

R277. Education, Administration.

R277-114. Corrective Action and Withdrawal or Reduction of Program Funds.

R277-114-1. Authority and Purpose.

(1) This rule is authorized by:

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

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

(c) Subsection 53E-3-401(8)(c), which allows the Board to make rules setting forth the procedures to be followed for enforcing Board rules.

(2) The purpose of the rule is to provide procedures for public education program monitoring and corrective action for noncompliance with identified:

(a) program requirements;

(b) program accountability standards; and

(c) financial propriety.

R277-114-2. Definitions.

(1) "Program" means a public education project or plan under the direction of the Board.

(2) "Recipient" means an LEA or a school.

R277-114-3. Program Monitoring.

(1) For each program, the Superintendent shall design and implement a consistent monitoring plan that includes standards for both program outcomes and program financial compliance.

(2) The Superintendent shall notify all recipients of the initiation of or changes to any monitoring plan.

(3) The Superintendent shall monitor compliance with:

(a) program outcomes;

(b) reporting requirements; and

(c) financial compliance.

R277-114-4. Corrective Action Plans.

(1) The Superintendent shall place a recipient on a corrective action plan when a recipient:

- (a) does not demonstrate satisfactory program outcomes;
- (b) demonstrates noncompliance with program requirements or allowable program expenditures; or
- (c) does not comply with requests to provide accurate and complete program or financial information.

(2) The Superintendent shall clearly outline in a corrective action plan:

- (a) all areas of noncompliance;
- (b) steps required to satisfy the corrective action plan; and
- (c) a reasonable time frame for the recipient to correct identified issues.

(3) A corrective action plan may also include provision and a timeline for:

- (a) referral for monitoring by a Board section;
- (b) referral for monitoring to the Board's internal audit department, with approval of the Board's Audit Committee;
- (c) periodic meetings between a recipient administrator or governing board member and the Superintendent or a member of the Superintendency;
- (d) planned appearances before the Board to provide status updates; and
- (e) training for the LEA's staff.

(4) The Superintendent may employ escalating restrictive conditions in a corrective action plan based on:

- (a) the severity of the violation; or
- (b) repeated violations by an LEA.

(5) The Superintendent may include penalties for non-compliance with a corrective action plan in accordance with Subsection 53E-3-401(8).

(6) The Superintendent shall give notice and a copy of the corrective action plan in writing to:

- (a) the recipient LEA's administrators;
- (b) the respective LEA's governing board; and
- (c) the charter school authorizer, if applicable.

(7) The Superintendent shall report to the Board monthly about the status of noncompliant program recipients.

R277-114-5. Recipient Appeals.

(1) A recipient may file an appeal to the Board of any adverse decision of the Superintendent resulting from a corrective action plan or penalty.

(2) An appeal must be made in writing and within 30 days of the date of the Superintendent's action.

(3) The Board may:

(a) review the appeal as a full board; or

(b) refer the matter to the Board audit committee to make a recommendation to the Board for action.

KEY: programs, noncompliance, corrective action

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Notice of Continuation: May 1, 2015

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401