

**R277. Education, Administration.**

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

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

(1) This rule is authorized by:

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

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

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

(ii) Board rule.

(2) The purpose of this rule is:

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

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

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

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

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

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

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

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

- (ii) Board rule;
  - (b) establish monitoring and compliance procedures to ensure that a third party provider who provides educational services to a student on behalf of the LEA complies with the provisions of this rule;
  - (c) develop a written monitoring plan to supervise the educational good or service provided by the third party provider;
  - (d) ensure the third party provider is complying with:
    - (i) federal law;
    - (ii) state law; and
    - (iii) Board rules;
  - (e) monitor and supervise all activities of the third party provider related to the educational good or service provided by the third party provider to the LEA; and
  - (f) maintain documentation of the LEA's supervisory activities consistent with the LEA's administrative records retention schedule.
- (2) An LEA shall:
- (a) verify the accuracy and validity of a student's enrollment verification data, prior to enrolling a student in the LEA; and
  - (b) provide a student and the student's parent or guardian with notification of the student's enrollment in a school or program within the LEA.
- (3) The Board or the Superintendent may require an LEA to repay public funds to the Superintendent if:
- (a) the LEA fails to comply with the provisions of this rule; and
  - (b) the repayment is made in accordance with the procedures established in R277-114.

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

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

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