

R277-726 received final approval by the Utah State Board of Education on March 7, 2019. R277-726 is published in the April 15, 2019 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of May 22, 2019.

1 **R277. Education, Administration.**

2 **R277-726. Statewide Online Education Program.**

3 **R277-726-1. 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 of public education in the Board;

7 (b) Section [~~53A-15-1210~~] 53F-4-514, which requires the Board to make rules  
8 providing for the administration of statewide assessments to students enrolled in online  
9 courses;

10 (c) Section [~~53A-15-1213~~] 53F-4-508, which requires the Board to make rules  
11 that establish a course credit acknowledgment form and procedures for completing and  
12 submitting the form to the Board; and

13 (d) Subsection [~~53A-1-401~~] 53E-3-401(4), which allows the Board to make rules  
14 to execute the Board's duties and responsibilities under the Utah Constitution and state  
15 law.

16 (2) The purpose of this rule is to:

17 (a) define necessary terms;

18 (b) provide and describe a program registration agreement; and

19 (c) provide other requirements for an LEA, the Superintendent, a parent and a  
20 student, and a provider for program implementation and accountability.

21 **R277-726-2. Definitions.**

22 (1) "Actively participates" means the student actively participates as defined by  
23 the provider.

24 (2) "Course completion" means that a student has completed a course with a  
25 passing grade and the provider has transmitted the grade and credit to the primary LEA  
26 of enrollment.

27 (3)(a) "Course Credit Acknowledgment" or "CCA" means an agreement and  
28 registration record using the [~~Superintendent provided~~] Statewide Online Education

29 Program ~~[form]~~ application provided by the Superintendent.

30 (b) Except as provided in Subsection ~~[53A-15-1208]~~ 53F-4-508(3)(h), the CCA  
31 shall be signed by the designee of the primary school of enrollment, and the qualified  
32 provider.

33 (4)(a) "Eligible student" means a student enrolled in grades 6-12 in a secondary  
34 environment in a course that:

35 (i) is offered by a public school; and

36 (ii) provides the student the opportunity to earn high school graduation credit.

37 (b) "Eligible student" does not include a student enrolled in an adult education  
38 program.

39 (5) "Enrollment confirmation" means the student initially registered and actively  
40 participated, as defined under Subsection(1).

41 (6)(a) "Executed CCA" means a CCA that has been signed by all parties as  
42 provided in Subsection 53F-4-508(3)(h) and received by the Superintendent.

43 (b) Following enrollment confirmation and participation, Superintendent directs  
44 funds to the provider, consistent with Sections ~~[53A-15-1206, 53A-15-1206.5, and 53A-~~  
45 ~~15-1207]~~ 53F-4-505 through 53F-4-507.

46 (7) "LEA" ~~[or "local education agency" for purposes of this rule]~~ includes, for  
47 purposes of this rule, the Utah Schools for the Deaf and the Blind.

48 (8) "Online course" means a course of instruction offered through the Statewide  
49 Online Education Program.

50 (9) "Online course payment" means the amount withheld from a student's  
51 primary LEA and disbursed or otherwise paid to the designated provider following  
52 satisfaction of the requirements of the law, and as directed in Subsection [53A-15-1207]  
53 53F-4-507(2).

54 (10) "Online course provider" or "provider" means:

55 (a) a school district school;

56 (b) a charter school;

57 (c) an LEA program created for the purpose of serving Utah students in grades 9-

58 12 online; or

59 (d) a program of an institution of higher education described in Subsection ~~[53A-~~  
60 ~~15-1205]~~ 53F-4-504(3).

61 (11) "Primary LEA of enrollment" means the LEA in which an eligible student is  
62 enrolled for courses ~~[or purposes]~~ other than online courses offered through the  
63 Statewide Online Education Program, and which reports the student to be in regular  
64 membership, and special education membership, if applicable.

65 (12) "Primary school of enrollment" means:

66 (a) a student's school of record within a primary LEA of enrollment; and

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

69 (13) "Resident school" means the district school within whose attendance  
70 boundaries the student's custodial parent or legal guardian resides.

71 (14) "Statewide assessment" means a test or assessment required under Rule  
72 R277-404.

73 (15) "Statewide Online Education Program" or "program" means courses offered  
74 to students under Title ~~[53A]~~53F, Chapter ~~[15]~~4, Part ~~[12]~~5, Statewide Online Education  
75 Program Act.

76 (16) "Teacher of record" means the teacher who is employed by a provider and  
77 to whom students are assigned for purposes of reporting and data submissions to the  
78 Superintendent in accordance with Section R277-484-3.

79 (17) "Underenrolled student" means a student with less than a full course load,  
80 as defined by the LEA, during the regular school day at the student's primary school of  
81 enrollment.

82 ~~[(16)]~~18 "USBE course code" means a code for a designated subject matter  
83 course assigned by the Superintendent.

84 ~~[(17)]~~19 "Withdrawal from online course" means that a student withdraws or  
85 ceases participation in an online course as follows:

86 (a) within 20 calendar days of the start date of the course, if the student enrolls

87 on or before the start date;

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

90 (c) within 20 calendar days after the start date of the second 0.5 credit of a 1.0  
91 credit course; or

92 (d) as the result of a student suspension from an online course following  
93 adequate documented due process by the provider.

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

95 (1) A student, a student's parent, a counselor, or a provider may initiate a CCA.

96 (2)(a) A counselor designated by a student's primary school of enrollment shall  
97 review the student's CCA to ensure consistency with:

98 (i) graduation requirements;

99 (ii) the student's [SEOP] plan for college and career readiness;

100 (iii) the student's IEP;

101 (iv) the student's Section 504 plan; or

102 (v) the student's international baccalaureate program.

103 (b) The primary school of enrollment shall return the CCA to the Superintendent  
104 within 72 business hours.

105 (3)(a) ~~[A provider-initiated CCA may be sent directly to the Superintendent if the~~  
106 ~~course is consistent with the student's SEOP.~~

107 ~~——(b)]~~ The primary school of enrollment is not required to meet with the student or  
108 parent for approval of a course request.

109 ~~[(e)]~~(b) The Superintendent shall notify a primary school of enrollment of a  
110 student's enrollment in the program.

111 (4) If a student enrolling in the program has an IEP or a Section 504 plan, the  
112 primary LEA or school of enrollment shall forward the IEP or description of 504  
113 accommodations to the provider within 72 business hours of receiving notice from the  
114 Superintendent that the provider has accepted the enrollment request.

115 (5) The Superintendent shall develop and administer procedures for facilitation of  
116 a CCA that informs all appropriate parties.

117 **R277-726-4. Eligible Student and Parent Rights and Responsibilities.**

118 (1)~~(a)~~ An eligible student may register for program credits consistent with  
119 Section ~~[53A-15-1204]~~ 53F-4-503.

120 ~~[(b) Notwithstanding Subsection (1)(a), a student's primary LEA of enrollment or~~  
121 ~~the Board may allow an eligible student to enroll in additional online courses consistent~~  
122 ~~with Section 53A-15-1204 with documentation from the LEA.~~

123 ~~——(2) A student enrolled in a program course may earn no more credits in a year~~  
124 ~~than the number of credits a student may earn by taking a full course load during the~~  
125 ~~regular school day in the student's primary school of enrollment.]~~

126 ~~[(3)2] An eligible student may [register for more than the maximum number of~~  
127 ~~credits described in Subsection 53A-15-1204(2)] exceed a full course load during a~~

128 regular school year if:

129 (a) the student's [SEOP] plan for college and career readiness indicates that the  
130 student intends to complete high school graduation requirements and exit high school  
131 before the rest of the student's high school cohort; and

132 (b) the student's schedule demonstrates progress toward early graduation.

133 (3) In accordance with Section 53F-4-509(5), if a student enrolled in a program  
134 course exceeds a full course load during a regular school year, a primary LEA of  
135 enrollment may mark the student as an early graduate and increase membership in  
136 accordance with Section R277-419-6 and Rule R277-484 to account for credits in  
137 excess of full-time enrollment in a local Student Information System.

138 (4)(a) An eligible student is expected to complete courses in which the student  
139 enrolls in a timely manner consistent with Section ~~[53A-15-1206]~~ 53F-4-505 and  
140 requirements for attendance and participation in accordance with Subsection R277-726-  
141 7(15).

142 (b) If a student changes the student's enrollment for any reason, it is the

143 student's or student's parent's responsibility to notify the provider immediately.

144 (5) A student should enroll in online courses, or declare an intention to enroll,  
145 during the [high] school course registration period designated by the primary LEA of  
146 enrollment for regular course registration.

147 (6) A student may alter a course schedule by dropping a traditional course and  
148 adding an online course in accordance with the primary school of enrollment's same  
149 established deadline for dropping and adding traditional courses.

150 (7)(a) Notwithstanding Subsection (6), an underenrolled student may enroll in an  
151 online course at any time during a calendar year.

152 (b) If an underenrolled student enrolls in an online course as described in  
153 Subsection (7)(a), the primary school of enrollment may immediately claim the student  
154 for the adjusted portion of enrollment.

155 **R277-726-5. LEA Requirements and Responsibilities.**

156 (1) A primary school of enrollment shall facilitate student enrollment with any and  
157 all eligible providers selected by an eligible student consistent with course credit limits.

158 (2) A primary school of enrollment or a provider LEA shall use the CCA [form]  
159 application, records, and processes provided by the Superintendent for the program.

160 (3) A primary school or LEA of enrollment shall provide information about  
161 available online courses and programs:

- 162 (a) in registration materials;
- 163 (b) on the LEA's website; and
- 164 (c) on the school's website.

165 (4) A primary school or LEA of enrollment shall provide the notice required under  
166 Subsection (3) concurrent with the high school course registration period designated by  
167 the LEA for the upcoming school year to facilitate enrollment as required by Section  
168 53F-4-513.

169 (4) A primary school of enrollment shall include a student's online courses in the  
170 student's enrollment records and, upon course completion, include online course grades

171 and credits on the student's transcripts.

172 (5) A primary school of enrollment shall recognize credit earned by a participating  
173 secondary student through courses completed prior to grade 9 for purposes of high school  
174 graduation provided that:

175 (a) the student has in the student's records documentation of the student's ~~declared~~  
176 ~~an~~ intention to graduate early; and

177 (b) the student is enrolled at a middle school or junior high school and a high school  
178 accredited in accordance with Rule R277-410.

179 (6) A primary school of enrollment shall determine fee waiver eligibility for participating  
180 public school students.

181 (7) A primary school of enrollment shall provide participating students access to sports,  
182 extracurricular and co-curricular activities, and graduation services consistent with local  
183 policies governing participation irrespective of relative levels of participation in traditional  
184 courses versus Statewide Online Education courses.

185 (8) If a participating student's primary school of enrollment is a middle school or junior  
186 high as defined in Rule R277-700, course completions will be recorded in a student's record  
187 of credit and course completion for grade 9 to allow recognition toward grades 9-12, high  
188 school graduation requirements, and post-secondary requirements.

189 (9) When a student satisfactorily completes an online semester or quarter course, in  
190 accordance with the LEA's procedures, a designated counselor or registrar at the primary  
191 school of enrollment shall forward records of grades and credit for students participating prior  
192 to grade 9 to the student's grade 9 primary school of enrollment for recording grades and  
193 credit per Subsection R277-726-5(8) once a student completes grade 8.

194 **R277-726-6. Superintendent Requirements and Responsibilities.**

195 (1) The Superintendent shall ~~develop and~~ provide a website for the program,  
196 ~~[that provides]~~ including information required under Section ~~[53A-15-1212]~~ 53F-4-512  
197 and other information as determined by the Board.

198 (2) The Superintendent shall direct a provider to administer statewide  
199 assessments consistent with Rule R277-404 and Section 53F-4-514 for identified  
200 courses using LEA-adopted and state-approved assessments.

201 (3)(a) The Board may determine space availability standards and appropriate  
202 course load standards for online courses consistent with Subsection~~[s 53A-15-1006(2)~~  
203 ~~and 53A-15-1208(3)(d)]~~ 53F-4-512(3)(d).

204 (b) Course load standards may differ based on subject matter ~~[and differing~~  
205 ~~accreditation standards]~~.

206 (4) The Board shall withhold funds from a primary LEA of enrollment and make  
207 payments to a provider consistent with Sections ~~[53A-15-1206, 53A-15-1206.5, and~~  
208 ~~53A-15-1207]~~ 53F-4-505 through 53F-4-507.

209 (5) The Board may refuse to provide funds under a CCA if the Board finds that  
210 information has been submitted fraudulently or in violation of the law or Board rule by  
211 any of the parties to a CCA.

212 (6) The Superintendent shall receive and investigate complaints, and impose  
213 sanctions, if appropriate, regarding course integrity, financial mismanagement,  
214 enrollment fraud or inaccuracy, or violations of the law or this rule specific to the  
215 requirements and provisions of the program.

216 (7) If a Board investigation finds that a provider has violated the IDEA or Section  
217 504 provisions for a student taking online courses, the provider shall compensate the  
218 student's primary LEA of enrollment for all costs related to compliance.

219 (8)(a) The Superintendent may audit, at the Board's sole discretion, an LEA's or  
220 program participant's compliance with any requirement of state or federal law or Board  
221 rule under the program.

222 (b) All participants shall provide timely access to all records, student information,  
223 financial data or other information requested by the Board, the Board's auditors, or the  
224 Superintendent upon request.

225 (9) The Board may withhold funds from a program participant for the participant's  
226 failure to comply with a reasonable request for records or information.

227 (10) Program records are available to the public subject to ~~[the]~~ Title 63G,  
228 Chapter 2, Government Records Access and Management Act~~[-(GRAMA)]~~.

229 (11) The Superintendent shall withhold online course payment from a primary  
230 LEA of enrollment and payments to an eligible provider at the nearest monthly transfer  
231 of funds, subject to verification of information, in an amount consistent with, and at the  
232 time a provider qualifies to receive payment, under Subsection ~~[53A-15-1206]~~53F-4-  
233 505(4).

234 (12) The Superintendent shall pay a provider consistent with Minimum School  
235 Program funding transfer schedules.

236 (13)(a) The Superintendent may make decisions on questions or issues  
237 unresolved by Title ~~[53A]~~53F, Chapter ~~[15]~~4, Part ~~[12]~~5, Statewide Online Program Act  
238 or this rule on a case-by-case basis.

239 (b) The Superintendent shall report decisions described in Subsection (13)(a) to  
240 the Board consistent with the purposes of the law and this rule.

#### 241 **R277-726-7. Provider Requirements and Responsibilities.**

242 (1)(a) A provider shall administer statewide assessments as directed by the  
243 Superintendent, including proctoring statewide assessments, consistent with Section  
244 ~~[53A-15-1210]~~ 53F-4-415 and Rule R277-404.

245 (b) A provider shall pay administrative and proctoring costs for all statewide  
246 assessments.

247 (2) A provider shall provide a parent or a student with email and telephone  
248 contacts for the provider during regular business hours ~~[in order]~~ to facilitate parent  
249 ~~[information]~~ contact.

250 (3) A provider and any third party working with a provider shall, for all eligible  
251 students, satisfy all Board requirements for:

252 (a) consistency with course standards;

253 (b) criminal background checks for provider employees;

254 (c) documentation of student enrollment and participation; and

- 255 (d) compliance with:
- 256 (i) the IDEA;
- 257 (ii) Section 504; and
- 258 (iii) requirements for ELL students.
- 259 (4) A provider shall receive payments for a student properly enrolled in the
- 260 program from the Superintendent consistent with:
- 261 (a) Board procedures;
- 262 (b) Board timelines; and
- 263 (c) Sections ~~[53A-15-1206, 53A-15-1206.5, 53A-15-1207, and 53A-15-1208]~~
- 264 53F-4-505 through 53F-4-508.
- 265 (5)(a) A provider may charge a fee consistent with other secondary schools.
- 266 (b) If a provider intends to charge a fee of any kind, the provider:
- 267 (i) shall notify the primary school of enrollment with whom the provider has the
- 268 CCA of the purpose for fees and amounts of fees;
- 269 (ii) shall provide timely notice to a parent of required fees and fee waiver
- 270 opportunities;
- 271 (iii) shall post fees on the provider website; ~~[and]~~
- 272 (iv) shall be responsible for fee waivers for an eligible student, including all
- 273 materials for a student designated fee waiver eligible by a student's primary school of
- 274 enrollment[-];
- 275 (v) shall satisfy all requirements of Rule R277-407, as applicable; and
- 276 (vi) shall ~~[be responsible for]~~ provide fee waivers to home school or private
- 277 school students who meet fee waiver eligibility at the provider's expense.
- 278 (6) A provider shall maintain a student's records and comply with the federal
- 279 Family Educational Rights and Privacy Act, Title ~~[53A]~~53E, Chapter ~~[13]~~9, Part 3, Utah
- 280 Family Educational Rights and Privacy Act, and Rule R277-487, including protecting the
- 281 confidentiality of a student's records and providing a parent and an eligible student
- 282 access to records.

283 (7) Except as otherwise provided in this ~~[Subsection R277-726-9]~~ Rule R277-  
284 726, a provider shall submit a student's credit and grade to the Superintendent, using  
285 processes and applications provided by the Superintendent for this purpose, to a  
286 designated counselor or registrar at the primary school of enrollment, and the student's  
287 parent no later than:

288 (a) 30 days after a student satisfactorily completes an online semester or quarter  
289 course; or

290 (b) June 30 of the school year.

291 (8) A provider may not withhold a student's credits, grades, or transcripts from  
292 the student, parent, or the student's school of enrollment for any reason.

293 (9)(a) If a provider ~~[seeks to]~~ suspends or expels a student from an online course  
294 for disciplinary reasons, the provider ~~[is]~~ shall notify the student's primary ~~[school]~~ LEA  
295 of enrollment ~~[responsible for all student due process procedures, including the IDEA~~  
296 ~~and Section 504 of the Rehabilitation Act of 1973]~~.

297 (b) A provider is responsible for all due process procedures for student  
298 disciplinary actions in the provider's online program.

299 ~~[(b)c]~~ A provider shall notify the Superintendent of a student's administrative  
300 withdrawal, if the student is suspended for more than ~~[10]~~ ten days, using forms and  
301 processes developed by the Superintendent for this purpose.

302 (10)(a) A provider shall provide to the Superintendent a list of course options  
303 using USBE-provided course codes.

304 (b) All program courses shall be coded as semester or quarter courses.

305 (c) A provider shall update the provider's course offerings ~~[in January and~~  
306 ~~August]~~ annually.

307 ~~[(d) For each course identified in accordance with Subsection (10)(a), the~~  
308 ~~provider shall identify the typical grade level of students for which the course was~~  
309 ~~designed.]~~

310 (11) A provider shall serve a student on a first-come-first-served basis who  
311 desires to take courses and who is designated eligible by a primary school of enrollment  
312 if desired courses have space available.

313 (12) A provider shall provide all records maintained as part of a public online  
314 school or program, including:

315 (a) financial and enrollment records; and

316 (b) information for accountability and audit purposes upon request by the  
317 Superintendent and the provider's external auditors.

318 (13) A provider shall maintain documentation of student work, including dates of  
319 submission, for program audit purposes.

320 (14) A provider is responsible for complete and timely submissions of record  
321 changes to executed CCAs and submission of other reports and records as required by  
322 the Superintendent.

323 (15) A provider shall inform a student and the student's parent of expectations for  
324 active participation in course work.

325 (16) An LEA may participate in the program as a provider by offering a school or  
326 program to ~~[a]~~ Utah secondary students in grades ~~[9]~~6-12 who is not a resident student  
327 of the LEA and a regularly-enrolled student of the LEA consistent with Sections ~~[53A-~~  
328 ~~15-1205(2)]~~ 53F-4-501 and 53F-4-503.

329 (17) A program school or program shall:

330 (a) be accredited by the accrediting entity adopted by the Board consistent with  
331 Rule R277-410;

332 (b) have a designated administrator who meets the requirements of ~~[Section~~  
333 ~~53A-6-110]~~ Rule R277-520;

334 (c) ensure that a student who qualifies for a fee waiver shall receive all services  
335 offered by and through the public schools consistent with Section ~~[53A-12-103]~~ 53G-7-  
336 504 and Rule R277-407;

337 (d) maintain student records consistent with:

- 338 (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. Sec 1232g  
339 and 34 CFR Part 99; and
- 340 (ii) Rule R277-487; and
- 341 (e) shall offer course work:
- 342 (i) aligned with Utah Core standards;
- 343 (ii) in accordance with program requirements; and
- 344 (iii) in accordance with the provisions of Rules R277-700 and R277-404; and
- 345 (f) shall not issue transcripts under the name of a third-party provider.
- 346 (18) An LEA that offers an online program or school as a provider under the  
347 program:
- 348 (a) shall employ only ~~licensed Utah~~ educators licensed in Utah as teachers;
- 349 (b) may not employ an individual whose educator license has been suspended or  
350 revoked;
- 351 (c) shall require all employees to meet requirements of ~~[Sections 53A-15-1503~~  
352 ~~and 53A-15-1504]~~ Title 53G, Chapter 11, Part 4, Background Checks, prior to the  
353 provider offering services to a student;
- 354 (d) may only employ teachers who meet the requirements of Rule R277-510,  
355 Educator Licensing - Highly Qualified Assignment;
- 356 (e) shall agree to administer and have the capacity to carry out statewide  
357 assessments, including proctoring statewide assessments, consistent with Section  
358 ~~[53A-15-1210(2)]~~ 53F-4-514 and Rule R277-404;
- 359 (f) in accordance with Section R277-726-8, shall provide services to a student  
360 consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights  
361 Act of 1964 for English Language Learners (ELL);
- 362 (g) shall maintain copies of all CCAs for audit purposes; and
- 363 (h) shall agree that funds shall be withheld by the Superintendent consistent with  
364 Sections ~~[53A-15-1206 and 53A-15-1206.5]~~ 53F-4-505, 53F-4-506, and 53F-4-508.

365 (19) A provider shall cooperate with the Superintendent in providing timely  
366 documentation of student participation, enrollment, educator credentials, and other  
367 additional data consistent with Board directives and procedures and as requested.

368 (20) A provider shall post ~~[a#]~~ required information online on the provider's  
369 individual website including required assessment and accountability information.

370 (21)(a) A ~~[n online course]~~ provider contracting with a third-party to provide educational  
371 services to students participating with the provider through the Statewide Online Education  
372 Program shall:

373 (b) develop a written monitoring plan to supervise the activities and services provided  
374 by the third-party provider to ensure:

375 (i) a third-party provider is complying with:

376 (A) federal law;

377 (B) state law; and

378 (C) Board rules;

379 (ii) curriculum provided by a third-party provider is aligned with the Board's core  
380 standards and rules;

381 (iii) supervision of third-party facilitation and instruction by an ~~[licensed Utah]~~ educator  
382 licensed in Utah:

383 (A) employed by the provider, and

384 (B) reported as teacher of record per Section R277-484-3 and Subsection R277-726-  
385 2(3); and

386 (iv) consistent with the LEA's administrative records retention schedule, maintenance  
387 of documentation of the LEA's supervisory activities.

388 (22) A provider shall offer courses consistent with standards outlined in an applicable  
389 Statewide Services Agreement, which may be updated or amended to reflect changes in law,  
390 rule or recommended practice.

391 ~~(23)(a) A provider offering concurrent enrollment courses shall be understood to~~  
392 ~~meet the definition of concurrent enrollment found in Title 53E, Chapter 10, Part 3,~~  
393 ~~Concurrent Enrollment and Section 53F-2-409.~~

394 ~~—— (b) An LEA shall classify a student participating in concurrent enrollment through~~  
395 ~~this program as an eligible student under Section 53E-10-301 and shall be subject to~~  
396 ~~fees as provided in Section 53E-10-305 and Rule R277-407.]~~

397 **R277-726-8. Services to Students with Disabilities Participating in the Program.**

398 (1)(a) If a student wishes to receive services under Section 504 of the  
399 Rehabilitation Act of 1973, the student shall make a request with the student's primary  
400 school of enrollment.

401 (b) The primary school of enrollment shall evaluate a student's request under  
402 Subsection (1)(a) and determine if a student is eligible for Section 504  
403 accommodations.

404 (c) If the primary school of enrollment determines the student is eligible, the  
405 school shall prepare a Section 504 plan and implement the plan in accordance with  
406 Subsection (2)(b).

407 ~~(1)2(a)~~ If a student requests services related to an existing Section 504  
408 accommodation ~~[under Section 504 of the Rehabilitation Act of 1973]~~, a provider shall:

409 (i) except as provided in Subsection ~~(1)2(b)~~, [prepare a Section 504] review and  
410 implement the plan for the student; and

411 (ii) provide the services or accommodations to the student in accordance with the  
412 student's Section 504 plan.

413 (b) An LEA of enrollment shall provide a Section 504 plan of a student ~~[described~~  
414 ~~in Subsection (1)(a)]~~ to a provider within 72 business hours if:

415 (i) the student is enrolled in a primary LEA of enrollment; and

416 (ii) the primary LEA of enrollment has a current Section 504 plan for the student.

417 (2) For a student enrolled in a primary LEA of enrollment, if a student  
418 participating in the program qualifies to receive services under the IDEA:

419 (a) the student's primary LEA of enrollment shall:

420 (i) working with a provider LEA representative [as necessary], [prepare] review or  
421 develop an IEP for the student ~~[in accordance with the timelines required by the IDEA]~~  
422 within ten days of enrollment;

423 (ii) working with a provider LEA representative [as necessary], update an existing  
424 IEP with necessary accommodations and services, considering the courses selected by  
425 the student;

426 ([iii]iii) provide the IEP described in Subsection (2)(a)(i) to the provider within 72  
427 business hours of completion of the student's IEP; and

428 ([iii]iv) continue to claim the student in the primary LEA of enrollment's  
429 membership; and

430 (b) the provider shall provide special education services and accommodations to  
431 the student in accordance with the student's IEP described in Subsection (2)(a)(i).

432 ~~[(3) If a home or private school student participating in the program qualifies to~~  
433 ~~receive special education services under the IDEA, the home or private school student:~~  
434 ~~— (a) may waive the student's right to receive the special education services; or~~  
435 ~~— (b) subject to the requirements of Subsection (4), enroll in the home or private~~  
436 ~~school student's resident school for the purpose of receiving special education~~  
437 ~~services.]~~

438 ([4]3) If a home or private school student requests an evaluation for eligibility to  
439 receive special education services ~~[as described in Subsection (3)(b)]~~:

440 (a) the home or private school student's resident school shall:

441 (i) evaluate the student's [need] eligibility for services under the IDEA;

442 (ii) if eligible, prepare an IEP for the student, with input from the provider LEA, in  
443 accordance with the timelines required by the IDEA;

444 (iii) provide the IEP described in Subsection (4)(a)(ii) to the provider within 72  
445 business hours of completion of the student's IEP; and

446 ~~[(iii) working with a provider LEA representative as necessary, update an existing~~  
447 ~~IEP with necessary services and accommodations, considering the courses selected by~~  
448 ~~the student;]~~

449 ([iii]iv) claim the student in the resident school's membership; and

450 (b) the provider shall provide special education services and accommodations to  
451 the student in accordance with the student's IEP described in Subsection (4)(a)(i).

452 **R277-726-9. Home and Private School Appropriation.**

453 (1) The Superintendent shall allocate the annual appropriation for home and  
454 private school tuition, along with any carryover or unobligated funds, as follows:

455 (a) 50% of the total appropriation for home school students; and

456 (b) 50% of the total appropriation for private school students.

457 (2) The Superintendent shall receive and accept enrollment requests on a first  
458 come, first served basis until all available funds are obligated.

459 (3) If home school or private school student funds remain by March 1, the  
460 Superintendent may release the funds for any pending enrollment requests.

461 **R277-726-10. Other Information.**

462 (1) A primary school of enrollment shall set reasonable timelines and standards.

463 (2) A provider shall adhere to timelines and standards described in Subsection

464 (1) for student grades and enrollment in online courses for purposes of:

465 (a) school awards and honors;

466 (b) Utah High School Activities Association participation; and

467 (c) high school graduation.

468 **KEY: statewide online education program**

469 **Date of Enactment or Last Substantive Amendment: December 8, 2016**

470 **Notice of Continuation: December 15, 2015**

471 **authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53A-15-1210;**

472 **53A-15-1213; 53A-1-401**

