R277. Education, Administration.
R277-726. Statewide Online Education Program.
R277-726-1. Definitions.

A. "Actively participates" means the student actively participates as defined by the Provider.

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

C. "Course completion" means that a student has completed a course with a passing grade and the Provider has transmitted the grade and credit to primary LEA of enrollment.

D. "Course Credit Acknowledgment (CCA)" means the agreement and registration record using the USOE provided Statewide Online Education Program form. The CCA shall be signed by the student, parent, designee of primary school of enrollment and qualified Provider.

E. "Eligible student" means a student enrolled in grades 9-12 in a public school, but does not include students enrolled in adult education programs.

F. "Enrollment confirmation" means the student initially registered and actively participated, as defined under R277-726-1A.

G. "Executed CCA" means that all parties have signed the CCA and the CCA has been received by the USOE. Following enrollment confirmation and participation, the USOE directs funds to Provider, consistent with Sections 53A-15-1206, 1206.5 and 1207.

H. "LEA" means a 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. "Online course" means a course of instruction offered through the Statewide Online Education Program.

J. "Online course payment" means the amount withheld from the student's primary LEA and disbursed to the designated Provider following satisfaction of the requirements of the law, and as directed in Section 53A-15-1207.

K. "Online course provider (Provider)" means a district school, a charter school or an LEA program created for the purpose of serving Utah students grades 9-12 online.

L. "Primary LEA of enrollment" means the LEA in which an eligible student is enrolled for courses other than online courses offered through the Statewide Online Education Program.

M. "Primary school of enrollment" means a student's school of record, where the student takes the majority of his classes; and the school that maintains the student's cumulative file, enrollment information and transcript.

N. "SEOP" means student education occupation plan as defined in R277-700.

O. "Statewide assessment" means Criterion-Referenced tests or computer adaptive tests required under R277-404.

P. "Statewide Online Education Program (Program)" means courses offered to students under Section 53A-15-1201 through 53A-15-1217.

Q. "USOE" means the Utah State Office of Education.

R. "USOE course code" means a code for a designated subject matter course assigned by the USOE.

S. "Withdrawal from online course" means that a student withdraws or ceases participation in an online course as follows:

(1) within 20 calendar days of the start date of the course, if the student enrolls on

or before the start date;

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

(3) within 20 calendar days after the start date of the second .5 credit of a 1.0 credit course;

(4) as the result of a student suspension from an online course following adequate documented due process by the Provider.

R277-726-2. 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, Section 53A-15-1210 which requires the Board to make rules providing for the administration of statewide assessments to students enrolled in online courses, Section 53A-15-1213 which requires the Board to make rules that establish a course credit acknowledgment form and procedures for completing and submitting the form to the Board, and Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to define necessary terms, provide and describe a Program registration agreement and provide other requirements for LEAs, the USOE, parents and students, and Providers for Program implementation and accountability.

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

A. A student, a student's parent or a Provider may initiate a CCA.

B. A counselor designated by the primary school of enrollment shall review the CCA to ensure consistency with graduation requirements, the student's SEOP, the student's Individualized Education Plan (IEP), the student's Section 504 plan, or the student's international baccalaureate program, if applicable. The primary school of enrollment shall return the CCA to the USOE within 72 business hours.

C. A Provider initiated CCA may be sent directly to the USOE if the course is consistent with the student's SEOP. The primary school of enrollment need not meet with the student or parent and shall be notified of such an enrollment by the USOE.

D. If the student has an IEP or a Section 504 plan, the primary LEA or school of enrollment shall forward the IEP or description of 504 accommodations to the Provider within 72 business hours of receiving notice from the USOE that the Provider has accepted the enrollment request.

E. The USOE shall develop and administer procedures for facilitation of the CCA that inform all appropriate parties.

R277-726-4. Eligible Student/Parent Rights and Responsibilities.

A. Eligible students may register for up to two Program credits in the 2012-2013 school year; however a student's primary LEA of enrollment or the Board may allow an eligible student to enroll in additional online courses consistent with Section 53A-15-1204 with documentation from the LEA.

B. A student enrolled in Program course(s) may earn no more credits in a year than the number of credits a student may earn by taking a full course load during the regular school day in the student's primary school of enrollment.

C. Eligible students may register for more than two online credits if the student's

current SEOP indicates specifically that the student intends to complete high school graduation requirements and exit high school before the rest of the student's high school cohort and the student's schedule demonstrates progress toward early graduation.

D. Eligible students are expected to complete courses in which they enroll in a timely manner consistent with Section 53A-15-1206. If a student changes his enrollment for any reason, it is the student's/parent's responsibility to notify the Provider immediately.

E. Students should enroll in online courses, or declare an intention to enroll, during the high school course registration period designated by the LEA for regular course registration.

F. A student may alter a course schedule by dropping a traditional course and adding an online course by primary school of enrollment's same established deadline for dropping and adding traditional courses.

G. Notwithstanding this, an underenrolled student may enroll in an online course at any time during a calendar year. If this occurs, the primary school of enrollment may immediately claim the student for the adjusted portion of enrollment.

R277-726-5. LEA Requirements and Responsibilities.

A. A primary school of enrollment shall facilitate student enrollment with any and all eligible Providers selected by eligible students consistent with course credit limits.

B. A primary school of enrollment or a Provider LEA shall use the CCA form, records and processes provided by the USOE for the Program. A school counselor or a Provider shall use a separate form for each course selected by parent/student.

C. A primary school or LEA of enrollment shall provide information about available online courses and programs in registration materials or through other reasonable communication and on the LEA's or school's website or using a link to the USOE's website.

D. A primary school of enrollment shall include a student's online courses in student's enrollment records and, upon course completion, include online course grades and credits on student transcripts.

R277-726-6. State Board of Education (Board) Requirements and Responsibilities.

A. The Board shall develop and provide a website for the Program that provides information required under Section 53A-15-1212 and other information as determined by the Board.

B. The Board shall direct Providers to administer state-designated assessments consistent with R277-404 and R277-473 for identified courses using LEA-adopted and state-approved assessments.

C. The Board may determine space available standards and appropriate course load standards for online courses consistent with Sections 53A-15-1006(2) and 53A-15-1208(3)(d). Course load standards may differ based on subject matter and differing accreditation standards.

D. The Board shall withhold funds from primary LEAs of enrollment and make payments to Providers consistent with Sections 53A-15-1206, 1206.5 and 1207.

E. The Board shall establish an appeals process for students who request more than two online courses in the 2011-2012 school year and who are first denied by their primary LEA or school of enrollment.

F. The Board may refuse to provide funds under a CCA if the Board finds that information has been submitted fraudulently or in violation of the law or Board requirements by any of the parties to a CCA.

G. The USOE or the Board's designee shall receive, investigate complaints and impose sanctions, if appropriate, regarding course integrity, financial mismanagement, enrollment fraud or inaccuracy, or violations of the law or this rule specific to the requirements and provisions of this Program.

H. If a Board investigation finds that a Provider has violated IDEA or Section 504 provisions for students taking online courses, the Provider shall compensate the student's primary LEA of enrollment for all costs related to compliance.

I. The USOE may audit, at the Board's sole discretion, an LEA's or Program participant's compliance with any requirement of state or federal law or Board rule under the Program. All participants shall provide timely access to all records, student information, financial data or other information requested by the Board, the Board's auditors, the Superintendent or the Superintendent's designee upon request.

J. The Board may impose penalties, withhold funds, or sanction Program participants for participants' failure to comply with reasonable requests for records or information.

K. All records related to the Program that do not disclose protected student information are public records and shall be available upon request under Section 63G-2-301or 63G-2-305.

R277-726-7. Provider Requirements and Responsibilities.

A. Providers shall administer state-designated assessments as directed by the Board, including proctoring, consistent with Section 53A-15-1210 and R277-473. Providers shall pay administrative and proctoring costs for all state-designated assessments.

B. Providers shall provide parents/students with email and telephone contacts for the Provider during regular business hours in order to facilitate parent information.

C. Providers and third parties working with Providers shall satisfy all Board requirements for consistency with course curriculum, criminal background checks for Provider employees, documentation of student enrollment and participation and compliance with IDEA, Section 504, and requirements for ELL students for all eligible students.

D. Providers shall receive payments for students properly enrolled in the Program from the USOE consistent with Board procedures, timelines and Sections 53A-15-1206, 53A-15-1206.5, 53A-15-1207 and 53A-15-1208.

E. Providers may charge fees consistent with other secondary schools. If the Provider intends to charge fees, the Provider:

(1) shall notify the primary school of enrollment with whom the Provider has the CCA of the purpose for fees, amounts of fees, and provide timely notice to parents of required fees and fee waiver opportunities, and post fees on Provider website.

(2) shall be responsible for fee waivers for eligible students, including all materials for students designated fee waiver eligible by a student's primary school of enrollment.

F. Providers shall maintain student records and comply with the federal Family Educational Rights and Privacy Act, including protecting the confidentiality of student records and providing parents and eligible students access to records.

G. Except as provided in R277-726-8A, the Provider shall submit a student's credit and grade within 30 days after a student satisfactorily completes an online semester course

to the USOE, primary school of enrollment, and parent(s).

H. Providers shall not withhold students' credits, grades, or transcripts from students, parents or students' schools of enrollment for any reason.

I. If a Provider desires to suspend a student from an online course for disciplinary reasons, the Provider is responsible for all student due process procedures, including the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. 1400 and Section 504 of the Rehabilitation Act of 1973. If a student is suspended for more than 10 days, the Provider shall notify the USOE of a withdrawal.

J. Providers shall provide to the USOE a list of course options using the USOE-provided course codes (all courses shall be coded as semester courses). Course offerings shall be updated in January and August annually.

K. Providers shall serve all students on a first-come-first-served basis who desire to take courses and who are designated eligible by a primary school of enrollment if desired courses have space available.

L. Providers shall provide all records maintained as part of a public online school or program, including financial and enrollment records, and information for accountability and audit purposes upon request by the USOE, and the Provider's external auditor(s).

M. Providers shall maintain documentation of student work, including dates of submission, for Program audit purposes.

N. Providers are primarily responsible for complete and timely submissions of record changes to executed CCAs and submission of other reports and records as required by the USOE.

O. Providers shall inform students and parents of expectations for active participation in course work.

P. LEAs may participate in the Program as Providers by offering schools or programs or both to Utah students in grades 9-12 who are not resident students of the LEA consistent with Section 53A-15-1205(3).

Q. Program schools or programs:

(1) shall be accredited by the Northwest Accreditation Commission consistent with R277-413;

(2) shall have a designated administrator who meets the requirements of Section 53A-6-110 or Section 53A-1a-512(5);

(3) shall ensure that students who qualify for fee waivers shall receive all services offered by and through the public schools consistent with Section 53A-12-103 and R277-407;

(4) shall maintain student records consistent with the federal Family Educational Rights and Privacy Act, 34 CFR Part 99; and

(5) shall offer course work aligned with Utah Core standards, course requirements, and the provisions of R277-700 and R277-404, and R277-473.

R. LEAs that offer online programs or schools as Providers under the Program:

(1) shall employ only licensed Utah educators as teachers;

(2) shall not employ individuals whose educator licenses have been suspended or revoked;

(3) shall require all employees to meet requirements of Section 53A-3-410 and R277-516 prior to the Provider offering services to students;

(4) shall only employ teachers who meet the requirements of R277-510, Educator

Licensing - Highly Qualified Assignment;

(5) shall agree to administer and have the capacity to carry out state-designated assessments, including proctoring, consistent with Section 53A-15-1210(2), R277-404 and R277-473;

(6) shall provide services to students consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights Act of 1964 for English Language Learners (ELL);

(7) shall maintain copies of all CCAs (for audit purposes);

(8) shall agree that funds shall be withheld by the USOE consistent with Section 53A-15-1206 and 1206.5. A Provider shall cooperate with the USOE in providing timely documentation of student participation, enrollment, and other additional data consistent with Board directives and procedures and as requested; and

(9) shall ensure that third parties assisting with LEA online schools or programs comply with R277-726-7R, R277-404 and R277-473.

S. Providers shall post all required information online on their individual websites including required assessment and accountability information.

R277-726-8. Other Information.

A. Primary schools of enrollment shall set reasonable timelines and standards and Providers shall adhere to timelines and standards for student grades and enrollment in online courses for purposes of:

(1) school awards and honors;

(2) Utah High School Activities Association participation; and

(3) high school graduation.

B. Withholding of the online course payment from a primary LEA of enrollment and payments to the eligible Provider shall occur at the nearest monthly transfer of funds subject to verification of information, in an amount consistent with and at the time a Provider qualifies to receive payment under Section 53A-15-1206(4).

C. The USOE shall pay the Provider consistent with Minimum School Program funding transfer schedules.

D. The Superintendent or the Superintendent's designee may make decisions on questions or issues unresolved by Section 53A-15-1002 et seq. or R277-726 on a case-by-case basis. The Superintendent shall report decisions to the Board consistent with the purposes of the law and this rule.

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-15-1210; 53A-15-1213; 53A-1-401(3)