

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Government Operations, produces the *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <https://rules.utah.gov/>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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Utah state bulletin.

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EXECUTIVE DOCUMENTS

Under authority granted by the Utah Constitution and various federal and state statutes, the Governor periodically issues **EXECUTIVE DOCUMENTS**, which can be categorized as either Executive Orders, Proclamations, and Declarations. Executive Orders set policy for the executive branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. Proclamations call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. Declarations designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Office of Administrative Rules for publication and distribution.

PROCLAMATION

WHEREAS, since the close of the 2023 General Session of the 65th Legislature of the state of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the governor may, by proclamation, convene the Senate into Extraordinary Session; and

NOW, THEREFORE, I, Spencer J. Cox, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the state of Utah, do by this Proclamation call the Senate only of the 65th Legislature of the state of Utah into the First Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 12th day of April 2023, at 8:00 A.M., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the state of Utah since the close of the 2023 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 11th day of April 2023.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2023-01E

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between March 16, 2023, 12:00 a.m., and March 31, 2023, 11:59 p.m. are included in this, the April 15, 2023, issue of the *Utah State Bulletin*.

In this publication, each **PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **PROPOSED RULE** is usually printed. New rules or additions made to existing rules are underlined (example). Deletions made to existing rules are struck out with brackets surrounding them (~~example~~). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Office of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least May 15, 2023. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through August 14, 2023, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

The public, interest groups, and governmental agencies are invited to review and comment on **PROPOSED RULES**. *Comment may be directed to the contact person identified on the **RULE ANALYSIS** for each rule.*

PROPOSED RULES are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE**TYPE OF RULE:** Amendment

Rule or Section Number:	R270-1-23	Filing ID: 55308
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Agency Information

1. Department:	Crime Victim Reparations	
Agency:	Administration	
Street address:	350 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
Name:	Phone:	Email:
Gary Scheller	801-227-9375	garys@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R270-1-23. Sexual Assault Forensic Examinations
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this change is to sustain the increased payment rate paid to forensic nurse examiners for collecting evidence and providing medical care to victims of rape and sexual assault. This standard amendment makes the emergency rule currently in effect, permanent. The Crime Victim Reparations and Assistance Board (CVRB) intended for the rule to remain in effect and the results of having the emergency rule in effect has begun to produce the positive results the CVRB intended. Maintaining this program is also essential for the state to remain eligible to receive the approximate \$1,500,000 STOP Violence Against Women Act (VAWA) funding per year.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The purpose of this change is to sustain the increased payment rate paid to forensic nurse examiners for collecting evidence and providing medical care to victims of rape and sexual assault. The rate increased from \$750 per exam to \$1,250 per exam under an emergency rule for the purpose of stabilizing several of the private non-profit nurse examiner organizations which provided the 1,131 of the 1,252 examinations in 2021. Prior to the filing of this change under an emergency rule, several of the private non-profit forensic nursing organizations were failing to sustain their operations and were facing closure.

(EDITOR'S NOTE: The emergency rule filing on Section R270-1-23 is under ID 55186, published in the February 1, 2023, Bulletin, and is effective as of 01/05/2023.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Increasing the per exam cost to the Utah Office for Victims of Crime (UOVC) by \$500 per exam could have resulted in \$625,500 in additional costs for those services in 2021. That is the estimated increased costs, per year to the program. The funds are available in the Crime Victim Reparations Trust account, the balance of which is currently more than \$9,000,000. The costs for these exams, when paid through the Reparations Program, are reimbursed from the federal Victims of Crime Act (VOCA) funds at a rate of 75%, thus reducing the cost to the state in this example, from \$625,500 to \$156,375.
B) Local governments:
This will not have a cost to local governments; however, if these nurse examiner programs fail, the costs of collecting the evidence in these cases would most certainly be considered the responsibility of local governments (law enforcement and prosecution entities).
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is intended to sustain the small businesses which are providing the services and upon which the state and local governments rely for the services so that they do not have to hire, train, and retain the staff, equipment, and expertise to provide those services themselves. More than 90% of the funding outlined in 5A will go directly to these small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Non-small businesses, if impacted at all, would possibly be the hospital organizations which grant access to their facilities to the forensic nurses who conduct these forensic exams. If the forensic nurse programs were to fail, the exams would still need to be conducted and would likely still be conducted in those facilities so it would not be accurate to indicate that non-small businesses are likely to experience any significant impact. These non-small businesses would receive the remaining estimates 10% of the funding outlined in 5A.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

This group would receive positive benefit from this rule change, as well as explained in 5C, above.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There will not be a compliance cost or impact upon any entity other than the agency. Those impacts will be minimal and only in the form of processing the payments at the increased rates.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$625,500	\$156,375	\$156,375
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$1,500,000	\$1,969,125	\$1,969,125
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$874,500	\$1,812,750	\$1,812,750

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Director of the UOVC, Gary Scheller, has supported this and requested the change be authorized by the Crime Victim Reparation and Assistance Board of Directors. The director has taken this action in the interest of the small business described and more importantly in the interest of those victimized by rape and sexual assault and in the best

interests of the state's pursuit of public safety and justice. The added and continued receipt of federal grants funds associated with the increased payment rates secures fiscal benefits which offset the fiscal costs nearly 2 to 1.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection	34 U.S.C.	
63M-7-506(1)(c)	Sec. 10449	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 05/15/2023

9. This rule change MAY become effective on: 05/22/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Gary Scheller, Director	Date:	03/31/2023
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R270. Crime Victim Reparations, Administration.

R270-1. Award and Reparation Standards.

R270-1-23. Sexual Assault Forensic Examinations.

(1) The office may pay a medical service provider who performs a medical forensic sexual assault examination: [?]

(a) up to [~~\$750.~~]\$1,250 for a complete medical forensic sexual assault examination with photo documentation; and

(b) the full cost of any medications the medical service provider gives directly to a victim during a medical forensic sexual assault examination such as: [?]

(i) the morning after pill or high dose oral contraceptives for the prevention of pregnancy; and

(ii) medication for the treatment and prevention of sexually transmitted diseases.

(2) The office may pay a medical facility where a medical forensic sexual assault examination is performed:

(a) 50% of the fee for the use of an examination room to perform a medical forensic sexual assault examination up to a maximum payment of \$350; [?] and

(b) the PEHP rate if one has been established or 50% of the fee for:

(i) a history and physical;

(ii) the collection of specimens and wet mount for sperm;

(iii) testing for gonorrhea, chlamydia, trichomonas, and other sexually transmitted disease;

(iv) a serum blood test for pregnancy; and
(v) the testing and treatment of sexually transmitted diseases.

(3) To be eligible for reimbursement of a medical forensic sexual assault examination the medical service provider who performed the sexual assault forensic examination shall:

(a) report the medical forensic sexual assault examination to law enforcement; and

(b) only collect evidence with the permission of the victim or the legal guardian of the victim.

(4) A request for reimbursement of medical forensic sexual assault examination shall include:

(a) the victim's name, date of birth, or facility patient number;

(b) a description of what services were provided; ~~and~~

(c) an itemization of the services provided; and

(d) either:

(i) the signature of a law enforcement officer, victim advocate or service provider; or

(ii) the law enforcement case number; ~~and~~

(5) The request for reimbursement shall be submitted to the office within one year ~~from~~ from the date the medical forensic sexual assault examination was performed.

(6) A victim may not be:

(a) charged for a medical forensic sexual assault examination; or

(b) required to participate in the criminal justice system or cooperate with law enforcement or prosecuting attorneys as a condition of being provided a medical forensic sexual assault examination.

(7)(a) The office may not provide any reimbursement for any costs associated with an over-the counter sexual assault evidence kit which is made available to the public for at home collection of evidence.

(b) This subsection prohibits reimbursement for the cost of the kit and the cost of any testing performed on the kit.

KEY: victim compensation, victims of crimes

Date of Last Change: 2023 ~~December 22, 2021~~

Notice of Continuation: March 16, 2021

Authorizing, and Implemented or Interpreted Law: Title 63M, Chapter 7, Part 5

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R270-1-25	Filing ID: 55311
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Agency Information

1. Department:	Crime Victim Reparations
Agency:	Administration
Street address:	350 E 500 S, Suite 200
City, state and zip:	Salt Lake City, UT 84111

Contact persons:

Name:	Phone:	Email:
Gary Scheller	801-227-9375	garys@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R270-1-25. Victim Services Awards

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

Section R270-1-25 permits the Crime Victim Reparations and Assistance (CVRA) Board to award funds from the crime victims trust fund to victim service entities or programs, under certain circumstances. When Section R270-1-25 was adopted by the CVRA board, the Utah Office for Victims was not operating the statewide victim advocacy program that it now has, and it was not contemplated that the office would require a victim service award from the CVRA board. This standard proposed rule amendment makes permanent the emergency rule currently in effect (Filing ID 55215) which allows the CVRA Board to make victim services awards to the office.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This filing will add the Utah Office for Victims of Crime (UOVC) as an allowable recipient of victim service funds awarded by the CVRA under Section R270-1-25 and makes permanent the emergency rule currently in effect. (EDITOR'S NOTE: The emergency rule filing on Section R270-1-25 is under ID 55215, published in the February 15, 2023, Bulletin, and is effective as of 02/01/2023.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The change will not have any impact on the state budget because the funding is already established in the crime victims' trust fund, which is an expendable restricted revenue account. The CVRA Board is only authorized to make awards from the trust when there is an established surplus in the fund. The CVRA Board may only award funds from the trust for costs authorized in statute and for which the funds have already been allocated by the legislature.

B) Local governments:

Any budget impact to local governments would be a savings by this program covering costs a local government might otherwise experience. The UOVC does not yet know exactly who will apply for this funding or what their exact needs will be so the UOVC cannot provide a numerical estimate.

C) Small businesses ("small business" means a business employing 1-49 persons):

Small businesses such as landlords, moving companies, grocery stores, etc. are the likely end recipient of these funds because these are the types of goods and services most frequently purchased with the funds used by the victim services program in the office. The UOVC does not yet know exactly who will apply for this funding or what their exact needs will be so the UOVC cannot provide a numerical estimate.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

Non-small businesses like those mentioned in 5C are also the likely end recipient of these funds. The UOVC does not yet know exactly who will apply for this funding or what their exact needs will be so the UOVC cannot provide a numerical estimate.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The UOVC does not yet know exactly who will apply for this funding or what their exact needs will be so the UOVC cannot provide a numerical estimate.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

It is not anticipated that any entity will have any compliance costs. The victim services programs in the office have existing accounting and accountability processes and abilities.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)**Regulatory Impact Table**

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Director of the UOVC, Gary Scheller, has supported this and requested the change be authorized by the CVRA Board of Directors. This rule change will have positive impacts on persons, small businesses and is in the interest of state and local governments. The UOVC does not yet know exactly who will apply for this funding or what their exact needs will be so the UOVC cannot provide a numerical estimate.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 63M-7-506(1)(c)	Subsection 63M-7-506(1)(i)	Subsection 63M-7-526(1)(c)
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Public Notice Information**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 05/15/2023

9. This rule change MAY become effective on: 05/22/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Gary Scheller, Director	Date:	03/30/2023
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R270. Crime Victim Reparations, Administration.

R270-1. Award and Reparation Standards.

R270-1-25. Victim Services.

(1) Pursuant to Subsection 63M-7-506(1)(i), the board may authorize the program when there is a surplus of money in the fund in addition to what is necessary to pay reparations awards and associated administrative costs for the upcoming year.

~~[(2) When the program is authorized, the board:~~

~~(a) shall determine the amount available for the program for that year;~~

~~(b) shall announce the availability of program funds through a request for proposals or other similar competitive process approved by the board; and~~

~~(c) may establish funding priorities and shall include any priorities in the announcement of funds.]~~

(2) When the program is authorized, the board shall determine the amount available for the program for that year and may:

(a)(i) announce the availability of program funds through a request for proposals or other similar competitive process approved by the board; and

(ii) establish funding priorities and shall include any priorities in the announcement of funds; or

(b) make an award to a victim services program managed by the office.

(3) Requests for funding shall be submitted on a form approved by the board.

(4) The board shall establish a process to review requests for funding and shall make final decisions regarding the approval, modification, or denial of requests for funding. The board may award less than the amount determined in Subsection R270-1-25(2)(a). The decisions of the board may not be appealed.

(5) An award by the board shall not constitute a commitment for funding in future years. The board may limit funding for ongoing projects.

(6) Award recipients shall submit quarterly reports to the board on forms established by the director. The office staff shall monitor victim services grants and provide regular reports to the board.

KEY: victim compensation, victims of crimes

Date of Last Change: 2023[December 22, 2021]

Notice of Continuation: March 16, 2021

Authorizing, and Implemented or Interpreted Law: Title 63M, Chapter 7, Part 5

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R277-104	Filing ID: 55288
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Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-104. ADA Complaint Procedure
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being amended to clarify procedures for individuals to file complaints under the Americans with Disabilities Act (ADA) and to provide appropriate classification of the records of complaints and appeals.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
These amendments clarify specific requirements related to the filing of complaints and also make one correction to a statutory reference related to grievance procedures.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. There are no added costs associated with the clarifications to procedures. Existing staff and resources will continue to address complaints and appeals.
B) Local governments:
This rule change is not expected to have major fiscal impact on local governments' revenues or expenditures. This rule change only affects the Utah State Board of Education (USBE).

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This rule change only affects USBE.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This does not add costs for any individuals or other entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. The changes simply add clarification and do not add any costs for USBE or other entities.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)**Regulatory Impact Table**

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Article X, Section 3	Subsection 53E-3-401(3)	28 CFR 35.107
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Public Notice Information**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 05/15/2023

9. This rule change MAY become effective on: 05/22/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	03/31/2023
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R277. Education, Administration.

R277-104. ADA Complaint Procedure.

R277-104-1. Authority and Purpose.

(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; and

(c) ~~[pursuant to]~~ 28 CFR 35.107 which adopts, defines, and publishes complaint procedures providing for prompt and equitable resolution of complaints filed in accordance with Title II of the Americans with Disabilities Act, as amended.

(2)(a) The purpose of this rule is to establish procedures for individuals to file complaints under the ADA and to provide appropriate classification of the records of complaints and appeals.

(b) A complaint filed by an employee of the Board is not subject to this rule, but is governed by Section R477-8-15.

R277-104-2. Definitions.

(1) "ADA" means the Americans with Disabilities Act, 42 U.S.C. 12201, including the ADA Amendments Act of 2008, Pub. L. No. 110-325, which provides that no qualified individual with a disability, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination.

(2) "Days" means calendar days.

(3) "Disability" means, with respect to an individual disability, a physical or mental impairment that substantially limits one or more of the major life activities of such an individual as defined in the ADA.

(4) "Major life activities" mean functions such as caring for one~~[-s]~~self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(5) "Individual with a disability" or "individual" means a person who has a disability which limits ~~[one of his]~~a major life ~~[activities]~~activity and who meets the essential eligibility requirement for the receipt of services or the participation in programs or activities.

R277-104-3. Statement of Non-Discrimination.

The Superintendent shall comply with the ADA in administering the services, programs, and activities of the Board.

R277-104-4. Filing of Complaints.

(1) An individual may file a complaint by submitting a claim with the Superintendent no later than 30 days from the date of the alleged act of discrimination.

(2) A complaint under Subsection (1) shall be made in writing or in another format reasonable for the individual and the Superintendent.

(3) Each complaint shall include:

(a) the individual's name and address;

(b) a description of the nature and extent of the individual's disability;

(c) a description of the alleged discriminatory action in sufficient detail to inform the ~~[ADA Coordinator]~~Superintendent of the nature and date of the alleged violation;

(d) a description of the ~~[action]~~remedy or accommodation needed; and

(e) the signature of the individual or the individual's legal representative.

R277-104-5. Action on Complaint.

(1) The Superintendent shall investigate each complaint to the extent necessary to assure all relevant facts are determined and documented.

(2) The Superintendent may receive investigative assistance from:

(a) the Attorney General's office;

(b) the Department of Human Resource Management;

(c) State Risk Management; and

(d) Board staff.

(3)(a) The Superintendent shall notify a claimant of the Superintendent's decision in writing within 30 days of receiving a ~~[C]~~complaint.

(b) If additional time is necessary to reasonably investigate a complaint, the Superintendent shall notify the ~~[C]~~claimant in writing of:

(i) the reasons for the delay; and

(ii) a date certain by which a decision will be provided.

(4) Unless the claimant files a request for reconsideration under Section R277-104-6, the decision of the Superintendent is the final agency action.

R277-104-6. Reconsideration.

(1) A claimant may file a request with the Superintendent to ~~[review]~~reconsider a decision under Subsection R277-104-5(3) within ten days of the date of the Superintendent's decision.

(2) A request for reconsideration under Subsection (1) shall outline any error alleged in the Superintendent's decision, which warrants reconsideration of the Superintendent's proposed action.

(3) Following a request for reconsideration, the Superintendent may conduct additional investigation, if warranted.

(4) The Superintendent shall issue a final decision in writing within 30 days of a request for reconsideration under Subsection (1), which action shall be the final agency action.

R277-104-7. Classification of Records.

(1) The investigative record of each complaint and all written records produced or received as part of such investigations, recommendations, or actions, shall be classified as protected under Section 63G-2-305, until the Superintendent's action is final.

(2) The Superintendent shall classify any portion of a record which pertain to an individual's medical condition as private, in accordance with Subsection 63G-2-302(1)(b), or controlled, in accordance with Section 63G-2-304.

(3) The final written decision of the Superintendent shall be public, subject to ~~[the provisions of]~~Title 63G, Chapter 2, Government Records Access and Management Act.

R277-104-8. Relationship to Other Laws.

(1) This rule does not prohibit or limit the use of remedies available to an individual under:

(a) ~~[Section 67-19-32]~~Title 67, Chapter 19a, Grievance Procedures;

(b) 28 CFR, Subpart F, Complaint Procedures; or

(c) any other Utah state or federal law that provides equal or greater protection for the rights of individuals with disabilities.

KEY: complaints, disabled persons

Date of Last Change: 2023[July 9, 2018]

Notice of Continuation: May 11, 2018

Authorizing, and Implemented or Interpreted Law: Article X, Section 3; 53E-3-401(4); 28 CFR 35.107

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Rule or Section Number:	R277-329	Filing ID: 55289

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-329. Local School District Board Policies for Evaluation of Classified Employees
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
As part of the implementation of the Utah State Board of Education's (USBE) new licensing system, USBE is repealing and re-numbering all licensing related rules. This new rule replaces repealed Rule R277-532 as part of that process. (EDITOR'S NOTE: The proposed repeal of Rule R277-532 is under ID 55290 in this issue, April 15, 2023, Bulletin.)
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule specifies definitions and requirements pertaining to the adoption of school district policies on classified employees.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:
This proposed rule is not expected to have fiscal impact on state government's revenues or expenditures. This rule applies to local education agency (LEA) policies and does not impact state revenue or expenditures.
B) Local governments:
This proposed rule is not expected to have major fiscal impact on local governments' revenues or expenditures. This rule has been in existence as Rule R277-532. There are no added costs compared to previous iterations of the rule. LEAs already follow the practice of evaluating non-licensed employees.
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed rule is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to LEAs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This proposed rule is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only applies to LEAs.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for affected persons. LEAs already evaluate their non-licensed employees.
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Article X, Section 3	Section 53E-3-401	Section 53G-11-504

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	05/15/2023

9. This rule change MAY become effective on:	05/22/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	03/31/2023
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R277. Education, Administration.

R277-329. Local School District Board Policies for Evaluation of Classified Employees.

R277-329-1. Authority and Purpose.

- (1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision of 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; and
 - (c) Section 53G-11-504, which directs the Board to develop rules requiring that school districts evaluate all employees.
- (2) The purpose of this rule is to direct public school districts to adopt policies for the evaluation and dismissal of classified employees.

R277-329-2. Definitions.

"Classified employee" means a school district employee who is working in a position that does not require a Utah educator license.

R277-329-3. School District Policies.

- (1) A school district shall adopt policies for classified employees, including:
- (a) policies for evaluation and dismissal consistent with minimum standards of:
 - (i) Sections 53G-11-504 through 53G-11-505; and
 - (ii) Sections 53G-11-512 through 53G-11-517; and
 - (b) evaluation procedures with the following components:
 - (i) the annual evaluation of classified employees;
 - (ii) the use of appropriate tools for classified employee evaluations;
 - (iii) classified employee evaluation criteria tied to specific job descriptions or assignments;
 - (iv) the administration of the evaluation by the school principal, an appropriate administrator, or the principal's or administrator's designee; and
 - (v) an appeals process that allows classified employees to appeal procedural violations of the evaluation process.
- (2) School district evaluation policies for classified employees may include additional components beyond those specified in Subsection (1).
- (3) A school district's policies may exclude temporary or part-time classified employees from performance evaluations, as provided in Subsection 53G-11-504(2).

KEY: policies, evaluations, non-licensed public education employees

Date of Last Change: 2023**Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401; 53G-11-504****NOTICE OF PROPOSED RULE****TYPE OF RULE:** Amendment

Rule or Section Number:	R277-419	Filing ID: 55294
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Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

Please address questions regarding information on this notice to the agency.

General Information**2. Rule or section catchline:**

R277-419. Pupil Accounting

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule is being amended due to requests from Local Education Agencies (LEAs) seeking clarity and guidance from the Utah State Board of Education (USBE) about requirements needed to establish their 2023-24 school year calendars.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule was amended to: 1) include a requirement for LEAs to provide meals on each of the LEA's 180 days, with exceptions; 2) defines the term "student with a disability"; 3) clarifies an LEAs duty to maintain the enrollment of a student with a disability under certain circumstances; and 4) allows an LEA to continue to count a student with a disability in membership for state funding purposes for up to 30 additional days if the LEA documents that the LEA is working to locate and engage with the student with a disability. This rule has also been updated to eliminate

outdated requirements and references to provisions that were in effect during the recent pandemic.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

This rule change is not expected to have fiscal impact on state government revenues or expenditures. Students with disabilities are defined, and provisions made for students with disabilities to be counted for up to 30 days if the LEA is working to locate and engage students who have not attended for the prior 10 consecutive days. USBE does not currently have data on the potential frequency of this occurrence, but does not estimate a large fiscal impact for LEAs or USBE.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This rule requires written verification from the student's parent that the student intends to graduate early in order to count a student for more than 180 days of regular membership. This is not expected to have a major fiscal impact on LEAs.

This rule removes COVID-19 related impacts which were only applicable during the pandemic.

Language is added to clarify which school days LEAs participating in the National School Lunch program are to provide school meals. USBE believes this generally follows current practice and does not have a major fiscal impact.

Students with disabilities are defined, and provisions made for students with disabilities to be counted for up to 30 days if the LEA is working to locate and engage students who have not attended for the prior ten consecutive days. USBE does not currently have data on the potential frequency of this occurrence, but does not estimate a large fiscal impact for LEAs or USBE.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects USBE and LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues

per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only affects USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. Mechanisms are already in place at USBE and LEAs to count students for longer than 10 days. It is simply an operational change. Otherwise, the removal of COVID-19 related impacts is simply a return to prior practice and does not carry additional costs for USBE or LEAs.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-401(10)
Subsection 53F-2-102(7)	Subsection 53E-3-501(1)(e)	Subsection 53E-3-602(2)
Subsection 53E-3-301(3)(d)	Section 53G-4-404	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 05/15/2023

9. This rule change MAY become effective on: 05/22/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	03/31/2023
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R277. Education, Administration.

R277-419. Pupil Accounting.

R277-419-1. Authority and Purpose.

(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 53E-3-501(1)(e), which directs the Board to establish rules and standards regarding:

- (i) cost-effectiveness;
- (ii) school budget formats; and
- (iii) financial, statistical, and student accounting requirements;

(d) Subsection 53E-3-602(2), which requires a local school board's auditing standards to include financial accounting and student accounting;

(e) Subsection 53E-3-301(3)(d), which requires the Superintendent to present to the Governor and the Legislature data on the funds allocated to LEAs;

(f) Section 53G-4-404, which requires annual financial reports from school districts; and

(g) Subsection 53G-5-404(4), which requires charter schools to make the same annual reports required of other public schools.

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

R277-419-2. Definitions.

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

(2) "Approved CTE course" means a course approved by the Board within the Career and Technical Education (CTE) Pathways[~~areas of study~~].

(3) "Attendance validated program" means a program within an LEA that consists of eligible, enrolled public school students who physically attend school in a brick and mortar school.

(4) "Blended learning program" means a formal education program under the direction of an LEA in which a student learns through an integrated experience that is in part:

(a) through online learning, with an element of student control over time, place, path, or pace; and

(b) in a supervised brick and mortar school away from home.

(5) "Brick and mortar school" means a school where classes are conducted in a physical school building.

(6) "Data Clearinghouse" means the electronic data collection system used by the Superintendent to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.

(7) "Educational services" means providing learning opportunities and services designed to support a student to be prepared to succeed and lead by having the knowledge and skills to learn, engage civically, and lead meaningful lives, including by providing:

- (a) high quality instruction for each student;
- (b) personalized learning supports for each student; and
- (c) implementation of evidence-based student health and wellness practices.

(8) "Eligible student" means a student who satisfies the criteria for enrollment in an LEA, set forth in Section R277-419-[7]5.

(9) "Enrollment verification data" includes:

(a) a student's birth certificate or other verification of age;

(b) verification of immunization or exemption from immunization form;

(c) proof of Utah public school residency;

(d) family income verification; or

(e) special education program information, including:

(i) an individualized education program;

(ii) a Section 504 accommodation plan; or

(iii) an English learner plan.

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

(b) "Home school" does not include public school instruction provided in a home, including when:

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

(ii) an online student is:

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

(B) included in accountability measures; or

(iii) an online student receives instruction under the direction of a highly qualified, licensed teacher who is subject to the licensure requirements of Rule R277-301 and fingerprint and background checks consistent with Rules R277-214 and R277-309.

(11) "Home school course" means instruction:

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

(b) not supervised or directed by an LEA.

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

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

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

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

(15) "Learner validated enrollment measurement" means a methodology used to establish a student's membership or enrollment status for purposes of generating membership days.

(16) "Learner validated program" means a program within an LEA that consists of eligible, enrolled public school students where the student receives instruction through:

(a) an online learning program;

(b) a blended learning program; or

(c) a personalized, competency-based learning program.

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

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

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

(18) "Minimum School Program" means the same as that term is defined in Section 53F-2-102.

(19) "Online learning program" means a program:

(a) that is under the direction of an LEA; and

(b) in which students receive educational services primarily over the internet.

(20) "Personalized, Competency-based Learning Grants Program" means an education program that provides instruction through personalized, competency-based learning as defined in Section 53F-5-501.

(21) "Private school" means an educational institution that:
(a) is not an LEA;
(b) is owned or operated by a private person, firm, association, organization, or corporation; and
(c) is not subject to governance by the Board consistent with the Utah Constitution.

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

(23) "Qualifying school age" means:

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

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

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

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

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

(a) sickness;

(b) hospitalization;

(c) pending court investigation or action; or

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

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

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

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

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

(a) is supported with public funds;

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

(c) employs licensed educators as instructors that provide instruction consistent with ~~Section~~ Rule R277-301;

(d) has one or more assigned administrators;

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

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

(30) "School day" means a day where an LEA provides educational services to students subject to the requirements described in Section R277-419-~~[5]~~4.

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

(32) "School of enrollment" means:

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

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

~~[(33) "School reopening requirements template" means the template LEAs are required to submit to Superintendent as an assurance that the LEA has addressed state requirements for reopening schools for in person learning for the 2020-21 school year.]~~

~~[(34)]~~(33) "School year" means the 12 month period from July 1 through June 30.

~~[(35)]~~(34) "Self-contained" means a public school student with an IEP or YIC, who receives 180 minutes or more of special education or YIC related services during a typical school day.

~~[(36)]~~(35) "Self-Contained Resource Attendance Management (SCRAM)" means a record that tracks the aggregate membership of public school special education students for state funding purposes.

~~[(37)]~~(36) "SSID" means Statewide Student Identifier.

(37) "Student with a disability" means a student who:

(a)(i)(A) is of an age during which it is mandatory under state law to provide educational services to persons with disabilities as described in Subsection 53E-3-503(1)(a); or

(B) is of an age during which a student without a disability is provided educational services; and

(ii) is entitled to receive a free appropriate public education under the Individuals with Disabilities Education Act or Board rules related to special education, including Rule R277-750; or

(b) is entitled to receive a free appropriate public education under Section 504 of the Rehabilitation Act of 1973 because the student:

(i) has a physical or mental impairment which substantially limits one or more major life activities;

(ii) has a record of an impairment described in Subsection (37)(b)(i); or

(iii) is regarded as having an impairment described in Subsection (37)(b)(i).

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

(a) the student was not physically present at school at any of the times attendance checks were made in accordance with Subsection R277-419-~~[44]~~8(5); and

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

(39) "Weighted pupil unit" or "WPU" means the same as that term is defined in Section 53F-2-102.

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

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

(a) in the custody of the Department of Health and Human Services~~[as of July 2022]~~;

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

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

~~[R277-419-3. Incorporation by Reference of Continuity of Education Plan Form and School Reopening Requirements Template.~~

- ~~(1) This rule incorporates by reference:~~
~~(a) the Continuity of Education Plan form created by the Superintendent, which requires planning for services in the event of a school closure, including:~~
~~(i) e-learning;~~
~~(ii) special education services;~~
~~(iii) student meals;~~
~~(iv) event planning; and~~
~~(v) staffing.~~
~~(b) the School Reopening Requirements Template created by the Superintendent and based on the K-12 School Reopening Requirements and Recommendations approved by the Board, which an LEA is required to submit to the Superintendent as an assurance that the LEA has addressed state requirements for safely reopening schools for the 2020-21 year.~~
~~(2) A copy of the Continuity of Education Plan form is located at:~~
~~(a) <http://schools.utah.gov/File/56b38326-eb40-4e8e-bea2-e78437ed5897>; and~~
~~(b) the Utah State Board of Education.~~
~~(3) A copy of the School Reopening Requirements template is located at:~~
~~(a) <https://www.schools.utah.gov/file/37363ea4-65fe-4e4e-9064-665f2ba4890e>; and~~
~~(b) the Utah State Board of Education.~~

R277-419-[4]3. Schools and Programs.

- (1)(a) The Superintendent shall provide a list to each school detailing the required accountability reports and other state-mandated reports for the school type and grade range.
 (b) A school shall submit a Clearinghouse report to the Superintendent.
 (c) A school shall employ at least one licensed educator and one administrator.
 (2)(a) A student who is enrolled in a program is considered a member of a public school.
 (b) The Superintendent may not require programs to receive separate accountability and other state-mandated reports.
 (c) A student reported under an LEA's program shall be included in the LEA's WPU and student enrollment calculations of the LEA's school of enrollment.
 (d) A course taught at a program shall be credited to the appropriate school of enrollment.
 (3) A private school or program may not be required to submit data to the Superintendent.
 (4) A private school or program may not receive annual accountability reports.

R277-419-[5]4. Minimum School Days.

- (1)(a) Except as provided in Subsection (1)(b), ~~Section R277-419-6,~~ and Subsection 53F-2-102(4), an LEA shall provide educational services over a minimum of 180 school days each school year.

(b)(i) Except as provided in Subsection (1)(b)(ii), an LEA that participates in the National School Lunch Program shall provide school meals on each day that the LEA schedules toward the LEA's 180 educational service days described in Subsection (1)(a).

(ii) The requirement to provide school meals described in Subsection (1)(b)(i) does not apply to:

(A) an unplanned school closure or unplanned learn from home day due to snow, inclement weather, or other emergency;

(B) a day that an LEA governing board reallocates as a teacher preparation or teacher professional development day as described in Subsection 53F-2-102(4)(d);

(C) a day that an LEA counts in student membership for professional development or parent-teacher conference days as described in Subsection (6); or

(D) a day where the LEA provides educational services while all the LEA's students engage in distance learning.

~~(b)~~(c) [a]An LEA may seek an exception to the number of school days described in Subsection (1)(a):

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

(ii) for a school closure due to snow, inclement weather, or other emergency as described in Section R277-121-5; or

(iii) for an individual student as described in Section R277-419-[44]11.

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

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

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

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

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

(b) Parent-teacher and college and career readiness conferences may only be held for a total of the equivalent of three full school days for the school year.

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

(d) An LEA may designate no more than a total of 12 educational service days at the beginning of the school year, at the end of the school year, or both for the assessment of students entering or completing kindergarten.

(e) If educational service days are designated for kindergarten assessment:

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

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

(iii) qualified school employees shall conduct the assessment consistent with Section 53G-7-205; and

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

(f) The final decision and approval regarding planning time, parent-teacher and Student Plan for College and Career Readiness conferences rests with an LEA, consistent with Utah Code and Board administrative rules.

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

~~R277-419-6. Waiver of the 990 Hour Requirement For the 2020-21 School Year.~~

~~Notwithstanding the requirements of Section R277-419-5, for the 2020-21 school year, an LEA is not subject to the requirement to conduct school for at least 990 hours of educational services if, by August 1, 2020, the LEA includes in the LEA's reopening requirements template, how the LEA will ensure continuity of teaching and learning by providing high quality instruction that includes blended learning and formative assessment strategies.~~

R277-419-[7]5. Student Membership Eligibility and Learner Validated Enrollment Measurements.

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

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

(3) To generate membership for funding through the Minimum School Program on any school day, an LEA shall ensure that a student being counted by the LEA in membership:

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

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

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

(d) is a resident of Utah as defined under Section 53G-6-302;

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

(f)(i) is expected to attend a regular learning facility operated or recognized by an LEA on each regularly scheduled school day, if enrolled in an attendance validated program;

(ii) has direct instructional contact with a licensed educator provided by an LEA at:

(A) an LEA-sponsored center for tutorial assistance; or

(B) the student's place of residence or convalescence for at least 120 minutes each week during an expected period of absence, if physically excused from such a facility for an extended time, due to:

(I) injury;

(II) illness;

(III) surgery;

(IV) suspension;

(V) pregnancy;

(VI) pending court investigation or action; or

(VII) an LEA determination that home instruction is necessary;

(iii) is enrolled in an approved CTE course on the campus of another state funded institution where such a course is:

(A) not offered at the student's school of membership;

(B) being used to meet Board-approved CTE graduation requirements under Subsection R277-700-6(16); and

(C) a course consistent with the student's Plan for College and Career Readiness; or

(iv) is enrolled in a learner validated program under the direction of an LEA that:

(A) is consistent with the student's Plan for College and Career Readiness;

(B) has been approved by the student's counselor; and

(C) includes regular instruction or facilitation by a designated employee of an LEA.

(4) An LEA shall use one of the following learner validated enrollment measures:

(a) For a student primarily enrolled in an attendance validated program, the LEA may not count a student as an eligible student if the eligible student has unexcused absences during the prior ten consecutive school days.

(b) For a student enrolled in a learner validated program, an LEA shall:

(i) adopt a written policy that designates a learner validated enrollment measurement to document the learner validated membership or enrollment status for each student enrolled in the learner validated program consistent with this section;

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

(iii) appropriately adjust and update student membership records in the student information system for students that did not meet the learner validated enrollment measurement, consistent with this section.

(c) For a student enrolled in a[~~n~~] learner validated program, the LEA may not count a student as an eligible student if the LEA has not [~~personally~~]engaged with the student during the prior ten consecutive school days.

(5) Notwithstanding Subsection (4), an LEA:

(a) shall continue to provide a student with a disability a free and appropriate public education even when the student has not attended school or engaged with the LEA during the prior ten consecutive days;

(b) shall maintain the student's enrollment in the LEA; and

(c) may continue to count the student in membership for funding purposes up to 30 days if the LEA documents that the LEA is working to locate and engage with the student with a disability.

~~[(5)](6)~~ The learner validated enrollment measurement described in Subsection (4)(b) may include the following components, in addition to other components, as determined by an LEA:

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

(b) required periodic contact with a licensed educator;

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

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

~~[(6)](7)~~(a) Beginning with the 2021-22 school year, an LEA shall submit each student's attendance validated or learner validated enrollment status through the UTREx or Data Clearinghouse.

(b) For a student who participates in both attendance validated, and learner validated programs, the LEA shall designate the student's status as learner validated enrollment.

~~[(7)](8)~~(a) An LEA desiring to generate membership for student enrollment in courses outlined in Subsection (3)(f)(iii), or to seek a waiver from a requirement in Subsection (3)(f)(iii), shall

submit an application for course approval by April 1 of the year prior to which the membership will be counted.

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

R277-419-[8]6. Student Membership Calculations.

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

(b) With written verification from the student's parent that the student intends to graduate early, an early graduation student may be counted for more than 180 days of regular membership in accordance with the student's Plan for College and Career Readiness.

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

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

(b) A student transferring to or from an LEA with a schedule approved under Subsection R277-419-[5]4(1)(b) is eligible for no more than 220 days of regular membership per school year.

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

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

(i) 170 days; plus

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

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

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

(a) if the student was enrolled for four periods each day in a seven period school day for 180 school days, the student's aggregate membership would be 4/7 of 180 days or 103 days; or

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

(5)(a) An LEA shall calculate the days in membership for all students using a method equivalent to the following: total clock hours of educational services for which the student was enrolled during the school year divided by 990 hours and then multiplied by 180 days and finally rounded up to the nearest whole day.

(b) For example, if a student was enrolled for only 900 hours during the school year, the student's aggregate membership would be $(900/990)*180$, and the LEA would report 164 days.

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

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

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

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

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

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

(ii) participating in one or more co-curricular activities under Rule R277-438, but has otherwise been exempted from school attendance under Section 53G-6-204 for home schooling;

(b) two periods each school day per student for time spent in bus travel during the regular school day to and from another state funded institution, if the student is enrolled in CTE instruction consistent with the student's [SEOP/Plan for College and Career Readiness;

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

(i) a concurrent enrollment program that satisfies the [provisions of] Title 53E, Chapter 10, Part 3, Concurrent Enrollment;

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

(iii) a foreign exchange student program under Section 53G-6-707; or

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

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

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

(10)(a) Except as provided in Subsection (10)(b), a student receiving instruction delivered in a home school course or by a private school is not eligible to be claimed in an LEA's membership and does not qualify for funding under the Minimum School Program in Title 53F, Chapter 2, Minimum School Program Act.

(b) Subsection (10)(a) does not apply to public school instruction provided by an LEA to a home school or private school student participating in dual enrollment as described in Section 53G-6-702.

~~[R277-419-9. Student Membership Calculation During the 2020 Covid-19 Pandemic.~~

~~Notwithstanding the requirements of Sections R277-419-7 and R277-419-8, the Superintendent shall calculate an LEA's membership for days of instruction from March 16, 2020 to June 30, 2020, based on the LEA's average rate of membership between July 1, 2019 and March 13, 2020 if:~~

~~(1) the LEA has submitted a continuity of education plan on or before June 1, 2020; and~~

~~(2) the LEA provides educational services through the end of the LEA's regular school year calendar.~~

~~]~~

R277-419-[10]7. Calculations for a First Year Charter School.

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

(2) For the second operational year of a charter school or a new satellite campus, the Superintendent shall determine the charter school's WPU funding based on Section 53F-2-302.

R277-419-[44]8. Reporting Requirements and LEA Records.

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

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

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

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

(4) An LEA shall ensure that:

(a) computerized or manually produced records for CTE programs are kept by teacher, class, and ~~[Classification of Instructional Program or CIP]~~core code; and

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

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

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

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

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

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

(c) schools shall continue educational service activities throughout required calendared days.

(7) The Superintendent:

(a) shall review each LEA's student membership and fall enrollment reports as they relate to the allocation of state funds; and

(b) may periodically or for cause review LEA records and practices for compliance with Federal and State laws and this rule.

R277-419-[42]9. High School Completion Status.

(1) An LEA shall account for the final status of students who enter high school, grades 9-12, whether they graduate or leave high school for other reasons, using the following decision rules to indicate the high school completion or exit status of each student who leaves the Utah public education system:

(a) graduates are students who earn a basic high school diploma by satisfying one of the options consistent with Rule R277-705 or out-of-school youths of school age who complete adult education secondary diploma requirements consistent with Rule R277-733;

(b) completers are students who have not satisfied Utah's requirements for graduation but who:

(i) are in membership in twelfth grade on the last day of the school year; and

(ii)(A) meet any additional criteria established by an LEA consistent with its authority under Rule R277-705;

(B) meet any criteria established for special education students under Utah State Board of Education Special Education Rules, Revised, June 2016, and available at: <http://www.schools.utah.gov/sars/Laws.aspx> and the Utah State Board of Education;

(C) meet any criteria established for special education students under Subsection R277-700-8(5); or

(D) pass a General Educational Development or GED test with a designated score;

(c) continuing students are students who:

(i) transfer to higher education, without first obtaining a diploma;

(ii) transfer to the Utah Center for Assistive Technology without first obtaining a diploma; or

(iii) age out of special education;

(d) dropouts are students who:

(i) leave school with no legitimate reason for departure or absence;

(ii) withdraw due to a situation so serious that educational services cannot be continued even under the conditions of Subsection R277-419-[7]5(3)(f)(ii);

(iii) are expelled and do not re-enroll in another public education institution; or

(iv) transfer to adult education;

(e) an LEA shall exclude a student from the cohort calculation if the student:

(i) transfers out of state, out of the country, to a private school, or to home schooling;

(ii) is a U.S. citizen who enrolls in another country as a foreign exchange student;

(iii) is a non-U.S. citizen who enrolls in a Utah public school as a foreign exchange student under Section 53G-6-707 in which case the student shall be identified by resident status, J for those with a J-1 visa, F for all others, not by an exit code;

(iv) dies; or

(v) beginning with the 2015-2016 school year, is attending an LEA that is not the student's school of enrollment.

(2)(a) An LEA shall report the high school completion status or exit code of each student to the Superintendent as specified in Data Clearinghouse documentation.

(b) High School completion status or exit codes for each student are due to the Superintendent by year end upload for review.

(c) Except as provided in Subsection (2)(d), an LEA shall submit any further updates of completion status or exit codes by October 1 following the end of a student's graduating cohort pursuant to Rule R277-484.

(d) An LEA with an alternative school year schedule where the students have an extended break in a season other than summer, shall submit the LEA's data by the next complete data submission update, following the LEA's extended break, as defined in Rule R277-484.

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

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

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

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

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

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

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

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

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

(ii) school with the latest exit date;

(iii) school with the earliest entry date;

(iv) school with the highest total membership;

(v) school of choice;

(vi) school with highest attendance; or

(vii) school with highest cumulative GPA.

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

R277-419-[43]10. Student Identification and Tracking.

(1)(a) Pursuant to Section 53E-4-308, an LEA shall:

(i) use the SSID system maintained by the Superintendent to assign every student enrolled in a program under the direction of the Board or in a program or a school that is supported by public school funding a unique student identifier; and

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

(b) The unique student identifier:

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

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

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

(b) A school shall transcribe the names from the student's birth certificate or other reliable proof of the student's identity and age, consistent with Section 53G-6-603;

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

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

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

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

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

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

R277-419-[44]11. Exceptions.

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

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

(2) A school using a modified 45-day/15-day year-round schedule initiated prior to July 1, 1995 is in compliance with this rule if the school's schedule includes a minimum of 990 hours of time the LEA will provide educational services over a minimum of 172 days.

R277-419-[45]12. Effective Date.

This rule is effective for the 2021-22, ~~and~~ 2022-23 and 2023-24 school years.

KEY: education finance, school enrollment, pupil accounting

Date of Last Change: 2023[December 22, 2022]

Notice of Continuation: December 2, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-102(7); 53E-3-501(1)(e); 53E-3-602(2); 53E-3-301(3)(d); 53G-4-404

NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal

Rule or Section Number:

R277-532

Filing ID:
55290

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R277-532. Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees)

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

As part of the implementation of the Utah State Board of Education's (USBE) new licensing system, USBE is repealing and re-numbering all licensing related rules. This rule is being repealed and replaced by new rule R277-329 as part of that process.

(EDITOR'S NOTE: The proposed new Rule R277-329 is under ID 55289 in this issue, April 15, 2023, Bulletin.)

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule is repealed in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This proposed repeal is not expected to have fiscal impact on state government's revenues or expenditures. The repealed rule text is being moved to Rule R277-329 so the provisions will still exist.

B) Local governments:

This proposed repeal is not expected to have major fiscal impact on local governments' revenues or expenditures. The repealed rule text is being moved to Rule R277-329 so the provisions will still exist.

C) Small businesses ("small business" means a business employing 1-49 persons):

This proposed repeal is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects USBE and LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation,

association, governmental entity, or public or private organization of any character other than an **agency**):

This proposed repeal is not expected to have fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only affects USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. The repealed rule text is being moved to Rule R277-329 so the provisions will still exist. There are no added costs.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Section 53E-3-401	Section 53G-11-504
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	05/15/2023
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9. This rule change MAY become effective on:	05/22/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	03/31/2023
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R277. Education, Administration.

~~[R277-532. Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees).~~

~~R277-532-1. Authority and Purpose.~~

- ~~(1) This rule is authorized by:~~
- ~~(a) Utah Constitution Article X, Section 3, which vests general control and supervision of 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; and~~
 - ~~(c) Section 53G-11-504, which directs the Board to develop rules requiring that school districts evaluate non-licensed public education employees.~~
- ~~(2) The purpose of this rule is to direct public school districts to adopt policies for the evaluation, dismissal and compensation of non-licensed public education employees.~~

~~R277-532-2. Definitions.~~

~~"Non-licensed public education employee" or "classified employee" means a school district employee who is working in a position that does not require a Utah educator license.~~

~~R277-532-3. School District Policies.~~

- ~~(1) A school district shall adopt policies for non-licensed public education employees, including:~~
- ~~(a) policies for evaluation and dismissal consistent with minimum standards of:~~
 - ~~(i) Sections 53G-11-504 through 53G-11-505; and~~
 - ~~(ii) Sections 53G-11-512 through 53G-11-517; and~~

~~(b) policies for due process and the termination of non-licensed public education employees consistent with Sections 53G-11-512 through 53G-11-515;~~

~~(c) evaluation procedures with the following components:~~

- ~~(i) the annual evaluation of non-licensed public education employees;~~

- ~~(ii) the use of appropriate tools for non-licensed public education employee evaluations;~~

- ~~(iii) non-licensed public education employee evaluation criteria tied to specific non-licensed job descriptions or assignments;~~

- ~~(iv) the administration of the evaluation by the school principal, an appropriate administrator or the principal's or administrator's designee; and~~

- ~~(v) an appeals process that allows non-licensed public education employees to appeal procedural violations of the evaluation process.~~

~~(2) School district evaluation policies for non-licensed public education employees may include additional components beyond those specified in Subsection (1).~~

~~(3) A school district's policies may exclude temporary or part-time non-licensed public education employees from performance evaluations, as provided in Subsection 53G-11-504(2).~~

~~**KEY:** policies, evaluations, non-licensed public education employees~~

~~**Date of Last Change:** May 8, 2018~~

~~**Notice of Continuation:** April 2, 2018~~

~~**Authorizing, and Implemented or Interpreted Law:** Art X, Sec 3; 53E-3-401; 53G-11-504]~~

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R277-751	Filing ID: 55291
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Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R277-751. Special Education Extended School Year (ESY)

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule is being amended to incorporate technical updates and new provisions based on recent case law developments.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

These amendments add clarification to the definition of "ESY services", make an additional requirement for ESY Program Standards, and specifically add the inclusion of "adult students" in reference to the Division of Responsibilities.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government's revenues or expenditures. Language is added for ESY services provided to adult students by local education agencies (LEAs). LEAs may already provide these extended year services but the rule change adds clarification for LEAs. There are no measurable impacts to the Utah State Board of Education (USBE) budgets as these are services provided by LEAs.

B) Local governments:

This rule change is not expected to have major fiscal impact on local governments' revenues or expenditures. The inclusion of adults in ESY services may potentially add costs for LEAs providing the services. However, USBE does not have data to estimate the need for increased services. USBE estimates that any impacts will be small and infrequent.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not

account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only affects LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. There are no direct compliance costs for LEAs. LEAs can comply with existing staff and resources.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Article X, Section 3	Section 53E-3-401	Subsection 53E-3-501(1)(c)(vi)(A)

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	05/15/2023

9. This rule change MAY become effective on:	05/22/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	03/31/2023
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R277. Education, Administration.**R277-751. Special Education Extended School Year (ESY).****R277-751-1. Authority and Purpose.**

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of 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 53E-3-501(1)(c)(vi)(A), which directs the Board to adopt rules regarding services to students with disabilities.

(2) The purpose of this rule is to specify the standards for the special education ESY.

R277-751-2. Definitions.

(1)(a) "Extended school year" or "ESY" means an extension of the school district or charter school traditional school year to provide special education and related services to a student with a disability, in accordance with the student's IEP, and at no cost to the student or student's parents.

(b) ESY services shall meet the standards of Part B of the IDEA and Board special education rules.

(2) "ESY services" means the ~~individualized education program provided by the school to a student with a disability during the ESY.~~ special education and related services that:

(a) are provided to a student with a disability:

(i) beyond the normal school year of an LEA;

(ii) in accordance with the student's IEP; and

(iii) at no cost to the student or the student's parents; and

(b) meet the standards of the Board and Part B of the IDEA.

(3) "FAPE" means a free appropriate public education, which:

(a) includes special education and related services that are provided at public expense, under public supervision and direction, and without charge;

(b) meets the standards of the Board and Part B of the IDEA;

(c) includes preschool, elementary school, secondary school, and may include post-secondary education in Utah; and

(d) is provided in conformity with an IEP that meets the requirements of Part B of the IDEA and Board special education rules.

(4) "IEP team" means a group of individuals that is responsible for developing, reviewing, and revising an IEP for a student with a disability.

(5) "LEA" includes, for the purposes of this rule, the Utah Schools for the Deaf and the Blind.

(6)(a) "Procedural safeguards" means the procedural rights designed to protect the rights of students with disabilities and their parents.

(b) "Procedural safeguards are defined in Part B of the IDEA and Board special education rules, and include a parent's or adult student's right to:

(i) participate in meetings;

(ii) review educational records;

(iii) request an independent educational evaluation;

(iv) receive ~~written~~ prior written notice of actions proposed or refused by an LEA; and

(v) consent to evaluations and special education services.

(c) "Procedural safeguards" also include dispute resolution options.

(7) "Recoupment means recover of basic behavioral or academic patterns, or both, or skills, specified in an IEP, to a level demonstrated prior to the interruption of educational programming.

(8) "Regression" means reversion to a lower level of functioning, evidenced by a decrease in the level of basic behavioral or academic patterns, or both, or skills, specified in an IEP, which occurs as a result of an interruption in educational programming.

(9) "Student with a disability" means a student who meets eligibility criteria for special education and related services, as defined in the Board special education rules.

R277-751-3. Determining Eligibility.

(1) A student is eligible for ESY if the student's IEP team has determined, based upon a review of multiple data sources and factors that the student:

(a) is eligible under Board special education rules and Part B of the IDEA; and

(b) requires an ESY to receive a FAPE.

(2) A student's IEP shall reflect the student's IEP team's decision regarding need for ESY services.

(a) An LEA shall provide a student's parents or an adult student with ~~[written]~~ prior written notice of the LEA's proposal or refusal to provide ESY services.

(b) A student's IEP team shall determine the appropriate ESY services for an eligible student, based on the student's individual needs.

(3) ESY eligibility decisions and ~~[written]~~ prior written notice of ESY services shall be provided to a student's parents or an adult student in sufficient time to permit accessing dispute resolution options ~~[of]~~ outlined in the [P] procedural [S] safeguards, in the event of a dispute.

R277-751-4. ESY Program Standards.

(1) The primary goal for a student requiring ESY services is to maintain the current level of the student's academic and functional skills and behavior in areas identified by the student's IEP in order to provide FAPE.

(2) LEAs may not limit ESY to:

(a) particular categories of disabilities;

(b) particular ages; or

(c) particular grade levels of students.

(3) An LEA may not unilaterally limit the type, amount, or duration of ESY services provided for students.

(4) An LEA may not limit data consideration by IEP teams exclusively to an analysis of regression and recoupment.

(5) In addition to a student's degree of regression and the time necessary for recoupment, an IEP team may also consider the following factors in considering whether ESY services are appropriate:

(a) the ability of a student's parents to provide educational structure at home;

(b) a student's rate of progress;

(c) physical or behavioral concerns regarding a student;

(d) availability of alternative resources;

(e) ability of a student to interact with students without disabilities;

(f) areas of a student's curriculum that need continuous attention;

(g) a student's vocational needs;

(h) whether requested services are extraordinary for a student's condition, as opposed to an integral part of a program for populations of students with the same disability;

(i) emerging skills;

(j) preschool or post-secondary transition needs;

(k) anecdotal reports from teachers parents, caregivers, and related service providers; and

(l) data from measures of daily performance such as:

(i) statewide assessment data;

(ii) norm-referenced test data;

(iii) checklists;

(iv) work samples; and

(v) other data.

~~[(5)]~~ (6) An LEA shall ensure that:

(a) an ESY student receives services in the least restrictive environment; and

(b) ESY teachers and paraprofessionals meet Board licensing rules.

R277-751-5. Division of Responsibilities.

(1) The Superintendent shall:

(a) conduct LEA program administrative reviews, such as Utah Program Improvement Planning System or "UPIPS" monitoring;

(b) require student attendance and membership accountability;

(c) provide technical assistance to LEAs;

(d) collect data on:

(i) the number, disabilities, and levels of students served;

(ii) the types of program delivery models used;

(iii) costs of the ESY services in LEAs; and

(iv) program effectiveness.

(e) develop guidelines for LEAs.

(2) An LEA shall:

(a) establish LEA procedures which are in accordance with Board rules;

(b) provide professional ~~[development]~~ learning and on-site visits to assure that Board and LEA procedures are appropriately understood and implemented;

(c) establish timelines to accomplish the purposes of this rule;

(d) analyze LEA needs, reported by professionals, for ESY services for individual, eligible students;

(e) determine LEA ESY services parameters based upon data received from educators on individual, eligible students, including:

(i) the personnel required to provide special education and related services;

(ii) location of services; and

(iii) budget specifications;

(f) ensure parents, adult students, and professionals have received information about dispute resolution procedures for the appeal of ESY eligibility decisions and ESY services parameters; and

(g) implement processes to collect program effectiveness data.

KEY: exceptional children, extended school year

Date of Last Change: 2023~~May 8, 2018~~

Notice of Continuation: April 2, 2018

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; ~~[53-3]~~ 53E-401(4); 53E-3-501(1)(c)(vi)(A)

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:

R277-927

Filing ID:
55292

Agency Information

1. Department: Education

Agency: Administration

Building: Board of Education

Street address: 250 E 500 S

City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-927. Teacher and Student Success Act (TSSA) Program
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being amended to remove a deadline for Local Education Agencies (LEAs) to submit student success frameworks and annual assurances for the Teacher and Student Success Act (TSSA) Program. In addition, the amendments change the TSSA distribution formula.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
These amendments remove the November 1 deadline for Local Education Agencies (LEAs) to submit student success frameworks and annual assurances for the TSSA Program. Whenever an LEA submits those required items, the LEA will receive its TSSA allocation. In addition, the amendments base TSSA distributions on prior year Weighted Pupil Units (WPU) rather than current year Budget Request WPU, in order for TSSA distribution amount to remain stable throughout the school year, to be based on actual student counts, rather than projected student counts, and to reflect all legislative changes made to programs that contain WPU.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government's revenues or expenditures. This rule change affects distribution to LEAs but not USBE budgets.
B) Local governments:
This rule change is not expected to have major fiscal impact on local governments' revenues or expenditures.

This rule change distributes TSSA funds on prior year WPU/enrollment rather than the budget request WPU, which are an estimate before actual enrollments. While these changes will not materially affect LEAs, they will closer approximate to actual enrollments.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only affects LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. There are no compliance costs for USBE or LEAs to update the distribution method.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-401(10)
Section 53F-2-416	Section 53G-7-1304	Section 53G-7-1306

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	05/15/2023
9. This rule change MAY become effective on:	
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	03/31/2023
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R277. Education, Administration.

R277-927. Teacher and Student Success Act (TSSA) Program.

R277-927-1. Authority and Purpose.

- (1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision of 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; and
 - (c) Section 53F-2-416, which requires the Board to calculate and distribute student and teacher success program money to LEAs;
 - (d) Section 53G-7-1304, which requires the Board to make rules for an LEA governing board to calculate and distribute a school's allocation of program money for each school within the LEA; and
 - (e) Section 53G-7-1306, which require the Board to determine:
 - (i) a threshold of points under the statewide school accountability system that designates a school as succeeding in school performance and student academic achievement; and
 - (ii) performance standards for certain schools.
- (2) The purpose of this rule is to:
- (a) set standards for the Board's distribution of student and teacher success program money to LEAs;
 - (b) set standards governing an LEA's distribution of student and teacher success program money to each school within the LEA; and
 - (c) to establish certain accountability standards related to the student and teacher success program.

R277-927-2. Definitions.

- (1) As used in ~~Subsection~~ 53G-7-1304, "capital expenditures" are funds used to acquire, maintain, or upgrade physical assets like property, building, technology, or equipment and may include:
- (a) improvements to a building or school grounds;
 - (b) a school bus;
 - (c) rent, lease, or bond payments; and
 - (d) a portable classroom or costs related to moving a portable classroom.
- (2) ~~[As used in Subsection 53G-7-1304(1), "early childhood education" includes preschool programs.~~
- ~~(3)—~~"Program" means the student and teacher success program created in Section 53G-7-1302.
- ~~(4)~~(3) "Satellite school" means the same as that term is defined in Rule R277-550.
- ~~(5)~~(4) "School personnel who work directly with and support students in an academic role" does not include:
- (a) school level administrative or operational staff;
 - (b) building and maintenance staff, including custodial and grounds staff;
 - (c) transportation staff;
 - (d) child nutrition services staff;

- (e) operational or facility support staff;
- (f) financial staff;
- (g) information technology staff;
- (h) legal staff;
- (i) secretarial staff; or
- (j) other district level staff paid on an administrative salary schedule.

R277-927-3. Program Requirements and Board Distribution of Program Money.

(1)(a) ~~[For the 2019-20 school year, the]~~The Superintendent shall distribute an LEA's annual program allocation, in equal payment amounts, to an LEA once the LEA submits the LEA's student success framework through the Board's grant management system.

(b) If an LEA amends the LEA's student success framework, the LEA shall submit the amended student success framework through the Board's grant management system.

(2) ~~[Beginning with the 2020-21 school year, if]~~If the LEA previously submitted a student success framework, before the LEA receives the LEA's annual program allocation, the LEA shall submit annual assurances in accordance with the requirements of Rule R277-108.

(3) If an LEA fails to submit the LEA's student success framework as described in Subsection (1) or annual assurances described in Subsection (2) to the Superintendent ~~[by November 1 of a fiscal year]~~:

(a) the LEA may not receive a program allocation for that fiscal year; and

(b) the undistributed balance will be included with the new year appropriation and distributed in the following fiscal year according to the formula described in Subsection 53F-2-416(3).

(4) For purposes of calculating the formula described in Subsection 53F-2-416(3), "weighted pupil units" means:

(a) for ~~[a school district or charter school]~~an existing LEA:

(i) the weighted pupil units for the ~~[current]~~prior year ~~[budget request]~~ for the minimum school basic program; minus

(ii) the weighted pupil units allocated ~~[to LEAs]~~ for foreign exchange students; and

(b) for a new LEA or a charter school opening a new satellite campus:

(i) the weighted pupil units based on the LEA's projected enrollment for the current year for the minimum school basic program; minus

(ii) the weighted pupil units allocated for foreign exchange students; and

~~[(b)c]~~ for the Utah Schools for the Deaf and Blind, USDB's prior year October 1 headcount multiplied by two.

(5) For a new LEA or a charter school opening a new satellite campus ~~[or new charter satellite campus in the LEA or charter school satellite's]~~ during the second year of operation, the Superintendent shall increase or decrease the ~~[new LEA or charter school satellite's]~~LEA's first year distribution of funds ~~[in the LEA or charter school satellite's second year]~~ to reflect the ~~[LEA or charter school satellite's]~~LEA's actual first year October 1 counts.

(6) For purposes of determining whether a school district in a county of the first, second, or third class has an approved board local levy for the maximum amount allowed for the purposes described in Subsection 53G-7-1304(2)(c)(i)(A), the school district meets the property tax requirements of Subsection 53G-7-1304(2)(a)(i) if in the applicable fiscal year:

(a) the school district's rate imposed for the board local levy is equal to the maximum amount allowed under Section 53F-8-302; or

(b)(i) the school district's board local levy rate meets or exceeds an amount equal to the certified board local levy rate; and

(ii) the school district's board local levy rate equaled the maximum amount allowed under Section 53F-8-302 sometime within the prior five fiscal years.

(7) For purposes of determining whether a school district in a county of the first, second, or third class increased the school district's board local levy by at least .0001 per dollar of taxable value as described in Subsection 53G-7-1304(2)(c)(i)(B), a school district that does not meet the property tax requirements of Subsection (6), the school district meets the requirements of Subsection 53G-7-1304(2)(c)(i)(B) if the school district's board local levy rate for the current fiscal year is at least .0001 per dollar of taxable value more than the school district's board local levy rate imposed in the prior fiscal year.

(8) For fiscal year 2020, "state average teacher salary" means a weighted calculation of the statewide teacher salary expenditures reported on the annual financial report by LEA from fiscal year 2018 divided by the number of full-time equivalent educators or FTEs from the most recent educator cactus submission.

(9) Except as provided in Subsection (10), for fiscal year 2020, "LEA's average teacher salary" means the LEA's teacher salary expenditures reported on the annual financial report from fiscal year 2018 divided by the LEA's number of full-time equivalent educators or FTEs from the most recent educator cactus submission.

(10) For a new LEA in the new LEA's first or second year of operation, the new LEA's average teacher salary is equal to the state average teacher salary.

R277-927-4. LEA Financial Reporting and Prohibited Uses of Program Funds.

(1) An LEA shall report expenditures of program money by location according to the Board approved chart of accounts.

(2) An LEA may not use program money:

(a) for a purpose described in Subsection 53G-7-1304(1);

(b) to support adult education or preschool programs; or

(c) to pay for contracted services commonly performed by the following staff:

(i) school level administration staff;

(ii) building and maintenance staff, including custodial staff;

(iii) transportation staff;

(iv) child nutrition services staff;

(v) operational or facility support staff; or

(vi) district level staff.

(3) As used in Subsection 53G-7-1304(2), "district administration costs" does not include salary driven benefits for school personnel charged at the district level.

(4) An LEA may carry over restricted program funds into the next fiscal year to support a purpose identified by the LEA governing board student success framework. Any funds carried over must be reported according to the Board approved chart of accounts.

R277-927-5. LEA Allocations to Schools.

(1) An LEA with two or more schools shall establish a policy that defines how the LEA will calculate and distribute program allocations based on prior year average daily membership as determined by the Superintendent, to all schools within the LEA,

including how the LEA will calculate allocations for new schools within the LEA.

(2) For a new school within an LEA, the LEA shall calculate and distribute school's allocation based on the school's projected October 1 headcount for the applicable school year.

(3) After calculating an LEA's school level allocations, an LEA may make adjustments to individual school ADM values and school level allocations due to changes in current year student enrollment for reasons including:

- (a) changes in school boundaries;
- (b) changes to feeder school patterns;
- (c) changes in grade levels offered; or
- (d) significant student growth of 30% or more.

R277-927-6. Accountability Performance Standards.

(1) For purposes of determining the threshold of points that designates a school as succeeding in school performance as described in Subsection 53G-7-1306(1)(a), a school is succeeding in school performance if, in the most recently published overall school accountability ratings the school is designated as a commendable or exemplary school as described in Section R277-497-2.

(2) For purposes of determining the performance standards for a school described in ~~[Section]~~Subsection 53G-7-1306(1)(b), a school meets the performance standards if the school meets the criteria described in ~~[Section]~~Subsection 53E-5-203(2).

KEY: Teacher and Student Success Act (TSSA), program money, allocation

Date of Last Change: 2023~~[December 10, 2019]~~

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-416; 53G-7-1304; 53G-7-1306

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R392-200	Filing ID: 55300
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Agency Information

1. Department:	Health and Human Services	
Agency:	Disease Control and Prevention, Environmental Services	
Room number:	Second Floor	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142102	
City, state and zip:	Salt Lake City, UT 84114-2102	
Contact persons:		
Name:	Phone:	Email:
Karl Hartman	801-538-6191	khartman@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R392-200. Sanitation and Safety of Schools

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The Department of Health and Human Services (Department) repealed and reenacted this rule in September 2022. During the 30-day public comment period that began on July 16, 2022, the Department received valid comments that, if implemented, would prompt further amendments to the rule. At the time, the Department decided to proceed with the repeal and reenactment in order to comply with Executive Order No. 2021-12 with the intention to make additional amendments at a future date to address the provided comments. The proposed amendments listed in Box 4 address those comments received by the Department.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This filing addresses valid public comments received during the recent 30-day public comment period as follows:

Subsection R392-200-7(1)(c) was amended to allow for alternative fill depths of protective surfacing under playground equipment according to the product manufacturer's directions.

Subsection R392-200-7(1)(v) through (y) requirements pertaining to electrical components were moved to improve the flow of information.

Subsection R392-200-15(3) was amended to remove the requirement for floor drains in dressing room areas, which was not consistent with the Plumbing Code.

Subsection R392-200-16(1)(f) was amended to remove an ambiguous requirement for "conveniently located" drinking fountains. The Plumbing Code specifies a certain amount of drinking fountains per number of students in designated areas of a school, and that requirement is sufficient.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

No anticipated cost or savings because the substantive changes do not result in a change in current practice or procedures at the Department.

B) Local governments:

No anticipated cost or savings because the substantive changes do not result in a change in current practice or procedures at the local health departments. The proposed rule amendment does not include requirements for permit or inspection fees. Inspection frequency is not specified in this rule.

C) Small businesses ("small business" means a business employing 1-49 persons):

Amending Rule R392-200 as proposed will not result in a cost or savings to small businesses because the substantive changes reflect current industry practice. The construction, sanitation, operation, and maintenance standards established by this rule are consistent with industry standard practices, processes, and procedures as currently implemented in schools throughout Utah.

In addition, Section R392-200-4 contains a "grandfather clause" which states that, except in the case of an imminent health hazard, this rule does not require a construction change in any portion of a school if the facility was constructed in compliance with law in effect when the facility was constructed.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

Amending Rule R392-200 as proposed will not result in a cost or savings to non-small businesses because the substantive changes reflect current industry practice. The construction, sanitation, operation, and maintenance standards established by this rule are consistent with industry standard practices, processes, and procedures as currently implemented in schools throughout Utah.

In addition, Section R392-200-4 contains a "grandfather clause" which states that, except in the case of an imminent health hazard, this rule does not require a construction change in any portion of a school if the facility was constructed in compliance with law in effect when the facility was constructed.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

No anticipated cost or savings because the substantive changes reflect current industry practice.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

No anticipated cost or savings because the substantive changes reflect current industry practice.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there

are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 26B-1-202	Section 26-15-2	Section 26-7-1
Section 26B-7-402	Section 26B-7-113	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	05/15/2023
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9. This rule change MAY become effective on:	05/22/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/27/2023
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R392. Health and Human Services, Disease Control and Prevention, Environmental Services.

R392-200. Sanitation and Safety of Schools.

R392-200-1. Authority and Purpose.

This rule is authorized under Sections 26B-7-402, 26B-1-202, and 26B-7-113~~[26-15-2, 26-1-5, and 26-7-4]~~. This rule establishes minimum standards for the design, construction, operation, maintenance, and sanitation of a school, and provides for the prevention and control of hazards associated with a school that are likely to adversely affect public health and wellness including risk factors contributing to injury, sickness, death, disability, and the spread of disease.

R392-200-2. Definitions.

The following definitions apply to this rule:

- (1) "ADA" means the Americans with Disabilities Act.
- (2) "Building Code" means the edition of the International Building Code adopted under Section 15A-2-103.
- (3) "Career and Technical Education (CTE)" means instruction in the areas of family and consumer science, metal machining and welding, woodworking and construction, automotive service and repair, jewelry making, ceramics, robotics, dental hygiene, composites, and print photography.
- (4) "Child care center" means a place or business offering nonmedical childcare services for more than three children under six years of age, apart from the children's parents, including a daycare, preschool, or child development home.
- (5) "Construction change" means a substantial alteration, modification, or renovation of any portion of a school such that a revision of building plans is warranted.
- (6) "Dwelling" means a building or structure that is intended or designed to be used, rented, leased, let or hired out for human habitation.
- (7) "Fire Code" means the State Fire Code as adopted in Chapter 15A-5.
- (8)(a) "Food establishment" means an operation that stores, prepares, packages, serves, or vends food directly to the consumer, or otherwise provides food to others for human consumption, including a cafeteria or concession stand.
- (b) A food establishment includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location.
- (c) A food establishment does not include:
 - (i) an establishment that offers only prepackaged foods that are not time/temperature control for safety foods;

(ii) a produce stand that only offers whole, uncut fresh fruits and vegetables; or

(iii) any class in which a student prepares a time/temperature control for safety food that is not intended to be sold or served to another individual.

(9) "Governing body" means the board of education, owner, person designated by the owner with ultimate authority and responsibility, both moral and legal, for the management, control, conduct and functioning of the school.

(10) "High-risk injury area" means:

(a) a classroom or shop dedicated to the instruction of CTE, chemistry, biology, or art;

(b) a playground or gymnasium; or

(c) any other area designated as such by the local health officer or governing body.

(11) "Home school" means a school located in a private dwelling for the formal instruction of one or more students who have been excused from compulsory education according to the requirements of Section 53G-6-204.

(12) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury. An imminent health hazard may include an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstances that may endanger public health.

(13) "Instructor" means any volunteer or employee educator, licensed or not licensed, responsible for student education at a private or public school.

(14) "IPM" means integrated pest management.

(15) "Local health department" has the same meaning as provided in Subsection 26A-1-102(5).

(16) "Local health officer" means the executive director of the jurisdictional local health department or designated representative.

(17) "Mechanical Code" means the edition of the International Mechanical Code adopted under Section 15A-2-103.

(18) "Pest" means a noxious, destructive, or troublesome organism whether plant or animal, when found in and around places of human occupancy, habitation, or use that threatens the public health or well-being of the public.

(19)(a) "Place of higher education" means a postsecondary institution of learning that provides non-compulsory education, completion of which typically results in a named degree, diploma, or certificate of higher studies.

(b) A higher-educational institution includes any university, college, teacher-training school, junior college, and institute of technology.

(20) "Plumbing Code" means the edition of the International Plumbing Code adopted under Section 15A-2-103.

(21) "Private school" means a school that is owned or operated by a private person, firm, association, organization, or corporation.

(22) "Risk" means any issue that may be likely to adversely affect public health and wellness including factors contributing to injury, sickness, death, disability, and the spread of disease.

(23) "School" means a public or private educational institution including any charter school, elementary school, middle school, or secondary school established to provide education for grades kindergarten through 12 regardless of students' age, including any attached preschool, but excluding home schools.

(24) "Service Animal" has the same meaning as provided in Subpart 35.104 of the Americans with Disabilities Act Title II Regulations.

(25) "Toxic" means any chemical or biological agent the exposure to which may cause an acute or chronic health hazard.

(26) "Vector" means any organism, such as insects or rodents, that transmits a pathogen that can affect public health.

R392-200-3. Applicability.

(1) This rule applies to any school, as defined, and the associated grounds and accessory structures.

(2) This rule does not apply to a:

- (a) home school;
- (b) child care center;
- (c) place of higher education;
- (d) professional school; or
- (e) trade school.

R392-200-4. General Requirements.

(1) The governing body shall ensure that the school building and grounds are constructed, operated, and maintained in accordance with this rule.

(2) This rule does not require a construction change in any portion of a school if the facility was constructed in compliance with law in effect when the facility was constructed except as specifically provided otherwise in this rule.

(3) Notwithstanding Subsection (2), if the local health officer determines that any condition in a school is dangerous, unsafe, unsanitary, or a nuisance or menace to life, health or property, the local health officer may order a construction change consistent with the requirements of this rule to an existing school.

(4) Notwithstanding Subsection (2), if any portion of a school is substantially altered, modified, or renovated, the governing body shall:

- (a) submit plans to the local health department before any changes are made; and
- (b) ensure that the altered, modified, or renovated portion of the school meets the requirements of this rule.

R392-200-5. Site Standards.

The governing body shall:

(1) before developing plans and specifications for a new school, or the expansion of an existing school, address with the local health department risks associated with the proposed site;

(2) ensure the proposed site is located to minimize the negative influence of railroads, freeways, highways, heavy traffic roads, industrial areas, airports and aircraft flight patterns, fugitive dust, odors, or other areas where auditory problems, malodorous conditions, or safety and health hazards exist; and

(3) submit plans and specifications to the local health department upon request by the local health officer.

R392-200-6. Student Health.

The governing body shall ensure that:

(1) in schools built before 1987, a centrally located clinic area for providing care to students who are ill, injured, or suspected of having any contagious disease is provided that includes:

- (a) smooth, non-porous, and easily cleanable flooring;
- (b) easily cleanable walls;
- (c) a cot or bed that has a cleanable surface or cover with;
- (i) disposable bedding that is changed after each person's use; or

(ii) multi-use sheets or covers that are laundered after each person's use; and

(d) the following first aid supplies:

- (i) adhesive bandages of various sizes and applications;
- (ii) compression bandages;
- (iii) sterile gauze pads;
- (iv) medical tape;
- (v) instant cold packs;
- (vi) antiseptic wipes;
- (vii) sting relief wipes;
- (viii) eyewash solution;
- (ix) single-use gloves; and
- (x) tweezers.

(2) in schools built after 1987, a permanently designated clinic room is provided that includes, in addition to each item listed in Subsections (1)(a) through (1)(d):

(a) an immediately accessible handwashing sink with hot and cold running water;

(b) liquid soap; and

(c) individual-use towels;

(3) the first aid supplies described in Subsection (1)(d) are:

(a) readily accessible;

(b) securely stored in a manner that prevents contamination and unauthorized use;

(c) not expired; and

(d) restocked as needed;

(4) the clinic room or clinic area is kept clean and maintained in good repair;

(5) any clinic room or clinic area occupied by a student is monitored by school personnel;

(6) a written plan is created that:

(a) states how a nurse or doctor can be contacted at any time the school is in session;

(b) describes the agreement established between the governing body and the nurse or doctor to ensure availability of health care services;

(c) contains copies of the certification required in Subsection (9); and

(d) contains evidence of training completion as required in Subsection (10);

(7) the plan described in Subsection (6) is available for review upon request by the local health officer;

(8) any medication administered to a student by school personnel, and any record required by Section 53G-9-502 is securely stored in a location that is accessible only by those authorized to administer the medication;

(9) at least two individuals are onsite that have current certification from a First Aid and CPR training program approved by the governing body, and proof of certification is conspicuously posted or otherwise made available to the local health officer upon request;

(10) each instructor working in a high-risk injury area or supervising a high-risk activity:

(a) is trained by the governing body in First Aid and CPR principles within the first 30 days of the onset of classes, and each year of employment thereafter;

(b) maintains evidence of First Aid and CPR training completion, and makes it available to the local health officer upon request; and

(c) maintains a readily accessible first aid kit that is appropriate for the risks in the area;

(11) in any class held in a high-risk injury area, an individual or team trained as described in Subsection (9) or (10)(a) has been designated by the governing body to respond first to an injury or medical incident;

(12)(a) each school bus driver is trained by the governing body in First Aid and CPR principles within the first 30 days of the onset of classes, and each year of employment thereafter; and

(b) each school bus is provided with an easily accessible first aid kit;

(13) in each school that provides an automated external defibrillator (AED), First Aid and CPR training as described in Subsections (9) and (10)(a) also includes training on proper AED use; and

(14) in each school that keeps Naloxone (NARCAN) on the school premises, at least two individuals are onsite that have current training on its proper use.

R392-200-7. School Safety.

(1) The governing body shall ensure that:

(a) instructional, athletic, playground, and recreational equipment is kept clean, safe, and in good repair;

(b) playground equipment:

(i) is installed and maintained in accordance with the Handbook for Public Playground Safety, U.S. Consumer Product Safety Commission, Publication Number 325, November 2010 Revision;

(ii) has no hazardous protrusions;

(iii) has no damaged or missing equipment caps or plugs;

(iv) has no bolts that expose more than two threads beyond the end of the nut;

(v) has no potential clothing entanglement hazards such as open S-hooks or C-hooks;

(vi) has no sharp points, corners, or edges;

(vii) has no crush or shearing points on exposed moving parts; and

(viii) is not installed over concrete, asphalt, or paved surfaces;

(c) if loose-fill material is used as a protective surfacing under playground equipment, at least the following depth of material is maintained while in use, [a height of at least nine inches of material is maintained while in use,] including under heavy use areas such as under swings and at slide exits;

(i) a fill depth as provided by and according to the manufacturer's or supplier's directions; or

(ii) a fill depth of at least nine inches when the manufacturer or supplier does not provide directions on fill depth;

(d) playground areas are free of tripping hazards;

(e) a master shut-off valve to flammable gas supply lines is readily accessible to instructors for emergency shut-off in each room that utilizes flammable gas supply lines;

(f) a master electric shut-off switch is readily accessible to an instructor in any life skills area, shop classroom, applicable art room, or lab where electrically operated instructional equipment is present that may pose a risk of serious injury to the operator;

(g) each instructional shop classroom, art room, craft room, and laboratory is kept clean and maintained in good condition, and cleaned and swept in a way to minimize dust;

(h) a Safety Data Sheet and manufacturer's directions accompany each substance that is deemed potentially harmful or hazardous to the health or safety of an individual who uses it and includes potential risks or hazards;

(i) the documents described in Subsection (1)(h) are available at any time for review by staff, students, and the local health officer;

(j) exposure to excessive noise, hazardous dusts, gases, mists, fumes, or vapors is controlled so a health hazard does not occur;

(k) where the eyes or body of any person may be exposed to injurious corrosive materials, an emergency shower or eyewash station or other suitable facility for quick drenching or flushing of the eyes and body is:

(i) provided within the area for immediate emergency use;

(ii) located in an area that is kept free of clutter and encumbrances to its immediate use;

(iii) designed and installed in compliance with Plumbing Code; and

(iv) inspected and flushed at least quarterly;

(l) written documentation of the inspection described in Subsection (1)(k)(iv) is made available to the local health officer upon request;

(m) any poisonous, dangerous, or otherwise harmful plant or animal is not kept on the school premises unless it is in conjunction with a course curriculum and:

(i) any poisonous or toxic plant that is part of a course curriculum is labeled with:

(A) its common name and scientific name; and

(B) written documentation describing the health risks and first aid instructions for skin contact or ingestion is made available for review to students, staff, and the local health officer upon request; and

(ii) a warning sign is posted on the confining area of each animal that is likely to carry disease that states the proper precautions and hygiene practices for animal care and handling;

(n) each oxygen, acetylene, and other high-pressure cylinder is secured from tipping over and:

(i) each valve safety cap is kept in place when any tank is not in use; and

(ii) unless securely staged on a welding cart for use, oxygen and acetylene gas cylinders are segregated from each other according to Fire Code;

(o) except in a quantity as necessary for student instruction or school facility maintenance, flammable, explosive, toxic, or hazardous chemicals are not stored or used in any building or part of a building used for instructional purposes;

(p) each hazardous chemical is stored:

(i) in a tightly sealed container;

(ii) in an area that is not accessible to unsupervised students; and

(iii) according to its hazard class as follows:

(A) flammability hazard;

(B) reactivity hazard;

(C) corrosive -- contact hazard;

(D) poison -- health hazard; or

(E) not suitably characterized by any of the foregoing categories;

(q) flammable liquid storage of more than 10 gallons is stored in a flammable liquids storage cabinet;

(r) concentrated acids are stored in a dedicated acid cabinet, except that nitric acid is stored separately;

(s) the following explosive substances are not used or stored in a school:

- (i) benzoyl peroxide;
- (ii) carbon disulfide;
- (iii) diisopropyl ether;
- (iv) ethyl ether;
- (v) picric acid;
- (vi) perchloric acid; and
- (vii) elemental potassium metal;
- (t) chemical storage shelving is secured to the wall or floor;
- (u) chemicals are not stored on shelves higher than six feet

from ground level;

~~[(v) electrical wiring and any electrical component is maintained in good repair;~~

~~(w) each electrical panel has a three-foot clearance free of obstructions;~~

~~(x) an extension cord is not:~~

~~(i) used as a permanent fixture; or~~

~~(ii) connected to an appliance or fixture via one or more additional extension cords or power strips; and]~~

~~[(y)]~~ items likely to be a source of risk to the health and safety of students are removed or secured, including:

- (i) tall shelves that are not anchored;
- (ii) fixtures that are not properly secured or anchored;
- (iii) heavy items improperly stored on top of shelves or cabinets;

(iv) excessive clutter; and

(v) damaged electrical outlets or exposed wiring from light fixtures.

(w) electrical wiring and any electrical component is maintained in good repair;

(x) each electrical panel has a three-foot clearance free of obstructions;

(y) an extension cord is not:

(i) used as a permanent fixture; or

(ii) connected to an appliance or fixture via one or more additional extension cords or power strips; and

(2) In each high-risk injury area, the class instructor shall ensure that:

(a) each student demonstrates to the instructor knowledge of proper use and safety practices for each piece of equipment before the student uses the equipment for the first time;

(b) before use, each equipment safety guard is in place and operational as required in 29 CFR 1910 Subpart O, Machinery and Machine Guarding;

(c) each piece of shop equipment designed for use in a fixed location is:

(i) securely anchored on a foundation sufficient to support the machine; and

(ii) spaced far enough from other fixed shop equipment such that the largest piece of work being made on one machine cannot interfere with the largest piece of work being made at the same time on an adjacent machine; and

(iii) includes at least 28 inches of walking clearance between machines while in operation;

(d) each student and staff person is trained and directed when operating power equipment to:

(i) avoid wearing loose clothing that can become entangled in power equipment;

(ii) avoid wearing a wristwatch, ring, or other jewelry in any area where it may constitute a safety hazard; and

(iii) restrain long hair if there is a risk of hair entanglement in moving parts of power equipment; and

(iv) wear appropriate personal protective equipment;

(e) appropriate personal safety equipment is available;

(f) each student is trained on the proper use of personal safety equipment;

(g) each student uses personal safety equipment while engaged in any activity where there is exposure to a hazardous condition; and

(h) reusable protective eyewear is cleaned and disinfected with an EPA registered disinfectant after each use.

R392-200-8. Construction and Maintenance of Physical Facilities - General.

The governing body shall ensure that:

(1) each school building floor, wall, and ceiling is constructed with materials that are durable and easily cleanable, and maintained in clean and good condition;

(2) each plumbing fixture is sized, installed, and maintained in accordance with the requirements of Plumbing Code, local health department regulations, and the ADA.

(3) roof and plumbing water leaks are repaired and the area cleaned and dried as quickly as possible to discourage mold growth;

(4)(a) lighting in each part of a school building:

(i) is provided using permanently fixed artificial light sources; and

(ii) when measured 30 inches from the floor, has the capability to provide at least the minimum required illumination levels as listed in Table 1 during hours of use;

(b) light fixtures located in each of the following areas are shatter resistant or have a protective shield to contain broken glass if the bulb or tube is broken or shattered:

(i) shops;

(ii) life skills;

(iii) cafeterias;

(iv) kitchens;

(v) food preparation areas;

(vi) toilet rooms;

(vii) shower areas;

(viii) locker rooms; and

(ix) gymnasium;

(c) light fixtures are cleaned and repaired as needed; and

(d) burned out bulbs or lamps are replaced as often as needed to maintain the illumination levels required in this section.

TABLE 1 Minimum Required Illumination Levels	
Area	Footcandle Level
General instruction, including classroom, study hall, music room, lecture room, handwritten work area, and library.	35.0
Special instruction -- CTE and high-risk areas	50.0
Gymnasium - auxiliary spaces, shower rooms, and locker rooms	10.0
Gymnasium - main recreation spaces	25.0
Auditorium, faculty and staff lunchroom, assembly and multi-purpose room, and similar room not routinely used for instruction	30.0

Corridor, commons, stairs, hallway, indoor passageway, storeroom, and similar areas	10.0
Toilet room	15.0
Office	35.0
Conference room	30.0
Media center	25.0
Building entrances, parking areas, roads, and similar areas	0.2

(5) when provided, each sleeping area is provided with a cot, mat, or floor pad and that:

(a) each reusable cover supplied by the school is easily cleanable and maintained in good repair;

(b) when in use, the cover is cleaned between each user and at least weekly, if reused by the same student; and

(c) each disposable cover is discarded after use;

(6) carpets, throw rugs, or furniture with a permeable fabric cover used for sitting shall be cleaned every at least other month of use, and as needed when soiled.

(7) items described in Subsections (5) and (6) that require laundering are not washed in laundry facilities that are designated for the school's food establishment.

R392-200-9. Construction and Maintenance of Physical Facilities -- Custodial.

(1) The governing body shall ensure that:

(a) in a new or extensively remodeled school, at least one utility sink or curbed floor sink is provided on each occupied level of the school that is:

(i) used for the cleaning of mops or similar wet floor cleaning tools;

(ii) used for the disposal of mop water or similar liquid wastes;

(iii) conveniently located for authorized personnel use; and

(iv) not used for handwashing;

(b) each utility sink chemical dispenser has a dedicated plumbing line that is not directly connected to the utility sink;

(c) the utility sink or curbed floor sink required in Subsection (1)(a) is provided in addition to any utility sink or curbed floor sink located within in a school food service establishment;

(d) a closet, cabinet, or room is provided for the storage of:

(i) cleaning materials;

(ii) pesticides;

(iii) paints;

(iv) hazardous chemicals; and

(v) tools and maintenance equipment;

(e) the closet, cabinet, or room described in Subsection

(1)(d) is kept:

(i) clean;

(ii) orderly; and

(iii) locked when a custodian is not present in the immediate area;

(f) hazardous or toxic chemicals are stored below and away from personal use articles including paper towels, toilet paper, and facial tissues; and

(g) chemical substances and products, as listed in Subsection (1)(d), are sorted and stored according to their specific hazard as described in Subsection R392-200-7(1)(p)(ii)

R392-200-10. Construction and Maintenance of Physical Facilities -- Heating, Ventilation, and Air Conditioning.

The governing body shall ensure that:

(1) air ducts and air filters are maintained to prevent the entrance of dust, dirt, or other contaminating material;

(2) vehicles are prohibited from parking in any area adjacent to and close enough to a building air intake to create a vehicle exhaust hazard or nuisance inside the building;

(3) each room heating fixture is installed, vented, and maintained in a safe working condition, and portable combustion-type space heaters are not used inside a building;

(4) the building temperature is maintained within the occupied areas of the school building:

(a) at a temperature between 68 and 74 degrees Fahrenheit during cold weather as measured from three feet above floor level;

(b) at the appropriate temperature for any school activity that, because of the nature of the activity, requires a temperature different from Subsection (4)(a), including ice skating, swimming, and vigorous exercise; or

(c) at an appropriate range for any student who qualifies under the Individuals with Disabilities Education Act (IDEA);

(5) in the event of extreme heat or extreme cold in an occupied area of the school for 90 consecutive minutes:

(a) the local health department is notified; and

(b) the local health officer is consulted on the proper course of action to take to maintain student health;

(6) a heating, ventilation, and air conditioning system inspection and any necessary maintenance activity is conducted according to the manufacturer's recommendations by qualified individuals;

(7) if the school has a boiler or other mechanical unit required to be inspected and certified for use, the most recent boiler inspection certificate issued by the Boiler, Elevator, and Coal Mine Safety Division at the Utah Labor Commission is posted in a conspicuous area where the local health officer can easily verify that the inspection has been completed and the certification is current;

R392-200-11. Water Supply.

(1) The governing body shall ensure that:

(a) the potable water system within a school, including any drinking fountain, lavatory, shower and food facility is designed, installed, and operated according to the requirements set forth by:

(i) Plumbing Code;

(ii) the Utah Department of Environmental Quality, Division of Drinking Water under Title R309, Drinking Water; and

(iii) local health department regulations;

(b) bottled water supplied or sold by the school meets the bottled water requirements of the Utah Department of Agriculture and Food; and

(c) the local health officer is notified as soon as reasonably possible but no longer than four hours after the discovery of a continuing water supply interruption.

(2) If the water supply is estimated to be or has been interrupted for four hours or more, the local health officer may require the school to close, or provide students and staff with an alternative source of potable water approved by the local health department.

R392-200-12. Wastewater.

(1) The governing body shall ensure that:

- (a) sewer services are available in a school;
- (b) the local health officer is notified as soon as reasonably possible but no longer than four hours after the discovery of a continuing sewer system interruption;
- (c) the school's sewer system is designed, installed, and operated according to the requirements set forth by:
 - (i) Plumbing Code;
 - (ii) the Utah Department of Environmental Quality, Division of Water Quality under Title R317, Water Quality;
 - (iii) local health department regulations; and
 - (iv) the local sewer district having jurisdiction;
- (d) wastewater is discharged to a public sanitary sewer system when practicable; and
- (e) where connection to a public sanitary sewer is not practicable, wastewater is discharged to an onsite wastewater disposal system that has been approved by the local health department or Utah Department of Environmental Quality, according to the requirements of Rule R317-4, Onsite Wastewater Systems.

(2) If the sewer system is estimated to be, or has been interrupted for four hours or more the local health officer may require the school to be closed or require the school to provide temporary toilet facilities as approved by the local health officer.

(3) For any school that installs or uses acidic wastewater neutralization equipment, such as a lime neutralization tank, to neutralize acidic wastewater before it is discharged into the sanitary sewer, the governing body shall ensure that:

- (a) neutralization equipment is inspected at least quarterly to ensure proper operation;
- (b) neutralization equipment is serviced according to manufacturer's directions; and
- (c) inspection and service records are kept and made available to the local health officer upon request.

R392-200-13. Toilet Rooms.

- (1) The governing body shall ensure that each toilet room:
 - (a) complies with Plumbing Code and the ADA;
 - (b) has walls, floors, and ceiling constructed of smooth, nonabsorbent, easily cleanable materials;
 - (c) is mechanically vented in accordance with Mechanical Code;
 - (d) contains an easily cleanable waste container and at least one covered waste receptacle that is accessible from within each toilet fixture enclosure used by females nine years and older;
 - (e) is kept clean and maintained in good repair, including each plumbing fixture;
 - (f) is provided with a supply of toilet tissue;
 - (g) is easily accessible and conveniently located for use:
 - (i) when the school is in session;
 - (ii) during school approved activities;
 - (iii) near school recreational facilities while they are in use;
- and
- (iv) for any other areas utilized for school functions outside of standard hours of use;
 - (h) is not lockable unless:
 - (i) students have access to the number of unlocked toilet rooms as required in Plumbing Code and the ADA; or
 - (ii) the toilet room is restricted to faculty or staff;
- (2) The governing body shall ensure that a self-closing entrance door is provided if privacy is not achieved using shielding to break the line of vision of a person looking into the toilet room from outside the toilet room;

(3) The governing body shall ensure that for each toilet room that is designed for use by more than one person at a time:

(a) each toilet occupies a separate compartment with walls or partitions and a door enclosing the fixture to ensure privacy such that:

- (i) the height of the walls or partitions allows sufficient light or ventilation therein; and
- (ii) the walls or partitions and door begin at a height not more than 12 inches from and extend not less than 60 inches above the finished floor surface; and
- (b) there is a solid partition installed to provide privacy according to the requirements of Plumbing Code between adjacent urinals if there are two or more adjacent urinals, and between a urinal and any adjacent handwashing area.

R392-200-14. Handwashing Sinks.

The governing body shall ensure that:

- (1) a handwashing sink is placed in or immediately adjacent to each toilet facility;
- (2) a handwashing sink is located in or conveniently adjacent to at least the following instruction areas:
 - (a) elementary classrooms;
 - (b) life skills classrooms;
 - (c) art classrooms, except digital media;
 - (d) chemistry labs;
 - (e) biology labs;
 - (f) auto shops;
 - (g) wood and metal shops;
 - (h) drama set building areas;
 - (i) any location where an individual is required to handle a liquid that may burn, irritate, or otherwise harm the skin;
 - (j) any location where an individual changes a diaper, as specified in Section R392-200-22; and
 - (k) any location where an individual is required to handle plants or animals.
- (3) water provided at a handwashing sink is tempered to or adjustable to a minimum of 100 degrees Fahrenheit and does not exceed 110 degrees Fahrenheit;
- (4) each handwashing sink is installed at a height appropriate to the individuals who use it;
- (5) each handwashing sink is provided with:
 - (a) hot and cold water; and
 - (b) a faucet that utilizes a mixing valve or a combination faucet;
- (6) each self-closing, slow-closing, or metering faucet in use is designed to provide a flow of water for a sufficient length of time to rinse both hands;
- (7) each handwashing sink and any related fixture is kept clean and maintained in good repair.
- (8) hand cleaning soap or detergent is provided at a convenient location near each handwashing sink;
- (9) one of the following approved hand drying provisions is conveniently located near each handwashing sink:
 - (a) disposable paper towels that are:
 - (i) in a protective dispenser; and
 - (ii) dispensed one towel at a time;
 - (b) a forced-air mechanical hand-drying device that provides heated air; or
 - (c) cloth towels if a towel or segment of a roll cloth towel is:
 - (i) provided to each person; and
 - (ii) laundered after use;

R392-200-15. Shower Facilities.

The governing body shall ensure that:

- (1) a shower facility is provided:
 - (a) for classes in physical education if students are required to change clothes;
 - (b) with hot and cold water at each shower head utilizing a mixing valve or combination faucet;
 - (c) with at least two privacy showers for schools constructed after January 1, 2012;
 - (d) with sufficient shower fixtures to accommodate the number of individuals who wish to shower at any one time, including the two shower heads required in Subsection (1)(c), as applicable;
 - (e) with a supply of liquid soap made available as needed;
 - (f) with a conveniently located toilet room;
 - (g) with towel racks or hooks; and
 - (h) with a ventilation system installed and maintained in accordance with Mechanical Code;
- (2) each shower facility is constructed:
 - (a) to prevent water flow into drying or dressing areas; and
 - (b) with smooth, nonabsorbent, and easily cleanable materials;
- (3) a dressing room area is provided adjacent to each shower facility that is constructed with:
 - (a) ~~[with]~~ a non-skid floor sloped to drain; and
 - (b) ~~[with functioning floor drains; and~~
 - (c) ~~[with]~~ hard surfaces or materials that cannot absorb water;
- (4) each shower facility, dressing room, and adjacent area is kept clean and free of clutter;
- (5) each shower facility wall, ceiling, and fixture is kept clean and maintained in good repair;
- (6) shower floors are cleaned and disinfected daily, as needed, after any school activity use; and
- (7) if any student is provided with a towel, each towel is laundered at least weekly and is not shared with another student.

R392-200-16. Drinking Fountains.

- (1) The governing body shall ensure that each drinking fountain is:
 - (a) installed and maintained according to the requirements of Plumbing Code;
 - (b) capable of providing a water stream of at least a two-inch arch into the basin;
 - (c) kept clean and in good repair;
 - (d) located in an area where contamination from human wastes or toxic or hazardous materials is not likely to occur, including a toilet room or laboratory; and
 - (e) installed so the height of the water stream is at the drinking level convenient to students utilizing the fixture; ~~and~~
 - (f) ~~conveniently located and easily accessible for each recreational facility and area utilized for school functions].~~
- (2) The governing body shall ensure that:
 - (a) each of the following, if provided by the school, meet the requirements of Rule R392-100, Food Service Sanitation:
 - (i) single service and multi-use cups;
 - (ii) water coolers; and
 - (iii) portable water dispensers;
 - (b) the flooring under each drinking fountain is smooth, non-porous, and easily cleanable; and
 - (c) each water dispensing fixture is maintained according to the manufacturer's directions.

R392-200-17. School Grounds.

The governing body shall ensure that:

- (1) school ground fencing is constructed of smooth materials with no barbs or projections and is maintained in good repair;
- (2) mechanical equipment, electrical transmission lines, poles, transformer boxes, and other electrical equipment are located or protected with a barrier to prevent an electrical or other safety hazard;
- (3) walkways are:
 - (a) provided between the school building and other buildings on the school grounds;
 - (b) graded to allow proper drainage and safe passage; and
 - (c) maintained in good repair and free of a buildup of snow or ice;
- (4) each parking area is maintained in good repair and free of a buildup of snow or ice;
- (5) a lawn sprinkler head does not create a hole or trip hazard on a playground or other recreational area;
- (6) each service road, parking area, and walkway is constructed and located to facilitate the safe movement of vehicular and pedestrian traffic;
- (7) items likely to be a source of risk to health and safety are removed, including weeds, holes, broken glass, or broken or cut tree limbs, and that excavations or ditches are filled;
- (8) playgrounds are adequately supervised during recess and school sponsored outdoor time;
- (9) playground equipment, if provided, is located to permit supervision and away from risks not normally associated with playground equipment;
- (10) the likelihood of a student coming into contact with an animal is minimized by:
 - (a) the installation of fencing at each elementary school;
 - (b) except for a classroom pet approved by the governing body, ensuring that an animal is only brought to the school by a student or teacher for instruction or demonstration purposes; and
 - (c) taking action to remove any dog found on the school property except:
 - (i) a dog as allowed in Subsection (10)(b) if the dog is controlled in a manner that protects students and the dog has been vaccinated for rabies; or
 - (ii) a police enforcement dog, or service animal on duty under ADA or under an authorized individualized education plan made pursuant to the Individuals with Disabilities Education Act;
- (11) if bicycles or other transportation devices are permitted at a school, a designated area is provided and located where it will not create a safety hazard by obstructing building entry or exit ways, walkways, or vehicular traffic; and
- (12) roof access is restricted to authorized users only, and inaccessible to students.

R392-200-18. Pest Management.

- (1) The governing body shall:
 - (a) minimize in school buildings or on school grounds the presence of any pest that:
 - (i) is a vector for disease;
 - (ii) carries an allergen that is likely to affect an individual with allergies or respiratory problems; or
 - (iii) may sting or bite, causing a mild to serious reaction in some individuals;

(b) adopt IPM practices and principles to prevent harmful levels of pest activity on the school premises with the lowest possible risk to people, property, and the environment by adopting and implementing an IPM plan written by the governing body or the contracted pest management entity that contains the following topics:

- (i) an IPM policy statement;
- (ii) IPM implementation and education;
- (iii) pest identification, monitoring procedures, reporting and control practices;
- (iv) approved pesticides for school use;
- (v) procedures for pesticide use;
- (vi) a policy for the notification of students, parents, and staff; and
- (vii) pesticide applicator requirements;
- (c) use non-chemical management methods when possible to provide the desired control; and
- (d) use a full range of control alternatives including:
 - (i) identification and removal or repair of conditions that are conducive to pests;
 - (ii) structural repair and sealing;
 - (iii) improved sanitation;
 - (iv) removal of clutter or harborage;
 - (v) elimination of food sources;
 - (vi) exclusionary measures to protect doors, windows and any other opening to the outside against the entrance of insects, rodents, and other animals; and
 - (vii) taking no action when the pest does not create a nuisance, or has no public health or property damage significance.
- (2) The plan described in Subsection (1)(b) shall be made available to the local health officer upon request.
- (3) The governing body shall ensure that:
 - (a) if the governing body chooses to not use a contracted pest control contractor, school personnel who apply pesticides comply with the Utah Department of Agriculture and Food Rule R68-7, Utah Pesticide Control Rule; and
 - (b) a pesticide applicator at a school only applies a pesticide according to the labeled directions.
- (4) A local health officer may require modification of an IPM plan if the plan fails to adequately address risks to the health or safety of school occupants.

R392-200-19. Food Service.

The governing body shall ensure that each food establishment operates in compliance with Rule R392-100, Food Service Sanitation, and local health department regulations;

R392-200-20. Swimming Pools.

The governing body shall ensure that a swimming pool at a school is designed, constructed, operated, and maintained in accordance with Rule R392-302, Design, Construction and Operation of Public Pools.

R392-200-21. Boarding and Lodging.

The governing body shall ensure that each student boarding room is constructed and operated according to the requirements of Sections R392-502-7 and R392-502-9.

R392-200-22. Waste Collection, Storage, and Disposal.

- (1) The governing body shall ensure that:
 - (a) a waste container is provided in each classroom;

(b) for a shop, chemistry lab, and similar area, a separate waste container is provided for each type of waste material not allowed to be disposed with regular municipal waste;

(c) solid waste is kept in a durable, easily cleanable, insect and rodent resistant container that does not leak or absorb liquids;

(d) a sufficient number and size of containers are provided to hold any solid waste accumulated between the times when the containers are emptied;

(e) each waste container is cleaned, repaired, or replaced at a frequency that will prevent odors and insect or rodent attraction;

(f) liquid waste from compacting or cleaning operations is disposed of as sewage and not in a storm drain;

(g) except as in Subsection (2), waste:

(i) is stored and located to minimize access to insects, rodents, other animals, and to not cause a nuisance;

(ii) that is contained in plastic bags, wet strength paper bags, or baled units is not stored outdoors without being protected in an enclosure and closeable container if the waste contains garbage, refuse, or food waste; and

(iii) is disposed of:

(A) often enough to prevent the development of odor and to minimize the harborage of insects or rodents; and

(B) in accordance with Utah Division of Solid and Hazardous Waste rules and local health department regulations;

(h) hazardous and regulated waste disposal complies with the Utah waste management rules and applicable local regulations;

(i) a tight-fitting lid, door, or cover:

(i) is provided on each waste container, refuse bin, compactor, and compactor system; and

(ii) is kept closed except when emptying or filling;

(j) a container, refuse bin, compactor, and compactor system used by the school is easily cleanable and maintained in good repair;

(k) a container designed with drains has a drain plug in place for each drain except during cleaning;

(l) a waste storage room, if used, has:

(i) walls, floors, and ceilings constructed with easily cleanable, nonabsorbent, washable materials that are clean and in good repair; and

(ii) doors that are fitted to reduce the entrance of rodents and insects;

(m) each outside storage area or enclosure is:

(i) constructed of easily cleanable materials;

(ii) kept clean; and

(iii) maintained in good repair; and

(n) each outside waste container, refuse bin and compactor system is stored on or above a solid surface of cleanable material, including concrete or asphalt, that is kept clean and maintained in good repair.

(2) Waste material, including packaging material or cardboard, that contains no garbage, refuse, or food waste may be stored in an enclosure or baled and not in a container.

R392-200-23. Diapering Assistance in Child Care and ADA.

If the school provides diapering assistance for children or ADA students who wear diapers, the governing body shall ensure that:

(1) diaper changing procedures meeting the requirements of this section are posted in the diaper changing area and that they are followed;

- (2) the school has a designated diaper changing area that:
- (a) is not located in the immediate vicinity of a food preparation or food service area;
 - (b) is not used for any other purpose while diaper changing procedures are being performed; and
 - (c) includes a privacy area for any individual who is older than three years of age including:
 - (i) an area that can be screened off;
 - (ii) a lockable toilet room; or
 - (iii) a lockable stall within a toilet room;
- (3) the diapering surface and floor area is designed with a smooth, nonabsorbent surface kept in good repair;
- (4) children are not diapered directly on the floor;
- (5) a person being diapered is not left unattended on an elevated diapering surface;
- (6) each diapering surface is cleaned and disinfected after each use with a disinfectant that is:
- (a) registered by the U.S. Environmental Protection Agency;
 - (b) labeled for surface disinfection;
 - (c) used according to the manufacturer's instructions;
 - (d) maintained in a properly labeled container; and
 - (e) stored in a secured location out of the reach of diapered children and students, but accessible to any individual who performs diapering services;
- (7) individuals who perform diapering tasks immediately wash their hands with soap and water after changing a diaper and before commencing other tasks, including food handling;
- (8) each soiled disposable diaper is placed in an indoor or outdoor container with a tight-fitting lid;
- (9) soiled cloth diapers are not rinsed at the school, and are placed directly into:
- (a) a leak-proof container; or
 - (b) a sealed bag and a container that is:
 - (i) inaccessible to any child; and
 - (ii) labeled with the child's name; or
 - (c) a leak-proof diapering service container;

R392-200-24. Inspections and Investigations.

Upon presenting proper identification, the governing body shall permit a local health officer to enter the school or premises to perform inspections, investigations, and other actions as necessary to ensure compliance with this rule.

R392-200-25. Closing or Restricting Use of a School.

- (1) If a local health officer deems a school or portion thereof to be an imminent health hazard, the school may be closed or its use may be restricted, as determined by the local health officer.
- (2) The governing body shall restrict public access to the impacted area of any school closed or restricted to use by a local health officer within a reasonable time as ordered by the local health officer.
- (3) The governing body may not allow the public to utilize any school or portion thereof that has been deemed unfit for use until written approval of the local health officer is given.

R392-200-26. Severability.

If a provision of this rule, or its application to any person or circumstance is declared invalid, the application of such provisions to other persons or circumstances, and the remainder of this rule shall be given effect without the invalidated provision or application.

KEY: public health, schools, sanitation

Date of Last Change: ~~2023~~~~September 27, 2022~~

Notice of Continuation: October 21, 2021

Authorizing, and Implemented or Interpreted Law: ~~[26-15-2; 26-1-30(9); 26-1-30(23); 26-1-5; 26-7-1]~~26B-7-402; 26B-1-202; 26B-7-113

NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal

Rule or Section Number:	R414-100	Filing ID: 55298
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Agency Information

1. Department:	Health and Human Services	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R414-100. Medicaid Primary Care Network Services

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The Department will repeal this rule because the Primary Care Network (PCN) no longer exists under the Medicaid program.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule is repealed in its entirety, and no longer necessary, because PCN no longer exists under the Medicaid program.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

There is no impact to the state budget because this repeal only reflects current policy, and does not affect current or future appropriations.

B) Local governments:

There is no impact on local governments as they neither fund nor provide benefits under the Medicaid program.

C) Small businesses ("small business" means a business employing 1-49 persons):

There is no impact on small businesses because this repeal only reflects current policy, and does not affect current or future appropriations.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There is no impact on non-small businesses because this repeal only reflects current policy, and does not affect current or future appropriations.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no impact on Medicaid providers and Medicaid members because this repeal only reflects current policy, and does not affect current or future appropriations.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs to a single Medicaid provider or to a Medicaid member because this repeal only reflects current policy, and does not affect current or future appropriations.

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this fiscal analysis. Businesses will see neither costs nor revenue as this rule repeal only reflects current policy, and does not affect current or future appropriations.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 26B-1-204	Section 26-18-3	
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Public Notice Information**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	05/15/2023
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9. This rule change MAY become effective on:

05/22/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	03/27/2023
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R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

[R414-100. Medicaid Primary Care Network Services.

R414-100-1. Introduction and Authority.

~~This rule lists the services under the Medicaid Primary Care Network (PCN). The Primary Care Network is authorized by a waiver of federal Medicaid requirements approved by the federal Center for Medicare and Medicaid Services and allowed under Section 1115 of the Social Security Act effective January 1, 1999. This rule is authorized by Title 26, Chapter 18, UCA.~~

R414-100-2. Definitions.

~~(1) "Emergency" means the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:~~

- ~~(a) placing the enrollee's health in serious jeopardy;~~
- ~~(b) serious impairment to bodily functions;~~
- ~~(c) serious dysfunction of any bodily organ or part; or~~
- ~~(d) death.~~

~~(2) "Emergency services" means:~~

~~(a) attention provided within 24 hours of the onset of symptoms or within 24 hours of diagnosis;~~

~~(b) for a condition that requires acute care, and is not chronic;~~

~~(c) reimbursed only until the condition is stabilized sufficient that the patient can leave the hospital emergency department; and~~

~~(d) is not related to an organ transplant procedure.~~

~~(2) "Outpatient" means an enrollee who receives services from a licensed outpatient care facility.~~

~~(3) "Primary care" means services to diagnose and treat illness and injury as well as preventive health care services. Primary care promotes early identification and treatment of health problems, which can help to reduce unnecessary complications of illness or injury and maintain or improve overall health status.~~

R414-100-3. Services Available.

~~(1) To meet the requirements of 42 CFR 431.107, the department contracts with each provider who furnishes services under the PCN.~~

~~(2) By signing a provider agreement with the department, the provider agrees to follow the terms incorporated into the provider agreements, including policies and procedures, provider manuals, Medicaid Information Bulletins, and provider letters.~~

~~(3) By signing an application for Medicaid coverage, the enrollee agrees that the department's obligation to reimburse for services is governed by contract between the department and the provider.~~

~~(4) Medical or hospital services for which providers are reimbursed under the PCN are generally limited by federal guidelines as set forth under Title XIX of the federal Social Security Act and Title 42 of the Code of Federal Regulations (CFR).~~

~~(5) The following services in the Medicaid Primary Care Network are available to those adults found eligible under Section 1931 of the federal Social Security Act (Aid to Families of Dependent Children adults and medically needy adults):~~

~~(a) emergency services only in a designated hospital emergency department;~~

~~(b) primary care physician services provided directly by licensed physicians or osteopaths, or by licensed certified nurse practitioners, or physician assistants under appropriate supervision of~~

~~the physician or osteopath, but not including pregnancy related or mental health services by any of the listed providers;~~

~~(c) services associated with surgery or administration of anesthesia are physician services to be provided by physicians or licensed certified nurse anesthetists;~~

~~(d) laboratory and radiology services by licensed and certified providers;~~

~~(e) durable medical equipment, supplies and appliances used to assist the patient's medical recovery;~~

~~(f) preventive services, immunizations and health education methods and materials to promote wellness, disease prevention and manage illnesses;~~

~~(g) pharmacy services by a licensed pharmacy limited to four prescriptions per month, per client with no overrides or exceptions in the number of prescriptions;~~

~~(h) dental services are limited to examinations, cleanings, fillings, extractions, treatment of abscesses or infections and to be covered must be provided by a dentist in the office;~~

~~(i) transportation services limited to ambulance (ground and air) service for medical emergencies;~~

~~(j) interpretive services provided by contracting entities competent to provide medical translation services for people with limited English proficiency and interpretive services for the deaf; and~~

~~(k) vision services once every 12 months including an eye examination/refraction by a licensed ophthalmologists or optometrists, but not including the cost of glasses or other refractive device.~~

KEY: Medicaid, primary care network

Date of Last Change: September 27, 2017

Notice of Continuation: April 15, 2022

Authorizing, and Implemented or Interpreted Law: 26-18]

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section
Number:

R501-12

Filing ID:
55307

Agency Information

1. Department:	Health and Human Services	
Agency:	Administration, Administrative Services, Licensing	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
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Please address questions regarding information on this notice to the agency.

General Information**2. Rule or section catchline:**

R501-12. Foster Care Services

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The purpose of this amendment is to reduce burden on licensees regarding who can conduct their home studies.

In addition, terms were clarified and substantive changes added in support of DCFS to facilitate maintaining overall familial relationships for children in foster care.

Lastly, the amendment removes extensive requirements for content of home study and application documents and requires the use of an office approved template with the required information already built-in to assist child placing agencies in more easily meeting rule requirements without having to reference this rule.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The revisions include more specific language and formatting consistent with the Utah Rulewriting Manual, defines and addresses a new category called "kinship connections" and updates respite care practices. Key stakeholders had input into this rule and the Division of Child and Family Services is working closely with the Office of Licensing to ensure our agencies are aligned in understanding and enforcing the new rule content.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

State government process was thoroughly reviewed. This change will not impact the current process for licensure and re-licensure. No change to the state budget is expected because this amendment still requires the same amount of work to regulate foster and kinship care licensees.

B) Local governments:

Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments' revenues or expenditures because there is no local government involvement in foster care licensing.

There are no fiscal impact to local governments resulting from the substantive or nonsubstantive changes in this rule content.

C) Small businesses ("small business" means a business employing 1-49 persons):

Small businesses will not incur additional cost as a result of this filing. Child placing foster agencies licensed by the office may now elect to utilize non-licensed staff to conduct their home studies as a result of this rule change.

Additionally, home studies will be conducted on an office template to assist with standardization and compliance with content requirements. Although inestimable, it is anticipated that the agency licensees will realize efficiencies and cost benefits as a result.

There are no fiscal impact to small businesses resulting from the substantive or nonsubstantive changes in this rule content.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

Non-small businesses will not incur additional cost as a result of this filing. At this time, there are no child placing foster agencies with over 50 employees. Child placing foster agencies licensed by the office may now elect to utilize non-licensed staff to conduct their home studies as a result of this rule change.

Additionally, home studies will be conducted on an office template to assist with standardization and compliance with content requirements. Although inestimable, it is anticipated that the agency licensees will realize efficiencies and cost benefits as a result.

There are no fiscal impact to small businesses resulting from the substantive or nonsubstantive changes in this rule content.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that there are any additional entities who will be impacted by this amendment.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no fees charged to foster care licensees, so there will be no fiscal cost or savings to affected persons.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 26B-2-104		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	05/15/2023

9. This rule change MAY become effective on:	05/22/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/30/2023
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R501. Health and Human Services, Administration, Administrative Services, Licensing.

R501-12. Foster Care Services.

R501-12-1. Authority.

This [R]rule is authorized by [~~Sections 62A-2-101 et seq.~~]Section 26B-2-104.

R501-12-2. Purpose Statement.

(1) This [R]rule establishes standards for the licensure of foster parents for children in the custody of DHHS, inclusive of its divisions.

(2) This [R]rule establishes standards [~~that must be utilized by~~]for child[-] placing foster agencies [~~for~~]to utilize in the certification of foster parents to provide care for foster children.

(3) This [R]rule establishes compliance standards for licensed and certified foster parents.

R501-12-3. Definitions.

[~~As used in this Rule:~~

(1) "Agency" means the owners, directors and managers of a child[-] placing foster agency licensed by the DHHS Office of Licensing to certify foster parents.[~~"Agency" refers to the owners, directors and managers.~~]

(2) "Child" is defined in Section [~~62A-2-101.~~]26B-2-101.

(3) "Child Care" is defined in Section [~~26-39-102.~~]26B-2-401.

(4) [~~"DCFS" means the DHS Division of Child and Family Services.~~] "Certified" means a family recruited by a child placing foster care agency who meets all the requirements of Rule R501-12 and is issued a certification that would equal a foster care license if issued by the office. A certified family under this rule does not mean a home certified by the office for providing unlicensed services to a Division of Services for People with Disabilities client.

(5) "Custodial Agency" means the agency that maintains legal custody of the foster child.

(6) "DCFS" means the DHHS Division of Child and Family Services.

([5]7) "[~~DHS~~]Department" means the Utah Department of Health and Human Services (DHHS), including all divisions, offices and institutions.

([6]8) "Direct Access" is defined in Section [~~62A-2-101.~~]26B-2-101.

[~~(7) "DJJS" means the DHS Division of Juvenile Justice Services.~~]

([8]9) "Foster Care" means the temporary provision of family based care for a foster child by a foster parent.

([9]10) "Foster Child" means a person under 21 years of age who remains subject to the continuing jurisdiction of the [~~J~~]juvenile [~~C~~]court or whose placement in the home was facilitated by a division of the Department of Health and Human Services.

(14)11 "Foster Parent" means a substitute parent licensed by the DHHS Office of Licensing or certified by a licensed child[-] placing foster [A]agency[.] and includes the spouse of the primary applicant. A [F]oster parent[s] may also be referred to by other titles, including includes a proctor [foster-]parent[s], professional [foster]parent[s], resource family[ies], or kinship caregiver[s].

(14)12 ["Hazardous Material" means any substance that if ingested, inhaled, ignited, used, or touched may cause significant injury, illness, or death. These substances include:

- ~~(a) pesticides;~~
- ~~(b) gasoline;~~
- ~~(c) bleach, including bleach based cleansers;~~
- ~~(d) compressed air;~~
- ~~(e) ammonia, including ammonia based cleansers;~~
- ~~(f) chemical drain openers;~~
- ~~(g) hair relaxers or permanents;~~
- ~~(h) kerosene;~~
- ~~(i) spray paint;~~
- ~~(j) paint thinner;~~
- ~~(k) automotive fluids;~~
- ~~(l) toxic glues (excludes non-toxic glues);~~
- ~~(m) oven cleaners;~~
- ~~(n) matches, lighters, lighter fluid;~~
- ~~(o) cleaning aerosols;~~
- ~~(p) medications; and~~
- ~~(q) ultra and concentrated detergent capsules.]"General, common use, household items" means:~~
- ~~(a) oral hygiene products;~~
- ~~(b) hair and cosmetic products;~~
- ~~(c) facial and skin hygiene products;~~
- ~~(d) cutlery;~~
- ~~(e) laundry and dish detergent, excluding concentrated pods;~~

- ~~(f) cleaning wipes;~~
 - ~~(g) rubbing alcohol;~~
 - ~~(h) nail polish remover;~~
 - ~~(i) laundry stain remover;~~
 - ~~(j) propane attached to a grill;~~
 - ~~(k) air fresheners and deodorizers; and~~
 - ~~(l) spray furniture polish.~~
- (13) "Hazardous Material" means any substance that if ingested, inhaled, ignited, used, or touched may cause significant injury, illness, or death. These substances include:

- ~~(a) pesticides;~~
- ~~(b) gasoline;~~
- ~~(c) bleach, including bleach-based cleansers;~~
- ~~(d) compressed air;~~
- ~~(e) ammonia, including ammonia-based cleansers;~~
- ~~(f) chemical drain openers;~~
- ~~(g) hair relaxers or permanents;~~
- ~~(h) kerosene;~~
- ~~(i) spray paint;~~
- ~~(j) paint thinner;~~
- ~~(k) automotive fluids;~~
- ~~(l) toxic glues, excluding non-toxic glues;~~
- ~~(m) oven cleaners;~~
- ~~(n) matches, lighters, lighter fluid;~~
- ~~(o) cleaning aerosols;~~
- ~~(p) medications; and~~
- ~~(q) concentrated detergent capsules.~~

(12)4 "Home Study" means ~~a[the same as a pre-placement adoptive evaluation as outlined in Section 78B-6-128 and is the]~~ written assessment of an applicant's ability to:

- (a) comply with applicable statutes and administrative rules related to providing foster care;
- (b) meet the physical and emotional needs of a foster child; and

(c) actively engage in achieving the custodial [A]agency's identified outcomes for a foster child.

(13)5 "Human Services Program" is defined in Section [62A-2-101-]26B-2-101.

(14)6 "Incidental Care" is defined in Section [62A-2-120]26B-2-120.

~~[(a) Foster parents shall utilize reasonable and prudent judgment in selecting a provider of incidental care of a foster child.~~

~~(b) Incidental care is permitted only in DHS licensed homes, not those certified by child placing agencies.]~~

(15)7 ["Medication" means any over-the-counter or prescription drug, vitamin, or supplement in any form.]"Kinship Connection" means relationships to foster children with the purpose of maintaining or strengthening familial relationships and connections with other individuals that are approved in writing in the DHHS client record.

(18) "Medication" means any over-the-counter or prescription drug, vitamin, or supplement in any form.

(16)9 "Office" ~~[is defined in 62A-2-101(30)]~~means the office of licensing within the Division of Licensing and Background Checks under DHHS.

(17)20 "Poverty Guidelines" means the current US Department of Health and Human Services listing of poverty levels as determined by the number of members of a family, ~~[(see https://aspe.hhs.gov/poverty-guidelines).]~~

(18)21 ~~[For purposes of this rule:]~~"Reside" means living in the foster home for any cumulative 30 days of the past 12 months. Reside is further defined in Rule R501-14 as it applies to background clearances only.

~~[(a) for purposes of background screening, please refer to "reside" definition listed in Section R501-14-2.]~~

(19)22 "Respite Care" means the short term provision of family based care for a foster child by a foster parent ~~[in order]~~to provide relief to another parent. Respite care does not include kinship connections, if identified individuals are specifically named, along with any contact allowances or parameters in the DHHS client record.

(23) "Reasonable Temperature" means between 65 and 82 degrees Fahrenheit.

(20)4 "Siblings" means children with a common parent or grandparent, regardless of whether their legal relationship has been severed, including biological siblings, half-siblings, step-siblings, adopted siblings, and cousins.

(24)5 "Sick" means to have a fever, to be experiencing ongoing or severe diarrhea, unexplained lethargy, respiratory distress, ongoing or severe vomiting, or pain or other symptoms that are ongoing or severe enough to impair a child's ability to participate in normal activity.

(26) "The Provider" means a foster parent or agency.

R501-12-4. Initial Application, Renewal, and Reapplication Process.

~~[(1) Initial application for licensure or certification]~~

(a)1 [a]An individual or legally married couple age 18 or over may apply for licensure or certification to be a foster parent.

(2) The provider shall apply for licensure or certification by fully completing the approved initial license application template form, that is found on the office website.~~[Applicant shall provide a completed Office or Agency foster care application that lists each member of the applicant's household and shall include:~~

~~(a) an acknowledgement of responsibility to maintain clients' confidentiality;~~

~~(b) a signed Office of Licensing Provider Code of Conduct form as required in Rule R501-1-11;~~

~~(c) an acknowledgement that the applicant has read and understands Rule R501-12 Foster Care Services; and~~

~~(d) A written statement of household income and expenses, together with consecutive current pay stubs or income tax forms.]~~

~~(i)3~~ The [O]office or [A]agency may consider poverty guidelines when evaluating the dependence of a foster parent on foster payments for their own expenses.

~~(ii)4~~ The [O]office or [A]agency may require supporting documentation of household income and expenses to verify the foster parent or foster parent applicant is financially stable and will not be dependent on foster care reimbursement.

~~(2)5~~ [Training

~~(i) A]The foster parent applicant shall provide verification of successful completion of DCFS or [A]agency approved pre-service training [by each applicant] within the past 24 months.[-and]~~

~~(ii)6~~ The foster parent applicant shall provide v[erification of current cardiopulmonary resuscitation (CPR) and first aid training[-for each prospective foster parent]. Accepted training includes Heart Savers, American Red Cross, and American Heart Association Friends and Family.

~~(3) Medical Assessment~~

~~(a)7~~ ~~[Each]The foster parent applicant shall authorize a licensed health care professional to complete a physical exam within the previous 12 months and send a signed medical reference report directly to the [O]office or [A]agency. A medical reference report [must]shall assess the current ability of the individual to be a foster parent.~~

~~(b)8~~ ~~[A]If required by the office or agency to assess mental health status, the foster parent or foster parent applicant shall complete a professional mental health examination.[-of a prospective or current foster parent may be required by the Office or the Agency if there are concerns regarding the individual's mental status which may impair functioning as a foster parent. These concerns may be based upon any information gathered during the licensing or certifying and monitoring process.]~~

~~(i)a~~ The office or agency shall determine the type of professional mental health examination required ~~[shall be determined by the Office or Agency]~~ based on the nature of the presenting concerns.

~~(ii)b~~ The office or agency administration shall collaborate with a clinical professional to make the ~~[D]determination of need and type of examination required.[-will be made collaboratively involving the licenser, Agency or Office administration, and clinical staff from within the DHS or Agency.]~~

~~(iii)c~~ The ~~[prospective or current]~~ foster parent or foster parent applicant shall authorize the release of examination information to the [O]office or [A]agency, including a signed report that assesses the ability of the individual to parent vulnerable foster children full time as a foster parent.

~~(iv)d~~ The foster parent or foster parent applicant shall pay for any requested ~~[M]medical [and]or mental health examinations.[-shall be paid for by the prospective or current foster parent.]~~

~~(e)e~~ The ~~[Agency or the Office]~~office or agency may, in the exercise of their professional judgment, deny, suspend or revoke an application, certification or license if a medical reference report or other examination reveals reasonable concerns regarding an applicant's ability to provide foster care services, or if the required examination is not completed and provided to the ~~[Agency of the Office]~~office or agency.

~~(4) References~~

~~(a)9~~ At the time of initial application or as requested thereafter, ~~[the]the foster parent applicant shall submit the names, mailing address, email addresses, and phone numbers of no more than four individuals who will be contacted by the [Agency or the Office]office or agency and asked to provide a reference letter. [These individuals shall be knowledgeable regarding the ability of the applicant to provide a safe environment and to nurture foster children. One reference must be a relative of the applicant and three must be non-relatives. Only the four original reference individuals submitted will be considered.]If there is more than one individual listed on the foster parent application, the referents may address both individuals in the same reference.~~

~~(a)~~ The foster parent applicant shall select referents who are knowledgeable regarding the ability of the applicant to provide a safe environment and to nurture foster children.

~~(b)~~ The foster parent applicant shall select one referent that is a relative of the applicant and three non-relatives.

~~(c)~~ The agency or office shall only consider the four original reference individuals submitted.

~~(b)d~~ A minimum of three out of the four individuals, including one relative and two non-relatives, ~~[must]shall~~ submit reference letters directly to the ~~[Agency or the O]office or agency. Except as provided in Subsection R501-12-15(3), [A]-the office or agency shall require a minimum of three reference letters received [must be -]that are acceptable to the [Agency or the O]office or agency.~~

~~(e)e~~ The ~~[Agency or the O]office or agency~~ may, in the exercise of their professional judgment, deny an application if a reference reveals reasonable concerns regarding an applicant's ability to provide foster care services.

~~(5) Background screening~~

~~(a)10~~ ~~[Each]The foster parent applicant and each person[s] 18 years of age or older residing in the home shall submit a background screening application as part of the initial application. [A background screening application is also required at the point any new individual over the age of 18 moves into the home. A foster parent shall not be licensed or certified unless the background screening applications of persons 18 years of age or older who reside in the home are approved by the Office in compliance with Section 62A-2-120 and Rule R501-14.]~~

~~(a)~~ A background screening is also required for any new individual over the age of 18 who moves into the home.

~~(b)~~ The office or agency may not license or certify a foster parent unless the background screening of each person 18 years of age or older that resides in the home is deemed eligible by the office in compliance with Section 26B-2-120 and Rule R501-14.

~~(b)c~~ ~~[A]The foster parent [shall]may not permit any person without an [O]office approved background [screening]clearance to have unsupervised direct access to a foster child unless:~~

~~(i)~~ the person is a provider of ~~[Incidental Care"]incidental care[as defined in Section 62A-2-120 and Subsection R501-12-3(14)]; or~~

(ii) the person's access is driven by child-centered normalcy needs that are guided by reasonable and prudent parenting as described in Section[s] ~~[62A-4a-211 through 62A-4a-212]~~ 26B-1-238 and is not a foster parent-centered delegation of parental responsibility.

([e]d) [A]The foster parent shall immediately notify the [O]office or [A]agency if any person in the home is charged with or under investigation for any criminal offense, or allegation of abuse, neglect, or exploitation of any child or vulnerable adult.

([i]e) A pending Child Protective Services, Adult Protective Services or Law Enforcement investigation of any person in the home ~~[shall]~~ may result in a license or certification suspension until resolved to the satisfaction of the Office.

([d]f) ~~[Pursuant to]~~ In accordance with S[ubs]ection ~~[62A-4a-1003(2)]80-2-1001~~, the [O]office shall review and evaluate information from the Division of Child and Family Services Management Information System for ~~[the purpose of]~~ licensing and monitoring individuals who reside in the foster home. When, in the professional judgment of the Office, a supported or substantiated finding against any individual who resides in the foster home may pose a risk of harm to a foster child, the [O]office may issue a safety plan, place parameters on the license or issue a notice of agency action to the foster parent or [A]agency.

~~[(6) Home Study]~~

~~(a) The Office or Agency is not required to perform a home study until after the background screening applications of persons 18 years of age or older who reside in the foster home are approved.~~

~~(b) A narrative home study shall be completed by an adoption service provider as described in Subsection 78B-6-128(2)(c) and may be used for adoptive purposes.]~~

~~(11) After completing the required background checks, the office or agency shall conduct a home study before any placement is made in the home.~~

~~(a) If the home study is being conducted for adoptive purposes, an adoption service provider, as defined in Section 78B-6-103, shall complete the home study.~~

~~(b) If the home study is not being conducted for adoptive purposes, the home study may be conducted by an individual who:~~

~~(i) is an adoption service provider; or~~

~~(ii) is employed or contracted to conduct a home study for an agency licensed by the department and who has participated in the recruiting, hiring, training, and supervising of proctor foster homes for at least a year.~~

~~(c) The office or agency shall fully complete the home study document on the office approved home study document template, that is found on the office website before an applicant is licensed or certified to take foster placements.[shall include background and current information of each caregiver to include:~~

~~(i) information regarding family of origin, discipline used by parents, family history or presence of abuse or neglect, current or historical use or abuse of alcohol or illegal substances by anyone in the household, education, employment, relationship with extended family, mental and physical health history based on doctor's examination completed within 12 months, mental health history for household members and applicants' stress reduction techniques, values, and interests;~~

~~(ii) marital or relationship information, including areas of conflict, communication, how problems are resolved, and how responsibilities are shared;~~

~~(iii) family demographic information, including ages, ethnicity, languages spoken, dates of birth, gender, relationships, and history of adoption;~~

~~(iv) family characteristics including functioning, cohesion, interests, work/life balance, family activities, ethnicity, culture, and values;~~

~~(v) child care and supervision arrangements;~~

~~(vi) written description of in home interviews conducted with the applicants, applicants' children, and others residing in the home;~~

~~(vii) written description of the physical characteristics of the home, including neighborhood and school information, sufficient space and facilities to meet the needs of foster children and ensure their basic health and safety;~~

~~(viii) motivation for doing foster care, including assessment of interest in adoption vs. foster care only;~~

~~(ix) assessment of understanding and expectations of a foster child;~~

~~(x) previous experience caring for a child;~~

~~(xi) current and planned methods of discipline, use of privileges, family rules;~~

~~(xii) previous experience with a child with special needs or trauma histories;~~

~~(xiii) description of the reference response regarding the character and suitability of the applicants;~~

~~(xiv) assessment of informal and formal;~~

~~(xv) assessment of willingness and ability to access support and resources;~~

~~(xvi) finances, including bankruptcies;~~

~~(xvii) applicant strengths and weaknesses;~~

~~(xviii) applicant history of any previous applications, home studies, licenses or certifications related to providing foster care;~~

~~(xix) assessment of ability to actively engage in achieving the custodial agency's identified outcomes for foster children; and~~

~~(xx) recommendations for the applicant's suitability for placement of a foster child, to include: child matching, capacity, training, and support needs; and~~

~~(xxi) query results of the home address on the Utah Sex Offender Registry and address how potential threats will be mitigated.~~

~~(8) Foster parent annual renewals]~~

~~[(a) —](12) A foster parent who wishes to remain [authorized] licensed or certified to provide foster care services shall submit a renewal application [paper work at least 30 days and no longer than 90 days prior to] as requested by the office before the license or certification expiration.~~

~~[(b)a] Each applicant requesting license or certification renewal shall fully complete the renewal application form that is found on the office website.[Renewal applications shall address updates and changes to the initial application to include:~~

~~(i) an acknowledgment of responsibility to maintain confidentiality for current and past clients;~~

~~(ii) a signed Office of Licensing Provider Code of Conduct form as required in Rule R501-1-11;~~

~~(iii) an acknowledgment that the applicant has read and understands Rule R501-12 Foster Care Services;~~

~~(iv) health statement including new medical reference form if there has been significant health changes over the past year;~~

~~(v) proof of current CPR and first aid certification;~~

~~(vi) background screening as outlined in Subsection R501-12-4(7); and~~

~~(vii) financial statement outlining changes to household income, job status, and expenses, including any foreclosures or bankruptcies.~~

~~(A) The Office or Agency may consider poverty guidelines when evaluating the dependence of a foster parent on foster payments for their own expenses.~~

~~(B)~~ (b) The [O]office or [A]agency may require supporting documentation of household income and expenses ~~[in order]~~ to verify the foster parent will not be dependent on foster care reimbursement.

~~(E)~~ (c) The office or agency shall update the home study ~~[shall be updated]~~ in writing annually after a home visit and safety inspection ~~[and shall be completed by an adoptions service provider as described in Subsection 78B-6-128(2)(c)]~~ as a means to assess the family's experience over the past year as a foster family ~~[and shall]~~ to include:

- (i) any changes to required home study information; ~~[and]~~
- (ii) interviews with any members of the home; and
- (iii) references or other requested information needed to

update the home study.

~~(9) Reapplication~~

~~(a)~~ (13) A previously licensed or certified foster ~~[home]parent~~ is subject to the same requirements as an initial application, with the following additional requirements;

~~(i)~~ (a) [E]each applicant shall disclose previous foster care licenses and certifications, including those outside of Utah; ~~[]~~

~~(ii)~~ (b) [P]each previously licensed applicant[s] shall request a written reference from the ~~[the]~~ custodial agency where they last held a foster care license to be sent directly to the [O]office or [A]agency ~~[:]~~;

(c) each ~~p~~ [P]reviously certified applicant[s] shall request a written reference letter from the last [A]agency where they were certified, and ~~[every A]each~~ agency they have been certified by within the past three years, to be sent directly to the [O]office or [A]agency ~~[:]~~; and

~~(iii)~~ (d) [E]each applicant shall sign a release of information for any [A]agency where the foster parent previously provided certified or licensed foster care.

(14) Reapplication of previously licensed or certified applicants may utilize an update of the previous home study as long as the home study was created by the same [A]agency currently relicensing or recertifying the home.

(a) The [O]office or [A]agency may add an update to the existing home study from another [A]agency if the [A]agency provides it directly and it is completed on an [O]office approved template found on the office website that addresses and updates general ~~[provider]foster parent~~ requirements. The update may reference applicable portions of the original study as an attachment.

(b) The ~~[Office or DCFS]~~ department may request new reference letters or additional information if needed to update the home study.

(c) The reference letter requirement is waived if 12 months or less have passed since the lapse of any license or certification. ~~[non agency references shall be waived.]~~

(d) A personal health statement is still required, but a physician's statement is waived if 12 months or less have passed since lapse of any license or certification. ~~[physician's statement shall be waived. Personal health statement is still required.]~~

(e) Initial training requirements are waived, as long as there is not a change of the licensing or certifying agency if 24 months or less have passed since lapse of any license or certification. ~~[initial training requirements shall be waived as long as there is not a change in licensing or certifying Agency.]~~ A change in [A]agency shall require[s] new initial training.

(15) The office or agency shall base the decision to approve or deny the applicant to provide foster services ~~[shall be~~

~~made on the basis of]~~ on the facts, health and safety factors, and the professional judgment of the ~~[Agency or the Office]~~ office or agency.

(a) The office or agency may not deny a [No] person [may be denied] a foster care license or certification on [the] a basis [of the religion, race, color, or national origin of any individual.] that violates any applicable federal or state anti-discrimination law.

(b) The approval of a license or certification is not a guarantee that a foster child will be placed or retained in the foster parent's home.

(c) Except for kinship ~~[providers]parents~~, a foster parent[s] ~~shall~~ may not be licensed or certified to provide foster or respite care services in the same home ~~[in which they are providing]where they provide~~ child care or another licensed or certified ~~[Department of Health or Department of Human Services]DHHS~~ program.

(d) ~~[In order to]~~ To promote health and safety, the [O]office or [A]agency may issue a license or certification that includes additional restrictions unique to the circumstances of the license.

(e) If a license or certification is denied, an applicant may not reapply for a minimum of 90 days from the date of denial.

~~(12) Initial license expiration dates must coincide with background screening clearance dates by:~~

~~(a) allowing the applicants to resubmit clearances in order to receive a full year's license; or~~

~~(b) setting the initial license expiration date no more than one year from the date of the earliest initial completed background clearance.]~~

R501-12-5. Foster Parent Requirements.

(1) The [F]oster parent[s] shall comply with the following:

(a) be in good health and emotionally stable;

(b) be able to provide for the physical, social, mental health, and emotional needs of the foster child;

(c) be a responsible person[s] who ~~[are]~~ is 18 years of age or older;

(d) be able to communicate with the foster child, DHHS, health care providers and other service providers;

(e) have at least one functionally literate applicant in the home able to read medication labels and other critical information;

(f) provide documentation of legal residential status ~~[:]~~ in accordance with the Code of Federal Regulations Title 63, Chapter 99a, Parts 104 and 1621;

(g) have the ability to help the foster child thrive;

(h) not be dependent on foster care reimbursement for their own expenses, outside of those expenses directly associated with providing foster care services;

(i) provide updated medical, social, financial, or other family information when requested by the [O]office or [A]agency;

(j) follow federal, state and local laws and ordinances; ~~[and]~~

(k) not engage in conduct that poses a substantial risk of harm to any person or that is illegal or grounds for denying a license under Section ~~[62A]26B-2-112[-]; and~~

(l) cooperate with the custodial agency goals and requirements regarding permanency and reunification.

(2) A DHHS employee[s] ~~[shall]~~ may not be licensed or certified as a foster parent[s] for children in the custody of their respective division[s], unless they qualify as a ~~["]relative["]~~ to the child in accordance with Subsection ~~[78A-6-307]80-2a-101(5)~~. An employee may provide foster services for children in the custody of a different division only with the prior written approval of both

divisions' directors in accordance with DHHS conflict of interest policy.

(3) The [F]foster parent[s] shall cooperate with the [O]office, [A]agency, courts, and law enforcement officials.

(4) [Each]The foster parent shall read, acknowledge, and comply with the [Office of Licensing P]provider [C]code of [C]conduct.

(a) The [F]foster parent[s] [shall]may not abuse, neglect, or maltreat a foster child through any act or omission.

(b) The [F]foster parent[s] [shall]may not encourage or fail to deter the acts or omissions of another that abuse, neglect, or maltreat a foster child.

(5) No more than two children under the age of two, including children who are members of the household and foster children, shall reside in a foster home.

(6) No more than two non-ambulatory children, including children who are members of the household and foster children, shall reside in a foster home.

(7) [Except as provided by Section 62A-2-116.5 and Subsection R501-12-5(8), n]No more than four foster children shall reside in a licensed foster home and no more than three foster children shall reside in a certified foster home[-] unless:

(a) placing a foster child or sibling group in a home where they previously resided;[The capacity limits of foster homes may be exceeded under the conditions outlined in Section 62A-2-116.5. Foster homes, as defined in Subsection 62A-2-101(19), shall remain in continual compliance with foster care rules established by the Office.]

(b) placing a foster child where a sibling currently resides;

(c) placing a sibling group in a home that:

(i) has no other foster placements; or

(ii) has only one other foster placement.

(8) The foster parent shall utilize reasonable and prudent judgment in selecting an incidental caregiver for a foster child and incidental care may only be utilized by a DHHS licensed foster parent, not a foster parent certified by a licensed child placing agency.

([8]9) The [F]foster parent[s] may provide respite care in their home as long as they remain in compliance with licensing rules in regard[s] to each child placed for foster and respite care. The [F]foster parent[s] may provide respite care when the additional foster children exceed their licensed capacity only as follows:

[-] (a) Respite care is limited to a maximum of 10 days within any 30 day period.

(i) For a foster child who is not part of a sibling group, each day of respite for each individual foster child counts as one day of respite care.

(ii) For a foster child who is part of a sibling group, each day of respite for a sibling group receiving respite in the same foster home at the same time counts as one day of respite care.]

([b]a) [F]there [must-be]are no licensing sanctions currently imposed, including corrective action plans or conditional licenses[-]; and

([e]b) [F]total number of foster and respite children in a home at one time [shall]may not exceed six unless all except[but] one or two of the children are part of a single sibling group.

([9]10) [Respite care can be provided by an unlicensed caregiver only for kinship providers as approved by DCFS as a means to maintain familial connections.

(a) Unlicensed kinship respite caregivers are still subject to licensure background screening requirements and a DCFS staff walk-through of the home for safety approval.]Respite care, child care, incidental care, emergency care or other temporary care for a

foster child may be allowed in a licensed or unlicensed setting, with or without background clearances if the child's DHHS client record identifies, by name, the kinship connections to be maintained.

(a) The DHHS custodial agency shall set parameters and oversee the safety aspects of a kinship connection.

(b) Unlicensed kinship respite caregivers, identified by DHHS, are still subject to licensure background screening requirements and a custodial agency walk-through of the home for safety approval.

(c) A licensed child placing agency, except a DHHS custodial agency, may not utilize an unlicensed caregiver for care of any foster child, unless specifically outlined in the custodial agency client record and authorized by the child's case worker.

(1[0]1) [A]The foster parent shall report the following major changes or events to the [O]office or agency[-Agency] within one business day[-];

[-] (a) A major change includes:]

(i)a) the death or serious illness of a member of the foster parent's household;

(ii)b) change in marital status;

(iii)c) loss of employment;

(iv)d) change in household composition, such as the birth or adoption of a child, addition of household members, or tenants;

(v)e) allegations of abuse or neglect of any child or vulnerable adult against any member of the foster parent's household; or

(vi)f) anything defined as a "critical incident" in Rule R501-1.

([b]12) [F]the [O]office or [A]agency [may]shall evaluate major changes to determine necessary actions [which]that may include an update to the home study,[-] implementation of a safety plan[-], amendments to the license certification[-], request for new references or examinations[-], or [A]agency action,[-in the form of a penalty.]

(1[4]3) [A]The foster parent shall report any potential change in address in advance to the [O]office or [A]agency.

(a) A [L]license[s] [and]or certification[s] [are]is site-[-]specific.

(b) An adjoining dwelling with a separate address that is not accessible from the foster home is not considered part of the foster home site.

(c) A foster child [shall]may not be moved into a home that is not licensed or certified to provide foster care except as allowed in Subsection R501-1-6(2) [provisions-]for relocation of a license.

(d) The [F]foster parent [providers-must]shall reside at the license location.

(e) In the event of a separation or divorce, the office or agency shall remove a [provider-]foster parent who no longer resides at the licensed location [shall-be-removed-]from the license certificate and [must]that foster parent shall apply for a separate initial license and meet licensing requirements in the new residence [in-order-]to become licensed at the new location.

(i) The [provider-]foster parent remaining in the home shall demonstrate the ability to continue to meet the financial and other foster care licensure requirements and the office or agency shall complete an update to the home study,[-shall-be-completed.]

(1[2]4) The [F]foster parent[s] shall offer nutritious, balanced meals that meet each foster child's individual needs.

(15) A foster parent with a foster placement in the home shall continually comply with Rule R501-12 and a foster parent with

no placements in the home shall demonstrate ability to comply upon request and ensure compliance before any new placement is made.

R501-12-6. Physical Aspects of Home.

(1) The provider shall ensure the following regarding the foster home environment:~~[Indoor and outdoor areas of the home shall be maintained to ensure a safe physical environment.]~~

(a) indoor and outdoor areas of the home are maintained to ensure a safe physical environment;

([2]b) [F]the home [shall be]is free from health and fire hazards[-];

([3]c) [F]the home [shall have]has a working smoke detector and a working carbon monoxide detector on each separated level and at least one of each [is required to -]shall be in close proximity to sleeping areas[-];

([4]d) [F]the home [shall have]has at least one [approved,]fire extinguisher meeting the rating requirements of 2A:10BC, that is fully charged [fire extinguisher]and readily accessible to the main living area[-. An approved fire extinguisher shall be a minimum of 2A:10BC five point, rated multi-purpose, dry chemical fire extinguisher.];

([5]e) [F]the home [shall have]has at least one toilet, sink and tub or shower[-]; and

([a]f) [F]each bathroom [shall have]has a lock sufficient to preserve the privacy of the occupant.

([6]2) The [home shall have]provider shall ensure [sufficient bedroom space to provide for the]bedroom spaces comply with the following:

(a) children of the opposite genders do not share a bedroom [shall not be shared by children of the opposite sex -]unless;[-each child sharing the room is under two years of age;]

(i) each child sharing the room is under two years of age;
(ii) the DHHS client record identifies gender-specific rationale; or

(iii) there is written caseworker approval for the bedroom assignment;

(b) [a]the foster parent's bedroom [may]is only [be -]shared with a foster child[ren who are] under the age of two years and the foster parent[s must] may not bed-share with a foster child[ren];

(c) [a]the foster parent's bedroom [shall not be]is not considered in calculating the allowable bedroom space for a foster child[ren];

(d) a foster child [shall]may not share a bedroom with other adults in the home;

(e) [each]a foster child [must have]has an individual bed[-/ or crib, mattress, and linens that meet the child's needs;[-and are comparable to other similarly utilized sleeping accommodations in the household;]

(f) weighted blankets [may only be]are only used for foster children if therapeutically recommended in writing or approved in writing by the child's caseworker;

(g) there is a minimum of 40 square feet per child, excluding adjoining bathrooms and storage space;

(h) no more than four children are housed in a single bedroom that houses at least one foster child;

(i) a bedroom[s] used for a foster child[ren] [shall be]is comparable to other similarly utilized bedrooms in the home, including access, location, space, finishings, and furnishings;

(j) a bedroom[s] used by a foster child[ren shall have a source of natural light and shall be equipped with a screened window that opens and provides egress to the outdoors; and] on the ground

floor shall have a minimum of one screened window that opens that may be used to evacuate the room in case of fire;

(k) a bedroom used by a foster child that is not on the ground floor shall have a source of natural light and a minimum of two exits, at least one of which shall exit directly to outside the home that may be used to evacuate the room in case of fire; and

([k]l) closet or dresser space [shall be]is provided within the bedroom for the foster child's personal possessions and for a reasonable degree of privacy.

([8]3) The provider shall ensure:[home shall have space or access to common areas for recreational activities.];

(a) there is space or access to common areas for recreational activities;

([9]b) [The home shall have -]there is adequate lighting, ventilation and [be]the home is maintained at a reasonable temperature when occupied by a foster child[-,F] in consideration of the age and needs of the foster child and other residents[-may be considered.];[- Generally, reasonable temperatures range between 65 and 82 degrees Fahrenheit.];

([10]c) [The home shall have]there is a properly operating kitchen with working refrigerator, cooking appliances, adequate supply of safe drinking water and functional indoor plumbing[-];

([14]d) [H]hazards on the property [shall be]are abated and mitigated through the use of protective hardware, fences, banisters, railings, grates, natural barriers, or other licenser approved methods [-]to include;

([a]i) [F]fall hazards of 3 feet or greater including steep grades, cliffs, open pits, window wells, stairwells, elevated porches, retaining walls[-];

([b]ii) [D]drowning hazards including swimming pools, hot tubs, water features, ponds or streams[-];

([e]iii) [B]burn hazards including fireplaces, candles, radiators, water temperature[-];

([d]iv) [U]nstable heavy items to include televisions, bookshelves[-]; and

([e]v) [H]high voltage boosters, or dangerous traffic conditions[-];

([12]e) [The -]home and its contents [shall be -]are maintained in a clean and safe condition[-,F]and food, clothing, supplies, furniture, and equipment [shall be]are of sufficient quantity, variety, and quality to meet the foster child's needs[-];

([13]f) [F]the home [shall be]is free from rodent and insect infestation[-];

([14]g) [F]there [shall be]are at least two exits adequately sized for emergency personnel on each accessible floor of the home [-]and[- Each exit shall be accessible and adequately sized for emergency personnel. -M]multiple-level homes [shall -]have a functional, automatic fire suppression system, or an escape ladder, stairway, or other exterior egress to ground level accessible from each of the upper levels[-];

([15]h) the [F]foster parent[s shall have] has and uses child safety devices appropriate to the needs of the foster child, including safety gates, and electrical outlet covers[-];

([16]i) [H]the home address is clearly visible and location is accessible[-];

([17]j) [W]the water and sewage disposal system[s], other than a public system[s], [must be]is approved by the appropriate authorities[-];

([18]k) [Home shall have]there is [proper -]trash and recycling disposal[-];

~~((19)l)~~ any [S]swimming pool[s-will-be] is secured [in order-]to prevent unsupervised access and compl[y]ies with applicable community ordinances[-]; and

~~((20)m)~~ any [H]hot tub[s] and spa[s-shall-have] has a locked cover[s].

~~[(21) Foster providers shall ensure that physical aspects of the home outlined in this section remain in continual compliance for the duration of the child's placement in the home.~~

~~[(22) Foster providers with no placements made in the home shall demonstrate the ability to comply upon request.]~~

R501-12-7. Safety.

(1) ~~[A]The~~ foster parent and their guests ~~[shall-]may~~ not smoke any substance in the foster home or vehicle when a foster child is present or residing in the home and shall ensure that s[-S]moking materials [shall-be]are inaccessible to foster children.

(2) The [F]foster parent[s] shall provide training to children regarding response to fire warnings and other instructions for life safety upon the initial placement of a foster child and annually thereafter. This includes an evacuation plan that also anticipates the evacuation of a foster child who is non-ambulatory or who has a disability.

(3) The foster parent [home-]shall have a [tele]phone that can make outgoing calls and is recognizable to the 911 system on-site during any time[s] that a foster child is present[-This may be a land line or a mobile phone, but must be able to receive and make calls and be recognized by the 911 system.-] and shall post [F]telephone numbers for emergency assistance, poison control, the emergency evacuation plan and the address of the home [shall-be posted next to the telephone or-]in a central location visible to the foster child.

(4) ~~[The home]The foster parent~~ shall have a fully supplied first aid kit ~~[such-]as recommended by the American Red Cross.~~

(5) The [F]foster parent[s] shall inform the [O]office or [the A]agency if they possess or use a firearm or other weapon.

~~(6) [Firearms, ammunition, and other weapons shall be inaccessible to foster children.-]A [F]foster parent[s] shall ensure that firearms, ammunition and other weapons are inaccessible to foster children.[not provide a weapon to a foster child or permit a foster child to possess a weapon except as outlined in Sections 76-10-509 through 76-10-509.7.]~~

(7) The foster parent may not provide a weapon to a foster child or permit a foster child to possess a weapon except as outlined in Sections 76-10-509 through 76-10-509.7.

(a) The [F]foster parent[s] does not have the authority of a parent or guardian to provide a dangerous weapon to a minor under Section 76-10-509.

(b) The provider shall ensure the following regarding firearms in the foster home:

~~[(b)i) [F]firearms [may-be-]are only stored together with ammunition [only-]in a locked container commercially manufactured for the secure storage of firearms[-];~~

~~[(e)ii) [F]firearms not stored in a locked container commercially manufactured for the secure storage of firearms [shall-be]are unloaded and securely locked. Ammunition for these firearms [shall-be]is kept securely locked in a separate location[-];~~

~~[(iii) [F]the locked storage for firearms and ammunition [shall-not-be-]is not accessible through the same keys or combinations[-];~~

~~[(i)iv) [K]keys and combinations utilized to open locked storage for firearms and ammunition [shall-]are not be accessible to a foster child[-]; and~~

~~[(d)vi) [F]firearms [may-be-]are stored in display cases only if unloaded and made[rendered] inoperable through the effective use of trigger locks, bolts removed, or other disabling methods.~~

~~[(e)8) [This]Subsection R501-12-7(6) does not restrict an individual's rights regarding concealed weapons permits pursuant to [UC]Section 53-5-704.~~

~~[(7)9) The [F]foster parent[s] who ha[ve-]s alcoholic beverages in their home [shall-]may not consume in excess and shall ensure that the beverages are closely monitored and inaccessible to foster children.~~

~~[(8)10) The provider shall ensure h[H]azardous materials [shall-be stored securely and remain]remain locked when not in active use, and closely monitored while in active use[-], and shall ensure compliance with the following:~~

~~(a) [H]hazardous materials [shall-be]are stored in the manufacturer's original packaging together with the manufacturer's directions and warnings, or a container that complies with the manufacturer's directions and warnings and is clearly labeled with the contents, manufacturer's directions and warnings[-];~~

~~[(9)b) [F]flammable substances, including gasoline and kerosene, [shall-be]are locked in a ventilated storage area separate from living areas[-], [F]this requirement does not include substances contained within the storage tanks of equipment, including automobiles, lawnmowers, ATV's, boats and snow blowers[-]; and~~

~~[(10)c) g[G]eneral, common use, household items [shall-be]are stored responsibly in consideration of the age, behavior, history, and cognitive and physical ability of each foster child in the home[-The foster parent is responsible for consulting] and in consultation with the caseworker and child and family team regarding individual restrictions.[General, common use, household items include the following:~~

~~[(a) oral hygiene products;~~

~~[(b) hair and cosmetic products;~~

~~[(c) facial and skin hygiene products;~~

~~[(d) cutlery;~~

~~[(e) laundry and dish detergent, excluding concentrated pods;~~

~~[(f) cleaning wipes;~~

~~[(g) rubbing alcohol;~~

~~[(h) nail polish remover;~~

~~[(i) laundry stain remover;~~

~~[(j) propane attached to a grill;~~

~~[(k) air fresheners and deodorizers; and~~

~~[(l) spray furniture polish.]~~

(11) The [F]foster parent[s] shall comply with local laws and ordinances regarding the care and number of animals on their property.

(12) The [F]foster parent[s] shall ensure that the foster child has the safety equipment, supervision, and training necessary for the foster child to safely participate in an activity that has an inherent risk of bodily harm, injury, or death.

(a) These activities include participation in rock climbing, swimming, hunting, target practice, camping, hiking, use of recreational vehicles, and sports.

(b) The foster parent shall take c[E]very precaution [must be taken-]in allowing a foster child to participate in the respective activity as safely as possible to include:[- This includes, wearing DOT or Snell approved helmets when riding off highway vehicles, OHV, completing OHV education, personal watercraft or boating education, wearing Coast Guard approved lifejackets, and completing hunter's education.]

- (i) wearing Department of Transportation or Snell-approved helmets when riding off-highway vehicles (OHVs);
- (ii) completing OHV education;
- (iii) completing personal watercraft or boating education;
- (iv) wearing Coast Guard-approved lifejackets; and
- (v) completing hunter's education.

(c) The [F]foster parent[s] shall follow any applicable statute pertaining to minors operating OHV[s], personal watercraft, boats, and firearms.

~~[(d) Foster parents shall not permit a foster child any access to firearms without first obtaining the written approval of the foster child's caseworker.]~~

(13) The [F]foster parent[s] shall comply with any written safety plan or license parameter required by the [O]office or [A]agency, which that establishes additional safety requirements to protect the foster child from hazardous conditions on the foster parent's property. A safety plan shall may not waive any applicable requirement of Rule R501-12.

(14) The foster parent shall provide v[V]erification of compliance with the Utah Department of Health and Human Service's recommended immunization schedules shall be provided for each individual residing in the home who is not a foster child. The foster parent may only be licensed or certified for placements of foster children who are over the age of 2 months and are currently immunized if vaccination compliance of residents in the home cannot be verified.

~~[(a) Recommended influenza immunizations are optional unless a foster child in the home has an immunocompromised condition.~~

~~[(b) If compliance of residents in the home cannot be verified, the license shall be restricted to only placements of foster children who are over the age of 2 months and who are immunized in accordance with the Utah Department of Health's recommendations for their age.]~~

~~[(i)a] The [F]foster parent[s must] shall disclose if any individual residing in the home is not in compliance with the Utah Department of Health and Human Services[s] recommended immunization schedules to the child placing [A]agency prior to before accepting a placement.~~

~~[(ii)b] Newborn infants must shall reach the required age and receive their first dose of required vaccinations to be considered appropriately immunized for their age.~~

(15) The [F]foster parent[s] shall may not accept the placement of a foster child into their home in violation of outside any license conditions or parameters.

R501-12-8. Emergency Plans.

(1) The [F]foster parent[s] shall have a written plan of action for emergencies and disaster to include the following:

- (a) evacuation with a pre-arranged site for relocation;
- (b) transportation and relocation of foster children when necessary;
- (c) supervision of foster children after evacuation or relocation; and
- (d) notification of appropriate authorities.

~~[(2) Foster parents shall have a written plan for medical emergencies, including arrangements for medical transportation, treatment and care.]~~

~~[(3)2] The Foster parent[s] shall immediately report any serious illness, injury, or death of a foster child to the appropriate division or Agency and the Office.~~

R501-12-9. Infectious Disease.

~~[(4)]~~ In the event of an infectious or communicable disease outbreak, the foster parent[s] shall follow specific instructions given by the local health department.

R501-12-10. Medication and Medical Emergencies.

(1) The [F]foster parent[s] shall ensure the following regarding medications and medical emergencies: that prescribed medication is administered according to the written directions of the foster child's health provider.]

(a) prescribed medication is administered according to the written directions of the foster child's health provider;

~~[(a)b] Foster parents shall ensure that the foster child actually consumes the medication[-];~~

~~[(b)c] Foster parents shall report any severe or unexpected side effects or reactions are immediately reported to the foster child's health provider[-];~~

~~[(2)d] [M]medication shall only be is only given to the foster child for whom it was prescribed[-];~~

~~[(3)e] [M]medication shall not be is not discontinued without the approval of the foster child's health provider[-];~~

~~[(4)f] [N]non-prescription medication[s] may be are administered by a foster parent[s] according to manufacturer's instructions unless otherwise directed by the foster child's health provider[-];~~

~~[(5)g] [M]medication[s] shall not be are not administered or carried by the foster child, unless approved in writing by the foster child's health provider[-];~~

~~[(6)h] [M]medication shall not be is not used for behavior management or restraint unless prescribed in writing by the foster child's health provider and after notification to the division or [Agency] caseworker[-];~~

~~[(7)i] [M]medication shall remains locked at times they are it is not in immediate, active use[-];~~

~~[(a)j] Foster parents shall not leave medications in active use are not left unattended and shall the foster parent may not abuse or misuse prescription or non-prescription drugs or medications[-];~~

~~[(b)k] If a foster child requires immediate access to their medication, including a foster child with asthma or diabetes, the foster parent[s] may carry a single dose of medication for active use on the foster parent's person, if a foster child requires immediate access to their medication for asthma, allergies, diabetes or other condition requiring urgent administration of the medication[-];~~

~~[(8)l] [M]medication[s] shall remains in the original pharmacy or manufacturer's packaging[-];~~

~~[(a)m] the [F]foster parent[s] shall may not repackage medications or divide doses into alternative containers[-];~~

~~[(b)n] the [F]foster parent[s] should partners with the pharmacy regarding any needed divisions of medication[-];~~

~~[(9)o] the [F]foster parent[s] shall promptly takes a foster child who has a medical emergency, who is sick, or who is injured, for an assessment by a medical practitioner[-]; and~~

~~[(10)p] the [F]foster parent[s] shall compl[y]ies with the treatment orders of the foster child's health provider.~~

~~[(11)2] The foster parent shall transfer any unused medications to the caseworker or agency w[hen] a foster child is no longer placed in the foster parent's home, unused medications shall be transferred to the caseworker or Agency.]~~

(3) The foster parent shall have a written plan for medical emergencies, including arrangements for medical transportation, treatment and care.

R501-12-11. Transportation.

(1) ~~The provider shall ensure a [D]driver[s] of a vehicle[s] carrying a foster child [shall have]has a valid, current driver's license and valid, current vehicle insurance, and comply with traffic regulations.~~

(2) ~~The provider shall ensure transport[Transportation] of a foster child[en shall be provided] is provided in an enclosed, registered vehicle that has functional seatbelts. [Foster parents shall ensure that foster children properly utilize seatbelts and other safety equipment, including age and size appropriate car or booster seats. Recreational vehicles, including motorcycles, shall not be used for transportation.]~~

(a) The provider shall ensure foster children properly utilize seatbelts and other safety equipment, including age and size appropriate car or booster seats.

(b) Recreational vehicles, including motorcycles, may not be used for transportation.

(3) ~~The provider shall ensure e[E]mergency contact information, including caseworker and [A]agency information[shall be provided and] is accessible to any passenger in each vehicle used to transport foster children.~~

(4) The foster parent shall equip e[E]ach vehicle [shall be equipped]with a first aid kit.

R501-12-12. Behavior Management.

(1) ~~The [F]foster parent[s] shall provide supervision appropriate to the age and needs of each foster child.~~

(2) ~~The [F]foster parent[s] [shall]may not use, nor permit the use of corporal punishment including physical, mechanical, or chemical restraint, physical force, infliction of bodily harm or pain, deprivation of meals, rest or visits with family, or humiliating or frightening methods to discipline, coerce, punish, or retaliate against a foster child.~~

(3) ~~The [F]foster parent[s] shall only use behavior management techniques appropriate for the foster child's age, behavior, needs, developmental level, and past experiences.~~

(4) ~~The [F]foster parent[s] shall use the least restrictive method of behavior management available to control a situation.~~

(5) ~~The [F]foster parent[s] shall only use behavior management techniques that are positive, consistent, and that promote self-control, self-esteem, and independence.~~

(6) ~~The [F]foster parent[s] [shall]may not use physical work assignments or activities that inflict pain as behavior management techniques. A physical work assignment or activity that results in minor sore muscles does not violate this subsection.~~

(7) ~~The [F]foster parent[s] [shall]may not abuse, threaten, ridicule, intimidate, or degrade a foster child.~~

(8) ~~The [F]foster parent[s] [shall]may not deny a child medical care, nutrition, hydration, clothing, bedding, sleep, or toilet and bathing facilities.~~

(9) [Passive physical restraint shall be applied only by individuals who are trained in accordance with the non violent intervention strategies of a state, regional, or nationally recognized behavior management program. Documentation of passive physical restraint training certification shall be submitted to the Office of Agency with the initial and each renewal application.]Physical restraint of a foster child in the custody of a DHHS division is prohibited, unless expressly indicated in the child's DHHS client record and the foster parent is appropriately trained and authorized by the department for its use.

(10) Physical restraint of a foster child who is not in DHHS division custody may only be performed by an individual with

verified, documented training in accordance with the nonviolent strategies of a state, regional or nationally recognized behavior management program.

(a) Gently hugging, holding or guiding a foster child is not considered a restraint.

(b) The foster parent shall only perform self-defense as long as it is without aggression, retaliation or unnecessary force and is reported to the caseworker and office within one business day.

R501-12-13. Foster Child's Rights in Foster Care.

(1) ~~The [F]foster parent[s] [shall]may not violate a foster child's right to:~~

(a) eat nutritious meals with the family;

(b) eat the same food as the family, except when the foster child is provided with alternative food ordered by the foster child's physician;

(c) participate in family and school activities;

(d) privacy, including maintaining the confidentiality of information about the foster child and not retaining copies of the foster child's records once the foster child is no longer placed ~~[there]in the home;~~

(e) be informed of the foster child's responsibilities, including household tasks, privileges, and rules of conduct;

(f) be protected from discrimination;[based upon the foster child's race, color, national origin, culture, religion, sex, sexual orientation, age, political affiliation, or disability;]

(g) be protected from harm or acts of violence, including protection from physical, verbal, sexual, or emotional abuse, neglect, maltreatment, exploitation including source funding, or inhumane treatment;

(h) be treated with courtesy and dignity, including reasonable personal privacy and self-expression and not provided temporary items including garbage bags for collecting or transporting belongings;

(i) communicate with and visit the foster child's family, attorney, physician, and clergy, except as restricted by court order;

(j) have clean clothes and personal hygiene needs met;

(k) participate in their own cultural traditions;

(l) receive prompt medical care when sick or injured; and

(m) be free from media content that is likely harmful considering the foster child's age, behavior, needs, developmental level, and past experiences.

R501-12-14. Additional Child Placing Agency Considerations.

(1) ~~The [A]agency shall comply with [rules and laws that relate to the child placing foster license to include]Rule R501-[2]1[; Section R501-1-11] regarding incident reporting, Rule R501-14 regarding background screenings and [Section 62A-4a-7]Section 80-2-7 regarding the Interstate Compact for the Placement of Children (ICPC) for agencies taking placements from out-of-state.~~

(2) ~~The [A]agency shall recruit, train, certify, and supervise foster parents.~~

(3) ~~The [A]agency [shall]may not certify a home [which]that is licensed or certified or applying to be licensed or certified with any other [A]agency.~~

(4) The agency may not certify [A]agency owners, directors, managers, and members of the governing body [shall not be certified]to provide foster care services for foster children placed with or by [the A]any child placing foster agency.

(5) [The A]The agency shall:[verify completion of a foster parent's training requirements, including CPR or First Aid training and training regarding the requirements of Rule R501-12, prior to

issuing an initial or renewal certification and prior to placing a foster child in the home;]

(a) verify completion of the foster parent's training requirements before issuing an initial or renewal certification and before placing a foster child in the home;

(b)(6) [The Agency shall] in addition to the foster parent training requirements of Rule R501-12, train each foster parent regarding the [A]agency's policies and procedures and safe practices before [prior to] placing a foster child in the home[-];

(c)(7) [The Agency shall] provide the department with identifying information of certified foster homes via the [DHS or] DCFS [P]provider website if contracted to take DCFS placements, or directly to the licensor as requested of a private agency; [located on the Human Services DHS or DCFS Employee website and shall report their list of homes annually and upon request.]

(d)(8) [The Agency shall] maintain documentation of the initial and annual home studies and any updates and provide to the department upon request; [of the foster parent's home in compliance with Section 78B-6-128.]

(e)(9) [The Agency must] have a written agreement with the foster parents [which] that includes:

(i)(a) the expectations and responsibilities of the [A]agency, staff, foster parents and limitations of authority;

(ii)(b) the services to be provided to and by the foster parent;

(iii)(e) the [provision of] requirements to provide medical, remedial, treatment, and other specialized services to a foster child;

(iv)(d) the financial arrangements for a foster child placed in the home;

(v)(e) the authority foster parents can and cannot exercise over a foster child placed in the home; and

(vi)(f) actions [that] [which] require staff or DHHS authorizations[-];

(f)(10) [The Agency shall] monitor and keep detailed documentation regarding foster parents' compliance with Rule R501-12[-];

(g)(11) [The Agency shall] document each announced and unannounced visit[s] to the foster home, including an initial safety inspection and a minimum of one unannounced safety inspection annually; [- in addition to any announced or unannounced visits to the foster home.]

(h)(a) document e[E]ach safety inspection completed by the [A]agency [shall be documented] on the [DHS]office-provided [H]home [F]inspection [C]checklist, or a similar form that contains all of the office-provided[DHS] form contents[-];

(i)(b) [The Agency shall] coordinate with the [O]office when checklist items are not compliant or other noncompliance is noted [rule violations] to determine how to proceed[which actions should be taken];

(j)(i) document a[A]ctions on [provider]foster parent certifications [shall be documented] in the [provider]foster parent file [and shall] to include[-] any request for remediation with assigned time frames, request corrective action plan from [provider]the foster parent, or any action to suspend certification or revoke certification[-];

(k)(ii) escalate the level of agency action taken toward foster parent certification when there are [M]multiple [violations]notations of noncompliance with [of]the same rule; [-shall escalate the level of Agency action to be taken toward the license and provider certification.

(iii) Failure of the Agency to take action when a violation is alleged or noted may result in an action on the Agency license by the Office.]

(l)(e) [The Agency shall] maintain completed checklists and compliance monitoring documentation in [the]each [provider]foster parent file[s];

(m)(12) [The Agency shall] investigate complaints and alleged violations of [this rule]Rules R501-12, R501-14 and R501-1. The [A]agency shall provide documentation to the [O]office of any investigations into complaints and alleged violations of [Rule R501-12-]licensing rules;

(n)(13) [The Agency shall] provide written notification to each foster parent that informs the foster parent of the rights and responsibilities assumed by [a]the foster parent who signs as the responsible adult for a foster child to receive a driver license, as described in Section 53-3[-211]-21 and [

(a) The Agency shall] maintain documentation in the foster parent's file, signed and dated by the foster parent, acknowledging receipt of a copy of this written notification[-];

(o)(14) [The Agency shall] have and comply with written policies and procedures regarding the denial, suspension, and revocation of a foster parent's certification to provide foster care services, [which must] that includes written notification of the foster parent's appeal process[-];

(p)(15) [The Agency shall] provide documentation and immediate notification to the [O]office and [DCFS]and the custodial agency of any denial, suspension, revocation or other [A]agency-initiated termination of a foster parent's certification[-]; [Documentation shall be provided within two weeks of the action.]

(q)(16) [The Agency shall] not grant or permit any variance to Rule R501-12 or any other regulation without the prior written consent of the [D]director or director's designee of the [O]office[-];

(r)(17) [The Agency shall] certify foster parent for a specific time period that does not exceed one year [prior to]before placing any foster child[ren] in the home[—] and make d[D]ocumentation of certification dates [shall be made]available to the [O]office [as]upon request[ed];

(s)(18) [The Agency shall] provide ongoing supervision of certified foster parents to ensure the quality of care they provide[-]; and

(t)(19) [The Agency shall] participate with [the]each foster child's legal guardian and the foster [home]parent to obtain, coordinate, and supervise care and services necessary to meet the needs of each foster child in their care.

(6)(20) The [A]agency [shall]may not take placement of a foster child whose needs exceed the scope or ability of the program to reasonably manage, and the agency shall;

(a)(21) [The Agency shall] outline in policies and procedures [which]the behaviors and presenting issues would be reason for discharge or exclusion from the program[-];

(b)(22) [The Agency shall] document how the placement of the foster child is appropriate and commensurate with presenting needs and [which]the services [that] are available to address the child's needs[-];

(c)(23) [The Agency shall] conduct or coordinate monthly visits to the foster child in the placement or school[-];

(d)(24) [The Agency shall] maintain responsibility [as the guardian of the child]for the child's behavior in the program, school and community, [-and maintain responsibility for transitioning a child and 18-21 year olds who remain in custody or on variance, into safe and appropriate placements upon planned or unplanned discharge

from the program in accordance with Subsection R501-2-6(D)(7) and ICPC disruption plan requirements.]

~~[(a)](e)~~ maintain responsibility for transitioning a foster child or 18 to 21 year old into safe and appropriate placement upon discharge from the program or in accordance with ICPC disruption plan if the child is from out-of-state; and ~~[(a)]~~ Sending a child to homeless shelters, refusal to pick up from detention or offering one way plane or bus tickets are not appropriate or responsible program transition actions unless supported by therapeutic or parental recommendation.]

~~(f)~~ ensure in policy and safe practices that sending a child to a homeless shelter, refusal to pick up from detention, or offering one-way plane or bus tickets are not appropriate or responsible program transition actions, unless supported by therapeutic or parental recommendation.

~~(2)[25])~~ The ~~[A]~~agency shall ~~provide and receive approval from the school district of certified homes with a youth education coordinating form in compliance with the requirements of Section 62A-2-108.1.]~~

~~(a0)~~ provide and receive approval from the school district of certified homes with a youth education coordinating form in compliance with the requirements of Section 26B-2-116;

~~[(a)]~~ Youth Education Coordinating forms are located on the Office website www.hslie.utah.gov]

~~(b)[26])~~ ~~[The Agency shall]~~ provide accurate and truthful written references for any previously certified home that requests such reference to work with foster children in another licensed ~~[A]~~agency ~~or setting~~;

~~(c)~~ maintain copies of completed foster parent initial and renewal applications and accompanying documents, home study document and any subsequent updates, and any other foster parent documentation in a format easily accessible for office review;

~~(d)[27])~~ ~~[The Agency shall]~~ follow DHHS contract requirements and request guidance from the ~~[Office]~~Division of Continuous Quality and Improvement~~[Design]~~ and the ~~[O]~~office in the event of conflicting requirements~~[-]; and~~

~~(e)~~ if serving individuals involved with the Division of Services for People with Disabilities, ensure compliance with the Home and Community Based Services (HCBS) Settings Final Rule as identified in the Code of Federal Regulations, Title 42, Parts 430 and 431 that shall prevail in the event of a conflict with any rule under Title R501.

~~(8)~~ Failure of the agency to take action when foster parent noncompliance is alleged or noted may result in an action on the agency license by the office.

R501-12-15. Additional DCFS Kinship and Specified Home Licensure Considerations.

(1) An applicant may ~~be licensed]~~ apply for licensure for the placement of a specific foster child or sibling group.

~~[(a)]2)~~ ~~[A-]~~The minimum age for a kinship specific applicant ~~[must be]~~is 18 years of age ~~[or older]~~ and ~~[may be]~~ a kinship applicant is permitted to cohabitate~~[ing]~~ or be legally married, ~~[in accordance with Section 62A-4a-209 and Subsection 78A-6-307(19).]~~

~~[(2)]3)~~ Only the office, an agency contracted by the department or an approved DCFS kinship home study specialist may conduct a kinship specific ~~[The]~~home study, ~~[shall be conducted by an approved DCFS kinship home study specialist; an Agency contracted by DCFS to perform home studies; or by the Office.]~~

~~[(3)]4)~~ A minimum of two acceptable reference letters sent in accordance with Subsection R501-12-4(5) are required for a

kinship applicant, ~~[three reference letters shall be sent out and a minimum of two of those reference letters received must be acceptable to the Agency or the Office and one must be completed by a relative.]~~

~~[(4)]5)~~ The foster parent may not accept a placement until the home study, safety inspection, and background screening approvals, ~~[shall be]~~are successfully completed, ~~[prior to the placement of the foster child in the home]~~ unless the placement is made on an emergency basis as authorized by Section ~~[62A-4a-209]~~80-2a-301.

~~[(5)]6)~~ The ~~[O]~~office shall grant a kinship specific probationary license or initial license upon receipt and approval of a completed kinship or specific packet submitted by DCFS.

~~(a)~~ ~~[The kinship specific probationary license shall be issued for no more than five months until full compliance can be achieved in order to receive an initial license for the remainder of the licensing year.]~~ A kinship probationary license expires no later than the last day of the fifth month from the issue date if compliance is not met before that time.

~~(b)~~ The probationary licensee may receive an initial license ~~[An initial license may be issued]~~ at any time within the probationary 5 months when ~~[that]~~ compliance with probationary terms is met.

~~(c)~~ A probationary licensee whose probationary terms are not met before ~~[prior to]~~ the expiration of that license ~~[shall be]~~ may either expire or extend~~[ed]~~ in corrective or penalty status.

~~[(d)]~~ Initial license expiration dates shall be determined per Subsection R501-12-4(9).]

~~[(6)]7)~~ A kinship specific home licensee may not ~~[be utilized for the]~~accept placement of any foster child other than the foster child, or relatives to that foster child, ~~[who is]~~as designated on the license certificate, ~~[and may not be utilized for general respite care.]~~

~~[(7)]8)~~ If a kinship specific ~~[home]~~licensee desires to provide general foster care services, they shall ~~[submit]~~complete the following~~[-];~~

~~(a)~~ ~~[Obtain-]~~submit written approval from their DCFS kinship support worker to become a general foster ~~[provider]~~parent to the office and the DCFS contracted recruitment and training agency to initiate required training; ~~[If DCFS does not support this license change, no further Licensing action shall be taken.]~~

~~(i)~~ Provide the written approval to the Office and DCFS contracted foster parent recruitment and training agency;

~~(b)~~ ~~[C]~~close the~~[#]~~ ~~[S]~~specific ~~[L]~~license and submit to the requirements of an initial foster care license to include:

~~(i)~~ complete initial foster care application; and

~~(ii)~~ complete foster care pre-service training series with the exception session #1, if completed within the last 2 years~~[-];~~

~~(c)~~ ~~[The Office shall complete a home study update on an Office approved template that addresses general provider requirements and replace or redact child-specific personally identifying information in the child specific study.]~~

~~(i)~~ The home study update may reference the original study as an attachment, but must address content requirements for general foster care; ~~[submit to a home study update interview with their licensor to change child-specific content to general foster parent requirements; and]~~

~~[(ii)]d)~~ provide any ~~n[N]~~ew reference letters ~~[may be]~~as requested, ~~[if determined necessary by the Office or DCFS.]~~

~~(9)~~ If DCFS does not support a license change, no further licensing action will be taken, unless the issue is disputed and overturned by the office director.

([§]10) ~~[The Office recognizes the importance of preserving family and cultural connections for foster children in foster care.]~~ In accordance with Section ~~[62A-2-117.5]~~ 26B-2-130 and the Indian Child Welfare Act, United States Code, Title 25 [U.S.C. Secs.] Sections 1901-1963, DCFS may request reduced requirements for a kinship specific licensee by submitting a variance request outlining the rules to be varied and how the request ~~[the Office may issue a waiver of any rule in regards to a kinship specific home that]~~ does not impact the health and safety of the specific foster child or sibling group. This requires prior written approval by the ~~[D]~~director of the ~~[O]~~office before it may become effective.

R501-12-16. Compliance.

Any active license on the effective date of this rule shall ~~[be given]~~ achieve compliance with this rule within 30 days. ~~[to achieve compliance with this rule.]~~

KEY: licensing, human services, foster care, certified foster care
Date of Last Change: 2023~~[May 11, 2020]~~
Notice of Continuation: October 3, 2022
Authorizing, and Implemented or Interpreted Law: ~~[62A-2-101 et seq.]~~ 26B-2-104

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R714-158	Filing ID: 55305
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Agency Information

1. Department:	Public Safety	
Agency:	Highway Patrol	
Building:	Calvin Rampton Complex	
Street address:	4501 S 2700 W	
City, state and zip:	Salt Lake City, UT 84119-5994	
Mailing address:	PO Box 141100	
City, state and zip:	Salt Lake City, UT 84114-1100	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R714-158. Vehicle Safety Inspection Program Requirements
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule amendment filing is being submitted as a result of the passage of H.B. 49, in the 2023 General Session. The bill repealed the Motor Vehicle Safety Inspection Advisory Council, so references to the council have been removed from this rule.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The filing removes references to the Motor Vehicle Safety Inspection Advisory Council from this rule, and establishes that a finding following an administrative proceeding may be appealed to the commissioner of the Department of Public Safety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

There is no anticipated cost or savings to the state budget because this rule removes references to the Motor Vehicle Safety Inspection Advisory Council, which was repealed in H.B. 49 (2023), and establishes that an appeal following an administrative adjudication may be made to the commissioner of the Department of Public Safety.

B) Local governments:

There is no anticipated cost or savings to local governments because this rule removes references to the Motor Vehicle Safety Inspection Advisory Council, which was repealed in H.B. 49 (2023), and establishes that an appeal following an administrative adjudication may be made to the commissioner of the Department of Public Safety.

C) Small businesses ("small business" means a business employing 1-49 persons):

There is no anticipated cost or savings to small businesses because this rule removes references to the Motor Vehicle Safety Inspection Advisory Council, which was repealed in H.B. 49 (2023), and establishes that an appeal following an administrative adjudication may be made to the commissioner of the Department of Public Safety.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There is no anticipated cost or savings to non-small businesses because this rule removes references to the Motor Vehicle Safety Inspection Advisory Council, which was repealed in H.B. 49 (2023), and establishes that an appeal following an administrative adjudication may be made to the commissioner of the Department of Public Safety.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities because this rule removes references to the Motor Vehicle Safety Inspection Advisory Council, which was repealed in H.B. 49 (2023), and establishes that an appeal following an administrative adjudication may be made to the commissioner of the Department of Public Safety.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons because this rule removes references to the Motor Vehicle Safety Inspection Advisory Council, which was repealed in H.B. 49 (2023), and establishes that an appeal following an administrative adjudication may be made to the commissioner of the Department of Public Safety.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 53-8-204

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 05/15/2023

9. This rule change MAY become effective on: 05/22/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Mike Rapich, Colonel UHP	Date:	03/30/2023
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R714. Public Safety, Highway Patrol.

R714-158. Vehicle Safety Inspection Program Requirements.

R714-158-1. Authority.

This rule is authorized by Subsection 53-8-204(5).

R714-158-2. Purpose.

The purpose of this rule is to set standards governing the administration and enforcement of the safety inspection program in accordance with Title 53, Chapter 8, Part 2, Motor Vehicle Safety Inspection Act.

R714-158-3. Definitions.

(1) Terms used in this rule are defined in Sections 53-8-102, 53-8-202, and the Federal Motor Carrier Safety Regulations contained in Subchapter B, Chapter III, Subtitle B of the Code of Federal Regulations Title 49 - Transportation.

(2) In addition:

(a) "agency action" means a written warning, suspension, revocation, or denial applied against a certification, license, or application[-];

(b) "applicant" means a person who has applied to the division for a permit or certificate;

(c) "certificate" means the authorization for a safety inspector to conduct safety inspections;

(d) "conviction" means an adjudication of guilt regarding criminal conduct, including:

(i) a finding of guilt by a court or a jury;

(ii) a guilty plea;

(iii) a plea of nolo contendere; or

(iv) a plea which is held in abeyance pending the successful completion of a probationary period;

(e) "division" means the Vehicle Safety Inspection section of the Utah Highway Patrol;

(f) "fleet station" means a station that only conducts safety inspections on vehicles that are owned or leased by the same company that owns the station;

(g) "inspection certificate" means the certificate of inspection given when a vehicle passes or fails the requirements of the inspection program;

(h) "licensee" means a person who has been granted a permit or certificate by the division;

(i) "OEM" means original equipment manufacturer;

(j) "online inspection program" means the web-based inspection program used to record safety inspections;

(k) "permit" means the authorization for a person to operate a station;

(l) "revocation" means the permanent deprivation of a certificate or permit;

(m) "inspector" means a person with a valid certificate who is employed by a licensed station;

(n) "station" means a business or government facility located in Utah that is managed or operated by a valid permit holder and conducts safety inspections;

(o) "suspension" means the temporary deprivation of a certificate or permit;

(p) "sticker" means a safety inspection sticker distributed by the division to a station which affixes it to a vehicle with a gross vehicle weight rating of 26,001 pounds or more, or is equipped with an air braking system regardless of weight rating, when that vehicle meets the safety inspection requirements;

(q) "sticker report" means the document of inspection given when a vehicle with a gross vehicle weight rating of 26,001 pounds or more, or a vehicle equipped with an air braking system regardless of weight rating, fails or meets the safety inspection requirements; and

(r) "Utah Interactive" means the company that has contracted with the division for the setup and facilitation of the online inspection program.

R714-158-4. Safety Inspection Station Permits.

(1) To be eligible for a new permit or to retain a current permit, an applicant shall:

(a) employ a station manager who possesses a valid certificate;

(b) obtain and maintain a \$10,000 surety bond or garage keepers insurance for the station that the permit holder seeks to manage or operate, unless the station the applicant seeks to manage or operate is a government or fleet station;

(c) obtain and maintain a valid business license for the station that the applicant seeks to manage or operate, unless the station the applicant seeks to manage or operate is a government station;

(d) obtain and maintain a valid business registration from the Utah Department of Commerce for the safety inspection station that the applicant seeks to manage or operate, unless the station the applicant seeks to manage or operate is a government station; and

(e) enroll the station in the online inspection program after receiving approval from the division.

(2)(a) An applicant seeking to manage or operate a safety inspection station shall submit a completed permit application packet to the division.

(b) The permit application packet shall include:

(i) a completed permit application form provided by the division;

(ii) a non-refundable permit application fee, unless the station the applicant seeks to manage or operate is a government station;

(iii) proof of a \$10,000 surety bond or garage keepers insurance for the station that the applicant seeks to manage or operate, unless the station the applicant seeks to manage or operate is a government or fleet station;

(iv) documentation of a valid business license for the station that the applicant seeks to manage or operate, unless the station the applicant seeks to manage or operate is a government station; and

(v) documentation of a valid business registration from the Utah Department of Commerce for the safety inspection station that the applicant seeks to manage or operate, unless the station the applicant seeks to manage or operate is a government station.

(3)(a) Upon receipt of a completed application packet, the division shall review the materials to determine if the applicant is eligible for a permit.

(b) The division may request additional information to determine if the applicant is eligible for a permit.

(4) After receipt of all of the necessary documentation, the division shall inspect the station that the permit holder intends to manage or operate to determine if the station meets the requirements of the safety inspection program.

(5)(a) If the division determines that the applicant has met all of the requirements for a permit, the division shall issue the permit to the applicant.

(b) The permit is non-transferable.

(6)(a) If the division determines that the applicant does not meet the requirements for a permit, the division shall issue a denial letter to the applicant.

(b) The denial letter shall state the reasons for denial and indicate that the applicant may have the matter reviewed as provided in Section ~~[41 of this Rule]~~ R714-158-11.

R714-158-5. Building and Equipment Requirements.

(1) To be eligible for a permit or to maintain a permit, the inspection station building and site must meet the following conditions:

(a) the building is capable of housing the vehicles to be inspected;

(b) the building has a level concrete or asphalt floor; and

(c) the site has a business sign of a permanent construction, properly displaying the business name that is listed on the business station application, unless the station the applicant seeks to manage or operate is a government or fleet station.

(2) An inspection station shall have the following tools and equipment:

(a) a current hard copy of the safety inspection manual, or an electronic copy that has been downloaded as a file on a station computer;

(i) accessing the manual online does not meet this requirement;

(b) the necessary hand tools to conduct an inspection;

(c) a hoist capable of lifting all four tires simultaneously off ~~of~~ the ground;

(i) stations in operation ~~[prior to]~~ before January 1, 2009 are exempt from this requirement, but the station shall possess a hoist or heavy-duty jack with jack stands;

(d) measuring gauges and instruments for determining minimum specifications in the inspection process;

(e) a two-piece approved light meter kit capable of measuring window light transmittance at a minimum of +/- 3%;

(f) a dial indicator for measuring ball joint and suspension component tolerances;

(g) a tire tread depth gauge;

(i) a riveted brake lining gauge may be used for tire tread depth gauge;

(h) a tire pressure gauge;

(i) a tape measure; and

(j) the following brake gauges:

(i) bonded;

(ii) riveted;

(iii) disc pad;

(iv) rotor; and

(v) drum.

(3) An inspection station that performs inspections on heavy motor vehicles, trailers, or buses shall have the following tools and equipment:

(a) a hoist;

(b) a two-piece light meter approved by division;

(c) hand tools including wrenches, screwdrivers, and ratchets;

(d) a dial indicator for measuring ball joint and suspension component tolerances;

(e) a tire tread depth gauge;

(f) a current hard copy of the safety inspection manual, or an electronic copy that has been downloaded as a file on a station computer;

(i) accessing the manual online does not meet this requirement;

(g) a tire pressure gauge;

(h) a king pin gauge;

(i) a fifth wheel jaw tester;

(j) a measuring tape;

(k) a current copy of the School Bus Standards and Inspection Manual, if the station inspects school buses; and

(l) the following brake gauges:

(i) bonded;

(ii) riveted;

(iii) disc pad;

(iv) rotor; and

(v) large drum.

(4) The division may grant an exception to the minimum requirements of this section upon written request from the applicant or licensee that shows extenuating circumstances justifying the exemption.

R714-158-6. Safety Inspector Certificates.

(1) To be eligible for a certificate, an applicant shall:

(a) be 18 years of age or older; and

(b) attend and successfully complete the safety inspector training course.

(2)(a) An applicant seeking to perform safety inspections shall submit a completed certificate application packet to the division.

(b) The application packet shall include:

(i) a completed certificate application form provided by the division;

(ii) a non-refundable certificate application fee;

(iii) a passport, copy of a valid driver license, or identification card issued by a state government within the United States or one of its territories to verify the applicant's identity; and

(iv) documentation that the applicant attended and successfully completed the safety inspector training course.

(3)(a) Upon receipt of a completed application packet, the division shall review the materials to determine if the applicant is eligible for a certificate.

(b) The division may request additional information to determine if the applicant is eligible for a certificate.

(4)(a) If the division determines that the applicant has met all of the requirements for a certificate, the division shall issue the certificate to the applicant.

(b) The certificate is non-transferable and shall expire five years from the date of issuance.

(5)(a) If the division determines that the applicant does not meet the requirements for a certificate, the division shall issue a letter of denial to the applicant.

(b) The denial letter shall state the reasons for denial and indicate that the applicant may have the matter reviewed as provided in Section ~~[41 of this Rule]~~ R714-158-11.

R714-158-7. Renewal of Certificates.

(1) To be eligible to renew a certificate, a licensee shall retake and successfully complete the safety inspector training course within six months ~~[prior to]~~ before the expiration date of the certificate, either in person or online.

(2)(a) A licensee seeking to renew a certificate must submit a completed certificate renewal packet to the division.

(b) The certificate renewal packet shall include:

(i) a written renewal form provided by the division;

(ii) a non-refundable certificate renewal fee; and

(iii) documentation the inspector has re-taken and successfully completed the safety inspector training course, either in person or online, within six months ~~[prior to]~~ before the expiration date of inspector's certificate.

(3)(a) Upon receipt of a completed renewal packet, the division shall review the materials to determine if the licensee is eligible to renew the permit or certificate.

(b) The division may request additional information to determine if the licensee is eligible to renew the certificate.

(4) If the division determines the licensee has met all of the requirements for renewal, it shall renew the certificate for the licensee.

(5)(a) If the division determines the licensee does not meet the renewal requirements, it shall deny the renewal application for the certificate and notify the licensee in writing.

(b) The denial notification shall state the reasons for denial and state the licensee may have the decision reviewed by filing a written request for hearing within 30 calendar days as provided in Section ~~[41 of this Rule]~~ R714-158-11.

R714-158-8. Safety Inspector Training Program.

(1)(a) The safety inspector training course shall consist of a 16-hour training program provided by an educational institution approved by the division.

(b) The educational institution shall:

(i) possess all of the necessary tools to conduct a safety inspection in accordance with Administrative Rules R714-160, R714-161, R714-162, and R714-163;

(ii) teach the safety inspection curriculum approved by the division; and

(iii) administer the quizzes and final test generated by the division.

(2) The safety inspector training course shall be taught by instructors that are employees of an educational institution approved by the division.

(3) Students shall attend all 16 hours of the safety inspector training course and pass the final test ~~[in order]~~ with a score of at least 80% to successfully complete the course.

(4)(a) Any student who falsifies information or cheats on a quiz or test during the safety inspection training course shall be removed from the course and not allowed to complete it.

(b) A student removed from a safety inspection training course may not retake the class for a period of one year.

R714-158-9. General Safety Inspection Program Requirements.

(1) A permit holder shall be responsible for the management and operation of a station and shall:

(a) acquire and maintain the required equipment at the station;

(b) ensure all inspections are performed at the station and are conducted in accordance with ~~[Administrative Rules]~~ Section R714-158-8, and Rules R714-160, R714-161, R714-162, R714-163;

(c) ensure all inspection certificates are issued through the online inspection program, unless the program is ~~[temporarily]~~ unavailable for more than 3 days, in which case;

~~_____ (i) if the online inspection program is unavailable for more than three business days;~~ the station shall contact the division;

(d) retain a copy of all station records for a period of one year, including plate brake test records;

(e) make the station and its records available for inspection by the division;

(f) ensure the station has an adequate supply of paper inspection certificates and stickers;

(g) ensure the paper inspection certificates and stickers are safeguarded against loss or theft;

(h) immediately report missing or stolen paper inspection certificates or stickers to the division;

(i) display the permit at the station in a prominent location that is easily visible to the public;

(j) report any changes in the station's name or address to the division;

(k) report any changes in the permit holder's mailing address to the division;

(l) notify the division if there is a change in inspectors who are employed at the station;

(m) ensure that the station uses and displays only the name of the station provided to the division; and

(n) ensure that the station's Utah Interactive account is not delinquent.

(2) An inspector shall:

(a) work under the direction of a permit holder;

~~_____ (i) an inspector]~~ and may also be a permit holder for the same station;

(b) only conduct inspections onsite at the station designated on the employer's permit;

(c) conduct all inspections fully as described in Administrative Rules R714-160, R714-161 R714-162, and R714-163 before an inspection certificate or sticker may be issued or a customer is informed about any reject items;

(d) conduct all safety inspections honestly and thoroughly;

(e) not coerce customers or sell unneeded parts or repairs;

(f) advise customers the vehicle need not be repaired or adjusted at the station that conducted the safety inspection, but needed repairs may be made at any business selected by the customer;

(g) obtain the customer's authorization before performing any repair or adjustments;

(h) return any part that is replaced to the customer, upon request;

(i) show a part that is to be replaced or repaired to the customer if it cannot be returned, upon request;

(j) issue all inspection certificates using the online inspection program if the station is enrolled in the program, unless the program is temporarily unavailable;

(k) enter the information from a paper inspection certificate to the online inspection program within 72 hours after the program becomes available again;

(l) only use his or her assigned username and password issued by the division when using the online inspection program to complete a safety inspection;

(m) complete all paper safety inspection records legibly;

(n) fully complete everything on the inspection certificates, stickers, and sticker reports on the same date the vehicle inspection is conducted;

(o) conduct inspections, issue certificates, and attach stickers to vehicles only at the station where the inspector is employed, unless the inspection is performed on a government-owned emergency fire response vehicle or ambulance;

(p) not sell or transfer inspection certificates, stickers, or sticker reports to another station;

(q) complete inspection paperwork or enter the information in the online inspection program ~~[whenever]~~ when a vehicle is inspected;

(r) avoid conducting safety inspections on his or her personally owned or operated vehicles;

(s) report any change to his or her mailing address to the division; and

(t) notify the division if he or she changes employers.

R714-158-10. Inspection Certificates, Stickers, and Sticker Reports.

(1) Inspection certificates will be issued in books of 50 for passenger/light truck, books of 25 for ATVs, and books of 25 for stickers and sticker reports.

(2) A station may purchase two books of inspection certificates for passenger/light truck, four books of inspection certificates for ATV, and four books of sticker reports to use when the online inspection program is temporarily unavailable.

(3) A station may not purchase another book of inspection certificates or sticker reports until the station returns one of the used books that it previously purchased to the division.

(4) Unused books of inspection certificates, sticker reports, or stickers may be returned to the division for reimbursement.

R714-158-11. Grounds for the Denial, Suspension, or Revocation of Station Permit or Inspector Certificate.

(1) An applicant or licensee may be denied, suspended, or revoked for any of the following reasons:

- (a) a violation of any Utah state or federal safety inspection law, rule or regulation;
- (b) providing any false or misleading information during:
 - (i) the application or renewal process for a permit or certificate;
 - (ii) a division investigation or station visit; or
 - (iii) an administrative hearing; or
- (c) conviction of a crime involving dishonesty, deception, or theft.

(2) In determining whether denial, suspension, or revocation of a permit or certificate is appropriate, the division shall consider the applicant or licensee's previous history with the safety inspection program.

(3)(a) If an inspector is suspended, the inspector may not conduct safety inspections or represent him or herself to be an inspector.

(b) If a permit holder is suspended, no one at the permit holder's station may conduct safety inspections or represent the station as a safety inspection station.

(c) An applicant or licensee who is denied a certificate or permit may not be eligible to reapply for a period of 90 days from the date of denial.

(d) A licensee whose certificate or permit is revoked shall not be eligible to reapply for another certificate or permit for a period of one year from the date of revocation.

R714-158-12. Adjudicative Proceedings.

(1) All adjudicative proceedings set forth in this section shall be conducted informally as provided in Section 63G-4-202.

(2) The division shall initiate agency action against an applicant or licensee with a notice of agency action in accordance with Section 63G-4-201.

(3)(a) An applicant or licensee who receives a notice of agency action indicating that the division intends to deny, suspend, or revoke a permit or a certificate may request a hearing by filing a written request for hearing with the division within 15 calendar days from the date of the notice of agency action.

(b) A hearing shall be held before a hearing officer designated by the division, within 30 calendar days of the day that the division receives the timely written request for hearing, unless the parties agree to a later date.

(c) If a timely request for hearing is filed, the agency action shall be stayed until the division's hearing officer issues a written decision.

(d) At the hearing, the applicant or licensee shall have an opportunity to explain why the division should not take agency action.

(e) The hearing officer shall issue a written decision in accordance with Section 63G-4-203 within ten business days of the hearing.

(4)(a) An applicant or licensee may appeal the hearing officer's decision to the [council] commissioner or the commissioner's designee by filing an appeal with the division within 30 calendar days of the issuance of the hearing officer's decision.

(b) If a timely appeal to the [council] commissioner or the commissioner's designee is filed, the agency action shall be stayed until the [council] commissioner or the commissioner's designee issues a written decision.

(c) A hearing shall be held before the [council] commissioner or the commissioner's designee within 30 calendar days of the day that the division receives the written appeal, unless the parties agree to a later date.

(d) At the hearing, the applicant or licensee shall have an opportunity to explain why the division's action should be overturned.

(e) The [council] commissioner or the commissioner's designee shall issue a written decision in accordance with Section 63G-4-301 within ten business days of the hearing.

(f) The written decision of the [council] commissioner or the commissioner's designee shall constitute final agency action and is subject to judicial review pursuant to Section 63G-4-402.

R714-158-13. Procedures for Safety Inspection Station Closure.

(1) When a safety inspection station is going out of business, the manager or owner of the station shall:

(a) notify the division of the effective date of the closure at least one week [prior to] before the date of closure;

(b) discontinue conducting safety inspections on the date of closure; and

(c) within one week after the date of closure, return the following to the division:

- (i) the station permit;
- (ii) all inspection certificates;
- (iii) all stickers; and
- (iv) all sticker reports.

(2) The division shall cancel online access to the Vehicle Safety Inspection System on the effective date of the station closure.

KEY: motor vehicle safety, inspections

Date of Last Change: 2023~~September 27, 2016~~

Notice of Continuation: June 1, 2022

Authorizing, and Implemented or Interpreted Law: 53-8-204

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R714-570	Filing ID: 55306
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Agency Information

1. Department:	Public Safety	
Agency:	Highway Patrol	
Building:	Calvin Rampton Complex	
Street address:	4501 S 2700 W	
City, state and zip:	Salt Lake City, UT 84119-5994	
Mailing address:	PO Box 141100	
City, state and zip:	Salt Lake City, UT 84114-1100	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R714-570. Mental Health Resources or First Responders Grant Funding

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule filing is being submitted as a result of the passage of H.B. 49, in the 2023 General Session. The bill language resulted in some necessary changes to this rule.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

H.B. 49 (2023) codifies definitions for "retired" and "separated" under Section 53-21-101, so the definitions are being removed from this rule. The date in Section R714-570-7 is being changed from March 31, 2023, to March 31, 2024, because the legislature appropriated additional funds for FY 2024 for the grant program administered under Section 53-21-103.

Language in this rule regarding retired or separated first responders has been modified to coincide with definitions added to Section 53-21-101, including the addition of their spouses as required in the bill. The language establishing the parameters for retired or separated first responders to receive mental health resources has been removed from the rule because the bill codified these parameters in Subsections 53-21-102(1)(d) and (1)(e), and removed the specific rulemaking authority to establish these parameters in Subsection 53-2-103(7).

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The Division of Highway Patrol (Division) does not anticipate a cost to the state budget as a result of this rule amendment. The Utah Legislature appropriated additional funding for FY24 in the amount of \$5,000,000 to provide grant funding for first responder agencies to either establish a new program, or enhance an existing program, to provide mental health resources to first responders employed by the agencies.

This rule establishes how the grant funding will be distributed.

B) Local governments:

The Division anticipates a cost savings of \$5,000,000 to local governments. Local first responder agencies will

continue to have the ability to apply for grant funding from the \$5,000,000 appropriation for FY24 in order to establish a new program, or enhance an existing program, to provide mental health resources to first responders employed by the agencies.

Local law enforcement entities will apply for grant funding, and once approved, will be awarded grant funding. Those agencies awarded grant funding will see an inestimable fiscal benefit.

C) Small businesses ("small business" means a business employing 1-49 persons):

In Utah, it is estimated that there are 162 small business out-patient mental health centers (NAICS 621420), 138 small business offices of mental health physicians (NAICS 621112), 455 small business offices of mental health practitioners (NAICS 621330), and 1647 small business offices of physicians, ex. mental health (NAICS 621111). It is not clear which of these businesses might be qualified to provide mental health services to first responders in compliance with the requirements under Section 53-21-103.

First responder agencies applying for grant funding will be required to submit a request for proposal, request for qualifications or program description that meets the statutory criteria under Subsection 53-21-103(2) for consideration prior to grant funding being awarded. Through this process it will be determined which of these small businesses would meet the statutory criteria to provide required services. Those small businesses that meet statutory criteria and enter into a contract with a first responder agency to provide the required services could potentially see an inestimable fiscal benefit.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

In Utah, it is estimated that there are 7 non-small business out-patient mental health centers (NAICS 621420), 1 non-small business offices of mental health physicians (NAICS 621112), 2 non-small business offices of mental health practitioners (NAICS 621330), and 104 non-small business offices of physicians, ex. mental health (NAICS 621111).

First responder agencies applying for grant funding will be required to submit a request for proposal, request for qualifications or program description that meets the statutory criteria under Subsection 53-21-103(2) for consideration prior to grant funding being awarded. Through this process it will be determined which of these small businesses would meet the statutory criteria to provide required services.

Those small businesses that meet statutory criteria and enter into a contract with a first responder agency to provide the required services could potentially see an inestimable fiscal benefit.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

Spouses of first responders who retire from a first responder agency or separate employment as a result of a critical incident will now be entitled to mental health resources provided by the first responder agency as a result of the passage of H.B. 49 (2023). This could result in a fiscal benefit to a person who is the spouse of a first responder who retires or separates employment and seeks mental health resources from the first responder agency with whom their spouse was previously employed.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons because this rule identifies the process for a first responder agency to seek grant funding to provide mental health resources to first responders employed by the agencies and their families, and first responders that retire or separate from the agencies and their spouses.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this fiscal analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 53-21-103		
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 05/15/2023

9. This rule change MAY become effective on: 05/22/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Mike Rapich, Colonel UHP	Date:	03/30/2023
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R714. Public Safety, Highway Patrol.

R714-570. Mental Health Resources for First Responders Grant Funding.

R714-570-1. Purpose.

The purpose of this rule is to create a program to assist first responder agencies through monetary grants to provide mental health resources for first responders in accordance with Section 53-21-103.

R714-570-2. Authority.

This rule is authorized by Section 53-21-103.

R714-570-3. Definitions.

(1) Terms used in this rule are found in Section ~~[53-21-103]~~ 53-21-101.

(2) In addition:

(a) "assessment" means an in-depth clinical interview and ongoing process of information gathering conducted by a licensed mental health therapist to determine if an individual is in need of mental health or substance use disorder treatment and to develop a treatment plan;

(b) "committee" means the Mental Health Resources for First Responders Grant Funding Committee established under this rule; and

(c) ~~"retired" means the status of an individual who has:~~

~~(i) become eligible, applies for, and may receive an allowance under Title 49, Utah State Retirement and Insurance Benefit Act; or~~

~~(ii) separated employment as a result of a critical incident; and~~

~~(d)]~~"screening" means a preliminary evaluation to determine whether key features of a substance use disorder or mental health disorder are present in an individual.

R714-570-4. Mental Health Resources for First Responders Grant Funding Committee.

This rule establishes the Mental Health Resources for First Responders Grant Funding Committee, which shall be responsible for assisting the department in awarding funds to first responder agencies to provide mental health resources for first responders in accordance with Section 53-21-103.

R714-570-5. Committee Membership.

(1) The committee shall consist of seven members made up of one representative from each of the following groups or organizations:

(a) Utah Department of Public Safety Commissioner or designee;

(b) Utah Highway Patrol Colonel or designee;

(c) Utah Sheriffs Association;

(d) Utah Chiefs of Police Association;

(e) Utah State Fire Chiefs Association;

(f) Utah Association of Counties; and

(g) League of Cities and Towns.

(2) Members of the committee shall:

(a) be approved by the Commissioner of the Utah Department of Public Safety;

(b) be appointed for four-year terms; and

(c) cease to be members of the committee immediately upon the termination of their membership in the group or organization they represent.

(3) If a vacancy occurs during the four-year term of a committee member, a new member shall be appointed from the same group or organization to finish the term of that member.

(4) The committee chair shall be the Utah Department of Public Safety Commissioner or designee.

(5) Four members shall constitute a quorum for committee action.

(6) The department's special counsel shall assist the committee as needed.

R714-570-6. Committee Meetings.

The committee shall meet at least quarterly to review and approve applications from first responder agencies.

R714-570-7. Applications.

(1) Applications for grant funding shall:

(a) be made on department forms;

(b) include criteria required under Section 53-21-103;

(c) ensure that peer confidentiality is addressed;

(d) be sent to the committee in care of the department; and

(e) be submitted before March 31, ~~[2023]~~2024.

(2) A group of first responder agencies may jointly apply for grant funding to provide mental health resources for first responders.

(a) The group of agencies shall designate one first responder agency as the lead agency.

(b) The lead agency shall:

(i) take responsibility for applying for grant funding in behalf of the group of first responder agencies in accordance with Subsection R714-570-7(1);

(ii) provide oversight of the mental health resources program for the group of agencies;

(iii) maintain accounting records; and

(iv) ensure that mental health resources are available to first responders employed by the group of first responder agencies~~[-]~~ and their family members, and first responders that have retired or separated from the group of first responder agencies and their spouses, as required under Section 53-21-102.

R714-570-8. Criteria and Awards.

(1) The committee shall:

(a) review timely applications submitted by first responder agencies;

(b) prioritize grant funding as required under Subsection 53-21-103(6); and

(c) approve funding awards for first responder agencies that have submitted completed applications that meet the requirements under Section 53-21-103.

(2) The committee shall notify each first responder agency that applied for grant funding of:

(a) the approval or denial of the application for funding; and

(b) the amount of funding that will be made available to first responder agency.

(3) An agency awarded grant funding shall ensure that mental health resources are made available within 60 days of receipt of grant funding to first responders, family members of first responders, ~~[and]retired or separated~~ first responders, and spouses of retired or separated first responders ~~[-within 60 days of receipt of grant funding].~~

~~**[R714-570-9. Parameters for Services for Retirees.**~~

~~A first responder agency shall provide mental health resources for at least three years to a first responder who has retired from the first responder agency.]~~

R714-570-~~[10]~~9. Agency Accountability.

(1) First responder agencies that receive funding shall:

(a) use the awarded resources only in the manner set forth in Section 53-21-103;

(b) maintain records for five years sufficient to show how the funding is used;

(c) cooperate with the committee if and when the committee determines it is necessary to audit agency records, and evaluate use of the funding; and

(d) provide a quarterly report to the committee that includes:

(i) the amount of grant funding awarded to the agency;

(ii) the amount of grant funding spent by the agency, and the purposes for which the grant funding was spent;

(iii) the amount of grant funding not yet spent by the agency;

(iv) the number of first responders, family members of first responders, [and] retired or separated first responders, and spouses of retired or separated first responders served; and

(v) the types of services provided.

(2) If the committee determines that an agency has used grant funding for purposes not specified in Section 53-21-103, the agency shall return the grant funding to the committee.

KEY: mental health resources, first responder, first responder agency

Date of Enactment: ~~September 7, 2022~~ 2023

Authorizing, and Implemented or Interpreted Law: 53-21-103

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends May 15, 2023.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through August 14, 2023, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF CHANGE IN PROPOSED RULE		
Rule or Section Number:	R277-552	Filing ID: 55248
Date of Previous Publication:	03/01/2023	

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-552. Charter School Timelines and Approval Process
3. Reason for this change (Why is the agency submitting this filing?):
This change in proposed rule is in response to requests and feedback from the Legislature's Administrative Rules Review and General Oversight Committee to discuss Rule R277-552.
4. Summary of this change (What does this filing do?):
These amendments require a charter school that requests a large expansion or satellite school to meet the academic and other standards and requirements of the charter school authorizer before the authorizer may approve the request. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the March 1, 2023, issue of the Utah State Bulletin, on page 28. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the

changes that will be enforceable should the agency make this rule effective.)

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

This rule change is not expected to have fiscal impact on state government's revenues or expenditures. The change affects how charter school authorizers address charter school expansions. This will not directly impact Utah State Board of Education (USBE) budgets.

B) Local government:

This rule change is not expected to have major fiscal impact on local governments' revenues or expenditures. Charter authorizers can now review and grant small expansion requests, and authorizers can establish standards for academic good standing. These changes may allow for more flexibility for charter schools attempting to expand. There is not a measurable impact for charter schools or school districts.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects charter school expansions.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, or state or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This only affects charter school expansions.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. The changes allow flexibility for charter school expansions but do not add compliance costs for charter schools or USBE.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Section 53E-3-401	Section 53G-5-205
Section 53F-2-702	Section 53G-6-503	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: No Formal Comment Period

9. This rule change MAY become effective on: 05/15/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	03/21/2023
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R277. Education, Administration.**R277-552. Charter School Timelines and Approval Processes.****R277-552-1. Authority and Purpose.**

(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 adopt rules in accordance with its responsibilities;

(c) Subsection 53G-6-504(5), which requires the Board to make rules regarding a charter school expansion or satellite campus;

(d) Sections 53G-5-304 through 53G-5-306, which require the Board to make a rule providing a timeline for the opening of a charter school;

(e) Section 53F-2-702, which directs the Board to distribute funds for charter school students directly to the charter school;

(f) the Charter School Expansion Act of 1998, 20 U.S.C. Sec. 8063, which directs the Board to submit specific information before a charter school's receipt of federal funds; and

(g) Subsection 53G-5-205(5), which requires the Board to make rules establishing minimum standards that an authorizer is required to apply in authorizing and monitoring charter schools.

(2) The purpose of this rule is to:

(a) establish procedures for timelines and approval processes for new charter schools; and

(b) provide criteria and standards for consideration of high performing charter schools to expand and request new schools that are satellite schools.

R277-552-2. Definitions.

(1) "Large expansion" means a charter school's request for expansion if the expansion request:

- (a) is for more than 50 students;
- (b) would necessitate significant renovation; or
- (c) is for more than one additional grade level.

(2) "Market analysis" means a qualitative and quantitative analysis of the educational market near a proposed charter school, including:

- (a) the school's target demographics;
- (b) population and development trends in the area;
- (c) nearby competing public schools;
- (d) the proposed school's own forecasts, along with supporting data; and

(e) any risks, barriers, or regulations that may impact a proposed school's success.

(3) "Significant school remodel" means new construction or a renovation that requires:

- (i) a building permit from a local municipality or county;

or

- (ii) a project number from the Board as described in Rule

R277-471.

(4) "Small expansion request" means a charter school's request for expansion if the expansion request:

- (a) is for 50 or fewer students;
- (b) would not necessitate a significant renovation; and
- (c) is for no more than one additional grade.

R277-552-3. Charter School Authorization Process.

(1) An individual or non-profit organization as described in Subsection 53G-5-302(2)(b) may apply to open a charter school from any statutorily approved authorizer.

(2) An authorizer shall submit a process to the Board for approval of:

- (a) a new charter school;
- (b) a request from a school to change authorizers;
- (c) a charter school expansion; or
- (d) a satellite school.

(3) A new authorizer shall submit a new charter school application process to the Board for approval at least six months before accepting applications for a new charter school.

(4) An existing authorizer may not authorize a new charter school for the 2021-22 school year and beyond until the Board approves the authorizer's application process.

(5)(a) The Board shall approve or deny an authorizer's proposed application process, including expansion and satellite approval processes, within 90 days of receipt of the proposed process from an authorizer.

(b) If the Board denies an application process, the Superintendent shall provide a written explanation of the reasons for the denial to the applicant within 45 days.

(c) If an authorizer's application process is denied, the authorizer may submit a revised application process for approval at any time.

(6) An authorizer shall have an application and charter agreement, which shall include all elements required by Title 53G, Chapter 5, Part 3, Charter School Authorization.

(7) An authorizer shall maintain the official signed charter agreement, which shall presumptively be the final, and complete agreement between a school and the school's authorizer.

(8) An authorizer's review process for a new charter school shall include:

- (a) a plan for mandatory pre-operational and other trainings;
- (b) an evaluation of the school's governing board, including:

(i) a review of the resumes of and background information of proposed governing board members; and

(ii) a capacity interview of the proposed governing board;

(c) an evaluation of the school's financial viability, including:

(i) a market analysis;

(ii) anticipated enrollment; and

(iii) anticipated and break even budgets;

(d) an evaluation of the school's academic program and academic standards by which the authorizer will hold the school accountable; and

(e) an evaluation of the school's proposed pre-operational plan, including implementation of:

(i) applicable legal requirements for public schools;

(ii) required policies;

(iii) student data systems, including student data privacy requirements;

(iv) reporting; and

(v) financial management.

(9) An authorizer's review process shall include contacting the school district in which a proposed charter school will be located and consideration of any feedback provided by the district.

(10) An authorizer shall design its approval process so that the authorizer notifies the Superintendent of an authorizer approval of a request identified in Subsection (2) no later than October 1, one fiscal year before the state fiscal year the charter school intends to serve students.

R277-552-4. Timelines - Charter School Starting Date and Facilities.

(1) A charter school may receive state start-up funds if the charter school is approved as a new charter school by October 1, one fiscal year before the state fiscal year the charter school intends to serve students.

(2) Before receiving state start-up funds an authorizer, other than the State Charter School Board, shall certify in writing to the State Charter School Board that a charter school has:

(a) completed all required financial documents;

(b) completed background checks for each governing board member; and

(c) executed a signed charter agreement, which includes academic goals.

(3) Before an LEA receives state start-up funds, the State Charter School Board shall require the LEA to submit documentation supporting the information required in Subsections (2)(a) and (c) to the Superintendent.

(4) A charter school may receive state funds, including minimum school program funds, if the charter school authorizer certifies in writing to the Superintendent by June 30 before the school's first operational year that:

(a) the charter school meets the requirements of Subsection (2);

(b) the charter school's governing board has adopted all policies required by statute or Board rule, including a draft special education policies and procedures manual;

(c) the charter school's governing board has adopted an annual calendar in an open meeting and has submitted the calendar to the Superintendent;

(d) the authorizer has received the charter school's facility contract as required by Subsection 53G-5-404(9);

(e) the charter school has met the requirements of Subsections (5) and (6) and that the school's building is scheduled for completion, including all required inspections, before occupancy;

(f)(i) the charter school has hired an executive director and a business administrator; or

(ii)(A) the charter school governing board has designated an executive director or business administrator employed by a third party; and

(B) the charter school governing board has established policies regarding the charter school's supervision of the charter school's third-party contractors;

(g) the charter school's enrollment is on track to be sufficient to meet the school's financial obligations and implement the charter school agreement;

(h) the charter school has an approved student data system that has successfully communicated with UTREx, including meeting the compatibility requirements of Subsection R277-484-5(3);

(i) the charter school has a functional accounting system; and

(j) the charter school has a budgeted net lease adjusted debt burden ratio of under 30% based on the school's executed facility agreement; and

(k) the charter school has complied with all legal requirements for new charter schools in a school's pre-operational year.

(5) An authorizer shall:

(a) create a process to verify the requirements in Subsection (4);

(b) maintain documentation of Subsection (5)(a); and

(c) provide the documentation described in Subsection (5)(b) to the Superintendent upon request; and

(d) submit a copy of the process required in Subsection (5)(a) to the Board for approval along with the authorizer's process for approving new charters under Subsection R277-552-3(2).

(6) A charter school shall begin construction on a new or existing facility requiring significant renovation no later than January 1 of the year the charter school is scheduled to open.

(7) A charter school that intends to occupy a facility requiring only minimal renovation, such as renovation not requiring a project number according to Rule R277-471, shall enter into a written agreement no later than May 1 of the calendar year the charter school is scheduled to open.

(8) If a charter school fails to meet the requirements of this section within 36 months of approval, the approval of the charter school shall expire.

R277-552-5. Charter Amendment Requests.

(1) An authorizer shall have a policy establishing a process for consideration of proposed amendments to a school's charter agreement.

(2) An authorizer's timeline for consideration of an amendment to a charter agreement may not conflict with any funding deadline established in Board rule.

R277-552-6. Charter School Small Expansion Requests.

(1) An authorization process developed by an authorizer in accordance with Subsection R277-552-3(2) shall comply with Sections R277-552-6 and R277-552-7 for a charter school expansion.

(2) An authorizer may approve a small expansion request in accordance with an authorizer's standards and established criteria.

(3) An authorizer may approve an application from a charter school for a large expansion if the charter school meets the requirements for a satellite school described in Section R277-552-7.

(4) An authorizer may provide additional requirements in addition to the requirements described in Sections R277-552-6 and R277-552-7.

(5) An authorizer shall provide documentation of an applicant school's eligibility for an expansion under Subsection (2) or Section R277-552-7 to the Superintendent upon request.

(6) An authorizer shall:

(a) approve a proposed expansion before October 1 of the state fiscal year before the school year that the charter school intends to expand; and

(b) provide the total number of students by grade that the charter school expansion is authorized to enroll to the Superintendent on or before October 1 of the state fiscal year before the school year that the school intends to expand.

R277-552-7. Requests for a New Satellite School or Large Expansion.

(1) An authorization process developed by an authorizer in accordance with Subsection R277-552-3(2) shall comply with this Section R277-552-7 for a satellite school or large expansion request.

(2) An authorizer may not consider an application for a satellite school from a charter school governed by a different authorizer.

(3) An authorizer may only approve an application from a charter school for a satellite school or large expansion if:

(a) the charter school is in compliance with the requirements of federal and state law, regulations, and Board rule;

(b) the charter school meets the academic and other standards and requirements of the charter school authorizer[~~'s standards and requirements~~];

~~_____ (c) the charter school is academically high performing]~~ and is in good standing according to the standards established by the charter school's authorizer in the authorizer's process for charter school expansion or satellite school described in Subsection R277-552-3(2), including whether the charter LEA, as a whole, qualifies as high performing under the charter school's authorizer's approved definition of high performing;

NOTICES OF CHANGES IN PROPOSED RULES

(d) subject to Subsection (4), the charter school is operationally successful, taking into consideration at least two years of data for every school under the charter agreement;

(e) the charter school has plans for the new satellite school or large expansion to:

(i) provide educational services consistent with state law and Board rule;

(ii) administer and have capacity to carry out statewide assessments including proctoring statewide assessments, consistent with Section 53E-4-303 and Rule R277-404; and

(iii) provide evidence-based instruction for special populations as required by federal law;

(f) the charter school has adequate qualified administrators and staff to meet the needs of the proposed student population at the new school;

(g) the school is in compliance with all public school legal obligations;

(h) the charter school is in good standing with its authorizer;

(i) the charter school has no outstanding corrective action that has not yet been resolved by the completion of a corrective action plan;

(j) the charter school provides a market analysis, including documentation of the school's potential for enrollment stability; and

(k) the charter school provides any additional information or documentation requested by the authorizer.

(4)(a) For purposes of this Subsection (4), "debt coverage ratio" means:

(i) a debt coverage ratio calculated using (revenue - expenditures + interest cost + depreciation) divided by annual debt service; or

(ii) if the charter school's facilities are leased and not owned, a debt coverage ratio calculated using (revenue - expenditures + facility lease payment + real property taxes + depreciation) divided by annual debt service.

(b) A charter school is considered to be operationally successful if:

(i) for each of the schools under the charter agreement, the charter school meets the following criteria:

(A) for a school with 350 or less students enrolled in the school, at least 120% debt coverage ratio for each of the three years before the request for a satellite;

(B) for a school with between 351 and 499 students enrolled in the school, at least 115% debt coverage ratio for each of the three years before the request for a satellite;

(C) for a school with between 500 and 750 students enrolled in the school, at least 110% debt coverage ratio for each of the three years before the request for a satellite; or

(D) for a school with more than 750 students enrolled in the school, at least 105% debt coverage ratio for each of the three years before the request for a satellite;

(ii) the charter school is financially viable, as evidenced by the charter school's financial records, including the charter school's:

(A) most recent annual financial report (AFR);

(B) annual program report (APR); and

(C) audited financial statements;

(iii) the charter school has maintained a net lease adjusted debt burden ratio of under 25% for each of the last three years; and

(iv) the charter school's financial statements report revenues in excess of expenditures for at least three of the last four years;

(v) the charter school is meeting the terms of its charter agreement;

(vi) the charter school has maintained for each of the last three years:

(A) a re-enrollment rate of at least 80%;

(B) a wait list of at least 40% of its annual enrollment; or

(C) there is a demonstrated demand for the proposed satellite or large expansion, taking into consideration the market analysis required under Subsection (3)(j).

(5) An authorizer may provide additional requirements for a charter school in addition to the minimum requirements described in this Section R277-552-7.

(6) An authorizer shall provide documentation of an applicant school's eligibility for a satellite school or large expansion under Subsection (3) to the Superintendent upon request.

(7) An authorizer shall:

(a) approve a proposed large expansion request or satellite school before October 1 of the state fiscal year before the school year that the proposed school intends to first serve students;

(b) provide the total number of students by grade that the expanded or satellite school is authorized to enroll to the Superintendent on or before October 1 of the state fiscal year before the school year that the proposed school intends to first serve students; and

(c) ensure that a proposed school that will receive School LAND Trust funds has a charter trust land council and satisfies all requirements of Rule R277-477, including transparency of information for parents.

(8) A charter school and all of the charter school's satellite schools are a single LEA for purposes of public school funding and reporting.

(9) If a satellite charter school does not open within 36 months of approval, the approval shall expire.

(10) If an authorizer denies an application for a satellite school, the school may immediately apply for a new charter in accordance with an authorizer's approved processes.

R277-552-8. Procedures and Timelines to Change Charter School Authorizers.

(1) A charter school may transfer to another charter school authorizer.

(2) A charter school shall submit an application to the new charter school authorizer at least 90 days before the proposed transfer.

(3) The charter school authorizer transfer application shall include:

(a) the name and contact information of all current governing board members;

(b) financial records that demonstrate the charter school's financial position, including the following:

(i) most recent annual financial report (AFR);

(ii) annual program report (APR); and

(iii) audited financial statements;

(c) test scores, including all state required assessments;

(d) current employees and assignments;

(e) board minutes for the most recent 12 months; and

- (f) affidavits, signed by all board members certifying:
 - (i) the charter school's compliance with all state and federal laws and regulations, including documentation if requested;
 - (ii) all information on the transfer application is complete and accurate;
 - (iii) the charter school is current with all required charter school governing board policies;
 - (iv) the charter school is operating consistent with the charter school's charter agreement; and
 - (v) there are no outstanding lawsuits, judgments, or liens against the charter school.
- (4) The current authorizer of a charter school seeking to transfer charter school authorizers shall submit a position statement to the new charter school authorizer about:
 - (a) the charter school's status;
 - (b) compliance with the charter school authorizer requirements; and
 - (c) unresolved concerns.
- (5) If a school applies to change authorizer's, the existing authorizer shall advise the proposed authorizer if there is any outstanding debt to the existing authorizer or the state.
- (6) If a school applies to change authorizers, the request shall extend to all satellite schools.
- (7) A new charter school authorizer shall review an application for transferring to another charter school authorizer within 60 days of submission of a complete application, including all required documentation.

(8) Before accepting a charter school's transfer from another authorizer, the new authorizer shall request and consider information from the Board and current authorizer concerning the charter school's financial and academic performance.

(9) The Superintendent and current authorizer shall provide the information described in Subsection (7) to a new charter authorizer within 30 days of request described in Subsection (7).

(10) If an authorizer accepts the transfer of a charter school, the new authorizer shall notify the Superintendent within 30 days.

R277-552-9. Requirements for Board Approval of Process Updates Due to Changes in Board Rule.

(1) An authorizer with a previously Board approved process shall re-submit the authorizer's updated processes described in Subsection R277-552-3(2) within six months of the new effective date of this rule if the updates to this rule include new or amended requirements.

(2) An authorizer may submit only those portions of the processes that were impacted by the updates to this rule.

KEY: training, timelines, expansion, satellite

Date of Last Change: 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53G-5-205; 53F-2-702; 53G-6-503

End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R156-5a	Filing ID: 50257
Effective Date:	03/30/2023	

Agency Information

1. Department:	Commerce	
Agency:	Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Larry Marx	801-530-6628	lmarx@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R156-5a. Podiatric Physician Licensing Act Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Title 58, Chapter 5a, provides for the licensure and regulation of podiatric physicians.

Subsection 58-1-106(1) provides that the Division of Professional Licensing may adopt and enforce rules to administer Title 58.

Subsection 58-1-202(1)(a) provides that the Podiatric Physician Licensing Board's duties, functions and responsibilities includes recommending to the director appropriate rules.

This rule was enacted to clarify the provisions of Title 58, Chapter 5a, with respect to podiatric physicians.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

Since this rule was last reviewed in May 2018, the Division has received no written comments with respect to this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 5a. This rule is also necessary as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	03/30/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R426-6	Filing ID:	54719
Effective Date:	03/22/2023		

Agency Information

1. Department:	Health and Human Services		
Agency:	Family Health and Preparedness, Emergency Medical Services		
Room number:	2nd Floor		
Building:	Cannon Building		
Street address:	288 N 1460 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 142100		
City, state and zip:	Salt Lake City, UT 84114-2100		
Contact persons:			
Name:	Phone:	Email:	
Guy Dansie	801-560-1544	gdansie@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R426-6. Emergency Medical Services Per Capita and Competitive Grant Program Rules
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized in Sections 26-8a-105 and 26-8a-207 of the Utah Emergency Medical Services System Act. This rule provides the system for awarding grant funds.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No public comments for or against the rule were received during the past five years. A pending revision will soon be made effective to address recent changes in the grant awards process.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is essential to the allocation of grant funds for qualified emergency medical services. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/22/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R436-1	Filing ID:	54337
Effective Date:	03/19/2023		

Agency Information

1. Department:	Health and Human Services		
Agency:	Center for Health Data, Vital Records and Statistics		
Building:	Cannon Health Building		
Street address:	288 N 1460 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 141012		
City, state and zip:	Salt Lake City, UT 84114-1012		
Contact persons:			
Name:	Phone:	Email:	
Linda S. Wininger	801-538-6262	lindaw@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R436-1. Duties of the Department of Health
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26-2-3 requires the Department of Health and Human Services (Department) to establish a statewide vital records system and permits the Department to appoint local registrars.

Subsection 26-2-4(3) states that "Certificates, certifications, forms, reports, other documents and records, and the form of communications between persons required by this chapter shall be prepared in the format prescribed by department rule."

The Department establishes this rule pursuant to Section 26B-1-202.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments were received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is to provide the requirements for registration of vital events, forms for vital event business, and the appointment of additional offices. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/19/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R436-2	Filing ID:	53374
Effective Date:	03/20/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Center for Health Data, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Linda S. Wininger	801-538-6262	lindaw@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R436-2. Infants of Unknown Parentage; Foundling Registration

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 26-2-6 creates the requirement for foundling certificates and certificates for children of unknown parentage.

Subsection 80-4-502(2)(d)(iii) directs hospital personnel to file certificates with the Department of Health and Human Services (Department) for newborn children relinquished through the Safe Relinquishment of a Newborn Child.

Section 26-2-3 directs the Department to prescribe forms for certificates and maintain a statewide system of vital records.

This rule is authorized by Section 26B-1-202 to provide the processes for filing the certificates.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments were received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is essential as it establishes the procedures for foundling certificates, certificates for a child of unknown parentage, and certificates for a newborn child relinquished under Title 80, Chapter 4, Part 5, Safe Relinquishment of a Newborn Child. Therefore, this rule should be continued.

The Department is simultaneously filing a nonsubstantive rule to amend the outdated citations to Title 62A.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/20/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R436-3	Filing ID:	54328
Effective Date:	03/20/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Center for Health Data, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Linda S. Wininger	801-538-6262	lindaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R436-3. Amendments and Corrections to Vital Records
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26-2-7 allows the Department of Health and Human Services (Department) to write rules governing applications to correct error or omissions on any vital record.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is essential as it sets forth the process for correcting and amending vital records. Therefore, this rule should be continued.
The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/20/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R436-4	Filing ID: 54371
Effective Date:	03/20/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Center for Health Data, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Linda S. Wininger	801-538-6262	lindaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R436-4. Delayed Registration of Birth
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The Department established this rule to set forth the procedures for the delayed registration of birth, Section 26-2-8 states "When a certificate of birth of a person born in this state has not been filed within the time provided in Subsection 26-2-5(2), a certificate of birth may be filed in accordance with department rules and subject to this section,"
Section 26-2-14.2 permits delayed certifications for births resulting in stillbirth to be "filed and registered in accordance with department rule."
Sections 26-2-14, 26-2-14.1, and 26-2-14.3 contain other provisions related to stillbirth certificates and fetal death certificates that impact this rule.
This rule is authorized pursuant to Section 26B-1-202.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments were received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is essential as it sets forth procedures for the delayed registration of birth. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/20/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R436-7	Filing ID:	54372
Effective Date:	03/21/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Center for Health Data, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Linda S. Wininger	801-538-6262	lindaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R436-7. Death Registration
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
In accordance with Section 26-2-13 and the Department of Health and Human Services' (Department) ability to adopt rules pursuant to Section 26B-1-202, this rule establishes the procedures for the registration of deaths.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments were received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary as it sets forth the procedures for the registration of death. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/21/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R436-8	Filing ID:	54333
Effective Date:	03/20/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Center for Health Data, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Linda S. Wininger	801-538-6262	lindaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R436-8. Authorization for Final Disposition of Deceased Persons

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

The Department of Health and Human Services (Department), pursuant to Section 26B-1-202, establishes this rule for the removal, transportation and preservation of bodies of deceased persons including the authorization for disinterment and reinterment, and is done in accordance with Sections 26-2-13 and 26-2-16.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments were received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is essential as this rule sets forth the requirements for the removal, transportation, and preservation of bodies of deceased persons. It also provides for the authorization for disinterment and reinterment of dead bodies. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/20/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R436-9	Filing ID:	54325
Effective Date:	03/21/2023		

Agency Information

1. Department:	Health and Human Services
Agency:	Center for Health Data, Vital Records and Statistics
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 141012
City, state and zip:	Salt Lake City, UT 84114-1012

Contact persons:

Name:	Phone:	Email:
Linda S. Wininger	801-538-6262	lindaw@utah.gov

Please address questions regarding information on this notice to the agency.

General Information**2. Rule catchline:**

R436-9. Persons and Institutions Required to Keep Monthly Listings of Vital Statistics Events

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 26-2-23(3) requires administrators of institutions such as birthing facilities to send a list of all births which occurred in their institution to the local registrar no later than the tenth day of each month. The Department of Health and Human Services (Department) may adopt rules pursuant to Section 26-1-202.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments were received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is essential as it establishes the requirements for birthing facilities and midwives to keep a list of births and reconcile it with a report from the electronic birth registration system. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/21/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R436-10	Filing ID:	54321
Effective Date:	03/20/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Center for Health Data, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Linda S. Wininger	801-538-6262	lindaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R436-10. Death Registration
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26-2-19 requires each local registrar to keep and transmit all records registered by the local registrar in accordance with Department of Health and Human Services' (Department) rules. This rule is authorized pursuant to Section 26B-1-202.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is essential as it sets forth the responsibility of Local Registrars to review and register deaths in their area. Therefore, this rule should be continued.
The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/20/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R436-12	Filing ID: 54445
Effective Date:	03/21/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Center for Health Data, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Linda S. Wininger	801-538-6262	lindaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R436-12. Certified Copies of Vital Statistics Records
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26-2-21 allows the state registrar to authorize local registrars to issue certified copies of Vital Statistics Records. The Department of Health and Human Services (Department) may adopt rules pursuant to Section 26B-1-202.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is essential as it sets forth the requirements for local registrars to issue certified copies of vital records. Therefore, this rule should be continued.
The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/21/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R436-13	Filing ID:	54336
Effective Date:	03/21/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Center for Health Data, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Linda S. Wininger	801-538-6262	lindaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R436-13. Disclosure of Records
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 26-2-22(2)(a) permits vital records to be open to inspection only "in compliance with the provisions of this chapter, Department of Health and Human Services' (Department) rules, and Sections 78B-6-141 and 78B-6-144." The Department may adopt rules pursuant to Section 26-1-202.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is essential as it sets forth who may inspect a vital record. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/21/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R436-14	Filing ID:	54373
Effective Date:	03/21/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Center for Health Data, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Linda S. Wininger	801-538-6262	lindaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R436-14. Copies of Data From Vital Records
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26-2-26 permits the state registrar and local registrars to prepare copies of vital records and to certify their correctness. The Department of Health and Human Services (Department) may adopt rules pursuant to Section 26B-1-202, establishing standards and requirements for copies of data from vital records.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments were received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is essential as it sets forth standards and requirements for copies of data from Vital Records. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/21/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R436-15	Filing ID:	54335
Effective Date:	03/21/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Center for Health Data, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Linda S. Wininger	801-538-6262	lindaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R436-15. Fees

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 26B-1-209 allows the Department of Health and Human Services (Department) to establish fees. Section 26B-1-202 allows the Department to adopt rules.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments were received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is essential as it sets forth the fees for vital records copies and searches. Therefore, this rule should be continued.

The Department anticipates amending this rule to update any outdated citations following the recodification of the Department's statute.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/21/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R436-17	Filing ID:	54332
Effective Date:	03/21/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Center for Health Data, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Linda S. Wininger	801-538-6262	lindaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R436-17. Review and Approval of Research Requests
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is necessary in order to comply with the Department of Health and Human Services' (Department) statutory duty in Subsection 26-2-3(2)(a) to establish a statewide vital records system for the registration, collection, preservation, amendment, and certification of vital records and to establish the procedures and requirements that must be followed for the State Registrar to consent to research requests under Subsection 26-2-22(3)(d). The Department may adopt rules pursuant to Section 26B-1-202.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments were received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is essential as it sets forth procedures for the review and approval of research requests received by the Office of Vital Records and Statistics. Therefore, this rule should be continued.
The Department anticipates a rule amendment to update citations following the recodification of Department statute.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/21/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R527-920	Filing ID:	54168
Effective Date:	03/22/2023		

Agency Information

1. Department:	Health and Human Services
Agency:	Recovery Services
Street address:	4315 S 2700 W, 1st Floor
City, state and zip:	Taylorsville, UT 84129
Mailing address:	PO Box 45033
City, state and zip:	Salt Lake City, UT 84145-0033

Contact persons:

Name:	Phone:	Email:
Scott Weight	801-741-7435	sweigh2@utah.gov
Casey Cole	801-741-7523	cacole@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
R527-920. Mandatory Disbursement to Obligee Through Electronic Funds Transfer
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Section 62A-11-704 which requires the Office of Recovery Services (ORS) to distribute child support payments by electronic funds transfer. This statute allows ORS to make exceptions to the requirement to distribute payments via electronic funds transfer in the case where such distribution would result in undue hardship to ORS or to a person or where it is not likely the distribution would be made on a recurring basis.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because the statute under which this rule is enacted is still in effect. This rule provides direction as to when written information regarding electronic funds transfer options will be sent to an obligee on an ORS case. This rule provides an obligee with a timeframe in which to respond regarding preferred methods for receiving electronic payments and allows ORS to enroll an obligee in a plan to receive payments in an account accessible by an electronic access card if no response is received. This rule also provides exceptions to ORS' requirement to distribute child support payments via electronic funds transfer. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/22/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R746-110	Filing ID:	51952
Effective Date:	03/30/2023		

Agency Information

1. Department:	Public Service Commission	
Agency:	Administration	
Building:	Heber M Wells Building	
Street address:	160 E 300 S, 4th Floor	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 4558	
City, state and zip:	Salt Lake City, UT 84114-4558	
Contact persons:		
Name:	Phone:	Email:
Michael Hammer	801-530-6729	michaelhammer@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R746-110. Uncontested Matters to be Adjudicated Informally
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The Public Service Commission (PSC) is statutorily vested with jurisdiction to supervise and regulate every public utility in Utah. Among the PSC's responsibilities is the adjudication of administrative complaints and requests for agency action consistent with and pursuant to the Administrative Procedures Act (APA). The APA authorizes the PSC, like most agencies, to enact rules designating certain categories of adjudicative proceedings as "informal." This rule facilitates informal adjudication of proceedings before the PSC as expressly authorized under Section 63G-4-203.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The PSC has received no written comments from any interested person supporting or opposing this rule since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary for the PSC to adjudicate proceedings informally and provides parties an efficient and less costly alternative to formal adjudication of matters before the PSC. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Thad LeVar, PSC Chair	Date:	03/30/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R746-210	Filing ID:	51959
Effective Date:	03/30/2023		

Agency Information

1. Department:	Public Service Commission	
Agency:	Administration	
Building:	Heber M Wells Building	
Street address:	160 E 300 S, 4th Floor	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 4558	
City, state and zip:	Salt Lake City, UT 84114-4558	
Contact persons:		
Name:	Phone:	Email:
Michael Hammer	801-530-6729	michaelhammer@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R746-210. Utility Service Rules Applicable Only to Electric Utilities
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

The Public Service Commission (PSC) is "vested with power and jurisdiction to supervise and regulate every public utility in this state" and "to do all things ... which are necessary or convenient in the exercise of such power and jurisdiction." under Section 54-4-1. This rule contains provisions that are integral to appropriate regulation of, specifically, electric utilities. This rule adopts federal standards for master metered multiple tenancy dwellings, certain necessary exemptions with respect to individual metering, and a process for customers to appeal an electric utility's determination as to whether an exemption applies.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The PSC has received no written comments from any interested person supporting or opposing this rule since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule provides a necessary framework and process for electric utilities and their customers to determine whether and when individual metering is necessary for multitenancy dwellings. This rule provides significant value to stakeholders and is necessary to the PSC's ordinary exercise of its regulatory jurisdiction with respect to electric utilities. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Thad LeVar, PSC Chair	Date:	03/30/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R746-240	Filing ID:	51960
Effective Date:	03/20/2023		

Agency Information

1. Department:	Public Service Commission
Agency:	Administration
Building:	Heber M Wells Building
Street address:	160 E 300 S, 4th Floor
City, state and zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 4558
City, state and zip:	Salt Lake City, UT 84114-4558

Contact persons:

Name:	Phone:	Email:
John Delaney	801-530-6724	jdelaney@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R746-240. Telecommunication Service Rules

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 54-4-1 authorizes the Public Service Commission (PSC) to regulate every public utility in Utah and supervise their business as necessary to accomplish that regulation and supervision.

Section 54-4-7 requires that the PSC provide rules to ensure that utility service and equipment is just, safe, proper, and adequate.

Section 54-7-9 directs the PSC to address complaints against utilities concerning violations of law, or PSC order or rule.

The authority and requirements of all of these statutory provisions are reflected in this rule, allowing the PSC to fulfill the statutory purposes.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The PSC has received no written comments from any interested person supporting or opposing this rule since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it provides guidelines for telecommunication service and resolution of customer complaints. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Thad LeVar, PSC Chair	Date:	03/20/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R746-340	Filing ID: 51962
Effective Date:	03/20/2023	

Agency Information

1. Department:	Public Service Commission	
Agency:	Administration	
Building:	Heber M Wells Building	
Street address:	160 E 300 S, 4th Floor	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 4558	
City, state and zip:	Salt Lake City, UT 84114-4558	
Contact persons:		
Name:	Phone:	Email:
John Delaney	801-530-6724	jdelaney@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R746-340. Service Quality for Telecommunications Corporations
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 54-4-1 authorizes the Public Service Commission (PSC) to regulate and supervise every public utility in Utah and their business as necessary to accomplish that regulation and supervision.
Section 54-4-14 authorizes the PSC to make rules requiring every public utility to construct, maintain, and operate in a manner promoting and safeguarding the health and safety of its employees, customers, and the public, and establishing standards of construction and equipment, and requiring the performance of any other acts which the health or safety of a public utility's employees, customers, or the public may demand.
Section 54-4-23 authorizes the PSC to establish a system of accounts to be kept by public utilities subject to the PSC's jurisdiction and to determine the manner in which such accounts shall be kept.
The PSC may also, in its discretion, prescribe the forms of accounts, records, and memorandum to be kept by such public utilities and any forms, records, and memorandum which in the judgment of the PSC may be necessary to comply with the provisions of this section. The authority of

all these statutory provisions is reflected in this rule, which thus allows the PSC to fulfill the statutory purposes.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The PSC has received no written comments from any interested person supporting or opposing this rule since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it ensures that safe, adequate, and satisfactory service will be rendered to the public by telecommunications utilities under the jurisdiction of the PSC. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Thad LeVar, PSC Chair	Date:	03/20/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R994-201	Filing ID: 54908
Effective Date:	03/22/2023	

Agency Information

1. Department:	Workforce Services	
Agency:	Unemployment Insurance	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact persons:		
Name:	Phone:	Email:
Amanda B. McPeck	801-526-9653	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R994-201. Definition of Terms in Employment Security Act

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.

Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.

This rule adopts definitions set by the Department or by statute.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received during the last five years or since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The rule is necessary to assist parties in understanding the words, phrases, and acronyms found elsewhere in the rules. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Executive Director	Date:	03/22/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R994-202	Filing ID:	55003
Effective Date:	03/22/2023		

Agency Information

1. Department:	Workforce Services
Agency:	Unemployment Insurance
Building:	Olene Walker Building
Street address:	140 E 300 S
City, state and zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 45244
City, state and zip:	Salt Lake City, UT 84145-0244

Contact persons:

Name:	Phone:	Email:
Amanda B. McPeck	801-526-9653	ampeck@utah.gov

Please address questions regarding information on this notice to the agency.

General Information**2. Rule catchline:**

R994-202. Employing Units

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.

Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.

Section 35A-4-202 defines an employing unit by reference to a list of various types of organizations. The statute does not provide definitions for those organizations.

This rule provides definitions for the types of organizations.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received during the last five years or since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to assist parties in understanding which provisions may apply to various types of organizations. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Executive Director	Date:	03/22/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R994-208	Filing ID:	54922
Effective Date:	03/22/2023		

Agency Information

1. Department:	Workforce Services	
Agency:	Unemployment Insurance	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact persons:		
Name:	Phone:	Email:
Amanda B. McPeck	801-526-9653	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R994-208. Wages
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.
Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.
Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.
Section 35A-4-208 defines wages for purposes of the Act, but the statutory definition does not fully address circumstances in which a payment to a worker may arguably constitute a wage. This rule further defines what constitutes wages in harmony with the statute.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during the last five years or since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary to more fully define the terms found in the statute to assist the Department and the public determine which payments are considered wages for purposes of determining unemployment insurance

benefits and contributions. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Executive Director	Date:	03/22/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R994-306	Filing ID:	52230
Effective Date:	03/22/2023		

Agency Information

1. Department:	Workforce Services	
Agency:	Unemployment Insurance	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact persons:		
Name:	Phone:	Email:
Amanda B. McPeck	801-526-9653	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R994-306. Charging Benefit Costs to Employers
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.
Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.
Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.
Section 35A-4-306 sets forth the requirements for charging benefit costs to an employer and requires the Department to establish procedures by which employers may contest the charging of benefit costs. This rule

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

establishes the procedures for contesting charging decisions as required by the statute.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received during the last five years or since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to explain when an employer will be charged for benefit costs, how the employer will be notified, and how the employer may protest those charges. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Executive Director	Date:	03/22/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R994-307	Filing ID:	52229
Effective Date:	03/22/2023		

Agency Information

1. Department:	Workforce Services	
Agency:	Unemployment Insurance	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact persons:		
Name:	Phone:	Email:
Amanda B. McPeck	801-526-9653	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R994-307. Social Costs -- Relief of Charges

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.

Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.

Section 35A-4-307 defines social costs that may not be charged to base-period employers. This rule sets forth specific applications of the definition of social costs, as well as the procedure for an employer to request relief of charges under the social cost requirements.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received during the last five years or since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to fully explain when an employer will be eligible for relief of charges and when benefit costs may be charged to social costs for contributing employers. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Executive Director	Date:	03/22/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R994-315	Filing ID:	52243
Effective Date:	03/22/2023		

Agency Information

1. Department:	Workforce Services		
Agency:	Unemployment Insurance		
Building:	Olene Walker Building		
Street address:	140 E 300 S		
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 45244		
City, state and zip:	Salt Lake City, UT 84145-0244		

Contact persons:		
Name:	Phone:	Email:
Amanda B. McPeck	801-526-9653	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R994-315. Centralized New Hire Registry Reporting
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.
Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.
Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.
42 U.S.C. 654 requires the state to maintain a database of newly hired or rehired employees to ensure workers' child support obligations may be met via withholding of unemployment insurance benefits otherwise due to the worker.
The Centralized New Hire Registry Act, Section 35A-7-101 et seq., delegates to the Department the duty to establish and maintain a centralized new hire registry database to receive and maintain information on newly hired or rehired employees. This rule sets forth the Department's standards and procedures for how employers are to report information to the database.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during the last five years or since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This new hire registry is mandated by federal and state law and is used to assist in child support and detecting fraud in the unemployment insurance benefits program. This rule is necessary to assist the Department determine when an individual has returned to work and protect the trust fund. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Executive Director	Date:	03/22/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R994-403	Filing ID:	52238
Effective Date:	03/22/2023		

Agency Information

1. Department:	Workforce Services	
Agency:	Unemployment Insurance	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact persons:		
Name:	Phone:	Email:
Amanda B. McPeck	801-526-9653	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R994-403. Claim for Benefits
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.
Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.
Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.
Section 35A-4-403 sets forth the general criteria for workers to be considered eligible to receive unemployment insurance benefits.
Subsection 35A-4-403(4) grants the Department authority to make rules to waive or alter certain general criteria.

This rule sets forth criteria for addressing more specific situations related to eligibility for benefits that are not squarely addressed by statute, as well as the circumstances in which certain of the general criteria may be waived or excused.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received during the last five years or since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to provide claimants, employers, and the Department with information regarding eligibility for benefits, incorporating case law from the Utah Supreme Court and Utah Court of Appeals interpreting the statutory criteria. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Executive Director	Date:	03/22/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R994-405	Filing ID:	52246
Effective Date:	03/22/2023		

Agency Information

1. Department:	Workforce Services		
Agency:	Unemployment Insurance		
Building:	Olene Walker Building		
Street address:	140 E 300 S		
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 45244		
City, state and zip:	Salt Lake City, UT 84145-0244		
Contact persons:			
Name:	Phone:	Email:	
Amanda B. McPeck	801-526-9653	ampeck@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:

R994-405. Ineligibility for Benefits

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.

Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.

Section 35A-4-405 sets forth the general criteria governing when a claimant is ineligible to receive unemployment insurance benefits.

This rule sets forth criteria for addressing more specific situations related to ineligibility for benefits that are not squarely addressed by statute.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received during the last five years or since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to provide claimants, employers, and the Department with information regarding eligibility for benefits, incorporating case law from the Utah Supreme Court and Utah Court of Appeals interpreting the statutory criteria. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Executive Director	Date:	03/22/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R994-508	Filing ID:	52589
Effective Date:	03/22/2023		

Agency Information

1. Department:	Workforce Services	
Agency:	Unemployment Insurance	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact persons:		
Name:	Phone:	Email:
Amanda B. McPeck	801-526-9653	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R994-508. Appeal Procedures
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 35A-1-104 authorizes the Department of Workforce Services (Department) to adopt rules.
Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.

Section 35A-1-303 authorizes the Department to make rules regarding adjudicative procedures.

Section 35A-4-508 sets forth the general requirements for the appeal of Department unemployment insurance decisions. This rule provides more specific requirements and procedures for those appeals, including specifying hearing procedures and rules of evidence.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received during the last five years or since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to provide claimants, employers, and the Department with information regarding the appeals procedure, including the manner of conducting hearings and taking evidence. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Executive Director	Date:	03/22/2023
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

EXTENSIONS are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Rule Number:	R436-16	Filing ID: 54323
New Deadline Date:	07/19/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Center for Health Data, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Linda S. Wininger	801-538-6262	lindaw@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
R436-16. Violation of Rules
3. Reason for requesting the extension:
The Department Health and Human Services requests a five-year review extension to allow it enough time to amend this rule to more accurately reflect rulemaking authority and to more fully set out the specific penalties for violations of specific rules.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	03/21/2023
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Agriculture and Food

Animal Industry

No. 55243 (Amendment) R58-3: Brucellosis Vaccination Requirements

Published: 03/01/2023

Effective: 04/07/2023

No. 55228 (Amendment) R58-23: Equine Viral Arteritis (EVA)

Published: 03/01/2023

Effective: 04/07/2023

Plant Industry

No. 55227 (Amendment) R68-26: Cannabinoid Product Registration and Labeling

Published: 03/01/2023

Effective: 04/07/2023

Regulatory Services

No. 55202 (Amendment) R70-101: Bedding, Upholstered Furniture and Quilted Clothing

Published: 02/15/2023

Effective: 04/04/2023

Commerce

Professional Licensing

No. 55210 (Amendment) R156-24b: Physical Therapy Practice Act Rule

Published: 02/15/2023

Effective: 03/27/2023

No. 55213 (Amendment) R156-69: Dentist and Dental Hygienist Practice Act Rule

Published: 02/15/2023

Effective: 03/27/2023

Education

Administration

No. 55199 (Amendment) R277-100: Definitions for Utah State Board of Education (Board) Rules

Published: 02/01/2023

Effective: 03/10/2023

No. 55245 (Amendment) R277-115: LEA Supervision and Monitoring Requirements of Third Party Providers and Contracts

Published: 03/01/2023

Effective: 04/07/2023

No. 55246 (Amendment) R277-303: Educator Preparation Programs

Published: 03/01/2023

Effective: 04/07/2023

No. 55247 (Repeal) R277-463: Class Size Average and Pupil-Teacher Ratio Reporting

Published: 03/01/2023

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No. 55200 (Repeal) R277-518: Career and Technical Education Licenses

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No. 55249 (Amendment) R277-600: Student Transportation Standards and Procedures

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No. 55250 (Repeal) R277-617: Smart School Technology Program

Published: 03/01/2023

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NOTICES OF RULE EFFECTIVE DATES

Environmental Quality

Air Quality

No. 55040 (New Rule) R307-313: VOC and Blue Smoke Controls for Hot Mix Asphalt Plants
Published: 12/01/2022
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No. 55040 (Change in Proposed Rule) R307-313: VOC and Blue Smoke Controls for Hot Mix Asphalt Plants
Published: 02/15/2023
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Waste Management and Radiation Control, Waste Management

No. 54864 (Amendment) R315-101: Cleanup Action and Risk-Based Closure Standards
Published: 10/01/2022
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No. 54864 (Change in Proposed Rule) R315-101: Cleanup Action and Risk-Based Closure Standards
Published: 02/01/2023
Effective: 03/15/2023

Government Operations

Human Resource Management

No. 55214 (Amendment) R477-10: Employee Development
Published: 02/15/2023
Effective: 03/27/2023

Governor

Criminal and Juvenile Justice (State Commission on)
No. 55209 (New Rule) R356-6: Electronic Meetings
Published: 02/15/2023
Effective: 03/24/2023

Health and Human Services

Disease Control and Prevention, Epidemiology

No. 54983 (Amendment) R386-702: Communicable Disease Rule
Published: 11/15/2022
Effective: 03/14/2023

Health Care Financing

No. 55225 (Amendment) R410-14: Administrative Hearing Procedures
Published: 02/15/2023
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Health Care Financing, Coverage and Reimbursement Policy
No. 55226 (New Rule) R414-24: Claims and Adjustments for the Provider Reimbursement Information System
Published: 02/15/2023
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No. 55223 (Amendment) R414-301: Medicaid General Provisions

Published: 02/15/2023
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Family Health and Preparedness, Licensing

No. 55196 (Amendment) R432-103: Specialty Hospital – Rehabilitation
Published: 02/01/2023
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No. 55194 (Amendment) R432-104: Specialty Hospital Long-Term Acute Care
Published: 02/01/2023
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Insurance

Administration

No. 55232 (Amendment) R590-229: Annuity Disclosure
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No. 55233 (Amendment) R590-244: Individual and Agency Licensing Requirements
Published: 03/01/2023
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No. 55234 (Amendment) R590-252: Use of Senior-Specific Certifications and Professional Designations
Published: 03/01/2023
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Natural Resources

Wildlife Resources

No. 55203 (Amendment) R657-33: Bait Sites and Prohibited bait
Published: 02/15/2023
Effective: 03/24/2023

Transportation

Program Development

No. 55244 (Amendment) R926-12: Share the Road Bicycle Support Restricted Account
Published: 03/01/2023
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Transportation Commission

Administration

No. 55204 (Amendment) R940-5: Approval of Highway Facilities on Sovereign Lands
Published: 02/15/2023
Effective: 03/27/2023

End of the Notices of Rule Effective Dates Section