

1 **R277. Education, Administration.**

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

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

4 (1) This rule is authorized by:

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

7 (b) Section 53F-4-514, which requires the Board to make rules:

8 (i) providing for the administration of the applicable statewide assessments to
9 students enrolled in online courses;

10 (ii) that establish a course credit acknowledgment form and procedures for
11 completing and submitting the form to the Board; and

12 (iii) that establish protocols for an online course provider to obtain approval to
13 become a certified online course provider; and

14 (c) Subsection 53E-3-401(4), which allows the Board to make rules to execute
15 the Board's duties and responsibilities under the Utah Constitution and state law.

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

17 (a) define necessary terms;

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

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

21

22 **R277-726-2. Definitions.**

23 (1) "Actively participates" means the student actively participates as defined by
24 the provider.

25 (2) "Applicable statewide assessments" means:

26 (a) the high school assessment described in Section 53E-4-304 and Subsection
27 R277-404-2(6);

28 (b) a standards assessment as defined in Section 53E-4-303; and

29 (c) a Utah alternative assessment as defined in Subsection R277-404-2(13).

30 (3) "Certified online course provider" means the same as the term is defined in
31 Subsection 53F-4-501(1).

32 (4) "Course completion" means that a student has completed a course with a
33 passing grade and the provider has transmitted the grade and credit to the primary LEA
34 of enrollment.

35 (5)(a) "Course Credit Acknowledgment" or "CCA" means an agreement and
36 registration record using the Statewide Online Education Program application provided
37 by the Superintendent.

38 (b) Except as provided in Subsection 53F-4-508(3)(h), the CCA shall be signed
39 by the designee of the primary school of enrollment, and the qualified provider.

40 (6)(a) "Eligible student" means a student enrolled in grades 7-12 in a secondary
41 environment in a course that:

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

43 (ii) provides the student the opportunity to complete middle school requirements
44 or earn high school graduation credit.

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

47 (7) "Enrollment confirmation" means the student initially registered and actively
48 participated, as defined under Subsection(1).

49 (8)(a) "Executed CCA" means a CCA that has been executed pursuant to
50 Subsection 53F-4-508(3) and received by the Superintendent.

51 (b) Following enrollment confirmation and participation, Superintendent directs
52 funds to the provider, consistent with Sections 53F-4-505 through 53F-4-507.

53 (9) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and
54 the Blind.

55 (10) "Online course" means a course of instruction offered through the Statewide
56 Online Education Program.

57 (11) "Online course payment" means the amount withheld from a student's
58 primary LEA and disbursed or otherwise paid to the designated provider following
59 satisfaction of the requirements of the law, and as directed in Subsection 53F-4-507(2).

60 (12) "Online course provider" or "provider" means:

61 (a) a school district school with an approved application described in Subsection
62 R277-726-3(1)(a);

63 (b) a charter school with an approved application described in Subsection R277-
64 726-3(1)(a);

65 (c) an LEA program created to serve Utah students in grades 7-12 online with an
66 approved application described in Subsection R277-726-3(1)(a); or

67 (d) a program of an institution of higher education described in Subsection 53F-
68 4-504(3) with an approved application described in Subsection R277-726-3(1)(b).

69 (13) "Primary LEA of enrollment" means the LEA in which an eligible student is
70 enrolled for courses other than online courses offered through the Statewide Online
71 Education Program, and which reports the student to be in regular membership, and
72 special education membership, if applicable.

73 (14) "Primary school of enrollment" means:

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

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

77 (15) "Resident school" means the district school within whose attendance
78 boundaries the student's custodial parent or legal guardian resides.

79 (16) "Section 504" means Section 504 of the Rehabilitation Act of 1973, 29
80 U.S.C. 794.

81 (17) "Standard of active participation" means the measure of student
82 engagement that is used by the certified online course provider to count a student as in
83 attendance for a course.

84 (18) "Statewide Online Education Program" or "program" means courses offered
85 to students under Title 53F, Chapter 4, Part 5, Statewide Online Education Program
86 Act.

87 (19) "Teacher of record" means the teacher who is employed by a provider and
88 to whom students are assigned for purposes of reporting and data submissions to the
89 Superintendent in accordance with Section R277-484-3.

90 (20) "Underenrolled student" means a student with less than a full course load,
91 as defined by the LEA, during the regular school day at the student's primary school of
92 enrollment.

93 (21) "USBE course code" means a code for a designated subject matter course
94 assigned by the Superintendent.

95 (22) "Withdrawal from online course" means that a student withdraws or ceases
96 participation in an online course as follows:

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

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

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

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

105

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

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

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

110 (i) graduation requirements;

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

- 112 (iii) the student's IEP;
113 (iv) the student's Section 504 plan; or
114 (v) the student's international baccalaureate program.
115 (b) The primary school of enrollment shall return the CCA to the Superintendent
116 within 72 business hours.

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

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

121 (4) If a student enrolling in the program has an IEP, Section 504 plan, or
122 qualifies for multilingual supports, the primary LEA or school of enrollment shall forward
123 the IEP or description of 504 accommodations and other relevant supports to the
124 provider within 72 business hours of receiving notice from the Superintendent that the
125 provider has accepted the enrollment request.

126 (5) The Superintendent shall develop and administer procedures for facilitation
127 of a CCA that informs the appropriate parties.

128

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

130 (1) An eligible student may register for program credits consistent with Section
131 53F-4-503.

132 (2) An eligible student may exceed a full course load during a regular school
133 year if the student's plan for college and career readiness indicates that the student
134 intends to complete high school graduation requirements and exit high school before
135 the rest of the student's high school cohort.

136 (3) In accordance with Subsection 53F-4-509(5), if a student enrolled in a
137 program course exceeds a full course load during a regular school year, a primary LEA
138 of enrollment may mark the student as an early graduate and increase membership in

139 accordance with Section R277-419-8 and Rule R277-484 to account for credits in
140 excess of full-time enrollment in a local student information system.

141 (4)(a) An eligible student is expected to complete courses in which the student
142 enrolls in a timely manner consistent with Section 53F-4-505 and requirements for
143 attendance and participation in accordance with Subsection R277-726-7(15) and
144 Subsection R277-726-2(17).

145 (b) If a student changes the student's enrollment in the student's primary LEA or
146 withdraws from an online course for any reason, it is the student's or student's parent's
147 responsibility to notify the provider immediately.

148 (5) A student shall enroll in online courses, or declare an intention to enroll,
149 during the school course registration period designated by the primary LEA of
150 enrollment for regular course registration.

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

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

156 (b) If an underenrolled student enrolls in an online course as described in
157 Subsection (7)(a), the primary school of enrollment may immediately claim the student
158 for the adjusted portion of enrollment by entering the course into the primary LEA's
159 student information system and increasing membership, if necessary.

160

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

162 (1) A primary school of enrollment shall facilitate student enrollment with any
163 eligible providers selected by an eligible student consistent with course credit limits.

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

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

- 168 (a) in registration materials;
- 169 (b) on the LEA's website; and
- 170 (c) on the school's website.

171 (4) A primary school or LEA of enrollment shall provide the notice required under
172 Subsection (3) concurrent with the high school course registration period designated by
173 the LEA for the upcoming school year to facilitate enrollment as required by Section
174 53F-4-513.

175 (5) A primary school of enrollment shall include a student's online courses in the
176 student's enrollment records and, upon course completion, include online course grades
177 and credits on the student's transcripts, including appropriate student coursework
178 completed before grade 9.

179 (6) A primary school of enrollment shall recognize credit earned toward high
180 school graduation by a participating secondary student through courses completed
181 before grade 9 for purposes of high school graduation provided that:

- 182 (a) the student has in the student's records documentation of the student's
183 intention to graduate early; and
- 184 (b) the student is enrolled at a middle school or junior high school and a high
185 school accredited in accordance with Rule R277-410.

186 (7) A primary school of enrollment shall determine fee waiver eligibility for
187 participating public school students pursuant to Rule R277-407.

188 (8)(a) If a participating student qualifies for a fee waiver, the student's primary
189 LEA or school of enrollment shall provide the participating student access to an online
190 course by:

- 191 (i) allowing a student access to necessary technology in a computer lab or other
192 space within the school building during a school period or during the regular school day
193 for the student to participate in an online course; or

194 (ii) providing a participating student technology and wi-fi needed for the student
195 to participate outside of the school building.

196 (b) If a participating student who qualifies for a fee waiver is a home or private
197 school student, the online course provider shall provide the participating home or private
198 school student access to the online course.

199 (9) A primary school of enrollment shall provide participating students access to
200 facilities for the student to participate in an online course during the regular school day,
201 sports, extracurricular and co-curricular activities, and graduation services consistent
202 with local policies governing participation irrespective of relative levels of participation in
203 traditional courses versus Statewide Online Education courses.

204 (10)(a) If a participating student's primary school of enrollment is a middle school
205 or junior high as defined in Rule R277-700, course completions will be recorded in a
206 student's record of credit and course completion for grade 9 to allow recognition toward
207 grades 9-12, high school graduation requirements, and post-secondary requirements.

208 (b) A primary LEA of enrollment accepting credit toward high school
209 requirements is not required to independently verify:

210 (i) early graduation status; or

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

212 (11) When a student satisfactorily completes an online semester or quarter
213 course, in accordance with the LEA's procedures, a designated counselor or registrar at
214 the primary school of enrollment shall forward records of grades and high school
215 graduation credit for students participating before grade 9 to the student's grade 9
216 primary school of enrollment for recording grades and credit per Subsection (10) once a
217 student completes grade 8.

218

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

220 (1) The Superintendent shall provide a website for the program, including
221 information required under Section 53F-4-512 and other information as determined by
222 the Board.

223 (2) The Superintendent shall direct a provider to administer the Utah standards
224 and high school assessments, as applicable, consistent with Section 53F-4-514 and
225 Rule R277-404.

226 (3) The Superintendent shall prepare and make available applications and
227 program agreements for:

- 228 (a) LEA providers;
- 229 (b) higher education providers; and
- 230 (c) certified online providers.

231 (4)(a) The Superintendent may determine space availability standards and
232 appropriate course load standards for online courses consistent with Subsection 53F-4-
233 512(3)(d).

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

235 (5)(a) Before approving a provider, the Superintendent shall review Annual
236 Financial Reports and state-administered test data to establish capacity of a program to
237 serve an increased range of students while still meeting program requirements.

238 (b) The Superintendent may restrict a provider from offering coursework if the
239 Superintendent determines that the provider demonstrates repeated low performance
240 on statewide assessments in English Language Arts, math, or science.

241 (6) The Superintendent shall withhold funds from a primary LEA of enrollment
242 and make payments to a provider consistent with Sections 53F-4-505 through 53F-4-
243 507.

244 (7) The Superintendent may refuse to provide funds under a CCA if the
245 Superintendent finds that information has been submitted fraudulently or in violation of
246 the law or Board rule by any of the parties to a CCA.

247 (8) The Superintendent shall receive and investigate complaints, and impose
248 sanctions, if appropriate, regarding course integrity, financial mismanagement,
249 enrollment fraud or inaccuracy, or violations of the law or this rule specific to the
250 requirements and provisions of the program.

251 (9) If a Superintendent or federal entity's investigation finds that a provider has
252 violated the IDEA or Section 504 provisions for a student taking online courses, the
253 provider shall compensate the student's primary LEA of enrollment for costs related to
254 compliance.

255 (10) The Superintendent may monitor an LEA's or program provider's
256 compliance with any requirement of state or federal law or Board rule under the
257 program.

258 (11) The Superintendent may withhold funds from a program provider for the
259 participant's failure to comply with a reasonable request for records or information.

260 (12) Program records are available to the public subject to Title 63G, Chapter 2,
261 Government Records Access and Management Act.

262 (13) The Superintendent shall withhold online course payment from a primary
263 LEA of enrollment and payments to an eligible provider at the nearest monthly transfer
264 of funds, subject to verification of information, in an amount consistent with, and when a
265 provider qualifies to receive payment, under Subsection 53F-4-505(4).

266 (14) The Superintendent shall pay a provider consistent with Minimum School
267 Program funding transfer schedules.

268 (15)(a) The Superintendent may make decisions on questions or issues
269 unresolved by Title 53F, Chapter 4, Part 5, Statewide Online Program Act or this rule on
270 a case-by-case basis.

271 (b) The Superintendent shall report decisions described in Subsection (15)(a) to
272 the Board consistent with the purposes of the law and this rule.

273

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

275 (1)(a) A provider shall administer the applicable statewide assessments to a
276 participating private or home school student as directed by the Superintendent,
277 including proctoring the applicable statewide assessments, consistent with Section 53F-
278 4-510 and Rule R277-404.

279 (b) A provider shall pay administrative and proctoring costs for the applicable
280 statewide assessments described in Subsection (1)(a).

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

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

- 285 (a) consistency with course standards;
- 286 (b) criminal background checks for provider employees;
- 287 (c) documentation of student enrollment and participation; and
- 288 (d) compliance with:
 - 289 (i) the IDEA;
 - 290 (ii) Section 504; and
 - 291 (iii) requirements for multilingual students.

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

- 294 (a) Board procedures;
- 295 (b) Board timelines; and
- 296 (c) Sections 53F-4-505 through 53F-4-508.

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

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

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

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

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

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

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

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

310 (6) A provider shall maintain a student's records and comply with the federal
311 Family Educational Rights and Privacy Act, Title 53E, Chapter 9, Part 3, Student Data
312 Protection, and Rule R277-487, including:

313 (a) protecting the confidentiality of a student's records and providing a parent
314 and an eligible student access to records; and

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

317 (i) test scores;

318 (ii) grades;

319 (iii) progress and performance measures; and

320 (iv) completion of credit.

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

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

327 (b) June 30 of the school year.

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

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

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

335 (c)(i) A provider shall notify the Superintendent of a student's administrative
336 withdrawal, if the student is inactive in a course for more than ten days, using forms and
337 processes developed by the Superintendent for this purpose.

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

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

344 (11)(a) A provider shall provide to the Superintendent a list of course options
345 using USBE-provided course codes.

346 (b) A provider shall code program courses as semester or quarter courses.

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

348 (12) A provider shall serve a student on a first-come-first-served basis who
349 desires to take courses and who is designated eligible by a primary school of enrollment
350 if desired courses have space available.

351 (13) A provider shall maintain and provide records and systems as part of a
352 public online school or program, including:

353 (a) financial and enrollment records;

354 (b) information for accountability, program monitoring, and audit purposes; and

355 (c) providing timely documentation of student participation, enrollment, educator
356 credentials, and other additional data for purposes including giving a student's primary

357 school of enrollment access to the student's records to appropriately support the
358 student.

359 (14) A provider shall maintain the following for at least five calendar years after
360 the student graduates:

- 361 (a) test scores;
- 362 (b) student grades;
- 363 (c) completion of credit; and
- 364 (d) other progress and performance measures.

365 (15)(a) A provider is responsible for complete and timely submissions of record
366 changes to executed CCAs and submission of other reports and records as required by
367 the Superintendent.

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

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

373 (16) A provider shall inform a student and the student's parent of expectations
374 for active participation before the inception of course work, including informing the
375 student and the student's parent of travel expectations to fulfill course requirements.

376 (17)(a) An LEA may participate in the program as a provider by offering a school
377 or program consistent with Rule R277-115 to a Utah secondary student in grades 7-12
378 who is not a resident student of the LEA and a regularly-enrolled student of the LEA
379 consistent with Sections 53F-4-501 and 53F-4-503.

380 (b) An LEA program created in accordance with Subsection (18)(a) for serving
381 students in grades 9-12 online must partner with an accredited school and shall:

- 382 (i) report grades and credit earned by a student to the Superintendent; and
- 383 (ii) record educator assignments consistent with Rule R277-484.

384 (18) A program school or program shall:

- 385 (a) be accredited consistent with Rule R277-410;
- 386 (b) have a designated administrator who meets the requirements of Rule R277-
- 387 309;
- 388 (c) ensure that a student who qualifies for a fee waiver receives services offered
- 389 by and through the public schools consistent with Section 53G-7-504 and Rule R277-
- 390 407;
- 391 (d) maintain student records consistent with:
- 392 (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and
- 393 34 CFR Part 99;
- 394 (ii) Rule R277-487;
- 395 (iii) this Rule R277-726; and
- 396 (e) shall offer course work:
- 397 (i) aligned with Utah Core standards;
- 398 (ii) in accordance with program requirements; and
- 399 (iii) in accordance with Rules R277-700 and R277-404;
- 400 (f) shall not issue transcripts under the name of a third party provider; and
- 401 (g) shall record teaching assignments by November 15 annually consistent with
- 402 Rule R277-484 and Section R277-312-3, either directly or through a partner school in
- 403 accordance with Subsection (18)(b).
- 404 (19) An LEA that offers an online program or school as a provider under the
- 405 program:
- 406 (a) shall employ only educators licensed in Utah as teachers;
- 407 (b) may not employ an individual whose educator license has been suspended
- 408 or revoked;
- 409 (c) shall require employees to meet requirements of Title 53G, Chapter 11, Part
- 410 4, Background Checks, before the provider offering services to a student;
- 411 (d) may only employ teachers who meet the requirements of Rule R277-301,
- 412 Educator Licensing - Highly Qualified Assignment;

413 (e) for a provider that provides an online course to a private or home school
414 student, shall agree to administer and have the capacity to proctor and carry out the
415 applicable statewide assessments, consistent with Sections 53E-4-302, 53F-2-103, and
416 Rule R277-404;

417 (f) in accordance with Section R277-726-8, shall provide services to a student
418 consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights
419 Act of 1964 for multilingual students;

420 (g) shall submit CCAs to the Superintendent before the provider initiating
421 instruction of a student;

422 (h) may not begin offering instruction to a student until the Superintendent issues
423 a notice of enrollment for the student for each course the student participates in; and

424 (i) shall agree that funds shall be withheld by the Superintendent consistent with
425 Sections 53F-4-505, 53F-4-506, and 53F-4-508.

426 (21) A provider shall post required information online on the provider's individual
427 website including required assessment and accountability information.

428 (22)(a) A provider contracting with a third party to provide educational services
429 to students participating with the provider through the Statewide Online Education
430 Program shall:

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

433 (i) a third party provider is complying with:

434 (A) federal law;

435 (B) state law; and

436 (C) Board rules;

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

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

442 (iv) supervision of third party facilitation and instruction by an educator licensed
443 in Utah:

444 (A) employed by the provider, and

445 (B) reported as teacher of record per Section R277-484-3 and Subsection R277-
446 726-2(3); and

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

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

452 (24) A provider shall maintain a course completion rate of at least 80% annually
453 to remain in good standing with the program.

454 (25) A provider is subject to the same approval and annual performance review
455 as described for a certified online course provider in Subsections R277-726-12(1)
456 through (10) while utilizing the applicable applications for a provider described in
457 Subsections R277-726-3(1)(a) and (b).

458 (26) A provider utilizing a third party shall establish contractual and procedural
459 safeguards:

460 (a) retaining legal and procedural authority to open coursework to a participating
461 student only upon issuance of a notice of enrollment regarding a particular course and
462 credit;

463 (b) signifying the provider's authority to interact instructionally with a student not
464 regularly-enrolled in an LEA, but participating in SOEP courses with approval of the
465 student's primary LEA of enrollment; and

466 (c) including acceptance of financial responsibility by a primary LEA of
467 enrollment.

468 (27) A provider is not required to independently verify:

469 (a) early graduation status; or

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

471

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

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

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

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

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

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

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

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

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

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

492 (3) For a student enrolled in a primary LEA of enrollment, if a student
493 participating in the program qualifies to receive services under the IDEA:

- 494 (a) the student's primary LEA of enrollment shall:
- 495 (i) working with a provider LEA representative, review or develop an IEP for the
496 student within ten days of enrollment;
- 497 (ii) working with a provider LEA representative, update an existing IEP with
498 necessary accommodations and services, considering the courses selected by the
499 student;
- 500 (iii) provide the IEP described in Subsection (3)(a)(i) to the provider within 72
501 business hours of completion of the student's IEP; and
- 502 (iv) continue to claim the student in the primary LEA of enrollment's membership;
503 and
- 504 (b) the provider shall provide special education services and accommodations to
505 the student in accordance with the student's IEP described in Subsection (3)(a)(i).
- 506 (4) If a home or private school student requests an evaluation for eligibility to
507 receive special education services:
- 508 (a) the home or private school student's resident school shall:
- 509 (i) evaluate the student's eligibility for services under the IDEA;
- 510 (ii) if eligible, the student may enroll in the LEA that will prepare an IEP for the
511 student, with input from the provider LEA, in accordance with the timelines required by
512 the IDEA;
- 513 (iii) provide the IEP described in Subsection (4)(a)(ii) to the provider within 72
514 business hours of completion of the student's IEP; and
- 515 (b) the provider shall provide special education services and accommodations to
516 the student in accordance with the student's IEP described in Subsection (4)(a)(i)
517 including in cases where the provider utilizes a third party provider for delivery of
518 educational or other services.

519

520 **R277-726-9. Limited Appropriations for Special Populations.**

521 (1) The Superintendent shall allocate the annual appropriation for home and
522 private school tuition, along with any carryover or unobligated funds, as follows:

523 (a) Before December 1 annually, the Superintendent shall accommodate home
524 school students with at least 50% of the total appropriation for home and private school
525 students, unless the home school demand is less.

526 (b) After December 1 annually, until available funds are obligated, the
527 Superintendent shall:

528 (i) receive and accept enrollment requests on a first come, first served basis;
529 and

530 (ii) offer preference to home school students in the event demand exceeds
531 available funding.

532 (3) If home school or private school student funds remain by December 1, the
533 Superintendent may release the funds for any pending enrollment requests.

534 (4)(a) ~~For~~ Subject to legislative appropriations available for this purpose, for
535 each school with a student population of less than 1,000 students, the Superintendent
536 shall prioritize available funds to cover at least one course ~~[per student]~~ at the highest
537 course rate.

538 (b) After disbursing funds in accordance with Subsection (4)(a), if funds remain,
539 the Superintendent shall distribute the remaining funds based on population with 70% to
540 qualifying district schools and 30% to charter schools.

541 (c) If unused funds remain after March 1 annually, the Superintendent may
542 redistribute available funds to qualifying LEAs whose needs exceeded their initial
543 allocation.

544 (d) The Superintendent shall calculate allocations using prior-year UTREx end of
545 year extracts.

546

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

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

- 549 (2) A provider shall adhere to timelines and standards described in Subsection
550 (1) for student grades and enrollment in online courses for purposes of:
- 551 (a) school awards and honors;
 - 552 (b) Utah High School Activities Association participation; and
 - 553 (c) high school graduation.

554

555 **R277-726-11. Certified Online Course Provider Application Approval, Program**
556 **Requirements, and Fees.**

557 (1) An entity other than an online course provider may become a certified online
558 course provider if the entity submits an application on a form provided by the
559 Superintendent.

560 (2) An entity other than an online course provider shall submit an application on
561 or before the annual deadline established by the Superintendent.

562 (3) The Superintendent shall review each application within a reasonable
563 amount of time.

564 (4) If the Superintendent finds the application submitted is satisfactory, including
565 a demonstration of the entity's ability to adhere to requirements within the application,
566 this Rule R277-726, and state law, the Superintendent shall forward the application to
567 the Board for final approval.

568 (5) Once approved by the Board, an entity shall become a certified online course
569 provider.

570 (6) A certified online course provider shall adhere to requirements to remain
571 certified and in good standing within the program including:

572 (a) requirements applicable to an online course provider described in this Rule
573 R277-726, including the requirement to maintain a course completion rate of at least
574 80%;

575 (b) additional requirements prescribed in the application; and

576 (c) state laws applicable to an online course provider, including Sections 53F-4-
577 501 et. seq.

578 (7) A certified online course provider shall be subject to an annual performance
579 review by the Superintendent.

580 (8) If the Superintendent finds the certified online course provider is not in
581 compliance with any requirement as outlined in Subsection (6) of this part, the
582 Superintendent shall provide the certified online course provider with a list of non-
583 compliance issues and a reasonable timeline for the certified online course provider to
584 cure the instances of non-compliance.

585 (9) If the certified online course provider fails to correct instances of non-
586 compliance within the allotted timeline, the certified online course provider shall be
587 removed from the program.

588 (10) A certified online course provider that has been removed from the program
589 may apply in the application round following removal from the program for re-admission
590 to the program using an application provided by the Superintendent.

591 (11) A certified online course provider shall remit fees to the Superintendent for
592 participation in the program as follows:

593 (a) 5% of revenue collected for the first \$200,000 received pursuant to Section
594 53F-4-505; and

595 (b) 1% of revenue collected after the first \$200,000 received pursuant to Section
596 53F-4-505.

597

598 **R277-726-12. Online Concurrent Enrollment.**

599 For a student enrolled in a concurrent enrollment course through an SOEP
600 provider, to the extent there is a conflict between this rule and Title 53F, Chapter 4, Part
601 5, Statewide Online Education Program, and Title 53E, Chapter 10, Part 3, Concurrent
602 Enrollment, the concurrent enrollment code provisions shall govern.

603

604 **KEY: statewide online education program**
605 **Date of Last Change: August 22, 2022**
606 **Notice of Continuation: January 13, 2022**
607 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-4-510; 53F-4-**
608 **514; 53E-3-401**