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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: January 9, 2014

ACTION: R277-484-5 *Data Standards* (Petition to Amend and Repeal)

Background: Board rule R277-484 *Data Standards* provides the standards, requirements and deadlines for submitting data to the USOE data warehouse. All districts and charter schools are required to submit a UTREx complete update for current year no later than seven business days after October 1.

Legacy Preparatory Academy failed to submit the required UTREx update for 2013 by the deadline. In November 2013, Legacy Preparatory Academy was placed on warning status and received a notification letter from the USOE Charter Schools Director. Legacy submitted the minimum requirements for the October 1 submission in November.

Key Points: The Utah State Office of Education has worked with Legacy Preparatory Academy and its student information system vendor, One Point, for the past 18 months to assist them in meeting the standards, requirements and deadlines included in R277-484.

In December 2013, Superintendent Martell Menlove received a request from Nathan M. Andelin, President, Relational Data Corporation, to amend and repeal Board rule R277-484-5. Relational Data Corporation provides the student information system, One Point, for Legacy Preparatory Academy. Superintendent Menlove reviewed the request to amend and repeal in accordance with Board rule R277-100-3B *Rulemaking Policy – Initiation, Amendment, or Repeal of a Rule*. Superintendent Menlove has forwarded the petition to the Board for consideration.

Anticipated Action: It is proposed that the Standards and Assessment Committee review the petition submitted by Mr. Andelin, review R277-484, and review the USOE response to the petition. The committee will then determine what changes, if any, need to be made to R277-484 on first reading, and if approved by the Committee, the Board will consider approving amendments to R277-484 on second reading.

Contact: Judy Park, 801-538-7550
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Petition to Amend and Repeal Board Rules

December 2, 2013

Petitioner:

Nathan M. Andelin
President, Relational Data Corporation
9226 South 2490 West
West Jordan, Utah 84088

This petition is for an amendment to and repeal of certain rules pertaining to **R277-484-5. Official Data Source and Required LEA Compatibility** which were approved in May 2013.

The Utah State Board of Education has the legal authority to act on this petition based on Utah Administrative Code <http://www.rules.utah.gov/publicat/code/r277/r277-100.htm>.

Reasons for the proposal:

1. The repeal of board rules is needed because they:
 - Are significant undue barriers against competition and the operation of free markets in Utah.
 - Enable the Utah State Office of Education (USOE) to engage in unfair competition against free enterprise in the student information system business.
 - Are significant undue barriers against LEA choice of student information systems which should be completely unnecessary, given the implementation of appropriate USOE data validation.
 - Cause USOE to be placed in a conflict of interest position regarding the approval of student information systems which compete against USOE's SIS2000+ student information system.
 - Enable USOE to misrepresent board rules and to arbitrarily disqualify the use of student information systems from the state.
 - Appear to be unlawful with respect to "small business" per Utah Code Title 63G-3-102 - "Definitions" and 63G-3-301 - "Rulemaking procedure".
 - Place undue time and cost burdens on LEAs and vendors of student information systems.
 - Raise barriers that make it practically impossible for new student information systems to gain a foothold in the state.
2. New definitions and rules are needed which:
 - Clearly define the meaning of Compatible Student Information Systems.
 - More clearly define USOE and LEA responsibilities for ensuring that Compatible Student Information Systems are used in the state.

This petition includes two (2) proposal options; one which specifies the use of Table Structured Data transmitted via Secure File Transfer Protocol "SFTP" and a nearly identical option which specifies the use of School Interoperability Framework "SIF" Data Objects transmitted via SIF Agents using the HTTPS protocol.

The reason for two (2) proposals is because we anticipate significant opposition from USOE against the use of Table Structured Data and SFTP for data interchange, due to USOE's multi-year multi-million dollar investment in SIF architecture and interfaces, which Relational Data Corporation's software is also compatible with, and which we can and do provide to Utah schools. However we suggest that Table Structured Data and SFTP are much better suited for state reporting than SIF Data Objects and SIF Agents for the reasons specified in Exhibit A at the end of this document.

There don't appear to be any benefits to using SIF Data Objects and SIF Agents for state reporting from technical or economic perspectives; Table Structure Data and SFTP are much better suited for it. However it appears that USOE accrues benefit by using SIF interfaces primarily as a barrier against businesses which may offer student information systems for public schools which have difficulty with SIF interfaces which might otherwise be able to compete against USOE's SIS2000+ offering.

USOE has spent millions of dollars of taxpayer monies on SIF interfaces which in and of themselves are barriers to LEA state reporting while fomenting the adoption of board rules which are also significant barriers against business and the operation of free markets in Utah and against new student information systems from entering the state, which suggests a profound lack of accountability of the USOE IT Department to the Utah State Board of Education and to taxpayers.

These proposals redress the problem by changing the focus from USOE approval of student information systems to a focus on what constitutes a compatible student information system, and what roles USOE and LEAs have in ensuring compatibility.

Exhibit A

Reasons for using Table Structured Data and Secure File Transfer Protocol as opposed to SIF Data Objects and a SIF Agent include:

1. Data residing in LEA student information systems is Table Structured Data, and data residing in USOE data warehouses is Table Structured Data.
2. SIF Data Objects are complex data formats which contain both XML data elements and XML attributes containing up to approximately 10 levels of hierarchical structure.
3. The coding required to generate SIF Data Objects is significantly more work than the coding required to generate Table Structured Data.
4. The coding required to parse and consume SIF Data Objects is significantly more work than the coding required to parse and consume Table Structured Data.
5. The coding required to produce appropriate error listings containing meaningful error messages is much less complex for Table Structured Data; row number and column names precisely identify errors in format or content. In contrast SIF Data Objects require substantial complex code to provide appropriate references to XML elements and attributes which involve complex "paths" to data as opposed to simple rows.
6. SIF interfaces don't take into account "code page" differences between Microsoft and IBM systems, therefore substantial extra coding is required to translate data transmissions from one character set to another; otherwise the data appears scrambled. The HTTP protocol and mainstream HTTP servers provide for automatic translation, but the SIF specification calls for a content-type of "application", which means "don't translate".
7. SIF Data Objects are approximately 10 times larger than Table Structured Data due to verbose XML tag enclosures which surround all data elements.
8. Standard SIF Data Objects are inadequate for Utah state reporting; USOE was forced to specify their own "Extended Data Elements" to accommodate these inadequacies.
9. USOE SIF interfaces require the use of a mapping document known as the USOE SIF Profile which provides mapping between LEA Table Structured Data known as clearinghouse files, to SIF Data Objects, and back to USOE Table Structured Data – all of which are specified by USOE.
10. SIF Data Objects require approximately 10 times more network bandwidth than Table Structured Data, and require even much larger amounts of CPU and computer memory to generate and consume them.
11. SIF Agents that parse and consume SIF Data Objects are generally incapable of handling large data sets. USOE claims that the USOE SIF interfaces have problems processing files greater than 4 megabytes in size. In contrast, programs that process Table Structured Data have no practical file size limits.
12. Given file size restrictions in USOE's SIF interfaces, SIF Agents that produce SIF Data Objects must include additional complex code to split SIF Data Objects into multiple

files prior to transmitting them to USOE, which would be unnecessary for programs that produce Table Structured Data.

13. SIF Agents which provide SIF Data Objects may communicate with SIF Zone Integration Servers according to a SIF specification known as “pull-mode”. USOE asserts that the PowerSchool and Skyward SIF Agents running in Utah communicate via “pull-mode” which calls for the Agent to transmit messages to the Zone Integration Server at repeating intervals. The developer of the Skyward Agent indicated that his Agent transmits pull-mode messages every 10 seconds asking for USOE Data Collector requests, even though data collections may be scheduled only once per day or longer intervals, thus wasting computer resources and network bandwidth.
14. SIF Zone Integration Servers are costly to operate in terms of annually renewable software licensing fees, maintenance, and computer hardware resources.
15. SIF Zone Integration Servers are unnecessary, and even pose bottlenecks for bulk file transfers. And USOE state reporting interfaces consist entirely of bulk file transfers.
16. SFTP client and server utilities are generally free or very low cost and are much better suited for bulk file transfers.
17. Commercial companies such as Clever (<http://www.getclever.com>) provide data clearinghouse services for LEAs similar to USOE's services, but at a fraction of the cost by using Table Structured Data and SFTP and other innovative data interchange options.
18. The use of Table Structured Data and SFTP is inline with Utah Code Title 63G-3-301 - “Rulemaking procedure” which states “If the agency reasonably expects that a proposed rule will have a measurable negative fiscal impact on small businesses, the agency shall consider, as allowed by federal law, each of the following methods of reducing the impact of the rule on small businesses: (a) - (e);”
19. USOE clearinghouse data is purged and reloaded daily under a common model known as Extract Transmit Load or “ETL”. USOE chose to NOT use SIF interfaces for internal ETL operations between USOE data warehouses, but requires SIF interfaces for LEA state reporting.
20. The SIF Association boasts having a membership of 3,200 - consisting mostly of schools, school districts and software vendors. But that number is a tiny fraction of the total number of organizations in all industries using Table Structured Data and SFTP for ETL operations similar to LEA state reporting.
21. SIF interfaces were originally designed for and are primarily intended for exchanging messages based on database add, change, and delete events – not ETL operations. SIF interfaces are extremely ill suited for ETL operations. State reporting is a classic ETL operation.
22. USOE's SIF interfaces don't provide appropriate data validation against SIF Data Objects nor error listings which reference SIF Data Objects, which is a very significant barrier against data interchange.
23. USOE's SIF interfaces have inadequate support for SIF specifications; the software fails

with SQL errors while processing properly formatted SIF Data Objects containing valid data.

24. USOE's software requires SIF data elements which are listed as optional per SIF specifications.
25. USOE's software varies from USOE's published SIF Profile.
26. Conflicts exist between the SIF specification and the USOE clearinghouse file specification which have not been resolved.
27. USOE's SIF interfaces have material defects and inadequacies; nevertheless USOE still uses SIF related board rules to disqualify LEA submission of SIF Data Objects, disapprove LEA student information systems, and interfere with LEA contractual relations with SIS providers.

1 **R277. Education, Administration.**

2 **R277-484. Data Standards.**

3 **R277-484-5. Official Data Source and Required LEA**
4 **Compatibility.**

5 A. The USOE shall load operational data collections into
6 the Data Warehouse as of the submission deadlines specified.

7 B. The Data Warehouse shall be the sole official source
8 of data for annual:

9 (1) school performance reports required under Section
10 53A-3-602.5;

11 (2) determination of adequate yearly progress as required
12 under the Utah Comprehensive Accountability System (UCAS); and

13 (3) submission of data files to the U.S. Department of
14 Education via EDEN.

15 C. LEAs shall use a USOE-approved SIS to ensure
16 compatibility with USOE data collection systems. The USOE
17 maintains a list of approved student information systems.

18 (1) Prior to the USOE granting approval for an LEA to
19 initiate or replace a student information system that was not
20 previously approved, the LEA shall comply with the following:

21 (a) LEA shall send written request for approval to USOE's
22 Director of Information Technology;

23 (b) LEA shall submit documentation to the USOE that the
24 new or modified student information system is School
25 Interoperability Framework (SIF) certified;

26 (c) LEA shall submit documentation to the USOE that a SIF
27 agent can meet the UTREx specifications profile for Vertical
28 Reporting Framework (VRF), and eTranscripts;

29 (d) LEA shall ensure that a new student information
30 system can generate valid data collection by submitting an
31 actual file to the USOE for review;

32 (e) LEA shall ensure that the new student information

33 system can generate the Statewide Student Identifier (SSID)
34 request file by submitting an actual file to the USOE for
35 review.

36 (2) The USOE shall review documentation and grant or deny
37 requests within 30 calendar days.

38 (3) LEA requests and approval shall be completed by
39 January 15 of the school year prior to the year the LEA
40 proposes to use the software for production data. Approved
41 replacement systems shall run in parallel for a period of at
42 least three months to a state-approved system and be able to
43 generate duplicate reports to previously generated
44 information.

45 D. No later than October 1, 2013, all public education
46 LEAs shall begin submitting daily updates to the USOE
47 Clearinghouse using all School Interoperability Framework
48 (SIF) objects defined in the UTREx Clearinghouse
49 specification. Noncompliance with this requirement may result
50 in interruption of MSP funds consistent with R277-484-8.

51 E. All public high school transcripts requested by public
52 education post-secondary schools shall be electronically
53 submitted to those public education post-secondary schools if
54 the post-secondary schools are capable of receiving
55 transcripts through the electronic transcript service
56 designated by the USOE. This process is mandatory for all
57 public high schools as of October 1, 2013.

58 **KEY: data standards, reports, deadlines**

59 **Date of Enactment or Last Substantive Amendment: August 7,**
60 **2013**

61 **Notice of Continuation: December 31, 2012**

62 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
63 **53A-1-401(3); 53A-1-301(3) (d) and (e)**

Analysis in Support of Repealing Board Rules Pertaining to USOE Approval of LEA Student Information Systems

This document offers a line by line review, analysis, and rebuttal of Board rules R277-484-5 which were proposed by the USOE IT Department and approved in May 2013.

“LEAs shall use a USOE-approved SIS to ensure compatibility with USOE data collection systems.”

- 1. The most effective way and perhaps the only effective way of USOE ensuring compatibility between student information systems and USOE data collection systems is to have USOE publish clear specifications of USOE’s data interchange requirements and to have programming logic in place which validates LEA provided data formats and data elements against the specifications and provides error listings with meaningful error messages in accordance with the specifications and for LEAs and/or SIS providers to test their data submissions via UTREx (USOE provided software).*
- 2. The process for testing compatibility as delineated in #1 are primarily the responsibility of LEAs and SIS providers, and shouldn’t require much USOE involvement other than USOE providing timely access to UTREx.*
- 3. Any other process that USOE may entertain for “approving” student information systems would be subjective and arbitrary and would divert attention from USOE and LEA roles of ensuring compatibility via specifications and automated validation procedures.*

“The USOE maintains a list of approved student information systems.”

- 1. The word “approved” implies that USOE might have authority to make subjective decisions concerning LEA use of student information systems as opposed to having implicit USOE approval by having a student information system demonstrate compatibility by passing all relevant UTREx validation tests.*
- 2. A USOE IT technical support specialist alleged in the Spring of 2012 that USOE had a list of approved systems and that USOE was not planning on adding to the list and added “why would anyone want to buy your system when they could have ours for free”.*
- 3. USOE should maintain and publish a list of “compatible student information systems” including the names of the SIS providers in order to support LEA choice.*

“Prior to the USOE granting approval for an LEA to initiate or replace a student information system that was not previously approved, the LEA shall comply with the following:”

- 1. Note the number of times the word “approve” or derivatives of it are used in Board rules R277-484-5; emphasizing the idea that the USOE IT Department might have broad authority over the decisions of LEAs pertaining to the use of student information systems*

including authority to make subjective decisions concerning the approval of student information systems.

- 2. Note also the absence of language defining the meaning of compatible student information systems; which suggest that USOE might have authority to make arbitrary decisions concerning the approval of student information systems.*
- 3. The language in this rule extends the USOE approval process to the **initial** steps that LEA's might take to replace a student information system; USOE might interpret LEA steps to evaluate new student information systems as initiating replacement and therefore subject to USOE monitoring and control.*
- 4. Each LEA in Utah is a separate legal entity with its own board of directors.*
- 5. USOE's approval process is incongruent with Utah Code Title 53A-1-706 - "Purchases of educational technology" which authorizes and protects LEA rights to acquire their own educational technology through their own purchasing programs.*

"LEA shall send written request for approval to USOE's Director of Information Technology;"

- 1. The USOE IT Director is seeking for authority to approve student information systems, the Board is granting it, and the IT Director is accepting this responsibility even though it is an obvious personal conflict of interest for the IT Director to grant approval;*
- 2. The USOE IT Department is vested in and highly engaged in the the development and support of its own student information system which competes against outside student information systems.*
- 3. The USOE IT Director's position, authority, influence, control, personal status, pay grade, career interest, and most likely even job satisfaction are based significantly on the IT department providing its own student information system and related operations which compete against outside student information systems.*
- 4. The USOE IT Director is materially and financially incentivized to NOT approve student information systems which compete against USOE's student information system.*
- 5. The USOE IT Director requests legislative funding including new funding increases for SIS2000 and related operations which unfairly compete against private enterprise.*
- 6. Rather than an approval process, USOE needs to provide specific and objective criteria for validating data provided by LEAs in order to test compatibility.*

"LEA shall submit documentation to the USOE that the new or modified student information system is School Interoperability Framework (SIF) certified;"

- 1. The requirement for SIF certification from the SIF Association is an additional undue cost and programming burden for providers of student information systems and is especially burdensome for small businesses. Certification requires the implementation of two separate code bases entailing man months of effort for each; one code base to satisfy the requirements*

of the SIF Association and another to satisfy the requirements of USOE. And only the USOE code base would be deployed in Utah.

- 2. The USOE IT Department asserts that SIF certification ensures that a student information system will be compatible with Utah state reporting interfaces, however that is untrue and very misleading. USOE lacks in-house expertise concerning SIF agent development and is not qualified to make that assertion. USOE's contracts with NCS Pearson to assist with the development of custom SIF agents for SIS2000, PowerSchool, and Skyward; and to provide support for a pilot program for the same which spanned more than a year - offer substantial evidence against the assertion. The value of the contract awarded to NCS Pearson for this purpose exceeded \$1 million even though PowerSchool and Skyward already had SIF certifications dating back to the year 2008.*
- 3. USOE requires Extended SIF Elements which are not validated nor certified by the SIF Association.*
- 4. The database designs and programming code required for student information systems to be compatible with Utah state reporting are significantly different from those required to implement interfaces to pass SIF certification tests.*
- 5. USOE is using SIF interfaces exclusively for bulk file transfers while SIF certification focus primarily on transactional messaging triggered by database add, change, and delete events; The process flows are materially different.*
- 6. The SIF Association awards certificates for student information systems and associated SIF agents. However neither USOE's own SIS2000 nor the SIS2000 SIF agent are "SIF certified".*
- 7. It appears that the Board intended SIF certification as a pre-qualifier for new student information system approval. However USOE uses it as a dis-qualifier and basis for disapproving student information systems which have been running in the state for over a year and have proven compatibility with USOE's systems. Such actions appear to be a material misrepresentation of Board rules in addition to wrongful enforcement.*
- 8. While USOE disqualifies and disapproves commercial student information systems which are not SIF certified, USOE does not apply the rule to its own systems, nor to student information systems which are sponsored and funded by public school districts for use in their districts (Weber, Davis, Granite, etc.) Applying and enforcing rules in such manner appears to be unlawful per Utah Code Title 63G-3 Rulemaking Procedure.*
- 9. Enforcing rules against providers of commercial student information systems while effectively applying rule waivers for USOE and school districts is a good example of "unfair competition" and when applied to "small business" appears to be wrongful, harmful, and unlawful per Utah Code Tile 63G-3 Rulemaking Procedure.*
- 10. Implementing SIF interfaces entails extraordinary cost and complexity for both USOE and SIS providers. SIF raises barriers against commercial student information systems which would otherwise be able to compete against USOE's SIS2000 product, but have trouble coming up with the significant resources required to implement SIF. And SIF interfaces are*

poorly suited for state reporting.

“LEA shall submit documentation to the USOE that a SIF agent can meet the UTREx specifications profile for Vertical Reporting Framework (VRF), and eTranscripts;”

- 1. It would be extremely imprudent for SIS providers to make and document such assurances and to raise expectations of LEA SIS subscribers prior to testing their SIF agents against USOE’s SIF interfaces.*
- 2. USOE does not publish the format nor content of their SIF data collection requests; The SIF agent developer can’t be certain of what USOE’s software may transmit, nor know how to parse and process requests until they are actually received and seen.*
- 3. USOE’s SIF interfaces vary materially from the SIF specification; USOE requires XML elements which are specified in SIF as optional.*
- 4. USOE’s SIF interfaces vary materially from the published USOE SIF profile.*
- 5. USOE’s published SIF profile is based on USOE “clearinghouse file” specification which has material conflicts with the SIF specification which have not been resolved nor published.*
- 6. USOE’s software irrecoverably fails while processing properly formatted SIF Data Objects containing valid data and completely discards all LEA student records submitted.*
- 7. USOE’s SIF interfaces do not provide appropriate error handling nor error reporting against SIF Data Objects.*
- 8. The error reporting provided upstream in the routines that load data into the USOE data warehouse are extremely misleading.*
- 9. Neither USOE nor the SIS provider are able to understand the error messages reported.*
- 10. Passing validations is a matter of iteratively **guessing** what may be causing the errors and retesting to overcome USOE software defects and inadequacies.*
- 11. Working through validation errors provides opportunity for the USOE IT Director to allege that the SIS provider has wrongfully asserted that they can meet USOE specification.*
- 12. The USOE IT Director does not take responsibility for USOE software defects nor inadequacies – he just disapproves the student information system, imposes deadlines for LEAs to migrate to another SIS, advocates for and facilitates a return to SIS2000.*

“LEA shall ensure that a new student information system can generate valid data collection by submitting an actual file to the USOE for review;”

- 1. Most SIF data objects are quite entailed and difficult to read and USOE does not need to review them prior to LEAs processing them via UTREx; In our experience, USOE lacks the expertise to say whether SIF Data Objects are well-formed, or if they will be mapped correctly to USOE databases.*
- 2. This requirement diverts attention from the real issues of needing clear specifications and automated computer procedures within UTREx which properly validate SIF Data Objects and report errors, which LEAs and SIS providers can use on their own to test validity without interference from USOE.*

3. *The validation process is labor intensive for LEAs and SIS providers; It is iterative by nature, spanning a period of days or weeks and normally requires adjustments to LEA submissions. USOE software defects, deficiencies, and inadequate specifications further complicate the process.*

“LEA shall ensure that the new student information system can generate the Statewide Student Identifier (SSID) request file by submitting an actual file to the USOE for review.”

1. *This requirement appears to be out-dated; however whether that be the case or not, the requirement is easy to satisfy and covered by proposed new language.*
2. *LEA’s are able to provide SSID request files. However in our experience it appears that USOE may not have automated systems in place or trained personnel in order to update SSIDs and provide SSID response files; thus rendering the entire interface useless.*

“The USOE shall review documentation and grant or deny requests within 30 calendar days.”

1. *This requirement is a red herring; USOE should provide access to UTREx in a timely manner upon LEA request so that student information system providers can test data submissions without undue delay.*

“LEA requests and approval shall be completed by January 15 of the school year prior to the year the LEA proposes to use the software for production data.”

1. *This requirement appears to imply that USOE needs time for evaluating and approving student information systems credentials.*
2. *USOE should simply provide access to UTREx for SIS providers to test their data submissions upon request.*
3. *This requirement raises a barrier against LEAs which may desire to change student information systems during the year.*
4. *This requirement raises undue barriers against businesses desiring and needing to market and promote their student information systems throughout the year.*

“Approved replacement systems shall run in parallel for a period of at least three months to a state-approved system and be able to generate duplicate reports to previously generated information.”

1. *This requirement for running parallel systems is so entailed and costly in terms of LEA and SIS provider resources that it would be practically impossible for any LEA to consider switching to any new student information system which might try to enter the state.*
2. *This requirement is contrived and completely unnecessary. USOE’s data store is entirely and iteratively replaced with each LEA data collection submission, and all data and each data-collection iteration should be subject to USOE validation.*

3. *This requirement suggests that data provided by LEAs may be transactional in nature (like accounting transactions; However that is not the case. All the data is stateful (like student demographic data) taken as a snapshot; where running parallel systems would simply prove that different data might be entered in each - which has nothing to do with compatibility.*
4. *Data is maintained by LEA administrators, teachers, parents, and students who would not be able to maintain two parallel systems.*
5. *It would be equally improbable that data could be extracted from one system to another.*
6. *Once a student information system has proven compatibility by passing all relevant validations there is no need for prolonged testing; neither the software nor the data formats are likely to change after compatibility has been established.*

“No later than October 1, 2013, all public education LEAs shall begin submitting daily updates to the USOE Clearinghouse using all School Interoperability Framework (SIF) objects defined in the UTREx Clearinghouse specification.”

1. *The state would be well served to drop SIF interfaces used for state reporting and replace them with support for Table Structured Data, Secure File Transfer Protocol, and REST Web Services.*
2. *The requirement for daily updates appears to be incongruent with other rules in this section which specify deadlines for state reporting at more lengthy intervals.*
3. *Only a relatively small percentage of total student data changes daily and those changes do not materially impact the types of aggregate analysis that USOE may perform against it.*
4. *It appears that monthly updates would satisfy USOE data warehouse requirements and needs.*
5. *Clearinghouse data (particularly SIF Formatted Data Objects) provided to USOE should NOT be considered an appropriate backup of LEA data because it is only a small fraction of student information data contained in most student information systems and cannot be easily restored.*
6. *LEA employees and parents of students who are authorized to review individual student data are much more likely to get it from an LEA-operated SIS, rather than a USOE data warehouse.*
7. *It appears that most LEA's believe that the requirement for daily uploads is overkill. This concern has been expressed at USOE data conferences, where the USOE IT Director has asserted that daily uploads are a requirement of the Utah legislature, which appears to be a material misrepresentation.*

“Noncompliance with this requirement may result in interruption of MSP funds consistent with R277-484-8.”

1. *It appears that Board sanctioned penalties against LEA funding were originally intended to enforce reporting deadlines which are specific and clear. However the USOE IT department pushed for the additional threat of penalties against LEAs which might not comply with the*

IT department's approval process for student information systems.

2. *The threat of funding penalties has a profound and detrimental psychological effect on LEA decision making concerning student information system choice.*
3. *The approval process is a barrier against providers of student information systems and appears to be unlawful. The associated penalties appear to be draconian. Both should be repealed.*

In May 2013, USOE provided the following assurance to the Utah State Board of Education to induce adoption of these rules; These statements which are published in state Rule Bulletins are material misrepresentations; USOE has spent millions of dollars on its own SIF interfaces.

“SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule and the amendments apply to public education and do not affect businesses.”

“COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses.”

The USOE IT Department has asserted to LEAs and Board members that SIF certification ensures compatibility with Utah state reporting interfaces which is a material misrepresentation. USOE contracts awarded to Digital Bridge and NCS Pearson and other sources provide substantial evidence to the contrary. Developers of Skyward worked on their SIF agent during a USOE funded pilot program lasting approximately one year and continued working on it up to approximately the October 10, 2013 deadline in order to complete required submissions including validations. As of December 13, 2013 – developers were still working on the SIF agent in order to provide SIF Data Objects pertaining to e-Transcripts - even though Skyward's SIF certification dates back to 2008.

Much of the information provided in this petition and appeal was known by the USOE IT Department at the time they moved to have these Board rules adopted. However it appears that the information was withheld from Board members.

The information provided in this analysis clarifies that the true purpose of these rules has little or nothing to do with the USOE ensuring that LEA data submissions are complete, accurate, valid and compatible; but have much to do with the USOE IT Department raising contrived barriers that prevent LEA choice of student information systems which compete against USOE's SIS2000 and frustrates free enterprise from working in the student information system market in Utah.

*In summary, these rules are not only incongruent with Utah Code Title 53A-1-706 - “Purchases of educational technology” and Utah Code Title 63G-3 - “Rulemaking Procedure”; they materially **interfere** with LEA rights to acquire educational technology via their own purchasing programs.*

TABULAR DATA OPTION

R277. Education, Administration.

R277-484. Data Standards.

R277-484-1. Definitions.

A. "Annual Financial Report" means an account of LEA revenue and expenditures by source and fund sufficient to meet the reporting requirements specified in Section 53A-1-301(3)(d) and (e).

B. "Annual Program Report" means an account of LEA revenue and expenditures by source and program sufficient to meet the reporting requirements specified in Section 53A-1-301(3)(d) and (e).

C. "Board" means the Utah State Board of Education.

D. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the database maintained on all licensed Utah educators. The database includes information such as:

- (1) personal directory information;
- (2) educational background;
- (3) endorsements;
- (4) employment history;
- (5) professional development information;
- (6) completion of employee background checks; and
- (7) a record of disciplinary action taken against the educator.

E. "Data Warehouse" means the database of demographic information, course taking, and test results maintained by the USOE on all students enrolled in Utah schools.

F. "EDEN" means the Education Data Exchange Network, the mechanism by which state education agencies are mandated to submit data to the U.S. Department of Education.

G. "ESEA" means the federal Elementary and Secondary Education Act, also known as the No Child Left Behind Act.

H. "LEA" means local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

I. "MSP" means Minimum School Program, the set of state support K-12 public school funding programs.

J. "MST" means Mountain Standard Time.

K. "Schools interoperability framework (SIF)" means an open global standard for seamless, real time data transfer and usage for Utah public schools.

L. "Student information system (SIS)" means a student data collection system used for Utah public schools.

M. "USOE" means Utah State Office of Education.

N. "Utah eTranscript and Record Exchange (UTREx)" means a system that allows individual detailed student records to be

TABULAR DATA OPTION

exchanged electronically between public education LEAs and the USOE, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

O. "Year" means both the school year and the fiscal year for LEAs in Utah, which runs from July 1 through June 30.

P. "Records" means digital data which are defined by the USOE in table structured formats.

Q. "Data Elements" means discrete data such as a birth date contained within Record columns.

R. "Compatible Student Information System" means a student information system which has demonstrated the ability to provide Records required by the USOE via Secure File Transfer Protocol (SFTP), where the Records and Data Elements pass all Record and Data Element validation checks specified and implemented by the USOE.

S. "Clearinghouse Updates" means digital data files containing Records provided by LEAs to the USOE as specified by the USOE to be included in monthly updates.

T. "eTranscript Updates" means digital data files containing Records provided by LEAs to the USOE as specified by the USOE which are provided after the completion of school grading terms.

R277-484-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, and by Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities and specifically allows the Board to interrupt disbursements of state aid to any LEA which fails to comply with rules.

B. The Board, through its chief executive officer, the State Superintendent of Public Instruction, is required to perform certain data collection related duties essential to the operation of statewide educational accountability and financial systems as mandated in state and federal law.

C. The purpose of this rule is to support the operation of required educational accountability and financial systems by ensuring timely submission of data by LEAs.

R277-484-3. Deadlines for Data Submission.

For the purpose of submission of student level data, each Utah LEA shall participate in UTREx. LEAs shall submit data to the USOE as directed by the USOE through the following reports by 5:00 p.m. MST on the date and in the format specified by the USOE:

A. February 28 - Community Development and Renewal Agency and/or Redevelopment Agency Taxing Entity Committee Representative List.

TABULAR DATA OPTION

- B. June 15
- (1) Immunization Status Report (to Utah Department of Health) - final;
 - (2) Safe School Incidents Report - for current year.
- C. June 29 - CACTUS - final update for current year.
- D. July 1
- (1) Fire Drill Compliance Statement - for prior year;
 - (2) Other Emergency (Earthquake and School Violence) Drills Compliance Statement - for prior year;
 - (3) Emergency Preparedness Compliance Statement - for prior year;
 - (4) Emergency Response Plan - for prior year.
- E. July 7 - UTREx - final comprehensive update for prior year.
- F. July 15
- (1) Adult Education - final report for prior year;
 - (2) Classified Personnel Report - for prior year;
 - (3) Driver Education Report - for prior year;
 - (4) ESEA Choice and Supplemental Services Report - for prior year;
 - (5) Fee Waivers Report - for prior year;
 - (6) Home Schooled Students Report - for prior year;
 - (7) Teacher Benefits Report - for prior year;
 - (8) Pupil Transportation Statistics - for prior year:
 - (a) Bus Inventory Report;
 - (b) Year End Pupil Transportation Statistics Reports;
 - (9) Copy of local school board-adopted budget - for next fiscal year, unless the local school board provides documentation of planned truth-in-taxation process.
- G. August 15 - copy of the local school board-adopted budget - for next fiscal year, if the local school board provides documentation of planned truth-in-taxation process.
- H. September 15
- (1) Membership Audit Report - for prior year;
 - (2) Adult Education - Financial Audit for prior year.
- I. October 1
- (1) Annual Financial Report (AFR) - for prior year;
 - (2) Annual Program Report (APR) - for prior year;
 - (3) Annual assurance letter required for compliance information and documentation for identified programs and funds, pursuant to R277-108.
- J. Seven business days after October 1 - UTREx - complete update required as of October 1 for current year.
- K. October 15 - UTREx - revised update as of October 1 for current year, if significant errors are identified by the USOE or the LEA.
- L. November 1

TABULAR DATA OPTION

- (1) Enrollment and Transfer Student Documentation Audit Report - for current year;
 - (2) Immunization Status Report - for current year;
 - (3) Pupil Transportation Statistics for state funding:
 - (a) Schedule A1 (Miles, Minutes, Students Report) - projected for current year;
 - (b) Schedule B (Miscellaneous Expenditure Report) - for prior year;
 - (4) Negotiations report - for current year.
- M. November 15
- (1) CACTUS - update for current year; and
 - (2) Free and Reduced Price Lunch Enrollment Survey - as of October 31 for current year.
- N. November 30 - Financial Audit Report - for prior year.
- O. Seven business days after December 1 - UTREx - complete update required as of December 1 for current year.
- P. December 15 - Bus Driver Credentials Report - for current year.
- M. December 15 - UTREx - revised update as of December 1 for current year if significant errors are identified by the USOE or the LEA.

R277-484-4. Adjustments to Deadlines.

- A. Deadlines in R277-484 that fall on a weekend or state holiday in a given year shall be moved to the first workday after the date specified for that year.
- B. An LEA may seek an extension of a deadline to ensure continuation of funding and provide more accurate information to allocation formulas by submitting a written request to the USOE. The request shall be received by the USOE Director of School Finance at least 24 hours before the specified deadline in Section 3 and include:
- (1) The reason(s) for the extension request;
 - (2) The signatures of the LEA business administrator and LEA superintendent/director; and
 - (3) The date by which the LEA shall submit the report.
- C. In processing the request for the extension, the USOE Director of School Finance shall:
- (1) Take into consideration the pattern of LEA compliance with reporting deadlines and the urgency of the need for the data to be submitted; and either
 - (2) Approve the request and allow the MSP fund transfer process to continue; or
 - (3) Recommend denial of the request and forward it to the USOE Associate Superintendent for Business and Operations for a final decision on whether or not to stop the MSP fund transfer process.

TABULAR DATA OPTION

D. If, after receiving an extension, the LEA fails to submit the report by the designated date, the MSP fund transfer process shall be stopped and the procedure described in Section 8 shall apply.

E. Extensions shall apply only to the report(s) and date(s) specified in the request.

F. Exceptions - Deadlines for the following reports may not be extended:

- (1) CACTUS Update:
 - (a) June 29;
 - (b) November 15.
- (2) UTREx Update:
 - (a) July 7 UTREx - final comprehensive update for prior year;
 - (b) Seven business days after October 1 UTREx - complete update required as of October 1;
 - (c) October 15 UTREx - revised update as of October 1;
 - (d) Seven business days after December 1 UTREx - complete update required as of December 1;
 - (e) December 15 UTREx - revised update as of December 15.

R277-484-5. Official Data Source and Required LEA Compatibility.

A. The USOE shall load operational data collections into the Data Warehouse as of the submission deadlines specified.

B. The Data Warehouse shall be the sole official source of data for annual:

- (1) school performance reports required under Section 53A-3-602.5;
- (2) determination of adequate yearly progress as required under the Utah Comprehensive Accountability System (UCAS); and
- (3) submission of data files to the U.S. Department of Education via EDEN.

C. Rules pertaining to student information systems.

- (1) The USOE shall provide clear specifications of all Records, Record validation checks, Data Elements, and Data Element validation checks required by the USOE for a student information system to maintain compatibility with UTREx.
- (2) The USOE shall implement Record and Data Element validation checks against Records and Data Elements provided by student information systems as specified by the USOE and shall provide appropriately formatted reports including error listings containing meaningful error messages which reference the Records and Data Elements by row number and column name.
- (3) Prior to implementing changes to Records, Record validation checks, Data Elements, or Data Element

TABULAR DATA OPTION

- validation checks, the USOE shall notify LEAs and their student information system providers of scheduled changes and shall publish changes of USOE's specifications for a reasonable period time not less than 60 days to enable LEAs to make changes to their student information systems to be in sync with UTREx.
- (4) The USOE shall maintain and publish a list of all Compatible Student Information Systems on USOE's web site.
 - (5) LEA's shall use a Compatible Student Information System.
 - (6) Prior to dropping a Compatible Student Information System for a new student information system or adopting a new student information system for the first time, LEAs shall ensure that the new system is also a Compatible Student Information System by using UTREx to test compatibility.
 - (7) Upon request of an LEA, the USOE shall provide a credentialed environment for SIS providers to test compatibility of their software.
 - (8) The USOE shall provide facilities for LEAs to transmit Records to USOE via SFTP clients provided by owners of student information systems.
 - (9) LEAs shall transmit clearinghouse updates to USOE at least monthly on the first day of each month, and eTranscript updates within 10 business days of issuing student report cards after term completion.

~~C. LEAs shall use a USOE-approved SIS to ensure compatibility with USOE data collection systems. The USOE maintains a list of approved student information systems.~~

~~(1) Prior to the USOE granting approval for an LEA to initiate or replace a student information system that was not previously approved, the LEA shall comply with the following:~~

~~(a) LEA shall send written request for approval to USOE's Director of Information Technology;~~

~~(b) LEA shall submit documentation to the USOE that the new or modified student information system is School Interoperability Framework (SIF) certified;~~

~~(c) LEA shall submit documentation to the USOE that a SIF agent can meet the UTREx specifications profile for Vertical Reporting Framework (VRF), and eTranscripts;~~

~~(d) LEA shall ensure that a new student information system can generate valid data collection by submitting an actual file to the USOE for review;~~

~~(e) LEA shall ensure that the new student information system can generate the Statewide Student Identifier (SSID) request file~~

TABULAR DATA OPTION

~~by submitting an actual file to the USOE for review.~~

~~(2) The USOE shall review documentation and grant or deny requests within 30 calendar days.~~

~~(3) LEA requests and approval shall be completed by January 15 of the school year prior to the year the LEA proposes to use the software for production data. Approved replacement systems shall run in parallel for a period of at least three months to a state-approved system and be able to generate duplicate reports to previously generated information.~~

~~D. No later than October 1, 2013, all public education LEAs shall begin submitting daily updates to the USOE Clearinghouse using all School Interoperability Framework (SIF) objects defined in the UTREx Clearinghouse specification. Noncompliance with this requirement may result in interruption of MSP funds consistent with R277-484-8.~~

D. For digital data provided by USOE, such as student transcripts, student school transfer information and SSID assignments; such data shall be provided via Records transmitted via Secure File Transfer Protocol (SFTP), via USOE's MoveIT site, or via XML or JSON formatted messages transmitted via HTTPS REST web service.

E. All public high school transcripts requested by public education post-secondary schools shall be electronically submitted to those public education post-secondary schools if the post-secondary schools are capable of receiving transcripts through the electronic transcript service designated by the USOE. ~~This process is mandatory for all public high schools as of October 1, 2013.~~

R277-484-6. Use of Data for Allocation of Funds.

The USOE School Finance Section shall publish by June 30 annually on its website a description of how data shall be used to allocate funds to LEAs in each MSP program in the following fiscal year.

R277-484-7. Adjustments to Summary Statistics Based on Compliance Audits.

A. For the purpose of allocating MSP funds and projecting enrollment, LEA level aggregate membership and fall enrollment counts may be modified by the USOE on the basis of the values in the Membership and Enrollment audit reports, respectively, when a USOE audit report review team agrees that an adjustment is warranted by the evidence of an audit:

(1) the audit report review team shall make its determination within 60 working days of the authorized audit report deadline;

(2) values can only be adjusted downward when audit reports

TABULAR DATA OPTION

are received after the authorized deadlines.

R277-484-8. Financial Consequences of Failure to Submit Reports on Time.

A. If an LEA fails to submit a report by its deadline as specified in Section 3, consistent with procedures outlined in R277-114, the USOE shall stop the MSP fund transfer process on the day after the deadline, unless the LEA has obtained an extension of the deadline in accordance with the procedure described in Section 4, to the following extent:

(1) 10% of the total monthly MSP transfer amount in the first month, 25% in the second month, and 50% in the third and subsequent months for any report other than June 15 Immunization Status report.

(2) Loss of up to 1.0 WPU from Kindergarten or Grades 1-12 programs, depending on the grade level and aggregate membership of the student, in the current year Mid Year Update for each student whose prior year immunization status was not accounted for in accordance with Utah Code 53A-11-301 as of June 15.

B. If the USOE has stopped the MSP fund transfer process for an LEA, the USOE shall:

(1) upon receipt of a late report from that LEA, restart the transfer process within the month (if the report is submitted by 10:00 a.m. on or before the tenth working day of the month) or in the following month (if the report is submitted after 10:00 a.m. on or after the tenth working day of the month); and

(2) appropriately inform the Board at its next regularly scheduled meeting.

(3) inform the chair of the governing board if LEA staff are not responsive in correcting ongoing problems with data.

KEY: data standards, reports, deadlines

Date of Enactment or Last Substantive Amendment: August 7, 2013

Notice of Continuation: December 31, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1-301(3)(d) and (e)

SIF DATA OPTION

R277. Education, Administration.

R277-484. Data Standards.

R277-484-1. Definitions.

A. "Annual Financial Report" means an account of LEA revenue and expenditures by source and fund sufficient to meet the reporting requirements specified in Section 53A-1-301(3)(d) and (e).

B. "Annual Program Report" means an account of LEA revenue and expenditures by source and program sufficient to meet the reporting requirements specified in Section 53A-1-301(3)(d) and (e).

C. "Board" means the Utah State Board of Education.

D. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the database maintained on all licensed Utah educators. The database includes information such as:

- (1) personal directory information;
- (2) educational background;
- (3) endorsements;
- (4) employment history;
- (5) professional development information;
- (6) completion of employee background checks; and
- (7) a record of disciplinary action taken against the educator.

E. "Data Warehouse" means the database of demographic information, course taking, and test results maintained by the USOE on all students enrolled in Utah schools.

F. "EDEN" means the Education Data Exchange Network, the mechanism by which state education agencies are mandated to submit data to the U.S. Department of Education.

G. "ESEA" means the federal Elementary and Secondary Education Act, also known as the No Child Left Behind Act.

H. "LEA" means local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

I. "MSP" means Minimum School Program, the set of state support K-12 public school funding programs.

J. "MST" means Mountain Standard Time.

K. "Schools interoperability framework (SIF)" means an open global standard for seamless, real time data transfer and usage for Utah public schools.

L. "Student information system (SIS)" means a student data collection system used for Utah public schools.

M. "USOE" means Utah State Office of Education.

N. "Utah eTranscript and Record Exchange (UTREx)" means a system that allows individual detailed student records to be

SIF DATA OPTION

exchanged electronically between public education LEAs and the USOE, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

O. "Year" means both the school year and the fiscal year for LEAs in Utah, which runs from July 1 through June 30.

P. "SIF Data Objects" means data formats which are defined by the SIF Association which are multi-level hierarchically structured data using XML formatting which may include USOE defined extensions.

Q. "Data Element" means discrete data such as a birth date contained within SIF Data Objects.

R. "Compatible Student Information System" means a student information system which has demonstrated the ability to provide SIF Data Objects required by the USOE via a SIF agent, where the SIF Data Objects and Data Elements pass all validation checks specified and implemented by the USOE.

S. "Clearinghouse Updates" means digital data files containing SIF Data Objects provided by LEAs to the USOE as specified by the USOE to be included in monthly updates.

T. "eTranscript Updates" means digital data files containing SIF Data Objects provided by LEAs to the USOE as specified by the USOE which are provided after the completion of school grading terms.

R277-484-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, and by Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities and specifically allows the Board to interrupt disbursements of state aid to any LEA which fails to comply with rules.

B. The Board, through its chief executive officer, the State Superintendent of Public Instruction, is required to perform certain data collection related duties essential to the operation of statewide educational accountability and financial systems as mandated in state and federal law.

C. The purpose of this rule is to support the operation of required educational accountability and financial systems by ensuring timely submission of data by LEAs.

R277-484-3. Deadlines for Data Submission.

For the purpose of submission of student level data, each Utah LEA shall participate in UTREx. LEAs shall submit data to the USOE as directed by the USOE through the following reports by 5:00 p.m. MST on the date and in the format specified by the USOE:

A. February 28 - Community Development and Renewal Agency and/or Redevelopment Agency Taxing Entity Committee Representative

SIF DATA OPTION

List.

- B. June 15
 - (1) Immunization Status Report (to Utah Department of Health) - final;
 - (2) Safe School Incidents Report - for current year.
- C. June 29 - CACTUS - final update for current year.
- D. July 1
 - (1) Fire Drill Compliance Statement - for prior year;
 - (2) Other Emergency (Earthquake and School Violence) Drills Compliance Statement - for prior year;
 - (3) Emergency Preparedness Compliance Statement - for prior year;
 - (4) Emergency Response Plan - for prior year.
- E. July 7 - UTREx - final comprehensive update for prior year.
- F. July 15
 - (1) Adult Education - final report for prior year;
 - (2) Classified Personnel Report - for prior year;
 - (3) Driver Education Report - for prior year;
 - (4) ESEA Choice and Supplemental Services Report - for prior year;
 - (5) Fee Waivers Report - for prior year;
 - (6) Home Schooled Students Report - for prior year;
 - (7) Teacher Benefits Report - for prior year;
 - (8) Pupil Transportation Statistics - for prior year:
 - (a) Bus Inventory Report;
 - (b) Year End Pupil Transportation Statistics Reports;
 - (9) Copy of local school board-adopted budget - for next fiscal year, unless the local school board provides documentation of planned truth-in-taxation process.
- G. August 15 - copy of the local school board-adopted budget - for next fiscal year, if the local school board provides documentation of planned truth-in-taxation process.
- H. September 15
 - (1) Membership Audit Report - for prior year;
 - (2) Adult Education - Financial Audit for prior year.
- I. October 1
 - (1) Annual Financial Report (AFR) - for prior year;
 - (2) Annual Program Report (APR) - for prior year;
 - (3) Annual assurance letter required for compliance information and documentation for identified programs and funds, pursuant to R277-108.
- J. Seven business days after October 1 - UTREx - complete update required as of October 1 for current year.
- K. October 15 - UTREx - revised update as of October 1 for current year, if significant errors are identified by the USOE or the LEA.

SIF DATA OPTION

- L. November 1
 - (1) Enrollment and Transfer Student Documentation Audit Report - for current year;
 - (2) Immunization Status Report - for current year;
 - (3) Pupil Transportation Statistics for state funding:
 - (a) Schedule A1 (Miles, Minutes, Students Report) - projected for current year;
 - (b) Schedule B (Miscellaneous Expenditure Report) - for prior year;
 - (4) Negotiations report - for current year.
- M. November 15
 - (1) CACTUS - update for current year; and
 - (2) Free and Reduced Price Lunch Enrollment Survey - as of October 31 for current year.
- N. November 30 - Financial Audit Report - for prior year.
- O. Seven business days after December 1 - UTREx - complete update required as of December 1 for current year.
- P. December 15 - Bus Driver Credentials Report - for current year.
- M. December 15 - UTREx - revised update as of December 1 for current year if significant errors are identified by the USOE or the LEA.

R277-484-4. Adjustments to Deadlines.

A. Deadlines in R277-484 that fall on a weekend or state holiday in a given year shall be moved to the first workday after the date specified for that year.

B. An LEA may seek an extension of a deadline to ensure continuation of funding and provide more accurate information to allocation formulas by submitting a written request to the USOE. The request shall be received by the USOE Director of School Finance at least 24 hours before the specified deadline in Section 3 and include:

- (1) The reason(s) for the extension request;
- (2) The signatures of the LEA business administrator and LEA superintendent/director; and
- (3) The date by which the LEA shall submit the report.

C. In processing the request for the extension, the USOE Director of School Finance shall:

- (1) Take into consideration the pattern of LEA compliance with reporting deadlines and the urgency of the need for the data to be submitted; and either
- (2) Approve the request and allow the MSP fund transfer process to continue; or
- (3) Recommend denial of the request and forward it to the USOE Associate Superintendent for Business and Operations for a final decision on whether or not to stop the MSP fund transfer

SIF DATA OPTION

process.

D. If, after receiving an extension, the LEA fails to submit the report by the designated date, the MSP fund transfer process shall be stopped and the procedure described in Section 8 shall apply.

E. Extensions shall apply only to the report(s) and date(s) specified in the request.

F. Exceptions - Deadlines for the following reports may not be extended:

- (1) CACTUS Update:
 - (a) June 29;
 - (b) November 15.
- (2) UTREx Update:
 - (a) July 7 UTREx - final comprehensive update for prior year;
 - (b) Seven business days after October 1 UTREx - complete update required as of October 1;
 - (c) October 15 UTREx - revised update as of October 1;
 - (d) Seven business days after December 1 UTREx - complete update required as of December 1;
 - (e) December 15 UTREx - revised update as of December 15.

R277-484-5. Official Data Source and Required LEA Compatibility.

A. The USOE shall load operational data collections into the Data Warehouse as of the submission deadlines specified.

B. The Data Warehouse shall be the sole official source of data for annual:

- (1) school performance reports required under Section 53A-3-602.5;
- (2) determination of adequate yearly progress as required under the Utah Comprehensive Accountability System (UCAS); and
- (3) submission of data files to the U.S. Department of Education via EDEN.

C. Rules pertaining to student information systems.

- (1) The USOE shall provide clear specifications of all SIF Data Objects, SIF Data Object validation checks, Data Elements, and Data Element validation checks required by the USOE for a student information system to maintain compatibility with UTREx.
- (2) The USOE shall implement SIF Data Object and Data Element validation checks against SIF Data Objects and Data Elements provided by student information systems as specified by the USOE and shall provide appropriately formatted reports including error listings containing meaningful error messages which reference the SIF Data Objects and Data Elements by name and hierarchical path.
- (3) Prior to implementing changes to SIF Data Objects,

SIF DATA OPTION

- SIF Data Object validation checks, Data Elements, or Data Element validation checks, the USOE shall notify LEAs and their student information system providers of scheduled changes and shall publish changes of USOE's specifications for a reasonable period of time not less than 60 days to enable LEAs to make changes to their student information systems to be in sync with UTREx.
- (4) The USOE shall maintain and publish a list of all Compatible Student Information Systems on USOE's web site.
 - (5) LEA's shall use a Compatible Student Information System.
 - (6) Prior to dropping a Compatible Student Information System for a new student information system or adopting a new student information system for the first time, LEAs shall ensure that the new system is also a Compatible Student Information System by using UTREx to test compatibility.
 - (7) Upon request of an LEA, the USOE shall provide a credentialed environment for SIS providers to test compatibility of their software.
 - (8) The USOE shall provide facilities for LEAs to transmit SIF Data Objects to USOE via SIF agents provided by USOE or owners of student information systems.
 - (9) LEAs shall transmit clearinghouse updates to USOE at least monthly on the first day of each month, and eTranscript updates within 10 business days of issuing student report cards after term completion.

~~C. LEAs shall use a USOE-approved SIS to ensure compatibility with USOE data collection systems. The USOE maintains a list of approved student information systems.~~

~~(1) Prior to the USOE granting approval for an LEA to initiate or replace a student information system that was not previously approved, the LEA shall comply with the following:~~

~~(a) LEA shall send written request for approval to USOE's Director of Information Technology;~~

~~(b) LEA shall submit documentation to the USOE that the new or modified student information system is School Interoperability Framework (SIF) certified;~~

~~(c) LEA shall submit documentation to the USOE that a SIF agent can meet the UTREx specifications profile for Vertical Reporting Framework (VRF), and eTranscripts;~~

~~(d) LEA shall ensure that a new student information system can generate valid data collection by submitting an actual file to~~

SIF DATA OPTION

~~the USOE for review;~~

~~(c) LEA shall ensure that the new student information system can generate the Statewide Student Identifier (SSID) request file by submitting an actual file to the USOE for review.~~

~~(2) The USOE shall review documentation and grant or deny requests within 30 calendar days.~~

~~(3) LEA requests and approval shall be completed by January 15 of the school year prior to the year the LEA proposes to use the software for production data. Approved replacement systems shall run in parallel for a period of at least three months to a state-approved system and be able to generate duplicate reports to previously generated information.~~

~~D. No later than October 1, 2013, all public education LEAs shall begin submitting daily updates to the USOE Clearinghouse using all School Interoperability Framework (SIF) objects defined in the UTREx Clearinghouse specification. Noncompliance with this requirement may result in interruption of MSP funds consistent with R277-484-8.~~

D. For digital data provided by USOE, such as student transcripts, student school transfer information and SSID assignments; such data shall be provided via tabular formatted files transmitted via Secure File Transfer Protocol (SFTP), via USOE's MoveIT site, or via SIF Data Objects transmitted via a SIF agent.

E. All public high school transcripts requested by public education post-secondary schools shall be electronically submitted to those public education post-secondary schools if the post-secondary schools are capable of receiving transcripts through the electronic transcript service designated by the USOE. ~~This process is mandatory for all public high schools as of October 1, 2013.~~

R277-484-6. Use of Data for Allocation of Funds.

The USOE School Finance Section shall publish by June 30 annually on its website a description of how data shall be used to allocate funds to LEAs in each MSP program in the following fiscal year.

R277-484-7. Adjustments to Summary Statistics Based on Compliance Audits.

A. For the purpose of allocating MSP funds and projecting enrollment, LEA level aggregate membership and fall enrollment counts may be modified by the USOE on the basis of the values in the Membership and Enrollment audit reports, respectively, when a USOE audit report review team agrees that an adjustment is warranted by the evidence of an audit:

(1) the audit report review team shall make its

SIF DATA OPTION

determination within 60 working days of the authorized audit report deadline;

(2) values can only be adjusted downward when audit reports are received after the authorized deadlines.

R277-484-8. Financial Consequences of Failure to Submit Reports on Time.

A. If an LEA fails to submit a report by its deadline as specified in Section 3, consistent with procedures outlined in R277-114, the USOE shall stop the MSP fund transfer process on the day after the deadline, unless the LEA has obtained an extension of the deadline in accordance with the procedure described in Section 4, to the following extent:

(1) 10% of the total monthly MSP transfer amount in the first month, 25% in the second month, and 50% in the third and subsequent months for any report other than June 15 Immunization Status report.

(2) Loss of up to 1.0 WPU from Kindergarten or Grades 1-12 programs, depending on the grade level and aggregate membership of the student, in the current year Mid Year Update for each student whose prior year immunization status was not accounted for in accordance with Utah Code 53A-11-301 as of June 15.

B. If the USOE has stopped the MSP fund transfer process for an LEA, the USOE shall:

(1) upon receipt of a late report from that LEA, restart the transfer process within the month (if the report is submitted by 10:00 a.m. on or before the tenth working day of the month) or in the following month (if the report is submitted after 10:00 a.m. on or after the tenth working day of the month); and

(2) appropriately inform the Board at its next regularly scheduled meeting.

(3) inform the chair of the governing board if LEA staff are not responsive in correcting ongoing problems with data.

KEY: data standards, reports, deadlines

Date of Enactment or Last Substantive Amendment: August 7, 2013

Notice of Continuation: December 31, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1-301(3)(d) and (e)