

1 **R277. Education, Administration.**

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

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

5 (1) This rule is authorized by:

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

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

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

13 (ii) Board rule.

14 (2) The purpose of this rule is:

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

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

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

20 (2) "Third party provider" means a third party who provides educational services on  
21 behalf of an LEA.

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

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

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

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

2 (ii) Board rule;

3 (b) establish monitoring and compliance procedures to ensure that a third party  
4 provider who provides educational services to a student on behalf of the LEA complies with the  
5 provisions of this rule;

6 (c) develop a written monitoring plan to supervise the educational good or service  
7 provided by the third party provider;

8 (d) ensure the third party provider is complying with:

9 (i) federal law;

10 (ii) state law; and

11 (iii) Board rules;

12 (e) monitor and supervise all activities of the third party provider related to the  
13 educational good or service provided by the third party provider to the LEA; and

14 (f) maintain documentation of the LEA's supervisory activities consistent with the LEA's  
15 administrative records retention schedule.

16 (2) An LEA shall:

17 (a) verify the accuracy and validity of a student's enrollment verification data, prior to  
18 enrolling a student in the LEA; and

19 (b) provide a student and the student's parent or guardian with notification of the  
20 student's enrollment in a school or program within the LEA.

21 (3) The Board or the Superintendent may require an LEA to repay public funds to the  
22 Superintendent if:

23 (a) the LEA or the LEA's third party provider fails to comply with the provisions of this  
24 rule; and

25 (b) the repayment is made in accordance with the procedures established in R277-114.

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27 **KEY: third party provider, contract, monitoring**

28 **Date of Enactment or Last Substantive Amendment:**

29 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4) and (10)**

**DRAFT 1**  
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