

1 **R277. Education, Administration.**

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

3 **R277-726-1. Definitions.**

4 A. "Actively participates" means the student actively
5 participates as defined by the provider.

6 B. "Board" means the Utah State Board of Education.

7 C. "Course completion" means that a student has completed
8 a course with a passing grade and the provider has transmitted
9 the grade and credit to primary LEA of enrollment.

10 D. "Course Credit Acknowledgment (CCA)" means the
11 agreement and registration record using the USOE provided
12 Statewide Public Education Online Program form. The CCA shall
13 be signed by the student, parent, designee of primary school
14 of enrollment and qualified online Provider.

15 E. "Eligible student" means a student enrolled in grades
16 9-12 in a public school, but does not include students
17 enrolled in adult education programs.

18 F. "Enrollment confirmation" means the student initially
19 registered and actively participated, as defined under R277-
20 726-1A.

21 G. "Executed CCA" means that all parties have signed the
22 CCA and the CCA has been received by the USOE. Following
23 enrollment confirmation and participation, the USOE directs
24 funds to Provider, consistent with Sections 53A-15-1206 and
25 1207.

26 H. "LEA" means a local education agency in Utah that has
27 local administrative control and direction for public
28 education.

29 I. "Online course" means a course of instruction offered
30 through the Statewide Public Education Online Program.

31 J. "Online course payment" means the amount withheld from
32 the student's primary LEA and disbursed to the designated
33 Provider following satisfaction of the requirements of the
34 law, and as directed in Section 53A-15-1207.

35 K. "Online course provider (Provider)" means a district
36 school, a charter school or an LEA program created for the
37 purpose of serving Utah students grades 9-12 online.

38 L. "Primary LEA of enrollment" means the student's LEA
39 defined under Section 53A-15-1202(9).

40 M. "Primary school of enrollment" means a student's
41 school of record, where the student takes the majority of his
42 classes and the school that maintains the student's cumulative
43 file, enrollment information and transcript.

44 N. "SEOP" means student education occupation plan as
45 defined in R277-700.

46 O. "Statewide assessment" means Criterion-Referenced
47 tests or adaptive tests required under R277-404.

48 P. "Statewide Public Education Online Program (Program)"
49 means courses offered to students ~~[from Providers other than~~
50 ~~the students' primary LEAs of enrollment]~~ [under Section 53A-15-](#)
51 [1201 through 53A-15-1215.](#)

52 Q. "USOE" means the Utah State Office of Education.

53 R. "USOE course code" means a code for a designated
54 subject matter course assigned by the USOE.

55 S. "Withdrawal from online course" means that a student
56 withdraws or ceases participation in an online course within
57 10 days of student enrollment confirmation by the USOE in the
58 online course. Withdrawal may also occur as the result of a
59 student suspension from an online course following adequate
60 due process by the Provider.

61 **R277-726-2. Authority and Purpose.**

62 A. This rule is authorized by Utah Constitution Article
63 X, Section 3 which vests general control and supervision of
64 public education in the Board, Section 53A-15-1210 which
65 requires the Board to make rules providing for the
66 administration of statewide assessments to students enrolled
67 in online courses and requiring an online course provider to

68 proctor the state-designated assessments, Section 53A-15-1213
69 which requires the Board to make rules that establish a course
70 credit acknowledgment form and procedures for completing and
71 submitting the form to the Board, and Section 53A-1-401(3)
72 which permits the Board to adopt rules in accordance with its
73 responsibilities.

74 B. The purpose of this rule is to define necessary terms,
75 provide and describe a public education online registration
76 agreement and provide other requirements for LEAs, the USOE,
77 parents and students, and Providers for Program implementation
78 and accountability.

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

80 A. A student or student's parent may initiate a CCA by
81 filing a CCA with the student's primary school of enrollment.

82 B. A counselor designated by the primary school of
83 enrollment shall review the CCA to ensure consistency with
84 graduation requirements, the student's SEOP, and the student's
85 Individualized Education Plan (IEP) or Section 504 plan, if
86 applicable. If approved, the counselor gives preliminary
87 approval to the CCA and submits the CCA.

88 C. The USOE shall develop and administer procedures for
89 facilitation of the CCA that inform all appropriate parties.

90 **R277-726-4. Eligible Student/Parent Rights and**
91 **Responsibilities.**

92 A. Eligible students may register for up to two Program
93 credits in the 2011-2012 school year. A student enrolled in
94 Program course(s) may earn no more credits in a semester than
95 the number of credits a student may earn by taking a full
96 course load during the regular school day in a high school
97 classroom.

98 B. Eligible students may register for more than two
99 online credits if the student's current SEOP indicates

100 specifically that the student intends to complete high school
101 graduation requirements and exit high school before the rest
102 of the student's high school cohort and the student's schedule
103 demonstrates progress toward early graduation.

104 C. Eligible students are expected to complete courses in
105 which they enroll in a timely manner consistent with Section
106 53A-15-1206.

107 D. An eligible student may not enroll in an online course
108 under the Program for a given semester after the first 10
109 school days of enrollment by the student or within 10 days of
110 student's initial enrollment unless the student does not have
111 a full class schedule at the student's primary school of
112 enrollment.

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

114 A. A primary school of enrollment shall facilitate
115 student enrollment with any and all eligible Providers
116 selected by eligible students consistent with course credit
117 limits.

118 B. A primary school of enrollment shall use the CCA form,
119 records and processes provided by the USOE for the Program.
120 A school counselor shall use a separate form for each course
121 selected by parent/student.

122 C. A primary school of enrollment shall provide
123 information about available online courses and programs in
124 registration materials or through other reasonable
125 communication and on the LEA's or school's website or using a
126 link to the USOE's website.

127 D. A primary school of enrollment shall include a
128 student's online courses in student's enrollment records and,
129 upon course completion, include online course grades and
130 credits on student transcripts.

131 **R277-726-6. State Board of Education (Board) Requirements and**

132 **Responsibilities.**

133 A. The Board shall develop and provide a website for the
134 Program that provides information required under Section 53A-
135 15-1212 and other information as determined by the Board.

136 B. The Board shall direct Providers to administer state-
137 designated assessments consistent with R277-404 and R277-473
138 for identified courses using LEA-adopted and state-approved
139 assessments.

140 C. The Board may determine space available standards and
141 appropriate course load standards for online courses
142 consistent with Sections 53A-15-1006(2) and 53A-15-1204(1) (b).
143 Course load standards may differ based on subject matter and
144 differing accreditation standards.

145 D. The Board shall withhold funds from primary LEAs of
146 enrollment and make payments to Providers consistent with
147 Sections 53A-15-1206 and 1207.

148 E. The Board shall establish an appeals process for
149 students who request more than two online courses in the 2011-
150 2012 school year and who are first denied by their primary LEA
151 or school of enrollment.

152 F. The Board may refuse to provide funds under a CCA if
153 the Board finds that information has been submitted
154 fraudulently or in violation of the law or Board requirements
155 by any of the parties to a CCA.

156 G. The USOE or the Board's designee shall receive,
157 investigate complaints and impose sanctions, if appropriate,
158 regarding course integrity, financial mismanagement,
159 enrollment fraud or inaccuracy, or violations of the law or
160 this rule specific to the requirements and provisions of this
161 Program.

162 H. If a Board investigation finds that a Provider has
163 violated IDEA or Section 504 provisions for students taking
164 online courses, the Provider shall compensate the student's
165 primary LEA of enrollment for all costs related to compliance.

166 I. The USOE may audit, at the Board's sole discretion, an
167 LEA's or Program participant's compliance with any requirement
168 of state or federal law or Board rule under the Program. All
169 participants shall provide timely access to all records,
170 student information, financial data or other information
171 requested by the Board, the Board's auditors, the
172 Superintendent or the Superintendent's designee upon request.

173 J. The Board may impose penalties, withhold funds, or
174 sanction Program participants for participants' failure to
175 comply with reasonable requests for records or information.

176 K. All records related to the Program that do not
177 disclose protected student information are public records and
178 shall be available upon request under Section 63G-2-301 or
179 63G-2-305.

180 **R277-726-7. Provider Requirements and Responsibilities.**

181 A. Providers shall administer state-designated
182 assessments as directed by the Board, including proctoring,
183 consistent with R277-473. Providers shall pay administrative
184 and proctoring costs for all state-designated assessments.

185 B. Providers shall provide parents/students with email
186 and telephone contacts for the provider during regular
187 business hours in order to facilitate parent information.

188 C. Providers and third parties working with Providers
189 shall satisfy all Board requirements for consistency with
190 course curriculum, criminal background checks for Provider
191 employees, documentation of student enrollment and
192 participation and compliance with IDEA, Section 504, and
193 requirements for ELL students for all eligible students.

194 D. Providers shall receive payments for students properly
195 enrolled in the Program from the USOE consistent with Board
196 procedures, timelines and Sections 53A-15-1206, 53A-15-1207
197 and 53A-15-1208.

198 E. Providers may charge fees consistent with other

199 secondary schools. If the Provider intends to charge fees,
200 the Provider:

201 (1) shall notify the primary school of enrollment with
202 whom the Provider has the CCA of the purpose for fees, amounts
203 of fees, and provide timely notice to parents of required
204 fees and fee waiver opportunities, and post fees on Provider
205 website.

206 (2) shall be responsible for fee waivers for eligible
207 students, including all materials for students designated fee
208 waiver eligible by a student's primary school of enrollment.

209 F. Providers shall maintain student records and comply
210 with the federal Family Educational Rights and Privacy Act,
211 including protecting the confidentiality of student records
212 and providing parents and eligible students access to records.

213 G. Except as provided in R277-726-8A, the Provider shall
214 submit a student's credit and grade within 30 days after a
215 student satisfactorily completes an online semester course to
216 the USOE, primary school of enrollment, and parent(s).

217 H. Providers shall not withhold students' credits,
218 grades, or transcripts from students, parents or students'
219 schools of enrollment for any reason.

220 I. If a Provider desires to suspend a student from an
221 online course for disciplinary reasons, the Provider is
222 responsible for all student due process procedures, including
223 the Individuals with Disabilities Education Act (IDEA) 20
224 U.S.C. 1400 and Section 504 of the Rehabilitation Act of 1973.
225 If a student is suspended for more than 10 days, the Provider
226 shall notify the USOE of a withdrawal.

227 J. Providers shall provide to the USOE a list of course
228 options using the USOE-provided course codes (all courses
229 shall be coded as semester courses). Course offerings shall
230 be updated in January and August annually.

231 K. Providers shall serve all students on a first-come-
232 first-served basis who desire to take courses and who are

233 designated eligible by a primary school of enrollment if
234 desired courses have space available.

235 L. Providers shall provide all records maintained as part
236 of a public online school or program, including financial and
237 enrollment records, and information for accountability and
238 audit purposes upon request by the USOE, and the Provider's
239 external auditor(s).

240 M. Providers shall maintain documentation of student
241 work, including dates of submission, for Program audit
242 purposes.

243 N. Providers are primarily responsible for complete and
244 timely submissions of record changes to executed CCAs and
245 submission of other reports and records as required by the
246 USOE.

247 O. Providers shall inform students and parents of
248 expectations for active participation in course work.

249 P. LEAs may participate in the Program as Providers by
250 offering schools or programs or both to Utah students in
251 grades 9-12 who are not resident students of the LEA
252 consistent with Section 53A-15-1205(3).

253 Q. Program schools or programs:

254 (1) shall be accredited by the Northwest Accreditation
255 Commission consistent with R277-413;

256 (2) shall have a designated administrator who meets the
257 requirements of Section 53A-6-110 or Section 53A-1a-512(5);

258 (3) shall ensure that students who qualify for fee
259 waivers shall receive all services offered by and through the
260 public schools consistent with Section 53A-12-103 and R277-
261 407;

262 (4) shall maintain student records consistent with the
263 federal Family Educational Rights and Privacy Act, 34 CFR Part
264 99; and

265 (5) shall offer course work aligned with Utah Core
266 standards, course requirements, and the provisions of R277-700

267 and R277-404, and R277-473.

268 R. LEAs that offer online programs or schools as
269 Providers under the Program:

270 (1) shall employ only licensed Utah educators as
271 teachers;

272 (2) shall not employ individuals whose educator licenses
273 have been suspended or revoked;

274 (3) shall require all employees to meet requirements of
275 Section 53A-3-410 and R277-516 prior to the Provider offering
276 services to students;

277 (4) shall only employ teachers who meet the requirements
278 of R277-510, Educator Licensing - Highly Qualified Assignment;

279 (5) shall agree to administer and have the capacity to
280 carry out state-designated assessments, including proctoring,
281 consistent with Section 53A-15-1210(2), R277-404 and R277-473;

282 (6) shall provide services to students consistent with
283 requirements of the IDEA, Section 504, and Title VI of the
284 Civil Rights Act of 1964 for English Language Learners (ELL);

285 (7) shall maintain copies of all CCAs (for audit
286 purposes);

287 (8) shall agree that funds shall be withheld by the USOE
288 consistent with Section 53A-15-1206. A Provider shall
289 cooperate with the USOE in providing timely documentation of
290 student participation, enrollment, and other additional data
291 consistent with Board directives and procedures and as
292 requested; and

293 (9) shall ensure that third parties assisting with LEA
294 online schools or programs comply with R277-726-7R, R277-404
295 and R277-473.

296 **R277-726-8. Other Information.**

297 A. Primary schools of enrollment shall set reasonable
298 timelines and standards and Providers shall adhere to
299 timelines and standards for student grades and enrollment in

300 online courses for purposes of:
301 (1) school awards and honors;
302 (2) Utah High School Activities Association
303 participation; and
304 (3) high school graduation.

305 B. Withholding of the online course payment from a
306 primary LEA of enrollment and payments to the eligible
307 Provider shall occur at the nearest monthly transfer of funds
308 subject to verification of information.

309 C. The USOE shall pay the Provider consistent with
310 Minimum School Program funding transfer schedules.

311 D. The Superintendent or the Superintendent's designee
312 may make decisions on questions or issues unresolved by
313 Section 53A-15-1002 et seq. or R277-726 on a case-by-case
314 basis. The Superintendent shall report decisions to the Board
315 consistent with the purposes of the law and this rule.

316 **KEY: public education online program**

317 **Date of Enactment or Last Substantive Amendment: 2011**

318 **authorizing, and Implemented or Interpreted Law: Art X Sec 3;**

319 **53A-15-1210; 53A-15-1213; 53A-1-401(3)**