

R277. Education, Administration.

R277-725. Statewide Online Education Program Contractor Requirements.

R277-725-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) Utah Constitution [Article X, Section 3](#), which vests general control and supervision over public education in the Board;

(b) 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;

(c) Subsection [53F-4-503\(13\)](#), which requires the Board to contract with a private entity to administer the portion of the SOEP that is designated for students attending private school or home school.

(d) Section [53F-4-514](#), which requires the Board to make rules for the operation of the Statewide Online Education Program.

(2) The purposes of this rule is to:

(a) establish procedures and requirements for program activities overseen by the Board's contractor; and

(b) establish other requirements for the Board's contractor.

(3) This Rule R277-725 is categorized as Category 4 as described in Rule R277-111.

R277-725-2. Definitions.

(1) Unless otherwise provided in this rule, the definitions established in Rule R277-726 apply to this rule.

(2) "Actively participates" means, for purposes of payment to providers as described in Sections [53F-4-505](#) and [53F-4-506](#), that the student actively participates in an online course using learner-validated enrollment measures selected by a provider from among options approved by the Superintendent and on record with the contractor.

(3) "Administrative withdrawal" means that a provider has marked a student as inactive in a course for more than ten days.

(4) "CCA" means Course Credit Acknowledgment.

(5) "Contractor" means a private entity selected by the Board in accordance with Subsection [53F-4-503](#)(13).

(6) "Core code" means a code assigned by the Superintendent for a subject matter course recognized by the Board.

(7)(a) "Course" means a self-paced program of instruction offered through the use of digital technology, regardless of where the student participates.

(b) "Course" does not include:

(i) competency-based education;

(ii) remedial instruction; or

(iii) blended learning, combining online learning with instruction delivered in a supervised brick and mortar school away from a student's home.

(8) "Course completion" means that:

(a) a student has completed a course with a passing grade;

(b) a provider has securely transmitted an official or interim transcript to the student's parent and the Superintendent; and

(c) a provider has updated the contractor's enrollment platform to reflect credit accrual.

(9) "Course completion rate" means data calculated annually by the Superintendent using the Year End UTREx submission determining the year-end percentage of credits earned proportional to credits attempted, calculated per provider, for courses in which a student:

(a) was initially confirmed to be in active participation; and

(b) did not subsequently lose program eligibility or experience disciplinary or administrative withdrawal.

(10)(a) "Eligible student" means a student, under the age of 19, intending to take an SOEP course for middle school or high school credit, who:

(i) attends a private school or home school and whose parent is a Utah resident;

(ii) is an exchange student residing in Utah and enrolled in a Utah private school;

or

(iii) receives a scholarship under [Title 53F, Chapter 4, Part 3](#), Carson Smith Scholarship Program or [Title 53E, Chapter 7, Part 4](#), Carson Smith Opportunity Scholarship.

(b) "Eligible student" does not include a student receiving a scholarship under [Title 53F, Chapter 6, Part 4](#), Utah Fits All Scholarship Program.

(11) "Executed CCA" means a CCA, as defined in Rule R277-726, for which the contractor has issued a notice of enrollment.

(12) "Fee" means the same as the term is defined in Rule R277-407.

(13) "Program" means the portion of the SOEP pertaining to students enrolled in home and private schools.

(14) "School of enrollment" means the home or private school that maintains the student's cumulative file, enrollment information, and transcript for high school graduation purposes.

(15) "Standard of active participation" means one or more learner-validated enrollment measurements selected from options approved by the Superintendent:

(a) on file with the contractor;

(b) documented within a provider's learning management system;

(c) supporting qualification to receive payment; and

(d) including confirmation of active participation in a course as defined in Section [53F-4-501](#).

(16) "System" means personnel, infrastructure, software, procedures, policy, and data designed, implemented, and operated by the contractor or a provider to accomplish instructional or administrative objectives in accordance with program requirements.

(17) "Teacher of record" means an educator who:

(a) holds an active Utah educator license;

(b) is assigned by a provider to instruct an online course;

(c) monitors student participation in an online course;

(d) supports student participation reports to the contractor and the Superintendent;

(e) interacts digitally with students in synchronous or asynchronous environments;

(f) instructs and grades students;

(g) is designated by a provider as teacher of record in Board data systems; and

(h) where students interact in a physical environment to any extent, interacts physically with students.

(18) "Withdrawal" means:

(a) that a student withdraws from an online course consistent with Section [53F-4-506](#); or

(b) that a student is withdrawn due to:

(i) student suspension following adequately documented due process by the provider; or

(ii) a loss of program eligibility.

R277-725-3. Course Enrollment and Administration.

(1) The contractor shall provide an enrollment platform, separate from the Board's SOEP platform, and make this platform available for the purposes specified in this rule and the contractor's contract with the Board.

(2) The contractor shall develop and administer procedures for notifying eligible students, parents, and counselors of course enrollment details and changes to CCAs, including start date and provider contact information.

(3) An eligible student, parent, provider, or school counselor may enroll an eligible student in a course through the provider's platform and initiate a CCA.

(4) The contractor shall develop and administer procedures for student enrollment and CCA approval.

(5) A provider shall respond to an enrollment request through the contractor's enrollment platform within three business days of receipt.

(6) The contractor shall issue a student a notice of enrollment and a unique student identifier following a provider's acceptance, if:

(a) the enrollment does not exceed the value of existing budgetary allocations; and

(b) the student completes registration procedures to verify student identity and provides necessary student data, as set forth in Subsection [53E-9-301](#)(12).

(7) If the program lacks sufficient legislative appropriations, the contractor shall prioritize funding for students set to graduate from high school during the school year in which the course is offered.

(8) The contractor shall facilitate provider reporting of student enrollment and participation in an online course to support provider payment and accountability.

(9) A provider shall inform a student and the student's parents of travel expectations to fulfill course requirements, including participation in a proctored assessment or other activity outside a student's home prior to instruction.

(10) A student shall complete courses consistent with expectations communicated to the student and student's parents prior to the initiation of instruction.

(11) A provider shall provide eligible students and their parents with email and telephone contacts to allow communication with the provider during regular business hours.

(12)(a) A provider shall submit to the contractor a standard of active participation indicating learner-validated enrollment measurements used to monitor student activity.

(b) A provider's measure shall include one or more of the following:

(i) a minimum student login or teacher contact requirement appropriate to a digital environment;

(ii) required periodic contact with a licensed educator appropriate to a digital environment;

(iii) a minimum hourly requirement per day or per week for standard digital course activity; and

(iv) required timelines for completion of assignments, coursework, or progress toward academic goals.

(13) Using the contractor's enrollment platform, a provider shall within five business days following the 20 school day statutory period for student withdrawal:

(a) confirm a student's active participation in a course of record; or

(b) record a student's lack of active participation.

(14)(a) The provider shall securely transmit official course transcripts to a student or the student's parents no later than June 30 annually.

(b) The transcript shall identify the provider as the grantor of course credits and include the student's unique student identifier assigned by the Superintendent.

(15) A provider is responsible for complete and timely submission of record changes to executed CCAs.

(16) A provider shall update all CCAs to the nearest credit value earned and close all CCAs by June 30 annually.

(17) A provider shall adhere to timelines and standards communicated by a primary school of enrollment for transmission of student grades and enrollment in online courses to facilitate:

- (a) school awards and honors;
- (b) participation in interscholastic activities; and
- (c) high school graduation.

(18) A provider shall:

(a) disclose any student fees in courses provided to the contractor as part of the provider's annual submission of course lists;

(b) satisfy the requirements of Rule R277-407; and

(c) provide fee waivers where appropriate, including access to an online course, technology, and wi-fi service.

(19) A provider shall provide to the contractor and annually update a list of course options using core codes provided by the Superintendent.

(20) A provider shall comply with:

(a) the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g and its implementing regulations found at 34 C.F.R., Part 99;

(b) [Title 53E, Chapter 9, Part 3](#), Student Data Protection; and

(c) Rule R277-487.

(21) A provider shall provide timely documentation of student participation, enrollment, educator credentials, and additional data for other purposes.

(22)(a) A provider may not offer an inducement or incentive to participate in the program to a student, school, or school employee.

(b) A provider may not disburse funds to parents of students attending a home school as payment for materials a parent selects.

R277-725-4. Course Instruction Requirements.

(1)(a) A provider shall ensure that the contractor or the Superintendent has validated the credentials of an assigned teacher of record prior to the commencement of instructional activities.

(b) A provider shall only employ teachers meeting Utah licensing and background check requirements.

(c) A provider shall, either directly or through a partner school, record teaching assignments in CACTUS or USIMS by November 15 annually.

(2) A provider shall satisfy Board requirements for consistency of curricula with Utah core standards.

(3) A provider shall comply with:

(a) the Individuals with Disabilities Education Act;

(b) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794; and

(c) requirements for multilingual students consistent with Title III of the Elementary and Secondary Education Act.

(4) The contractor and each provider providing instruction in the program shall cooperate with an LEA to administer and proctor applicable statewide assessments as directed by the Superintendent.

(5) A provider shall:

(a) establish a procedure requiring a student or parent to complete an online form documenting a choice to opt a student out of a statewide assessment consistent with Subsection [53G-6-803\(9\)](#); and

(b) record and maintain a choice to opt a student out of a statewide assessment in a manner prescribed by the Superintendent.

(6) If a student is at risk of academic failure, a provider shall, in consultation with the contractor, utilize automated notices or other means to inform the student and student's parents that the student is at risk of academic failure.

(7)(a) A provider may not grade a student on a pass/fail basis or issue a transcript that includes a failing grade.

(b) A provider may indicate on a student transcript that the student did not earn credit.

(8) A provider may provide remediation when a student has completed a course, but failed to receive a passing grade, consistent with Subsection [53F-4-505\(5\)](#).

(9) A provider may only offer competency-based credit with completion of a related course of instruction not designed for remedial purposes and facilitated concurrently by an assigned teacher of record.

(10) A provider may offer a course with competency-based elements, but not in lieu of the course.

(11) A provider is responsible for due process procedures for student disciplinary actions in the provider's online program.

(12)(a) If a home school or private school student requests services under Section 504, a provider may determine student eligibility, prepare a 504 plan, and provide related aids, accommodations, and services.

(b) A provider shall include individuals knowledgeable about the student, the meaning of evaluation data, and placement options available in a virtual environment.

(13)(a) If child find activities indicate that a student should be evaluated for eligibility for special education services under the IDEA, or if a student requests an evaluation for eligibility to receive special education services, the provider shall direct the student to the student's school district of residence, which shall evaluate the student's eligibility for services.

(b) A student enrolling in a school district of residence for services under IDEA may enroll in online courses as a public education student using enrollment procedures established by the Board.

(14) A provider shall administer a home language survey upon initial student registration.

(15)(a) If a home language survey or other factors indicate that a student may be eligible for alternative language services, the provider shall direct the student to the

student's school district of residence, which shall evaluate the student's eligibility for services.

(b) A student enrolling in a school district of residence for alternative language services may enroll in online courses as a public education student using enrollment procedures established by the Board.

(16) A provider shall reasonably honor parent requests for academic accommodations under Section [53G-6-803](#) in the same manner as if the provider were an LEA.

R277-725-5. Program Administration.

(1)(a) A provider shall adhere to minimum requirements to remain certified in good standing with the program, including maintenance of a course completion rate determined by the Superintendent, but no less than 80%.

(b) The course completion rate established by the Superintendent shall be consistent for all providers.

(2) The contractor shall conduct annual performance reviews of each provider.

(3) The Superintendent shall monitor provider compliance with state and federal statutes and Board rule.

(4) A provider shall cooperate with the Superintendent, the contractor, or a federal entity's monitoring of services to students.

(5)(a) The contractor may only distribute payment for a CCA where the contractor's enrollment platform includes a unique student identifier assigned to the student for identification purposes.

(b) The contractor shall distribute payment to a provider consistent with minimum school program transfer schedules in a period not to exceed 90 days after qualification and consistent with [Title 53F, Chapter 4, Part 5](#), Statewide Online Education Program.

(6) The contractor shall use a student information system approved by the Superintendent for reporting student enrollment information, including grades and credit, to the Superintendent.

(7) By June 30 annually, the contractor shall submit a student's credit and grade to the Superintendent and ensure consistency among:

- (a) a provider's student information system;
- (b) the contractor's student information system;
- (c) LEA data systems;
- (d) other contractor systems; and
- (d) UTREx or USIMS.

(8) The contractor shall:

(a) receive and investigate complaints regarding course integrity, financial mismanagement, enrollment fraud or inaccuracy, and violations of state law or this rule specific to the program's requirements and provisions;

(b) report complaints and contractor determinations to the Superintendent; and

(c) cooperate with the Superintendent in investigating and resolving complaints, including determination of remedies.

(9) The contractor may refuse to provide funds under a CCA if the contractor finds that information has been submitted fraudulently or in violation of the law or Board rule by any party to the CCA.

(10) The contractor will cooperate with the Superintendent or a federal entity's monitoring of services to students.

(11) The contractor may withhold funds from a provider in response to the provider's failure to comply with a reasonable request for records or information and shall comply with the Superintendent's direction to withhold funds from a provider for the participant's failure to comply with a reasonable request for records or information.

(12) The contractor or any provider providing services under the program shall ensure that sub-contractors with access to student data ensure security of the data.

(13) The contractor will appoint a student data manager to oversee, authorize, and manage the collection, maintenance, sharing and transmission of personally identifiable student data and related systems, policies, and procedures.

R277-725-6. Superintendent Requirements.

(1)(a) The Superintendent shall:

- (i) prepare applications and program agreements for providers;
- (ii) review provider applications within a reasonable amount of time;
- (iii) verify that a provider meets criteria established in Subsection R277-726-6(5)

and

(iv) approve or deny providers consistent with applicable program statutes and rules.

(b) The Superintendent may invite prospective providers for interviews or discussions to clarify issues identified in an application.

(2) The Superintendent may remove a provider from program participation, following notice and a reasonable opportunity to cure, for unresolved or repeated non-compliance with program requirements.

(3) The Superintendent shall determine space availability standards and appropriate course load standards for online courses.

(4)(a) The Superintendent shall monitor the program for compliance with statute and rule in cooperation with the contractor, including:

- (i) conducting appropriate provider site visits;
- (ii) investigating complaints regarding course integrity, financial mismanagement, enrollment fraud or inaccuracies, and violations of statute or rule related to program requirements; and

(iii) imposing sanctions, where appropriate.

(b) The Superintendent shall monitor violations of federal education laws applicable to online courses and assist the contractor in ensuring a provider covers costs related to compliance.

(c) The Superintendent may direct the contractor to withhold funds from a provider in response to a provider's failure to comply with statute or rule, or failure to comply with reasonable requests for records or information.

(5) The Superintendent may make decisions on program questions or issues unresolved by statute or Board rule on a case-by-case basis and shall report decisions described in this Subsection (4) to the Board.

(6) The Superintendent shall annually develop a report that may be used to evaluate the program and assess a provider's quality, collaborating with providers and the contractor.

(7) The Superintendent shall annually train the contractor in reporting mandates sufficient to obtain all data required for calculating a course completion rate, producing an annual report on providers, and disaggregating data by student demographic characteristics.

(8) The Superintendent shall annually calculate a provider's course completion rate and other information contained in an annual report on providers using the year end UTREx data submission.

(9) The Superintendent shall delegate to the contractor management of funds appropriated for the program for students who attend private school and home school consistent with this rule and the Board's contract with the provider.

(10) The Superintendent shall annually calculate and communicate to the contractor the percentage of the appropriation for home school and private school students that is equal to the proportion of the Board's administrative cost in relation to the appropriation for students enrolled in an LEA.

(11) The Superintendent shall:

(a) adjust provider course fees annually by the percentage change in the value of the weighted pupil unit from the previous school year and communicate fee adjustments to the contractor;

(b) determine the assignment of core codes among pricing tiers and course fee categories and communicate the assignment to the contractor; and

(c) annually distribute forms to determine fee waiver eligibility to the contractor for distribution to and use by providers.

(12) The Superintendent shall collect fees for Board support of a provider's participation in SOEP activities, including the portion of the program overseen by the contractor, as follows:

(a) 5% of revenue collected for the first \$200,000 received pursuant to Section [53F-4-505](#); and

(b) 1% of revenue collected after the first \$200,000 received pursuant to Sections [53F-4-505](#) and [53F-4-514](#).

R277-725-7. Effective Date.

This rule is effective after July 1, 2025.

KEY: SOEP, Contractor, Private School, Home School

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [Title 53F, Part 4, Chapter 5](#)