

1 **R277. Education, Administration.**

2 **R277-419. Pupil Accounting.**

3 **R277-419-1. 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 over public education in the Board;

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

9 (c) Subsection 53E-3-501(1)(e), which directs the Board to establish rules and
10 standards regarding:

11 (i) cost-effectiveness;

12 (ii) school budget formats; and

13 (iii) financial, statistical, and student accounting requirements;

14 (d) Subsection 53E-3-602(2), which requires a local school board's auditing
15 standards to include financial accounting and student accounting;

16 (e) Subsection 53E-3-301(3)(d), which requires the Superintendent to present to
17 the Governor and the Legislature data on the funds allocated to LEAs;

18 (f) Section 53G-4-404, which requires annual financial reports from school
19 districts; and

20 (g) Subsection 53G-5-404(4), which requires charter schools to make the same
21 annual reports required of other public schools.

22 (2) The purpose of this rule is to specify pupil accounting procedures used in
23 apportioning and distributing state funds for education.

24

25 **R277-419-2. Definitions.**

26 (1) "Aggregate Membership" means the sum of all days in membership during a
27 school year for eligible students enrolled in a public school.

28 (2) "Approved CTE course" means a course approved by the Board within the
29 Career and Technical Education (CTE) Pathway areas of study.

30 (3) "Attendance validated program" means a program within an LEA that consists
31 of eligible, enrolled public school students who physically attend school in a brick and
32 mortar school.

33 (4) "Blended learning program" means a formal education program under the
34 direction of an LEA in which a student learns through an integrated experience that is in
35 part:

36 (a) through online learning, with an element of student control over time, place,
37 path, or pace; and

38 (b) in a supervised brick and mortar school away from home.

39 (5) "Brick and mortar school" means a school where classes are conducted in a
40 physical school building.

41 (6) "Data Clearinghouse" means the electronic data collection system used by the
42 Superintendent to collect information required by law from LEAs about individual students
43 at certain points throughout the school year to support the allocation of funds and
44 accountability reporting.

45 (7) "Educational services" means providing learning opportunities and services
46 designed to support a student to be prepared to succeed and lead by having the
47 knowledge and skills to learn, engage civically, and lead meaningful lives, including by
48 providing:

49 (a) high quality instruction for each student;

50 (b) personalized learning supports for each student; and

51 (c) implementation of evidence-based student health and wellness practices.

52 (8) "Eligible student" means a student who satisfies the criteria for enrollment in
53 an LEA, set forth in Section R277-419-7.

54 (9) "Enrollment verification data" includes:

55 (a) a student's birth certificate or other verification of age;

56 (b) verification of immunization or exemption from immunization form;

57 (c) proof of Utah public school residency;

58 (d) family income verification; or

59 (e) special education program information, including:

60 (i) an individualized education program;

61 (ii) a Section 504 accommodation plan; or

62 (iii) an English learner plan.

63 (10)(a) "Home school" means the formal instruction of children in their homes
64 instead of in an LEA.

65 (b) "Home school" does not include public school instruction provided in a home,
66 including when:

67 (i) an online student receives instruction at home, but the student is enrolled in a
68 public school that follows state Core Standards;

69 (ii) an online student is:

70 (A) subject to laws and rules governing state and federal mandated tests; and

71 (B) included in accountability measures; or

72 (iii) an online student receives instruction under the direction of a highly qualified,
73 licensed teacher who is subject to the licensure requirements of R277-301 and fingerprint
74 and background checks consistent with R277-214 and R277-309.

75 (11) "Home school course" means instruction:

76 (a) delivered in a home school environment where the curriculum and instruction
77 methods, evaluation of student progress or mastery, and reporting, are provided or
78 administered by the parent, guardian, custodian, or other group of individuals; and

79 (b) not supervised or directed by an LEA.

80 (12)(a) "Influenza pandemic" or "pandemic" means a global outbreak of serious
81 illness in people.

82 (b) "Influenza pandemic" or "pandemic" may be caused by a strain of influenza
83 that most people have no natural immunity to and that is easily spread from person to
84 person.

85 (13) "ISI-1" means a student who receives 1 to 59 minutes of YIC related services
86 during a typical school day.

87 (14) "ISI-2" means a student who receives 60 to 179 minutes of YIC related
88 services during a typical school day.

89 (15) "Learner validated enrollment measurement" means a methodology used to
90 establish a student's membership or enrollment status for purposes of generating
91 membership days.

92 (16) "Learner validated program" means a program within an LEA that consists of
93 eligible, enrolled public school students where the student receives instruction through:

94 (a) an online learning program;

95 (b) a blended learning program; or

96 (c) a personalized, competency-based learning program.

97 (17)(a) "Membership" means a public school student is on the current roll of a
98 public school class or public school as of a given date.

99 (b) A student is a member of a class or school from the date of entrance at the
100 school and is placed on the current roll until official removal from the class or school due
101 to the student having left the school.

102 (c) Removal from the roll does not mean that an LEA should delete the student's
103 record, only that the student should no longer be counted in membership.

104 (18) "Minimum School Program" means the same as that term is defined in
105 Section 53F-2-102.

106 (19) "Online learning program" means a program:

107 (a) that is under the direction of an LEA; and

108 (b) in which students receive educational services primarily over the internet.

109 (20) "Personalized, Competency-based Learning Grants Program" means an
110 education program that provides instruction through personalized, competency-based
111 learning as defined in Section 53F-5-501.

112 (21) "Private school" means an educational institution that:

113 (a) is not an LEA;

114 (b) is owned or operated by a private person, firm, association, organization, or
115 corporation; and

116 (c) is not subject to governance by the Board consistent with the Utah Constitution.

117 (22) "Program" means a course of instruction within a school that is designed to
118 accomplish a predetermined curricular objective or set of objectives.

119 (23) "Qualifying school age" means:

120 (a) a person who is at least five years old and no more than 18 years old on or
121 before September 1;

122 (b) with respect to special education, a person who is at least three years old and
123 no more than 21 years old on or before July 1;

124 (c) with respect to YIC, a person who is at least five years old and no more than
125 21 years old on or before September 1.

126 (24) "Resource" means a student who receives 1 to 179 minutes of special
127 education services during a typical school day consistent with the student's IEP provided
128 for under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et
129 seq., amended in 2004.

130 (25) "Retained senior" means a student beyond the general compulsory school
131 age who is authorized at the discretion of an LEA to remain in enrollment as a high school
132 senior in the years after the student's cohort has graduated due to:

133 (a) sickness;

134 (b) hospitalization;

135 (c) pending court investigation or action; or

136 (d) other extenuating circumstances beyond the control of the student.

137 (26) "S1" means the record maintained by the Superintendent containing
138 individual student demographic and school membership data in a Data Clearinghouse
139 file.

140 (27) "S2" means the record maintained by the Superintendent containing
141 individual student data related to participation in a special education program in a Data
142 Clearinghouse file.

143 (28) "S3" means the record maintained by the Superintendent containing
144 individual student data related to participation in a YIC program in a Data Clearinghouse
145 file.

146 (29) "School" means an educational entity governed by an LEA that:

147 (a) is supported with public funds;

148 (b) includes enrolled or prospectively enrolled full-time students;

149 (c) employs licensed educators as instructors that provide instruction consistent
150 with Section R277-301;

151 (d) has one or more assigned administrators;

152 (e) is accredited consistent with Section R277-410-3; and

153 (f) administers required statewide assessments to the school's students.

154 (30) "School day" means a day where an LEA provides educational services to
155 students subject to the requirements described in Section R277-419-5.

156 (31) "School membership" means membership other than in a special education
157 or YIC program in the context of the Data Clearinghouse.

158 (32) "School of enrollment" means:

159 (a) a student's school of record; and

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

162 (33) "School reopening requirements template" means the template LEAs are
163 required to submit to Superintendent as an assurance that the LEA has addressed state
164 requirements for reopening schools for in person learning for the 2020-21 school year.

165 (34) "School year" means the 12 month period from July 1 through June 30.

166 (35) "Self-contained" means a public school student with an IEP or YIC, who
167 receives 180 minutes or more of special education or YIC related services during a typical
168 school day.

169 (36) "Self-Contained Resource Attendance Management (SCRAM)" means a
170 record that tracks the aggregate membership of public school special education students
171 for state funding purposes.

172 (37) "SSID" means Statewide Student Identifier.

173 (38) "Unexcused absence" means an absence charged to a student when:

174 (a) the student was not physically present at school at any of the times attendance
175 checks were made in accordance with Subsection R277-419-11(5); and

176 (b) the student's absence could not be accounted for by evidence of a legitimate
177 or valid excuse in accordance with local board policy on truancy as defined in Section
178 53G-6-201.

179 (39) "Weighted pupil unit" or "WPU" means the same as that term is defined in
180 Section 53F-2-102.

181 (40) "Year end upload" means the Data Clearinghouse file due annually by July
182 15 from LEAs to the Superintendent for the prior school year.

183 (41) "Youth in custody or YIC" means a person under the age of 21 who is:

184 (a) in the custody of the Department of Human Services;

185 (b) in the custody of an equivalent agency of a Native American tribe recognized
186 by the United States Bureau of Indian Affairs and whose custodial parent or legal guardian
187 resides within the state; or

188 (c) being held in a juvenile detention facility.

189

190 **R277-419-3. Incorporation by Reference of Continuity of Education Plan Form and**
191 **School Reopening Requirements Template.**

192 (1) This rule incorporates by reference:

193 (a) the Continuity of Education Plan form created by the Superintendent, which
194 requires planning for services in the event of a school closure, including:

195 (i) e-learning;

196 (ii) special education services;

197 (iii) student meals;

198 (iv) event planning; and

199 (v) staffing.

200 (b) the School Reopening Requirements Template created by the Superintendent
201 and based on the K-12 School Reopening Requirements and Recommendations
202 approved by the Board, which an LEA is required to submit to the Superintendent as an
203 assurance that the LEA has addressed state requirements for safely reopening schools
204 for the 2020-21 year.

205 (2) A copy of the Continuity of Education Plan form is located at:

206 (a) <http://schools.utah.gov/File/56b38326-eb40-4e8e-bca2-e78437cd5897>; and

207 (b) the Utah State Board of Education.

208 (3) A copy of the School Reopening Requirements template is located at:

209 (a) <https://www.schools.utah.gov/file/37363ea4-65fe-4c4e-9064-665f2ba4890c>;

210 and

211 (b) the Utah State Board of Education.

212

213 **R277-419-4. Schools and Programs.**

214 (1)(a) The Superintendent shall provide a list to each school detailing the required
215 accountability reports and other state-mandated reports for the school type and grade
216 range.

217 (b) A school shall submit a Clearinghouse report to the Superintendent.

218 (c) A school shall employ at least one licensed educator and one administrator.

219 (2)(a) A student who is enrolled in a program is considered a member of a public
220 school.

221 (b) The Superintendent may not require programs to receive separate
222 accountability and other state-mandated reports.

223 (c) A student reported under an LEA's program shall be included in the LEA's
224 WPU and student enrollment calculations of the LEA's school of enrollment.

225 (d) A course taught at a program shall be credited to the appropriate school of
226 enrollment.

227 (3) A private school or program may not be required to submit data to the
228 Superintendent.

229 (4) A private school or program may not receive annual accountability reports.

230

231 **R277-419-5. Minimum School Days.**

232 (1)(a) Except as provided in Subsection (1)(b), Section R277-419-6, and
233 Subsection 53F-2-102(4), an LEA shall provide educational services over a minimum of
234 180 school days each school year.

235 (b) an LEA may seek an exception to the number of school days described in
236 Subsection (1)(a):

237 (i) except as provided in Subsection (1)(b)(ii), for a whole school or LEA as
238 described in R277-121;

239 (ii) for a school closure due to snow, inclement weather, or other emergency as
240 described in Section R277-121-5; or

241 (iii) for an individual student as described in Section R277-419-14.

242 (2) An LEA may offer the required school days described in Subsection (1)(a) at
243 any time during the school year, consistent with the law.

244 (3) An LEA shall plan for emergency, activity, and weather-related exigency time
245 in its annual calendaring.

246 (4) Minimum standards apply to a public school in all settings unless Utah law or
247 this rule provides for a specific exception.

248 (5) An LEA's governing board shall provide adequate contingency school days in
249 the LEA's yearly calendar to avoid the necessity of requesting a waiver except in the most
250 extreme circumstances.

251 (6)(a) A school may conduct parent-teacher and student Plan for College and
252 Career Readiness conferences during the school day.

253 (b) Parent-teacher and college and career readiness conferences may only be
254 held for a total of the equivalent of three full school days for the school year.

255 (c) Student membership for professional development or parent-teacher
256 conference days shall be counted as that of the previous school day.

257 (d) An LEA may designate no more than a total of 12 educational service days at
258 the beginning of the school year, at the end of the school year, or both for the assessment
259 of students entering or completing kindergarten.

260 (e) If educational service days are designated for kindergarten assessment:

261 (i) an LEA shall designate the days in an open meeting;

262 (ii) an LEA shall provide adequate notice and explanation to kindergarten parents
263 well in advance of the assessment period;

264 (iii) qualified school employees shall conduct the assessment consistent with
265 Section 53G-7-205; and

266 (iv) assessment time per student shall be adequate to justify the forfeited
267 instruction time.

268 (f) The final decision and approval regarding planning time, parent-teacher and
269 Student Plan for College and Career Readiness conferences rests with an LEA,
270 consistent with Utah Code and Board administrative rules.

271 (g) Total instructional time and school calendars shall be approved by an LEA in
272 an open meeting.

273

274 **R277-419-6. Waiver of the 990 Hour Requirement For the 2020-21 School Year.**

275 Notwithstanding the requirements of Section R277-419-5, for the 2020-21 school
276 year, an LEA is not subject to the requirement to conduct school for at least 990 hours of
277 educational services if, by August 1, 2020, the LEA includes in the LEA's reopening
278 requirements template, how the LEA will ensure continuity of teaching and learning by
279 providing high quality instruction that includes blended learning and formative
280 assessment strategies.

281

282 **R277-419-7. Student Membership Eligibility and Learner Validated Enrollment**
283 **Measurements.**

284 (1) A student may enroll in two or more LEAs at the discretion of the LEAs.

285 (2) A kindergarten student may only enroll in one LEA at a time.

286 (3) To generate membership for funding through the Minimum School Program on
287 any school day, an LEA shall ensure that a student being counted by the LEA in
288 membership:

289 (a) has not previously earned a basic high school diploma or certificate of
290 completion;

291 (b) has not been enrolled in a YIC program with a YIC time code other than ISI-1
292 or ISI-2;

293 (c) does not have unexcused absences, which are determined using one of the
294 learner validated enrollment measurements described in Subsection (4);

295 (d) is a resident of Utah as defined under Section 53G-6-302;

296 (e) is of qualifying school age or is a retained senior;

297 (f)(i) is expected to attend a regular learning facility operated or recognized by an
298 LEA on each regularly scheduled school day, if enrolled in an attendance validated
299 program;

300 (ii) has direct instructional contact with a licensed educator provided by an LEA
301 at:

302 (A) an LEA-sponsored center for tutorial assistance; or

303 (B) the student's place of residence or convalescence for at least 120 minutes
304 each week during an expected period of absence, if physically excused from such a
305 facility for an extended time, due to:

306 (I) injury;

307 (II) illness;

308 (III) surgery;

309 (IV) suspension;

310 (V) pregnancy;

311 (VI) pending court investigation or action; or

312 (VII) an LEA determination that home instruction is necessary;

313 (iii) is enrolled in an approved CTE course on the campus of another state funded
314 institution where such a course is:

- 315 (A) not offered at the student's school of membership;
- 316 (B) being used to meet Board-approved CTE graduation requirements under
- 317 Subsection R277-700-6(16); and
- 318 (C) a course consistent with the student's Plan for College and Career Readiness;
- 319 or
- 320 (iv) is enrolled in a learner validated program under the direction of an LEA that:
- 321 (A) is consistent with the student's Plan for College and Career Readiness;
- 322 (B) has been approved by the student's counselor; and
- 323 (C) includes regular instruction or facilitation by a designated employee of an LEA.
- 324 (4) An LEA shall use one of the following learner validated enrollment measures:
- 325 (a) For a student primarily enrolled in an attendance validated program, the LEA
- 326 may not count a student as an eligible student if the eligible student has unexcused
- 327 absences during the prior ten consecutive school days.
- 328 (b) For a student enrolled in a learner validated program, an LEA shall:
- 329 (i) adopt a written policy that designates a learner validated enrollment
- 330 measurement to document the learner validated membership or enrollment status for
- 331 each student enrolled in the learner validated program consistent with this Section;
- 332 (ii) document each student's continued enrollment status in compliance with the
- 333 learner validated enrollment policy at least once every ten consecutive school days; and
- 334 (iii) appropriately adjust and update student membership records in the student
- 335 information system for students that did not meet the learner validated enrollment
- 336 measurement, consistent with this Section.
- 337 (c) For a student enrolled in an learner validated program, the LEA may not count
- 338 a student as an eligible student if the LEA has not personally engaged with the student
- 339 during the prior ten consecutive school days.
- 340 (5) The learner validated enrollment measurement described in Subsection (4)(b)
- 341 may include the following components, in addition to other components, as determined
- 342 by an LEA:
- 343 (a) a minimum student login or teacher contact requirement;

- 344 (b) required periodic contact with a licensed educator;
345 (c) a minimum hourly requirement, per day or week, when students are engaged
346 in course work; or
347 (d) required timelines for a student to provide or demonstrate completed
348 assignments, coursework or progress toward academic goals.

349 (6)(a) Beginning with the 2021-22 school year, an LEA shall submit each student's
350 attendance validated or learner validated enrollment status through the UTREx or Data
351 Clearinghouse.

352 (b) For a student who participates in both attendance validated, and learner
353 validated programs, the LEA shall designate the student's status as learner validated
354 enrollment.

355 (7)(a) An LEA desiring to generate membership for student enrollment in courses
356 outlined in Subsection (3)(f)(iii), or to seek a waiver from a requirement in Subsection
357 (3)(f)(iii), shall submit an application for course approval by April 1 of the year prior to
358 which the membership will be counted.

359 (b) An LEA shall be notified within 30 days of the application deadline if courses
360 have been approved.

361

362 **R277-419-8. Student Membership Calculations.**

363 (1)(a) Except as provided in Subsection (1)(b) or (1)(c), a student enrolled in only
364 one LEA during a school year is eligible for no more than 180 days of regular membership
365 per school year.

366 (b) ~~[An]~~ With written verification from the student's parent that the student intends
367 to graduate early, an early graduation student may be counted for more than 180 days of
368 regular membership in accordance with ~~[the student's early graduation student education~~
369 plan] the student's plan for college and career readiness.

370 ~~[Section 53F-4-509, with written verification from the student's parent that the~~
371 ~~student intends to graduate early.]~~

372 (c) A student transferring within an LEA to or from a year-round school is eligible
373 for no more than 205 days of regular membership per school year.

374 (2)(a) Except as provided in Subsection (2)(b), (2)(c), or (2)(d), a student enrolled
375 in two or more LEAs during a school year is eligible for no more than 180 days of regular
376 membership per school year.

377 (b) A student transferring to or from an LEA with a schedule approved under
378 Subsection R277-419-5(1)(b) is eligible for no more than 220 days of regular membership
379 per school year.

380 (c) A student transferring to or from an LEA where the student attended or will
381 attend a year-round school is eligible for no more than 205 days of regular membership
382 per school year.

383 (d) If the exceptions in Subsections (2)(b) and (2)(c) do not apply but a student
384 transfers from one LEA to another at least one time during the school year, the student is
385 eligible for regular membership in an amount not to exceed the sum of:

386 (i) 170 days; plus

387 (ii) 10 days multiplied by the number of LEAs the student attended during the
388 school year.

389 (3) If a student is enrolled in two or more LEAs during a school year and the
390 aggregate regular membership generated for the student between the LEAs exceeds the
391 amount allowed under Subsection (2), the Superintendent shall apportion the days of
392 regular membership allowed between the LEAs.

393 (4) If a student was enrolled for only part of the school day or only part of the
394 school year, an LEA shall prorate the student's membership according to the number of
395 hours, periods or credits for which the student actually was enrolled in relation to the
396 number of hours, periods or credits for which a full-time student normally would have been
397 enrolled, for example:

398 (a) if the student was enrolled for four periods each day in a seven period school
399 day for 180 school days, the student's aggregate membership would be $\frac{4}{7}$ of 180 days
400 or 103 days; or

401 (b) if the student was enrolled for seven periods each day in a seven period school
402 day for 103 school days, the student's membership would also be 103 days.

403 (5)(a) An LEA shall calculate the days in membership for all students using a
404 method equivalent to the following: total clock hours of educational services for which the
405 student was enrolled during the school year divided by 990 hours and then multiplied by
406 180 days and finally rounded up to the nearest whole day.

407 (b) For example, if a student was enrolled for only 900 hours during the school
408 year, the student's aggregate membership would be $(900/990)*180$, and the LEA would
409 report 164 days.

410 (6) The sum of regular plus self-contained special education and self-contained
411 YIC membership days may not exceed 180 days.

412 (7) The sum of regular and resource special education membership days may not
413 exceed 360 days.

414 (8) The sum of regular, ISI-1 and ISI-2 YIC membership days may not exceed 360
415 days.

416 (9) An LEA may also count a student in membership for the equivalent in hours of
417 up to:

418 (a) one period each school day, if the student has been:

419 (i) released by the school, upon a parent or guardian's request, during the school
420 day for religious instruction or individual learning activity consistent with the student's
421 SEOP/Plan for College and Career Readiness; or

422 (ii) participating in one or more co-curricular activities under Rule R277-438, but
423 has otherwise been exempted from school attendance under Section 53G-6-204 for home
424 schooling;

425 (b) two periods each school day per student for time spent in bus travel during the
426 regular school day to and from another state funded institution, if the student is enrolled
427 in CTE instruction consistent with the student's SEOP/Plan for College and Career
428 Readiness;

429 (c) all periods each school day, if the student is enrolled in:

430 (i) a concurrent enrollment program that satisfies the provisions of Title 53E,
431 Chapter 10, Part 3, Concurrent Enrollment;

432 (ii) a private school without religious affiliation under a contract initiated by an LEA
433 to provide special education services which directs that the instruction be paid by public
434 funds if the contract with the private school is approved by an LEA board in an open
435 meeting;

436 (iii) a foreign exchange student program under Subsection 53G-6-707; or

437 (iv) a school operated by an LEA under a Utah Schools for the Deaf and the Blind
438 IEP provided that:

439 (A) the student may only be counted in S1 membership and may not have an S2
440 record; and

441 (B) the S2 record for the student is submitted by the Utah Schools for the Deaf
442 and the Blind.

443 (10)(a) Except as provided in Subsection (10)(b), a student receiving instruction
444 delivered in a home school course or by a private school is not eligible to be claimed in
445 an LEA's membership and does not qualify for funding under the Minimum School
446 Program in Title 53F, Chapter 2, Minimum School Program Act.

447 (b) Subsection (10)(a) does not apply to public school instruction provided by an
448 LEA to a home school or private school student participating in dual enrollment as
449 described in Section 53G-6-702.

450

451 **R277-419-9. Student Membership Calculation During the 2020 Covid-19 Pandemic.**

452 Notwithstanding the requirements of Sections R277-419-7 and R277-419-8, the
453 Superintendent shall calculate an LEA's membership for days of instruction from March
454 16, 2020 to June 30, 2020, based on the LEA's average rate of membership between July
455 1, 2019 and March 13, 2020 if:

456 (1) the LEA has submitted a continuity of education plan on or before June 1,
457 2020; and

458 (2) the LEA provides educational services through the end of the LEA's regular
459 school year calendar.

460

461 **R277-419-10. Calculations for a First Year Charter School.**

462 (1) For the first operational year of a charter school or a new satellite campus, the
463 Superintendent shall determine the charter school's WPU funding based on October 1
464 counts.

465 (2) For the second operational year of a charter school or a new satellite campus,
466 the Superintendent shall determine the charter school's WPU funding based on Section
467 53F-2-302.

468

469 **R277-419-11. Reporting Requirements and LEA Records.**

470 (1) An LEA shall report aggregate membership for each student via the School
471 Membership field in the S1 record and special education membership in the SCRAM
472 Membership field in the S2 record and YIC membership in the S3 record of the Year End
473 upload of the Data Clearinghouse file.

474 (2) In the Data Clearinghouse, aggregate membership is calculated in days of
475 membership.

476 (3) To determine student membership, an LEA shall ensure that records of daily
477 student attendance or student engagement are maintained in each school which clearly
478 and accurately show for each student the:

479 (a) entry date;

480 (b) exit date;

481 (c) exit or high school completion status;

482 (d) whether or not an absence was excused;

483 (e) disability status, resource or self-contained, if applicable; and

484 (f) YIC status, ISI-1, ISI-2 or self-contained, if applicable.

485 (4) An LEA shall ensure that:

486 (a) computerized or manually produced records for CTE programs are kept by
487 teacher, class, and classification of instructional program Classification of instructional
488 program or CIP code; and

489 (b) the records described in Subsection (4)(a) clearly and accurately show for each
490 student in a CTE class the:

491 (i) entry date;

492 (ii) exit date; and

493 (iii) excused or unexcused status of absence.

494 (5) An LEA shall ensure that each school within the LEA completes a minimum of
495 one attendance check each school day.

496 (6) Due to school activities requiring schedule and program modification during
497 the first days and last days of the school year:

498 (a) for the first five school days, an LEA may report aggregate days of membership
499 equal to the number recorded for the second five-day period of the school year;

500 (b) for the last five-day period, an LEA may report aggregate days of membership
501 equal to the number recorded for the immediately preceding five-day period; and

502 (c) schools shall continue educational service activities throughout required
503 calendared days.

504 (7) The Superintendent:

505 (a) shall review each LEA's student membership and fall enrollment reports as
506 they relate to the allocation of state funds; and

507 (b) may periodically or for cause review LEA records and practices for compliance
508 with Federal and State laws and this rule.

509

510 **R277-419-12. High School Completion Status.**

511 (1) An LEA shall account for the final status of students who enter high school,
512 grades 9-12, whether they graduate or leave high school for other reasons, using the
513 following decision rules to indicate the high school completion or exit status of each
514 student who leaves the Utah public education system:

515 (a) graduates are students who earn a basic high school diploma by satisfying
516 one of the options consistent with Rule R277-705 or out-of-school youths of school age
517 who complete adult education secondary diploma requirements consistent with R277-
518 733;

519 (b) completers are students who have not satisfied Utah's requirements for
520 graduation but who:

521 (i) are in membership in twelfth grade on the last day of the school year; and

522 (ii)(A) meet any additional criteria established by an LEA consistent with its
523 authority under Rule R277-705;

524 (B) meet any criteria established for special education students under Utah State
525 Board of Education Special Education Rules, Revised, June 2016, and available at:
526 <http://www.schools.utah.gov/sars/Laws.aspx> and the Utah State Board of Education;

527 (C) meet any criteria established for special education students under Subsection
528 R277-700-8(5); or

529 (D) pass a General Educational Development or GED test with a designated
530 score;

531 (c) continuing students are students who:

532 (i) transfer to higher education, without first obtaining a diploma;

533 (ii) transfer to the Utah Center for Assistive Technology without first obtaining a
534 diploma; or

535 (iii) age out of special education;

536 (d) dropouts are students who:

537 (i) leave school with no legitimate reason for departure or absence;

538 (ii) withdraw due to a situation so serious that educational services cannot be
539 continued even under the conditions of Subsection R277-419-7(3)(f)(ii);

540 (iii) are expelled and do not re-enroll in another public education institution; or

541 (iv) transfer to adult education;

542 (e) an LEA shall exclude a student from the cohort calculation if the student:

543 (i) transfers out of state, out of the country, to a private school, or to home
544 schooling;

545 (ii) is a U.S. citizen who enrolls in another country as a foreign exchange student;

546 (iii) is a non-U.S. citizen who enrolls in a Utah public school as a foreign exchange
547 student under Section 53G-6-707 in which case the student shall be identified by resident
548 status, J for those with a J-1 visa, F for all others, not by an exit code;

549 (iv) dies; or

550 (v) beginning with the 2015-2016 school year, is attending an LEA that is not the
551 student's school of enrollment.

552 (2)(a) An LEA shall report the high school completion status or exit code of each
553 student to the Superintendent as specified in Data Clearinghouse documentation.

554 (b) High School completion status or exit codes for each student are due to the
555 Superintendent by year end upload for review.

556 (c) Except as provided in Subsection (2)(d), an LEA shall submit any further
557 updates of completion status or exit codes by October 1 following the end of a student's
558 graduating cohort pursuant to Rule R277-484.

559 (d) An LEA with an alternative school year schedule where the students have an
560 extended break in a season other than summer, shall submit the LEA's data by the next
561 complete data submission update, following the LEA's extended break, as defined in Rule
562 R277-484.

563 (3)(a) The Superintendent shall report a graduation rate for each school, LEA, and
564 the state.

565 (b) The Superintendent shall calculate the graduation rates in accordance with
566 applicable federal law.

567 (c) The Superintendent shall include a student in a school's graduation rate if:

568 (i) the school was the last school the student attended before the student's
569 expected graduation date; and

570 (ii) the student does not meet any exclusion rules as stated in Subsection (1)(e).

571 (d) The last school a student attended will be determined by the student's exit
572 dates as reported to the Data Clearinghouse.

573 (e) A student's graduation status will be attributed to the school attended in the
574 student's final cohort year.

575 (f) If a student attended two or more schools during the student's final cohort year,
576 a tie-breaking logic to select the single school will be used in the following hierarchical
577 order of sequence:

578 (i) school with an attached graduation status for the final cohort year;

579 (ii) school with the latest exit date;

580 (iii) school with the earliest entry date;

581 (iv) school with the highest total membership;

582 (v) school of choice;

583 (vi) school with highest attendance; or

584 (vii) school with highest cumulative GPA.

585 (g) The Superintendent shall report the four-year cohort rate on the annual state
586 reports.

587

588 **R277-419-13. Student Identification and Tracking.**

589 (1)(a) Pursuant to Section 53E-4-308, an LEA shall:

590 (i) use the SSID system maintained by the Superintendent to assign every student
591 enrolled in a program under the direction of the Board or in a program or a school that is
592 supported by public school funding a unique student identifier; and

593 (ii) display the SSID on student transcripts exchanged with LEAs and Utah public
594 institutions of higher education.

595 (b) The unique student identifier:

596 (i) shall be assigned to a student upon enrollment into a public school program or
597 a public school-funded program;

598 (ii) may not be the student's social security number or contain any personally
599 identifiable information about the student.

600 (2)(a) An LEA shall require all students to provide their legal first, middle, and last
601 names at the time of registration to ensure that the correct SSID follows students who
602 transfer among LEAs.

603 (b) A school shall transcribe the names from the student's birth certificate or other
604 reliable proof of the student's identity and age, consistent with Section 53G-6-603;

605 (c) The direct transcription of student names from birth certificates or other reliable
606 proof of student identity and age shall be the student's legal name for purposes of
607 maintaining school records; and

608 (d) An LEA may modify the order of student names, provide for nicknames, or
609 allow for different surnames, consistent with court documents or parent preferences, so
610 long as legal names are maintained on student records and used in transmitting student
611 information to the Superintendent.

612 (3) The Superintendent and LEAs shall track students and maintain data using
613 students' legal names.

614 (4) If there is a compelling need to protect a student by using an alias, an LEA
615 should exercise discretion in recording the name of the student.

616 (5) An LEA is responsible to verify the accuracy and validity of enrollment
617 verification data, prior to enrolling students in the LEA, and provide students and their
618 parents with notification of enrollment in a public school.

619 (6) An LEA shall ensure enrollment verification data is collected, transmitted, and
620 stored consistent with sound data policies, established by the LEA as required in Rule
621 R277-487.

622

623 **R277-419-14. Exceptions.**

624 (1)(a) An LEA may, at its discretion, make an exception for school attendance for
625 a public school student, in the length of the school day or year, for a student with
626 compelling circumstances.

627 (b) The time an excepted student is required to attend school shall be established
628 by the student's IEP or Plan for College and Career Readiness.

629 (2) A school using a modified 45-day/15-day year-round schedule initiated prior to
630 July 1, 1995 is in compliance with this rule if the school's schedule includes a minimum
631 of 990 hours of time the LEA will provide educational services over a minimum of 172
632 days.

633

634 **R277-419-15. Effective Date.**

635 This rule is effective for the 2021-22 and 2022-23 school years.

636

637 **KEY: education finance, school enrollment, pupil accounting**

638 **Date of Last Change: March 15, 2022**

639 **Notice of Continuation: December 2, 2021**

640 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-**
641 **2-102(7); 53E-3-501(1)(e); 53E-3-602(2); 53E-3-301(3)(d); 53G-4-404**