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1 **R277. Education, Administration.**

2 **R277-419. Pupil Accounting.**

3 **R277-419-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

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

9 (c) Subsection 53E-3-501(1)(e), which directs the Board to establish rules and
10 standards regarding:

11 (i) cost-effectiveness;

12 (ii) school budget formats; and

13 (iii) financial, statistical, and student accounting requirements;

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

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

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

20 (g) Subsection 53G-5-404(4), which requires charter schools to make the same
21 annual reports required of other public schools.

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

24

25 **R277-419-2. Definitions.**

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

28 (2) "Approved CTE course" means a course approved by the Board within the
29 Career and Technical Education (CTE) Pathways [\[areas of study\]](#).

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30 (3) "Attendance validated program" means a program within an LEA that
31 consists of eligible, enrolled public school students who physically attend school in a
32 brick and mortar school.

33 (4) "Blended learning program" means a formal education program under the
34 direction of an LEA in which a student learns through an integrated experience that is in
35 part:

36 (a) through online learning, with an element of student control over time, place,
37 path, or pace; and

38 (b) in a supervised brick and mortar school away from home.

39 (5) "Brick and mortar school" means a school where classes are conducted in a
40 physical school building.

41 (6) "Data Clearinghouse" means the electronic data collection system used by
42 the Superintendent to collect information required by law from LEAs about individual
43 students at certain points throughout the school year to support the allocation of funds
44 and accountability reporting.

45 (7) "Educational services" means providing learning opportunities and services
46 designed to support a student to be prepared to succeed and lead by having the
47 knowledge and skills to learn, engage civically, and lead meaningful lives, including by
48 providing:

49 (a) high quality instruction for each student;

50 (b) personalized learning supports for each student; and

51 (c) implementation of evidence-based student health and wellness practices.

52 (8) "Eligible student" means a student who satisfies the criteria for enrollment in
53 an LEA, set forth in Section R277-419-~~7~~5.

54 (9) "Enrollment verification data" includes:

55 (a) a student's birth certificate or other verification of age;

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

57 (c) proof of Utah public school residency;

58 (d) family income verification; or

59 (e) special education program information, including:

60 (i) an individualized education program;

61 (ii) a Section 504 accommodation plan; or

62 (iii) an English learner plan.

63 (10)(a) "Home school" means the formal instruction of children in their homes
64 instead of in an LEA.

65 (b) "Home school" does not include public school instruction provided in a home,
66 including when:

67 (i) an online student receives instruction at home, but the student is enrolled in a
68 public school that follows state Core Standards;

69 (ii) an online student is:

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

71 (B) included in accountability measures; or

72 (iii) an online student receives instruction under the direction of a highly
73 qualified, licensed teacher who is subject to the licensure requirements of Rule R277-
74 301 and fingerprint and background checks consistent with Rules R277-214 and R277-
75 309.

76 (11) "Home school course" means instruction:

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

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

81 (12)(a) "Influenza pandemic" or "pandemic" means a global outbreak of serious
82 illness in people.

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

86 (13) "ISI-1" means a student who receives 1 to 59 minutes of YIC related
87 services during a typical school day.

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

90 (15) "Learner validated enrollment measurement" means a methodology used to
91 establish a student's membership or enrollment status for purposes of generating
92 membership days.

93 (16) "Learner validated program" means a program within an LEA that consists
94 of eligible, enrolled public school students where the student receives instruction
95 through:

- 96 (a) an online learning program;
- 97 (b) a blended learning program; or
- 98 (c) a personalized, competency-based learning program.

99 (17)(a) "Membership" means a public school student is on the current roll of a
100 public school class or public school as of a given date.

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

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

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

108 (19) "Online learning program" means a program:

- 109 (a) that is under the direction of an LEA; and
- 110 (b) in which students receive educational services primarily over the internet.

111 (20) "Personalized, Competency-based Learning Grants Program" means an
112 education program that provides instruction through personalized, competency-based
113 learning as defined in Section 53F-5-501.

114 (21) "Private school" means an educational institution that:

- 115 (a) is not an LEA;

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

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

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

122 (23) "Qualifying school age" means:

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

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

127 (c) with respect to YIC, a person who is at least five years old and no more than
128 21 years old on or before September 1.

129 (24) "Resource" means a student who receives 1 to 179 minutes of special
130 education services during a typical school day consistent with the student's IEP
131 provided for under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec.
132 1400 et seq., amended in 2004.

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

136 (a) sickness;

137 (b) hospitalization;

138 (c) pending court investigation or action; or

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

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

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

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

149 (29) "School" means an educational entity governed by an LEA that:

150 (a) is supported with public funds;

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

152 (c) employs licensed educators as instructors that provide instruction consistent
153 with Section R277-301;

154 (d) has one or more assigned administrators;

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

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

157 (30) "School day" means a day where an LEA provides educational services to
158 students subject to the requirements described in Section R277-419-~~[5]~~4.

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

161 (32) "School of enrollment" means:

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

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

165 ~~[—(33) "School reopening requirements template" means the template LEAs are
166 required to submit to Superintendent as an assurance that the LEA has addressed state
167 requirements for reopening schools for in-person learning for the 2020-21 school year.]~~

168 ~~[(34)]~~³³ "School year" means the 12 month period from July 1 through June 30.

169 ~~[(35)]~~³⁴ "Self-contained" means a public school student with an IEP or YIC, who
170 receives 180 minutes or more of special education or YIC related services during a
171 typical school day.

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172 [(36)]35 "Self-Contained Resource Attendance Management (SCRAM)" means
173 a record that tracks the aggregate membership of public school special education
174 students for state funding purposes.

175 [(37)]36 "SSID" means Statewide Student Identifier.

176 (37) "Student with a disability" means a student who:

177 (a)(i)(A) is of an age during which it is mandatory under state law to provide
178 educational services to persons with disabilities as described in Section 53E-3-
179 503(1)(a); or

180 (B) is of an age during which a student without a disability is provided educational
181 services; and

182 (ii) is entitled to receive a free appropriate public education under the Individuals
183 with Disabilities Education Act or Board rules related to special education, including
184 R277-750; or

185 (b) is entitled to receive a free appropriate public education under Section 504 of
186 the Rehabilitation Act of 1973 because the student:

187 (i) has a physical or mental impairment which substantially limits one or more
188 major life activities;

189 (ii) has a record of an impairment described in Subsection (37)(b)(i); or

190 (iii) is regarded as having an impairment described in Subsection (37)(b)(i).

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

192 (a) the student was not physically present at school at any of the times
193 attendance checks were made in accordance with Subsection R277-419-[(44)]8(5); and

194 (b) the student's absence could not be accounted for by evidence of a legitimate
195 or valid excuse in accordance with local board policy on truancy as defined in Section
196 53G-6-201.

197 (39) "Weighted pupil unit" or "WPU" means the same as that term is defined in
198 Section 53F-2-102.

199 (40) "Year end upload" means the Data Clearinghouse file due annually by July
200 15 from LEAs to the Superintendent for the prior school year.

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- 201 (41) "Youth in custody or YIC" means a person under the age of 21 who is:
202 (a) in the custody of the Department of Human Services as of July 2022;
203 (b) in the custody of an equivalent agency of a Native American tribe recognized
204 by the United States Bureau of Indian Affairs and whose custodial parent or legal
205 guardian resides within the state; or
206 (c) being held in a juvenile detention facility.

207

208 ~~[R277-419-3. Incorporation by Reference of Continuity of Education Plan Form~~
209 ~~and School Reopening Requirements Template.~~

- 210 ~~—— (1) This rule incorporates by reference:~~
211 ~~—— (a) the Continuity of Education Plan form created by the Superintendent, which~~
212 ~~requires planning for services in the event of a school closure, including:~~
213 ~~—— (i) e-learning;~~
214 ~~—— (ii) special education services;~~
215 ~~—— (iii) student meals;~~
216 ~~—— (iv) event planning; and~~
217 ~~—— (v) staffing.~~
218 ~~—— (b) the School Reopening Requirements Template created by the~~
219 ~~Superintendent and based on the K-12 School Reopening Requirements and~~
220 ~~Recommendations approved by the Board, which an LEA is required to submit to the~~
221 ~~Superintendent as an assurance that the LEA has addressed state requirements for~~
222 ~~safely reopening schools for the 2020-21 year.~~
223 ~~—— (2) A copy of the Continuity of Education Plan form is located at:~~
224 ~~—— (a) <http://schools.utah.gov/File/56b38326-eb40-4e8e-bca2-e78437cd5897>; and~~
225 ~~—— (b) the Utah State Board of Education.~~
226 ~~—— (3) A copy of the School Reopening Requirements template is located at:~~
227 ~~—— (a) <https://www.schools.utah.gov/file/37363ea4-65fe-4c4e-9064-665f2ba4890c>;~~
228 ~~and~~
229 ~~—— (b) the Utah State Board of Education.~~

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231 **R277-419-[4]3. Schools and Programs.**

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

235 (b) A school shall submit a Clearinghouse report to the Superintendent.

236 (c) A school shall employ at least one licensed educator and one administrator.

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

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

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

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

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

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

248

249 **R277-419-[5]4. Minimum School Days.**

250 (1)(a) Except as provided in Subsection (1)~~[(b), Section R277-419-6,]~~ and
251 Subsection 53F-2-102(4), an LEA shall provide educational services over a minimum of
252 180 school days each school year.

253 (b)(i) Except as provided in Subsection (1)(b)(ii), an LEA that participates in the
254 National School Lunch Program shall provide school meals on each day that the LEA
255 schedules towards the LEA's 180 educational service days described in Subsection
256 (1)(a).

257 (ii) The requirement to provide school meals described in Subsection (1)(b)(i)
258 does not apply to:

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259 (A) an unplanned school closure or unplanned learn from home day due to
260 snow, inclement weather, or other emergency;

261 (B) a day that an LEA governing board reallocates as a teacher preparation or
262 teacher professional development day as described in Subsection 53F-2-102(4)(d); ~~or~~

263 (C) a day that an LEA counts in student membership for professional
264 development or parent-teacher conference days as described in Subsection (6); or

265 (D) a day where the LEA provides educational services while the LEA's students
266 engage in instruction 100% virtually or from home.

267 ~~(b)~~(c) [a]An LEA may seek an exception to the number of school days
268 described in Subsection (1)(a):

269 (i) except as provided in Subsection (1)~~(b)~~(c)(ii), for a whole school or LEA as
270 described in Rule R277-121;

271 (ii) for a school closure due to snow, inclement weather, or other emergency as
272 described in Section R277-121-5; or

273 (iii) for an individual student as described in Section R277-419-~~44~~11.

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

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

278 (4) Minimum standards apply to a public school in all settings unless Utah law or
279 this rule provides for a specific exception.

280 (5) An LEA's governing board shall provide adequate contingency school days in
281 the LEA's yearly calendar to avoid the necessity of requesting a waiver except in the
282 most extreme circumstances.

283 (6)(a) A school may conduct parent-teacher and student Plan for College and
284 Career Readiness conferences during the school day.

285 (b) Parent-teacher and college and career readiness conferences may only be
286 held for a total of the equivalent of three full school days for the school year.

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

289 (d) An LEA may designate no more than a total of 12 educational service days at
290 the beginning of the school year, at the end of the school year, or both for the
291 assessment of students entering or completing kindergarten.

292 (e) If educational service days are designated for kindergarten assessment:

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

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

296 (iii) qualified school employees shall conduct the assessment consistent with
297 Section 53G-7-205; and

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

300 (f) The final decision and approval regarding planning time, parent-teacher and
301 Student Plan for College and Career Readiness conferences rests with an LEA,
302 consistent with Utah Code and Board administrative rules.

303 (g) Total instructional time and school calendars shall be approved by an LEA in
304 an open meeting.

305

306 ~~[R277-419-6. Waiver of the 990 Hour Requirement For the 2020-21 School Year.~~

307 ~~Notwithstanding the requirements of Section R277-419-5, for the 2020-21 school~~
308 ~~year, an LEA is not subject to the requirement to conduct school for at least 990 hours~~
309 ~~of educational services if, by August 1, 2020, the LEA includes in the LEA's reopening~~
310 ~~requirements template, how the LEA will ensure continuity of teaching and learning by~~
311 ~~providing high quality instruction that includes blended learning and formative~~
312 ~~assessment strategies.~~

313]

314 **R277-419-[7]5. Student Membership Eligibility and Learner Validated Enrollment**
315 **Measurements.**

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- 316 (1) A student may enroll in two or more LEAs at the discretion of the LEAs.
- 317 (2) A kindergarten student may only enroll in one LEA at a time.
- 318 (3) To generate membership for funding through the Minimum School Program
319 on any school day, an LEA shall ensure that a student being counted by the LEA in
320 membership:
- 321 (a) has not previously earned a basic high school diploma or certificate of
322 completion;
- 323 (b) has not been enrolled in a YIC program with a YIC time code other than ISI-1
324 or ISI-2;
- 325 (c) does not have unexcused absences, which are determined using one of the
326 learner validated enrollment measurements described in Subsection (4);
- 327 (d) is a resident of Utah as defined under Section 53G-6-302;
- 328 (e) is of qualifying school age or is a retained senior;
- 329 (f)(i) is expected to attend a regular learning facility operated or recognized by
330 an LEA on each regularly scheduled school day, if enrolled in an attendance validated
331 program;
- 332 (ii) has direct instructional contact with a licensed educator provided by an LEA
333 at:
- 334 (A) an LEA-sponsored center for tutorial assistance; or
- 335 (B) the student's place of residence or convalescence for at least 120 minutes
336 each week during an expected period of absence, if physically excused from such a
337 facility for an extended time, due to:
- 338 (I) injury;
- 339 (II) illness;
- 340 (III) surgery;
- 341 (IV) suspension;
- 342 (V) pregnancy;
- 343 (VI) pending court investigation or action; or
- 344 (VII) an LEA determination that home instruction is necessary;

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- 345 (iii) is enrolled in an approved CTE course on the campus of another state
346 funded institution where such a course is:
- 347 (A) not offered at the student's school of membership;
348 (B) being used to meet Board-approved CTE graduation requirements under
349 Subsection R277-700-6(16); and
350 (C) a course consistent with the student's Plan for College and Career
351 Readiness; or
- 352 (iv) is enrolled in a learner validated program under the direction of an LEA that:
353 (A) is consistent with the student's Plan for College and Career Readiness;
354 (B) has been approved by the student's counselor; and
355 (C) includes regular instruction or facilitation by a designated employee of an
356 LEA.
- 357 (4) An LEA shall use one of the following learner validated enrollment measures:
358 (a) For a student primarily enrolled in an attendance validated program, the LEA
359 may not count a student as an eligible student if the eligible student has unexcused
360 absences during the prior ten consecutive school days.
- 361 (b) For a student enrolled in a learner validated program, an LEA shall:
362 (i) adopt a written policy that designates a learner validated enrollment
363 measurement to document the learner validated membership or enrollment status for
364 each student enrolled in the learner validated program consistent with this section;
365 (ii) document each student's continued enrollment status in compliance with the
366 learner validated enrollment policy at least once every ten consecutive school days; and
367 (iii) appropriately adjust and update student membership records in the student
368 information system for students that did not meet the learner validated enrollment
369 measurement, consistent with this section.
- 370 (c) For a student enrolled in a~~an~~ learner validated program, the LEA may not
371 count a student as an eligible student if the LEA has not ~~personally~~ engaged with the
372 student during the prior ten consecutive school days.
- 373 (5) Notwithstanding Subsection (4), an LEA:

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374 (a) shall continue to provide a student with a disability a free and appropriate
375 public education even when the student has not attended school or engaged with the
376 LEA during the prior ten consecutive days;

377 (b) shall maintain the student's enrollment in the LEA; and

378 (c) may continue to count the student in membership for funding purposes up to
379 30 days if the LEA documents that the LEA is working to locate and engage with the
380 student with a disability.

381 ~~[(5)](6)~~ The learner validated enrollment measurement described in Subsection
382 (4)(b) may include the following components, in addition to other components, as
383 determined by an LEA:

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

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

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

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

390 ~~[(6)](7)~~(a) Beginning with the 2021-22 school year, an LEA shall submit each
391 student's attendance validated or learner validated enrollment status through the
392 UTREx or Data Clearinghouse.

393 (b) For a student who participates in both attendance validated, and learner
394 validated programs, the LEA shall designate the student's status as learner validated
395 enrollment.

396 ~~[(7)](8)~~(a) An LEA desiring to generate membership for student enrollment in
397 courses outlined in Subsection (3)(f)(iii), or to seek a waiver from a requirement in
398 Subsection (3)(f)(iii), shall submit an application for course approval by April 1 of the
399 year prior to which the membership will be counted.

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

402

403 **R277-419-~~[8]~~6. Student Membership Calculations.**

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

407 (b) With written verification from the student's parent that the student intends to
408 graduate early, an early graduation student may be counted for more than 180 days of
409 regular membership in accordance with the student's Plan for College and Career
410 Readiness.

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

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

416 (b) A student transferring to or from an LEA with a schedule approved under
417 Subsection R277-419-~~[5]~~4(1)(b) is eligible for no more than 220 days of regular
418 membership per school year.

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

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

425 (i) 170 days; plus

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

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

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432 (4) If a student was enrolled for only part of the school day or only part of the
433 school year, an LEA shall prorate the student's membership according to the number of
434 hours, periods or credits for which the student actually was enrolled in relation to the
435 number of hours, periods or credits for which a full-time student normally would have
436 been enrolled, for example:

437 (a) if the student was enrolled for four periods each day in a seven period school
438 day for 180 school days, the student's aggregate membership would be $4/7$ of 180 days
439 or 103 days; or

440 (b) if the student was enrolled for seven periods each day in a seven period
441 school day for 103 school days, the student's membership would also be 103 days.

442 (5)(a) An LEA shall calculate the days in membership for all students using a
443 method equivalent to the following: total clock hours of educational services for which
444 the student was enrolled during the school year divided by 990 hours and then
445 multiplied by 180 days and finally rounded up to the nearest whole day.

446 (b) For example, if a student was enrolled for only 900 hours during the school
447 year, the student's aggregate membership would be $(900/990)*180$, and the LEA would
448 report 164 days.

449 (6) The sum of regular plus self-contained special education and self-contained
450 YIC membership days may not exceed 180 days.

451 (7) The sum of regular and resource special education membership days may
452 not exceed 360 days.

453 (8) The sum of regular, ISI-1 and ISI-2 YIC membership days may not exceed
454 360 days.

455 (9) An LEA may also count a student in membership for the equivalent in hours
456 of up to:

457 (a) one period each school day, if the student has been:

458 (i) released by the school, upon a parent or guardian's request, during the school
459 day for religious instruction or individual learning activity consistent with the student's

460 [SEOP/]Plan for College and Career Readiness; or

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461 (ii) participating in one or more co-curricular activities under Rule R277-438, but
462 has otherwise been exempted from school attendance under Section 53G-6-204 for
463 home schooling;

464 (b) two periods each school day per student for time spent in bus travel during
465 the regular school day to and from another state funded institution, if the student is
466 enrolled in CTE instruction consistent with the student's ~~[SEOP]~~ Plan for College and
467 Career Readiness;

468 (c) all periods each school day, if the student is enrolled in:

469 (i) a concurrent enrollment program that satisfies the provisions of Title 53E,
470 Chapter 10, Part 3, Concurrent Enrollment;

471 (ii) a private school without religious affiliation under a contract initiated by an
472 LEA to provide special education services which directs that the instruction be paid by
473 public funds if the contract with the private school is approved by an LEA board in an
474 open meeting;

475 (iii) a foreign exchange student program under Section 53G-6-707; or

476 (iv) a school operated by an LEA under a Utah Schools for the Deaf and the
477 Blind IEP provided that:

478 (A) the student may only be counted in S1 membership and may not have an S2
479 record; and

480 (B) the S2 record for the student is submitted by the Utah Schools for the Deaf
481 and the Blind.

482 (10)(a) Except as provided in Subsection (10)(b), a student receiving instruction
483 delivered in a home school course or by a private school is not eligible to be claimed in
484 an LEA's membership and does not qualify for funding under the Minimum School
485 Program in Title 53F, Chapter 2, Minimum School Program Act.

486 (b) Subsection (10)(a) does not apply to public school instruction provided by an
487 LEA to a home school or private school student participating in dual enrollment as
488 described in Section 53G-6-702.

489

Green Text – new language

490 ~~[R277-419-9. Student Membership Calculation During the 2020 Covid-19~~
491 ~~Pandemic.~~

492 ~~—— Notwithstanding the requirements of Sections R277-419-7 and R277-419-8, the~~
493 ~~Superintendent shall calculate an LEA's membership for days of instruction from March~~
494 ~~16, 2020 to June 30, 2020, based on the LEA's average rate of membership between~~
495 ~~July 1, 2019 and March 13, 2020 if:~~

496 ~~—— (1) the LEA has submitted a continuity of education plan on or before June 1,~~
497 ~~2020; and~~

498 ~~—— (2) the LEA provides educational services through the end of the LEA's regular~~
499 ~~school year calendar.~~

500]

501 **R277-419-[40]7. Calculations for a First Year Charter School.**

502 (1) For the first operational year of a charter school or a new satellite campus,
503 the Superintendent shall determine the charter school's WPU funding based on October
504 1 counts.

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

508

509 **R277-419-[44]8. Reporting Requirements and LEA Records.**

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

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

516 (3) To determine student membership, an LEA shall ensure that records of daily
517 student attendance or student engagement are maintained in each school which clearly
518 and accurately show for each student the:

Green Text – new language

- 519 (a) entry date;
- 520 (b) exit date;
- 521 (c) exit or high school completion status;
- 522 (d) whether or not an absence was excused;
- 523 (e) disability status, resource or self-contained, if applicable; and
- 524 (f) YIC status, ISI-1, ISI-2 or self-contained, if applicable.
- 525 (4) An LEA shall ensure that:
- 526 (a) computerized or manually produced records for CTE programs are kept by
- 527 teacher, class, and ~~[Classification of Instructional Program or CIP]~~core code; and
- 528 (b) the records described in Subsection (4)(a) clearly and accurately show for
- 529 each student in a CTE class the:
- 530 (i) entry date;
- 531 (ii) exit date; and
- 532 (iii) excused or unexcused status of absence.
- 533 (5) An LEA shall ensure that each school within the LEA completes a minimum
- 534 of one attendance check each school day.
- 535 (6) Due to school activities requiring schedule and program modification during
- 536 the first days and last days of the school year:
- 537 (a) for the first five school days, an LEA may report aggregate days of
- 538 membership equal to the number recorded for the second five-day period of the school
- 539 year;
- 540 (b) for the last five-day period, an LEA may report aggregate days of
- 541 membership equal to the number recorded for the immediately preceding five-day
- 542 period; and
- 543 (c) schools shall continue educational service activities throughout required
- 544 calendared days.
- 545 (7) The Superintendent:
- 546 (a) shall review each LEA's student membership and fall enrollment reports as
- 547 they relate to the allocation of state funds; and

Green Text – new language

548 (b) may periodically or for cause review LEA records and practices for
549 compliance with Federal and State laws and this rule.

550

551 **R277-419-[42]9. High School Completion Status.**

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

556 (a) graduates are students who earn a basic high school diploma by satisfying
557 one of the options consistent with Rule R277-705 or out-of-school youths of school age
558 who complete adult education secondary diploma requirements consistent with Rule
559 R277-733;

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

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

563 (ii)(A) meet any additional criteria established by an LEA consistent with its
564 authority under Rule R277-705;

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

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

570 (D) pass a General Educational Development or GED test with a designated
571 score;

572 (c) continuing students are students who:

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

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

576 (iii) age out of special education;

Green Text – new language

- 577 (d) dropouts are students who:
- 578 (i) leave school with no legitimate reason for departure or absence;
- 579 (ii) withdraw due to a situation so serious that educational services cannot be
- 580 continued even under the conditions of Subsection R277-419-~~7~~5(3)(f)(ii);
- 581 (iii) are expelled and do not re-enroll in another public education institution; or
- 582 (iv) transfer to adult education;
- 583 (e) an LEA shall exclude a student from the cohort calculation if the student:
- 584 (i) transfers out of state, out of the country, to a private school, or to home
- 585 schooling;
- 586 (ii) is a U.S. citizen who enrolls in another country as a foreign exchange
- 587 student;
- 588 (iii) is a non-U.S. citizen who enrolls in a Utah public school as a foreign
- 589 exchange student under Section 53G-6-707 in which case the student shall be identified
- 590 by resident status, J for those with a J-1 visa, F for all others, not by an exit code;
- 591 (iv) dies; or
- 592 (v) beginning with the 2015-2016 school year, is attending an LEA that is not the
- 593 student's school of enrollment.
- 594 (2)(a) An LEA shall report the high school completion status or exit code of each
- 595 student to the Superintendent as specified in Data Clearinghouse documentation.
- 596 (b) High School completion status or exit codes for each student are due to the
- 597 Superintendent by year end upload for review.
- 598 (c) Except as provided in Subsection (2)(d), an LEA shall submit any further
- 599 updates of completion status or exit codes by October 1 following the end of a student's
- 600 graduating cohort pursuant to Rule R277-484.
- 601 (d) An LEA with an alternative school year schedule where the students have an
- 602 extended break in a season other than summer, shall submit the LEA's data by the next
- 603 complete data submission update, following the LEA's extended break, as defined in
- 604 Rule R277-484.

Green Text – new language

- 605 (3)(a) The Superintendent shall report a graduation rate for each school, LEA,
606 and the state.
- 607 (b) The Superintendent shall calculate the graduation rates in accordance with
608 applicable federal law.
- 609 (c) The Superintendent shall include a student in a school's graduation rate if:
610 (i) the school was the last school the student attended before the student's
611 expected graduation date; and
612 (ii) the student does not meet any exclusion rules as stated in Subsection (1)(e).
- 613 (d) The last school a student attended will be determined by the student's exit
614 dates as reported to the Data Clearinghouse.
- 615 (e) A student's graduation status will be attributed to the school attended in the
616 student's final cohort year.
- 617 (f) If a student attended two or more schools during the student's final cohort
618 year, a tie-breaking logic to select the single school will be used in the following
619 hierarchical order of sequence:
- 620 (i) school with an attached graduation status for the final cohort year;
621 (ii) school with the latest exit date;
622 (iii) school with the earliest entry date;
623 (iv) school with the highest total membership;
624 (v) school of choice;
625 (vi) school with highest attendance; or
626 (vii) school with highest cumulative GPA.
- 627 (g) The Superintendent shall report the four-year cohort rate on the annual state
628 reports.

629

630 **R277-419-~~143~~10. Student Identification and Tracking.**

- 631 (1)(a) Pursuant to Section 53E-4-308, an LEA shall:

Green Text – new language

632 (i) use the SSID system maintained by the Superintendent to assign every
633 student enrolled in a program under the direction of the Board or in a program or a
634 school that is supported by public school funding a unique student identifier; and

635 (ii) display the SSID on student transcripts exchanged with LEAs and Utah
636 public institutions of higher education.

637 (b) The unique student identifier:

638 (i) shall be assigned to a student upon enrollment into a public school program
639 or a public school-funded program;

640 (ii) may not be the student's social security number or contain any personally
641 identifiable information about the student.

642 (2)(a) An LEA shall require all students to provide their legal first, middle, and
643 last names at the time of registration to ensure that the correct SSID follows students
644 who transfer among LEAs.

645 (b) A school shall transcribe the names from the student's birth certificate or
646 other reliable proof of the student's identity and age, consistent with Section 53G-6-603;

647 (c) The direct transcription of student names from birth certificates or other
648 reliable proof of student identity and age shall be the student's legal name for purposes
649 of maintaining school records; and

650 (d) An LEA may modify the order of student names, provide for nicknames, or
651 allow for different surnames, consistent with court documents or parent preferences, so
652 long as legal names are maintained on student records and used in transmitting student
653 information to the Superintendent.

654 (3) The Superintendent and LEAs shall track students and maintain data using
655 students' legal names.

656 (4) If there is a compelling need to protect a student by using an alias, an LEA
657 should exercise discretion in recording the name of the student.

658 (5) An LEA is responsible to verify the accuracy and validity of enrollment
659 verification data, prior to enrolling students in the LEA, and provide students and their
660 parents with notification of enrollment in a public school.

661 (6) An LEA shall ensure enrollment verification data is collected, transmitted,
662 and stored consistent with sound data policies, established by the LEA as required in
663 Rule R277-487.

664

665 **R277-419-~~[14]~~11. Exceptions.**

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

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

671 (2) A school using a modified 45-day/15-day year-round schedule initiated prior
672 to July 1, 1995 is in compliance with this rule if the school's schedule includes a
673 minimum of 990 hours of time the LEA will provide educational services over a minimum
674 of 172 days.

675

676 **R277-419-~~[15]~~12. Effective Date.**

677 This rule is effective for the 2021-22, ~~[and]~~2022-23 and 2023-24 school years.

678

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

680 **Date of Last Change: December 22, 2022**

681 **Notice of Continuation: December 2, 2021**

682 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-**
683 **2-102(7); 53E-3-501(1)(e); 53E-3-602(2); 53E-3-301(3)(d); 53G-4-404**