

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 supervision
6 over public education in the Board;

7 (b) ~~Subsection [53A-1-401]~~ 53E-3-401(4), which allows the Board to make rules to
8 execute the Board's duties and responsibilities under the Utah Constitution and state law;

9 (c) ~~Subsection [53A-1-402(1)(e)]~~ 53E-3-501(1)(e), which directs the Board to establish
10 rules and standards regarding:

11 (i) cost-effectiveness;

12 (ii) school budget formats; and

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

14 (d) ~~Subsection [53A-1-404(2)]~~ 53E-3-602(2), which requires a local school board's
15 auditing standards to include financial accounting and student accounting;

16 (e) ~~Subsection [53A-1-301(3)(d)]~~ 53E-3-301(3)(d), which requires the Superintendent
17 to present to the Governor and the Legislature data on the funds allocated to LEAs; and

18 (f) ~~Section [53A-3-404]~~ 53G-4-404, which requires annual financial reports from all
19 school districts.

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

22 **R277-419-2. Definitions.**

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

25 (2) "Approved CTE course" means a course approved by the Board within the Career
26 and Technical Education (CTE) Pathways in the eight areas of study.

27 (3) "Blended learning program" means a program under the direction of an LEA:

28 (a) where a student learns at least in part:

29 (i) at a supervised brick and mortar location away from a student's home; and

- 30 (ii) through an online delivery; and
- 31 (b) that may include some element of student control over time, place, or path, or pace.
- 32 (4) "Brick and mortar school" means a traditional school or traditional school building.
- 33 (5) "Competency based learning program" means an education program that requires
- 34 a student to acquire a competency and includes a classroom structure and operation that aid
- 35 and facilitate the acquisition of specified competencies on an individual basis wherein a
- 36 student is allowed to master and demonstrate competencies as fast as the student is able.
- 37 (6) "Continuing enrollment measurement" means a methodology used to establish a
- 38 student's continuing membership or enrollment status for purposes of generating membership
- 39 days.
- 40 (7) "Data Clearinghouse" means the electronic data collection system used by the
- 41 Superintendent to collect information required by law from LEAs about individual students at
- 42 certain points throughout the school year to support the allocation of funds and accountability
- 43 reporting.
- 44 (8) "Distance learning program" means a program, under the direction of an LEA, in
- 45 which students receive educational services in a location other than a brick and mortar school,
- 46 and may include educational services delivered over the internet.
- 47 (9) "Early graduation student" means a student who has an early graduation student
- 48 education plan as described in Rule R277-703.
- 49 (10) "Eligible student" means a student who satisfies the criteria for enrollment in an
- 50 LEA, set forth in S[ub]section R277-419-5.
- 51 (11) "Enrollment verification data" includes:
- 52 (a) a student's birth certificate or other verification of age;
- 53 (b) verification of immunization or exemption from immunization form;
- 54 (c) proof of Utah public school residency;
- 55 (d) family income verification; or
- 56 (e) special education program information, including:
- 57 (i) an individualized education program;
- 58 (ii) a Section 504 accommodation plan; or
- 59 (iii) an English learner plan.

60 (12) "Face-to-face learning program" means a program within an LEA that consists of
61 eligible, enrolled public school students who physically attend school in a brick and mortar
62 school.

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

65 (b) The differences between a home school student and an online student include:

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

68 (ii) an online student is:

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

70 (B) included in accountability measures;

71 (iii) an online student receives instruction under the direction of a highly qualified,
72 licensed teacher who is subject to the licensure requirements of R277-502 and fingerprint and
73 background checks consistent with R277-516 and R277-520;

74 (iv) instruction delivered in a home school course is not eligible to be claimed in
75 membership of an LEA and does not qualify for funding under the Minimum School Program
76 in Title ~~[53A]~~ 53F, Chapter ~~[47a]~~ 2, Minimum School Program Act.

77 (14) "Home school course" means instruction:

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

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

82 (15)(a) "Influenza pandemic" or "pandemic" means a global outbreak of serious illness
83 in people.

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

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

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

90 (18)(a) "Membership" means a public school student is on the current roll of a public
91 school class or public school as of a given date.

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

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

97 (19) "Minimum School Program" means the same as that term is defined in Section
98 ~~[53A-17a-103]~~ 53F-2-102.

99 (20) "Nontraditional Program" means a program within an LEA that consists of eligible,
100 enrolled public school students where the student receives instruction through a:

- 101 (a) distance learning program;
- 102 (b) online learning program;
- 103 (c) blended learning program; or
- 104 (d) competency based learning program.

105 (21) "Online learning program" means a program:

- 106 (a) that is under the direction of an LEA; and
- 107 (b) in which students receive educational services primarily over the internet.

108 (22) "Private school" means an educational institution that:

- 109 (a) is not an LEA;
- 110 (b) is owned or operated by a private person, firm, association, organization, or
111 corporation; and
- 112 (c) is not subject to governance by the Board consistent with the Utah Constitution.

113 (23) "Program" means a course of instruction within a school that is designed to
114 accomplish a predetermined curricular objective or set of objectives.

115 (24) "Resource" means a student who receives 1 to 179 minutes of special education
116 services during a typical school day consistent with the student's IEP provided for under the
117 Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et seq., amended in
118 2004.

119 (25) "Qualifying school age" means:

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

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

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

126 (26) "Retained senior" means a student beyond the general compulsory school age
127 who is authorized at the discretion of an LEA to remain in enrollment as a high school senior
128 in the year(s) after the student's cohort has graduated due to:

129 (a) sickness;

130 (b) hospitalization;

131 (c) pending court investigation or action; or

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

133 (27) "S1" means the record maintained by the Superintendent containing individual
134 student demographic and school membership data in a Data Clearinghouse file.

135 (28) "S2" means the record maintained by the Superintendent containing individual
136 student data related to participation in a special education program in a Data Clearinghouse
137 file.

138 (29) "S3" means the record maintained by the Superintendent containing individual
139 student data related to participation in a YIC program in a Data Clearinghouse file.

140 (30) "School" means an educational entity governed by an LEA that:

141 (a) is supported with public funds;

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

143 (c) employs licensed educators as instructors that provide instruction consistent with
144 Section R277-502;

145 (d) has one or more assigned administrators;

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

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

148 (31) "School day" means a minimum of two hours per day per session in kindergarten
149 and a minimum of four hours per day in grades one through twelve, subject to the
150 requirements described in Section R277-419-4.

151 (32) "School membership" means membership other than in a special education or
152 YIC program in the context of the Data Clearinghouse.

153 (33) "School of enrollment" means:

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

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

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

158 (35) "Self-contained" means a public school student with an IEP or YIC, who receives
159 180 minutes or more of special education or YIC related services during a typical school day.

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

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

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

165 (a) the student was not physically present at school at any of the times attendance
166 checks were made in accordance with Subsection R277-419-6(3); and

167 (b) the student's absence could not be accounted for by evidence of a legitimate or
168 valid excuse in accordance with local board policy on truancy as defined in Section ~~[53A-11-~~
169 ~~404]~~ 53G-6-201.

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

172 (40) "Youth in custody (YIC)" means a person under the age of 21 who is:

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

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

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

178 **R277-419-3. Schools and Programs.**

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

181 (b) All schools shall submit a Clearinghouse report to the Superintendent.

182 (c) All schools shall employ at least one licensed educator and one administrator.

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

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

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

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

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

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

194 **R277-419-4. Minimum School Days.**

195 (1)(a) Except as provided in Subsection (1)(b) and Subsection [~~53A-17a-103(7)~~] 53F-
196 2-102(7), an LEA shall conduct school for at least 990 instructional hours over a minimum of
197 180 school days each school year.

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

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

202 (ii) for a school closure due to snow, inclement weather, or other emergency as
203 described in R277-419-12; or

204 (iii) for an individual student as described in Section R277-419-11.

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

207 (b) All school day calculations shall exclude lunch periods and pass time between
208 classes but may include recess periods that include organization or instruction from school
209 staff.

210 (c) Each school day that satisfies the minimum hourly instruction time described in
211 Subsection R277-419-2(31), shall count as a school day, regardless of the number or length
212 of class periods or whether or not particular classes meet.

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

215 (b) If school is closed for any reason, the school shall make up the instructional time
216 missed under the emergency or activity time as part of the minimum required time to qualify
217 for full Minimum School Program funding.

218 (4) Minimum standards apply to all public schools in all settings unless Utah law or this
219 rule provides for a specific exception.

220 (5) An LEA's governing board shall provide adequate contingency school days and
221 hours in the LEA's yearly calendar to avoid the necessity of requesting a waiver except in the
222 most extreme circumstances.

223 (6)(a) In addition to the allowance to use up to 32 instructional hours or four school
224 days for professional learning described in Subsection [~~53A-17a-103(7)~~] 53F-2-102(7), to
225 provide planning and professional development time for staff, an LEA may hold school longer
226 some days of the week and shorter other days so long as minimum school day requirements,
227 as provided for in this R277-419-4 and Subsection R277-419-2(32), are satisfied.

228 (b) A school may conduct parent-teacher and student Plan for College and Career
229 Readiness conferences during the school day.

230 (c) Parent-teacher and college and career readiness conferences may only be held
231 for a total of the equivalent of three full school days or a maximum of 16.5 hours for the school
232 year.

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

235 (e) An LEA may designate no more than a total of 12 instructional days at the
236 beginning of the school year, at the end of the school year, or both for the assessment of
237 students entering or completing kindergarten.

238 (f) If instruction days are designated for kindergarten assessment:

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

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

242 (iii) qualified school employees shall conduct the assessment consistent with Section
243 ~~[53A-3-410]~~ 53F-4-205; and

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

246 (g) The final decision and approval regarding planning time, parent-teacher and SEP
247 conferences rests with an LEA, consistent with Utah law and Board administrative rules.

248 (h) Total instructional time and school calendars shall be approved by an LEA in an
249 open meeting.

250 **R277-419-5. Student Membership Eligibility and Continuing Enrollment Measurements.**

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

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

253 (3) In order to generate membership for funding through the Minimum School Program
254 for any clock hour of instruction on any school day, an LEA shall ensure that a student being
255 counted by the LEA in membership:

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

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

259 (c) does not have unexcused absences, which are determined using one of the
260 continuing enrollment measurements described in Subsection (4);

261 (d) is a resident of Utah as defined under Section~~[s 53A-2-201 through 213]~~ 53G-6-
262 302;

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

- 264 (f)(i) is expected to attend a regular learning facility operated or recognized by an LEA
265 on each regularly scheduled school day, if enrolled in a face-to-face learning program;
- 266 (ii) has direct instructional contact with a licensed educator provided by an LEA at:
267 (A) an LEA-sponsored center for tutorial assistance; or
268 (B) the student's place of residence or convalescence for at least 120 minutes each
269 week during an expected period of absence, if physically excused from such a facility for an
270 extended period of time, due to:
- 271 (i) injury;
272 (II) illness;
273 (III) surgery;
274 (IV) suspension;
275 (V) pregnancy;
276 (VI) pending court investigation or action; or
277 (VII) an LEA determination that home instruction is necessary;
- 278 (iii) is enrolled in an approved CTE course(s) on the campus of another state funded
279 institution where such a course is:
- 280 (A) not offered at the student's school of membership;
281 (B) being used to meet Board-approved CTE graduation requirements under
282 Subsection R277-700-6(14); and
283 (C) a course consistent with the student's SEOP/Plan for College and Career
284 Readiness; or
- 285 (iv) is enrolled in a nontraditional program under the direction of an LEA that:
286 (A) is consistent with the student's SEOP/Plan for College and Career Readiness;
287 (B) has been approved by the student's counselor; and
288 (C) includes regular instruction or facilitation by a designated employee of an LEA.
- 289 (4) An LEA shall use one of the following continuing enrollment measures:
290 (a) For a student primarily enrolled in a face-to-face learning program, the LEA may
291 not count a student as an eligible student if the eligible student has unexcused absences
292 during all of the prior ten consecutive school days.
293 (b) For a student enrolled in a nontraditional program, an LEA shall:

294 (i) adopt a written policy that designates a continuing enrollment measurement to
295 document the continuing membership or enrollment status for each student enrolled in the
296 nontraditional program consistent with Subsection (3)(c);

297 (ii) document each student's continued enrollment status in compliance with the
298 continuing enrollment policy at least once every ten consecutive school days; and

299 (iii) appropriately adjust and update student membership records in the student
300 information system for students that did not meet the continuing enrollment measurement,
301 consistent with Subsection (3)(c).

302 (5) The continuing enrollment measurement described in Subsection (4)(b) may
303 include some or all of the following components, in addition to other components, as
304 determined by an LEA:

305 (a) a minimum student login or teacher contact requirement;

306 (b) required periodic contact with a licensed educator;

307 (c) a minimum hourly requirement, per day or week, when students are engaged in
308 course work; or

309 (d) required timelines for a student to provide or demonstrate completed assignments,
310 coursework or progress toward academic goals.

311 (6) For a student enrolled in both face-to-face and nontraditional programs, an LEA
312 shall measure a student's continuing enrollment status using the methodology for the program
313 in which the student earns the majority of their membership days.

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

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

320 **R277-419-6. Student Membership Calculations.**

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

323 school year.

324 (b) An early graduation student may be counted for more than 180 days of regular
325 membership in accordance with the student's early graduation student education plan.

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

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

331 (b) A student transferring to or from an LEA with a schedule approved under
332 Subsection R277-419-4(1)(b) is eligible for no more than 220 days of regular membership per
333 school year.

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

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

340 (i) 170 days; plus

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

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

347 (4) If a student was enrolled for only part of the school day or only part of the school
348 year, an LEA shall prorate the student's membership according to the number of hours,
349 periods or credits for which the student actually was enrolled in relation to the number of
350 hours, periods or credits for which a full-time student normally would have been enrolled. For
351 example:

352 (a) If the student was enrolled for 4 periods each day in a 7 period school day for all
353 180 school days, the student's aggregate membership would be 4/7 of 180 days or 103 days.

354 (b) If the student was enrolled for 7 periods each day in a 7 period school day for 103
355 school days, the student's membership would also be 103 days.

356 (5) For students in grades 2 through 12, an LEA shall calculate the days in
357 membership using a method equivalent to the following: total clock hours of instruction for
358 which the student was enrolled during the school year divided by 990 hours and then
359 multiplied by 180 days and finally rounded up to the nearest whole day. For example, if a
360 student was enrolled for only 900 hours during the school year, the student's aggregate
361 membership would be $(900/990)*180$, and the LEA would report 164 days.

362 (6) For students in grade 1, an LEA shall adjust the first term of the formula to use 810
363 hours as the denominator.

364 (7) For students in kindergarten, an LEA shall adjust the first term of the formula to use
365 450 hours as the denominator.

366 (8) The sum of regular plus self-contained special education and self-contained YIC
367 membership days may not exceed 180 days.

368 (9) The sum of regular and resource special education membership days may not
369 exceed 360 days.

370 (10) The sum of regular, ISI-1 and ISI-2 YIC membership days may not exceed 360
371 days.

372 (11) An LEA may also count a student in membership for the equivalent in hours of up
373 to:

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

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

378 (ii) participating in one or more extracurricular activities under Rule R277-438, but has
379 otherwise been exempted from school attendance under Section ~~[53A-11-102]~~ 53G-6-204 for
380 home schooling;

381 (b) two periods each school day per student for time spent in bus travel during the

382 regular school day to and from another state-funded institution, if the student is enrolled in
383 CTE instruction consistent with the student's SEOP/Plan for College and Career Readiness;

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

385 (i) a concurrent enrollment program that satisfies all the criteria of Rule R277-713;

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

389 (iii) a foreign exchange student program under Subsection [~~53A-2-206(8)~~] 53G-6-
390 707(7); or

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

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

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

397 **R277-419-7. Calculations for a First Year Charter School.**

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

400 (2) For the second operational year of a charter school or a new satellite campus, the
401 Superintendent shall determine the charter school's WPU funding based on Section [~~53A-17a-~~
402 ~~406~~] 53F-2-302.

403 **R277-419-8. Reporting Requirements, LEA Records, and Audits.**

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

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

410 (3) To determine student membership, an LEA shall ensure that records of daily
411 student attendance are maintained in each school which clearly and accurately show for each
412 student the:

- 413 (a) entry date;
- 414 (b) exit date;
- 415 (c) exit or high school completion status;
- 416 (d) whether or not an absence was excused;
- 417 (e) disability status (resource or self-contained, if applicable); and
- 418 (f) YIC status (ISI-1, ISI-2 or self-contained, if applicable).

419 (4) An LEA shall ensure that:

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

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

- 424 (i) entry date;
- 425 (ii) exit date; and
- 426 (iii) excused or unexcused status of absence.

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

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

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

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

435 (c) schools shall continue instructional activities throughout required calendared
436 instruction days.

437 (7) An LEA shall employ an independent auditor, under contract, to:

438 (a) annually audit student accounting records; and

439 (b) report the findings of the audit to:

- 440 (i) the LEA board; and
- 441 (ii) the Financial Operations Section of the Board.
- 442 (8) Reporting dates, forms, and procedures are found in the State of Utah Legal
443 Compliance Audit Guide, provided to LEAs by the Superintendent in cooperation with the
444 State Auditor's Office.
- 445 (9) The Superintendent:
- 446 (a) shall review each LEA's student membership and fall enrollment audits as they
447 relate to the allocation of state funds in accordance with the policies and procedures
448 established in Sections R277-484-7 and 8; and
- 449 (b) may periodically or for cause review LEA records and practices for compliance with
450 the laws and this rule.

451 **R277-419-9. High School Completion Status.**

- 452 (1) An LEA shall account for the final status of all students who enter high school
453 (grades 9-12) whether they graduate or leave high school for other reasons, using the
454 following decision rules to indicate the high school completion or exit status of each student
455 who leaves the Utah public education system:
- 456 (a) graduates are students who earn a basic high school diploma by satisfying one of
457 the options consistent with Subsection R277-705-4(2) or out-of-school youths of school age
458 who complete adult education secondary diploma requirements consistent with R277-733;
- 459 (b) completers are students who have not satisfied Utah's requirements for graduation
460 but who:
- 461 (i) are in membership in twelfth grade on the last day of the school year; and
- 462 (ii)(A) meet any additional criteria established by an LEA consistent with its authority
463 under Section R277-705-4;
- 464 (B) meet any criteria established for special education students under Utah State
465 Board of Education Special Education Rules, Revised, June 2016, and available at:
466 <http://www.schools.utah.gov/sars/Laws.aspx> and the Utah State Board of Education;
- 467 (C) meet any criteria established for special education students under Subsection
468 R277-700-8(5); or

- 469 (D) pass a General Educational Development (GED) test with a designated score;
- 470 (c) continuing students are students who:
- 471 (i) transfer to higher education, without first obtaining a diploma;
- 472 (ii) transfer to the Utah Center for Assistive Technology without first obtaining a
- 473 diploma; or
- 474 (iii) age out of special education;
- 475 (d) dropouts are students who:
- 476 (i) leave school with no legitimate reason for departure or absence;
- 477 (ii) withdraw due to a situation so serious that educational services cannot be
- 478 continued even under the conditions of Subsection R277-419-5(3)(f)(ii);
- 479 (iii) are expelled and do not re-enroll in another public education institution; or
- 480 (iv) transfer to adult education;
- 481 (e) an LEA shall exclude a student from the cohort calculation if the student:
- 482 (i) transfers out of state, out of the country, to a private school, or to home schooling;
- 483 (ii) is a U.S. citizen who enrolls in another country as a foreign exchange student;
- 484 (iii) is a non-U.S. citizen who enrolls in a Utah public school as a foreign exchange
- 485 student under Section ~~[53A-2-206]~~ 53G-6-707 in which case the student shall be identified by
- 486 resident status (J for those with a J-1 visa, F for all others), not by an exit code;
- 487 (iv) dies; or
- 488 (v) beginning with the 2015-2016 school year, is attending an LEA that is not the
- 489 student's school of enrollment.
- 490 (2)(a) An LEA shall report the high school completion status or exit code of each
- 491 student to the Superintendent as specified in Data Clearinghouse documentation.
- 492 (b) High School completion status or exit codes for each student are due to the
- 493 Superintendent by year end upload for processing and auditing.
- 494 (c) Except as provided in Subsection (2)(d), an LEA shall submit any further updates
- 495 of completion status or exit codes by October 1 following the end of a student's graduating
- 496 cohort pursuant to Section R277-484-3.
- 497 (d) An LEA with an alternative school year schedule where all of the students have an
- 498 extended break in a season other than summer, shall submit the LEA's data by the next

499 complete data submission update, following the LEA's extended break, as defined in Section
500 R277-484-3.

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

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

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

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

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

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

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

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

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

517 (ii) school with the latest exit date;

518 (iii) school with the earliest entry date;

519 (iv) school with the highest total membership;

520 (v) school of choice;

521 (vi) school with highest attendance; or

522 (vii) school with highest cumulative GPA.

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

525 **R277-419-10. Student Identification and Tracking.**

526 (1)(a) Pursuant to Section [~~53A-1-603.5~~] 53E-4-308, an LEA shall:

527 (i) use the SSID system maintained by the Superintendent to assign every student

528 enrolled in a program under the direction of the Board or in a program or a school that is
529 supported by public school funding a unique student identifier; and

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

532 (b) The unique student identifier:

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

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

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

540 (a) A school shall transcribe the names from the student's birth certificate or other
541 reliable proof of the student's identity and age, consistent with Section [~~53A-11-503~~] 53G-6-
542 603;

543 (b) The direct transcription of student names from birth certificates or other reliable
544 proof of student identity and age shall be the student's legal name for purposes of maintaining
545 school records; and

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

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

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

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

557 (6) An LEA shall ensure enrollment verification data is collected, transmitted, and
558 stored consistent with sound data policies, established by the LEA as required in Rule R277-
559 487.

560 **R277-419-11. Exceptions.**

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

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

566 (2) A school using a modified 45-day/15-day year round schedule initiated prior to July
567 1, 1995 shall be considered to be in compliance with this rule if the school's schedule includes
568 a minimum of 990 hours of instruction time in a minimum of 172 days.

569 **R277-419-12. Snow, Inclement Weather, or Other Emergency School Closure Days.**

570 (1) An LEA may seek a waiver directly from the Superintendent from the 180 day
571 requirement described in Subsection R277-419-4(1) if:

572 (a) the LEA closes a school for one school day due to excessive snow, inclement
573 weather, or an other emergency; and

574 (b) the school closure will result in the LEA not meeting the 180 day requirement
575 described in Section R277-419-4.

576 (2) The Superintendent may grant up to one waiver, per school year, per school, for
577 the school to close due to excessive snow, inclement weather, or other emergency without
578 Board approval if the LEA has provided adequate contingency school days and hours into the
579 LEA's calendar to avoid the necessity of requesting a waiver as required in Subsection R277-
580 419-4(5).

581 (3) If the Superintendent denies an LEA's request described in Subsection (1), the LEA
582 may appeal the Superintendent's decision by making the request of the full Board.

583 (4) If an LEA seeks a waiver for two or more school days due to excessive snow,
584 inclement weather, or other emergency, the LEA shall seek the waiver pursuant to the
585 procedures described in R277-121.

586 (5)(a) An LEA may request the Board to waive the school day and hour requirement
587 pursuant to a directive from the Utah State Health Department or a local health department,
588 that results in the closure of a school in the event of a pandemic or other public health
589 emergency.

590 (b) A waiver described in this Subsection (5) may be for a designated time period, for
591 a specific area, or for a specific LEA in the state, as determined by the health department
592 directive.

593 (c) A waiver may allow an LEA to continue to receive state funds for pupil services and
594 reimbursements.

595 (d) A waiver granted by the Board or Superintendent as described in this Subsection
596 (5) shall direct an LEA to provide as much notice to students and parents of the suspension
597 of school services, as is reasonably possible.

598 (e) A waiver granted shall direct an LEA to comply with health department directives,
599 but to continue to provide any services to students that are not inconsistent with the directive.

600 (f) The Board may encourage an LEA to provide electronic or distance learning
601 services to affected students for the period of the pandemic or other public health emergency
602 to the extent of personnel and funds available.

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

604 **Date of Enactment or Last Substantive Amendment: December 8, 2017**

605 **Notice of Continuation: August 14, 2017**

606 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; ~~[53A-1-401]~~ 53E-3-
607 401(4); ~~[53A-17a-103(7)]~~ 53F-2-102(7); ~~[53A-1-402(1)(e)]~~ 53E-3-501(1)(e); ~~[53A-1-404(2)]~~
608 53E-3-602(2); ~~[53A-1-301(3)(d)]~~ 53E-3-301(3)(d); ~~[53A-3-404]~~ 53G-4-404**

609 **R277-XXX-2. Definitions.**

610 (1)

611 (2)

612 (3)

613 **R277-XXX-3. Title of Section.**

614 (1)

615 (2)

616 (3)

617 **R277-XXX-4. Title of Section.**

618 (1)

619 (2)

620 (3)

621 **KEY:** (words separated by commas)

622 **Date of Enactment or Last Substantive Amendment: 2018**

623 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53A-1-401**

624 (statutes separated by semi-colons)