

1 **R277. Education, Administration.**

2 **R277-708. Enhancement for At-Risk Students.**

3 **R277-708-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

7 (b) Section [53F-2-410](#), which directs the Board to manage the Enhancement for At-
8 Risk Students interventions by:

9 (i) developing a funding formula;

10 (ii) developing performance criteria;

11 (iii) supporting LEA implementation of evidence-based interventions;

12 (iv) distributing the appropriation; and

13 (v) monitoring and reporting the effectiveness of the evidence-based interventions; and

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

16 (2)(a) The purpose of this rule is to establish criteria and procedures for distributing
17 Enhancement for At-Risk Students funds to LEAs.

18 (b) The intent of the rule and the legislative appropriation is to improve academic
19 achievement of students who are at risk of academic failure.

20 **R277-708-2. Definitions.**

21 (1) "At-risk of academic failure" means a k-12 public school student who[:

22 ~~— (a) scores below proficient on a Board or LEA approved assessment; or~~

23 ~~— (b)] meets an LEA governing board's approved definition of at-risk of academic failure.~~

24 (2) "Available funds" means the total funds appropriated for the Enhancement for At-
25 Risk Students interventions, less funding designated for gang prevention under Subsection
26 [53F-2-410](#)(1)(b)(i).

27 (3) "Chronic absenteeism" means the number of students within an LEA who:

28 (a) were enrolled in the LEA 60 calendar days or more; and

29 (b) missed 10% or more days of instruction, whether the absence was excused or not.

30 (4) "Homeless child" or "homeless youth" means the same as that term is defined in
31 R277-616-2.

32 (5) "Homelessness" means the number of students within an LEA identified as
33 homeless youth.

34 (6) "LEA governing board" means:

35 (a) a charter school governing board; or

36 (b) a district's local school board.

37 (7) "LEA share" means the percentage of k-12 students from an LEA who are at risk
38 of academic failure compared to the total count for the state of Utah from the previous school
39 year.

40 (8) "Limited English Proficiency" or "LEP" means the total number of English learner
41 or "EL" students in an LEA from the October 1 count from the previous school year who
42 received a score of 1-4 on the English language proficiency assessment.

43 (9) "Low performance on a statewide assessment" means the unduplicated count of
44 k-12 students from an LEA scoring below proficient in Reading/Language, Math, and Science
45 on ~~[one of the following exams]~~ a statewide assessment from the previous school year[:

46 ~~—— (a) for students in grades 3 through 8, the Readiness Improvement Success~~
47 ~~Empowerment (RISE) standards assessment;~~

48 ~~—— (b) for students in grades 9 and 10, Utah Aspire;~~

49 ~~—— (c) the Special Education alternate assessment; or~~

50 ~~—— (d) other Board approved assessment].~~

51 (10) "Mobility" means the number of k-12 students enrolled less than 160 days or its
52 equivalent in one school within a school year, as determined by the prior year's year-end
53 average daily membership submission.

54 (11) "Poverty" means the total number of k-12 students in an LEA reported as
55 economically disadvantaged using federal child nutrition income eligibility guidelines for free
56 or reduced-priced under the federal school lunch program from the official October 1
57 enrollment count from the previous school year.

58 (12) “Statewide assessment” means the same as that term is defined in Subsection
59 R277-404-2(10).

60 (1[2]3) "Truancy" or "truant student" means a student absent without a valid excuse.

61 (1[3]4) "UTREx System" means the electronic data collection system used by the
62 Superintendent to collect information required by law from LEAs about individual students at
63 certain points throughout the school year to support the allocation of funds and accountability
64 reporting.

65 (1[4]5) "Valid excuse" means the same as that term is defined in Section [53G-6-201](#).

66 **R277-708-3. Allocation of Enhancement for At-Risk Student Funds.**

67 (1) The Superintendent shall base an LEA's allocation on the certified data from the
68 UTREx System using the most recent school year for which data is complete and available.

69 (2) The Superintendent shall use the following funding formula to determine an LEA
70 base to distribute to LEAs:

71 (a) the Superintendent shall annually calculate 4% of the state appropriation of the
72 Enhancement for At-Risk Students funding available for LEA grants to provide a base amount
73 to LEAs.

74 (b) The Superintendent shall divide the base amount described in Subsection (2)(a)
75 equally among all eligible LEAs.

76 (3) The Superintendent shall annually calculate 20% of the state appropriation of the
77 Enhancement for At-Risk Students on a per school basis to provide a targeted amount to
78 LEAs with traditional elementary schools, secondary schools, and alternative high schools with
79 at least 75% poverty.

80 (4)(a) Subject to Subsection (4)(b), the Superintendent shall award remaining funds
81 to an LEA based on the LEA's number of students who meet any of the following criteria:

82 (i) low performance on a Board approved assessment;

83 (ii) poverty;

84 (iii) mobility;

85 (iv) limited English Proficiency;

86 (v) chronic absenteeism; and

87 (vi) homelessness.

88 (b) When counting the number of students within an LEA who meet the criteria
89 described in Subsection (4)(a), the Superintendent shall:

90 (i) for a student who meets one criterion, count the student once; and

91 (ii) for a student who meets more than one criterion, count the student for each
92 criterion the student meets, up to three criteria.

93 (5) The Superintendent shall notify an LEA that qualifies for funding of the LEA's level
94 of funding annually by May 1.

95 **R277-708-4. Fiscal Procedures.**

96 (1) An LEA shall submit its application to the Superintendent annually by [~~November~~]
97 July 1 through the Board's grant management system.

98 (2) The Superintendent shall distribute available funds to LEAs with an approved
99 application monthly based on a one-twelfth distribution beginning on July 1.

100 (3) Except as provided in Subsection (5)(a), an LEA shall spend all allocated funds
101 annually by June 30.

102 (4) An LEA that accepts funds for Enhancement for At-Risk Students intervention
103 services shall be subject to Board accounting, auditing, and budgeting rules and policies.

104 (5)(a) With written approval from the Superintendent, an LEA may carry over and
105 spend up to ten percent of state Enhancement for At-Risk Student funds in the next fiscal
106 year.

107 (b) An LEA shall submit a request to carry over funds under Subsection (5)(a) to the
108 Superintendent annually.

109 (c) An LEA shall detail approved carry over amounts in a revised budget submitted
110 with the LEA's application described in Subsection (1) and through the Board's grant
111 management system.

112 (d) The Superintendent shall review and approve a revised budget submitted under
113 Subsection (5)(c) no later than December 1 in the year submitted.

114 **R277-708-5. Application Process.**

115 (1) An LEA may use funds for activities that support ~~[academic achievement of]~~
116 students who are at risk of academic failure, including addressing truancy.

117 (2) An LEA shall establish the following to include in the LEA's application for
118 Enhancement for At-Risk Student money:

119 (a) ~~[supporting the specific measurable goals aligned to the growth goals in the state~~
120 ~~accountability system, including a baseline measurement, related to increased academic~~
121 ~~achievement of students at-risk of academic failure]~~ the LEA specific definition of a student at-
122 risk of academic failure as described in Subsection R277-708-2(1); and

123 (b) a copy of the LEA's comprehensive plan for student and classroom management,
124 and school discipline required in Section [R277-609-4](#); ~~and~~

125 ~~— (c) if the LEA establishes an LEA specific definition of a student at-risk of academic~~
126 ~~failure as described in Subsection R277-708-2(1)(b), the LEA governing board's approved~~
127 ~~definition of a student at-risk of academic failure.]~~

128 (3) Annually, an LEA shall provide the following information to the Superintendent:

129 (a) a report of the LEA's use of funds through the annual financial reporting process;

130 (b) the LEA's outcome data related to the specific measurable goals included in the
131 LEA's application; and

132 (c) a report of intervention effectiveness based on performance criteria defined by the
133 Superintendent.

134 **R277-708-6. Oversight: Monitoring, Evaluation and Reports.**

135 (1)(a) The Superintendent shall conduct tri-annual intervention reviews of each LEA
136 receiving Enhancement for At-Risk Students funding to ensure intervention compliance.

137 (b) ~~[It]~~ At the Superintendent's discretion or for good cause, the Superintendent may
138 conduct additional formal or informal:

139 (i) monitoring;

140 (ii) reviews; or

141 (iii) site visits.

142 (2) If the Superintendent identifies violations as a result of a review described in
143 Subsection (1)(a), an LEA shall prepare and submit to the Superintendent a written corrective
144 action plan for each finding made by the Superintendent.

145 (3) If an LEA fails to resolve findings identified by the Superintendent under Subsection
146 (2), the Superintendent may implement corrective action as provided in [R277-114](#).

147 **R277-708-7. Gang Prevention and Intervention Funds.**

148 (1) Consistent with Subsection [53F-2-410](#)(1)(b), the Superintendent shall distribute
149 funding to LEAs for gang prevention and intervention.

150 (2) An LEA desiring to receive gang prevention and intervention funds shall submit a
151 proposal consistent with Rule [R277-436](#).

152 **KEY: students at risk**

153 **Date of Enactment or Last Substantive Amendment: November 7, 2018**

154 **Notice of Continuation: September 15, 2016**

155 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53F-2-410](#); [53E-3-401](#)(4)**