

1 **R277. Education, Administration.**

2 **R277-115. LEA Supervision and Monitoring Requirements of Third Party Providers and**
3 **Contracts.**

4 **R277-115-1. Authority and Purpose.**

5 (1) This rule is authorized by:

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

8 (b) Subsection 53E-3-401(10), which allows the Board to require an LEA to require in
9 a contract with a third party provider that the third party provider shall provide, upon request of
10 the LEA, information necessary for the LEA to verify that the educational good or service
11 complies with:

12 (i) Titles 53E, 53F, and 53G; and

13 (ii) Board rule.

14 (2) The purpose of this rule is:

15 (a) to provide standards for an LEA working with a third party provider to ensure the
16 third party provider complies with applicable law.

17 **R277-115-2. Definitions.**

18 (1) "Educational good or service" means the same as that term is defined in Section
19 53E-3-401.

20 (2) "Third party provider" means a third party who provides an educational good or
21 service[s] on behalf of an LEA.

22 **R277-115-3. Third Party Provider Provision of Services.**

23 (1) An LEA that contracts with a third party provider to provide an educational good or
24 service on behalf of the LEA shall:

25 (a) require in the LEA's contract with a third party provider that the third party provider
26 shall provide, upon request of the LEA, information necessary for the LEA to verify that the
27 educational good or service complies with:

- 28 (i) Titles 53E, 53F, and 53G; and
- 29 (ii) Board rule;
- 30 (b) establish monitoring and compliance procedures to ensure that a third party
31 provider who provides educational services to a student on behalf of the LEA complies with the
32 provisions of this rule;
- 33 (c) develop a written monitoring plan to supervise the educational good or service
34 provided by the third party provider;
- 35 (d) ensure the third party provider is complying with:
- 36 (i) federal law;
- 37 (ii) state law; and
- 38 (iii) Board rules;
- 39 (e) monitor and supervise all activities of the third party provider related to the
40 educational good or service provided by the third party provider to the LEA; and
- 41 (f) maintain documentation of the LEA's supervisory activities consistent with the LEA's
42 administrative records retention schedule.
- 43 (2) An LEA shall:
- 44 (a) verify the accuracy and validity of a student's enrollment verification data, prior to
45 enrolling a student in the LEA; and
- 46 (b) provide a student and the student's parent or guardian with notification of the
47 student's enrollment in a school or program within the LEA.
- 48 (3) The Board or the Superintendent may require an LEA to repay public funds to the
49 Superintendent if:
- 50 (a) the LEA ~~or the LEA's third party provider~~ fails to comply with the provisions of this
51 rule; and
- 52 (b) the repayment is made in accordance with the procedures established in R277-114.
- 53
- 54 **KEY: third party provider, contract, monitoring**
- 55 **Date of Enactment or Last Substantive Amendment:**
- 56 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4) and (10)**