) school with the latest exit date;
- 546 (iii) school with the earliest entry date;
- 547 (iv) school with the highest total membership;
- 548 (v) school of choice;
- 549 (vi) school with highest attendance; or
- 550 (vii) school with highest cumulative GPA.
- 551 (g) The Superintendent shall report the four-year cohort rate on the annual state
- 552 reports.

553

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

- 555 (1)(a) Pursuant to Section 53E-4-308, an LEA shall:
- 556 (i) use the SSID system maintained by the Superintendent to assign every student
- 557 enrolled in a program under the direction of the Board or in a program or a school that is
- 558 supported by public school funding a unique student identifier; and
- 559 (ii) display the SSID on student transcripts exchanged with LEAs and Utah public
- 560 institutions of higher education.

- 561 (b) The unique student identifier:
- 562 (i) shall be assigned to a student upon enrollment into a public school program or
- 563 a public school-funded program;
- 564 (ii) may not be the student's social security number or contain any personally
- 565 identifiable information about the student.
- 566 (2) An LEA shall require all students to provide their legal first, middle, and last
- 567 names at the time of registration to ensure that the correct SSID follows students who
- 568 transfer among LEAs.
- 569 (a) A school shall transcribe the names from the student's birth certificate or other
- 570 reliable proof of the student's identity and age, consistent with Section 53G-6-603;
- 571 (b) The direct transcription of student names from birth certificates or other reliable
- 572 proof of student identity and age shall be the student's legal name for purposes of
- 573 maintaining school records; and
- 574 (c) An LEA may modify the order of student names, provide for nicknames, or
- 575 allow for different surnames, consistent with court documents or parent preferences, so
- 576 long as legal names are maintained on student records and used in transmitting student
- 577 information to the Superintendent.
- 578 (3) The Superintendent and LEAs shall track students and maintain data using
- 579 students' legal names.
- 580 (4) If there is a compelling need to protect a student by using an alias, an LEA
- 581 should exercise discretion in recording the name of the student.
- 582 (5) An LEA is responsible to verify the accuracy and validity of enrollment
- 583 verification data, prior to enrolling students in the LEA, and provide students and their
- 584 parents with notification of enrollment in a public school.
- 585 (6) An LEA shall ensure enrollment verification data is collected, transmitted, and
- 586 stored consistent with sound data policies, established by the LEA as required in Rule
- 587 R277-487.
- 588

589 **R277-419-11. Exceptions.**

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

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

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

598

599 **R277-419-12. Snow, Inclement Weather, or Other Emergency School Closure Days.**

600 (1) An LEA may seek a waiver directly from the Superintendent from the 180 day
601 requirement described in Subsection R277-419-4(1)[-] if:

602 (a) the LEA closes a school for one school day due to excessive snow, inclement
603 weather, or an other emergency; and

604 (b) the school closure will result in the LEA not meeting the 180 day requirement
605 described in Section R277-419-4.

606 (2) The Superintendent may grant up to one waiver, per school year, per school,
607 for the school to close due to excessive snow, inclement weather, or other emergency
608 without Board approval if the LEA has provided adequate contingency school days and
609 hours into the LEA's calendar to avoid the necessity of requesting a waiver as required in
610 Subsection R277-419-4(5).

611 (3) If the Superintendent denies an LEA's request described in Subsection (1), the
612 LEA may appeal the Superintendent's decision by making the request of the full Board.

613 (4) If an LEA seeks a waiver for two or more school days due to excessive snow,
614 inclement weather, or other emergency, the LEA shall seek the waiver pursuant to the
615 procedures described in R277-121.

616 (5)(a) An LEA may request the Board to waive the school day and hour

617 requirement pursuant to a directive from the Utah State Health Department or a local
618 health department, that results in the closure of a school in the event of a pandemic or
619 other public health emergency.

620 (b) A waiver described in this Subsection (5)[-] may be for a designated time
621 period, for a specific area, or for a specific LEA in the state, as determined by the health
622 department directive.

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

625 (d) A waiver granted by the Board or Superintendent as described in this
626 Subsection (5)[-] shall direct an LEA to provide as much notice to students and parents of
627 the suspension of school services, as is reasonably possible.

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

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

634

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

636 **Date of Enactment or Last Substantive Amendment: October 16, 2018**

637 **Notice of Continuation: August 14, 2017**

638 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4);**
639 **53F-2-102(7); 53E-3-501(1)(e); 53E-3-602(2); 53E-3-301(3)(d); 53G-4-404**