

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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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 September 16, 2025, 12:00 a.m., and October 01, 2025, 11:59 p.m. are included in this, the October 15, 2025, 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 November 14, 2025. 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 February 12, 2026, 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 SUBSTANTIVE CHANGE**TYPE OF FILING:** New**Rule or section number:****R17-10****Filing ID: 57517****Agency Information**

1. Title catchline:	Government Operations, Archives and Records Service	
Building:	Rio Grande Building	
Street address:	346 S Rio Grande St	
City, state:	Salt Lake City, UT	
Contact persons:		
Name:	Phone:	Email:
Rebekkah Shaw	385-386-1955	rshaw@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R17-10. Government Records Ombudsman
4. Purpose of the new rule or reason for the change:
This rule provides procedures for the Government Records Ombudsman and mediation.
5. Summary of the new rule or change:
This rule clarifies remote participation in mediation, disclosing participants to the Ombudsman, and the authority of the Director of the Government Records Office to refer parties to the Ombudsman for mediation.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule does not impact the state budget. This rule provides procedures for a program already in place.
B. Local governments:
This rule does not increase costs or savings for local governments. This rule provides procedures for a program already in place.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule does not increase costs or savings for small businesses. This rule provides procedures for a program already in place.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule does not increase costs or savings for non-small businesses. This rule provides procedures for a program already in place.
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 does not increase costs or savings for other persons. This rule provides procedures for a program already in place.
F. Compliance costs for affected persons:
This rule does not impact compliance costs for affected persons. This rule provides procedures for a program already in place.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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 63A-12-203(5)(6)		
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	11/14/2025
--	------------

10. This rule change MAY become effective on:	11/21/2025
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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:	Kenneth Williams, Division Director	Date:	09/05/2025
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R17. Government Operations, Archives and Records Service.

R17-10. Government Records Ombudsman.

R17-10-1. Mediation.

- (1) A party must contact the Ombudsman in writing to request mediation.
- (2) Parties must disclose to the Ombudsman who will be attending mediation, as well as their contact information.
- (3) To participate in mediation remotely, participants must have their cameras on and disclose if anyone else is in the room.
- (4) Mediation may not be recorded.
- (5) At any time during the appeals process with the Office, the Director may refer the parties to the Government Records Ombudsman for mediation.

KEY: government records office, records appeal hearings, government records ombudsman, ombudsman, mediation

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 63A-12-203; 63A-12-204

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R70-580

Filing ID: 57525

Agency Information

1. Title catchline:	Agriculture and Food, Regulatory Services	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Amber Brown	385-245-5222	ambermbrown@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R70-580. Kratom Product Registration and Labeling

4. Purpose of the new rule or reason for the change:

The Department of Agriculture and Food (department) initially filed to repeal Rule R70-580 as part of a reorganization that moved the kratom program to the Division of Specialized Products, where new rules were drafted to govern retail permits and product registration.

However, based on valuable public comment, the department identified that repealing this rule entirely would eliminate the foundational requirement for kratom manufacturers to be registered as food establishments. This registration is critical to protecting public health and ensuring a safe food supply.

Therefore, the department is amending its approach. The department will now amend Rule R70-580 to focus exclusively on its core purpose: mandating that any entity manufacturing kratom products must register and operate as a compliant food establishment. This creates a clearer, more effective regulatory system where Rule R70-580 governs the manufacturer, and the new Title R66 governs the product from the point of manufacturing to the retail shelf.

5. Summary of the new rule or change:

The proposed amendment to this rule makes the following specific changes.

First, it clarifies and revises the definitions section, most notably replacing the term "processor" with "manufacturer" to specify the rule's focus on manufacturing.

Second, it streamlines the rule's content to contain only the requirements for a manufacturer to register as a food establishment and to maintain Manufacturing Batch Records (MBRs).

Finally, it removes all previous sections related to individual product registration, labeling standards, and testing protocols, as those requirements are now located in the new Title R66.

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

This proposed amendment has minimal or no fiscal impact on the state's budget. This rule change is part of a departmental reorganization that shifts the collection of product registration fees to another rule (R66-51). Since the requirement for a manufacturer to pay a food establishment registration fee is maintained in this rule, existing revenue is not affected.

B. Local governments:

The proposed changes will not impact local governments since they do not administer or participate in this program.

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

This proposed amendment has no anticipated fiscal impact on small businesses. This rule reorganizes existing regulatory duties but does not add any new costs or fees for a manufacturer.

A small business operating as a kratom manufacturer will continue to be responsible for the food establishment registration fee, but this amendment does not impose any new financial burdens.

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

This proposed amendment has no anticipated fiscal impact on non-small businesses. This rule reorganizes existing regulatory duties but does not add any new costs or fees for a manufacturer.

A business operating as a kratom manufacturer will continue to be responsible for the food establishment registration fee, but this amendment does not impose any new financial burdens.

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 amendment has no anticipated fiscal impact on other persons. This rule regulates the registration of kratom manufacturers and does not impose any direct costs, fees, or financial burdens on individual consumers.

F. Compliance costs for affected persons:

Compliance costs for a manufacturer under this specific rule, R70-580, are not changing; the requirement and fee for a food establishment registration remain the same.

The compliance costs that were previously in this rule for product registration and testing have been shifted to the new Title R66. Any modifications to those costs are addressed in the filings for those specific rules.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Commissioner of the Department of Agriculture and Food, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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 4-45-107	Subsection 4-5-301(1)	
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	11/14/2025
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10. This rule change MAY become effective on:	11/22/2025
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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:	Commissioner, Kelly Pehrson	Date:	09/25/2025
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R70. Agriculture and Food, Regulatory Services.

R70-580. Kratom ~~[Product]~~ Manufacturer Food Establishment Registration~~[-and Labeling]~~.

R70-580-1. Authority and Purpose.

Pursuant to Section 4-45-107 and Subsection 4-5-301(1), this rule establishes the requirement~~s for labeling and registration of products made from and containing~~ for a kratom manufacturer to register as a food establishment.

R70-580-2. Definitions.

As used in this rule:

~~_____ (1) "Certificate of Analysis (COA)" means a certificate from a laboratory describing the results of the laboratory's analytical testing of a sample.~~

~~_____ (2) "End Consumer" means an individual who does not resell the purchased kratom product.~~

~~_____ (3) "Food" means a raw, cooked, or processed edible substance, ice, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.~~

~~_____ (4) "Label" means the display of any written, printed, or graphic matter upon the immediate container of a kratom product or a statement by or under the control of the kratom processor or distributor, which is directly related to the kratom product bearing the label.~~

~~_____ (5) "Third party Laboratory" means a laboratory that has no direct interest in a processor or distributor of kratom products that can perform mandated testing utilizing validated methods.~~

~~_____ (6) "Approved Kratom Delivery Form" means a kratom product in raw leaf, capsule, tablet, powder, liquid, tea bag, concentrated, extract, or gummy forms. The following are not approved kratom delivery forms:~~

~~_____ (a) any form that is combustible or intended to be used for vaporization;~~

~~_____ (b) any form that is intended to be added to food; or~~

~~_____ (c) any form that mimics a candy product or is manufactured, packaged, or advertised in a way that appeals to children.~~

~~_____ (7) "Kratom Type" means the specified strain of the botanical *Mitragyna speciosa*.]~~

~~_____ ([8]1) "Kratom Manufacturer[Processor]" means [any kratom product manufacturer, distributor, or retailer who offers] a kratom processor who manufactures, packages, distributes, or labels a kratom product for sale[-or resale to consumers].~~

~~_____ (9) "Kratom Product" means a product manufactured or processed from kratom acquired by a kratom processor that is certified to be compliant with Title 4, Chapter 45, Kratom Consumer Protection Act.]~~

~~_____ ([10]2) "Kratom Retailer" means a kratom processor who sells a previously packaged or labeled kratom product directly to an end consumer.~~

R70-580-3. Applicability.

- ~~(1) This rule applies to any person or entity acting as a kratom manufacturer.~~
- ~~(2) This rule does not apply to a kratom retailer, who shall comply with Rule R66-50, Kratom Retail Permit.~~

[R70-580-3. Product Registration.

- ~~(1) A kratom product distributed or available for distribution that is intended to be offered for sale to an end consumer in Utah, including on the internet or social media platforms, shall be:~~
 - ~~(a) in an approved kratom delivery form; and~~
 - ~~(b) registered with the department annually by the kratom processor.~~
- ~~(2) A product that contains the same kratom ingredients in the same kratom delivery form but a different container, package, or volume shall be included in a single registration.~~
- ~~(3) Application for registration shall be made on a form provided by the department that includes the following information:~~
 - ~~(a) the name and address of the kratom processor and the name and address of the kratom processor whose name will appear on the label, if other than the kratom processor making the registration;~~
 - ~~(b) the name of the kratom product included in the registration;~~
 - ~~(c) the kratom type and recommended usage, including directions for use or serving size for the kratom product;~~
 - ~~(d) the approved kratom delivery form;~~
 - ~~(e) the weights or volumes, as appropriate, of the package of kratom product, offered for sale for the recommended usage and the entire package;~~
 - ~~(f) a complete copy of the label that will appear on the kratom product or the document that can be reached via a scannable bar code, QR code, or web address, pursuant to Subsection R70-580-6(7);~~
 - ~~(g) a certificate of analysis for the kratom product from a third-party laboratory that shall obtain and keep the International Organization for Standardization (ISO) 17025:2017 accreditation from an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement;~~
 - ~~(i) a third-party laboratory may test kratom product before obtaining ISO/IEC 17025:2017 accreditation provided by the third-party laboratory:~~
 - ~~(A) adopts and follows minimum good laboratory practices which satisfy the OECD Principles of Good Laboratory Practice and Compliance Monitoring published by the Organization for Economic Co-operation and Development; and~~
 - ~~(B) becomes ISO/IEC 17025:2017 accredited within 18 months, by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement;~~
 - ~~(ii) if a kratom processor uses an out-of-state third-party laboratory they shall include a copy of the laboratory accreditation with the registration;~~
 - ~~(h) certification that:~~
 - ~~(i) the kratom processor has not added any substance to the kratom product that is listed in Title 58, Chapter 37, Utah Controlled Substances Act;~~
 - ~~(ii) the kratom processor has not mixed or packed any nonkratom substance that affects the quality or strength of the kratom product to such a degree as to make the kratom product injurious to a consumer;~~
 - ~~(iii) the kratom product manufacturer has not added any synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the kratom plant;~~
 - ~~(iv) the registrant assumes responsibility and liability for the product based on their role in the processing of the kratom product and whether they are a kratom manufacturer, distributor, or retailer; and~~
 - ~~(v) that the registered kratom product is compliant with applicable current state and federal guidelines for food safety.~~
 - ~~(4) A non-refundable registration fee, as outlined in the fee schedule approved by the legislature, shall be paid to the department with the submission of a registration application.~~
 - ~~(5) A separate registration fee shall be required for each kratom product manufactured or processed from raw materials with the same specifications, same name, and same kratom delivery form.~~
 - ~~(6) The department may deny registration for an incomplete application.~~
 - ~~(7) The department shall deny or withdraw registration for a kratom product that:~~
 - ~~(a) violates Title 4, Chapter 45, Kratom Consumer Protection Act;~~
 - ~~(b) is adulterated or contaminated with foreign materials that would be injurious to a consumer; or~~
 - ~~(c) if there is any reasonable basis to suspect that the kratom product is unsafe or that ingredients violate state law.~~
 - ~~(8) A new registration application is required for the following:~~
 - ~~(a) a change in the kratom product ingredients or processes that materially alters the product;~~
 - ~~(b) a change to the recommended usage; and~~
 - ~~(c) a change of name for the product.~~
 - ~~(9) Other changes shall not require a new registration application but the registrant shall submit copies of all label changes to the department as soon as they are effective.~~
 - ~~(10) The kratom processor registering the kratom product is responsible for the accuracy and completeness of the information submitted.~~
 - ~~(11) A registration is renewable for up to one year with an annual renewal fee per kratom product that shall be paid on or before June 30th of each year.~~

NOTICES OF PROPOSED RULES

~~_____ (12) A kratom product that has been discontinued shall continue to be registered until the kratom product is no longer available for distribution.~~

~~_____ (13) A late fee shall be assessed for a renewal of a kratom product registration submitted after June 30th and shall be paid before the registration renewal is issued.]~~

R70-580-4. ~~[Establishment]~~Manufacturer Registration and Operating Standards.

~~(1) [Pursuant to Subsection 4-45-104(5), a]A~~ kratom ~~[processor]~~manufacturer shall register as a food establishment with the department under Section 4-5-301, before operating.

~~(2) A kratom [processor]manufacturer [may be]registered in another state [that meets or exceeds]may satisfy [the]this requirement[s in Section 4-5-301 if they] by providing[e] the department with a copy of the current registration from the federal or state regulatory agency whose requirements meet or exceed those in Section 4-5-301.~~

~~(3) A kratom [processor]manufacturer shall be subject to any statutes, rules, regulations, policies, and procedures for food establishments specific to the form of the kratom product offered for sale.~~

~~(4) In their application for registration, each kratom [processor]manufacturer shall identify:~~

~~_____ (a) any business names under which it [DBAs they]operates; [that involve the production of kratom products]and~~

~~_____ (b) the person [that]who is legally responsible [to produce the kratom product]for the operation. If the legally responsible person changes, the kratom manufacturer shall notify the department [shall be notified]of the change within 30 days.~~

~~(5) The [application for registration shall include a certification that the products]kratom manufacturer shall maintain[s] a [m]Manufacturing [b]Batch [r]Record (MBR) that documents, at a minimum:~~

~~_____ (a) batch-to-batch uniformity;~~

~~_____ (b) that each batch conforms to kratom raw material specifications;~~

~~_____ (c) [that each batch record shows that]each step of the [MBR]manufacturing process was performed, ensuring reliable and reproducible results;~~

~~_____ [d] that the production processes, controls, and tests ensure reliable, reproducible results; and~~

~~_____ (e) that the finished kratom product meets each specification before the product is released for distribution.]~~

~~_____ (5) MBR testing shall be performed on finished kratom products as identified by lot or batch number.~~

~~_____ (6) Each MBR shall also include the following information:]~~

~~_____ ([a]d) the unique lot or batch identification number of the [tested-]product; and~~

~~_____ [b] the date received;~~

~~_____ (c) the date of testing completion;~~

~~_____ (d) the method of analysis for each test conducted;~~

~~_____ (e) a photo of the kratom product that was tested;~~

~~_____ (f) the name and address of the kratom processor that manufactured the product; and]~~

~~_____ ([g]e) the name and address where the MBR records are maintained and available for inspection by the department.~~

~~_____ (6) A kratom manufacturer shall make its establishment and all records, including MBRs, available for inspection by the department upon request.~~

~~_____ (7) A kratom manufacturer registered under this rule is also responsible for complying with Rule R66-51, Kratom Product Registration and Labeling, for each product offered for sale.~~

[R70 580 5. Certificate of Analysis.

~~_____ (1) At a minimum, the certificate of analysis for each batch of kratom product shall include the following test results:~~

~~_____ (a) the contents of mitragynine and 7-hydroxymitragynine in the kratom product certifying compliance with this rule and Subsection 4-45-104(1);~~

~~_____ (b) the level of pathogens in the kratom product does not exceed the amounts listed in Table 1 when one gram or greater sample is tested; and~~

TABLE 1	
Microbial Analytes and Action Levels	Microbial Limit Requirement
Total Aerobic Microbial Count	NMT ≤10,000,000 cfu/g
Total Combined Yeast and Mold	NMT ≤100,000 cfu/g
Total Bile-tolerant Gram-negative Bacteria	NMT <10,000 cfu/g
Salmonella spp. & E. coli	Absence in 100g

~~_____ (c) that the levels of heavy metals in the kratom product do not exceed the amounts listed in Table 2.~~

TABLE 2 Heavy Metals	
Metals	Natural Health Products Acceptable limits in parts per million
Arsenic	<2
Cadmium	<0.82
Lead	<1.2
Mercury	<0.4

- _____ 2) Testing shall be performed on finished kratom products as identified by lot or batch number.
- _____ 3) The certificate of analysis shall also include the following information:
 - _____ a) the lot or batch identification number of the tested product;
 - _____ b) the date received;
 - _____ c) the date of testing completion;
 - _____ d) the method of analysis for each test conducted;
 - _____ e) a photo of the kratom product that was tested;
 - _____ f) the name and address of the kratom processor that manufactured the product; and
 - _____ g) the name and address of the laboratory that completed the testing.
- _____ 4) The lot or batch number on the certificate of analysis shall match the lot or batch number on the kratom product and shall be conspicuously placed on the container or label of the kratom product.
- _____ 5) Upon receipt of an adverse or non-compliant test result, the kratom processor shall be required to produce a new certificate of analysis from an independent third-party laboratory on the reported product to affirm compliance.
- _____ 6) Failure to submit a new certificate of analysis shall be cause for withdrawal or denial of product registration.
- _____ 7) Mycotoxin testing of a kratom product may be required if the department has reason to believe that mycotoxins may be present.

R70-580-6. Label Requirements.

- _____ (1) A kratom product that is marketed as conventional food as defined in Sections 4-5-102 and 4-45-102 shall be labeled pursuant to the labeling requirements of Section 4-5-201.
- _____ (2) A kratom product marketed as a dietary supplement as defined in Section 4-1-109 shall be labeled pursuant to the requirements of 21 CFR 101.36.
- _____ (3) The label shall contain the factual basis upon which the kratom processor represents the product as a kratom product by identifying kratom within the list of ingredients.
- _____ (4) The label shall identify each kratom product by a unique batch or lot number specifically linking each kratom product to a specific batch or a lot manufactured by the kratom processor.
- _____ (5) A kratom product shall not contain claims that the product is intended to diagnose, treat, cure, or prevent any medical condition or disease on the label or labeling.
- _____ (6) The label of each kratom product label shall include the following text pursuant to 21 CFR 101.93 (e), prominently displayed:
 _____ "This product has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease."
- _____ (7) A kratom product shall meet the standards in 21 U.S.C. 9, the Food Drug and Cosmetic Act, other applicable federal laws and regulations, and any applicable state laws and regulations relating to the labeling of food and cosmetics.
- _____ (8) If there is not sufficient room on the kratom product label, the kratom product shall display on the label a scannable bar code, QR code, or web address linked to a document containing the information required in Subsections R70-580-6(1) through R70-580-6(7).
- _____ (9) No information, illustration, or depiction that the processor knows or should know appeals to children shall appear on the label.

R70-580-7. Product Appearance and Flavor.

- _____ (1) A kratom processor may not produce a kratom product that is designed to mimic a candy product.
- _____ (2) A kratom processor may not produce a product that includes a candy-like flavor or another flavor the kratom processor knows or should know appeals to children.
- _____ (3) A kratom processor may not shape a kratom product in any way that appeals to children, including products that are shaped like fruit, stars, cartoon renderings, humans, or animals.
- _____ (4) A kratom product shall be packaged in child-resistant packaging, pursuant to 16 CFR 1700.

R70-580-8. Inspection and Testing.

- _____ (1) The department shall conduct a randomized inspection of the kratom product distributed or available for distribution for compliance with this rule.
- _____ (2) The department shall periodically sample, analyze, and test a kratom product distributed for compliance with registration and labeling requirements and the certificate of analysis.

NOTICES OF PROPOSED RULES

- ~~_____ (a) Each department sample shall include at least ten grams of kratom product.~~
- ~~_____ (b) The department may test kratom product for any substance listed in Subsection R70-580-5(1) as well as for any of the following prohibited substances, at the discretion of the department:~~
 - ~~_____ (i) any pesticide;~~
 - ~~_____ (ii) any fentanyl derivative;~~
 - ~~_____ (iii) any of the following cannabinoids with an action level of 0.01% (w/w):~~
 - ~~_____ (A) delta-9 THC;~~
 - ~~_____ (B) delta-8 THC;~~
 - ~~_____ (C) THCA;~~
 - ~~_____ (D) CBD;~~
 - ~~_____ (E) CBDA;~~
 - ~~_____ (F) CBG;~~
 - ~~_____ (G) CBGA; or~~
 - ~~_____ (H) any other cannabinoid tested for by the laboratory with an action level of 0.01% (w/w);~~
 - ~~_____ (iv) cocaine; or~~
 - ~~_____ (v) any of the following Benzodiazepines:~~
 - ~~_____ (A) diazepam;~~
 - ~~_____ (B) alprazolam;~~
 - ~~_____ (C) triazolam;~~
 - ~~_____ (D) lorazepam; or~~
 - ~~_____ (E) clonazepam.~~
- ~~_____ (c) Kratom product that is found to contain a prohibited substance shall be considered adulterated in violation of this rule.~~
- ~~_____ (3) The department may conduct an inspection of any kratom product distributed or available for distribution if there is any reasonable basis to suspect that the kratom product is unsafe or that ingredients violate state law or rules.~~
- ~~_____ (4) The test results from the department inspection samples shall be the official sample results.~~
- ~~_____ (5) Upon request, a kratom processor shall provide documentation certifying that any batch of kratom raw materials acquired pursuant to a compliant specification purchase that is used to process or manufacture a kratom product is compliant with Section R70-580-5.~~

R70-580-9. Retailer Responsibilities.

- ~~_____ (1) A retailer shall:~~
 - ~~_____ (a) ensure that kratom product is labeled correctly; and~~
 - ~~_____ (b) ensure that the kratom product offered for sale is properly registered with the department.~~
- ~~_____ (2) A retailer shall provide the identity of the processor or manufacturer of a kratom product sold by the retailer upon request of the department.~~
- ~~_____ (3) A retailer shall register a kratom product instead of the kratom processor if the product is not registered.~~

R70-580-10. Violation.

- ~~_____ (1) Each improperly labeled kratom product shall be a separate violation of this rule.~~
- ~~_____ (2) A kratom product shall be considered misbranded if it does not meet the labeling requirements of this rule.~~
- ~~_____ (3) A kratom product shall be considered adulterated based on the definition in Subsection 4-5-103(1).~~
- ~~_____ (4) It is a violation to distribute or market a kratom product that is not registered with the department.~~
- ~~_____ (5) Each unit manufactured or processed from a batch of raw material or on a single retail invoice shall be considered a separate violation of this rule for an unregistered product marketed for sale.~~
- ~~_____ (6) It is a violation:~~
 - ~~_____ (a) to prepare, distribute, sell, or offer for sale a kratom product that violates Subsection 4-45-104(1);~~
 - ~~_____ (b) to prepare, distribute, sell, or offer for sale a kratom product that is not in an approved kratom delivery form, including adding or processing kratom into any food consumed for taste, aroma, and nutritive value;~~
 - ~~_____ (c) to prepare, distribute, sell, or offer for sale a kratom product that would be potentially harmful to consumers;~~
 - ~~_____ (d) for a kratom processor to fail to register as a food establishment pursuant to Section 4-5-301 or Subsection R70-580-4(2);~~
 - ~~_____ (e) for a kratom processor to distribute, sell, or offer for sale a kratom product to an individual under 18 years of age; and~~
 - ~~_____ (f) for a kratom processor to improperly sample, test, falsify a certificate of analysis, or knowingly submits a falsified certificate of analysis for a kratom product.]~~

R70-580-[11]5. [Penalties]Violations.

[Any violation of or f]Failure to comply with any requirement of this rule is a violation and[or any specific requirements] may be grounds for issuance of citations, fines, [recall of kratom product,]revocation of registration, or denial of future registration pursuant to Sections 4-2-303 and 4-2-304.

KEY: kratom, kratom ~~[product]~~manufacturer registration, kratom processor, kratom food establishment registration, warehouse, manufacturing batch record, inspection

Date of Last Change: ~~[February 27, 2023]~~2025

Authorizing, and Implemented or Interpreted Law: 4-45-107; 4-5-301(1)

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** New**Rule or section number:****R152-52****Filing ID:** 57528**Agency Information**

1. Title catchline:	Commerce, Consumer Protection	
Building:	Heber Wells	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146704	
City, state and zip:	Salt Lake City, UT 84114-6704	
Contact persons:		
Name:	Phone:	Email:
Daniel Larsen	801-530-6601	dcprules@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R152-52. Residential Solar Energy Consumer Protection Act Rule	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 57 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
This rule is being promulgated in accordance with HB 57, passed in the 2025 General Session, which enacted, as amended, Title 13, Chapter 52, Residential Solar Energy Consumer Protection Act.	
5. Summary of the new rule or change:	
This rule describes the information an applicant must provide in an application for registration as a solar retailer, establishes the process for registration as a solar retailer, and aids the Division of Consumer Protection's administration and enforcement of Title 13, Chapter 52, Residential Solar Energy Consumer Protection Act.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule is not anticipated to create costs or savings to the state budget beyond what was contemplated by the Fiscal Note to HB 57 (2025).
B. Local governments:
This rule is not anticipated to create costs or savings to local governments because it does not impose requirements or other obligations upon local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule is not anticipated to create costs or savings to small businesses beyond what was contemplated by the Fiscal Note to HB 57 (2025).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule is not anticipated to create costs or savings to non-small businesses beyond what was contemplated by the Fiscal Note to HB 57 (2025).

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 is not anticipated to create costs or savings to persons other than small businesses, non-small businesses, state, or local government entities beyond what was contemplated by the Fiscal Note to HB 57 (2025).

F. Compliance costs for affected persons:

This rule does not impose compliance costs for affected persons beyond those contemplated by the Fiscal Note to HB 57 (2025).

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Commerce, Margaret Busse, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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 13-2-5(1)	Subsection 13-52-302(2)(a)	
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	11/14/2025
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10. This rule change MAY become effective on:	11/21/2025
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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:	Daniel Larsen, Managing Analyst	Date:	09/30/2025
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R152. Commerce, Consumer Protection.**R152-52. Residential Solar Energy Consumer Protection Act Rule.****R152-52-1. Purpose.**

The purpose of this rule is to:

- (1) describe the information an applicant must provide in an application for registration as a solar retailer;
- (2) establish the process for registration as a solar retailer; and
- (3) aid the division's administration and enforcement of Title 13, Chapter 52, Residential Solar Energy Consumer Protection Act.

R152-52-2. Authority.

This rule is promulgated in accordance with Subsections 13-2-5(1) and 13-52-302(2)(a).

R152-52-3. Definitions.

Reserved.

R152-52-4. Application for Registration or Renewal of Registration.

(1) An application for registration or renewal of registration as a solar retailer shall include:

(a) the applicant's:

(i) name, and any alternate name the applicant uses or intends to use to do business as a solar retailer;

(ii) street address;

(iii) mailing address;

(iv) telephone number, and if applicable, facsimile number;

(v) email address;

(vi) web address, if the applicant maintains a website;

(b) a person designated by the applicant to be its contact person with whom the division will communicate regarding the application, and that person's:

(i) name;

(ii) street address;

(iii) mailing address;

(iv) telephone number; and

(v) email address;

(c) the applicant's registered agent for service of process in the state, and the registered agent's:

(i) name;

(ii) street address;

(iii) mailing address; and

(iv) telephone number;

(d) a copy of the solar agreement that the applicant offers to a consumer that includes all disclosures required by Sections 13-52-201 through 13-52-205;

(e) a surety bond or certificate of deposit;

(i) in a form approved by the division; and

(ii) for the amount required by Subsection 13-52-302(4); and

(f)(i) a fingerprint card completed by the applicant's principal, and the principal's consent to a criminal background check performed by the Utah Bureau of Criminal Identification; or

(ii) a document that demonstrates that the applicant is a publicly traded corporation registered with the Securities and Exchange Commission.

(2) An application for registration or for renewal of registration as a solar retailer shall:

(a) be executed on the form authorized by the division, including all information required by the form; and

(b) include payment of the application fee and any fee associated with conducting the background check described by Subsection (1)(f)(i).

(3) If information in an application for registration or for renewal of registration as a solar retailer materially changes or becomes incorrect or incomplete, the applicant or solar retailer shall, within 30 days after the information changes or becomes incorrect or incomplete:

(a) submit to the division the correct information; and

(b) submit to the division a written explanation of the correction, including what information is being added, removed, or modified.

(4) A solar retailer shall submit to the division an application for renewal of its registration as a solar retailer no fewer than 30 days before its registration is due to expire.

KEY: solar, consumer protection, registration

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 13-2-5(1); 13-52-302(2)(a)

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or section number:****R156-69****Filing ID: 57516****Agency Information**

1. Title catchline:	Commerce, Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84111-6741	
Contact persons:		
Name:	Phone:	Email:
Lisa Martin	801-530-7632	lmartin@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R156-69. Dentist and Dental Hygienist Practice Act Rule
4. Purpose of the new rule or reason for the change:
The Division of Professional Licensing (Division) in collaboration with the Dentist and Dental Hygienist Licensing Board (Board) is filing this amendment to create a new advisory peer committee called the Dental Education Advisory Committee, to assist the Board and the Division in determining and reviewing educational standards.
5. Summary of the new rule or change:
As authorized by Subsection 58-1-203(1)(f), this filing creates the Dental Education Advisory Committee (Committee). The Committee will advise the Board and the Division regarding educational requirements.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Division does not anticipate any fiscal impact on state government revenues or expenditures from this new section, because the Committee members will be volunteers who will donate their time to assist the Board with its existing duties, and this Committee is expected to reduce the amount of time the Board must spend on such issues.
B. Local governments:
The Division does not anticipate any fiscal impact on local governments because the new section will not impact any local government practices or procedures.
C. Small businesses ("small business" means a business employing 1-49 persons):
The Division does not anticipate any fiscal impact on small businesses because the new section will not impact any small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The division does not anticipate any fiscal impact to non-small businesses because the new section will not impact any 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**):

The division does not anticipate any fiscal impact on any persons other than small businesses, non-small business, state, or local government entities because the new section will not impact any of these persons.

F. Compliance costs for affected persons:

As described above in Box 5.E., the Division does not anticipate any compliance costs for any affected persons from this new section.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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 58-69-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 11/14/2025

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time:	Place (physical address or URL):
11/05/2025	11:00 AM	Anchor Meeting Location: Heber M. Wells Building Room 402 160 E 300 S Salt Lake City, UT

NOTICES OF PROPOSED RULES

		<p>Google Meet joining info: Video call link: https://meet.google.com/zno-icxw-khw Or dial: (US) +1 276-695-3765 PIN: 530 266 104# More phone numbers: https://tel.meet/zno-icxw-khw?pin=9085760863736</p>
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10. This rule change MAY become effective on:	11/21/2025
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:	Mark B. Steinagel, Division Director	Date:	09/04/2025
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R156. Commerce, Professional Licensing.

R156-69. Dentist and Dental Hygienist Practice Act Rule.

R156-69-201. Advisory Peer Committee Created -- Membership -- Duties.

(1) Under Subsection 58-1-203(1)(f), the Division in collaboration with the Dentist and Dental Hygienist Licensing Board establishes the Dental Education Advisory Committee to the Board, consisting of:

- (a) one certified orthodontist;
- (b) one board certified oral surgeon;
- (c) one licensed dentist;
- (d) one licensed dentist with a background in education who is currently practicing;
- (e) one dental hygienist with a local anesthesia permit with a background in education;
- (f)(i) one dental hygienist with a local anesthesia permit and an expanded function permit; or
- (ii) if a dental hygienist under Subsection (1)(f)(i) is not available, then one dental hygienist with local anesthesia permit; and
- (g)(i) one dental assistant with an expanded function certification; or
- (ii) if a dental assistant under Subsection (1)(g)(i) is not available, then one licensed general dentist.

(2)(a) Except for a dental assistant under Subsection (1)(g)(i), each committee member shall:

- (i) be licensed and in good standing in Utah;
- (ii) hold the qualifying license for at least five years; and
- (iii) have no disciplinary action with the Division.
- (b) A dental assistant under Subsection (1)(g)(i) shall:
- (i) have at least one expanded function certification in good standing; and
- (ii) have no disciplinary action with the Division.

(3) The Dental Education Advisory Committee shall be appointed and serve under Section R156-1-205.

(4) The duties and responsibilities of the Dental Education Advisory Committee are to assist the Board in its duties, functions, and responsibilities, and shall include:

- (a) advising the Board on proposed practice areas for each expanded function dental auxiliary certification, including recommending:
 - (i) the minimum required:
 - (A) education; and
 - (B) training;
 - (ii) the scope of each certification; and
 - (iii) the limitations on each certification; and
- (b) reviewing and making recommendations to the Board regarding:
 - (i) education courses for each expanded function; and
 - (ii) standards and criteria regarding education, training, and all manner of educational equivalency, including under Section 58-1-

302.

(5) On a calendar year basis, the committee shall annually designate one of its members to act as chair.

(6) At least once each calendar quarter, a member of the committee chosen by vote shall:

- (a) attend at least one meeting of the Board; and
- (b) report on the committee's activities and recommendations.

KEY: licensing, dentists, dental hygienists

Date of Last Change: ~~[December 11, 2023]~~2025

Notice of Continuation: January 7, 2021

Authorizing, and Implemented or Interpreted Law: 58-69-101; 58-1-106(1)(a); 58-1-202(1)(a)

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or section number:****R277-210****Filing ID: 57532****Agency Information**

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	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:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-210. Utah Professional Practices Advisory Commission (UPPAC), Definitions
4. Purpose of the new rule or reason for the change:
The rule amendments are needed to update Utah Professional Practices Advisory Commission (UPPAC) definitions.
5. Summary of the new rule or change:
The amendments specifically make the oversight category "exempt".
The amendments also add definitions for "Consensual Sexual Activity", "Minor", and "Recent Graduate" to correspond to proposed amendments in Rules R277-215 and R277-217.
(EDITOR'S NOTE: The proposed amendments to Rule R277-215, ID 57534, and Rule R277-217, ID 57535, are in this issue, October 15, 2025, of the Bulletin.)

Fiscal Information

6. 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.
This rule is clarified to state that the Utah State Board of Education (USBE) oversight framework in Rule R277-111 does not apply to this rule, and definitions are clarified to provide cohesion with recent legislation and other rule updates.
These definitions do not add any new programs, service, or requirements for USBE, and have no measurable costs or increased revenues.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
This rule is clarified to state that the USBE oversight framework in Rule R277-111 does not apply to this rule, and definitions are clarified to provide cohesion with recent legislation and other rule updates.
These definitions do not add any new programs, service, or requirements for Local Education Agencies (LEAs), and have no measurable costs or increased revenues.

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 rule is clarified to state that the USBE oversight framework in Rule R277-111 does not apply to this rule, and definitions are clarified to provide cohesion with recent legislation and other rule updates.

These definitions do not add any new programs, service, or requirements for persons or entities, and have no measurable costs or increased revenues.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

This rule is clarified to state that the USBE oversight framework in Rule R277-111 does not apply to this rule, and definitions are clarified to provide cohesion with recent legislation and other rule updates.

These definitions do not add any new programs, service, or requirements for USBE, LEAs, or other persons or entities, and have no measurable costs or increased revenues.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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, Molly Hart, has reviewed and approved this regulatory impact analysis.

Citation Information**7. 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-6-506

Section 53E-3-401

Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.****A. Comments will be accepted until:**

11/14/2025

10. This rule change MAY become effective on:

11/21/2025

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:**

Elisse Newey, Deputy Superintendent of Policy

Date:

10/01/2025

R277. Education, Administration.**R277-210. Utah Professional Practices Advisory Commission (UPPAC), Definitions.****R277-210-1. Authority, ~~and~~ Purpose, and Oversight Category.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
- (b) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and
- (c) 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.

(2) The purpose of this rule is to establish definitions for terms in UPPAC activities.

(3) The definitions contained in this rule apply to Rules R277-210 through R277-217.

(4) Any calculation of time called for by Rules R277-210 through R277-217 shall be governed by Utah R. Civ. P. 6.

(5) This rule is categorized as exempt as described in Rule R277-111.

R277-210-2. Definitions.

(1)(a) "Action" means a disciplinary action taken by the Board adversely affecting an educator's license.

(b) "Action" does not include a letter of warning or letter of education.

(c) "Action" includes:

- (i) a reprimand;
- (ii) a suspension; and
- (iii) a revocation.

(2) "Administrative hearing" or "hearing" has the same meaning as that term is defined in Section 53E-6-601.

(3) "Alcohol related offense" means a violation of:

- (a) Title 41, Chapter 6a. Part 5, Driving Under the Influence and Reckless Driving, except for offenses not involving alcohol;
- (b) Section 76-9-701, Intoxication;
- (c) Section 32B-4-403, Unlawful sale, offer for sale, or furnishing to minor; and
- (d) any offense under the laws of another state that is substantially equivalent to the offenses described in Subsections (3)(a) through

(c).

(4) "Answer" means a written response to a complaint filed by the Executive Secretary alleging educator misconduct.

(5) "Applicant" means a person seeking:

- (a) a new license; or
- (b) clearance of a criminal background review from Executive Secretary at any stage of the licensing process.

(6)(a) "Boundary violation" means crossing verbal, physical, emotional, and social lines with a student or minor that an educator must maintain to ensure structure, security, and predictability in an educational environment.

(b) "Boundary violation" may include the following, depending on the circumstances:

- (i) isolated, one-on-one interactions with students out of the line of sight of others;
- (ii) meeting individually with students in rooms with covered or blocked windows;
- (iii) telling risqué jokes or using profanity in the presence of a student;

NOTICES OF PROPOSED RULES

- (iv) employing favoritism to a student;
- (v) inappropriate gift giving to individual students;
- (vi) uninvited or inappropriate touching;
- (vii) photographing individual students for a non-educational purpose or use;
- (viii) engaging in inappropriate or unprofessional contact outside of educational program activities;
- (ix) exchanging personal email or phone numbers with a student for a non-educational purpose or use;
- (x) interacting privately with a student through social media, computer, or handheld devices;
- (xi) discussing with a student inappropriate details about:
 - (A) an educator's personal life or personal issues; or
 - (B) a student's personal life or personal issues;
- (xii) discussing issues restricted under Subsection 53E-9-203(1) without authorization.

(c) "Boundary violation" does not include:

- (i) offering praise, encouragement, or acknowledgment;
- (ii) offering rewards available to all who achieve;
- (iii) asking permission to touch for necessary purposes;
- (iv) giving pats on the back or a shoulder;
- (v) giving side hugs;
- (vi) giving handshakes or high fives;
- (vii) offering warmth and kindness;
- (viii) utilizing public social media alerts to groups of students and parents; or
- (ix) contact permitted by an IEP or 504 plan.

(d) UPPAC and the Board may find "boundary violations" to be repetitive when the misconduct occurs more than once.

(e)(i) UPPAC and the Board may find a pattern of "boundary violations" when there are multiple incidents of related misconduct that occur consistently over a prolonged timeframe; and

(ii) UPPAC and the Board find the educator's misconduct is aggravated by the circumstances, including:

- (A) the misconduct involves more than one student;
- (B) the misconduct occurs in more than one physical setting; or
- (C) the misconduct includes multiple types of boundary violations.

(iii) UPPAC and the Board may find a pattern of "boundary violations" most readily when the educator's misconduct continues after documented warnings from administrators in the educator's LEA.

(iv) Notwithstanding the existence of the factors identified in this Subsection (e), UPPAC and the Board may find boundary violations are "repetitive" rather than a "pattern" when there are mitigating circumstances consistent with Section R277-215-3.

(7) "Complaint" means a written allegation or charge against an educator filed by the Executive Secretary against the educator.

(8) "Complainant" means the Executive Secretary.

(9) "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file developed by the Superintendent and maintained on all licensed Utah educators.

(10) "Conflict of interest" means a business, family, monetary or relationship concern that may cause a reasonable educator to be unduly influenced or that creates the appearance of undue influence.

(11) "Consensual sexual activity" means sexually explicit conduct involving an individual or consenting adults.

~~(14)~~12 "Consent to discipline" means an agreement between a respondent and the Board:

- (a) under which disciplinary action is taken against the educator in lieu of a hearing;
- (b) that may be negotiated between the parties and becomes binding:
 - (i) when approved by the Board; and
 - (ii) at any time after an investigative letter has been sent;
- (c) is a public document under GRAMA unless it contains specific information that requires redaction or separate classification of the agreement.

~~(12)~~13(a) "Conviction" means the final disposition of a judicial action for a criminal offense, except in cases of a dismissal on the merits.

(b) "Conviction" includes:

- (i) a finding of guilty by a judge or jury;
- (ii) a guilty or no contest plea;
- (iii) a plea in abeyance; and
- (iv) for purposes of Rule R277-214, a conviction that has been expunged.

~~(13)~~14 "Criminal background review" means the process by which the Executive Secretary, UPPAC, and the Board review information pertinent to:

- (a) a charge revealed by a criminal background check;
- (b) a charge revealed by a hit as a result of ongoing monitoring; or
- (c) an educator or applicant's self-disclosure.

~~(14)~~15 "Drug" means controlled substance as defined in Section 58-37-2.

~~(15)~~16 "Drug related offense" means any criminal offense under:

- (a) Title 58, Chapter 37, Utah Controlled Substances Act;
- (b) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

- (c) Title 58, Chapter 37b, Imitation Controlled Substances Act;
- (d) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;
- (e) Title 58, Chapter 37d, Clandestine Drug Lab Act; and
- (f) Title 58, Chapter 37e, Drug Dealer's Liability Act.
- (~~146~~17)(a) "Educator" means a person who:
 - (i) currently holds a Utah educator license; or
 - (ii) held a license at the time of an alleged offense.
- (b) "Educator" does not include a paraprofessional, a volunteer, or an unlicensed teacher in a classroom.
- (~~147~~18) "Educator misconduct" means:
 - (a) unprofessional conduct;
 - (b) conduct that renders an educator unfit for duty; or
 - (c) conduct that is a violation of standards of ethical conduct, performance, or professional competence as provided in Rule R277-217.
- (~~148~~19) "Executive Secretary" means
 - (a) an employee of the Board appointed by the Superintendent to serve as a non-voting member of UPPAC, consistent with Section 53E-6-502; or
 - (b) the Executive Secretary's designee.
- (~~149~~20) "Expedited hearing" means an informal hearing aimed at determining if allegations of educator misconduct can be summarily resolved or if an investigation by UPPAC is warranted.
- (~~120~~21) "Expedited hearing panel" means a panel of the following:
 - (a) the Executive Secretary or the Executive Secretary's designee, who acts as a non-voting hearing officer; and
 - (b)(i) three voting members of UPPAC; or
 - (ii) two voting members of UPPAC and a licensed educator with appropriate skills and training to assist on the panel.
- (~~124~~22) "Final action" means an action by the Board that concludes an investigation of an allegation of misconduct against a licensed educator.
- (~~122~~23) "GRAMA" means Title 63G, Chapter 2, Government Records Access and Management Act.
- (~~123~~24) "Hearing officer" means a licensed attorney who:
 - (a) is experienced in matters relating to administrative procedures;
 - (b) is appointed by the Executive Secretary to manage the proceedings of a hearing;
 - (c) is not an acting member of UPPAC;
 - (d) has authority, subject to the limitations of Board rule, to regulate the course of the hearing and dispose of procedural requests;
 - (e) drafts a hearing report reflecting the findings and recommendations of the hearing panel; and
 - (f) does not have a vote as to the recommended disposition of a case.
- (~~124~~25) "Hearing panel" means a panel of three or more individuals designated to:
 - (a) hear evidence presented at a hearing;
 - (b) make a recommendation to UPPAC as to disposition consistent with the rebuttable presumptions in Rule R277-215; and
 - (c) collaborate with the hearing officer in preparing a hearing report.
- (~~125~~26) "Hearing report" means a report that:
 - (a) is prepared by the hearing officer consistent with the recommendations of the hearing panel at the conclusion of a hearing; and
 - (b) includes:
 - (i) a recommended disposition;
 - (ii) detailed findings of fact and conclusions of law, based upon the evidence presented in the hearing, relevant precedent; and
 - (iii) applicable law and rule.
- (~~126~~27) "Illegal drug" means a substance included in:
 - (a) Schedules I, II, III, IV, or V established in Section 58-37-4;
 - (b) Schedules I, II, III, IV, or V of the federal Controlled Substances Act, Title II, Pub. L. No. 91-513; or
 - (c) any controlled substance analog.
- (~~127~~28) "Informant" means a person who submits information to UPPAC concerning the alleged misconduct of an educator.
- (~~128~~29)(a) "Investigative letter" means a letter sent by the Executive Secretary to an educator notifying the educator:
 - (i) that an allegation of misconduct has been received against the educator;
 - (ii) that UPPAC or the Board has directed that an investigation of the educator's alleged actions take place; and
 - (iii) if applicable, that the Executive Secretary will place a flag on the educator's CACTUS file.
- (b) An "investigative letter" is not evidence of unprofessional conduct.
- (~~129~~30) "Investigative report" means a written report of an investigation addressing allegations of educator misconduct, prepared by an investigator that:
 - (a) includes a brief summary of the allegations, the investigator's narrative, a summary of the evidence, and a recommendation for UPPAC;
 - (b) may include a rationale for the recommendation, and mitigating and aggravating circumstances;
 - (c) is maintained in the UPPAC case file; and
 - (d) is classified as protected under Subsection 63G-2-305(34).
- (~~130~~31) "Investigator" means an employee of the Board, or independent investigator selected in accordance with Subsection 53E-6-506(3), who:

NOTICES OF PROPOSED RULES

(a) is assigned to conduct an independent and objective investigation into allegations of educator misconduct under UPPAC supervision;

(b) offers recommendations of educator discipline to UPPAC, supported by Rule R277-215, and the evidence, at the conclusion of the investigation;

(c) provides an independent and objective investigative report for UPPAC and the Board; and

(d) may also be a UPPAC attorney but does not have to be.

~~(34)~~32 "LEA" or "local education agency" for purposes of Rules R277-210 through R277-217 includes the Utah Schools for the Deaf and the Blind.

~~(32)~~33 "Letter of education" is a letter sent by the Board to an educator to instruct and caution the educator in an area of professional conduct when the evidence does not show a violation of the educator standards in Rule R277-217, but the evidence may show conduct that could lead to a violation of the standards in the future.

~~(33)~~34 "Letter of warning" is a letter sent by the Board to an educator:

(a) for misconduct that was inappropriate or unethical; and

(b) that does not warrant longer term or more serious discipline.

~~(34)~~35 "License" means a teaching or administrative credential, including an endorsement, which is issued by the Board to signify authorization for the person holding the license to provide professional services in Utah's public schools.

~~(36)~~ "Minor" means:

~~(a) an individual under the age of 18; or~~

~~(b) an individual who an educator reasonably believes is under the age of 18 under the circumstances of the interaction.~~

~~(35)~~37 "Misdemeanor offense," for purposes of Board rule, does not include:

(a) violations of municipal ordinances; or

(b) Class C Misdemeanors or Infractions in violation of Title 41, Utah Motor Vehicle Code.

~~(36)~~38 "National Association of State Directors of Teacher Education and Certification Educator Information Clearinghouse" or "NASDTEC Clearinghouse" means a database maintained by NASDTEC for the members of NASDTEC regarding persons who:

(a) had their license suspended or revoked;

(b) have been placed on probation; or

(c) have received a reprimand.

~~(37)~~39 "Notification of alleged educator misconduct" means the official UPPAC form that may be accessed on UPPAC's internet website, and may be submitted by any person, school, or LEA that alleges educator misconduct.

~~(38)~~40 "Party" means the complainant or a respondent.

~~(39)~~41 "Petitioner" means an individual seeking:

(a) an educator license following a denial of a license; or

(b) reinstatement following a license suspension.

~~(40)~~42 "Plea in abeyance" means the same as described in Subsection 77-2a-1(1).

~~(41)~~43 "Pornographic or indecent material" means the same as the term is defined in ~~S[ub]section 76-10-1235(1)(a)~~5c-208.

~~(44)~~ "Recent graduate" means an individual within six months of graduating or officially exiting from high school.

~~(42)~~45 "Reprimand" is an action by the Board, which:

(a) is imposed for misconduct that was longer term or more seriously unethical or inappropriate than conduct warranting a letter of warning, but not warranting invalidation of the educator's license;

(b) is accompanied by a flag on the educator's CACTUS file, which the educator may request the Board remove from the educator's CACTUS file two years from the date the educator's CACTUS file was flagged for investigation, or after such other time period as prescribed by the Board; and

(c) may include specific directives that the educator must complete before requesting the flag be removed from the educator's CACTUS file under Subsection ~~(43)~~45(b).

~~(43)~~46 "Respondent" means an educator against whom:

(a) a complaint is filed; or

(b) an investigation is undertaken.

~~(44)~~47 "Revocation" means a permanent invalidation of a Utah educator license.

~~(45)~~48 "School-related activity" means a class, event, activity, or program:

(a) occurring at the school before, during, or after school hours; or

(b) that a student attends at a remote location as a representative of the school or with the school's authorization.

~~(46)~~49 "Serve" or "service," as used to refer to the provision of notice to a person, means:

(a) delivery of a written document to a respondent; and

(b) delivery that may be made in person, by mail, by electronic correspondence, or by any other means reasonably calculated, under all of the circumstances, to notify a respondent to the extent reasonably practical or practicable of the information contained in the document.

~~(47)~~50 "Sexually explicit conduct" means the same as that term is defined in Section 76-5b-103.

~~(48)~~51 "Suspension" means an invalidation of a Utah educator license, which may be reinstated after:

(a) the educator completes specific conditions identified in the consent to discipline or hearing report;

(b) the passage of the time specified in the consent to discipline or hearing report; and

(c) Board action to reinstate the license following a reinstatement hearing as described in Rule R277-213.

~~(49)~~52(a) "Under the influence of alcohol or an illegal drug" means that a person:

(i) is under the influence of alcohol, an illegal drug, or the combined influence of alcohol and drugs to a degree that renders the person incapable of effectively working in a public school;

(ii) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .05 grams or greater at the time of the test; or

(iii) has a blood or breath alcohol concentration of .05 grams or greater during work hours at a public school.

(b) An educator is presumed to be "under the influence of alcohol or an illegal drug" if the educator refuses a lawful request, made with reasonable suspicion by the educator's LEA, to submit to a drug or alcohol test.

(~~50~~53) "Utah Professional Practices Advisory Commission" or "UPPAC" means an advisory commission established to assist and advise the Board in matters relating to the professional practices of educators, established in Section 53E-6-501.

(~~54~~54) "UPPAC attorney file" means a file:

(a) that is kept by the attorney assigned by UPPAC to investigate or prosecute a case that contains:

(i) the attorney's notes; and

(ii) other documents prepared by the attorney in anticipation of an eventual hearing; and

(b) that is classified as protected pursuant to Subsection 63G-2-305(18).

(~~52~~55) "UPPAC background check file" means a file maintained securely by UPPAC on a criminal background review that:

(a) contains information obtained from:

(i) BCI; and

(ii) letters, police reports, court documents, and other materials provided by an applicant; and

(b) is classified as private under Subsection 63G-2-302(2).

(~~53~~56) "UPPAC case file" means a file:

(a) maintained securely by UPPAC on an investigation into educator misconduct;

(b) opened following UPPAC's direction to investigate alleged misconduct;

(c) that contains the original notification of alleged misconduct with supporting documentation, correspondence with the Executive Secretary, the investigative report, the stipulated agreement, the hearing report, and the final disposition of the case;

(d) that is classified as protected under Subsection 63G-2-305(10) until the investigation and any subsequent proceedings before UPPAC and the Board are completed; and

(e) that after a case proceeding is closed, is considered public under GRAMA, unless specific documents contained therein contain non-public information or have been otherwise classified as non-public under GRAMA, in which case the file may be redacted or partially or fully restricted.

(~~54~~57) "UPPAC evidence file" means a file:

(a) maintained by UPPAC investigator containing materials, written or otherwise, obtained by the UPPAC investigator during the course of the investigation;

(b) that contains correspondence between the investigator and the educator or the educator's counsel;

(c) that is classified as protected under Subsection 63G-2-305(10) until the investigation and any subsequent proceedings before UPPAC and the Board are completed; and

(d) that is considered public under GRAMA after case proceedings are closed, unless specific documents contained therein contain non-public information or have been otherwise classified as non-public under GRAMA.

(~~55~~58) "Weapon" means an item that in the manner of the item's use or intended use is capable of causing death or serious bodily injury.

KEY: professional practices, definitions, educators

Date of Last Change: 2025[January 10, 2024]

Notice of Continuation: October 1, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-506; 53E-3-401

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-211

Filing ID: 57533

Agency Information

1. Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	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:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R277-211. Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session: HB 497 (2025 General Session)	
4. Purpose of the new rule or reason for the change:	
The rule amendments are due to the passage of HB 497 passed during the 2025 General Session, which requires the Utah Professional Practices Advisory Commission (UPPAC) to facilitate timely and efficient investigation of UPPAC cases.	
5. Summary of the new rule or change:	
The amendments specify that the rule's oversight category is "exempt".	
There are also several technical amendments updating language to clarify UPPAC's existing processes for initiating proceedings against educators, review of notification of alleged educator misconduct, and expedited hearings on criminal charges in lieu of initial UPPAC review.	

Fiscal Information

6. 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.
The Utah State Board of Education (USBE) believes that the fiscal impact associated with the rule change were captured in the fiscal note to HB 497 (2025) and the rule does not add any requirements or costs outside the changes necessitated by HB 497 (2025).
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
The USBE believes that the fiscal impact associated with the rule change were captured in the fiscal note to HB 497 (2025) and the rule does not add any requirements or costs outside the changes necessitated by HB 497 (2025).
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 the USBE and Local Education Agencies (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.

The USBE believes that the fiscal impact associated with the rule change were captured in the fiscal note to HB 497 (2025) and the rule does not add any requirements or costs outside the changes necessitated by HB 497 (2025).

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The USBE believes that the fiscal impact associated with the rule change were captured in the fiscal note to HB 497 (2025) and the rule does not add any requirements or costs outside the changes necessitated by HB 497 (2025).

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
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Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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, Molly Hart, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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-6-506	Subsection 53E-3-401(4)
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	11/14/2025
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10. This rule change MAY become effective on:	11/21/2025
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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:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/01/2025
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R277. Education, Administration.**R277-211. Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions.****R277-211-1. Authority, ~~and~~ Purpose, and Oversight Category.**

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and
 - (c) 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.
- (2) The purpose of this rule is to provide procedures regarding:
 - (a) notifications of alleged educator misconduct;
 - (b) review of notifications by UPPAC; and
 - (c) complaints, consents to discipline, and defaults.
- (3) Title 63G, Chapter 4, Administrative Procedures Act, does not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).
- (4) This rule is categorized as exempt as described in Rule R277-111.

R277-211-2. Initiating Proceedings Against Educators.

- (1)(a) The Executive Secretary shall refer a case to UPPAC to make a determination if an investigation should be opened regarding an educator upon receiving a notification of alleged educator misconduct implicating a violation of ~~the~~ Rule R277-217, Educator Standards, or Utah law.
- (b) The Executive Secretary may refer a case to UPPAC upon the Executive Secretary's own initiative.
- (2) If an informant seeks to report information to UPPAC concerning alleged educator misconduct, the informant shall submit an allegation of misconduct to the Executive Secretary in writing, including the following:
 - (a) the informant's:
 - (i) name;
 - (ii) position, such as administrator, teacher, parent, or student;
 - (iii) telephone number;
 - (iv) address; and
 - (v) contact information;
 - (b) information about the educator against whom the allegation is made:
 - (i) name;
 - (ii) position, such as administrator, teacher, candidate; and
 - (iii) ~~if known, the address and telephone number~~ school or LEA; and
 - (c) the facts on which the allegation is based and supporting information.
- (3) If an informant submits a written allegation of misconduct as provided in this rule, the Executive Secretary shall notify the informant of a final action taken by the Board regarding the allegation.
- (4)(a) Proceedings initiated upon the Executive Secretary's own initiative may be based on information received through a telephone call, letter, newspaper article, media information, notice from another state, or by other means.
- (b) The Executive Secretary may also recommend an investigation based on an anonymous allegation, notwithstanding the provisions of this rule, if the allegation bears sufficient indicia of reliability.
- (5)(a) The USBE Internal Audit Department shall refer to UPPAC and the LEA any complaint against an educator that would violate Rule R277-217, Educator Standards, or Utah law.
- (b) The Executive Secretary shall consult with the educator's LEA and request any relevant evidence from an educator's LEA concerning a complaint referred under Subsection (5)(a).
- (6) If an investigation is opened or an expedited hearing is conducted under this rule, the~~The~~ Executive Secretary shall permanently maintain all written allegations, subsequent dismissals, actions, or disciplinary letters related to a case against an educator in the UPPAC case file.

R277-211-3. Review of Notification of Alleged Educator Misconduct.

- (1)(a) Upon receipt of a notification of alleged educator misconduct, the Executive Secretary shall review the notification with UPPAC and ~~recommend one of the following actions to~~ UPPAC may:
 - (i) dismiss the matter if the alleged misconduct does not involve an issue that UPPAC should address;~~or~~
 - (ii) recommend an expedited hearing as described in Sections R277-211-5; or
 - (iii) open [a case]an investigation if the alleged misconduct involves an issue that [may be appropriately addressed by UPPAC and the Board]warrants investigation by UPPAC.
- (b) In considering whether to open a case regarding an allegation of educator misconduct, UPPAC shall consider the known facts and circumstances surrounding the allegation to determine whether opening a case is warranted.

- (c) UPPAC shall open a case most readily when the evidence shows that:
 - (i) the alleged misconduct involves the physical or emotional safety and well-being of a student;
 - (ii) the alleged misconduct had a highly visible impact on the educator's school community;
 - (iii) the alleged misconduct has the potential to damage the integrity of the education profession;
 - (iv) the educator's LEA recommends the Board investigate the matter; or
 - (v) the educator has received prior UPPAC discipline.

~~[(c) If UPPAC votes to open a case, UPPAC shall also determine whether to:~~

- ~~(i) initiate an investigation; or~~
- ~~(ii) invite the educator to participate in an expedited hearing as described in Section R277-211-5.]~~

(2)(a) Before a UPPAC investigator's initiation of an investigation, the Executive Secretary shall send an investigative letter to the following:

- (i) the educator to be investigated;
- (ii) the LEA that employs the educator; and
- (iii) the LEA where the alleged activity occurred.
- (b) The Executive Secretary shall place a flag on the educator's CACTUS file after:
 - (i) sending the educator an investigative letter; and
 - (ii) directing UPPAC staff to begin gathering evidence relating to the allegations.

(c) The Executive Secretary may not place a flag on an educator's CACTUS file if the educator agrees to an expedited hearing under Section R277-211-5 unless the expedited hearing panel recommends a full investigation.

(3)(a) The investigator shall review relevant documentation and interview individuals who may have knowledge of the allegations.

(b) The investigator shall prepare an objective and independent investigative report supported by the evidence and Rule R277-215~~of~~ including:

- ~~(i) the findings of the investigation~~~~[and a recommendation supported by the evidence and Rule R277-215.];~~
- ~~(ii) the educator standards that the educator may have violated; and~~
- ~~(iii) the applicable disciplinary presumptions.~~

(c) If the investigator discovers additional evidence of unprofessional conduct beyond the original allegations, the investigator may include the additional evidence of misconduct in the investigative report provided that the educator has had the opportunity to respond to the additional evidence.

- (d) The investigator shall submit the investigative report to the Executive Secretary.
- (e) The Executive Secretary shall add the investigative report described in Subsection (3)(d) to a UPPAC meeting agenda.
- (f) The investigative report described in Subsection (3)(d) shall become part of the UPPAC case file.

~~(4) The investigator may prioritize an investigation over other longer pending cases if:~~

- ~~(a) the educator poses an ongoing risk to students;~~
- ~~(b) the case needs to be expedited to accommodate a crucial witness;~~
- ~~(c) the ongoing investigation creates unusual uncertainty for the educator's LEA or community;~~
- ~~(d) the educator is unemployed as a result of the allegations; or~~
- ~~(e) the educator requests expedited consideration for good cause.~~

~~[(4)5] UPPAC shall review the investigative report and take one of the following actions:~~

- ~~(a) Recommend that the Board clear the CACTUS flag and take no action; or~~
- ~~(b) make an initial recommendation consistent with the evidence and Rule R277-215.~~

~~[(5)6] After receiving an initial recommendation from UPPAC for action, the Executive Secretary shall:~~

- ~~(a) prepare and serve a complaint; or~~
- ~~(b) negotiate and prepare a proposed consent to discipline.~~

~~[(6)7] Upon request of an educator, UPPAC will provide a copy of the UPPAC case file and UPPAC evidence file to the educator.~~

R277-211-4. Expedited Hearings on Criminal Charges in lieu of Initial UPPAC Review.

(1) In a case involving the ~~first~~ report of an arrest, citation, or charge of an educator, which requires self-reporting by the educator under Section R277-217-4, the Executive Secretary, with the consent of the educator, may schedule the matter for an expedited hearing in lieu of initially referring the matter to UPPAC.

(2)(a) The Executive Secretary shall hold an expedited hearing within 60 days of ~~[a report of an arrest, citation, or charge]~~ the criminal court disposition, unless otherwise agreed upon by both parties.

(b) An expedited hearing panel shall conduct an expedited hearing on a criminal charge and include the following additional invited ~~[participants]~~ individuals where possible:

- (i) the educator;
- (ii) the educator's attorney or representative;
- (iii) a UPPAC attorney; and
- (iv) a representative of the educator's LEA.

(3) The panel may consider the following matters at an expedited hearing on a criminal charge:

- (a) an educator's oral or written explanation of the events;
- (b) a police report;
- (c) a court docket or transcript;
- (d) an LEA's investigative report or employment file; and

NOTICES OF PROPOSED RULES

(e) additional information offered by a participant in the expedited hearing if the Executive Secretary deems it probative of the issues at the expedited hearing.

(4) After reviewing the evidence described in Subsection (3), the expedited hearing panel shall make written findings and a recommendation to UPPAC consistent with the evidence and Rule R277-215 to do one of the following:

- (a) close the case;
- (b) close the case upon completion of court requirements;
- (c) recommend that the Board issue a letter of education or letter of warning;
- (d) open a full investigation; or
- (e) recommend action by the Board, subject to an educator's due process rights under Rule 277-210 through Rule R277-217.

(5) An expedited hearing on a criminal charge may be recorded, but the testimony from the expedited hearing is inadmissible during a future UPPAC action related to the allegation unless the educator stipulates to admitting the recording.

(6) If the Board fails to adopt UPPAC's recommendation, UPPAC may open a full investigation or issue a complaint.

(7) An expedited hearing panel may proceed under this section with only two voting panel members with the stipulation of the educator.

R277-211-5. Expedited Hearings on Minor Violations of the Educator Standards.

(1) Upon review of an allegation of educator misconduct, UPPAC may recommend conducting an expedited hearing if:

(a) the material evidence provided by the informant does not appear to be disputed;

(b) the allegations, if true, implicate the presumption for a ~~[letter of education or]~~ letter of warning under Subsection R277-215-2(~~9~~8); and

(c) the educator consents to participate.

(2) If an educator elects not to participate in an expedited hearing after UPPAC opens a case, the Executive Secretary shall initiate an investigation into the allegations of misconduct with no prejudice to the educator for not participating in the expedited hearing.

(3) At an expedited hearing under this section, an expedited hearing panel shall conduct the hearing and include the following invited individuals where possible:

- (a) the educator;
- (b) the educator's attorney or representative;
- (c) a UPPAC attorney; and
- (d) an administrator from the educator's school or LEA.

(4) At an expedited hearing under this section, the panel may consider:

- (a) an educator's oral or written explanation of the events;
- (b) an LEA's investigative report or employment file, including witness statements; and
- (c) additional information proffered by a participant in the expedited hearing if the Executive Secretary deems it probative of the

issues at the expedited hearing.

(5) After reviewing the evidence described in Subsection (4), the expedited hearing panel shall make written findings and a recommendation consistent with the evidence and Rule R277-215 to do one of the following:

- (a) close the case;
- (b) close the case upon completion of recommended training or other educator requirements;
- (c) issue a letter of education or letter of warning; or
- (d) open a full investigation.

(6) If an expedited hearing panel recommends a full investigation be opened, the Executive Secretary shall follow the requirements set forth in Subsection R277-211-3(2).

(7) An expedited hearing under this section may be recorded.

(8) Testimony offered at an expedited hearing may be considered in a subsequent report to UPPAC or hearing.

(9) An expedited hearing panel may proceed under this section with only two voting panel members with the stipulation of the educator.

R277-211-6. Complaints.

(1) If UPPAC determines that an allegation is sufficiently supported by evidence discovered in the investigation, the Executive Secretary may direct the UPPAC attorney to serve a complaint upon the educator being investigated.

(2) At a minimum, a complaint shall include:

- (a) a statement of legal authority and jurisdiction under which the action is being taken;
- (b) a statement of the facts and allegations upon which the complaint is based;
- (c) other information necessary to enable the respondent to understand and address the allegations;
- (d) a statement of the potential consequences if an allegation is found to be true or substantially true;
- (e) a statement that the respondent shall answer the complaint and request a hearing, if desired, within 30 days of the date the complaint is mailed to the respondent;

(f) a statement that the respondent shall file a written answer described in Subsection (2)(e) with the Executive Secretary;

(g) a statement advising the respondent that if the respondent fails to respond within 30 days, the Executive Secretary may issue a default order in accordance with Section R277-211-8;

(h) a statement that, if a hearing is requested, the hearing will be scheduled no less than 45 days, nor more than 180 days, after receipt of the respondent's answer, unless a different date is agreed to by both parties in writing;

(i) a copy of the applicable hearing rules as required by Section 53E-6-607; and
 (j) if the respondent is not represented by counsel, a written guide to help the respondent understand the UPPAC investigation and hearing process.

(3) On the Executive Secretary's own motion, the Executive Secretary, or the Executive Secretary's designee, with notice to the parties, may reschedule a hearing date.

(4)(a) A respondent may file an answer to a complaint by filing a written response signed by the respondent or the respondent's attorney with the Executive Secretary within 30 days after the complaint is mailed.

(b) The answer shall include:

- (i) a request for a hearing;
- (ii) the file number of the complaint;
- (iii) the names of the parties; and
- (iv) the relief that the respondent seeks at a hearing.

(c) As an alternative to filing an answer, the respondent may file a voluntary surrender pursuant to Rule R277-216.

(5)(a) The Executive Secretary shall schedule a hearing, if requested by the respondent, in accordance with Subsection (2)(h) and Rule R277-212.

(b) If the parties can reach an agreement before the hearing consistent with the terms of UPPAC's initial recommendation, the UPPAC attorney may negotiate a proposed consent to discipline with the respondent.

(c) A proposed consent to discipline described in Subsection (5)(b) shall be submitted to the Board for the Board's consideration in accordance with Section R277-211-7.

(6)(a) If a respondent does not respond to the complaint within 30 days, the Executive Secretary may initiate default proceedings in accordance with the procedures set forth in Section R277-211-8.

(b) If the Executive Secretary enters an order of default, the Executive Secretary shall make a recommendation to the Board for discipline consistent with the evidence and Rule R277-215.

R277-211-7. Proposed Consent to Discipline.

(1) At any time after UPPAC has made an initial recommendation, a respondent may accept UPPAC's initial recommendation, rather than request a hearing, by entering into a proposed consent to discipline.

(2) By entering into a proposed consent to discipline, a respondent waives the respondent's right to a hearing to contest the recommended disposition, contingent on final approval by the Board.

(3) At a minimum, a proposed consent to discipline shall include:

(a) a summary of the facts, the allegations, the presumption described in Rule R277-215, mitigating or aggravating factors described in Rule R277-215, and the evidence relied upon by UPPAC in its recommendation;

(b) a statement that the respondent admits or does not contest the facts recited in the proposed consent to discipline ~~[as true]~~ for purposes of the Board administrative action;

(c) a statement that the respondent:

- (i) waives the respondent's right to a hearing to contest the allegations that gave rise to the investigation; and
- (ii) agrees to the proposed action rather than contest the allegations;

(d) a statement that the respondent agrees to the terms of the proposed consent to discipline and other provisions applicable to the case, such as remediation, assessment and recommended counseling, restitution, rehabilitation, and other conditions, if any, under which the respondent may request a reinstatement hearing or a removal of the reprimand;

(e) a statement that the action and the proposed consent to discipline shall be reported to other states through the NASDTEC Educator Information Clearinghouse;

(f) a statement that respondent waives the respondent's right to contest the facts stated in the proposed consent to discipline at a subsequent reinstatement hearing, if any;

(g) a statement that all records related to the proposed consent to discipline shall remain permanently in the UPPAC case file;

(h) a statement reflecting the classification of the proposed consent to discipline under Title 63G, Chapter 2, Government Records Access and Management Act;

(i) a statement that information regarding the proposed reprimand, suspension, or revocation may be included in an online licensing database that is available for public access in accordance with Rule R277-312.

(j) a statement that a violation of the terms of an approved consent to discipline may result in additional disciplinary action and may affect the reinstatement process; and

(k) a statement that the educator understands that the Board is not bound by UPPAC's recommendation or the negotiated proposed consent to discipline unless the Board approves the proposed consent to discipline;

(l) if for a suspension of the educator's license:

- (i) specific conditions that an educator must satisfy before requesting a reinstatement hearing; and
- (ii) a minimum time period that must elapse before the educator may request a reinstatement hearing;

(m) if for suspension or revocation of a license, a statement that the respondent may not work or volunteer in a public school in accordance with Subsection 53E-6-603(3); and

(n) if for suspension or revocation of a license, a statement that any attempt to represent to any other state a valid Utah license shall result in further licensing action in Utah.

(4)(a) The Executive Secretary shall forward a proposed consent to discipline to the Board for approval.

(b) If the Board does not approve a proposed consent to discipline, the Board may:

NOTICES OF PROPOSED RULES

- (i)(A) remand the case to UPPAC and shall include issues or questions that need to be addressed;
- (B) offer respondent the opportunity for a hearing; or
- (C) provide alternative terms and disposition to the Executive Secretary, consistent with the available evidence and presumptions described in Rule R277-215, that would be satisfactory to the Board to be submitted to the educator for consideration;
- (ii) direct the Executive Secretary to issue a letter of education, ~~or~~ letter of warning, or dismiss the matter; or
- (iii) take other appropriate action consistent with due process and Rule R277-215.
- (5) If the respondent accepts a consent to discipline with alternative terms and disposition proposed by the Board, the consent to discipline, as modified, is a final Board administrative action without further Board consideration.
- (6) If the terms approved by the Board are rejected by the respondent, the proceedings shall continue from the point under these procedures at which the agreement was negotiated, as if the consent to discipline had not been submitted.
- (7) If the Board remands to UPPAC to provide respondent the opportunity for a hearing under Subsection (4)(b)(i)(B), the Executive Secretary shall:
 - (a) notify the parties of the decision;
 - (b) direct a UPPAC attorney to issue a complaint; and
 - (c) direct the proceedings as if the proposed consent to discipline had not been submitted.
- (8) If the Board approves a proposed consent to discipline, the approval is a final Board administrative action and the Executive Secretary shall:
 - (a) notify the parties of the decision;
 - (b) update CACTUS to reflect the action;
 - (c) report the action to the NASDTEC Educator Information Clearinghouse if the agreement results in:
 - (i) a revocation;
 - (ii) a suspension; or
 - (iii) a reprimand;
 - (d) direct the appropriate penalties to begin; and
 - (e) notify the LEAs throughout the state.

R277-211-8. Default Procedures.

- (1) If a respondent does not respond to a complaint within 30 days from the date the complaint is served, the Executive Secretary may issue an order of default against the respondent consistent with the following:
 - (a) the Executive Secretary shall prepare and serve on the respondent an order of default including:
 - (i) a statement of the grounds for default; and
 - (ii) a recommended disposition if the respondent fails to file a response to a complaint;
 - (b) ten days following service of the order of default, a UPPAC attorney shall attempt to contact respondent or respondent's attorney by telephone or electronically unless the respondent is incarcerated and unrepresented;
 - (c) UPPAC shall maintain documentation of attempts toward written, telephonic, or electronic contact;
 - (d) the respondent has 20 days following service of the order of default to respond to UPPAC; and
 - (e) if UPPAC receives a response from respondent to a default order before the end of the 20 day default period, UPPAC shall allow respondent a final ten day period to respond to a complaint.
- (2) The Executive Secretary shall make a recommendation to the Board for discipline consistent with the evidence and Rule R277-215.
- (3) If an educator's default results in a suspension, the order of default shall include conditions the educator must meet before requesting a reinstatement hearing.

R277-211-9. Disciplinary Letters and Dismissal.

- (1) If UPPAC recommends issuance of a letter of warning, letter of education, or dismissal, the Executive Secretary shall forward the case to the Board for review on a consent calendar.
- (2) If the Board does not approve a recommendation for a letter of warning, letter of education, or dismissal described in Subsection (1), the Board may:
 - (a) remand the case to the Executive Secretary with:
 - (i) direction as to the issues UPPAC should address;
 - (ii) alternative terms and disposition that would be satisfactory to the Board to be submitted to the educator for consideration; and
 - (iii) the opportunity for the educator to participate in a hearing;
 - (b) dismiss the matter; or
 - (c) take other appropriate action consistent with due process and Rule R277-215.
- (3) If the Board approves a letter of warning or letter of education, the Executive Secretary shall:
 - (a) prepare the letter of warning or letter of education and mail it to the educator;
 - (b) place a copy of the letter of warning or letter of education in the UPPAC case file; and
 - (c) update CACTUS to reflect that the case is closed.

KEY: teacher licensing, conduct, hearings

Date of Last Change: 2025|January 10, 2024|

Notice of Continuation: October 1, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-506; 53E-3-401(4)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-215

Filing ID: 57534

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	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:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R277-215. Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions
4. Purpose of the new rule or reason for the change:
The rule amendments make updates related to the presumptions for sexual conduct by educators on school premises, relationships with recent graduates, and reporting issues.
5. Summary of the new rule or change:
The amendments specify that the rule's oversight category is "exempt".
The amendments also update the rebuttable presumptions.

Fiscal Information

6. 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.
This rule is clarified to state that the Utah State Board of Education (USBE) oversight framework in Rule R277-111 does not apply to this rule, and definitions and language are clarified to provide cohesion with recent legislation and other rule updates.
These definitions do not add any new programs, service, or requirements for the USBE, and have no measurable costs or increased revenues.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
This rule is clarified to state that the USBE oversight framework in Rule R277-111 does not apply to this rule, and definitions are clarified to provide cohesion with recent legislation and other rule updates.

These definitions do not add any new programs, service, or requirements for Local Education Agencies (LEAs), and have no measurable costs or increased revenues.

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 the 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 rule is clarified to state that the USBE oversight framework in Rule R277-111 does not apply to this rule, and definitions are clarified to provide cohesion with recent legislation and other rule updates.

These definitions do not add any new programs, service, or requirements for persons or entities, and have no measurable costs or increased revenues.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

This rule is clarified to state that the USBE oversight framework in Rule R277-111 does not apply to this rule, and definitions are clarified to provide cohesion with recent legislation and other rule updates.

These definitions do not add any new programs, service, or requirements for the USBE, LEAs, or other persons or entities, and have no measurable costs or increased revenues.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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, Molly Hart, has reviewed and approved this regulatory impact analysis.

Citation Information**7. 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-6-506	Subsection 53E-3-401(4)
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Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.****A. Comments will be accepted until:**

11/14/2025

10. This rule change MAY become effective on:

11/21/2025

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:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/01/2025
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R277. Education, Administration.**R277-215. Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions.****R277-215-1. Authority, ~~and~~ Purpose, and Oversight Category.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
- (b) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and
- (c) 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.

(2) The purpose of this rule is to establish rebuttable presumptions for UPPAC and Board review of UPPAC cases.

(3) This rule is categorized as exempt as described in Rule R277-111.

R277-215-2. Rebuttable Presumptions.

(1) UPPAC and the Board shall consider the rebuttable presumptions in this section when evaluating a case of educator misconduct.

(2) Revocation is presumed appropriate if an educator:

- (a) is subject to mandatory revocation under Subsection 53E-6-604(5)(b);
- (b) is convicted of, admits to, or is found pursuant to an evidentiary hearing to have engaged in viewing or distributing child pornography, whether real or simulated, on or off school property;
- (c) is convicted of an offense that requires the educator to register as a sex offender under Subsection 77-41-105(3);
- (d) intentionally provides alcohol or illegal drugs to a minor;
- (e) is convicted of a violation of:

- (i) Section 76-5-202;
- (ii) Section 76-5-203;
- (iii) Section 76-5-205; or
- (iv) Section 76-5-208.

(3)(a) Suspension of ten years or more is presumed appropriate if an educator is convicted of any felony not specified in Subsection

(2).

(b) An educator who is suspended based on a felony conviction under Subsection (3)(a) may apply for a reinstatement hearing early if the educator's felony:

- (i) is expunged; or
- (ii) is reduced pursuant to Section 76-3-402.

(4) Suspension of three years or more is presumed appropriate if an educator:

- (a) engages in a boundary violation with a student or minor that is sexual in nature that is not sexually explicit conduct;

NOTICES OF PROPOSED RULES

- (b) engages in consensual sexual activity on school grounds, during contract hours, or while actively responsible for supervising students;
- (c) knowingly engages in sexually explicit conduct with a recent graduate from the educator's school;
- ~~(b)~~ (d) is convicted of using physical force with a minor if the conduct results in a conviction of a class A misdemeanor;
- ~~(e)~~ (e) is convicted of an offense that results in the educator being placed on court supervision for three or more years;
- ~~(d)~~ (f) is convicted of theft or intentional misappropriation of public funds; or
- ~~(e)~~ (g) intentionally misappropriates public funds or property in an amount of \$500 or more.
- (5) Suspension of one to three years is presumed appropriate, if an educator:
- (a) willfully or knowingly creates, views, or gains access to sexually inappropriate material on school property or using school equipment;
- (b) is convicted of one or more class A misdemeanor violence offenses under Title 76, Chapter 5, Offenses Against the Person, or a comparable statute from a jurisdiction outside of Utah;
- (c) is convicted of two or more misdemeanor violence offenses under Title 76, Chapter 5, Offenses Against the Person, or a comparable statute from a jurisdiction outside of Utah, in the last three years;
- (d) is convicted of using physical force with a minor if:
- (i) the conviction is a class B misdemeanor or lower; and
- (ii) the minor is a student in the educator's school;
- (e) engages in repeated incidents of or a single egregious incident of excessive physical force or discipline to a student that does not meet the circumstances described in Subsection ~~[53G-8-302(2)]~~ 53G-8-301(4);
- (f) bullies or threatens a student physically, verbally, or electronically;
- (g) engages in a pattern of boundary violations with a student or minor under a circumstance not described in Subsection (4)(a);
- (h) engages in multiple incidents or a pattern of theft or misappropriation of public funds that does not result in a criminal conviction;
- (i) attends a school or school-related activity in an assigned employment-related capacity while possessing, using, or under the influence of alcohol or illegal drugs;
- (j) is convicted of two drug-related offenses or alcohol-related offenses in the three years previous to the most recent conviction;
- (k) engages in a pattern of or a single egregious incident of:
- (i) harassing;
- (ii) bullying; or
- (iii) threatening a co-worker or community member; or
- (l) knowingly and deliberately falsifies or misrepresents information on an education-related document.
- (6) A suspension of up to one year is presumed appropriate if an educator:
- (a)(i) engages in inappropriate conduct that warrants lesser discipline; and
- (ii) has previously received two or more disciplinary letters or actions from UPPAC, including a letter of admonishment, education or warning, related to similar incidents of inappropriate conduct;
- (b) fails to report to appropriate authorities suspected child or sexual abuse;
- (c) fails to inform a parent of a student's threat of suicide, self-harm, or harm to others; or
- ~~(e)~~ (d) knowingly teaches, counsels, or assists a minor student in a manner that disregards a legal, written directive, such as a court order ~~[or an approved college and career ready plan]~~.
- (7) A reprimand is presumed appropriate if an educator:
- (a) engages in conduct described in Subsection (8) that is more egregious or repetitive than the conduct described in Subsection (8);
- or
- (b)(i) engages in reportable inappropriate conduct that warrants lesser discipline; and
- (ii) within the previous ten years, has received two or more written disciplinary actions from the same LEA for similar inappropriate conduct related to a violation of Board rule or LEA policy.
- (8) A letter of warning is presumed appropriate if an educator:
- (a) engages in a miscellaneous minimal boundary violation with a student or minor, whether physical, electronic, or verbal;
- (b) engages in minimal inappropriate physical contact with a student;
- (c) engages in unprofessional communications or conduct with a student, co-worker, community member, or parent;
- (d) engages in an inappropriate discussion with a student that violates state or federal law;
- (e) knowingly violates a requirement or procedure for special education needs;
- (f) knowingly violates a standardized testing protocol;
- (g) is convicted of one of the following with or without court probation:
- (i) a single driving under the influence of alcohol or drugs offense under Section 41-6a-502;
- (ii) impaired driving under Section 41-6a-502.5; or
- (iii) a charge that contains identical or substantially similar elements to the state's driving under the influence of alcohol or drugs law or under the law of another state or territory;
- (h) carelessly mismanages public funds or fails to accurately account for receipt and expenditure of public funds entrusted to the educator's care;
- (i) fails to make a report required by Rule R277-217;
- (j) except for a class C misdemeanor under Title 41, Motor Vehicles, is convicted of one or two misdemeanor offenses not otherwise listed;
- (k) engages in an activity that constitutes a conflict of interest;

- (l)(i) is convicted of using physical force with a minor if the conduct results in a conviction of a class B misdemeanor or lower; and
- (ii) the inappropriate conduct does not involve a student at the educator's school; or
- (m) engages in other minor violations of the Utah Educator Standards in Rule R277-217.
- (9) A letter of education is presumed appropriate if the evidence does not show a violation of the educator standards in Rule R277-217, but the evidence may show conduct that could lead to a violation of the standards in the future.

R277-215-3. Aggravating and Mitigating Circumstances.

(1) In the course of evaluating a presumption described in this rule, UPPAC or the Board may consider deviating from the presumptions if:

- (a) the presumption does not involve a revocation mandated by statute; and
- (b) relevant aggravating or mitigating factors exist.
- (2) An aggravating factor may include evidence of the following:
 - (a) the educator has engaged in prior misconduct;
 - (b) the educator presents a serious threat to a student;
 - (c) the educator's misconduct directly involved a student;
 - (d) the educator's misconduct involved a particularly vulnerable student;
 - (e) the educator's misconduct resulted in physical or psychological harm to a student;
 - (f) the educator violated multiple standards of professional conduct;
 - (g) the educator's attitude exhibits indifference, flippancy, disregard, or defiance towards the allegations or the consequences;
 - (h) the educator's misconduct continued after investigation by the LEA or UPPAC;
 - (i) the educator holds a position of heightened authority as an administrator;
 - (j) the educator's misconduct had a significant impact on the LEA or the community;
 - (k) the educator's misconduct was witnessed by a student;
 - (l) the educator was not honest or cooperative in the course of UPPAC's investigation;
 - (m) the educator was convicted of crime as a result of the misconduct;
 - (n) any other factor that, in the view of UPPAC or the Board, warrants a more serious consequence for the educator's misconduct;

and

- (o) the educator is on criminal probation or parole; or
- (p) the Executive Secretary has issued an order of default on the educator's case as described in Rule[s] R277-211 or R277-212.

(3) A mitigating factor may include evidence of the following:

- (a) the educator's misconduct was the result of strong provocation;
- (b) the educator was young and new to the profession;
- (c) the educator's attitude reflects recognition of the nature and consequences of the misconduct and demonstrates a reasonable expectation that the educator will not repeat the misconduct;
- (d) the educator's attitude suggests amenability to supervision and training;
- (e) the educator has little or no prior disciplinary history;
- (f) since the misconduct, the educator has an extended period of misconduct-free classroom time;
- (g) the educator was a less active participant in a larger offense;
- (h) the educator's misconduct was directed or approved, whether implicitly or explicitly, by a supervisor or person in authority over the educator;

- (i) the educator has voluntarily sought treatment, counseling or training specific to the misconduct;
- (j) the educator has made a timely, good faith effort to make restitution or rectify the consequences of the educator's misconduct;
- (k) there was insufficient training or other policies that might have prevented the misconduct;
- (l) there are substantial grounds to partially excuse or justify the educator's behavior though failing to fully excuse the violation;
- (m) the educator self-reported the misconduct;
- (n) the educator received a plea in abeyance from the court for criminal charges stemming from the alleged misconduct;
- (o) any other factor that, in the view of UPPAC or the Board, warrants a less serious consequence for the educator's misconduct.
- (4)(a) UPPAC and the Board have sole discretion to determine the weight they give to an aggravating or mitigating factor.
- (b) The weight UPPAC or the Board give an aggravating or mitigating factor may vary in each case and any one aggravating or mitigating factor may outweigh some or all other aggravating or mitigating factors.

R277-215-4. Circumstances Warranting Consideration of Deviation from Presumptions.

(1) UPPAC and the Board shall consider reducing a presumed suspension under this Rule R277-215 if the evidence shows that:

- (a) the educator's misconduct resulted in a disproportionate period of missed classroom time; or
- (b) UPPAC's investigation into a matter with no pending criminal charges took more than six months to present to UPPAC under Subsection R277-211-3(3)(e) due to circumstances beyond the educator's control.

(2) UPPAC and the Board may consider reducing a presumed suspension period to correspond to a probationary period in an educator's court plea in abeyance agreement if the plea results from charges stemming from the educator's alleged misconduct.

KEY: educators, disciplinary presumptions

Date of Last Change: 2025[April 8, 2024]

NOTICES OF PROPOSED RULES

Notice of Continuation: October 1, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-506; 53E-3-401(4)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-217

Filing ID: 57535

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	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:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R277-217. Educator Standards and LEA Reporting	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 281 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
The rule amendments are due to the passage of HB 281 during the 2025 General Session.	
5. Summary of the new rule or change:	
The amendments add educator standards to address sexual activity on school grounds and relationships with recent graduates and update other standards.	
In addition, the amendments strike language related to Local Education Agency (LEA) policy in accordance with the passage of HB 218 (2025).	

Fiscal Information

6. 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.
The Utah State Board of Education (USBE) believes that the fiscal note to HB 281 (2025) captured any fiscal impacts associated with the language changes to the rule required by HB 281 (2025).
There are no additional changes requiring any resources from Local Education Agencies (LEAs), the USBE, other persons, or other entities.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

The USBE believes that the fiscal note to HB 281 (2025) captured any fiscal impact associated with the language changes to the rule required by HB 281 (2025).

There are no additional changes requiring any resources from LEAs, the USBE, other persons, or other entities.

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.

The USBE believes that the fiscal note to HB 281 (2025) captured any fiscal impact associated with the language changes to the rule required by HB 281 (2025).

There are no additional changes requiring any resources from LEAs, USBE, other persons, or other entities.

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 impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

The USBE believes that the fiscal note to HB 281 (2025) captured any fiscal impact associated with the language changes to the rule required by HB 281 (2025).

There are no additional changes requiring any resources from LEAs, the USBE, other persons, or other entities.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The USBE believes that the fiscal note to HB 281 (2025) captured any fiscal impact associated with the language changes to the rule required by HB 281 (2025).

There are no additional changes requiring any resources from LEAs, the USBE, other persons, or other entities.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0

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Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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, Molly Hart, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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 53E-3-501
Title 6, Chapter 53E		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:

11/14/2025

10. This rule change MAY become effective on:

11/21/2025

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:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/01/2025
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R277. Education, Administration.

R277-217. Educator Standards and LEA Reporting.

R277-217-1. 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)(a), which directs the Board to make rules regarding the certification of educators; and
- (d) Title 53E, Chapter 6, Educator Licensing and Professional Practices Act, which provides all laws related to educator licensing and professional practices.

(2) The purpose of this rule is to:

- (a) establish statewide ethical standards for educators;
- (b) establish reporting requirements for educators and LEAs; and
- (c) recognize that educators are professionals and share common professional standards, expectations, and role model responsibilities.

R277-217-2. Prohibited Conduct by an Educator.

An educator may not:

- (1) be convicted of a felony;
- (2) be convicted of a misdemeanor offense that:
 - (a) adversely affects the educator's ability to perform an assigned duty and carry out the educator's responsibilities; or
 - (b) adversely affects the well being of students;
- (3) be convicted of, or engage in conduct of a sexual nature described in Subsection 53E-6-603(2);
- (4) participate in sexual, physical, or emotional harassment toward[s] any colleague or public school-age student;
- (5) engage in consensual sexual activity on school grounds, during contract hours, or while responsible for actively supervising

students;

- (6) knowingly engage in sexually explicit conduct with a recent graduate from the educator's school;

([5]7) engage in:

- (a) a single egregious instance of inappropriate contact, repetitive inappropriate contact, or a pattern of inappropriate contact in any communication, including written, verbal, or electronic, with a minor, student, colleague, or member of the community; or

- (b) a single egregious instance or pattern of boundary violations with a student or minor;
- ~~(6)~~⁸ solicit, encourage, or consummate an inappropriate relationship, whether written, verbal, or physical, with a student or minor;
- ~~(7)~~⁹ accept an inappropriate gift from, or give an inappropriate gift to, a student;
- ~~(8)~~¹⁰ be convicted of or commit a criminal offense involving a child, including physical abuse, cruelty, or exploitation of child;
- ~~(9)~~¹¹ use corporal punishment, excessive physical force, or inappropriate physical restraint, except as provided in Section 53G-8-302;
- ~~(10)~~¹² provide alcohol or unauthorized drugs to a student or allow a student under the educator's supervision or control to consume or obtain alcohol or unauthorized drugs;
- ~~(11)~~¹³ attend school or a school-related activity in an assigned employment-related capacity while possessing, using, or under the influence of alcohol or an illegal drug;
- ~~(12)~~¹⁴ attend school or a school-related activity in an assigned employment-related capacity after intentionally exceeding the prescribed dosage of a prescription medication that may impair the educator;
- ~~(13)~~¹⁵ possess or distribute an illegal drug or be convicted of any crime related to an illegal drug, including a prescription drug not specifically prescribed to the educator;
- ~~(14)~~¹⁶ be convicted of an alcohol-related offense;
- ~~(15)~~¹⁷ use or attempt to use an LEA computer or information system to access information that may be detrimental to ~~[young people]~~ students or inconsistent with the educator's role model responsibility;
- ~~(16)~~¹⁸ knowingly possess, while at school or any school-related activity, any pornographic or indecent material in any form;
- ~~(17)~~¹⁹ use school equipment to intentionally view, create, distribute, or store pornographic or indecent material in any form;
- ~~(18)~~²⁰ knowingly use, view, create, distribute, or store pornographic or indecent material involving children;
- ~~(19)~~²¹ expose students to sensitive materials:
- (a) as defined in Section 53G-10-103; and
- (b) as determined by the educator's LEA.
- ~~(22) expose a student to materials that are inappropriate given the age and maturity of the student;~~
- ~~(20)~~²³ violate state laws regarding the possession of a firearm while on school property or at a school-sponsored activity;
- ~~(21)~~²⁴ knowingly allow a student to violate ~~[an LEA policy or]~~ the law or an LEA policy written consistent with state law concerning possession or access to a weapon;
- ~~(22)~~²⁵ interfere with or discourage a student's or colleague's ~~[legitimate]~~ exercise of constitutional, legal, or civil rights ~~[, acting consistent with the law and an LEA's policy];~~
- ~~(23)~~²⁶ discriminate against, harass, exclude a student from participating in any program, deny or grant any benefit to a student, or encourage a student to develop a prejudice on the basis of:
- (a) race;
- (b) color;
- (c) ~~[creed]~~ religious beliefs;
- (d) sex;
- (e) national origin;
- (f) marital status;
- (g) political ~~[or religious]~~ belief or creed;
- (h) physical or mental condition;
- (i) family, social, or cultural background;
- (j) sexual orientation; or
- (k) gender identification;
- ~~(24)~~²⁷ invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity;
- ~~(25)~~²⁸ use the educator's position, through language, instruction, materials, or symbols, to actively endorse, promote, or disparage another individual's ~~[a particular partisan, religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint, in a manner inconsistent with the policy of the educator's LEA];~~
- ~~(a) race;~~
- ~~(b) color;~~
- ~~(c) religious beliefs;~~
- ~~(d) sex;~~
- ~~(e) national origin;~~
- ~~(f) marital status;~~
- ~~(g) political belief or creed;~~
- ~~(h) physical or mental condition;~~
- ~~(i) family, social, or cultural background;~~
- ~~(j) sexual orientation; or~~
- ~~(k) gender identification;~~
- ~~(26)~~²⁹ knowingly or intentionally permit unauthorized collection, sharing, or use of student data;
- ~~(27)~~³⁰ knowingly violate student confidentiality unless revealing confidential information to an authorized person serves the best interest of the student and serves a lawful purpose;
- ~~(28)~~³¹ violate:
- (a) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;

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- (b) Title 53E, Chapter 9, Student Privacy and Data Protection;
- (c) Rule R277-107, Educational Services Outside of an Educator's Regular Employment;
- (d) Section R277-120-5, Classroom Materials Developed by Utah Educators; or
- (e) Sections 53G-10-401 through 53G-10-403, Rule R277-474, or other Utah law regarding sex education; or
- (~~29~~)32) cheat or engage in academic dishonesty, whether on behalf of a student, or in the educator's own educational pursuits.

R277-217-3. Required Conduct for an Educator.

An educator shall:

- (1) comply with all federal, state, and local laws;
- (2) maintain a professional educator~~[7]~~ and student relationship, including by:
 - (a) treating a student with dignity and respect by promoting the health, safety and well being of students; and
 - (b) maintaining appropriate physical, verbal, emotional and social boundaries;
- (3) take prompt and appropriate action to stop, mitigate, and prevent harassment, inappropriate language or conduct, or discriminatory conduct toward a student or school employee that the educator knew or should have known may result in a hostile, intimidating, abusive, offensive, or oppressive environment;
- (4) take prompt and appropriate action to protect a student from any known condition detrimental to the student's physical health, mental health, safety, or learning;
- (5) report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services in accordance with Sections 53E-6-701 and 80-2-602;
- ~~[(6)]~~ cooperate in providing all relevant information and evidence to the proper authority in the course of an investigation by a law enforcement agency or by the Division of Child and Family Services regarding potential criminal activity, except that an educator may decline to give evidence against himself or herself in an investigation if the evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment of the U.S. Constitution;
- ~~[(7)]~~ (6) take appropriate steps to notify a student's parents and refer a student to appropriate prevention services if a student threatens suicide or self harm as required by Subsections 53E-9-203(7) and 53G-9-604(2);
- ~~[(8)]~~ (7) provide truthful, accurate, and complete information in:
 - (a) licensing, transfer, and employment applications or other documentation;
 - (b) evaluations of the educator, other educators, or students;
 - (c) proceedings related to educator licensure, employment, or related benefits;
 - (d) student IEP plans and related special education documentation;
- ~~[(9)]~~ (8) be forthcoming with truthful, accurate, and complete information to an appropriate authority regarding known educator misconduct that could adversely impact performance of a professional responsibility, by another educator;
- ~~[(9)]~~ (9) subject to the educator's constitutional rights against self-incrimination, fully cooperate with the Division of Child and Family Services, criminal or civil law enforcement and LEA investigations involving a student or employee of the educator's LEA by:
 - (a) responding truthfully and promptly to lawful inquiries by law enforcement;
 - (b) providing relevant information within the educator's knowledge or possession; and
 - (c) complying with lawful subpoenas, warrants, or other compulsory processes.
- ~~[(10)]~~ (11) notify the Superintendent at the time of application for licensure of:
 - (a) current investigations involving professional misconduct in another jurisdiction;
 - (b) prior licensing disciplinary action in another jurisdiction; and
 - (c) past criminal convictions;
- ~~[(11)]~~ (12) report an arrest, citation, charge or conviction to the educator's LEA in accordance with Section R277-217-4;
- ~~[(12)]~~ (13) conduct financial business with integrity by honestly accounting for all funds committed to the educator's charge, as school responsibilities require, consistent with LEA policy;
- ~~[(13)]~~ (14) follow an LEA's fiscal policy for collecting money in connection with a school activity, accounting for all money collected, and not commingling LEA or school funds with personal funds as described in Rule R277-113;
- ~~[(14)]~~ (15) demonstrate honesty and integrity by strictly adhering to all state and LEA instructions and protocols in managing and administering a standardized test to a student consistent with Section 53E-4-312 and Rule R277-404; and
- ~~[(15)]~~ (16) use supplemental materials consistent with LEA policy as required by Subsection 53G-4-402(26).

R277-217-4. Educator Reporting of Arrests, Citations, Charges, and Convictions.

- (1) An educator who is arrested, cited, or charged with the following alleged offenses shall report the arrest, citation, or charge within 48 hours or as soon as possible to the licensed educator's district superintendent, charter school director, or the LEA's designee, or to the Executive Secretary if not employed:
 - (a) any matters involving an alleged sex offense;
 - (b) any matters involving an alleged drug-related offense;
 - (c) any matters involving an alleged alcohol-related offense;
 - (d) any matters involving an alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person;
 - (e) any matters involving an alleged felony offense under Title 76, Chapter 6, Offenses Against Property;
 - (f) any matters involving an alleged crime of domestic violence under Title 77, Chapter 36, Cohabitant Abuse Procedures Act; and
 - (g) any matters involving an alleged crime under federal law or the laws of another state comparable to the violations listed in Subsections (1)(a) through (f).

(2) An educator shall report any conviction or plea in abeyance for a felony or misdemeanor offense to the educator's LEA, or the Executive Secretary if not employed, within 48 hours, or as soon as possible thereafter.

(3) An LEA superintendent, director, or designee shall report conviction, arrest, or offense information received from an educator to the Superintendent within 48 hours of receipt of information from an educator.

(4) The Superintendent shall provide a form on the Board's website for reports required under this section.

(5) An educator shall report for work following an arrest and provide notice to the licensed educator's employer unless directed not to report for work by the employer, consistent with LEA policy.

R277-217-5. LEA Reporting of Misconduct to UPPAC.

(1) An LEA shall notify UPPAC if an educator is determined pursuant to a judicial or administrative proceeding, or internal LEA investigation, to have violated the educator standards described in Sections R277-217-2 and R277-217-3.

(2)(a) A district superintendent or a charter school director, or their respective designees, shall notify UPPAC and the educator of any allegation from a parent that an educator's conduct violated Sections R277-217-2 and R277-217-3 within 30 days of receiving the allegation.

(b) The Executive Secretary shall record an allegation received under Subsection (2)(a), but shall defer further investigation pending the LEA's determination of possible LEA discipline.

(c) The Executive Secretary shall classify allegations received under Subsection (1) or Subsection (2)(a) as private under Subsection 63G-2-302(2)(d).

(3) For each allegation referred to UPPAC under Subsections (1) and (2)(a), an LEA shall notify UPPAC of:

(a) the findings of the LEA's internal investigation or administrative proceedings;

(b) criminal charges filed by a prosecuting agency;

(c) the LEA's internal disciplinary action or decision not to take action, and the evidence supporting the decision; and

(d) any evidence that may be relevant if UPPAC chooses to investigate the matter.

(4) The Executive Secretary shall provide a form for an LEA to make a notification required under Subsections (1) and (2).

(5) Upon submitting a notification under Subsection (1) or (2), an LEA may make a recommendation to the Executive Secretary concerning whether an investigation by UPPAC would be appropriate under the circumstances, taking into account any employment action taken by the LEA, but the LEA's recommendation is not binding on UPPAC, which shall make its own independent determination consistent with Section R277-211-3.

KEY: educator standards, professional practices, reporting

Date of Last Change: 2025[January 24, 2024]

Notice of Continuation: February 10, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-3-501; 53E-6

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-303

Filing ID: 57536

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	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:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-303. Educator Preparation Programs

4. Purpose of the new rule or reason for the change:

The rule amendments are needed to add language to clarify what the "low rates of passage" on the Utah Foundations of Reading Assessment (UFORA) for educator preparation programs.

5. Summary of the new rule or change:

The amendments clarify the Utah State Board of Education's (USBE) role in assisting education preparation programs.

The amendments also add a definition for "Low rates of passage."

Fiscal Information**6. 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. The clarification of the USBE's rule and clarification on low rates of passage in this rule provide understanding for educator preparation programs who may have low rates of passage.

The USBE is statutorily required to monitor and support preparation programs with low rates of passage.

This rule change does not require additional resources, programs, or have any costs or revenue changes, because it simply helps clarify how to identify educator preparation programs that may require support from the USBE.

B. Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

This rule change does not affect Local Education Agencies (LEAs) or other local governments, only the USBE and university educator preparation programs.

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 the USBE and university educator preparation programs.

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.

The clarification of USBE's rule and clarification on low rates of passage in this rule provide understanding for educator preparation programs who may have low rates of passage.

The USBE is statutorily required to monitor and support preparation programs with low rates of passage.

This rule change does not require additional resources, programs, or have any costs or revenue changes for university educator preparation programs, because it simply helps clarify how to identify educator preparation programs that may require support from the USBE.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The clarification of the USBE's rule and clarification on low rates of passage in this rule provide understanding for educator preparation programs who may have low rates of passage.

The USBE is statutorily required to monitor and support preparation programs with low rates of passage.

This rule change does not require additional resources, programs, or have any costs or revenue changes for university educator preparation programs or the USBE, because it simply helps clarify how to identify educator preparation programs that may require support from the USBE.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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, Molly Hart, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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-6-201(3)(a)
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	11/14/2025
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10. This rule change MAY become effective on:	11/21/2025
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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:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/01/2025
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R277. Education, Administration.

R277-303. Educator Preparation Programs.

R277-303-1. Authority, Purpose and Oversight Category.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
 - (c) Subsection 53E-6-201(3)(a), which directs the Board to establish the criteria for obtaining licenses; and
 - (d) Section 53E-6-302, which requires the Board to establish standards for approval of educator preparation programs.
- (2) The purpose of this rule is to establish flexible criteria for demonstration of competency in educator preparation programs in Utah.
- (3) This Rule R277-303 is categorized as Category 4 as described in Rule R277-111.

R277-303-2. Definitions.

- (1) "Candidate" means an individual enrolled in an approved educator preparation program who is working toward completing the requirements for a Utah professional educator license.
- (2) "Clinical experience" means a structured opportunity in which:
 - (a) a licensed educator mentors a program candidate;
 - (b) a school or district administrator or institution of higher education preparation program faculty member with appropriate training evaluates program candidates; and
 - (c) a program candidate develops and demonstrates competency in the skills and knowledge necessary to be an effective educator.
- (3) "Competency" means evidence of successful application of knowledge and skills shown through demonstration in a higher education or prek-12 classroom setting.
- (4) "Completer" means a candidate who has completed licensure requirements and been endorsed for licensure by an approved educator preparation program.
- (5)(a) "Educator preparation program" means a comprehensive program administered by an entity that is intended to prepare individuals to meet the requirements for a Utah professional license or license area of concentration.
- (b) "Educator preparation program" may include a program developed by or associated with an institution of higher education, individual LEA, a consortium of LEAs, or the Board.
- (6) "Flexibility," for alternative preparation programs, means the process by which a program exercises local decision-making to design and implement focused options to meet program and applicant licensing needs, without adding additional requirements beyond those outlined in Board rule, and allowing a teacher to demonstrate competency where reasonably possible in lieu of coursework or other requirements, consistent with the purpose of Board licensing rules.
- (7) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- (8) "License area" has the same meaning as set forth in Subsection R277-301-2(6).
- (9) "Low rates of passage," as described in Subsection 53E-6-302(8) and this rule, means a university preparation program with less than a 75% passage rate of the science of reading preparation assessment for teaching candidates.
- ~~(9)~~¹⁰ "Mentor" means an educator with a professional license with training that may include how to advise, coach, consult, and guide the development of a new educator.
- ~~(10)~~¹¹ "Professional license" means the educator license described in Section R277-301-5.

R277-303-3. Utah Educator Preparation Program Standards.

An approved Utah Educator Preparation Program shall meet the following standards:

- (1) Program completer competency:
 - (a) a completer can effectively demonstrate the educator preparation competencies established in Board rule;
 - (b) a completer has the experience, knowledge, and skills needed to serve students with a variety of educational needs; and
 - (c) a completer establishes goals for their own professional growth and engages in self-assessment, goal setting, and reflection.
- (2) Systems of support for candidate competency:
 - (a) a program provides high quality learning experiences aligned to Utah competencies and standards while offering multiple opportunities for a candidate to demonstrate that the candidate has the knowledge and skills to serve all students;
 - (b) a program seeks out and supports high quality clinical experiences for a candidate where the candidate has opportunities to practice and receive feedback on their knowledge and skills;
 - (c) a program develops and supports high quality mentors who support program candidates in demonstrating competencies in Board rule; and
 - (d) a program prioritizes capacity to support candidates as reflected in staffing and institutional resources.
- (3) Program continuous improvement and impact:
 - (a) a program engages in thoughtful continuous improvement practices by reviewing program performance data and seeking opportunities for innovations and enhancement; and
 - (b) a program seeks partnerships with stakeholders to strengthen the Utah education system.

R277-303-4. Educator Preparation Program Review and Approval.

(1) The Superintendent shall establish uniform procedures for initial approval and review of educator preparation programs to ensure compliance with this rule.

(2) The Superintendent shall approve an educator preparation program that meets the requirements of this rule and the standards for program approval established in:

- (a) Rule R277-304;
- (b) Rule R277-305;
- (c) Rule R277-306; and
- (d) all other applicable Board rules.

(3)(a) The Superintendent shall conduct an ongoing review of approved educator preparation programs and shall renew or deny approval for a program at least every seven years.

(b) The review described in Subsection (3)(a) shall include monitoring whether:

- (i) an educational preparation program is in compliance with Board rules; and
- (ii) an alternative preparation program has reasonable flexibility for candidates to demonstrate required competencies.

(4) The Superintendent may grant preliminary approval to a new educator preparation program within a Utah public college or university pending approval by the Utah Board of Higher Education.

(5) The Superintendent shall make a report to the Board when an educator preparation program's initial application for approval is granted or denied.

(6) The Superintendent may place an approved educator preparation program on probation for:

- (a) failure to meet program requirements detailed in applicable Board rules; or
- (b) failure to submit complete and accurate information in a report required under this rule.

(7) The Board may revoke the approval of a probationary program that fails to meet probationary requirements with at least one year's notice to the educator preparation program.

(8) The Superintendent may require a program or subset of programs to submit reports to inform the annual report to the Board required in Section R277-301-9.

(9) The Superintendent shall accept an approved educator preparation program's recommendations for a professional license or license area if the prospective licensee meets all other requirements of Board rule.

R277-303-5. Educator Preparation Programs.

(1) An educator preparation program that applies for approval by the Superintendent shall demonstrate how it will ensure that participants:

- (a) are prepared to meet the Utah Effective Educator Standards established in Rule R277-330; and
 - (b) demonstrate all competencies applicable to the license area and subject area as established by the Superintendent.
- (2) In addition to the requirements of Subsection (1), an educator preparation program that is not also a Utah LEA shall:
- (a) have a physical location in Utah where participants attend classes; or
 - (b) if the program provides only online instruction:
 - (i) have the program's primary headquarters located in Utah; and
 - (ii) be licensed to do business through the Utah Department of Commerce; and
 - (c) establish entry requirements that are designed to ensure that only high quality individuals enter the preparation program, which include measures of:

- (i) previous academic success;
- (ii) disposition for employment in an educational setting; and
- (iii) basic skills in reading, writing, and mathematics.

(3)(a) If the Superintendent denies an application from an educator preparation program, the proposed educator preparation program may appeal the Superintendent's decision to the Board by submitting a written appeal to the Board Secretary.

(b) The Board shall assign an appeal under Subsection (3)(a) to a standing committee to make a recommendation to the full Board for final action.

(4) An approved educator preparation program may recommend an individual that completed the program for a professional license or license area ~~for up to five years after the individual completed the program,~~ as long as all current license requirements have been met.

(5) If five years have passed since an individual completed an approved educator preparation program, the program may recommend the individual for a professional license or license area if the program:

- (a) reviews the individual's program; and
- (b) requires the individual to complete any additional necessary requirements to meet current programs standards before making a licensing recommendation.

R277-303-6. Superintendent Responsibilities.

(1) The Superintendent shall provide support to educator preparation programs and potential licensees to the extent that funding allows by:

- (a) maintaining a website to:
 - (i) facilitate collaboration between educator preparation programs;
 - (ii) facilitate communication between potential educators and approved programs; and
 - (iii) provide access to up-to-date research on educator preparation and education practices;

NOTICES OF PROPOSED RULES

- (b) reviewing third-party preparation materials for alignment with the Utah Effective Educator Standards in Rule R277-330;
- (c) working with potential licensed educators to help them become licensed educators; ~~and~~
- (d) ensuring that alternative preparation program applicants be grandfathered from new program requirements added after an applicant's acceptance into the program~~[-]; and~~
- (e)(i) developing strategies to provide support for preparation programs with low rates of passage on the required literacy preparation assessment; and
- (ii) providing increasing levels of support to a preparation program with low rates of passage on the required literacy preparation assessment for two consecutive years.
- (2) The Superintendent shall design and maintain a model educator preparation program that:
 - (a) meets all requirements of all applicable Board rules;
 - (b) may be adopted by:
 - (i) an LEA; or
 - (ii) subject to Section R277-303-5:
 - (A) an accredited private school; or
 - (B) a consortium of accredited private schools; and
 - (c) is overseen by staff distinct from the staff responsible for ensuring educator preparation program compliance with all applicable Board rules.

KEY: educator preparation program

Date of Last Change: ~~2025~~~~August 7, 2025~~

Notice of Continuation: June 10, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201(3)(a)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-324

Filing ID: 57537

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	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:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-324. Paraprofessional/Paraeducator Programs, Assignments, and Qualifications
4. Purpose of the new rule or reason for the change:
The rule amendments are needed to delete a reference that is no longer accurate.
5. Summary of the new rule or change:
The amendments specifically remove the reference to Section 53F-2-411, under the definition of a "paraprofessional" or "paraeducator."

Fiscal Information**6. 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 impacts on state government revenues or expenditures.

This removes a reference to a definition that no longer exists in statute.

This does not have any costs or add resource needs, or revenue changes for the Utah State Board of Education (USB), Local Education Agencies (LEAs), paraprofessionals, or other entities or persons.

B. Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

This removes a reference to a definition that no longer exists in statute.

This does not have any costs or add resource needs, or revenue changes for the USB, LEAs, paraprofessionals, or other entities or persons.

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 removes a reference to a definition that no longer exists in statute.

This does not have any costs or add resource needs, or revenue changes for the USB, LEAs, paraprofessionals, or other entities or persons.

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 removes a reference to a definition that no longer exists in statute.

This does not have any costs or add resource needs, or revenue changes for the USB, LEAs, paraprofessionals, or other entities or persons.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

This removes a reference to a definition that no longer exists in statute.

This does not have any costs or add resource needs, or revenue changes for the USB, LEAs, paraprofessionals, or other entities or persons.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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, Molly Hart, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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-3-501(1)(a)(i)
Subsection 53F-2-411(4)		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 11/14/2025

10. This rule change MAY become effective on: 11/21/2025

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:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/01/2025
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R277. Education, Administration.

R277-324. Paraprofessional/Paraeducator Programs, Assignments, and Qualifications.

R277-324-1. Authority, Purpose, and Oversight Category.

- (1) This rule is authorized by:
 - (a) Utah Constitution, Article X, Section 3 which vests general control and supervision of public education in the Board;
 - (b) Subsection 53E-3-401(4), which gives the Board authority to adopt rules in accordance with its responsibilities; and
 - (c) Subsection 53E-3-501(1)(a)(i), which requires the Board to establish rules and minimum standards for the public schools regarding the qualification and certification of educators and ancillary personnel who provide direct student services.
- (2) The purpose of this rule is to designate appropriate assignments of paraprofessionals and qualifications for paraprofessionals;
- (3) This Rule R277-324 is categorized as Category 2 as described in Rule R277-111.

R277-324-2. Definitions.

(1)(a) "Paraprofessional" or "paraeducator" means an individual who performs a non-instructional or instructional supporting role in various educational settings and may provide support in a non-instructional role, such as providing parental or guardian involvement activities or by providing support in a specific setting.

(b) A "paraprofessional" or "paraeducator" provides instructional support under the direct supervision of a licensed educator or other licensed or certified professional~~[-as described in Section 53F-2-411].~~

(2) "Paraprofessional training" means professional development consistent with or using information provided in this rule and the Utah Standards for Instructional Paraeducators.

R277-324-3. Incorporation by Reference of Utah Standards for Instructional Paraeducators.

(1) This rule incorporates by reference the Utah Standards for Instructional Paraeducators, dated December 4, 2018.

(2) A copy of the Utah Standards for Instructional Paraeducators is available at:

(a) <https://schools.utah.gov/administrativerules/documentsincorporated>; and

(b) the offices of the Utah State Board of Education, 250 E. 500 So., Salt Lake City, Utah, 84111.

R277-324-4. Appropriate Assignments or Duties for Paraprofessionals.

(1) A paraprofessional may:

(a) upon completion of explicit training from appropriately licensed teachers or related service providers, provide individual or small group instructional assistance or tutoring to students as designed by an appropriately licensed teacher or related service provider during times when students would not otherwise receive instruction from an appropriately licensed teacher or related service provider;

(b) assist with classroom organization and management, such as organizing instructional or other materials;

(c) provide assistance with supplementary aids and services, program modifications, and support, such as assistive technology devices and services;

(d) conduct parental involvement activities;

(e) provide support in library or media centers; or

(f) provide supervision for students in non-instructional settings.

(2) A paraprofessional may not:

(a) be responsible for selecting or administering formal diagnostic or psychological instruments or for interpreting the results of those instruments if the paraprofessional's training, licensure, or other forms of certification do not align with the administration and interpretation requirements stated in an instrument's technical manual;

(b) be responsible for selecting programming or prescribing educational activities or materials for the students without the supervision and guidance of an appropriately licensed teacher or related service provider;

(c) be solely responsible for designing lesson plans;

(d) be assigned to implement elements of an IEP for a student with disabilities without direct training, supervision, and involvement from an appropriately licensed teacher or related service provider;

(e) employed to fulfill the responsibilities that may only be provided by an appropriately licensed and otherwise qualified teacher or related service provider; or

(f) perform nursing procedures or administer medications without appropriate supervision and training from an appropriately licensed health care professional.

(3) A licensed teacher shall:

(a) prepare a lesson and plan the instruction support activities to be carried out by a paraprofessional;

(b) evaluate the achievement of the students with whom a paraprofessional works; and

(c) provide the supervision and support to the paraprofessional that the teacher deems appropriate for the paraprofessional to work effectively in the paraprofessional's role and responsibilities.

(4) If a paraeducator is working in a special education program, the LEA shall appropriately train the special education teacher to supervise and direct the work of the paraeducator in the paraeducator's assigned roles and responsibilities.

(5) An LEA that employs a paraprofessional shall establish and maintain documentation of training provided by the LEA as required in:

(a) Subsection (1)(a); and

(b) for a paraprofessional who works with a student with a disability, Utah State Board of Education Special Education Rules Section IX.E, incorporated by reference into Rule R277-750.

R277-324-5. Requirements for Paraprofessionals in Title I Schoolwide and Targeted Assistance Programs.

(1) A paraprofessional hired to work in Title I schoolwide or targeted assistance programs supported by Title I funds shall be a high school graduate or equivalent and shall meet at least one of the following requirements:

(a) complete at least two years, or a minimum of 48 semester hours, at an accredited higher education institution;

(b) obtain an associate, or higher, degree from an accredited higher education institution; or

(c) satisfy a rigorous Board approved assessment that demonstrates:

(i) knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or

(ii) knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

NOTICES OF PROPOSED RULES

(2) A paraprofessional shall satisfactorily complete a criminal background check consistent with Section 53G-11-402 and Rule R277-316.

R277-324-6. Exceptions in Title I Schoolwide and Targeted Assistance Programs.

The requirements in Section R277-324-4 do not apply to a paraprofessional with a high school diploma or equivalent solely providing:

- (1) support through translator services;
- (2) support as a parent engagement liaison; or
- (3) personal care for students with disabilities.

R277-324-7. Use of Funds.

An LEA may use Title I funds in addition to other funds available and identified by the LEA to support ongoing training and professional development for paraprofessionals.

KEY: paraprofessional qualifications

Date of Last Change: 2025~~(October 8, 2024)~~

Notice of Continuation: September 9, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-501(1)(a)(i)~~;~~ ~~53E-2-411(4)~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-608

Filing ID: 57538

Agency Information

1. Title catchline:		Education, Administration	
Building:		Board of Education	
Street address:		250 E 500 S	
City, state:		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:
Elisse Newey		801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:	
R277-608. Emergency Safety Interventions and Prohibition of Corporal Punishment	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	SB 170 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
The rule amendments are being proposed in response to recent legislation, SB 170, from the 2025 General Session. SB 170, School Discipline Amendments, made changes to code surrounding the use of Emergency Safety Interventions (ESI) in Utah schools.	
5. Summary of the new rule or change:	
The amendments change the oversight category from a "2" to a "3" due to the increased reporting and monitoring requirements in SB 170 (2025).	
Other amendments add a definition for "Disengagement strategies" and update the definition of "Seclusionary Time Out".	
In addition Local Education Agency (LEA) policy requirements are updated, increasing the reporting requirements for LEAs using ESI.	

Fiscal Information**6. 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.

The Utah State Board of Education (USBE) believes that the fiscal note to SB 170 (2025) captured any fiscal impact and the rule change does not add any additional fiscal impacts.

B. Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

The USBE believes that the fiscal note to SB 170 (2025) captured any fiscal impact and the rule change does not add any additional fiscal impacts.

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.

The USBE believes that the fiscal note to SB 170 (2025) captured any fiscal impact and the rule change does not add any additional fiscal impacts.

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.

The USBE believes that the fiscal note to SB 170 (2025) captured any fiscal impact and the rule change does not add any additional fiscal impacts.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The USBE believes that the fiscal note to SB 170 (2025) captured any fiscal impact and the rule change does not add any additional fiscal impacts.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)**Regulatory Impact Summary Table**

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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, Molly Hart, has reviewed and approved this regulatory impact analysis.					

Citation Information

7. 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)	Sections 53G-8-301 through 53G-8-305

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	11/14/2025
10. This rule change MAY become effective on:	11/21/2025
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:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/01/2025
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R277. Education, Administration.

R277-608. Emergency Safety Interventions and Prohibition of Corporal Punishment.

R277-608-1. Authority, Purpose, and Oversight Category.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Section[s] 53G-8-301[~~through 53G-8-305~~], which describes the instances when school employees may use reasonable and necessary physical restraint and seclusion and prohibits the infliction of corporal punishment on a student in educational settings.
- (2) The purpose of this rule is to:
 - (a) direct LEAs to have policies in place that prohibit corporal punishment consistent with the law; and
 - (b) outline the required provision of an LEA's written policy regarding the development, implementation, and monitoring of emergency safety interventions in all schools and for all students within each LEA's jurisdiction.
- (3) This Rule R277-608 is categorized as Category [2]3 as described in Rule R277-111.

R277-608-2. Definitions.

- (1)(a) "Chemical restraint" means the use of medication administered to a student, including medications prescribed by the student's physician or other qualified health professional, on an as-needed basis for the sole purpose of involuntarily limiting the student's freedom of movement.
- (b) Chemical restraints are prohibited by the Board.
- (2) "Comprehensive Emergency Safety Intervention Training" means a training required for key identified school [personnel]employees that has the components described in Subsection R277-608-4[(2)](4).
- (3) "Corporal punishment" means the same as defined in Section 53G-8-301.
- (4) "Disengagement strategies" means strategies for safely and effectively releasing or separating oneself or others from a situation, person, or engagement to protect oneself or others.

~~[(4)](5)(a)~~ "Emergency safety intervention" or "ESI" means the same as defined in Section 53G-8-301~~[use of seclusionary time out or physical restraint when a student presents an immediate danger to self or others. An emergency safety intervention is not used for disciplinary purposes].~~

~~(b)~~ An emergency safety intervention may not be used for disciplinary purposes.

~~[(5)](6)~~ "Emergency safety intervention committee" or "ESI committee" means an emergency safety intervention committee as described in Section R277-608-6.

~~[(6)](7)~~ "Functional behavior assessment" or "FBA" is a systematic process used to understand the function and purpose of a student's specific, interfering behavior and factors that contribute to the behavior's occurrence and nonoccurrence for developing effective positive behavioral interventions, supports, and other strategies to mitigate or eliminate the interfering behavior.

~~[(7)](8)~~ "Foundational Behavior Support Training" means a training required for all school employees who supervise students, or may be asked to assist in managing a student's behavior that has the components described in Subsection R277-608-4(1).

~~[(8)](9)~~ "Immediate danger" or "Immediate and significant threat" means:

~~(a)~~ the imminent risk of physical violence toward self or others, or other physical behaviors which are likely to cause ~~[substantial]~~ imminent risk of substantial or serious bodily injury~~[-or serious bodily injury].~~

~~[(9)](10)~~ "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

~~[(10)](11)(a)~~ "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement.

(b) Mechanical restraints are prohibited except for protective and stabilizing restraints as prescribed by an appropriate medical or related services professional, restraints required by law, including seatbelts or any other safety equipment when used to secure students during transportation, and any device used by a law enforcement officer in carrying out law enforcement duties.

~~[(11)](12)~~ "Physical escort" has the same meaning as defined in Section 53G-8-301.

~~[(12)](13)~~ "Physical restraint" has the same meaning as defined in Section 53G-8-301.

~~[(13)](14)~~ "School employee" means:~~[-the same as defined in Rule R277-609-]~~

~~(a)~~ a school teacher;

~~(b)~~ a school staff member;

~~(c)~~ a school administrator; or

~~(d)~~ any other person employed, directly or indirectly, by an LEA.

~~(e)~~ "School Employee" does not mean a law enforcement officer.

~~[(14)](15)~~ "Seclusion~~[any time out]~~" means the same as defined in Section 53G-8-301~~[that a student is:~~

~~(a)~~ placed in a safe enclosed area by a school employee in accordance with the requirements of Rules R392-200 and R710-4;

~~(b)~~ purposefully isolated from adults and peers; and

~~(c)~~ prevented from leaving, or reasonably believes that the student will be prevented from leaving, the enclosed area.]

~~[(15)](16)~~ "Serious bodily injury" has the same meaning as defined in Subsection 76-1-101.5~~[-](17).~~

~~[(16)](17)~~ "Substantial bodily injury" has the same meaning as defined in Subsection 76-1-101.5~~[-](18).~~

R277-608-3. LEA Policies and Procedures for the Use of Emergency Safety Interventions.

(1) Policies established by LEAs for the use of ESI for all students shall include:

~~(a)~~ a statement that~~[-~~

~~(i)]~~ key identified school employees may use reasonable and necessary physical restraint only in self-defense, or when otherwise appropriate to the circumstances outlined in Subsection 53G-8-301~~[53G-8-302(2)](4);~~

~~[(ii)](b)~~ an ESI may not be used in place of appropriate less restrictive interventions;

~~[(iii)]~~ nothing shall prohibit a school employee from using less intrusive means including physical escort, to address circumstances described in Subsection 53G-8-302(2);]

~~[(b)](c)~~ a definition of a key identified school employee for whom the ongoing comprehensive ESI training outlined in Subsection R277-608-4~~[(2)](3)~~ will be provided;

~~[(c)](d)~~ procedures to be followed when using ESI, including:

(i) continual observation as described in Subsection R277-608-5(12)(d);

(ii) release criteria;

(iii) documentation;

(iv) notification to administration outlined in Section R277-608-5;

(v) notification to a student's parent consistent with in Section R277-608-5;

(vi) debrief;

(vii) reporting; and

(viii) post-ESI assessment and monitoring of students; and

~~(e)~~ all other requirements related to use of seclusion consistent with Subsection 53G-8-301(10).

(2) An LEA ESI policy shall include whether the LEA allows individual schools to designate an enclosed area for the sole purpose of seclusion~~[any time out]~~.

(a) if an LEA allows individual schools to designate an enclosed area for the sole purpose of seclusion~~[any time out]~~, the policy shall additionally outline:

(i) requirements and prohibitions for the designated enclosed area in accordance with Rules R392-200 and R710-4; and

(ii) a written procedure outlining the approval process including:

(A) requirements that a school proposing to designate an enclosed area include in their proposal a written description outlining the data and reasoning for designating an enclosed area;

NOTICES OF PROPOSED RULES

(B) approval by the LEA governing board in consultation with the LEA's ESI committee; and
(C) requirements around a written notification provided to parents within the school community before the designation of an enclosed area.

(3) Policies and procedures for the use of an ESI for a student should be consistent with evidence- and research-based practices including the prohibition of:

(a) Physical restraint, subject to the requirements of Section R277-608-5, except when the physical restraint is allowed as described in ~~[Subs]~~Section 53G-8-301~~[2(2)]~~;

(b) prone, or face-down, physical restraint;

(c) supine, or face-up, physical restraint;

(d) physical restraint that obstructs the airway of a student or adversely affects a student's primary mode of communication;

(e) mechanical restraint, except as consistent with Section R277-608-2;

(f) chemical restraint, except as consistent with Section R277-608-2;

(g) seclusion~~[any time out]~~, subject to the requirements of Section R277-608-5 and Subsection 53G-8-301(10)(a)(iii), except when a student presents an immediate danger of serious physical harm to self or others;

(h) for a student with a disability, ESIs written into a student's individualized education ~~[plan]~~program (IEP), as a planned intervention, unless:

(i) school personnel, the family, and the IEP team agree less restrictive means have been attempted;

(ii) a FBA has been conducted; and

(iii) a positive behavior intervention, based on data analysis has been written into the plan and implemented; and

(j) other dangerous practices as defined by the LEA, including dangerous practices outlined in the Least Restrictive Behavioral Interventions (LRBI) Technical Assistance manual incorporated by reference in Section R277-609-~~[3]~~7.

(4) An LEA shall have in place, as part of its LEA special education policies, procedures, and practices, criteria, and steps for using ESI with students with disabilities consistent with state and federal law.

R277-608-4. Emergency Safety Interventions (ESI) Training Requirements.

(1) Beginning with the 2025-2026 school year, all school employees who supervise students, or who may be asked to assist in managing a student's behavior, shall receive foundational behavior support training, which shall include:

(a) behavioral or emotional crisis management including de-escalation strategies consistent with the (LRBI) manual incorporated by reference into Section R277-609-~~[3]~~7; and

(b) LEA policies related to ESI.

(2) The foundational behavior support training, described in Subsection R277-608-4(1), must be completed within two months or 30 days if working directly with a student with disabilities, of employment and bi-annually, thereafter.

(3) Key identified school employees shall receive comprehensive ESI training that is research- and evidence-based in addition to the foundational behavior support training.

(4) The Comprehensive ESI training shall include:

~~(a)~~ (a) disengagement strategies;

~~(b)~~ (b) the appropriate, safe, and effective use of ESI; and

~~(c)~~ (c) documentation of ESI.

(5) The comprehensive ESI training shall be completed before a school employee ~~[is authorized to]~~may use an ESI with a student and annually, thereafter.

R277-608-5. Implementation of Physical Restraint and Seclusion~~[any Time Out]~~.

(1) Physical restraint may only be used when a student presents an immediate danger to self or others and when no other safe or effective intervention is available.

(2) A school employee may not use physical restraint as a means of discipline or punishment.

(3) When used consistently with the LEA policy under Section R277-608-3:

(a) a physical restraint must be immediately terminated when:

(i) A student is no longer an immediate danger to self or others; or

(ii) A student is in severe distress; and

(b) the use of physical restraint shall be for the minimum time necessary to ensure safety, as reasonably understood by the school employee, and a release criteria, as outlined in LEA policies, must be implemented.

(4) A school employee may not use physical restraint on a student for more than the shortest of the following before stopping, releasing, and reassessing the intervention used:

(a) the amount of time described in the LEA's ESI training program;

(b) 30 minutes; or

(c) when law enforcement ~~intervenes~~arrives.

(5) If a school employee physically restrains a student, the school or the school employee shall provide notice ~~[as soon as reasonably possible and before the student leaves the school to]~~immediately, and may not exceed 15 minutes after use.

~~(a)~~ (a) The notice described in Subsection R277-608-5(5) shall be provided to:

~~(i)~~ (i) the student's parent; and

~~(ii)~~ (ii) school administration.

~~[(6)]~~ In addition to the notice described in Subsection (5), if the use of physical restraint occurs more than 15 minutes, the school shall immediately provide notification to:

- ~~(a) the student's parent; and~~
- ~~(b) school administration.]~~

~~[(7)]~~(6) If a school employee physically restrains a student, the school or the school employee shall provide documentation of the physical restraint to the LEA's ESI committee described in Section R277-608-6, and the student's parent.

~~[(8)]~~(7) A notice described in Subsection[s] (5) ~~and (6)]~~ shall be documented within the student information systems (SIS) records.

~~[(9)]~~(8) Seclusion~~[any time out]~~ may only be used when a student presents an immediate danger to self or others and when no other safe or effective intervention is available.

~~[(10)]~~(9) A school employee may not use seclusion~~[any time out as a means of discipline or punishment]~~:

- ~~(a) as a behavioral intervention;~~
- ~~(b) as a disciplinary practice;~~
- ~~(c) for coercion, retaliation, or humiliation;~~
- ~~(d) due to inadequate staffing; or~~
- ~~(e) for the staff member's convenience.~~

~~[(11)]~~(10) A school employee may not place a student in ~~[a]~~seclusion~~[any time out]~~ for more than 30 minutes, per occurrence.

~~[(12)]~~(11) If a school employee uses seclusion~~[any time out]~~, the school employee shall:

- (a) use the minimum time necessary to ensure safety, as reasonably understood by the school employee;
- (b) use release criteria outlined in LEA policies;
- (c) ensure that any door remains unlocked consistent with the fire and public safety requirements described in Rules R392-200 and

R710-4;

- (d) ensure the student is observed at all times by personnel who have received the comprehensive ESI training; and
- (e) have used other less restrictive interventions before the use of seclusion~~[any time out]~~.

~~[(13)]~~(12) If a student is placed in seclusion~~[any time out]~~, the school or the school employee shall provide notice immediately, and not to exceed 15 minutes after use~~[as soon as reasonably possible and before the student leaves the school]~~ to:

- (a) the student's parent; and
- (b) school administration.

~~[(14)]~~ In addition to the notice described in Subsection (13), if a school employee places a student in seclusion~~any time out~~ for more than 15 minutes, the school employee shall immediately provide notice to:

- ~~(a) the student's parent; and~~
- ~~(b) school administration.]~~

~~[(15)]~~(13) If a student is placed in seclusion~~[any time out]~~, the school employee shall provide documentation of the ~~[physical restraint]~~seclusion to the LEA's ESI committee described in Section R277-608-6, and the student's parents.

~~[(16)]~~(14) A notice described in Subsection[s] (12)~~[(13)] and (14)]~~ shall be documented within the student information systems (SIS) records.

~~[(17)]~~(15) If a school employee uses any ESI, a school shall provide a parent with a copy of any notes or additional documentation, including a description of the physical space in which the seclusion~~[any time out]~~ occurred or the type of physical restraint that was used, taken during the use of the ESI upon request of the student's parent.

~~[(18)]~~(16) Within 48 hours of the school using an ESI with a student, a school shall provide notice to a parent that the parent may request a copy of any notes or additional documentation taken during the use of the ESI.

~~[(19)]~~(17) A parent may request a time to meet with school staff and administration to discuss the use of an ESI.

R277-608-6. LEA Emergency Safety Intervention (ESI) Committee.

- (1) An LEA shall establish an ESI Committee.
- (2) An LEA's ESI Committee shall:
 - (a) include:
 - (i) at least one administrator;
 - (ii) at least one licensed educational professional with behavior support training and knowledge in both state law and LEA discipline policies related to ESIs;
 - (iii) at least one parent or guardian of a student enrolled in the LEA, appointed by the LEA; and
 - (iv) at least one other licensed educator;
 - (b) meet often enough to monitor the use of ESI in the LEA;
 - (c) determine and recommend professional learning needs;
 - (d) shall develop policies for processes to resolve concerns regarding the use of ESIs; and
 - (e) ensure that each emergency incident where a school employee uses an ESI is documented, in accordance with Subsection 53G-8-301(11) in the LEA's student information system and reported annually to the Superintendent.

R277-608-7. LEA Prohibition of Corporal Punishment Policy.

An LEA policy shall include:

- (1) a prohibition of corporal punishment consistent with the law;
- ~~[(2)]~~(2) ~~criteria and procedures for using appropriate behavior reduction intervention in accordance with federal and state law;~~
- ~~[(3)]~~(2) appropriate sanctions for LEA employees who use corporal punishment; and

NOTICES OF PROPOSED RULES

~~[(4)](3)~~ appeal procedures for LEA employees disciplined for a violation of the LEA's policy.

R277-608-8. LEA Responsibilities and Reporting.

(1) An LEA shall have procedures for the collection, maintenance, and periodic review of documents or records of the use of ESIs at schools within the LEA.

(2) An LEA shall provide documentation, in accordance with Subsection 53G-8-301(11) of any school, program, or LEA's use of ESI to the Superintendent annually.

R277-608-9. Superintendent Responsibilities.

(1) The Superintendent shall define the procedures for the collection, maintenance, and review of records described in Subsection R277-60[9]8-8(1).

(2) The Superintendent shall periodically review:

(a) All ESI data submitted to the Superintendent;

(b) All LEA special education behavior intervention, procedures, and policies; and

(c) ESI data as related to students with disabilities who are eligible or being evaluated for special education services in accordance with Utah's Program Improvement and Planning System (UPIPS).

(3) The Superintendent shall provide technical assistance to LEAs in developing and implementing policies and training employees in the appropriate use of ESI to the extent of resources available.

(4) The Superintendent shall include information in Subsection 53G-8-301(3)(a) in the State Superintendent's Annual Report described in Section 53E-1-203.

(5) Violations of law and this Board rule will be handled through the appropriate process as outlined in Rule R277-114, Rule R277-123, Rule R277-211 or the Utah Special Education Rules incorporated by reference into Rule R277-750.

KEY: emergency safety interventions, corporal punishment

Date of Last Change: ~~[March 10,]~~ 2025

Notice of Continuation: June 28, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-8-301~~[through 305]~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-701

Filing ID: 57539

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	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:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R277-701. Early College Programs
4. Purpose of the new rule or reason for the change:
The rule amendments are needed to update several references.
5. Summary of the new rule or change:
The amendments specifically add capitalization to the terms "Early College Programs" and "Advanced Placement".

Fiscal Information**6. 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.

The capitalization of "Early College Programs" and "Advanced Placement" does not have any costs or savings for the Utah State Board of Education (USBE), Local Education Agencies (LEAs), students, parents, or any other entity or persons.

B. Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

The capitalization of "Early College Programs" and "Advanced Placement" does not have any costs or savings for the USBE, LEAs, students, parents, or any other entity or persons.

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.

The capitalization of "Early College Programs" and "Advanced Placement" does not have any costs or savings for the USBE, LEAs, students, parents, or any other entity or persons.

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.

The capitalization of "Early College Programs" and "Advanced Placement" does not have any costs or savings for the USBE, LEAs, students, parents, or any other entity or persons.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The capitalization of "Early College Programs" and "Advanced Placement" does not have any costs or savings for the USBE, LEAs, students, parents, or any other entity or persons.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)**Regulatory Impact Summary Table**

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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, Molly Hart, has reviewed and approved this regulatory impact analysis.					

Citation Information

7. 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)	Section 53F-2-408.5
Section 53F-2-409		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	11/14/2025
10. This rule change MAY become effective on:	11/21/2025
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:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/01/2025
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R277. Education, Administration.**R277-701. Early College Programs.****R277-701-1. Authority, Purpose, and Oversight Category.**

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
 - (c) Section 53F-2-408.5, which requires the Board to establish a distribution formula for the expenditure of funds appropriated for Early College Programs; and
 - (d) Section 53F-2-409, which directs the Board to provide for the distribution of concurrent enrollment dollars in rule.
- (2) The purpose of this rule is to:
 - (a) specify the procedures for distributing funds appropriated under Sections 53F-2-408.5 and 53F-2-409 to LEAs;
 - (b) provide resources to LEAs for ~~early college programs~~ Early College Programs; and
 - (c) specify the standards and procedures for concurrent enrollment courses and the criteria for funding appropriate concurrent enrollment expenditures.
- (3) This Rule R277-701 is categorized as Category 3 as described in Rule R277-111.

R277-701-2. Definitions.

- (1) "Advanced ~~placement~~ Placement" or "AP" courses means the same as the term is defined in Section 53F-2-408.5.
- (2) "Concurrent ~~e~~ Enrollment" or "CE" means the same as the term is defined in Section 53E-10-301.
- (3) "~~Early college programs~~ Early College Programs" means an LEA's AP courses, IB programs, and CE programs.
- (4) "Eligible institution" has the same meaning as described in Section 53E-10-301.
- (5) "Enhancement of Accelerated Students Programs" means the same as the term is defined in Section R277-707-2.

- (6) "International Baccalaureate" or "IB" Program means the same as the term is defined in Section 53F-2-408.5.
- (7) "Master course list" means a list of approved CE courses, maintained by the Superintendent and USHE, which may be offered and funded.
- (8) "Successfully completed" means that a student received USHE credit for a CE course.
- (9) "Underrepresented students" means the same as the term is defined in Section R277-707-2.
- (10) "USHE" means the Utah System of Higher Education as described in Section 53B-1-102.

R277-701-3. Eligibility and Application.

- (1) All LEAs are eligible to apply for the Early College Program funds annually.
- (2) To receive program money, an LEA shall submit an application to the Superintendent that includes an LEA's plan for:
 - (a) how the LEA intends to spend program money;
 - (b) how the LEA intends to engage parents so that parents understand the opportunities available for their children in elementary, middle school, high school and beyond, including how the LEA will comply with Rule R277-462; and
 - (c) how the LEA intends to eliminate barriers and increase student enrollment, in ~~[Early college programs]~~ Early College Programs, including underrepresented students.
- (3) The Superintendent shall publish:
 - (a) expectations;
 - (b) ~~[targets]~~ data related to gap closures for underrepresented students; and
 - (c) timelines related to an LEA application.

R277-701-4. Distribution and Use of Funds for AP and IB Programs.

- (1) The Superintendent shall distribute the total allocation for Enhancement of Accelerated Students program as follows after setting aside the requisite funding described in Subsection 53F-2-408.5(3):
 - (a) 40% of the total allocation to AP and IB programs as described in Rule R277-701; and
 - (b) 60% of the total allocation to LEAs to support Gifted and Talented programs as described in Rule R277-707.
- (2)(a) The Superintendent shall determine funding to be awarded to an LEA's IB programs by:
 - (i) the number of IB programs at each school; and
 - (ii) the exam costs for students experiencing socioeconomic disadvantage.
- (b) The Superintendent shall determine 30% of the funding to be awarded for LEA AP programs by:
 - (i) dividing the number of students enrolled in an LEA's AP classes by the total enrollment of students in AP classes throughout the state; and
 - (ii) multiplying the result from Subsection (2)(b)(i) by 30% of the total AP allocation.
- (c) The Superintendent shall determine 70% of the funding to be awarded for LEA AP programs by:
 - (i) dividing the number of students in the LEA receiving a three or higher on an AP examination by the total number of students receiving a three or higher on an AP examination throughout the state; and
 - (ii) multiplying the result from Subsection (2)(c)(i) by 70% of the total AP allocation.
- (3) An LEA may use the LEA's allocation of funds for:
 - (a) professional learning for teachers;
 - (b) identification of underrepresented students;
 - (c) Advanced Placement courses;
 - (d) International Baccalaureate programs; or
 - (e) International Baccalaureate test fees of eligible low-income students.
- (4) An LEA shall use at least a portion of the LEA's allocation for Advanced Placement test fees of eligible low-income students, as defined in Section 53F-2-408.5.

R277-701-5. Distribution and Use of Funds for CE Programs.

- (1) CE funds shall be allocated in accordance with Section 53F-2-409.
- (2) CE funds allocated to LEAs may not be used for any other program or purpose, except as provided in Section 53F-2-206 and after funds distribution as described in Subsection 53F-2-409(5)(c).
- (3) CE funding may not be used to fund a parent or student-initiated college-level course at an institution of higher education.
- (4) The Superintendent may not distribute CE funds to an LEA for reimbursement of a CE course:
 - (a) that is not on the master course list;
 - (b) for a student that has exceeded 30 semester hours of CE for the school year;
 - (c) for a CE course repeated by a student; or
 - (d) taken by a student:
 - (i) who has received a diploma;
 - (ii) whose class has graduated; or
 - (iii) who has participated in graduation exercises.
- (5) An LEA shall receive a pro-rated amount of the funds appropriated for CE according to the number of semester hours successfully completed by students registered through the LEA in the prior year compared to the state total of completed CE hours.
- (6) An LEA's use of state funds for CE is limited to the following:
 - (a) increasing access for groups of students who are underrepresented;

NOTICES OF PROPOSED RULES

- (b) aid in professional development of an eligible CE instructor in cooperation with the participating USHE institution;
 - (c) assistance with delivery costs for distance learning programs;
 - (d) participation in the costs of LEA personnel who work with the program;
 - (e) student textbooks and other instructional materials;
 - (f) fee waivers for costs or expenses related to CE for fee waiver eligible students under Rule R277-407;
 - (g) purchases by LEAs of classroom equipment required to conduct CE courses; and
 - (h) other uses approved in writing by the Superintendent consistent with the law and purposes of this rule.
- (7) An LEA that receives program funds shall provide the Superintendent with the following:
- (a) end-of-year expenditures reports;
 - (b) an annual report containing:
 - (i) supervisory services and professional development provided by a USHE institution; and
 - (ii) data as required by Section R277-701-12.
 - (8) Appropriate reimbursement may be verified at any time by an audit of the LEA.

R277-701-6. Early College Programs Funding Requirements.

- (1) If an LEA fails to demonstrate progress in meeting plan goals, the Superintendent may:
 - (a) place the LEA on probation and provide targeted technical assistance; and
 - (b) reduce funding to the LEA.
- (2) Excepted as described in Subsection (3) and subject to the general requirements of Section R277-700-7:
 - (a) A middle school or high school:
 - (i) shall provide all course registration opportunities to each student; and
 - (ii) through consultation with students, parents, educators, and administrators, may consider academic readiness, but may not require prerequisites for enrolling in an AP, IB, or CE course.
 - (b) Except as described in USHE~~[Policy R165]~~ Rule R765-165, a school that offers an ~~[e]~~Early ~~[e]~~College ~~[p]~~Program may not prohibit a student from enrolling in the course based on the student's:
 - (i) grades or grade point average;
 - (ii) state standardized assessment scores; or
 - (iii) referral or lack of a referral from an educator;
 - (c) An ~~[e]~~Early ~~[e]~~College ~~[p]~~Program may not prohibit a student from enrolling in a course based on the student's:
 - (i) grade level;
 - (ii) participation in or passing a pre-requisite course;
 - (iii) participation in or passing an honors-level or college-preparatory course; or
 - (iv) requirements over the summer.

R277-701-7. Student Eligibility and Participation for CE.

- (1) A student participating in CE shall be an "eligible student" as described in Subsection 53E-10-301(6).
- (2) Student eligibility requirements for CE shall be:
 - (a) established by an LEA and a USHE institution; and
 - (b) sufficiently selective to predict a successful experience.
- (3) An LEA has the primary responsibility for identifying a student who is eligible to participate in a CE course.
- (4) An LEA shall appropriately evaluate the supports the LEA employs to assist in achieving the highest access rate reasonable for all students to enroll in a CE course.
- (5) An LEA shall contract with an eligible institution to provide a CE course if required in Section 53E-10-303.

R277-701-8. CE Course Credit and Offerings -- CE Course Approval Process.

- (1) Credit earned through a CE course:
 - (a) has the same credit hour value as the CE course's counterpart on a college campus;
 - (b) applies toward graduation on the same basis as a course taught at a USHE institution to which the credits are submitted;
 - (c) generates higher education credit that becomes a part of a student's permanent college transcript;
 - (d) generates high school credit that is consistent with the LEA policies for awarding credit for graduation; and
 - (e) is transferable from one USHE institution to another.
- (2) A USHE institution is responsible to determine the credit for a CE course, consistent with State Board of Higher Education policies.
- (3) An LEA and a USHE institution shall provide the Superintendent and USHE with proposed new course offerings, including syllabi and curriculum materials, by November 15 of the year preceding the school year in which the courses would be offered.
- (4) A CE course shall be approved by the Superintendent and USHE, and designated on the master course list, maintained by the Superintendent and USHE.
- (5)(a) CE course offerings shall reflect the strengths and resources of the respective schools and USHE institutions and be based upon student needs.
- (b) The number of courses selected shall be kept small enough to ensure coordinated statewide development and professional development activities for participating teachers.

in: (6) To provide for the focus of energy and resources on quality instruction in the CE program, CE courses shall be limited to courses

- (a) English;
- (b) mathematics;
- (c) fine arts;
- (d) humanities;
- (e) science;
- (f) social science;
- (g) world languages; and
- (h) career and technical education.
- (7) A CE course may not be approved if the course is a postsecondary course below the 1,000 level.
- (8) The appropriate USHE institution shall take responsibility for:
 - (a) course content;
 - (b) procedures;
 - (c) examinations;
 - (d) teaching materials; and
 - (e) program monitoring.
- (9) CE procedures and materials shall be:
 - (a) consistent with Utah law; and
 - (b) ensure quality and comparability with CE courses offered on a college or university campus.

R277-701-9. CE Program Management and Delivery.

- (1) An LEA shall use a Superintendent-designated 11-digit course code for a CE course.
- (2) An LEA and a USHE institution shall jointly align information technology systems with individual student academic achievement data so that student information will be tracked through both education systems consistent with Section 53E-4-308.
- (3) An LEA shall only receive funds for the LEA's CE program if the LEA's course enrollment matches the USHE institution enrollment in the technology systems as described in Subsection (2).

R277-701-10. Faculty and Educator Requirements.

- (1) An educator who is not employed by a USHE institution and teaches a CE course shall:
 - (a) be employed by an LEA; and
 - (b) meet the requirements of Subsections 53E-10-302(5) and (6).
- (2) An educator employed by an LEA who teaches a CE course shall be approved as an adjunct faculty member at the contracting USHE institution before teaching the CE course.
- (3) High school educators who hold adjunct or part time faculty status with a USHE institution to teach CE courses shall be included as fully as possible in the academic life of the supervising academic department at the USHE institution.
- (4) An LEA and a USHE institution shall share expertise and professional development, as necessary, to adequately prepare a teacher to teach in the CE program, including federal and state laws specific to student privacy and student records.
- (5) A USHE institution that employs a faculty member who teaches in a high school has responsibility for ensuring and maintaining documentation that the faculty member has successfully completed a criminal background check, consistent with Section 53G-11-402.

R277-701-11. Student Tuition and Fees.

- (1) A CE program student may be charged partial tuition and program-related fees, in accordance with Section 53E-10-305.
- (2) Postsecondary tuition and participation fees charged to a CE student are not fees, as defined in Rule R277-407, and do not qualify for a fee waiver under Rule R277-407.
- (3)(a) All costs related to CE courses that are not tuition and participation fees are subject to a fee waiver consistent with Rule R277-407.
 - (b) CE costs subject to fee waiver may include:
 - (i) consumables;
 - (ii) lab fees;
 - (iii) copying;
 - (iv) material costs;
 - (v) application fees; and
 - (vi) textbooks required for the course.
- (4)(a) Except as provided in Subsection (4)(b), an LEA shall be responsible for fee waivers.
- (b) An agreement between a USHE institution and an LEA may address the responsibility for fee waivers.

R277-701-12. Annual Contracts and Other Student Instruction Issues.

- (1) An LEA and a USHE institution that plan to collaborate to offer a CE course shall enter into an annual contract for the upcoming school year by no later than May 30.
- (2) An LEA shall provide the USHE with a copy of each annual contract entered into between the LEA and a USHE institution for the upcoming school year by no later than May 30.

NOTICES OF PROPOSED RULES

- (3) An LEA and a USHE institution shall use the standard contract language developed by the Superintendent and USHE.

R277-701-13. Performance Criteria and Reports.

- (1) An LEA receiving an allocation of funds shall submit an annual evaluation report to the Superintendent.
- (2) An LEA shall present the evaluation report identified in Subsection (1) to the LEA's local board in a public meeting.
- (3) The report shall include the following:
 - (a) an accounting of student performance, disaggregated by student group for each [e]Early [e]College [p]Program that the LEA participates;
 - (b) evidence of stakeholder input demonstrating that the LEA engaged parents;
 - (c) an accounting of how the LEA's funds were disbursed to the teacher level; and
 - (d) evidence that the LEA is making progress toward the LEA's plan goals.

KEY: early college program, advanced placement, international baccalaureate, concurrent enrollment

Date of Last Change: 2025[November 26, 2024]

Notice of Continuation: September 15, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-408.5; 53F-2-409

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-723

Filing ID: 57540

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	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:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-723. Start Smart Utah Program
4. Purpose of the new rule or reason for the change:
The rule amendments add an oversight category.
5. Summary of the new rule or change:
The amendments add an oversight category "3".

Fiscal Information

6. 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.
The oversight framework categorization is part of the Utah State Board of Education's (USBE's) effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule.

This categorization does not add any requirements or resources in and of itself for the USBE or Local Education Agencies (LEAs).

B. Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule.

This categorization does not add any requirements or resources in and of itself for the USBE or LEAs.

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 the 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.

The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule.

This categorization does not add any requirements or resources in and of itself for the USBE or LEAs. This does not affect any other entities.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule.

This categorization does not add any requirements or resources in and of itself for the USBE or LEAs.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0

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Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$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, Molly Hart, has reviewed and approved this regulatory impact analysis.

Citation Information
7. 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)	
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Public Notice Information
9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	11/14/2025
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10. This rule change MAY become effective on:	11/21/2025
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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:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/01/2025
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R277. Education, Administration.
R277-723. Start Smart Utah Program.
R277-723-1. Authority, ~~and~~ Purpose, and Oversight Category.

(1) This rule is authorized by:

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

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

(c) Subsection 53G-9-205.1(3) which directs the Board to create a waiver application, submission, review, and approval process.

(2) The purpose of this rule is to provide the process to apply for and receive a waiver from the requirements of Subsection 53G-9-205.1(2).

(3) This Rule R277-723 is categorized as Category 3 as described in Rule R277-111.

R277-723-2. Definitions.

(1) "Alternative breakfast service model" means the same as the term is defined in Subsection 53G-9-205.1(1)(a).

(2) "Financial hardship" means a school cannot maintain a positive financial balance in the School food service account due to the operation of an alternative breakfast service model or school breakfast program.

(3) "Logistical hardship" means a school lacks any capacity or resources to perform the required duties and work flow to support an alternative breakfast service model or school breakfast program.

(4) "Nonprofit school food service account" means the same as the term is defined in 7 CFR 210.12

(5) "Undue hardship" means a logistical or financial hardship.

R277-723-3. Procedures for Waiver Requests.

(1)(a) An LEA board may request a waiver from some or all of the requirements of Subsection 53G-9-205.1(2) by filing a written request.

(b) A written request under Subsection (1)(a) shall include:

- (i) verification that the LEA board voted to request the waiver in an open meeting;
- (ii) the requirements as described in Subsection 53G-9-205.1(2) for which the LEA is seeking a waiver;
- (iii) documentation demonstrating the logistical or financial hardship resulting in the need for a waiver including:
 - (A) cost benefit analysis showing reimbursement will not fully cover anticipated costs;
 - (B) facility capacity unable to support food service needs;
 - (C) documentation related to recommendations as outlined in Subsection 53G-9-205(1)(b); or
 - (D) other data demonstrating logistical or financial hardship;
- (iv) possible solutions to mitigate the future need for a waiver; and
- (v) alternative practices to ensure the LEA's free and reduced lunch student population has the most access possible to nutrition

programs during regular school hours.

(2) An LEA shall submit a separate waiver for each school within the LEA that the LEA seeks to exempt from the requirements of Subsection 53G-9-205.1(2).

(3) An LEA that satisfies the requirements of Subsection 53G-9-205.1(2)(d)(ii) is exempt from needing to apply for a waiver.

(4) The Superintendent shall establish a review committee that consists of three or more members from relevant staff.

(5) The review committee shall review a waiver request for approval or denial within 30 days of receipt of the waiver request.

(6) If the review committee denies an LEA's waiver request, an LEA may appeal to the Board in writing within ~~ten~~[40] calendar days of notice of denial.

(7) A waiver granted under Rule R277-723 expires at the end of the school year for which the waiver was granted.

(8) An LEA may create an implementation plan as part of the LEA's efforts to mitigate the need for a future waiver.

(9) The Superintendent may provide additional supports and resources to an LEA for the purposes of creating an implementation plan.

(10) An LEA may implement alternative breakfast service models before the LEA's waiver has expired.

R277-723-4. Corrective Action Plan

~~[(4)]~~If an LEA is found to be non-compliant with Section 53G-9-205.1 and has not applied for a waiver pursuant to Rule R277-723, the LEA may be placed on a corrective action plan described in Rule R277-114.

KEY: Start Smart Utah; breakfast after the bell; breakfast

Date of Last Change: 2025[September 24, 2020]

Notice of Continuation: September 15, 2025

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

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:	R317-8-10	Filing ID: 57526
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Agency Information		
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1. Title catchline:	Environmental Quality, Water Quality	
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Building:	MASOB	
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Street address:	195 N 1950 W	
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City, state:	Salt Lake City, UT	
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Mailing address:	PO Box 144870	
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City, state and zip:	Salt Lake City, UT 84114-4870	
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Contact persons:		
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Name:	Phone:	Email:
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Donald Hall	385-515-6461	dghall@utah.gov
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Jeanne Riley	801-536-4369	jriley@utah.gov
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Please address questions regarding information on this notice to the persons listed above.

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

R317-8-10. Animal Feeding Operations (AFOs) and Concentrated Animal Feeding Operations (CAFOs)

4. Purpose of the new rule or reason for the change:

The purpose of the proposed rule change is to amend the large weather event definition in Subsection R317-8-10(10.2) that regulates Animal Feeding Operations (AFOs) and Concentrated Animal Feeding Operations (CAFOs) in Utah. The change will expand the large weather event definition in rule to include new precipitation discharge allowances for CAFOs and AFOs.

Precipitation events which cause discharge to waters of the state can be extremely large in volume and can come in precipitation patterns not included in the federal and state definitions of allowed storm event discharges.

Due to the cost of constructing additional wastewater storage, AFO and CAFO owners cannot be reasonably expected to provide containment for the runoff and wastewater generated during precipitation events that exceed the conditions outlined in the large weather event definition.

AFO and CAFO owners that seek discharge allowances under the large weather event definition do so voluntarily. AFO and CAFO owners are not required to provide wastewater containment and measures of the definition to obtain the discharge allowances of the definition.

In addition to changes to the large weather event definition, definitions which help provide clarity and understanding of the large weather event were added to this rule. These definitions are: irrigation water management plan, precipitation, and upset.

Also, the definition of 25-year, 24-hour and 100-year, 24-hour storm event were updated.

In addition to the definition amendments, content relating to the Agriculture Certificate of Environmental Stewardship (ACES) Program will be deleted from the AFO and CAFO rule. The references to the ACES Program are found in Subsections R317-8-10(10.2), (10.6) and (10.8).

The ACES Program was a compliance assistance program for animal feeding operations and concentrated animal feeding operations implemented through the Utah Department of Agriculture and Food (UDAF), however the ACES Program is no longer implemented by UDAF.

UDAF has implemented another compliance assistance program to replace ACES known as the Agriculture Voluntary Incentives Program (AgVIP). The removal of the ACES Program from the AFO and CAFO rule is necessary since the ACES Program is no longer valid and implemented in Utah.

5. Summary of the new rule or change:

The proposed rule change in Section R317-8-10 will amend the large weather event definition in Subsection R317-8-10(10.2) by adding new provisions to the definition. The change is needed to provide specific conditions for new discharge exemptions as allowed in the amended large weather event definition.

Other definitions were amended or added to this rule to clarify the large weather event.

The proposed rule change in Section R317-8-10 will remove all content relating to the ACES Program. The ACES Program is no longer implemented at AFOs and CAFOs.

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

The aggregate anticipated cost or savings to the state budget is \$0.

There are no anticipated effects on state budgets, costs, or savings in state expenditures if the proposed rule amendments are included in Section R317-8-10. The proposed rule does not obligate the state to any new expenditures or new budgets.

B. Local governments:

The aggregate anticipated cost or savings to local governments is \$0.

There are no anticipated costs or savings to local governments if the proposed rule changes are made. Local governments do not have oversight of state rules for AFOs and CAFOs.

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

AFO and CAFOs are the only small businesses that could be affected by the proposed rule change.

Owners of AFOs and CAFOs will have costs to comply with the rule change if they volunteer to comply with the large weather event definition changes. The costs would be related to in-situ soil saturation measurements in cropland areas.

Monitoring equipment may need to be purchased by AFOs and CAFOs seeking to qualify for the large weather event's soil saturation-related exemptions. There are also potential savings under the large weather event definition change.

The definition and related rule content provides a financial penalty exemption during enforcement actions issued by the Division of Water Quality (division) to AFOs and CAFOs with qualified discharges allowed by the large weather event definition.

Compliance with the large weather event provisions are not mandatory requirements for AFOs and CAFOs. AFOs and CAFOs may decide whether to comply with the conditions necessary to qualify for the large weather event provisions.

When AFO and CAFO owners have discharge conditions of a large weather event as defined, they have a means of financial penalty exemptions during enforcement actions.

Certain financial penalties will not be assessed to AFOs and CAFOs following qualified discharges under the large weather event definition. Normally, penalties are assessed during enforcement actions for illegal discharges, however AFOs and CAFOs can have penalty exemptions under the proposed large weather event definition.

The potential savings for AFOs and CAFOs with penalty exemptions under proposed rule changes, per AFO or CAFO, could range from \$500 to \$10,000 or more based on potential penalty amounts assessed to AFOs and CAFOs during each enforcement action.

Since the occurrence of enforcement actions and penalty issuance to AFOs and CAFOs varies, the division estimates that one enforcement action would have been issued every five years.

The anticipated savings to small businesses is one-fifth of \$500 to \$10,000 per year. The division estimates the average penalty at an AFO or CAFO would have been \$2,000 per enforcement action.

The aggregate anticipated savings is \$400, calculated as one-fifth of \$2,000 per year.

Since compliance with the large weather event is voluntary, so are the costs of compliance with the large weather event definition requirements. The costs for compliance results from the purchase of soil monitoring equipment and on-going costs to maintain and operate the equipment.

The estimated cost of the purchase of soil monitoring equipment ranges from \$200 to \$2,000. The estimated on-going cost for equipment maintenance is \$50 per year. The anticipated cost related to the proposed rule changes is estimated to be \$1,000 for equipment and \$50 for maintenance per AFO or CAFO. It is anticipated that five AFOs or CAFOs will seek to comply with large weather event provisions.

The aggregate anticipated cost is \$5,000, calculated as five AFOs or CAFOs at \$1,000 each for one-time costs and \$250, calculated as five AFOs or CAFOs at \$50 per year for on-going costs.

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

It is anticipated that no non-small business AFO or CAFO will choose to comply with the large weather event definition exemption. There are only a few AFOs or CAFOs that employ 50 or more employees.

The aggregate anticipated cost or savings to non-small businesses is \$0.

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 are no anticipated costs or savings cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.

Since this rule change only applies to AFOs and CAFOs, the aggregate anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities is \$0.

F. Compliance costs for affected persons:

The estimated average cost of purchasing soil monitoring equipment is \$1,000 during the first year per AFO or CAFO. The cost for subsequent years is \$0 since equipment should be useful for multiple years. Year to year operating cost of monitoring equipment is estimated to be \$50 per year per AFO or CAFO.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$5,250	\$250	\$250	\$250	\$250
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$5,250	\$250	\$250	\$250	\$250
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$400	\$400	\$400	\$400	\$400
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$400	\$400	\$400	\$400	\$400
Net Fiscal Benefits	\$(4,850)	\$150	\$150	\$150	\$150

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

Tim Davis, Executive Director, Utah Department of Environmental Quality, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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:

Title 5, Chapter 19	40 CFR 122	40 CFR 123
40 CFR 125	40 CFR 412	40 CFR 503

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 11/14/2025

10. This rule change MAY become effective on: 12/10/2025

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:	John K. Mackey, Director	Date:	10/08/2025
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R317. Environmental Quality, Water Quality.**R317-8. Utah Pollutant Discharge Elimination System (UPDES).****R317-8-10. Animal Feeding Operations (AFOs) and Concentrated Animal Feeding Operations (CAFOs).**

10.1 Applicability of Rule R317-8, Rule Compatibility, and Federal Rule Incorporation.

(1) Section R317-8-10, including the federal regulations incorporated by reference, shall be applicable to animal feeding operations and concentrated animal feeding operations.

(2) Where any requirements, definitions, or conditions in Section R317-8-10 conflict with the requirements, definitions, or conditions pertaining to animal feeding operations or concentrated animal feeding operations in other parts of Rule R317-8, the requirements, definitions, and conditions in Section R317-8-10 shall govern.

10.2 Definitions.

"25-year, 24-hour storm event" means the ~~[25-year, 24-hour storm event and "100-year, 24-hour storm event" means the 100-year, 24-hour storm event as defined in 40 CFR 412.2(i).]~~ precipitation frequency estimate amount for a precipitation event of a 24-hour and 25-year recurrence interval found in the most current version of the NOAA Atlas Point Precipitation Frequency Estimates table for the location of the facility.

"100-year, 24-hour storm event" means the precipitation frequency estimate amount for a precipitation event of a 24-hour and 100-year recurrence interval found in the most current version of the NOAA Atlas Point Precipitation Frequency Estimates table for the location of the facility.

"Animal Feeding Operation" (AFO) means a lot or facility, ~~[other than aquatic animal production facility]~~, where the following conditions are met:

(a) animals have been, are, or will be stabled, housed, or confined and fed or maintained for a total of ~~[forty-five (45)]~~ days or more in any 12-month period;

(b) crops, vegetation, forage growth, or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility; and

(c) two or more AFOs under common ownership are considered to be a single AFO if they adjoin each other or if they use a common area or system for the storage or disposal of waste.

"Certified Nutrient Management Planner" means a person who is certified by the Utah Natural Resources Conservation Services (NRCS), or by an alternative certification program approved by the Director, to develop and approve nutrient management plans and comprehensive nutrient management plans.

"Concentrated Animal Feeding Operation" (CAFO) means:

(a) an AFO that is a Large CAFO; or

(b) an AFO that is a Medium CAFO; or

(c) an AFO that is Designated as a CAFO.

~~"Approved Agriculture Certificate of Environmental Stewardship Program (ACES)" means a program approved by the Water Quality Board as meeting the substantive standards of this rule and the Utah Water Quality Act, Title 19, Chapter 5.~~

"Designated CAFO" means an AFO that is designated as a CAFO by the Director according to criteria in 40 CFR 122.23(c) and thereby required to obtain a UPDES permit.

"Discharge" has the same meaning as "Discharge of a Pollutant" in Subsection R317-8-1~~[5]~~(1.5), except that in Section R317-8-10, "discharge" shall refer only to the addition of pollutants to surface waters of the state.

"Irrigation Water Management Plan" means a plan to optimize water use on crop fields to minimize transport of pollutants in the soil profile and reduce sediment and contaminated runoff from fields, based on conditions and requirements in the most current practice standard of NRCS Conservation Practice Standard 449, Irrigation Water Management.

"Large CAFO" means an AFO that stables, houses, or confines the type and number of animals that fall within any of these ranges:

(a) Beef, calves, heifers, or veal: 1,000 or more

(b) Cows (milking and dry): 700 or more

(c) Layers, broilers (wet system): 30,000 or more

(d) Other than layers (dry system): 125,000 or more

(e) Layers (dry system): 82,000 or more

(f) Turkeys: 55,000 or more

(g) Swine (55 pounds or more): 2,500 or more

(h) Swine (less than 55 pounds): 10,000 or more

(i) Sheep: 10,000 or more

(j) Horses: 500 or more

(k) Ducks (dry system): 30,000 or more

(l) Ducks (wet system): 5,000 or more

"Large Weather Event" in Subsection 19-5-105.5(3)(b)(iii) means ~~either:~~

~~(a) a single precipitation event or a series of precipitation events that, including snow, received over a 30-day period at an AFO or CAFO that yields precipitation greater than the area's monthly average precipitation for the 30-day period, plus either:~~

~~(i) a 100-year, 24-hour storm event for poultry, swine, or veal AFO or CAFO; or~~

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~~(ii) a 25-year, 24-hour storm event for any other AFOs or CAFOs; or~~
~~(b) rapid snow or ice melt at the AFO or CAFO that occurs during a 7-day period which results in the runoff of a volume of water equivalent to (a), occur in a manner that prevents an AFO or CAFO from appropriately dewatering wastewater storage, treatment or containment structures and meet one of the following criteria:~~

~~(a) the event results in an AFO or CAFO receiving precipitation amounts during the require minimum storage period that are greater than the waste storage facility's designed storage volume, so long as the facility's waste storage structures are designed and operated in accordance with:~~

~~(i) USDA-NRCS (313) Waste Storage Facility Conservation Practice Standard; and~~

~~(ii) the facility's current nutrient management plan that has been approved by a certified planner or specialist;~~

~~(b) the event results in an AFO or CAFO receiving precipitation amounts during a consecutive 15-day period that are greater than or equal to:~~

~~(i) a 100-year, 24-hour storm event for the area for a poultry, swine, or veal AFO or CAFO; or~~

~~(ii) 110% of a 25-year, 24-hour storm event for the area for any other AFO or CAFO;~~

~~(c) rapid snow melt, ice melt, or precipitation on frozen ground results in an AFO or CAFO receiving runoff during a 7-day period that is equivalent to:~~

~~(i) a 100-year, 24-hour storm event for the area for a poultry, swine, or veal AFO or CAFO; or~~

~~(ii) 110% of a 25-year, 24-hour storm event for the area for any other AFO or CAFO;~~

~~(d) the event results in an AFO or CAFO receiving the precipitation amounts in Subsection (a) or (b)(ii) and the AFO or CAFO meets the following requirements:~~

~~(i) the facility currently implements an irrigation water management plan developed in accordance with USDA-NRCS Conservation Practice Standards;~~

~~(ii) a certified nutrient management planner or nutrient management specialist has identified the practices, methods, equipment, monitoring, and recordkeeping requirements necessary for the facility to measure and demonstrate accurate soil saturation measurements and results with protocols implemented by the facility; and~~

~~(iii) the facility monitors and records soil saturation results according to the following requirements:~~

~~(A) the percent of soil saturation is monitored daily in unfrozen soils at four and eight inches in depth;~~

~~(B) the results from soil saturation monitoring is recorded on a daily basis; and~~

~~(C) soil saturation monitoring records are retained for 5 years.~~

"Medium AFO" means a lot or facility that is an AFO that stables, houses or confines the type and number of animals that fall within any of these ranges:

(a) Beef, calves, heifers, or veal: 300-999

(b) Cows (milking and dry): 200-699

(c) Layers or broilers (wet system): 9,000-29,999

(d) Other than layers (dry system): 37,500-124,999

(e) Layers (dry system): 25,000-81,999

(f) Turkeys: 16,500-54,999

(g) Swine (55 pounds or more): 750-2,499

(h) Swine (less than 55 pounds): 3,000-9,999

(i) Sheep: 3,000-9,999

(j) Horses: 150-499

(k) Ducks (dry system): 10,000-29,999

(l) Ducks (wet system): 1,500-4,999

"Medium CAFO" means a Medium AFO where the conditions specified in 40 CFR 122.23(b)(6)(ii) are met.

"Precipitation" means all forms of water, liquid or solid, that fall from the atmosphere and reach the ground. Precipitation includes rain, drizzle, snow, hail, graupel, sleet, and ice crystals. Precipitation does not include dew, frost, and rime since they are a result of water vapor in air condensing or freezing onto a surface.

"Reasonable Measures" in Subsection 19-5-105.5(3)(b)(iii) means the measures described in Subsection R317-8-10[~~8~~](10.8).

"Small AFO" means a lot or facility that is an AFO that stables, houses, or confines the type and number of animals that fall within any of these ranges:

(a) Beef, calves, heifers, or veal: 1-299

(b) Cows (milking and dry): 1-199

(c) Layers, broilers (wet system): 1-8,999

(d) Other than layers (dry system): 1-37,499

(e) Layers (dry system): 1-24,999

(f) Turkeys: 1-16,499

(g) Swine (55 pounds or more): 1-749

(h) Swine (less than 55 pounds): 1-2,999

(i) Sheep: 1-2,999

(j) Horses: 1-149

(k) Ducks (dry system): 1-9,999

(l) Ducks (wet system): 1-1,499

"Small CAFO" means a Small AFO where the following conditions are met:

- (a) the Small AFO discharges:
 - (i) through a man-made ditch, flushing system, or other similar man-made device; or
 - (ii) into surface waters of the state which waters originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined at the operation; and
- (b) the Director has designated the Small AFO as a CAFO according to criteria in 40 CFR 122.23(c) after consulting with the Chair of the Utah Conservation Commission.

"Surface Waters of the State" for purposes under Section R317-8-10 means Waters of the State as defined in Subsection R317-8-1[~~5~~](1.5) that are not ground water, except ground water that has hydrologic connection to surface waters of the state.

"Upset" for UPDES CAFO permitted facilities means an exceptional event, which is not precipitation-related, in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

10.3 UPDES Permit Requirement.

- (1) The following animal feeding operations are required to apply for a UPDES permit:
 - (a) Large CAFOs that discharge;
 - (b) Medium CAFOs; and
 - (c) Designated CAFOs.
- (2) CAFOs with land application discharges are subject to the requirements provided in 40 CFR 122.23(e) and 40 CFR 122.42(e)(1)(xi) through (ix). CAFOs that do not meet these requirements ~~[must]~~shall apply for a UPDES permit.
- (3) An AFO shall be designated as a CAFO per the criteria in 40 CFR 122.23(c).

10.4 Timing of UPDES Permit Application.

- (1) An animal feeding operation that has an operational change that results in a requirement to obtain a UPDES CAFO permit shall submit an application no later than 90 days after the time a facility has conditions that require CAFO permit coverage.
- (2) No later than 180 days before the expiration of a permit, or as provided by the Director, a permitted CAFO ~~[must]~~shall submit an application to renew its permit in accordance with 40 CFR 122.21(d) unless the CAFO will not discharge upon expiration of the permit.
- (3) For facilities in operation ~~prior to~~before April 14, 2003 that have an operational change where the facility becomes a Large CAFO that discharges, or a Medium or Designated CAFO, ~~[must]~~shall seek to obtain UPDES permit coverage no later than 90 days after the time a facility has conditions that require CAFO permit coverage.
- (4) New source CAFOs that require CAFO permit coverage and CAFOs constructed after April 14, 2003 that require CAFO permit coverage ~~[must]~~shall seek to obtain UPDES CAFO permit coverage no later than 180 days prior to the time a facility commences operation with the conditions that require CAFO permit coverage.
- (5) A CAFO that is required to obtain an individual permit or that is a Designated CAFO, shall apply for a permit within 60 days of notification of permit requirement by the Director, unless otherwise determined by the Director.

10.5 UPDES CAFO Permit Application Requirements.

~~[In order to]~~To apply for a UPDES CAFO permit, an AFO or CAFO shall submit to the Director an application containing the information specified in 40 CFR 122.21(i). Application forms may be obtained from the Division of Water Quality. If the applicant is seeking coverage under a general permit, it shall submit a notice of intent and nutrient management plan to the Director, along with any information required under the general permit. If the Director has not issued a general permit for which the AFO or CAFO is eligible, the owner or operator ~~[must]~~shall submit an application, including a nutrient management plan, for an individual permit to the Director.

10.6 Nutrient Management Plans.

- (1) Nutrient Management Plan (NMP) or Comprehensive Nutrient Management Plan (CNMP) content and requirements for compliance under this rule ~~[will]~~shall include, as applicable and needed for an AFO or CAFO, the following:
 - (a) the federal requirements incorporated by rule in Subsection R317-8-1[~~10~~](1.10);
 - (b) the requirements of 40 CFR 122.42(e)(1)(i) through (ix) and the technical standards needed to implement those requirements at an AFO or CAFO as specified in ~~Subsection [rule]~~ R317-8-10[~~7~~](10.7); and
 - (c) for permitted AFOs and CAFOs, the NMP or CNMP must also include and be consistent with the requirements of the UPDES permit.
- (2) NMPs or CNMPs shall be developed and implemented for the following AFOs and CAFOs, as applicable, and ~~[must]~~shall be approved by a certified nutrient management planner:
 - (a) AFOs and CAFOs seeking CAFO permit coverage or with CAFO permit coverage;
 - (b) AFOs and CAFOs with permit by rule coverage;
 - (c) AFOs and CAFOs with coverage under a compliance assistance program approved by the Director for purposes of compliance to reasonable measures under Subsection 19-5-105.5(3)(b)(ii);
 - (d) ~~[AFOs and CAFOs participating in the ACES Program;~~
 - ~~(e)~~ AFOs and CAFOs seeking to receive grant or loan funding through a division funding program; ~~[and]~~or
 - (f) AFOs and CAFOs under an enforcement action issued by the Director.
- (3) NMPs or CNMPs for AFOs and CAFOs listed in Subsections R317-8-10[~~6~~](10.6)(2)(a), (e), and (f), shall be signed or stamped by a Utah Professional Engineer or signed by a Natural Resources Conservation Service employee~~[f]~~ or engineer with proper engineering job approval authority delegated from the Natural Resources Conservation Service, when new or existing structures or facilities need to be designed, constructed or substantially altered at an AFO's or CAFO's production area or land application area.

10.7 Technical Standards.

- (1) Technical standards for NMP or CNMP preparation, content, and implementation are:

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(a) the practices, standards, and requirements of the Utah Natural Resources Conservation Service (NRCS) Practice Standard 590, Nutrient Management, dated October 2019 and the Utah Manure Application Risk Index (UMARI); and
 (b) the NRCS practice standards, policies, specifications, and best management practices needed for NMP or CNMP preparation, content, or implementation for compliance with 40 CFR 122.42(e)(1)(i) through (ix), as needed for a specific AFO or CAFO.

(2) Implementation of these standards requires evaluation and nutrient management planning specific to each individual AFO or CAFO.

10.8 Reasonable Measures for Large Weather Events and Agriculture Discharges.

(1) As provided in Subsection 19-5-105.5(3)(b)(iii), no penalty shall apply with respect to an agriculture discharge resulting from a large weather event if the agriculture producer has taken reasonable measures to prevent an agriculture discharge.

(2) An AFO or CAFO will be considered to have taken reasonable measures as provided by Subsection 19-5-105.5(3)(b)(iii), if it has implemented a NMP or CNMP according to Subsection R317-8-10[~~6~~](10.6), as applicable to an AFO or CAFO, and is participating in any of the following:

- (a) a UPDES CAFO permit;
- (b) permit by rule as outlined in Subsection R317-8-10[~~8~~](10.8)(3); or
- (c) a compliance assistance program approved by the Director[~~7~~];

[~~the ACES Program.~~

(3) An AFO will be permitted by rule if:

(a) it has obtained and is in compliance with a site-specific NMP that implements Technical Standards and the requirements of 40 CFR 122.42(e)(1)(i) through (viii), and the practices and protocols identified under those provisions;

(b) it keeps records adequate to demonstrate that it has met the requirements in Subsection R317-8-10[~~8~~](10.8)(3) and has, upon request, made those records available for review by the Director or the Director's representative; and

(c) the facility has provided to the Director a notice of intent to be covered by this permit by rule provision and has confirmed that it is meeting the requirements of Subsection R317-8-10(10.8)(3).

KEY: water pollution, discharge permits

Date of Last Change: ~~2025~~~~October 23, 2024~~

Notice of Continuation: August 29, 2022

Authorizing, and Implemented or Interpreted Law: 19-5; 40 CFR 122; 40 CFR 123; 40 CFR 125; 40 CFR 412; 40 CFR 503

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

Rule or section number:

R453-1

Filing ID: 57518

Agency Information

1. Title catchline:	Cultural and Community Engagement, Historic Preservation	
Mailing address:	3760 S Highland Drive	
City, state and zip:	Salt Lake City, UT 84106	
Contact persons:		
Name:	Phone:	Email:
Heidi Tak	801-698-5567	hjtak@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	R453-1. Ancient Human Remains	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.	
If yes, any bill number and session:	HB 350 (2022 General Session)	
4. Purpose of the new rule or reason for the change:	The purpose of the change is to align this rule with the creation of the new office.	
5. Summary of the new rule or change:	This rule details the responsibilities and activities of the Antiquities Section in the State Historic Preservation Office regarding the discovery, custody, and appropriation of ancient human remains.	

The existing rule, R455-4, was repealed and this new rule created to be used by the new office created by HB 350 passed in the 2022 General Session.

Minimal changes have been made to adhere to the updated Rulewriting Manual for Utah guidelines.

Contextual information remains the same.

(EDITOR'S NOTE: The proposed repeal of Rule R455-4 is under ID 57513 in this issue, October 15, 2025, of the Bulletin.)

Fiscal Information

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

A. State budget:

No fiscal impact.

This new rule is being moved from the current Rule R455-4 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

B. Local governments:

No fiscal impact.

This new rule is being moved from the current Rule R455-4 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

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

No fiscal impact.

This new rule is being moved from the current Rule R455-4 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

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

No fiscal impact.

This new rule is being moved from the current Rule R455-4 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

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 fiscal impact.

This new rule is being moved from the current Rule R455-4 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

F. Compliance costs for affected persons:

No fiscal impact.

This new rule is being moved from the current Rule R455-4 to Title R453 Historic Preservation Office, to align with statute and the creation of the new office.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
H. Department head comments on fiscal impact and approval of regulatory impact analysis:					
The Executive Director of the Department of Cultural and Community Engagement, Donna Law, has reviewed and approved this regulatory impact analysis.					

Citation Information

7. 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 9-8a-309	Section 106 (Federal)	Section 9-9-403

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	11/14/2025
10. This rule change MAY become effective on:	11/21/2025
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:	Donna Law, Executive Director	Date:	09/23/2025
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R453. Cultural and Community Engagement, Historic Preservation.**R453-1. Ancient Human Remains.****R453-1-1. Purpose.**

The purpose of this rule is to ensure that ancient human remains are given respectful, lawful, and scientifically-sound treatment, that landowners are not harmed or burdened by the discovery of ancient human remains on their property, and to ensure that steps are taken to determine lawful ownership of recovered remains.

R453-1-2. General Authority.

The authority for this rule is Section 9-8a-309, effective May 7, 2025.

R453-1-3. Definitions.

(1) "Antiquities Section" means the Antiquities Section of the State Historic Preservation Office.

(2) "ancient" means one-hundred years of age or older.

(3) "Native American" means of or relating to a tribe, people, or culture that is indigenous to the United States.

(4) "human remains" means all or part of a physical individual, in any stage of decomposition, and objects on or in association with the physical individual that were placed there as part of the death rite or ceremony of a culture.

(5) "nonfederal land" includes land owned or controlled by the state, a county, city, or town, an Indian tribe, if the land is not held in trust by the United States for the Indian tribe or the Indian tribe's members, a person other than the federal government; or school and institutional trust lands as defined in Section 53C-1-103.

(6) "state land" means any land owned by the state including the state's legislative and judicial branches, departments, divisions, agencies, boards, commissions, councils, and committees, institutions of higher education as defined under Section 53B-3-102. "State land" does not include land owned by a political subdivision of the state, land owned by a school district; private land, school and institutional trust lands as defined in Section 53C-1-103.

(7) "excavate" means the scientific disturbance or removal of surface or subsurface archaeological resources by qualified archaeologists in compliance with Title 9, Chapter 8a, Part 3, Antiquities.

(8) "director" means director of the State Historic Preservation Office.

(9) "local law enforcement agency" means the police department, sheriff's office, or other agency having jurisdiction.

R453-1-4. Response to Notification of a Discovery of Ancient Human Remains.

Human remains that are discovered in conjunction with a project or undertaking subject to Title 9, Chapter 8a, Part 4, Historic Sites, or Section 106 of the National Historic Preservation Act, are the responsibility of the project proponents, not the Antiquities Section. The Antiquities Section may however advise, assist, and cooperate with responsible agencies in meeting their obligations regarding ancient human remains. For ancient human remains recovered as part of a compliance project from lands covered by Section 9-8a-309, the Antiquities Section will, following appropriate analyses, and if asked, assume the role of the landowner for purposes of determination of ownership as per Subsection 9-9-403(8).

Upon notification that ancient human remains have been discovered, the Antiquities Section will gather information and consult as necessary with affected agencies and individuals and within two business days determine a course of action with approval of the landowner to leave remains in place or excavate and remove remains and notify the affected agencies and individuals of the decision.

R453-1-5. Excavation and Removal of Ancient Human Remains.

If the landowner grants permission for excavation and removal, the Antiquities Section, or its agent, will conduct respectful and scientifically-sound investigations of the remains and will remove the remains from the site within five days of receiving permission to excavate. The Antiquities Section may establish a perimeter around the area of the remains for the protection of staff and the remains. Only Antiquities Section personnel and those individuals with permission from the Antiquities Section will be allowed into the area surrounding the remains until the excavation is completed. If agreed to by the landowner, an alternative agreement may be reached as provided for in Section 9-8a-309(3). If extraordinary circumstances as defined in Subsection 9-8-309(1)(c)(i) exist or arise requiring a time extension, the Antiquities Section will notify the landowner immediately.

If the landowner does not grant permission to excavate and remove the ancient human remains, the Antiquities Section will inform the landowner of the legal restrictions regarding human remains as specified in Section 76-5-802 and Section 76-5-803.

The Antiquities Section will have temporary custody of the remains to identify cultural affiliation and ownership. Those determined to be Native American will be subject to Title 9, Chapter 9, Part 4, Native American Grave Protection and Repatriation Act. For the purposes of determining ownership of remains excavated under Title 9, Chapter 9, Part 4, Native American Grave Protection and Repatriation Act, the Antiquities Section will serve in the capacity of the landowner and will make lineal descent and cultural affiliation ownership determinations in consultation with the Division of Indian Affairs and allowing interested individuals and tribes to assert claims of ownership.

KEY: ancient human remains, archaeology

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 9-8a-309; 9-9-403; 76-5-802; 76-5-803

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

Rule or section number:

R453-2

Filing ID: 57519

Agency Information

1. Title catchline:	Cultural and Community Engagement, Historic Preservation	
Street address:	3760 S Highland Drive	
City, state:	Salt Lake City, UT 84106	
Contact persons:		
Name:	Phone:	Email:
Heidi Tak	801-698-5567	hjtak@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R453-2. State Register for Historic Resources and Archaeological Sites	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 350 (2022 General Session)
4. Purpose of the new rule or reason for the change:	
The purpose of the change is to align this rule with the creation of the new office.	
5. Summary of the new rule or change:	
<p>This rule details the process of aligning the State and National Register of Historic Places.</p> <p>The existing rule, R455-6, was repealed and this new rule created to be used by the new office created by HB 350 passed in the 2022 General Session.</p> <p>Minimal changes have been made to adhere to the updated Rulewriting Manual for Utah guidelines.</p> <p>Contextual information remains the same.</p> <p>(EDITOR'S NOTE: The proposed repeal of Rule R455-6 is under ID 57514 in this issue, October 15, 2025, of the Bulletin.)</p>	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
<p>No fiscal impact.</p> <p>This new rule is being moved from the current Rule R455-6 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.</p>
B. Local governments:
<p>No fiscal impact.</p> <p>This new rule is being moved from the current Rule R455-6 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.</p>
C. Small businesses ("small business" means a business employing 1-49 persons):
<p>No fiscal impact.</p> <p>This new rule is being moved from the current Rule R455-6 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.</p>
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
<p>No fiscal impact.</p> <p>This new rule is being moved from the current Rule R455-6 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.</p>
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 fiscal impact.

This new rule is being moved from the current Rule R455-6 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

F. Compliance costs for affected persons:

No fiscal impact.

This new rule is being moved from the current Rule R455-6 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Cultural and Community Engagement, Donna Law, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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 9-8a-302	Section 9-8a-402	Section 9-8a-401
Section 9-8a-306	Section 9-8a-403	

Incorporation by Reference Information

8. Incorporation by Reference:

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	36 CFR 60.4 Criteria for evaluation
Publisher	National Park Service, Department of Interior
Issue Date	National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 <i>et seq.</i> , and E.O. 11593.
Issue or Version	07/18/2025 edition

Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.****A. Comments will be accepted until:** 11/14/2025**10. This rule change MAY become effective on:** 11/21/2025

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:	Donna Law, Executive Director	Date:	09/23/2025
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R453. Cultural and Community Engagement, Historic Preservation.**R453-2. State Register for Historic Resources and Archaeological Sites.****R453-2-1. Purpose.**

The purpose of this rule is to establish compatibility between the State and National Register and standards for state landmarks consistent with Sections 9-8a-306, 9-8a-401, 9-8a-402, and 9-8a-403.

R453-2-2. Definitions.

- (1) Terms used in this rule are defined in Section 9-8a-302 and Subsection 9-8a-402(1).
- (2) In addition:
 - (a) "office" means the State Historic Preservation Office;
 - (b) "director" means the director of the State Historic Preservation Office;
 - (c) "committee" means the National Register Review Committee; and
 - (d) "property owner" means those persons or entities holding fee simple title to the property.

R453-2-3. State Register for Historic Resources and Archaeological Sites.

(1) The State Register for properties and sites incorporates by reference, within this rule, 36 CFR 60.4, 2025 Edition for the selecting of properties and sites as historical places within Utah.

(2) Properties or sites recommended for National Register consideration shall automatically be listed on the State Register after they have been recommended by the National Register Review Committee for National Register listing and after the director has nominated them for listing on the National Register.

(3) Should a property or site be found to be ineligible for the National Register by the Keeper of the National Register, National Park Service, that property may be reviewed for removal from the State Register.

(4) Properties or sites may be removed from Century and State Registers only after notification to the owner and a hearing by the board, unless they have been entirely demolished, in which case they may be removed administratively by division staff following state procedures for removal.

R453-2-4. State Landmark Listing for Archaeological and Anthropological Sites and Localities.

Archaeological and anthropological sites of significance may be designated as Archaeological or Anthropological Landmarks by the National Register Review Committee after nomination and with the written consent of the property owner.

KEY: historic sites, national register, state register**Date of Last Change: 2025****Authorizing, and Implemented or Interpreted Law: 9-8a-302; 9-8a-306; 9-8a-401; 9-8a-402; 9-8a-403; 63G-4-102****NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** New

Rule or section number:	R453-3	Filing ID: 57520
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Agency Information

1. Title catchline:	Cultural and Community Engagement, Historic Preservation
Mailing address:	3760 S Highland Drive
City, state and zip:	Salt Lake City, UT 84106

Contact persons:

Name:	Phone:	Email:
Heidi Tak	801-698-5567	hjtak@utah.gov

Please address questions regarding information on this notice to the persons listed above.

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

R453-3. Preservation Easements

3. Are any changes in this filing because of state legislative action?

Changes are because of legislative action.

If yes, any bill number and session: HB 350 (2022 General Session)

4. Purpose of the new rule or reason for the change:

The purpose of the change is to align this rule with the creation of the new office.

5. Summary of the new rule or change:

This rule details the qualifications of accepting and handling preservation easements for historical properties.

The existing rule, R455-8, was repealed and this new rule created to be used by the new office created by HB 350 passed in the 2022 General Session.

Minimal changes have been made to adhere to the updated Rulewriting Manual for Utah guidelines.

Contextual information remains the same.

(EDITOR'S NOTE: The proposed repeal of Rule R455-8 is under ID 57515 in this issue, October 15, 2025, of the Bulletin.)

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

No fiscal impact.

This new rule is being moved from the current Rule R455-8 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

B. Local governments:

No fiscal impact.

This new rule is being moved from the current Rule R455-8 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

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

No fiscal impact.

This new rule is being moved from the current Rule R455-8 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

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

No fiscal impact.

This new rule is being moved from the current Rule R455-8 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

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 fiscal impact.

This new rule is being moved from the current Rule R455-8 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

F. Compliance costs for affected persons:

No fiscal impact.

This new rule is being moved from the current Rule R455-8 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Cultural and Community Engagement, Donna Law, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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 9-8a-503	Section 9-8a-504	
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	11/14/2025
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10. This rule change MAY become effective on:	11/21/2025
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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:	Donna Law, Executive Director	Date:	09/23/2025
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R453. Cultural and Community Engagement, Historic Preservation.**R453-3. Preservation Easements.****R453-3-1. Purpose.**

The purpose of this rule is to insure the adequate handling of preservation easements and their proper recording in accordance with Sections 9-8a-503 and 9-8a-504.

R453-3-2. Definitions.

Terms used in this rule are defined as:

- (1) "historical value" means a property on the State or National Register of Historic Places; and
- (2) "office" means the State Historic Preservation Office.

R453-3-3. Granting of an Easement to the Division.

(1) The office may accept easements under the following conditions:

(a) the property is on the National Register or State Register of Historic Places;

(b) the easement will be recorded with the proper county recorder's office;

(c) the preservation easement will prohibit demolition or alteration not in conformance with the Secretary of Interior's Standards for Rehabilitation;

(d) the easement shall be in place for as long as the owner specifies but for no less than that required by IRS rule, if any, or;

(e) the office shall acknowledge within 30 days acceptance or rejection of the easement.

KEY: historic preservation, historic sites**Date of Last Change: 2025****Authorizing, and Implemented or Interpreted Law: 9-8a-503; 9-8a-504****NOTICE OF SUBSTANTIVE CHANGE**

TYPE OF FILING: Repeal

Rule or section number:

R455-4

Filing ID: 57513

Agency Information

1. Title catchline:	Cultural and Community Engagement, History	
Street address:	3760 S Highland Dr	
City, state:	Salt Lake City, UT 84106	
Contact persons:		
Name:	Phone:	Email:
Heidi Tak	801-698-5567	hjtak@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	R455-4. Ancient Human Remains	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.	
If yes, any bill number and session:	HB 350 (2022 General Session)	
4. Purpose of the new rule or reason for the change:	The purpose of the change is to align this rule with the new office.	
5. Summary of the new rule or change:	This rule is being repealed in its entirety to create a new rule and rule sections for the new office of the State Historic Preservation Office created by HB 350 passed in the 2022 General Session.	

(EDITOR'S NOTE: The proposed new Rule R453-1 is under ID 57518 in this issue, October 15, 2025, of the Bulletin.)

Fiscal Information

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

A. State budget:

No fiscal impact.

This information is being moved to a new rule under Title R453.

B. Local governments:

No fiscal impact.

This information is being moved to a new rule under Title R453.

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

No fiscal impact.

This information is being moved to a new rule under Title R453.

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

No fiscal impact.

This information is being moved to a new rule under Title R453.

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 fiscal impact.

This information is being moved to a new rule under Title R453.

F. Compliance costs for affected persons:

No fiscal impact.

This information is being moved to a new rule under Title R453.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Cultural and Community Engagement, Donna Law, has reviewed and approved this regulatory impact analysis.

Citation Information**7. 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 9-8-309	Section 76-5-803	Section 76-5-802
Section 9-8-403		

Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.**

A. Comments will be accepted until: 11/14/2025

10. This rule change MAY become effective on: 11/21/2025

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:	Donna Law, Executive Director	Date:	09/16/2025
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R455. Cultural and Community Engagement, History.~~**R455-4. Ancient Human Remains.**~~~~**R455-4-1. General Authority.**~~

~~Section 9-8-309 defines the Antiquities Section's duties with respect to recovery, disposition, and determination of ownership of ancient human remains found on nonfederal lands that are not state lands in Utah.~~

~~**R455-4-2. Purpose.**~~

~~The primary purpose of the 9-8-309 and this rule is to assure that ancient human remains are given respectful, lawful, and scientifically sound treatment, that landowners are not harmed or burdened by a discovery of ancient human remains on their property, and to ensure that steps are taken to determine lawful ownership of recovered remains.~~

~~**R455-4-3. Definitions.**~~

~~A. "Antiquities Section" means the Antiquities Section of the Division of State History.~~

~~B. "ancient" means one hundred years of age or older.~~

~~C. "Native American" means of or relating to a tribe, people, or culture that is indigenous to the United States.~~

~~D. "human remains" means all or part of a physical individual, in any stage of decomposition, and objects on or in association with the physical individual that were placed there as part of the death rite or ceremony of a culture.~~

~~E. "nonfederal land" includes land owned or controlled by the state, a county, city, or town, an Indian tribe, if the land is not held in trust by the United States for the Indian tribe or the Indian tribe's members, a person other than the federal government; or school and institutional trust lands as defined in Section 53C-1-103.~~

~~F. "state land" means any land owned by the state including the state's legislative and judicial branches, departments, divisions, agencies, boards, commissions, councils, and committees, institutions of higher education as defined under Section 53B-3-102. "State land" does not include land owned by a political subdivision of the state, land owned by a school district; private land, school and institutional trust lands as defined in Section 53C-1-103.~~

~~G. "excavate" means the scientific disturbance or removal of surface or subsurface archaeological resources by qualified archaeologists in compliance with Title 9, Chapter 8, Part 3, Antiquities.~~

~~H. "Director" means the Director of the Utah Division of State History.~~

~~I. "local law enforcement agency" means the police department, sheriff's office, or other agency having jurisdiction.~~

R455-4-4. Response to Notification of a Discovery of Ancient Human Remains.

~~Human remains that are discovered in conjunction with a project or undertaking subject to Chapter 8, part 4 Historic Sites, or Section 106 of the National Historic Preservation Act, are the responsibility of the project proponents, not the Antiquities Section. The Antiquities Section may however advise, assist and cooperate with responsible agencies in meeting their obligations regarding ancient human remains. For ancient human remains recovered as part of a compliance project from lands covered by 9-8-309, the Antiquities Section will, following appropriate analyses, and if asked, assume the role of the landowner for purposes of determination of ownership as per Subsection 9-9-403(8).~~

~~Upon notification that ancient human remains have been discovered, the Antiquities Section will gather information and consult as necessary with affected agencies and individuals and within two business days determine a course of action with approval of the landowner to leave remains in place or excavate and remove remains, and notify the affected agencies and individuals of the decision.~~

R455-4-5. Excavation and Removal of Ancient Human Remains.

~~If the landowner grants permission for excavation and removal, the Antiquities Section or its agent will conduct respectful and scientifically sound investigations of the remains and will remove from the site the remains within five days of receiving permission to excavate. The Antiquities Section may establish a perimeter around the area of the remains for the protection of staff and the remains. Only Antiquities Section personnel and those individuals with permission from the Antiquities Section will be allowed into the area surrounding the remains until the excavation is completed. If agreed to by the landowner, an alternative agreement may be reached as provided for in 9-8-309(3). If extraordinary circumstances as defined in 9-8-309(1)(c)(i) exist or arise requiring a time extension, the Antiquities Section will notify the landowner immediately.~~

~~If the landowner does not grant permission to excavate and remove the ancient human remains, the Antiquities Section will inform the landowner of the legal restrictions regarding human remains as specified in Section 76-9-704.~~

~~Excavated human remains will be examined. Those determined to be Native American will be subject to Chapter 9, Part 4, Native American Grave Protection and Repatriation Act. For the purposes of determining ownership under the act, for all remains excavated under this part by the Antiquities Section, the Section will serve in the capacity of the landowner and will make lineal descent and cultural affiliation ownership determinations in consultation with the Division of Indian Affairs and allowing interested individuals and tribes to assert claims of ownership.~~

~~KEY: ancient human remains, archaeology~~

~~Date of Last Change: March 31, 2022~~

~~Notice of Continuation: January 27, 2021~~

~~Authorizing, and Implemented or Interpreted Law: 9-8-309; 9-8-403; 76-9-704]~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:	R455-6	Filing ID: 57514
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Agency Information

1. Title catchline:	Cultural and Community Engagement, History
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Street address:	3760 S Highland Dr
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City, state:	Salt Lake City, UT 84106
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Contact persons:		
-------------------------	--	--

Name:	Phone:	Email:
Heidi Tak	801-698-5567	hjtak@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R455-6. State Register for Historic Resources and Archaeological Sites	

3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
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If yes, any bill number and session:	HB 350 (2022 General Session)
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4. Purpose of the new rule or reason for the change:

The purpose of the change is to align this rule with the new office.
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5. Summary of the new rule or change:

This rule is being repealed in its entirety to create a new rule and rule sections for the new office of the State Historic Preservation Office created by HB 350 passed in the 2022 General Session.

(EDITOR'S NOTE: The proposed new Rule R453-2 is under ID 57519 in this issue, October 15, 2025, of the Bulletin.)

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

No fiscal impact.

This information is being moved to a new rule under Title R453.

B. Local governments:

No fiscal impact.

This information is being moved to a new rule under Title R453.

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

No fiscal impact.

This information is being moved to a new rule under Title R453.

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

No fiscal impact.

This information is being moved to a new rule under Title R453.

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 fiscal impact.

This information is being moved to a new rule under Title R453.

F. Compliance costs for affected persons:

No fiscal impact.

This information is being moved to a new rule under Title R453.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)**Regulatory Impact Summary Table**

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Cultural and Community Engagement, Donna Law, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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 9-8-302	Section 9-8-402	Section 9-8-401
Section 9-8-306	Section 9-8-403	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	11/14/2025
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10. This rule change MAY become effective on:	11/21/2025
--	------------

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:	Donna Law, Executive Director	Date:	09/16/2025
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R455. Cultural and Community Engagement, History.

~~[R455-6. State Register for Historic Resources and Archaeological Sites.~~

~~R455-6-1. Scope and Applicability.~~

~~Purpose: To establish compatibility between the State and National Register. To establish standards for state landmarks consistent with Sections 9-8-306, 9-8-401, 9-8-402 and 9-8-403.~~

~~R455-6-2. Definitions.~~

- ~~A. Terms used in this rule are defined in Section 9-8-302 and Subsection 9-8-402(1).~~
- ~~B. In addition:~~
 - ~~1. "division" means the Division of State History;~~
 - ~~2. "director" means the director of the Division of State History;~~
 - ~~3. "board" means the Board of State History; and~~
 - ~~4. "property owner" means those persons or entities holding fee simple title to the property.~~

~~R455-6-3. State Register for Historic Resources and Archaeological Sites.~~

- ~~1. The State Register for properties and sites incorporates by reference, within this rule, 36 CFR 60.4, 1996 Edition for the selecting of properties and sites as historical places within Utah.~~
- ~~2. Properties or sites recommended for National Register consideration shall automatically be listed on the State Register after they have been recommended by the Board of State History for National Register listing and after the State Historic Preservation Officer has nominated them for listing on the National Register.~~
- ~~3. Should a property or site be found to be ineligible for the National Register by the Keeper of the National Register, National Park Service, that property may be reviewed for removal from the State Register.~~
- ~~4. Properties or sites may be removed from Century and State Registers only after notification to the owner and a hearing by the board, unless they have been entirely demolished, in which case they may be removed administratively by division staff following state procedures for removal.~~

~~R455-6-4. State Landmark Listing for Archaeological and Anthropological Sites and Localities.~~

~~Archaeological and anthropological sites of significance may be designated as Archaeological or Anthropological Landmarks by the Board of State History after nomination and with the written consent of the property owner.~~

~~KEY: historic sites, national register, state register~~

~~Date of Last Change: March 31, 2022~~

~~Notice of Continuation: December 4, 2020~~

~~Authorizing, and Implemented or Interpreted Law: 9-8-302; 9-8-306; 9-8-401; 9-8-402; 9-8-403; 63G-4-102]~~

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal		
Rule or section number:	R455-8	Filing ID: 57515

Agency Information		
1. Title catchline:	Cultural and Community Engagement, History	
Street address:	3760 S Highland Dr	
City, state:	Salt Lake City, UT 84106	
Contact persons:		
Name:	Phone:	Email:
Heidi Tak	801-698-5567	hjtak@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information		
2. Rule or section catchline:		
R455-8. Preservation Easements		
3. Are any changes in this filing because of state legislative action?		Changes are because of legislative action.
If yes, any bill number and session:		HB 350 (2022 General Session)
4. Purpose of the new rule or reason for the change:		
The purpose of the change is to align this rule with the new office.		
5. Summary of the new rule or change:		
This rule is being repealed in its entirety to create a new rule and rule sections for the new office of the State Historic Preservation Office created by HB 350 passed in the 2022 General Session.		
(EDITOR'S NOTE: The proposed new Rule R453-3 is under ID 57520 in this issue, October 15, 2025, of the Bulletin.)		

Fiscal Information		
6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:		
A. State budget:		
No fiscal impact.		
This information is being moved to a new rule under Title R453.		
B. Local governments:		
No fiscal impact.		
This information is being moved to a new rule under Title R453.		

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

No fiscal impact.

This information is being moved to a new rule under Title R453.

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

No fiscal impact.

This information is being moved to a new rule under Title R453.

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 fiscal impact.

This information is being moved to a new rule under Title R453.

F. Compliance costs for affected persons:

No fiscal impact.

This information is being moved to a new rule under Title R453.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Cultural and Community Engagement, Donna Law, has reviewed and approved this regulatory impact analysis.

Citation Information**7. 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 9-8-503	Section 9-8-504	
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Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.****A. Comments will be accepted until:**

11/14/2025

10. This rule change MAY become effective on:

11/21/2025

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:**

Donna Law, Executive Director

Date:

09/16/2025

R455. Cultural and Community Engagement, History.~~**R455-8. Preservation Easements.**~~~~**R455-8-1. Scope and Applicability.**~~~~Purpose: to insure the adequate handling of preservation easements and their proper recording in accordance with Sections 9-8-503 and 9-8-504.~~~~**R455-8-2. Definitions.**~~~~Terms used in this rule are defined as:~~~~1. "historical value" means a property on the State or National Register of Historic Places; and~~~~2. "division" means the Division of State History or the Utah State Historical Society.~~~~**R455-8-3. Granting of an Easement to the Division.**~~~~A. The division may accept easements under the following conditions:~~~~1. the property is on the National Register or State Register of Historic Places;~~~~2. the easement will be recorded with the proper county recorder's office;~~~~3. the preservation easement will prohibit demolition or alteration not in conformance with the Secretary of Interior's Standards for Rehabilitation;~~~~4. the easement shall be in place for as long as the owner specifies but for no less than that required by IRS rule, if any;~~~~5. the division shall acknowledge within 30 days acceptance or rejection of the easement.~~~~**KEY: historic preservation, historic sites**~~~~**Date of Last Change: March 31, 2022**~~~~**Notice of Continuation: January 26, 2021**~~~~**Authorizing, and Implemented or Interpreted Law: 9-8-503; 9-8-504**~~**NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** Repeal**Rule or section number:****R455-9****Filing ID: 57512****Agency Information****1. Title catchline:**

Cultural and Community Engagement, History

Street address:

3760 S Highland Dr

City, state:

Salt Lake City, UT 84106

Contact persons:**Name:****Phone:****Email:**

Heidi Tak

801-698-5567

hjtak@utah.gov

Please address questions regarding information on this notice to the persons listed above.**General Information****2. Rule or section catchline:**

R455-9. Board of State History as the Cultural Sites Review Committee Review Board

3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 350 (2022 General Session)
4. Purpose of the new rule or reason for the change:	
The purpose of the change is to align with the current statute.	
5. Summary of the new rule or change:	
This rule is being repealed in its entirety because HB 350 passed in the 2022 General Session removed this responsibility from the Board of State History and established a National Register Review Committee directly in statute in Section 9-8a-204.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:					
A. State budget:					
No fiscal impact.					
This rule is now covered by statute.					
B. Local governments:					
No fiscal impact.					
This rule is now covered by statute.					
C. Small businesses ("small business" means a business employing 1-49 persons):					
No fiscal impact.					
This rule is now covered by statute.					
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):					
No fiscal impact.					
This rule is now covered by statute.					
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 fiscal impact.					
This rule is now covered by statute.					
F. Compliance costs for affected persons:					
No fiscal impact.					
This rule is now covered by statute.					
G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)					
Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Cultural and Community Engagement, Donna Law, has reviewed and approved this regulatory impact analysis.

Citation Information**7. 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 9-8-205	Subsection 9-8-205(1)	Subsection 9-8-205(d)
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Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.**

A. Comments will be accepted until:	11/14/2025
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10. This rule change MAY become effective on:	11/21/2025
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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:	Donna Law, Executive Director	Date:	09/16/2025
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R455. Cultural and Community Engagement, History.~~**R455-9. Board of State History as the Cultural Sites Review Committee Review Board.**~~~~**R455-9-1. Scope and Applicability.**~~

~~Rules for the Board of State History, those federal regulations regarding activities of the Cultural Sites Review Committee, Review Board as established by Subsection 9-8-205(1)(d).~~

~~**R455-9-2. Definitions.**~~

- ~~1. "board" means the Board of State History, which functions as the committee;~~
- ~~2. "committee" means the Cultural Sites Review Committee, Review Board which is established for the state to comply with the requirements of the National Historic Preservation Act of 1966 as amended and the appropriate Code of Federal Regulations as now constituted.~~

~~**R455-9-3. Applicable Federal Regulations.**~~

~~The committee shall comply with appropriate federal laws including 16 USC 470 the National Historic Preservation Act of 1966 as amended and the appropriate Code of Federal Regulations including 36 CFR 61.4 and 36 CFR 60 which are incorporated by reference.~~

~~**R455-9-4. Policy Exceptions.**~~

~~The National Park Service as the responsible federal agency for regulation regarding the committee may authorize exceptions consistent with their requirements regarding regulations relating to functions of the committee described in 36 CFR 61.4 and 36 CFR 60 as amended July 1, 1996.~~

KEY: historic preservation, cultural sites

Date of Last Change: March 31, 2022

NOTICES OF PROPOSED RULES

~~Notice of Continuation: December 4, 2020~~

~~Authorizing, and Implemented or Interpreted Law: 9-8-205(1); 9-8-205(d); 16 USC 470]~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R650-301

Filing ID: 57491

Agency Information

1. Title catchline:	Natural Resources, Outdoor Recreation	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 100	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Trevor Bird	801-538-5500	ttbird@utah.gov
Rachel Toker	385-303-1519	racheltoker@utah.gov
Jorge Vazquez	385-332-6177	jjvazquez@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R650-301. Off Highway Vehicle Recreation Grant Program	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 439 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
The purpose of the rule change is to align with HB 439, passed in the 2025 General Session, allowing for the Division of Outdoor Recreation (Division) flexibility to advance more than 25% of grant funds and requiring progress reports before additional payments.	
5. Summary of the new rule or change:	
HB 439 (2025) allows the Division to approve higher advance payments at its discretion and release subsequent funds based on satisfactory project progress.	
The rule change incorporates these provisions to improve project cash flow while maintaining accountability.	

Fiscal Information

6. 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, as this rule is instructional in nature and will have no impact on how the Division functions or the regulated entities.
B. Local governments:
This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures.
The amendments update existing practices without imposing new duties or costs. Local governments already operate under the same funding structures and processes reflected in the amended rule.

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

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

The amendments only update language to reflect current legislative requirements and do not introduce new fees, compliance requirements, or changes to funding opportunities that would affect small businesses.

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

This rule change is not expected to have a fiscal impact on non-small businesses' revenues or expenditures.

The amendments update this rule without altering existing practices, fees, or eligibility standards that apply to 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 a fiscal impact on persons other than small businesses', non-small businesses', state, or local government entities' revenues or expenditures.

The amendments update language to align with recent legislative changes; however, the practices and funding structures reflected in this rule were already in place prior to the legislative update.

Because the Division was already implementing these processes before the statutory change, there are no incremental costs or savings associated with this rule.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The amendments are instructional and clarify existing processes without creating new obligations or costs.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)**Regulatory Impact Summary Table**

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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 41-22-19	Subsection 41-22-19(6)	
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	11/14/2025
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10. This rule change MAY become effective on:	11/21/2025
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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:	Jason Curry, Director	Date:	08/18/2025
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R650. Natural Resources, Outdoor Recreation.**R650-301. Off-Highway Vehicle Recreation Grant Program.****R650-301-1. Authority.**

(1) This rule is established pursuant to Sections 41-22-1 and 41-22-19 and applies to the Off-Highway Vehicle Recreation Grant Program.

(2) This rule governs procedures for Off-Highway Vehicle Grant Program applications, eligibility, project selection, and reporting and reimbursement requirements.

R650-301-2. Definitions.

In addition to the terms defined in Section 41-22-2:

(1) "Director" means the Director of the Division of Outdoor Recreation.

(2) "Executive Director" means the Executive Director of the Department of Natural Resources.

(3)(a) "Off-Highway Vehicle Access Protection," as used in Section 41-22-19 and this rule, includes:

(i) efforts by a county or municipality to document the existence of public rights of way under Section 72-5-104;

(ii) litigation or other legal advocacy to protect existing public lands access for off-highway vehicles; or

(iii) other efforts that further the interests of preserving existing off-highway vehicle access on Utah's public lands.

(b) "Off-Highway Vehicle Access Protection," as used in Section 41-22-19 and this rule, does not mean lobbying or other political advocacy.

(4) "In-kind contribution" means labor, equipment use, materials, supplies, or other costs that the grant contract provides a grant recipient may contribute toward the total cost of a grant project, including:

(a) labor costs, the value of which are calculated at the rate equal to Independent Sector.org;

(b) equipment use, the value of which is calculated at an hourly rate set out in the grant contract for each piece of equipment used; or

(c) materials or supplies, the value of which are calculated based on the fair-market value of the materials or supplies provided as set out in the grant contract.

R650-301-3. Grant Application Form and Submission Procedure.

(1) The Division shall provide a grant application form which shall be posted on the Division's website and contain the following content:

(a) grant application submission instructions;

(b) grants available for application;

(c) grant eligibility criteria;

(d) instructions regarding submission of a project description, including submission of a description of a project timeline;

(e) instructions for providing an outlined budget for total project costs;

(f) instructions for providing an explanation of funding already procured for the project;

(g) instructions for providing an itemized budget showing the planned use of any granted funds;

(h) identification of documents and information the Division determines are necessary for its verification and review of the application; and

(i) the weighted scoring system set out in Section R650-301-7.

(2) The Division shall supply a paper application to any person or entity requesting a paper application.

(3)(a) Applicants shall submit completed grant applications to the Division by no later than 5 p.m. on March 31 and July 31, except for applications for grant funds for land acquisition, which applicants may submit to the Division anytime during the fiscal year.

(b) The Division may change the deadlines in [s] Subsection (3)(a) should the deadlines fall on a weekend or State or Federal holiday.

(c) The Division shall offer applicants an early review option and provide feedback to grant applicants.

~~(i)d~~ The Division shall publish on the application website, and in grant program materials, the deadline by which an applicant shall submit a grant application ~~[in order]~~ to receive early review.

~~(d)e~~ The Division shall review a final application for completeness and shall verify the application meets the requirements set out in Section 41-22-19 and this rule.

R650-301-4. Eligible Entities.

Grants may be awarded only to the following entities within the ~~[State of Utah]~~state:

- (1) Federal government agencies;
- (2) Utah State agencies;
- (3) Political subdivisions of the State; and
- (4) Organized user groups as defined in ~~[Section]~~Subsection 41-22-2(17).

R650-301-5. Off-Highway Vehicle Recreation Grant Project Eligibility Criteria.

(1) Except as provided in this rule, all granted funds require matching funding from the grant recipient.

(2) A grant recipient's matching funding may be in the form of cash, ~~[labor, equipment, or materials,]~~ or donations of land from a third party, or in-kind contributions when ~~[the cash, labor, equipment, materials, or]~~land is exclusively used for the proposed project.

(3)(a) Only labor hours spent directly advancing the proposed project may be used as a grant recipient's match.

(b) A grant recipient shall obtain the Division's approval of all labor hours proposed for use as the grant recipient's match before the grant recipient expends any labor hours on the proposed project.

(c) Donated ~~[materials and]~~land shall be valued at fair~~[-]~~market value based on an appraisal approved by the Division.

(4) Granted funds may be used:

(a) for the construction, improvement, operation, acquisition, or maintenance of publicly owned or administered Off-Highway Vehicle facilities, including Off-Highway Vehicle trails and public access facilities;

(b) for the mitigation of impacts associated with Off-Highway Vehicle use;

(c) for the education of Off-Highway Vehicle users;

(d) for Off-Highway Vehicle Access Protection;

(e) to support Off-Highway Vehicle search and rescue activities and programs;

(f) to promote and encourage Off-Highway Vehicle tourism; or

(g) for other uses that further the policy set forth in Section 41-22-1.

~~[(5) Granted funds may be used for tourism promotion of a destination area to increase visitation if:~~

~~_____ (a) the grant recipient is a county destination marketing organization or is partnered with one; and~~

~~_____ (b) the grant recipient provides a cash match of at least 25% of the total project costs.]~~

R650-301-6. Off-Highway Vehicle Access Protection Grants.

(1) Granted funds for Access Protection may be used:

(a) for projects that further the interest of preserving existing off-highway vehicle access on Utah's public lands;

(b) for projects that further the efforts of Utah counties or Utah municipalities to document the existence of public rights of way under Section 72-5-104; or

(c) if the project is one that includes costs related to litigation or other legal work, for a project where the Division, at its sole discretion, determines:

(i) that the Access Protection litigation or legal work is not unnecessarily duplicative of other Access Protection litigation or legal work already being undertaken, or that is expected to be undertaken, by another ~~[State]~~state agency or political subdivision;

(ii) that the Access Protection litigation or other legal work does not conflict with other Access Protection litigation or other legal work currently being undertaken, or that is expected to be undertaken, by another ~~[State]~~state agency or political subdivision; and

(iii) that the granted funds, when combined with the grant recipient's match, will be sufficient to produce a deliverable product that substantially advances the interests of Access Protection.

(2) No granted funds may be used:

(a) to bring suit, or assert any claim, against private landowners or any Utah State agency or political subdivision;

(b) for overhead expenses; or

(c) for travel expenses which the Division, at its sole discretion, determines are unnecessary or unreasonable.

R650-301-7. Method And Formula for Determining Grant Recipients.

(1) The Division shall:

(a) use a weighted scoring system to enable the Advisory Council to analyze, advise, and recommend grants for award and grant amounts; and

(b) make the scoring system available in the grant application.

(2) The scoring system shall assess and value various categories, including whether the proposed project will:

(a) fit within at least one of the categories described in Subsection R650-301-5(4);

(b) use granted funds in a manner considered reasonable and necessary as determined by a submitted budget or past project performance that demonstrates the applicant's fiscal integrity;

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- (c) offer partnerships and cooperative efforts for the project among agencies and users, including opportunities for cooperative funding;
- (d) be in a location that offers convenient proximity and access to users or has the potential to link with existing off-highway vehicle facilities;
- (e) have the potential for multiple-season use or uses available to multiple user groups; or
- (f) have a higher percentage of matching cash funding from the applicant.
- (3) The Advisory Council shall, upon receipt of a grant application from the Division:
 - (a) review and consider the grant application; and
 - (b) recommend to the Division whether granted funds should be awarded based on the ~~[weighted]~~ comprehensive scoring system identified in the grant application and according to the percentages outlined ~~[below]~~ in Subsections R650-301-5(7)(b)(i) through (v):
 - (i) Trail work and acquisition, a minimum of 49%;
 - (ii) Search and rescue, a maximum of 23%;
 - (iii) Education and ~~[access protection]~~ Access Protection, a maximum of 15%;
 - (iv) Snowmobile, a maximum of 10%; and
 - (v) OHV tourism promotion, a maximum of 3%.
- (4) The Director and Executive Director shall select and approve grant applications based on the weighted scoring system identified in the grant application, taking into consideration recommendations from Division staff and the Advisory Council, which may be in the form of joint or separate recommendations.
- (5) Within two weeks of the Director's and Executive Director's approvals, the Division shall notify applicants of the final decision on the applicant's grant application.
- (6) The Division shall inform successful applicants of the expected contractual requirements.
- (7) The Division shall inform unsuccessful applicants that their application was not successful.
- (8) The Division shall inform the Commission of grants selected for award~~[ed]~~.

R650-301-8. Reporting ~~[And]~~ and Reimbursement Cooperation Requirements.

- (1) Grant recipients shall provide any financial records related to the grant project upon the Division's request.
- (2) Grant recipients shall provide the Division with progress reports until the project is complete.
- (3) Grant recipients shall provide to the Division a description and an itemized report detailing the expenditure of granted funds or the intended expenditure of any unspent granted funds.
- (4) The reports referenced in ~~[subsections]~~ Subsections (2) and (3) shall be provided at least annually~~[s]~~.
- (5) Grant recipients shall submit a final report no later than 60 days after the grant contract has expired.
- (6) The final report shall clearly demonstrate, and provide assurances, that all granted funds disbursed to the grant recipient have been used for the purposes specified in the grant recipient's grant application and grant contract.
- (7) To request reimbursement for approved expenditures, grant recipients shall submit the following documentation to the Division:
 - (a) a reimbursement request on a form provided by the Division;
 - (b) copies of all invoices and evidence of payment, such as checks, bank statements, or receipts, as well as records of volunteer labor or other in-kind donations for work completed on the project;
 - (c) several photos or other documentation that show the project is complete;
 - (d) a final report with the description of the project and any other information requested by the Division; and
 - (e) any other documentation the Division deems necessary to ensure compliance with the grant contract.
- (8) If granted funds have been expended within the ~~[State]~~ state fiscal year (July-June), the reimbursement request referenced in ~~[subsection]~~ Subsection (7)(a) shall be submitted to the ~~[State]~~ state by June 15.
- (9)(a) The Division shall provide an upfront grant pursuant to the Subsection 41-22-19(2)(b) when:
 - (i) an entity eligible to receive an upfront grant submits to the Division a plan for a project or program consistent with a use described in Subsection 41-22-19(1)(b); and
 - (ii) the entity complies with all other requirements of this rule, including all application, contracting, matching, and reporting requirements.
- (b)(i) At its sole discretion, the Division may, before a project's completion, advance granted funds to a grant recipient that is not an entity described in Subsection 41-22-19(2)(b) At its sole discretion, the Division may advance no more than 75% of granted funds to the grant recipient before the project's completion if the grant recipient demonstrates it does not have the financial ability to pay project expenses during the contract period.
- (ii) The Division shall advance funding in increments of 25% of the total amount of granted funds, or a higher percentage at the discretion of the Division.
- (iii) if a grant recipient requests an advance payment of granted funds, the Division may, at its discretion, provide an initial advance of 25% of the total award upon execution of the grant contract. The Division may approve a higher percentage for the initial advance at its discretion.
- (iv) The Division may, at its discretion, advance additional increments of 25% of the total award amount, or a higher percentage, up to 100% of the total award. Each subsequent advance shall be contingent upon receipt of a progress report from a grant recipient demonstrating satisfactory level of completion of the portion of the project for which the Division provided any prior increments of advance funding. ~~[At its sole discretion, the Division may advance no more than 75% of granted funds to the grant recipient before the project's completion if the grant recipient demonstrates it does not have the financial ability to pay project expenses during the contract period.]~~
- (c) ~~[b]~~ Applicants shall state within the grant application that they intend to request advance granted funds.

([e]d) If the Division awards the grant, the grant recipient may request advance granted funds from the Division, outlining the need and expected use of the advanced granted funds for project costs incurred over ~~three~~^{twelve} months.

([d]e) If the Division advances granted funds, the grant recipient shall, in addition to the reporting requirements set out in Subsection (9), provide a progress report and an accounting of all project expenditures pursuant to timelines set out by the Division in the grant contract.

~~(e) The Division shall provide the balance of granted funds to the grant recipient after the completion of the project and only after a final accounting of total project costs that details the expenditure of all granted funds or the intended cost of any unspent advanced granted funds.]~~

(f) The grant contract shall provide any additional conditions that a grant recipient shall fulfill ~~in order~~ to receive advance granted funds, as well as any continuing obligations, including documentation requirements, that the grant recipient shall fulfill if advanced granted funds are received.

(10) Unless approved for an advance of granted funds pursuant to Subsection (9), the Division shall provide the balance of granted funds to the grant recipient after the completion of the project and only after a final accounting of total project costs that details the expenditure of all granted funds or the intended cost of any unspent advanced granted funds.

~~(11)(10)~~ All project expenditures shall occur during the contract period.

~~(12)(11)~~ The Division ~~shall~~^{may} not provide the grant recipient with any granted funds for costs accrued before or after the contract period.

~~(13)(12)~~ A grant recipient shall submit documentation for reimbursement within 60 days following the contract expiration, provided that the grant recipient incurred the expense during the contract period.

~~(14)(13)~~ The grant recipient shall provide a description and an itemized report detailing the expenditure of all granted funds expended during the contract period.

~~(15)(14)~~ The grant recipient shall return to the Division any advanced granted funds not spent on the project.

R650-301-9. Modifications To the Original Contract.

Modifications to an original grant contract may be made only by subsequent, written amendment, approved by the associate Division Director and the Director, and signed by all parties to the original grant contract.

KEY: outdoor recreation grants, off-highway vehicles, OHV

Date of Last Change: 2025|August 10, 2023|

Authorizing, and Implemented or Interpreted Law: 41-22-19

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R722-300

Filing ID: 57530

Agency Information

1. Title catchline:	Public Safety, Criminal Investigations and Technical Services, Criminal Identification	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 West	
City, state:	Taylorsville, UT 84129	
Mailing address:	4315 S 2700 W, Suite 1300	
City, state and zip:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Nicole Borgeson	801-281-5072	nshepherd@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	R722-300. Concealed Firearm Permit and Instructor Rule	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.	
If yes, any bill number and session:	HB 128 (2025 General Session)	

4. Purpose of the new rule or reason for the change:

This filing is being submitted to update statutory references changed upon passage of HB 128 during the 2025 General Session.

This filing also makes minor wording changes to comply with the Rulewriting Manual for Utah guidelines.

5. Summary of the new rule or change:

This filing amends statutory references that were changed upon passage of HB 128 (2025) and includes minor wording changes to ensure compliance with the Rulewriting Manual for Utah guidelines.

In addition, the rule changes the time frame from 60 days to 90 days prior to the date of eligibility for or expiration of a permit for the Bureau of Criminal Identification (bureau) to accept an application, and removes the language that requires the bureau and the Division of Substance Abuse and Mental Health to produce the Firearm Safety and Suicide Prevention video and make it available for viewing because the video has already been produced and made available for viewing.

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

The proposed rule amendment is not anticipated to have a fiscal impact on the state budget because the amendment only updates statutory references, extends the 60-day period to a 90-day period for the bureau to accept an application for a permit, removes obsolete language regarding the Firearm Safety and Suicide Prevention video, and modifies language to comply with the Rulewriting Manual for Utah guidelines.

B. Local governments:

The proposed rule amendment is not anticipated to have a fiscal impact on the local governments because the amendment only updates statutory references, extends the 60-day period to a 90-day period for the bureau to accept an application for a permit, removes obsolete language regarding the Firearm Safety and Suicide Prevention video, and modifies language to comply with the Rulewriting Manual for Utah guidelines.

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

The proposed rule amendment is not anticipated to have a fiscal impact on small businesses because the amendment only updates statutory references, extends the 60-day period to a 90-day period for the bureau to accept an application for a permit, removes obsolete language regarding the Firearm Safety and Suicide Prevention video, and modifies language to comply with the Rulewriting Manual for Utah guidelines.

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

The proposed rule amendment is not anticipated to have a fiscal impact on non-small businesses because the amendment only updates statutory references, extends the 60-day period to a 90-day period for the bureau to accept an application for a permit, removes obsolete language regarding the Firearm Safety and Suicide Prevention video, and modifies language to comply with the Rulewriting Manual for Utah guidelines.

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 proposed rule amendment is not anticipated to have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because the amendment only updates statutory references, extends the 60-day period to a 90-day period for the bureau to accept an application for a permit, removes obsolete language regarding the Firearm Safety and Suicide Prevention video, and modifies language to comply with the Rulewriting Manual for Utah guidelines.

F. Compliance costs for affected persons:

There are no compliance costs associated with this rule change because the amendment only updates statutory references, extends the 60-day period to a 90-day period for the bureau to accept an application for a permit, removes obsolete language regarding the Firearm Safety and Suicide Prevention video, and modifies language to comply with the Rulewriting Manual for Utah guidelines.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Commissioner of the Department of Public Safety, Beau Mason, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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 53-5a-301	Section 53-5a-302	Section 53-5a-303
Section 53-5a-304	Section 53-5a-305	Section 53-5a-306
Section 53-5a-307	Section 53-5a-308	Section 53-5a-309
Section 53-5a-310	Section 53-5a-311	Section 53-5a-312

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	11/14/2025
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10. This rule change MAY become effective on:	11/21/2025
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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:	Jason Ricks, BCI Division Director	Date:	09/30/2025
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R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.

R722-300. Concealed Firearm Permit and Instructor Rule.

R722-300-1. Purpose.

[The purpose of this rule is to establish procedures whereby the bureau administers the Concealed Firearms Act in accordance with Title 53, Chapter 5, Part 7, Concealed Firearms Act.] This rule establishes procedures for administering the Concealed Firearms Permit program in accordance with Title 53, Chapter 5a, Part 7, Concealed Firearms Permits.

R722-300-2. Authority.

This rule is authorized by Subsection ~~[53-5-704(17)]~~53-5a-303(18), which provides that the commissioner may make rules necessary to administer Title 53, Chapter ~~[5, Regulation of Firearms]~~5a, Firearms Law, and ~~[Section 53-5-707.6]~~Subsection 53-5a-309(3).

NOTICES OF PROPOSED RULES

R722-300-3. Definitions.

- (1) Terms used in this rule are defined in Sections ~~[53-5-702, 53-5-711, 76-10-501]~~ 53-5a-301, 53-5a-311, and 53-5a-101.5.
- (2) In addition:
- (a) "applicant" means an individual seeking to obtain or renew a permit, a temporary permit, an instructor certification, or an LEOJ permit from the bureau;
- (b) "certified firearms instructor" means an individual certified by the bureau pursuant to Subsection ~~[53-5-704(9)]~~ 53-5a-303(9) who can certify that an applicant meets the general firearm familiarity requirement under Subsection ~~[53-5-704(8)]~~ 53-5a-303(8);
- (c) "certified firearms instructor official seal" means a red, self-inking stamp containing the information required in Subsection ~~[53-5-704(11)(a)(iii)]~~ 53-5a-303(11)(a)(iii), which meets the design requirements described on the bureau's website;
- (d) "crime of violence" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States which has, as an element, the use, threatened use, or attempted use of physical force or a dangerous weapon;
- (e) "felony" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States for which the penalty is a term of imprisonment in excess of one year;
- (f) "FBI" means the Federal Bureau of Investigation;
- (g) "instructor certification" means a concealed firearm instructor certification issued by the bureau pursuant to Subsection ~~[53-5-704(9)]~~ 53-5a-303(9);
- (h) "LEOJ permit" means a permit to carry a concealed firearm issued to a judge or law enforcement official by the bureau pursuant to Section ~~[53-5-711]~~ 53-5a-311;
- (i) "nonresident" means a person who:
- (i) does not live in Utah; or
- (ii) has established a domicile outside Utah, as that term is defined in Section 41-1a-202;
- (j) "NRA" means the National Rifle Association;
- (k) "offense involving domestic violence" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States involving any of the conduct described in:
- (i) Section 77-36-1; or
- (ii) 18 U.S.C Subsection 921(a)(33);
- (l) "offense involving moral turpitude" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States involving conduct that:
- (i) is done knowingly contrary to justice, honesty, or good morals;
- (ii) has an element of falsification or fraud; or
- (iii) contains an element of harm or injury directed to another person or another's property;
- (m) "offense involving the use of alcohol" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States involving any of the conduct described in:
- (i) Section 32B-4-409;
- (ii) Section 32B-4-421;
- (iii) Subsection 41-6a-501(2) related to the use of alcohol;
- (iv) Section 41-6a-526; or
- (v) Section ~~[76-10-528]~~ 76-11-217 related to carrying a dangerous weapon while under the influence of alcohol;
- (n) "offense involving the unlawful use of narcotics or controlled substances" means:
- (i) any offense listed in Subsection 41-6a-501(2) involving the use of a controlled substance;
- (ii) any offense involving the use or possession of any controlled substance found in Title 58, Chapter 37, Utah Controlled Substances Act, Title 58, Chapter 37a, Utah Drug Paraphernalia Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act; or
- (iii) the crime of carrying a dangerous weapon while under the influence of a controlled substance pursuant to Section ~~[76-10-528]~~ 76-11-217;
- (o) "past pattern of behavior involving unlawful violence" means verifiable incidents, regardless of whether there has been an arrest or conviction, that would lead a reasonable person to believe that an individual has a violent nature and would be a danger to themselves or others, including an attempt or threat to commit suicide;
- (p) "permit" means a permit to carry a concealed firearm issued by the bureau pursuant to Section ~~[53-5-704 or 53-5-704.5]~~ 53-5a-303 or 53-5a-304;
- (q) "POST" means the Utah Department of Public Safety, Division of Peace Officer Standards and Training;
- (r) "revocation" means the permanent deprivation of a permit, instructor certification, or certificate of qualification, however revocation does not preclude an individual from applying for a new permit, instructor certification, or certificate of qualification if the reason for revocation no longer exists;
- (s) "suspension" means the temporary deprivation, for a specified period ~~[of time]~~, of a permit, instructor certification, or certificate of qualification; and
- (t) "temporary permit" means a temporary permit to carry a concealed firearm issued by the bureau pursuant to Section ~~[53-5-705]~~ 53-5a-305.

R722-300-4. Application for a Permit to Carry a Concealed Firearm.

- (1)(a) An applicant seeking to obtain a permit shall submit a completed permit application packet to the bureau.
- (i) The bureau may not accept an application more than:
- (A) ~~[60]~~ 90 days ~~[prior to]~~ before the applicant's date of permit eligibility; or

- (B) 90 days ~~[prior]~~ before a provisional permit holder's 21st birthday.
- (b) The permit application packet shall include:
- (i) a written application form provided by the bureau with the address of the applicant's permanent residence;
 - (ii) a photocopy of a state-issued driver license or identification card;
 - (iii) one recent color photograph of passport quality that contains the applicant's name written on the back of the photograph, unless the applicant submitted a photo that meets these requirements to the bureau within the previous three years;
 - (iv) one completed FBI applicant fingerprint card, Form FD-258, with the applicant's legible fingerprints;
 - (v) non-refundable fees as required under Sections ~~[53-5-707, 53-5-707.5]~~ 53-5a-307, 53-5a-308, and 53-10-108, and a fee for services provided by the FBI to conduct a federal background check as provided in Subsections ~~[53-5-707(6)(a) and 53-5-707.5(4)(a)]~~ 53-5a-307(6)(a) and 53-5a-308(4)(a), in the form of cash, check, money order, or credit card;
 - (vi) evidence indicating that the applicant has general familiarity with the types of firearms to be concealed as required by Subsection ~~[53-5-704(6)(d)]~~ 53-5a-303(6)(d);
 - (vii) any mitigating information that the applicant wishes the bureau to consider when determining whether the applicant meets the qualifications set forth in Subsection ~~[53-5-704(2)(a)]~~ 53-5a-303(2)(a); and
 - (viii) a copy of the applicant's current concealed firearm or weapon permit or provisional concealed firearm or weapon permit issued by the applicant's state of residency pursuant to Subsections ~~[53-5-704(4)(a) and 53-5-704.5(3)(a)]~~ 53-5a-303(4)(a) and 53-5a-304(3)(a), unless the applicant is an active duty service member who presents orders requiring the active duty service member to report for duty in Utah or an active duty service member spouse who presents the active duty service member's orders requiring the service member to report for duty in Utah.
- (2) An applicant may establish evidence of general familiarity with the types of firearms to be concealed as required in Subsection ~~[53-5-704(6)(d)]~~ 53-5a-303(6)(d) by submitting a signed certificate, issued within one year of the date of the application, bearing a certified firearms instructor's official seal, certifying that the applicant has completed the required firearms course of instruction established by the bureau.
- (3) If the applicant is employed as a law enforcement officer, the applicant:
- (a) may not be required to pay the application fee; and
 - (b) may establish evidence of general familiarity with the types of firearms to be concealed as required in Subsection ~~[53-5-704(6)(d)]~~ 53-5a-303(6)(d) by submitting documentation from a law enforcement agency located within Utah indicating that the applicant has successfully completed the firearm qualification requirements of that agency within the last five years.
- (4)(a) Upon receipt of a complete permit application packet, the bureau shall conduct a thorough background investigation to determine if the applicant meets the requirements found in Subsections ~~[53-5-704(2) and 53-5-704(3)]~~ 53-5a-303(2) and 53-5a-303(3).
- (b) The background investigation shall consist of the following:
- (i) sending the fingerprint card to the FBI for a review of the applicant's criminal history record pursuant to Section ~~[53-5-706]~~ 53-5a-306; and
 - (ii) verifying the accuracy of the information provided in the application packet through a search of local, state and national records that may include the following:
 - (A) the Utah Computerized Criminal History database;
 - (B) the National Crime Information Center database;
 - (C) the Utah Law Enforcement Information Network;
 - (D) state driver license records;
 - (E) the Utah Statewide Warrants System;
 - (F) juvenile court criminal history files;
 - (G) expungement records maintained by the bureau;
 - (H) the National Instant Background Check System;
 - (I) the Utah Gun Check Inquiry Database;
 - (J) Immigration and Customs Enforcement records;
 - (K) Utah Department of Corrections Offender Tracking System; and
 - (L) the Mental Gun Restrict Database.
- (5)(a) If the background check indicates that an applicant does not meet the qualifications set forth in Subsection ~~[53-5-704(2)(a)]~~ 53-5a-303(2)(a), the bureau shall consider any mitigating circumstances submitted by the applicant.
- (b) If the applicant does not meet the qualifications set forth in Subsection ~~[53-5-704(2)(a)]~~ 53-5a-303(2)(a) because the applicant has been convicted of a crime, the bureau may find that mitigating circumstances exist if the applicant was not convicted of a registerable sex offense, as defined in ~~[Subsection 77-41-102(17)]~~ Section 53-29-202 and the following time periods have elapsed from the date the applicant was convicted or released from incarceration, parole, or probation, whichever occurred last:
- (i) five years in the case of a class A misdemeanor;
 - (ii) four years in the case of a class B misdemeanor; or
 - (iii) three years in the case of any other misdemeanor or infraction.
- (c) Notwithstanding any other provision, the bureau may not grant a permit if the applicant does not meet the qualifications in Subsection ~~[53-5-704(2)(a)(viii)]~~ 53-5a-303(2)(a)(viii).
- (6)(a) If the bureau determines that the applicant meets the requirements found in Subsections ~~[53-5-704(2) and 53-5-704(3)]~~ 53-5a-303(2) and 53-5a-303(3), the bureau shall issue a permit to the applicant within 60 days.
- (b) The permit shall be mailed to the applicant at the address listed on the application.

NOTICES OF PROPOSED RULES

- (7)(a) If the bureau determines that the applicant does not meet the requirements found in Subsections ~~[53-5-704(2), 53-5-704(3), and 53-5-704(4)]~~53-5a-303(2), 53-5a-303(3), and 53-5a-303(4), the bureau shall mail a letter of denial to the applicant, return receipt requested.
- (b) The denial letter shall state the reasons for denial and ~~[indicate]~~state that the applicant has a right to request a review hearing before the board by filing a petition for review within 60 days as provided in Subsection ~~[53-5-704(16)]~~53-5a-303(16).

R722-300-5. Application for a Concealed Firearms Instructor Certification.

- (1)(a) An applicant seeking to be certified as a concealed firearms instructor shall submit a completed instructor certification application packet to the bureau.
- (b) The instructor certification application packet shall include:
- (i) a written instructor certification application form provided by the bureau with the applicant's residential or physical address and public contact information;
 - (ii) a photocopy of a state-issued driver license or identification card;
 - (iii) one recent color photograph of passport quality that contains the applicant's name written on the back of the photograph, unless the applicant submitted a photo that meets these requirements to the bureau within the previous five years;
 - (iv) a photocopy of a valid Utah concealed firearm permit;
 - (v) a non-refundable processing fee in the form of cash, check, money order, or credit card;
 - (vi) evidence that the applicant has completed a firearm instructor training course from the NRA or POST, or received training equivalent to one of these courses, as required by Subsection ~~[53-5-704(9)(a)(iii)]~~53-5a-303(9)(iii); and
 - (vii) evidence that the applicant has completed the course of instruction provided under the direction of the bureau and passed the certification test provided in Subsection ~~[53-5-704(9)(c)]~~53-5a-303(9)(c), within one year of the date of the application.
- (2)(a) An applicant who has not completed a firearm instructor training course from the NRA or POST, may meet the requirement in Subsection R722-300-5(1)(b)(v) by providing evidence that the applicant has completed a firearm instructor training course that is at least eight hours long and includes the following training components:
- (i) instruction and demonstration on:
 - (A) the safe, effective, and proficient use and handling of firearms;
 - (B) firearm draw strokes;
 - (C) the safe loading, unloading and storage of firearms;
 - (D) the parts and operation of a handgun;
 - (E) firearm ammunition and ammunition malfunctions, including misfires, hang fires, squib loads, and defensive or protection ammunition vs. practice ammunition;
 - (F) firearm malfunctions, including failure to fire, failure to eject, feed way stoppage and failure to go into battery;
 - (G) shooting fundamentals, including shooter's stance; and
 - (H) firearm range safety rules; and
 - (ii) a practical exercise with a proficiency qualification course consisting of not less than 30 rounds and a required score of 80% or greater to pass.
- (b) The evidence required in Subsection R722-300-5(2)(a) shall include a copy of the:
- (i) course completion certificate showing the date the course was completed and the number of training hours completed; and
 - (ii) training curriculum for the course completed.
- (3)(a) If the bureau determines that an applicant meets the requirements found in Subsection ~~[53-5-704(9)]~~53-5a-303(9), the bureau shall issue an instructor certification to the applicant.
- (b) An instructor certification identification card shall be mailed to the applicant at the residential or physical address listed on the application.
- (4)(a) If the bureau determines that the applicant does not meet the requirements found in Subsection ~~[53-5-704(9)]~~53-5a-303(9), the bureau shall mail a denial letter to the applicant, return receipt requested.
- (b) The denial letter shall state the reasons for denial and ~~[indicate]~~state that the applicant has a right to request a review hearing before the board by filing a petition for review within 60 days as provided in Subsection ~~[53-5-704(16)]~~53-5a-303(16).

R722-300-6. Renewal of a Concealed Firearms Permit or Concealed Firearms Instructor Certification.

- (1)(a) An applicant seeking to renew a permit or an instructor certification shall submit a completed renewal packet to the bureau.
- (b) The renewal packet for an applicant seeking to renew a permit shall include:
- (i) a written or electronic renewal form provided by the bureau with the current address of the applicant's permanent residence;
 - (ii) a copy of the applicant's current concealed firearm or weapon permit or provisional concealed firearm or weapon permit issued by the applicant's state of residency pursuant to Subsections ~~[53-5-704(4)(a) and 53-5-704.5(3)(a)]~~53-5a-303(4)(a) and 53-5a-304(3)(a), unless the applicant is an active duty service member who presents orders requiring the active duty service member to report for duty in Utah or an active duty service member spouse who presents the active duty service member's orders requiring the service member to report for duty in Utah;
 - (iii) one recent color photograph of passport quality:
 - (A) unless the licensee submitted a photo that meets these requirements to the bureau within the previous five years; and
 - (B) if the renewal application is not submitted electronically, the photo must contain the applicant's name written on the back of the photograph; and

(iv) a non-refundable processing fee in the form of cash, check, money order, or credit card, unless the applicant is an active duty service member who presents orders requiring the active duty service member to report for duty in Utah or an active duty service member spouse who presents the active duty service member's orders requiring the service member to report for duty in Utah.

(v) ~~[Prior to]~~Before renewal of a permit, an applicant shall watch the firearm safety and suicide prevention video described in Section R722-300-12, and affirm that the applicant has watched the video in connection with the application process.

(c) The renewal packet for an applicant seeking to renew an instructor certification shall include:

(i) a written or electronic renewal form provided by the bureau with the applicant's residential or physical address and the applicant's public contact information;

(ii) one recent color photograph of passport quality:

(A) unless the applicant submitted a photo that meets these requirements to the bureau within the previous three years; and

(B) if the renewal application is not submitted electronically, the photo must contain the applicant's name written on the back of the photograph;

(iii) a photocopy of a valid Utah concealed firearm permit;

(iv) a non-refundable processing fee in the form of cash, check, money order, or credit card; and

(v) evidence that the instructor has completed the course of instruction provided under the direction of the bureau and passed the certification test provided in Subsection ~~[53-5-704(9)(c)]~~53-5a-303(9)(c), within one year of the date of the application.

(vi) The course of instruction for instructor certification renewal may be completed in person or via an online training course administered by the bureau.

(2) A renewal packet may be submitted no earlier than ~~[60]~~90 days ~~[prior to]~~before the expiration of a current permit or certification.

(3)(a) A ~~late~~ fee will be collected for renewal packets submitted on a permit or an instructor certification that has been expired for more than 30 days but less than one year.

(b) Renewal packets for a permit or an instructor certification which has been expired for more than one year will not be accepted and the applicant will have to re-apply for a permit or an instructor certification.

(4) When renewing a permit or an instructor certification the bureau shall conduct a background investigation.

(5)(a) If the bureau determines that the applicant meets the requirements to renew a permit or an instructor certification, the bureau shall mail the renewed permit or instructor certification identification card to the applicant.

(b) The renewed permit or instructor certification identification card shall be mailed to the applicant at the address listed on the renewal application.

(6)(a) If the bureau determines that the applicant does not meet the requirements to renew a permit or an instructor certification, the bureau shall mail a denial letter to the applicant, return receipt requested.

(b) The denial letter shall state the reasons for denial and ~~[indicate]~~state that the applicant has a right to request a review hearing before the board by filing a petition for review within 60 days as provided in Subsection ~~[53-5-704(16)]~~53-5a-303(16).

(7) Provisional permits issued pursuant to Section ~~[53-5-704.5]~~53-5a-304 may not be renewed.

R722-300-7. Application for a Temporary Permit to Carry a Concealed Firearm.

(1)(a) To obtain a temporary permit an applicant shall submit a completed permit application packet to the bureau as provided by Section R722-300-4.

(b) In addition, the applicant shall provide written documentation to establish extenuating circumstances that would justify the need for a temporary permit to carry a concealed firearm.

(2) When reviewing an application for a temporary permit to carry a concealed firearm the bureau shall conduct the same background investigation as provided in Section R722-300-4.

(3)(a) If the bureau finds that extenuating circumstances exist to justify the need for a temporary permit, the bureau shall issue a temporary permit to the applicant.

(b) The temporary permit shall be mailed to the applicant at the address listed on the application.

(4) If the bureau finds that the applicant is otherwise eligible to receive a permit under Section ~~[53-5-704]~~53-5a-303, the bureau shall request that the applicant surrender the temporary permit ~~[prior to]~~before the issuance of the permit under Section ~~[53-5-704]~~53-5a-303.

R722-300-8. LEOJ Permits.

(1)(a) To obtain a LEOJ permit under Section ~~[53-5-711]~~53-5a-311, an applicant shall submit a completed permit application packet to the bureau as provided by Section R722-300-4.

(b) In addition, the applicant shall provide written documentation to establish to the satisfaction of the bureau that the applicant:

(i) is a law enforcement official or judge as defined in Section ~~[53-5-711]~~53-5a-311; and

(ii) has completed the course of training required by Subsection ~~[53-5-711(2)(b)]~~53-5a-311(2)(b).

(2) When reviewing an application for an LEOJ permit the bureau shall conduct the same background investigation as if the individual were seeking a permit.

(3)(a) If the bureau finds that the applicant meets the requirements found in Subsection ~~[53-5-711(2)]~~53-5a-311(2), the bureau shall issue an LEOJ permit to the applicant.

(b) The LEOJ permit shall be mailed to the applicant at the address listed on the application.

(4)(a) If the bureau finds that the applicant does not meet the requirements found in Subsection ~~[53-5-711(2)]~~53-5a-311(2), the bureau shall mail a denial letter to the applicant, return receipt requested.

(b) The denial letter shall state the reasons for denial and ~~[indicate]~~state that the applicant has a right to request a review hearing before the board by filing a petition for review within 60 days as provided in Subsection ~~[53-5-704(16)]~~53-5a-303(16).

NOTICES OF PROPOSED RULES

(5)(a) When the bureau receives notice that an LEOJ permit holder resigns or is terminated from a position as a law enforcement official or judge, the LEOJ permit will be revoked and the bureau shall issue a permit, pursuant to Section ~~[53-5-704]~~53-5a-303, if the former LEOJ permit holder otherwise meets the requirements found in that section.

(b) If a former LEOJ permit holder gains new employment as a law enforcement official or judge, the bureau shall re-issue an LEOJ permit.

R722-300-9. Suspension or Revocation of a Permit to Carry a Concealed Firearm, Concealed Firearms Instructor Certification, or an LEOJ Permit.

(1) A permit may be suspended or revoked for any of the following reasons:

(a) the bureau determines that the permit holder does not meet the requirements found in Subsection ~~[53-5-704(2)]~~53-5a-303(2);

(b) the bureau determines that the permit holder has committed a violation under Subsection ~~[53-5-704(3)]~~53-5a-303(3); or

(c) the permit holder knowingly and willfully provided false information on an application for a permit, or a renewal of a permit.

(2) An instructor certification may be suspended or revoked for any of the following reasons:

(a) the bureau determines that the instructor has become ineligible to possess a firearm ~~[under Section 76-10-506]~~pursuant to Title 76, Chapter 11, Part 3, Persons Restricted Regarding Dangerous Weapons, or federal law; or

(b) the instructor knowingly and willfully provided false information to the bureau.

(3) An LEOJ permit may be suspended or revoked for any of the following reasons:

(a) the bureau determines that an LEOJ permit holder is no longer employed as a law enforcement official or judge; or

(b) an LEOJ permit holder fails to provide proof of annual requalification by November 30 of each year as required by Section ~~[53-5-711]~~53-5a-311.

(4)(a) If the bureau suspends or revokes a permit, an instructor certification, or an LEOJ permit, the bureau shall mail a notice of agency action to the permit holder, instructor, or LEOJ permit holder, return receipt requested.

(b) The notice of agency action shall state the reasons for suspension or revocation and ~~[indicate]~~state that the permit holder, instructor, or LEOJ permit holder has a right to request a review hearing before the board by filing a petition for review within 60 days as provided in Subsection ~~[53-5-704(16)]~~53-5a-303(16).

R722-300-10. Review Hearing Before the Board.

(1)(a) Review hearings before the board shall be informal and be conducted in accordance with Section 63G-4-203.

(b) At the hearing, the bureau shall establish the allegations contained in the notice of agency action by a preponderance of the evidence.

(2) Upon request, an applicant, permit holder, instructor, or LEOJ permit holder who is seeking review before the board ~~[is entitled to]~~may review the materials in the bureau's file upon which the bureau intends to use in the hearing.

(3) In accordance with Section 63G-4-209 the board may enter an order of default against an applicant, permit holder, instructor, or LEOJ permit holder who fails to appear at the hearing.

(4) Within 30 days of the date of the hearing the board shall issue an order that:

(a) states the board's decision and the reasons for the board's decision; and

(b) indicates that the applicant, permit holder, instructor, or LEOJ permit holder has a right to appeal the decision of the board by filing a petition for judicial review within 30 days as provided in Section 63G-4-402.

R722-300-11. Records Access.

(1)(a) Information, except for the name of certified instructors and their public contact information, provided to the bureau by an applicant shall be considered "private" in accordance with Subsection 63G-2-302(2)(d).

(b) The name of certified instructors and their public contact information shall be considered public information.

(2) Information gathered by the bureau and placed in an applicant's file shall be considered "protected" in accordance with Subsection 63G-2-305(9).

(3) When a permit has been issued to an applicant, the names, address, telephone numbers, dates of birth, and Social Security numbers of the applicant are protected records pursuant to Section ~~[53-5-708]~~53-5a-310.

R722-300-12. Firearm Safety and Suicide Prevention Video.

(1) The bureau shall meet with the Division of Substance ~~[Abuse]~~Use and Mental Health as needed to approve concepts and scripts for a firearm safety and suicide prevention video to ensure compliance with Section ~~[53-5-707-6]~~53-5a-309.

(2) ~~[Once concepts and scripts are established, the bureau and the Division of Substance Abuse and Mental Health will produce the video and make it available for viewing.]~~

~~_____~~ (3) The firearm safety and suicide prevention video will be made available to an applicant seeking renewal of their concealed firearm permit:

(a) online, in connection with an electronic or mail in renewal; or

(b) at the bureau's office location for an applicant who appears in person to renew.

KEY: concealed firearm permits, concealed firearm permit instructors

Date of Last Change: ~~[December 9, 2024]~~2025

Notice of Continuation: March 20, 2025

Authorizing, and Implemented or Interpreted Law: ~~[53-5-701 through 53-5-712]~~53-5a-301 through 53-5a-312

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Repeal**Rule or section number:****R746-510****Filing ID: 57527****Agency Information**

1. Title catchline:		Public Service Commission, Administration	
Building:		Heber M. Wells Building	
Street address:		160 E 300 S, 4th Floor	
City, state:		Salt Lake City, UT	
Mailing address:		PO Box 144558	
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 persons listed above.			

General Information

2. Rule or section catchline:
R746-510. Funding for Speech and Hearing Impaired Certified Interpreter Training
4. Purpose of the new rule or reason for the change:
The Public Service Commission (PSC) has not had a "contract" (as defined in the rule) with an eligible "recipient" (as defined by the rule) since 12/31/ 2021, and therefore, concludes that it no longer serves a purpose.
5. Summary of the new rule or change:
This rule is repealed in its entirety.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
Repeal of this rule will have no cost impact.
Repeal of this rule could theoretically result in a savings because the Universal Public Telecommunications Service Support Fund, which is the fund from which any costs associated with the rule originate, will no longer be accessed for the services provided under this rule.
B. Local governments:
Repeal of this rule will have no cost or savings impact because the funds in this rule have not been utilized for the past four years.
C. Small businesses ("small business" means a business employing 1-49 persons):
Repeal of this rule will have no cost or savings impact because the funds in this rule have not been utilized for the past four years.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
Repeal of this rule will have no cost or savings impact because the funds in this rule have not been utilized for the past four years.

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**):

Repeal of this rule will have no cost or savings impact because the funds in this rule have not been utilized for the past four years.

F. Compliance costs for affected persons:

Repeal of this rule will have no cost or savings impact because the funds in this rule have not been utilized for the past four years.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Chair of the Public Service Commission, Jerry D. Fenn, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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 54-8b-10(5)(e)		
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	11/14/2025
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10. This rule change MAY become effective on:	11/21/2025
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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:	Jerry D. Fenn, PSC Chair	Date:	09/26/2025
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R746. Public Service Commission, Administration.

~~**R746-510. Funding for Speech and Hearing Impaired Certified Interpreter Training.**~~

~~**R746-510-1. Authority and Purpose.**~~

~~A. Authority — This rule is authorized by 54-8b-10(6) which requires the Public Service Commission to adopt rules in accordance with its responsibilities.~~

~~B. Purpose — The purpose of this rule is to establish uniform administrative requirements for the distribution of funds from the telephone surcharge to be awarded by contract to institutions within the state system of higher education, or to the Division of Services to the Deaf and Hard of Hearing, for training persons to qualify as certified interpreters for deaf, hard of hearing or severely speech impaired persons, pursuant to 54-8b-10(5)(e).~~

~~R746-510-2. Definitions.~~

~~A. Definitions — The meaning of terms used in these rules shall be consistent with the definitions provided in 54-8b-10(1) or these rules. As used in these rules, the following definitions shall apply:~~

~~1. "Certified Interpreter" means a person who is certified as meeting the certification requirements of Title 35A, Chapter 13, Part 6, the Interpreter Services for the Deaf and Hard of Hearing Act.~~

~~2. "Contract" means an award of a contractual agreement by the Commission to an eligible recipient.~~

~~3. "DaHH Division" means the Division of Services for the Deaf and Hard of Hearing, as created by 35A-13-502.~~

~~4. "Recipient" means the legal entity to which a contract is awarded and which is accountable for the use of the funds provided. The recipient is the entire legal entity even if a particular component of the entity is designated in the contract document. The term "recipient" shall also include all subcontractors.~~

~~5. "Subcontractor" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity, who has a contract with any recipient to perform any portion of the services or work required under a contract. A "subcontractor" does not include suppliers who provide property, including equipment, materials, and printing to a recipient or subcontractor.~~

~~R746-510-3. Eligibility Requirements.~~

~~A. Eligibility — An organization is eligible if it is:~~

~~1. an institution within the state system of higher education listed in Section 53B-1-102 that offers a program approved by the Board of Regents for training persons to qualify as certified interpreters; or~~

~~2. the DaHH Division.~~

~~R746-510-4. Proposal and Funding.~~

~~A. Process — The Commission will solicit proposals in conformity to the Utah Procurement Code, Title 63G, Chapter 6a, and applicable rules:~~

~~1. Eligible organizations shall submit a proposal to request funding.~~

~~2. Funds will be disbursed pursuant to the terms of contracts that may be negotiated from the proposals submitted.~~

~~3. Contracts, allocations and distributions shall be at the discretion of the Commission.~~

~~R746-510-5. Subcontractors.~~

~~A. Identification of subcontractors — A proposal may not include subcontract work covered by this rule unless:~~

~~1. the subcontractor is specifically identified in the proposal;~~

~~2. the subcontractor complies with all applicable Board requirements;~~

~~3. the proposal provides the same information for each subcontractor in the same manner as if the subcontract work was procured directly by the Commission;~~

~~4. the proposal includes a copy of all subcontractor contracts; and~~

~~5. all subcontractors look solely to recipient for payment.~~

~~R746-510-6. Accountability.~~

~~A. On-site visits — In addition to any request for proposal or contract requirements, organizations that seek or have a contract will permit the Commission, its representatives or its designees to visit prior to and during a contract period to evaluate the organization's effectiveness and preparedness.~~

~~B. Recipient Report Filing — A recipient receiving funding shall file an annual report with the Commission on or before July 1 for the preceding year.~~

~~C. Report contents — The annual report shall contain the following information:~~

~~1. a budget expenditure report and income source report; and~~

~~2. description of its program, which includes, but is not limited to, the number of students and teachers served, the graduation rate and the number of students who become certified as a certified interpreter, employment information for graduating students and those who become certified interpreters;~~

~~3. a description of services provided by the recipient pursuant to the contract, and if requested, copies of any and all materials developed; and~~

~~4. other information which may be specified in the contract.~~

~~R746-510-7. General Administrative Responsibilities.~~

~~A. Administration — A recipient shall comply with applicable statutes, regulations, and the contract, and shall use funds in accordance with those statutes, regulations, and the contract.~~

~~B. Supervision — A recipient shall directly supervise the administration of the contract and funds received.~~

~~C. Accounting — A recipient shall use fiscal control and fund accounting procedures that ensure proper disbursement of and accounting for funds received.~~

NOTICES OF PROPOSED RULES

~~R746-510-8. Records.~~

- ~~A. Records — In addition to any contract requirement,~~
- ~~1. A recipient shall keep records that record:~~
 - ~~a. The amount of funds awarded and received under the contract;~~
 - ~~b. How the recipient uses the funds;~~
 - ~~c. The total cost of the proposal;~~
 - ~~d. The share of the costs provided from other sources and identification of such sources;~~
 - ~~e. The identity of students participating in a program supported by the contract; and~~
 - ~~f. Other records to facilitate an effective audit.~~
 - ~~2. A recipient shall keep records that demonstrate its compliance with contract and rule requirements.~~
 - ~~3. A recipient is responsible for managing and monitoring each program supported by the contract.~~
- ~~B. Retention and Access Requirements for Records —~~
- ~~1. All financial records, supporting documents, statistical records, and all other records pertinent to a contract shall be retained for a period consistent with the Government Records Access and Management Act, Title 63G, Chapter 2 and any term specified in a contract.~~
 - ~~2. The Commission or any of its duly authorized representatives or designees, have the right of timely and unrestricted access to any books, documents, papers, or other records of recipients that are pertinent to the contracts, in order to make audits, examinations, excerpts, transcripts, and copies of documents. This right also includes timely and reasonable access to a recipient's personnel for the purpose of interview and discussion related to these documents and a contract program. The rights of access are not limited to the required retention period, but shall last as long as records are retained.~~
 - ~~3. All procurement records shall be retained and disposed of in accordance with the Government Records Access and Management Act, Title 63G, Chapter 2.~~

~~R746-510-9. Termination of Awards.~~

- ~~A. Termination of Contracts — Contracts may be terminated in whole or in part:~~
- ~~1. By the Commission if a recipient fails to comply with the terms and conditions of a contract; or~~
 - ~~2. With the consent of the Commission; or~~
 - ~~3. Pursuant to the terms of a contract.~~
 - ~~4. No provision of this rule shall preclude or prevent the Commission from terminating or modifying a contract for any reason or means not listed in this rule.~~

~~R746-510-10. Enforcement.~~

- ~~A. Enforcement — If a recipient fails to comply with the terms and conditions of a contract, in addition to any remedy provided by law or contract, the Commission may take one or more of the following actions, as the Commission may deem appropriate in the circumstances:~~
- ~~1. Withhold payments pending correction of the deficiency by the recipient or more severe enforcement action by the Commission.~~
 - ~~2. Deny the use of contract funds for all or part of the cost of the activity or action not in compliance.~~
 - ~~3. Wholly or partly suspend or terminate the current contract.~~
 - ~~4. Or any other action which the Commission may determine appropriate.~~

~~KEY: speech impaired, hearing impaired, training, interpreters~~

~~Date of Last Change: August 25, 2005~~

~~Notice of Continuation: July 27, 2020~~

~~Authorizing, and Implemented or Interpreted Law: 54-8b-10(5)(c)~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R765-431

Filing ID: 57524

Agency Information

Agency information		
1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu

Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R765-431. State Authorization Reciprocity Agreement Rule
4. Purpose of the new rule or reason for the change:
The purpose of this filing is to update Rule R765-431 based on the Office of the Commissioner of Higher Education's five-year policy review.
These changes include updating requirements related to notification, surety bonds, certificates of deposit, or irrevocable letters of credit amounts to align with the Utah Department of Commerce surety amounts and nonsubstantive edits for clarity and consistency.
5. Summary of the new rule or change:
The changes to Rule R765-431 include updating requirements related to notification, surety bonds, certificates of deposit, or irrevocable letters of credit amounts to align with the Utah Department of Commerce surety amounts and nonsubstantive edits for clarity and consistency.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The amendment affects only the institutions of higher education that participate in the State Authorization Reciprocity Agreement (SARA) and has no fiscal impact on the state budget.
B. Local governments:
The amendment affects only the institutions of higher education that participate in SARA and has no fiscal impact on local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
The amendment affects only the institutions of higher education that participate in SARA and has no fiscal impact on small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The amendment affects only the institutions of higher education that participate in SARA and has no fiscal impact on 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):
The amendment affects only the institutions of higher education that participate in SARA and has no fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.
F. Compliance costs for affected persons:
The amendment requires the institutions of higher education that participate in SARA that have a financial responsibility composite score from the Department of Education between 1.0 and 1.5 to satisfy updated surety, certificate of deposit, or irrevocable letter of credit requirements.
The surety, certificate of deposit, or irrevocable letter of credit requirements shall be for an amount based on the institution's Gross Tuition Revenue according to the following amounts.

(1) For institutions with a Gross Tuition Revenue amount between \$0.00-\$50,000 the maximum amount of surety bond, certificate of deposit, or irrevocable letter of credit is \$12,500.

(2) For institutions with a Gross Tuition Revenue amount between \$50,000.01-\$100,000 the maximum amount of surety bond, certificate of deposit, or irrevocable letter of credit is \$25,000.

(3) For institutions with a Gross Tuition Revenue amount between \$100,000.01-\$200,000 the maximum amount of surety bond, certificate of deposit, or irrevocable letter of credit is \$50,000.

(4) For institutions with a Gross Tuition Revenue amount between \$200,000.01-\$300,000 the maximum amount of surety bond, certificate of deposit, or irrevocable letter of credit of \$75,000.

(5) For institutions with a Gross Tuition Revenue amount between \$300,000.01-\$400,000 the maximum amount of surety bond, certificate of deposit, or irrevocable letter of credit of \$100,000.

(6) For institutions with a Gross Tuition Revenue amount between \$400,000.01-\$500,000 the maximum amount of surety bond, certificate of deposit, or irrevocable letter of credit of \$125,000.

(7) For institutions with a Gross Tuition Revenue amount between \$500,000.01-\$1,000,000 the maximum amount of surety bond, certificate of deposit, or irrevocable letter of credit of \$250,000.

(8) For institutions with a Gross Tuition Revenue amount between \$1,000,000.01-\$2,000,000 the maximum amount of surety bond, certificate of deposit, or irrevocable letter of credit of \$500,000.

(9) For institutions with a Gross Tuition Revenue amount between \$2,000,000.01-\$5,000,000 the maximum amount of surety bond, certificate of deposit, or irrevocable letter of credit of \$1,250,000.

(10) For institutions with a Gross Tuition Revenue amount between \$5,000,000.01-\$10,000,000 the maximum amount of surety bond, certificate of deposit, or irrevocable letter of credit of \$2,500,000.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Utah Commissioner of Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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 53B-16-109		
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:

11/14/2025

10. This rule change MAY become effective on:

11/21/2025

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:

Alison Adams, Board Secretary and Designee	Date:	09/12/2025
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R765. Higher Education (Utah Board of), Administration.**R765-431. State Authorization Reciprocity Agreement Rule.****R765-431-1. Purpose and Authority.**

The purpose of this rule is to administer a state authorization reciprocity agreement as authorized by Section 53B-16-109.

R765-431-2. Definitions.

In addition to the definitions set forth in Subsection 53B-16-109(1), the following definitions shall apply to this rule:

- (1) "OCHE" means the Office of the Commissioner of Higher Education.
- (2) "NC-SARA" means the National Council for State Authorization Reciprocity Agreements.
- (3) "SARA" means the State Authorization Reciprocity Agreement overseen by NC-SARA and administered by four regional higher education compacts, including WICHE.
- (4) "SARA portal agency" means the single agency designated by each SARA member state to serve as the interstate point of contact for SARA questions, complaints, and other communications.
- (5) "WICHE" means the Western Interstate Commission for Higher Education.

R765-431-3. Applications for Institutional Participation in SARA.

- (1) An institution desiring to participate in SARA shall submit to OCHE the following:
 - (a) a completed Application and Approval Form for Institutional Participation in SARA that is approved by NC-SARA;
 - (b) payment of the fee established by OCHE for administering SARA; and
 - (c) the following documents verifying the statements made in the application:
 - (i) evidence supporting the institution's statement that its principal campus or central administrative unit is located in Utah and that it is authorized to operate in Utah;
 - (ii) evidence supporting the institution's statement that it is a degree-granting institution that is accredited by an accrediting body recognized by the U.S. Secretary of Education;
 - (iii) evidence that the institution has disaster recovery protocols for protection of student records;
 - (iv) evidence showing:
 - (A) each student is informed, before completing the enrollment process for an online course or program, of the student consumer complaint processes available to the student; and
 - (B) the student complaint processes are clearly defined and can be used electronically;
 - (v) evidence showing that each student ~~[is informed]~~, before completing the enrollment process for an educational ~~[online course or]~~ program that ~~[customarily leads]~~ is designed to meet educational requirements for a specific ~~[to]~~ professional licensure or certification, or is advertised as meeting such requirements, ~~[whether or not the course or program meets licensure requirements in the state where the student resides]~~ is located in a state or U.S. territory where the educational programs meets professional licensure or certification educational requirements ~~[or, if unknown, each student is provided the contact information for the appropriate state licensing board or boards];~~
 - (vi) if an educational program is designed to meet educational requirements for a specific professional license or certification that is required for employment in an occupation, or is advertised as meeting such requirements, a list of all states and U.S. territories where the institution has determined that the program does and does not meet such requirements;
 - (vii) evidence of tuition assurance funds, surety bonds, teach-out provisions, or other assurances that OCHE deems sufficient to protect students that shows that the institution is capable of fulfilling its obligation with OCHE to provide a reasonable alternative for delivering the instruction or reimbursement of reasonable compensation in the event the institution cannot fully deliver the instruction for which the students have contracted; and

NOTICES OF PROPOSED RULES

(viii) for a non-public institution, evidence of the institution's financial responsibility index score from the Department of Education that is 1.5 or above, or if its score is between 1.0 and 1.5, evidence that the institution has obtained the surety required in Section R765-431-4. A non-public institutions with a score below 1.0 ~~may~~ will not be eligible to participate in SARA.

(2) Institutions desiring to continue participating in SARA after one year of the initial application shall submit to OCHE annually thereafter the following:

(a) a completed UT SARA renewal application that includes a Renewal Application for Institutional Participation in SARA that is approved by NC-SARA within 30 days of receipt of notice from NC-SARA for opportunity to renew ~~from NC-SARA~~;

(b) payment of the fee established by OCHE for administering SARA; and

(c) the following documents verifying the statements made in the application:

(i) evidence that the institution's principal campus or central administrative unit remains located in Utah and that the institution continues to be authorized to operate in Utah;

(ii) evidence that the institution retains its accreditation by an accrediting body recognized by the U.S. Secretary of Education; and

(iii) for a non-public institution, evidence of the institution's financial responsibility index score from the Department of Education.

(3) OCHE shall return the UT SARA application to the institution no later than 30 days after receipt of the initial or renewal application if further information is required from the institution. OCHE shall notify the institution no later than 30 days [after receipt of the initial or renewal application] before an institution's NC-SARA renewal date of its decision to approve, place on provisional, or deny, the UT SARA application. [or return the application for further information.]

(4) If an institution's initial or renewal application is denied, OCHE shall provide to the applicant a written reason for the denial.

(5) If any information contained in the initial or renewal application becomes incorrect or incomplete while it is in effect, the institution shall, within 30 days after the information becomes incorrect or incomplete, correct the application or file the complete information as required by OCHE.

R765-431-4. Surety Requirements for An Institution with a Low Financial Responsibility ~~Index~~ Composite Score.

(1) An institution with a financial responsibility ~~index~~ composite score (FRCS) from the Department of Education between 1.0 and 1.5 shall satisfy the requirement that it is sufficiently financially stable to participate in SARA by submitting with its application a surety in the form of a bond, certificate of deposit, or irrevocable letter of credit.

(2) The surety bond, certificate of deposit, or irrevocable letter of credit shall be for an amount based on the institution's gross tuition revenue, according to the following table: [amount of the surety shall be:]

<u>TABLE</u> <u>Amount of Surety Bond, Certificate of Deposit, or Irrevocable</u> <u>Letter of Credit</u>	
<u>Gross Tuition Revenue</u>	<u>Maximum Amount</u>
<u>\$0.00 - \$50,000</u>	<u>\$12,500</u>
<u>\$50,000.01 - \$100,000</u>	<u>\$25,000</u>
<u>\$100,000.01 - \$200,000</u>	<u>\$50,000</u>
<u>\$200,000.01 - \$300,000</u>	<u>\$75,000</u>
<u>\$300,000.01 - \$400,000</u>	<u>\$100,000</u>
<u>\$400,000.01 - \$500,000</u>	<u>\$125,000</u>
<u>\$500,000.01 - \$1,000,000</u>	<u>\$250,000</u>
<u>\$1,000,000.01 - \$2,000,000</u>	<u>\$500,000</u>
<u>\$2,000,000.01 - \$5,000,000</u>	<u>\$1,250,000</u>
<u>\$5,000,000.01 - \$10,000,000 or greater</u>	<u>\$2,500,000</u>

~~_____ (a) \$187,500 for an institution expecting to enroll more than 100 separate individual students, which are non-duplicated enrollments, during the year it is applying to participate in SARA;~~

~~_____ (b) \$125,000 for an institutions expecting to enroll between 50 and 99 separate individual students during the year it is applying to participate in SARA;~~

~~_____ (c) \$62,500 for an institutions expecting to enroll less than 50 separate individual students during the year it is applying to participate in SARA; and~~

~~_____ (d) \$12,500 for an institution that is able to establish that its gross tuition income from any source during the year it is applying to participate in SARA will be less than \$25,000.]~~

(3) The obligation of the surety shall be that the institution, its officers, agents, and employees will:

(a) faithfully perform the terms and conditions of its application to participate in SARA; and

(b) conform to the standards and requirements required for participation in SARA.

(4) The bond, certificate of deposit, or letter of credit shall be in a form approved by OCHE and issued by a company authorized to do such business in Utah.

(5) The bond, certificate of deposit, or letter of credit shall be payable to OCHE to be used to satisfy any costs, losses, or damages resulting from the institution's failure to meet any of its obligations as a participant in SARA.

(6) The surety company may not be relieved of liability on the surety unless it gives the institution and OCHE 90 calendar days' notice by certified mail of the company's intent to cancel the surety.

(7) If at any time the company that issued the surety cancels or discontinues the coverage, the institution's eligibility to participate in SARA is automatically revoked as a matter of law on the effective date of the cancellation or discontinuance of surety coverage unless a replacement surety is obtained on or before the cancellation date of the original coverage and provided to OCHE.

R765-431-5. Revocation of Eligibility to Participate in SARA.

(1) An institution's eligibility to participate in SARA may be revoked by OCHE upon its finding that:

(a) the institution's application contains material representations which are incomplete, improper, or incorrect;

(b) the institution failed to perform as represented in its applications;

(c) the institution violated any of the policies and procedures of OCHE as they relate to SARA;

(d) the institution violated any of the policies and procedures of NC-SARA~~[-or any of the four regional compacts administering SARA];~~

(e) the institution failed to maintain an adequate financial responsibility ~~[index]~~ composite score from the Department of Education;

(f) the institution has engaged in any dishonest or fraudulent activity; or

(g) the institution failed to comply with any laws in this state or another state that affect its ability to continue doing business in Utah.

(2) The revocation of the eligibility of an institution shall be made in accordance with the procedures set forth in ~~[Section]~~ Rule R765-134. A hearing is not required.

R765-431-6. Request for Review.

(1) An institution shall have the right to submit to OCHE a request for review regarding a decision to deny the institution's application or to revoke the institution's eligibility to participate in SARA.

(2) The request for review shall be postmarked within 10 days of the date of notification of the adverse decision.

(3) The requests for review shall be reviewed and decided by a review committee appointed by the Commissioner of Higher Education.

(4) ~~[At the time]~~ When the request for review is made, the institution shall provide evidence to the review committee that the adverse decision was made in error.

(5) The decision of the review committee shall be made in accordance with the procedures set forth in Rule R765-134. A hearing is not required.

(6) The decision of the review committee shall be the final institutional action. An institution may request judicial review of the review committee's decision in accordance with Rule R765-134.

R765-431-7. Consumer Complaints.

(1) Before filing a complaint with OCHE against an institution, an individual must first work through the institution's complaint process. To file a complaint against an institution, an individual shall submit to OCHE:

(a) a completed complaint form as provided by OCHE; or

(b) a letter signed by the complainant, and include the following:

(i) any documentary evidence relating to the facts of the complaint;

(ii) evidence of the institution's resolution of the complaint; and

(iii) contact information for the complainant.

(2) OCHE may refer the complaints it receives to one or more of the following entities for resolution as it deems appropriate:

(a) the institution complained against;

(b) the SARA portal agency in the home state of a non-Utah institution complained against; ~~and~~

(c) the Utah Division of Consumer Protection or other law enforcement agency; and ~~[-]~~

(d) the institution's accreditor.

(3) OCHE may take action, in accordance with Section R765-431-5, to revoke an institution's eligibility to participate in SARA based on a consumer complaint that is received within two years of the incident complained of.

KEY: State Authorization Reciprocity Agreement (SARA), NC-SARA

Date of Last Change: 2025~~[August 19, 2021]~~

Notice of Continuation: September 1, 2021

Authorizing, and Implemented or Interpreted Law: 53B-16-109

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R765-612

Filing ID: 57523

Agency Information

1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey Landward	801-646-4784	Glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R765-612. Opportunity Scholarship	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 341 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
The purpose for the updates to Rule R765-612 is to comply with HB 341, passed in the 2025 General Session, requirements.	
5. Summary of the new rule or change:	
The changes to Rule R765-612 include updating the definition of eligible institution, updates to award requirements and ongoing eligibility, and other nonsubstantive changes to improve clarity and readability.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There will not be a fiscal impact on state government.
The fiscal note for HB 341 (2025) states that enactment of this bill will have no cost.
B. Local governments:
There will be no fiscal impact on local governments.
The fiscal note for HB 341 (2025) states that enactment of this bill will have no cost.
C. Small businesses ("small business" means a business employing 1-49 persons):
There will be no fiscal impact on small businesses.
The fiscal note for HB 341 (2025) states that enactment of this bill will have no cost.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There will be no fiscal impact on non-small businesses.
The fiscal note for HB 341 (2025) states that enactment of this bill will have no cost.

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 will be no fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

The fiscal note for HB 341 (2025) states that enactment of this bill will have no cost.

F. Compliance costs for affected persons:

There is no compliance cost for affected persons.

The fiscal note for HB 341 (2025) states that enactment of this bill will have no cost.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Utah Commission of Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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 53B-8-201		
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	11/14/2025
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10. This rule change MAY become effective on:	11/21/2025
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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:	Alison Adams, Board Secretary and Designee	Date:	09/12/2025
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R765. Higher Education (Utah Board of), Administration.

R765-612. Opportunity Scholarship.

R765-612-1. Purpose.

This rule outlines award requirements, application procedures, and other information for the Opportunity Scholarship.

R765-612-2. Authority.

Section 53B-8-201 authorizes this rule.

R765-612-3. Definitions.

(1) "Advanced course" means a course offered via concurrent enrollment or CE, advanced placement or AP, or international baccalaureate or IB, and identified by the Utah State Board of Education as earning core credit in the required subject area.

(2) "Board" means the Utah Board of Higher Education.

(3) "Eligible institution" means a degree-granting institution of higher education listed in Section 53B-2-102, or a ~~[Utah]~~private, nonprofit ~~[postsecondary]~~institution ~~[that is accredited by a regional accrediting organization recognized by the board]~~of higher education in Utah.

(4) "Excusable neglect" means a failure to take proper steps at the proper time, not as a result of willful disregard of the scholarship application process, but as a result of some unexpected or unavoidable circumstances.

(5) "Good cause" means the applicant's failure to meet a scholarship application process requirement was due to circumstances beyond the student's control or circumstances that are compelling and reasonable.

(6) "High school" means a Utah public school established by the board or a private high school accredited by a regional accrediting body approved by the board.

(7) "Scholarship appeals committee" means a committee designated by the Commissioner of Higher Education to review appeals of Opportunity Scholarship award decisions and take final agency action regarding awards.

(8) "Scholarship award" means a scholarship awarded to each applicant who meets the eligibility requirements of Section R765-612-4.

(9) "Scholarship staff" means the employees assigned to review Opportunity Scholarship applications and make decisions awarding the scholarships.

(10) "Substantial compliance" means the applicant, in good faith, demonstrated clear intent to comply with the scholarship application requirements and has demonstrated likely eligibility, but failed to precisely comply with the application specifics.

R765-612-4. Award Requirements.

(1) To qualify for the Opportunity Scholarship, the applicant shall satisfy the following criteria:

(a) graduate from a Utah high school with a minimum, non-weighted cumulative GPA of 3.3;

(b) complete one advanced Mathematics course;

(c) complete one advanced Language Arts course;

(d) complete one advanced Science course; and

(e) complete and submit either the Free Application for Federal Student Aid or the alternative financial form approved by the board.

(2) Under Section 63G-12-402, verification of lawful presence in the United States is not required to be eligible for a scholarship under this rule.

(3) A student who graduated from a Utah high school in 2022 may alternatively qualify for the Opportunity Scholarship if the student satisfies the following criteria:

(a) graduate from a Utah high school with a minimum, non-weighted GPA of 3.3;

(b) complete four credits of English;

(c) complete four credits of math, including one course of advanced math;

(d) complete three credits of lab-based biology, chemistry, and physics;

(e) complete two credits of world languages;

(f) complete three credits of social science; and

(g) complete and submit either the Free Application for Federal Student Aid or the scholarship alternative financial form available.

(4) For purposes of Subsection~~[s R765-612-4(1)(b) and]~~ R765-612-4(3)(c), advanced mathematics means any of the following courses: pre-calculus, calculus, statistics, AP calculus AB, AP calculus BC, AP statistics, college courses Math 1030 and higher, IB Math SL, HL, and Further Math.

(5) The following requirements apply only to a student who graduated from a Utah high school in 2022:

(a) Each student must apply for the Opportunity Scholarship using the eligibility criteria in either Subsection R765-612-4(1) or Subsection R765-612-4(2) exclusively.

(b) The student may not qualify for the Opportunity Scholarship by mixing courses from both sets of criteria in Subsections R765-612-4(1) and R765-612-4(2).

(c) Because the courses listed in Subsections R765-612-4(1) and R765-612-4(2) are not always analogous, each student who graduated in 2022 shall confirm the courses the student is completing meet the eligibility requirements under the subsection through which the student elects to apply.

(6) Enrollment requirements include:

(a) A~~[n award]~~ recipient shall enroll at an eligible institution ~~[full time, as defined by the institution,]~~beginning with the fall semester after high school graduation.

(b) A recipient who does not enroll in the fall semester after high school graduation must apply for a deferment, as outlined in Subsection R765-612-7(2), to retain eligibility for future payments.

(c) A recipient must enroll full time, as defined by the institution, to receive a semester payment.

(d) A recipient may enroll part-time at an eligible institution and retain eligibility for future payments but may not receive funding for that semester.

(e)(7) The institution [which] that the student attends shall verify the recipient has met the enrollment requirements in Subsection R765-612-4(6) before disbursing payment.

R765-612-5. Application Procedures.

(1) Each applicant shall submit an official scholarship application no later than February 1 of the year that the student graduates from high school.

(2) The board may establish a priority deadline each year.

(3)(a) The scholarship staff may give each applicant who meets the priority deadline first priority or consideration for the scholarship.

(b) Subject to funding, the scholarship staff may consider each student based on the date the student completed and submitted the student's application.

(c) Additional criteria to prioritize awarding may be established by the board.

(4) Each applicant shall submit the following documents:

(a) the online Opportunity Scholarship application;

(b) a completed online Free Application for Federal Student Aid or the board approved financial form; and

(c) if graduating from a private high school in Utah, an official high school transcript.

(5) If there is an error with the student's transcript, the student shall work with the student's high school or district to rectify the information to complete the application.

R765-612-6. Award Amounts and Ongoing Eligibility.

(1) The board shall determine eligibility criteria and maximum award amounts annually, based on legislative appropriations and the number of eligible applicants.

(2) Each student who meets the eligibility criteria ~~[shall]~~ may receive up to a four-semester scholarship award.

(3) Each institution shall determine individual recipient award amounts in accordance with Subsection 53B-8-201(3).

(4) If a student receives an award disbursement, the recipient must enroll at an eligible institution full time and maintain satisfactory academic progress as defined by the institution to remain eligible for any future disbursement.

(5) Students who receive a reasonable accommodation related to the scholarship requirements under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act by their institution's ADA Coordinator may obtain a modification to the scholarship requirements. The institution's ADA Coordinator, or their designee, shall provide written documentation to the institutional financial aid office about the student's reasonable accommodation. Under these conditions, an award may be provided to a student who is enrolled less than full time during the accommodation provided by the ADA Coordinator, or designee.

(6)(5) Each institution shall verify that the recipient has met eligibility requirements before disbursing each payment. [Each institution shall verify the recipient has met the requirements of Subsection (3).]

(7)(6) Each recipient who does not maintain eligibility shall forfeit any remaining award amount.

R765-612-7. Time Limitations and Deferrals.

(1) ~~[Each]~~ A recipient may only receive scholarship funds~~[:]~~

~~[— (a) for five years after the recipient's high school graduation date; or~~

~~— (b) for academic semesters that begin within five years after the recipient's high school graduation date.~~

(2) ~~[Each]~~ A recipient who will not enroll as a student ~~[shall]~~ must apply for a deferral or leave of absence with the recipient's eligible institution to retain eligibility.

(3) An approved deferral or leave of absence may not extend the time limits of the scholarship.

(4) A recipient who elects to attend a USHE technical college may defer the Opportunity Scholarship during that period of enrollment subject to the time limitations of ~~[Subsection R765-612-7(1).]~~ Section 75-612-7.

R765-612-8. Transfers.

(1) Each recipient may transfer to another eligible institution and keep the scholarship award.

(2) Each recipient who transfers to another eligible institution and who desires to keep the scholarship award shall inform the institution from which the recipient transfers and the institution to which the recipient is transferring of the recipient's intent to transfer.

(3) Each institution shall:

(i) coordinate the transfer of ~~[scholarship funds and]~~ eligibility information; and

(ii) report this information to the Office of the Commissioner of Higher Education.

R765-612-9. Appeals.

(1) Each applicant shall have the right to appeal an adverse decision.

(2) When the scholarship staff denies eligibility, they shall issue a written determination that includes instructions on how to file an appeal.

NOTICES OF PROPOSED RULES

(3) The applicant shall submit a written appeal to the scholarship appeals committee within 30 days of the date on which the scholarship staff's adverse decision was issued.

(4) In the appeal, the applicant shall provide:

- (a) the applicant's contact information;
- (b) the high school that the applicant attended;
- (c) a statement of the reason for the appeal; and
- (d) all information or evidence that supports the appeal.

(5) The scholarship appeals committee may not consider an appeal filed before the applicant receives official notification from the scholarship staff of their decision.

(6) If an applicant fails to file the appeal on time, the scholarship appeals committee shall notify the applicant of the late filing and give the applicant an opportunity to provide a written explanation of the reasons for failing to file the appeal by the deadline.

(7) The scholarship appeals committee may not have jurisdiction to consider the merits of an appeal that is filed beyond the deadline unless it determines the applicant established excusable neglect.

(8) The scholarship appeals committee shall review the appeal to determine if the scholarship staff's decision was made in error, or if the applicant demonstrated substantial compliance with the scholarship application requirements but failed to meet one or more requirements for good cause.

(9) If the scholarship appeals committee determines the applicant has shown by a preponderance of the evidence that the scholarship staff's decision was made in error, the scholarship appeals committee shall either reverse the decision or remand it back to the scholarship staff for further review in accordance with the scholarship appeals committee's instructions.

(10) If the scholarship appeals committee determines the applicant has shown by a preponderance of the evidence that the applicant demonstrated substantial compliance with the application process requirements and good cause for failing to meet one or more of the requirements, the scholarship appeals committee may grant the applicant a reasonable period to complete the remaining requirements and to resubmit the completed application to the scholarship staff for a redetermination or grant the application eligibility for an award.

(11) The scholarship appeals committee's decision shall be in writing and contain:

- (a) the scholarship appeals committee's findings of facts, reasoning, and conclusions of law; and
- (b) notice of the applicant's right to judicial review.

(12) The scholarship appeals committee's decision represents the final agency action.

(13) An applicant who disagrees with the scholarship appeal committee's decision may seek judicial review in accordance with Section 63G-4-402.

R765-612-10. Reporting.

(1) As specified by the Office of the Commissioner of Higher Education, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and other [technical education scholarship] pertinent information for the most recently completed fiscal year.

(2) The Office of the Commissioner of Higher Education or the board may, at any time, request additional documentation or data related to the Opportunity Scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

KEY: Utah Board of Higher Education, Opportunity Scholarship Program, Student Financial Aid

Date of Last Change: 2025 February 14, 2024

Authorizing, and Implemented or Interpreted Law: 53B-8-201

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R765-801

Filing ID: 57522

Agency Information

1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

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

R765-801. Student Due Process

4. Purpose of the new rule or reason for the change:

The purpose of this filing is to repeal Rule R765-801, Student Due Process, in its entirety.

This rule was replaced by Rule R765-256 in order to renumber the administrative rule to align with the Utah Board of Higher Education policy number and provide necessary amendments to the rule.

5. Summary of the new rule or change:

This filing repeals Rule R765-801.

This rule was replaced by Rule R765-256 in order to renumber the administrative rule to align with the Utah Board of Higher Education policy number and provide necessary amendments to the rule.

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

This rule does not impose any fiscal impact on the state budget. It repeals Rule R765-801.

There is no fiscal impact from repealing this rule because the subject matter of this rule has been moved to a renumbered rule with amendments.

B. Local governments:

This rule does not impose any fiscal impact on local governments. It repeals Rule R765-801.

There is no fiscal impact from repealing this rule, the subject matter of this rule has been moved to a renumbered rule with amendments.

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

This rule does not impose any fiscal impact on small businesses. It repeals Rule R765-801.

There is no fiscal impact from repealing this rule, the subject matter of this rule has been moved to a renumbered rule with amendments.

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

This rule does not impose any fiscal impact on non-small businesses. It repeals Rule R765-801.

There is no fiscal impact from repealing this rule, the subject matter of this rule has been moved to a renumbered rule with amendments.

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 does not impose any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities. It repeals Rule R765-801.

There is no fiscal impact from repealing this rule, the subject matter of this rule has been moved to a renumbered rule with amendments.

F. Compliance costs for affected persons:

This rule does not impose any fiscal impact on affected persons. It repeals Rule R765-801.

There is no fiscal impact from repealing this rule, the subject matter of this rule has been moved to a renumbered rule with amendments.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Utah Commissioner of Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.

Citation Information

7. 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 53B-27-302

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:

11/14/2025

10. This rule change MAY become effective on:

11/21/2025

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:	Alison Adams, General Counsel and Designee	Date:	09/12/2025
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R765. Higher Education (Utah Board of), Administration.

~~[R765-801. Student Due Process.~~

~~R765-801-1. Purpose.~~

~~In accordance with Title 53B, Chapter 27, Part 3, Student Civil Liberties Protection Act, this rule establishes general elements of due process that institutions must provide to a student prior to being expelled or suspended for 10 days or more for non-academic code of conduct violations.~~

~~R765-801-2. Authority.~~~~This rule is authorized by Section 53B-27-302.~~**~~R765-801-3. General Rights of Due Process.~~**~~(1) In matters of non-academic conduct that may result in either expulsion or a minimum 10-day suspension, each institution shall provide students the following minimum due process:~~~~(a) Prior to being interviewed about allegations of misconduct, the institution shall provide the student with notice of the allegations against the student and of the student's right to have an advisor throughout the process who may, but need not be, an attorney.~~~~(b) During an inquiry, investigation, or other informal process, an advisor may only advise the student and may not actively participate in the investigation or informal process.~~~~(c) Prior to a formal hearing, unless prohibited by reasonable circumstances, each party shall provide to the hearing committee chair or hearing officer copies of the documents they intend to submit as evidence and a list of witnesses they intend to call during the formal hearing. This information shall be shared with each party. In all circumstances, including an informal process, the institution shall provide the student an explanation of the evidence against the student.~~~~(d) Each institution shall provide the student an opportunity for a full hearing at which the student can respond to the allegations and evidence against the student. With the agreement of each party, the institution may also provide an informal hearing or opportunity to respond or an agreed-upon informal resolution.~~~~(e) At a formal adjudicatory hearing, the student may have an advisor advocate for the student. The student's advisor may be an attorney. The student's advisor may actively participate in the hearing in accordance with the institution's policies regarding active participation.~~**~~R765-801-4. Standard of Proof.~~**~~Each student shall be presumed not to have engaged in a code of conduct violation until the institution has established a violation by a preponderance of the evidence.~~**~~R765-801-5. Incorporations of Institutions' Policies.~~**~~(1) The following institutions have adopted the following policies that are incorporated by reference within this rule, including amendments:~~~~(a) Utah State University's:~~~~(i) Policy 305, Discrimination Complaints, May 6, 2016; and~~~~(ii) Student Code Article VIII, April 10, 2009;~~~~(b) Weber State University's PPM 6-22, Student Code, September 13, 2018;~~~~(c) University of Utah's:~~~~(i) Policy 6-400, Code of Student Rights and Responsibilities, Sections III(C), VI(C), July 9, 2009;~~~~(ii) University's Rule 1-012A, Discrimination Complaint Process Rule, February 14, 2017;~~~~(iii) University's Rule 1-012B(III)(E-K), Sexual Misconduct Complaint Process Rule, February 14, 2017; and~~~~(iv) Procedure 1-012, Discrimination Hearing Procedure, February 14, 2017;~~~~(d) Utah Valley University's:~~~~(i) 162 Sexual Misconduct, June 18, 2019;~~~~(ii) 165 Discrimination, Harassment, and Affirmative Action, June 18, 2019;~~~~(iii) 502 Determination of Utah Resident Status for Tuition Purposes, December 4, 2014; and~~~~(iv) 541 Student Code of Conduct, November 29, 2018;~~~~(e) Snow College's Student Rights and Responsibilities, May 31, 2019;~~~~(f) Southern Utah University's Policy 11.2, Student Code of Conduct, April 29, 2016;~~~~(g) Dixie State University's:~~~~(i) 154, Title IX, Harassment and Nondiscrimination, September 1, 2016; and~~~~(ii) 552, Student Rights and Responsibilities, April 28, 2017;~~~~(h) Salt Lake Community College's Student Sexual Misconduct 3-2.02, 01/17/2017;~~~~(i) Davis Technical College's:~~~~(i) Davis Technical College Student Code of Conduct and Discipline Policy, July 30, 2019; and~~~~(ii) Davis Technical College Student Grievance Policy, July 30, 2019;~~~~(j) Mountainland Technical College's Student Grievance 600.608, December 21, 2005;~~~~(k) Ogden Weber Technical College's Student Rights and Responsibilities, and Code of Conduct 530.4., July 25, 2019;~~~~(l) Southwest Technical College's:~~~~(i) Student Conduct Policy, July 1, 2020;~~~~(ii) Grievance Policy, July 21, 2020;~~~~(iii) Harassment, Nondiscrimination and Equal Opportunity, July 21, 2020; and~~~~(iv) Title IX Due Process Policy, July 21, 2020; and~~~~(m) Tooele Technical College's:~~~~(i) Student Code of Conduct and Discipline, July 31, 2019; and~~~~(ii) Student Grievances, July 31, 2019.~~

NOTICES OF PROPOSED RULES

~~KEY: civil liberties, due process~~

~~Date of Last Change: January 20, 2022~~

~~Notice of Continuation: January 6, 2025~~

~~Authorizing, and Implemented or Interpreted Law: 53B-27-302~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R765-993

Filing ID: 57521

Agency Information

1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R765-993. Records Access and Management
4. Purpose of the new rule or reason for the change:
This rule, R765-993, is being repealed because the requirements in this rule related to the Board of Higher Education and Office of the Commissioner of Higher Education are included in the new administrative Rule R765-124.
Information in this rule related to Utah System of Higher Education (USHE) institutions will be governed by each USHE institution in institution policy and procedures in alignment with state law.
5. Summary of the new rule or change:
Rule R765-993 is being repealed in its entirety because the requirements in this rule related to the Board of Higher Education and Office of the Commissioner of Higher Education are included in the new administrative Rule R765-124.
Information related to USHE institutions will be governed by each USHE institution in the institution policy and procedures in alignment with state law.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
Repealing this rule will not have any fiscal impact on the state budget.
The requirements in this rule are included in the new administrative Rule R765-124.
B. Local governments:
Repealing this rule will not have any fiscal impact on local governments.
The requirements in this rule are included in the new administrative Rule R765-124.

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

Repealing this rule will not have any fiscal impact on small businesses.

The requirements in this rule are included in the new administrative Rule R765-124.

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

Repealing this rule will not have any fiscal impact on non-small businesses.

The requirements in this rule are included in the new administrative Rule R765-124.

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**):

Repealing this rule will not have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

The requirements in this rule are included in the new administrative Rule R765-124.

F. Compliance costs for affected persons:

Repealing this rule will not have any fiscal impact on compliance costs for affected persons.

The requirements in this rule are included in the new administrative Rule R765-124.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Utah Commissioner of Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.

Citation Information**7. 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 63G-2-204(3)		
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:

11/14/2025

10. This rule change MAY become effective on:

11/21/2025

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:**

Alison Adams, Board Secretary and
Designee

Date:

9/12/2025

R765. Higher Education (Utah Board of), Administration.

~~[R765-993. Records Access and Management.~~

~~R765-993-1. Purpose.~~

~~_____ The purpose of this rule is to provide rules and procedures related to Utah Board of Higher Education and Office of the Commissioner of Higher Education records access and management matters pursuant to Title 63G, Chapter 2, Government Record Access and Management Act.~~

~~R765-993-2. Authority.~~

~~_____ This rule is authorized by Subsection 63G-2-204(3).~~

~~R765-993-3. Definitions.~~

~~_____ (1) "Classification," "classify," and their derivative forms mean determining whether a record series, record, or information within a record is public, private, controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).~~

~~_____ (2) "Designation," "designate," and their derivative forms mean indicating, based on the Records Officer's familiarity with a record series, the primary classification that a majority of records in a record series would be given if classified.~~

~~_____ (3) "Exempt records" means records to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation, such as, for higher education institutions, Restricted Sponsored Research/Technology Transfer Records, as defined in Sections 53B-16-301 through 53B-16-305, and education records that are subject to the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g.~~

~~_____ (4) "GRAMA" means Government Records Access and Management Act.~~

~~R765-993-4. General Rule.~~

~~_____ (1) Records sub units in the Office of the Commissioner—There shall be two records sub units within the Office of the Commissioner: the general Utah Board of Higher Education and Office of the Commissioner records sub unit and the student financial aid records sub unit.~~

~~_____ (2) Records Officers—The Commissioner shall appoint a Records Officer for each sub unit to provide for the care, maintenance, scheduling, disposal, classification, designation, access, and preservation of the records of the sub unit.~~

~~_____ (3) Written requests for access to records—All written requests for access to records shall be directed as follows, and shall be made in a format as specified by the cognizant Records Officer:~~

~~_____ (a) General Utah Board of Higher Education and Office of the Commissioner—Requests for records of general Utah Board of Higher Education and Office of the Commissioner functions shall be directed to the Records Officer of the Utah Board of Higher Education and Office of the Commissioner sub unit.~~

~~_____ (b) Student Financial Aid—Requests for records of student financial aid functions shall be directed to the Records Officer of the Student Financial Aid sub unit.~~

~~_____ (4) Officers responsible to undertake the various requirements of GRAMA—The various requirements of GRAMA shall be undertaken, as follows:~~

~~_____ (a) Designation of records—The Records Officer shall designate each record or record series retained by the sub unit as either public, private, controlled, protected, restricted under Section 53B-16-302, or otherwise exempt from disclosure under Subsection 63G-2-201(3)(b). The Records Officer shall report the designations to state archives as required under Section 63G-2-307.~~

~~_____ (b) Statement of purpose for collecting information—When the Records Officer designates a record as private or controlled, the Records Officer shall also file a statement with state archives explaining the purposes for which the records are collected and used as required under Section 63G-2-601. The Office may use the record only for the purposes listed in that statement. However, sharing of records with other governmental entities is allowed, subject to the restrictions of Section 63G-2-206.~~

~~_____ (c) Weighing of privacy and access interests—The Commissioner may weigh privacy interests against access interests and allow access to specific private or protected records if the interests favoring access outweigh the interests favoring restriction of access as allowed under Subsection 63G-2-201(5)(b).~~

~~_____ (d) Appeals to the Commissioner—Appeals regarding questions of access to records shall be directed to the Commissioner and shall comply with Section 63G-2-401.~~

~~(c) Fees — If duplication, or compilation of records in a form other than that maintained, is necessary, the cognizant Records Officer may charge a fee to the requestor of the records to cover the actual cost of duplicating or compiling the records as provided under Subsection 63G-2-203(3).~~

~~(f) Access for research purposes — The cognizant Records Officer may make determinations regarding requests for access to records for research purposes, as provided by Subsection 63G-2-202(38).~~

~~(g) Intellectual property rights — The Commissioner shall make determinations regarding the duplication and distribution of materials held by either sub unit and for which the Utah Board of Higher Education or Office of the Commissioner owns the intellectual property rights, as permitted by Subsection 63G-2-201(12).~~

~~(h) Sponsored research and technology transfer — The Commissioner may restrict access to portions of technology transfer and sponsored research records for the purpose of securing and maintaining proprietary protection of intellectual property rights, or for competitive or proprietary purposes as a condition of actual or potential participation in a sponsored research or technology transfer agreement, as provided by Sections 53B-16-301 through 53B-16-305.~~

~~(i) Written claim of business confidentiality — A Records Officer may accept a written claim of business confidentiality in a form specified by the Records Officer and subject to the Records Officer's review of the claim for reasonableness as allowed under Section 63G-2-309.~~

~~(j) Segregation — A Records Officer may choose to segregate records or information within records that a future requester will be entitled to inspect, from records or information within records that the requester will not be entitled to inspect, in order to simplify the segregation process at the time the request for access is made as allowed under Section 63G-2-307.~~

~~(5) Appeals of the accuracy or completeness of personal records — An individual may contest the accuracy or completeness of records concerning him or her. Under Section 63G-2-603, appeals from such decisions are governed by the Administrative Procedures Act. Appeals from such decisions shall be conducted informally rather than formally pursuant to Rule R765-134.~~

~~(6) Anonymity of donors and prospective donors — A donor or prospective donor may request anonymity in writing. The written request shall be submitted to a Records Officer and shall be accompanied by a written statement which does not reveal the identity of the donor or prospective donor but which contains any terms, conditions, restrictions, or privileges relating to the donation, which information may not be classified protected by the Office of the Commissioner under Subsection 63G-2-305(37).~~

KEY: colleges, higher education, records access, records management

Date of Last Change: July 2, 1997

Notice of Continuation: August 11, 2022

Authorizing, and Implemented or Interpreted Law: 63G-2; 53B-16]

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or section number:

R911-6

Filing ID: 57542

Agency Information

1. Title catchline:	Public Safety, Emergency Medical Services	
Building:	Calvin Rampton Building	
Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-965-4018	kgibb@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	R911-6. Emergency Medical Services Per Capita Grants and Competitive Grants Program	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.	
If yes, any bill number and session:	HB 391 (2025 General Session) and SB 209 (2025 General Session)	
4. Purpose of the new rule or reason for the change:	The purpose of this rule filing is to address changes that were made upon passage of HB 391 and SB 209 during the 2025 General Session, as well as correcting formatting and language inconsistencies.	

5. Summary of the new rule or change:

The rule change establishes the criteria and procedures for the allocation and distribution of funds from the Critical Needs Account, adopts criteria and procedures for awarding and funding grants, and addresses formatting and language inconsistencies in the current version of the rule to ensure compliance with the Rulewriting Manual for Utah guidelines.

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

The proposed rule is not anticipated to have a fiscal impact on the state budget beyond what was identified in the fiscal notes for both SB 209 and HB 391 (2025).

<https://le.utah.gov/~2025/bills/static/HB0391.html>

<https://le.utah.gov/~2025/bills/static/SB0209.html>

B. Local governments:

This rule is anticipated have a positive fiscal impact on local governments; however, the impact is inestimable because the total known cost for implementation for each medical services provider is not readily available and is fluid depending on the amount of money in the grant accounts, the eligibility of the providers, and how many agencies request funds from the accounts.

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

This rule could potentially have a positive fiscal impact on small businesses; however, the impact is inestimable because the total known cost for implementation for each medical services provider is not readily available and is fluid depending on the amount of money in the grant accounts, the eligibility of the providers, and how many agencies request funds from the accounts.

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

This rule could potentially have a positive fiscal impact on non-small businesses; however, the impact is inestimable because the total known cost for implementation for each medical services provider is not readily available and is fluid depending on the amount of money in the grant accounts, the eligibility of the providers, and how many agencies request funds from the accounts.

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 could potentially have a positive fiscal impact on persons other than small businesses, state, or local government entities; however, the impact is inestimable because the total known cost for implementation for each medical services provider is not readily available and is fluid depending on the amount of money in the grant accounts, the eligibility of the providers, and how many agencies request funds from the accounts.

F. Compliance costs for affected persons:

The proposed rule is not anticipated to result in compliance costs for affected persons because this rule only establishes eligibility criteria, establishes the application process to request grant funding, and addresses formatting and language inconsistencies in the current version of the rule to ensure compliance with the Rulewriting Manual for Utah guidelines.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0

Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Commissioner of the Department of Public Safety, Beau Mason, has reviewed and approved this regulatory impact analysis.

Citation Information**7. 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 53-2d-103

Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.****A. Comments will be accepted until:**

11/14/2025

10. This rule change MAY become effective on:

11/21/2025

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:	Erik Bornemeier, Director Emergency Medical Services Bureau	Date:	10/01/2025
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R911. Public Safety, Emergency Medical Services.**~~[R911-6. Emergency Medical Services Per Capita Grants and Competitive Grants Program.~~****~~R911-6-100. Authority and Purpose.~~**

- ~~(1) Authority for this rule is found in Title 53, Chapter 2d, Emergency Medical Services Act.~~
~~(2) This rule provides distribution of EMS per capita grant funds and competitive grant funds.~~

~~R911-6-200. Per Capita Grants and Competitive Grants Eligibility.~~

- ~~(1) Per capita and competitive grant funds are available to a licensed ground ambulance provider, a licensed paramedic non transport provider, a designated quick response provider, or a designated emergency medical service dispatch center that is:~~
~~(a) a licensed or designated EMS provider owned by political subdivisions of local or state government;~~
~~(b) an incorporated non profit entity; or~~
~~(c) a for profit licensed or designated EMS provider who is the primary EMS provider for a geographical service area.~~
~~(2) A for profit licensed or designated EMS provider is a primary EMS provider if they are licensed or designated and provide a service at a higher level than the public or non profit provider located in the same geographical service area. EMS provider levels rank in the following order:~~
~~(a) Paramedic;~~
~~(b) Emergency medical technician intermediate advanced (EMT-IA);~~
~~(c) Advanced emergency medical technician (AEMT);~~
~~(4) Emergency medical technician (EMT);~~
~~(5) Emergency medical responder (EMR);~~
~~(6) Emergency medical dispatcher (EMD);~~
~~(7) A licensed ground ambulance provider who is only licensed to provide inter facility transport in a geographical service area, or is a licensed paramedical tactical provider are not eligible for per capita grant funds or competitive grant funds.~~
~~(8) EMS per capita grants and competitive grants are available for use specifically related to the provision EMS and staff education. Grant funds cannot be used for rescue equipment or fire equipment not directly used for patient medical care.~~
~~(9) A per capita grant or a competitive grant recipient shall comply with Title 53, Chapter 2d, Emergency Medical Services Act, and Rules R911-2 through R911-9 before receiving grant funds.~~

NOTICES OF PROPOSED RULES

- ~~_____ (10) A per capita grant or competitive grant recipient may not be more than six months overdue in owed payments to the department.~~
- ~~_____ (11) A licensed ground ambulance provider that exceeded 10% profitability in the previous three fiscal reporting period is not eligible for EMS Grant funds.~~

R911-6-300. Per Capita Grants and Competitive Grants Implementation.

- ~~_____ (1) A grant award shall be implemented through a contract between the department and a grant recipient.~~
- ~~_____ (2) The committee shall establish annual grant program guidelines. The department shall use the current annual grant program guidelines to award grant funds paid to recipients.~~
- ~~_____ (3) The department may reject a grant application that does not adhere to current annual grant program guidelines.~~
- ~~_____ (4) Grant funds may be used during the terms indicated in an award contract.~~
- ~~_____ (5) Grant funds are paid by the department's terms in the contract with grant recipients.~~
- ~~_____ (6) Grant funds do not require matching recipient funds.~~
- ~~_____ (7) A per capita grant award shall be no less than \$500.~~

R911-6-400. Per Capita Application and Award Formula.

- ~~_____ (1) A per capita grant applicant shall attest to the accuracy of their licensed or designated EMS provider's personnel roster on December 31 of the year before the grant award.~~
- ~~_____ (a) A licensed or certified EMS individual who works for both a public and a for-profit agency may be credited only to the public or non-profit licensed or designated EMS provider.~~
- ~~_____ (b) A licensed EMS individual who is employed by two or more licensed or designated EMS providers may be included on a percentage basis for grant award calculations. However, if a certified EMD is also an EMT, EMT I, AEMT, EMT IA, or paramedic, the certified EMD may be credited to one licensed or designated EMS provider as a certified EMD, and to a licensed or designated EMS provider as an EMT, EMT I, AEMT, EMT IA, or paramedic.~~
- ~~_____ (2) The department shall allocate funds by using the following point totals for licensed or certified personnel: certified EMDs = 1; licensed EMRs = 1; licensed EMTs = 2; licensed Advanced EMTs = 3; licensed Intermediate Advanced EMTs = 3; and licensed Paramedics = 4. The number of certified or licensed personnel is based upon the personnel rosters of each licensed EMS provider, designated EMS dispatch agency, and designated EMS quick response provider on December 31 of the preceding fiscal year. Point totals of each eligible licensed or designated EMS provider will be multiplied by the current county classification.~~

R911-6-500. Competitive Grant Process.

- ~~_____ (1) Competitive EMS grants are available to a licensed EMS provider in a county between the third and sixth class. Grant funds will be allocated and approved by the committee. Grant award prioritization shall use a standardized application with questions to assess comparative need for a licensed EMS provider;~~
- ~~_____ (2) the Rural EMS Directors' Association of Utah may provide content for application questions and recommend priorities for grant awards;~~
- ~~_____ (3) the grants subcommittee may review suggested competitive grant awards and make recommendations to the committee for final approval.~~

R911-6-600. Emergency Grant Awards.

- ~~_____ (1) The grants subcommittee may recommend interim or emergency grants if the following are met:~~
 - ~~_____ (a) grant funds are available;~~
 - ~~_____ (b) the applicant clearly demonstrates need;~~
 - ~~_____ (c) the application was not rejected by the grants subcommittee during the current grant cycle; and~~
 - ~~_____ (d) delay of funding to the next scheduled grant cycle would impair the licensed or designated EMS provider's ability to provide care.~~
- ~~_____ (2) Applicants for emergency grants shall:~~
 - ~~_____ (a) submit an emergency grant application, following the same format as annual grant applications; and~~
 - ~~_____ (b) submit the emergency grant application to the department at least 30 days before the EMS Committee meeting at which the grant application will be reviewed.~~
- ~~_____ (3) The grants subcommittee shall review the emergency grant application and forward recommendations to the EMS Committee. The EMS Committee shall review and comment on the grants subcommittee recommendations and forward comments and recommendations to the department.]~~

R911-6. Emergency Medical Services Per Capita Grants, Competitive Grants Program, and Critical Needs Account.

R911-6-1. Authority.

This rule is authorized by Section 53-2d-103.

R911-6-2. Purpose.

This rule establishes the criteria and procedures for the allocation and distribution of funds from the Emergency Medical Services Per Capita Grant Funds Account, Competitive Grant Funds Program, and the Critical Needs Account and adopts criteria and procedures for awarding and funding such grants.

R911-6-3. Definitions.

- (1) Terms used in this rule are defined in Section 53-2d-101 and Section R911-1-200.
- (2) In addition:
 - (a) "eligible entity" means a licensed EMS provider, local government, or other entity that provides EMS services and meets the criteria established in this rule; and
 - (b) "critical need" means a demonstrable deficiency in an EMS system or its capacity that directly and significantly jeopardizes the timely and effective delivery of essential pre-hospital emergency medical care, thereby posing a substantial risk to the health and safety of the population served.

R911-6-4. Per Capita Grants and Competitive Grants Eligibility.

- (1) Per capita and competitive grant funds are available to a licensed ground ambulance provider, a licensed paramedic non-transport provider, a designated quick response provider, or a designated emergency medical service dispatch center that is:
 - (a) a licensed or designated EMS provider owned by political subdivisions of local or state government;
 - (b) an incorporated non-profit entity; or
 - (c) a for-profit licensed or designated EMS provider who is the primary EMS provider for a geographical service area.
- (2) A licensed or designated for-profit EMS provider shall be the primary provider for a geographical service area if service provided is at a higher level than the public or non-profit provider in the same geographical service area, based on the following order:
 - (a) paramedic;
 - (b) emergency medical technician intermediate advanced;
 - (c) advanced emergency medical technician;
 - (d) emergency medical technician;
 - (e) emergency medical responder; or
 - (f) emergency medical dispatcher.
- (7) A licensed ground ambulance provider who is only licensed to provide inter-facility transport in a geographical service area, or a licensed paramedical tactical provider are not eligible for per capita grant funds or competitive grant funds.
- (8) EMS per capita grants and competitive grants are available for use specifically related to emergency medical services and staff education. Grant funds may not be used for rescue equipment or fire equipment not directly used for patient medical care.
- (9) A per capita grant recipient or a competitive grant recipient shall comply with Title 53, Chapter 2d, Emergency Medical Services Act, and Rules R911-2 through R911-9 before receiving grant funds.
- (10) A per capita grant recipient or competitive grant recipient may not be more than six months overdue in owed payments to the bureau.
- (11) A licensed ground ambulance provider that exceeds 10% profitability in the previous three fiscal reporting periods is not eligible for EMS Grant funds.

R911-6-5. Per Capita Grants and Competitive Grants Implementation.

- (1) A grant award shall be implemented through a contract between the bureau and a grant recipient.
- (2) The committee shall establish annual grant program guidelines. The bureau shall use the current annual grant program guidelines to award grant funds paid to recipients.
- (3) The bureau may reject a grant application that does not adhere to current annual grant program guidelines.
- (4) Grant funds may be used during the terms indicated in an award contract.
- (5) Grant funds shall be paid in accordance with the terms established in the contract with each grant recipient.
- (6) Grant funds do not require matching recipient funds.
- (7) A per capita grant award shall be no less than \$500.

R911-6-6. Per Capita Application and Award Formula.

- (1) A per capita grant applicant shall attest to the accuracy of their licensed or designated EMS provider's personnel roster by December 31 of each year before receiving a grant award.
- (2)(a) A licensed or certified EMS individual who works for both a public and a for-profit agency may be credited only to the public or non-profit licensed or designated EMS provider.
 - (b) A licensed EMS individual who is employed by two or more licensed or designated EMS providers may be included on a percentage basis for a grant award calculation.
 - (c) If a certified EMD is also an EMT, EMT-I, AEMT, EMT-IA, or paramedic, the certified EMD may be credited to one licensed or designated EMS provider as a certified EMD, and to a licensed or designated EMS provider as an EMT, EMT-I, AEMT, EMT-IA, or paramedic.
- (3) The bureau shall allocate grant funds based on the total number of each eligible licensed or designated EMS provider multiplied by the current county classification using the following point totals for licensed or certified personnel:
 - (a) certified EMDs = 1;
 - (b) licensed EMRs = 1;
 - (c) licensed EMTs = 2;
 - (d) licensed Advanced EMTs = 3;
 - (e) licensed Intermediate Advanced EMTs = 3; and
 - (f) licensed Paramedics = 4.

NOTICES OF PROPOSED RULES

(4) The number of certified or licensed personnel is based upon the personnel rosters of each licensed EMS provider, designated EMS dispatch agency, and designated EMS quick response provider as of December 31 of the preceding fiscal year.

R911-6-7. Competitive Grant Process.

- (1) Competitive EMS grants are available to a licensed EMS provider in a county between the third and sixth class.
- (2) Grant funds shall be allocated and approved by the committee.
- (3)(a) A standardized application with questions shall be used to determine grant award prioritization and assess comparative need for a licensed EMS provider.
- (b) The Rural EMS Directors' Association of Utah may provide content for application questions and recommend priorities for grant awards;
- (c) The grant's subcommittee may review suggested competitive grant awards and make recommendations to the committee for final approval.

R911-6-8. Emergency Grant Awards.

- (1) An eligible EMS provider may apply for an emergency grant by:
 - (a) submitting an emergency grant application, following the same format as annual grant applications; and
 - (b) submitting the emergency grant application to the bureau at least 30 days before the committee meeting at which the grant application will be reviewed.
- (2) The grant's subcommittee may recommend interim or emergency grants to a qualified licensed or designated EMS provider based on the following:
 - (a) grant funds are available;
 - (b) the applicant clearly demonstrates need;
 - (c) the application was not rejected by the grants subcommittee during the current grant cycle; and
 - (d) delay of funding to the next scheduled grant cycle would impair the licensed or designated EMS provider's ability to provide care.
- (3) The grant's subcommittee shall review the emergency grant application and forward recommendations to the committee.
- (4) The committee shall review and comment on the grant's subcommittee recommendations and forward the comments and recommendations to the bureau.

R911-6-9. Critical Needs Grant Eligibility.

- (1) Sections R911-6-4 through R911-6-8 do not apply to this Section R911-6-9.
- (2) An EMS provider may apply for a critical needs grant by providing clear, quantifiable data and compelling evidence that substantiates the identified deficiency and its direct impact on the EMS system's ability to effectively serve the community.
- (3) In determining eligibility for a critical needs grant, the grant subcommittee shall evaluate, weigh, and rank applications based on the following criteria:
 - (a) the critical need of the applicant to improve, establish or maintain its EMS capabilities;
 - (b) demonstrated financial need of the applicant;
 - (c) potential impact on the ability or inability of the applicant to provide or continue to provide emergency medical services;
 - (d) the applicant's alignment with statewide EMS priorities;
 - (e) the availability of matching funds or other funding sources;
 - (f) circumstances or conditions outside of the applicant's control;
 - (g) previous awards granted to the applicant; and
 - (h) the critical nature of the applicant's request and how it aligns with the definition of a "critical need".
- (4) An eligible EMS provider may apply for a critical needs grant to support EMS services, including:
 - (a) purchasing, upgrading, or replacing essential EMS equipment;
 - (b) providing EMS training and certification programs;
 - (c) improving EMS response capabilities, particularly in underserved or rural areas;
 - (d) supporting EMS personnel recruitment and retention initiatives; or
 - (e) providing short-term financial support of personnel.
- (4)(a) The grant subcommittee may make award recommendations to the bureau quarterly if any grant applicants meet the critical needs threshold.
- (b) No recommendation shall exceed the availability of funds allotted for the quarter unless it can be split into multiple quarters.
- (c) The bureau may:
 - (i) accept the recommendation and fund the recommendation;
 - (ii) reduce the amount awarded;
 - (iii) deny the recommendation;
 - (iv) split an application for funds over two fiscal quarters; or
 - (v) request additional clarifying information before funding the recommendation.
- (d) If the bureau denies a recommendation, the bureau shall send a written denial to the subcommittee chair.

R911-6-10. Reporting and Compliance.

- (1) Grant recipients shall submit progress and financial reports as required by the bureau.

(2) The bureau may conduct audits or site visits to ensure compliance with grant requirements.

(3) If a grant recipient fails to comply with the terms of the funding agreement, the bureau may require repayment of funds and disqualify the entity from future funding opportunities.

KEY: emergency medical services

Date of Last Change: 2025~~July 1, 2024~~

Authorizing, and Implemented or Interpreted Law: 53-2d-~~101.1~~103

End of the Notices of 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.

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R27-1	Filing ID: 55168
Effective date:	09/22/2025	

Agency Information

1. Title catchline:	Government Operations, Fleet Operations	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 141117	
City, state and zip:	Salt Lake City, UT 84114-1117	
Contact persons:		
Name:	Phone:	Email:
Cory Weeks	801-419-6729	coryweeks@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R27-1. Definitions	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 63A-9-401(1)(d)	This rule is established pursuant to Subsection 63A-9-401(1)(d), which requires the Division of Fleet Operations (division) to create rules governing procedures and policies used for managing the state's vehicle fleet.
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:	
There have been occasional questions seeking to clarify definitions. There have been no requests for modification.	

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Subsection 63A-9-401(1)(d) requires the division to create rules governing procedures and policies used for managing the state's vehicle fleet. Defined terms are a necessary part of effective procedures and policies.

The statutory mandate to write rules still exists, and definitions are a necessary part of the division's procedures and policies. Therefore, this rule should be continued.

Changes are in process. The division is using rule updates to participate in a pilot program of the new rules system. The division is holding updates until the system is ready.

Agency Authorization Information

Agency head or designee and title:	Cory Weeks, Division Director	Date:	09/29/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R27-2	Filing ID: 53957
Effective date:	09/22/2025	

Agency Information

1. Title catchline:	Government Operations, Fleet Operations	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 141117	
City, state and zip:	Salt Lake City, UT 84114-1117	
Contact persons:		
Name:	Phone:	Email:
Cory Weeks	801-419-6729	coryweeks@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R27-2. Fleet Operations Adjudicative Proceedings	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 63G-4-102	Section 63G-4-102 sets the scope of the Administrative Procedures Act (Title 63G, Chapter 4). Some actions taken by the Division of Fleet Operations (division) fall within that scope.
Section 63G-4-202	Section 63G-4-202 permits agencies to designate certain administrative proceedings as informal and directs agencies to write rules governing the procedures followed in those proceedings.
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 during the last five-year period.	

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Because the division continues to have proceedings that fall within the scope of the Administrative Procedures Act, and because in the interests of those participating in those proceedings, the proceedings have been designated as informal, this rule is still necessary. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Cory Weeks, Division Director	Date:	09/29/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R27-3	Filing ID: 56697
Effective date:	09/22/2025	

Agency Information

1. Title catchline:	Government Operations, Fleet Operations	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 141117	
City, state and zip:	Salt Lake City, UT 84114-1117	
Contact persons:		
Name:	Phone:	Email:
Cory Weeks	801-419-6729	coryweeks@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R27-3. Vehicle Use Standards	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 63A-9-401(1)(d)	This rule is established pursuant to Subsection 63A-9-401(1)(d), which directs the Division of Fleet Operations (division) to establish the requirements for the use of state vehicles, including business and personal use practices, and commute standards. This rule defines the vehicle use standards for state employees while operating a state vehicle.
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:	
There have been occasional questions seeking clarification. There have been no requests for modification.	
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 statutory requirement at Subsection 63A-9-401(1)(d) still exists, and the division still has the responsibility to set business and personal use requirements of state vehicles. Therefore, this rule should be continued.	
Changes are in process. The division is using rule updates to participate in a pilot program of the new rules system. The division is holding updates until the system is ready.	

Agency Authorization Information

Agency head or designee and title:	Cory Weeks, Division Director	Date:	09/29/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R27-7	Filing ID: 55173
Effective date:	09/22/2025	

Agency Information

1. Title catchline:		Government Operations, Fleet Operations	
Building:		Taylorsville State Office Building	
Street address:		4315 S 2700 W	
City, state:		Taylorsville, UT	
Mailing address:		PO Box 141117	
City, state and zip:		Salt Lake City, UT 84114-1117	
Contact persons:			
Name:		Phone:	Email:
Cory Weeks		801-419-6729	coryweeks@utah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	
R27-7. Safety and Loss Prevention of State Vehicles	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 63A-9-401(1)(d)(iii)	This rule is established pursuant to Subsection 63A-9-401(1)(d)(iii) which directs the Division of Fleet Operations (division) to make rules establishing requirements for fleet safety and loss prevention programs.
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:	
There have been occasional questions seeking clarification. There have been no requests for modification.	
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 requirement at Subsection 63A-9-401(1)(d)(iii) still exists, and the division is still directed to establish requirements for fleet safety and loss prevention. Therefore, this rule should be continued.	
Changes are in process. Fleet is using rule updates to participate in a pilot program of the new rules system. The division is holding updates until system is ready.	

Agency Authorization Information

Agency head or designee and title:	Cory Weeks, Division Director	Date:	09/29/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R152-26	Filing ID: 55018
Effective date:	10/01/2025	

Agency Information

1. Title catchline:	Commerce, Consumer Protection	
Building:	Heber Wells	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146704	
City, state and zip:	Salt Lake City, UT 84114-6704	
Contact persons:		
Name:	Phone:	Email:
Andrea Mitton	801-530-6601	DCPrules@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R152-26. Telephone Fraud Prevention Act Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 13-2-5(1)	The provision allows the Division of Consumer Protection (division) to issue rules to administer and enforce chapters listed in Section 13-2-1.
Subsection 13-26-3(5)	This provision allows the division to establish, by rule, the registration requirements that apply to a telephone soliciting business.
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 division is unaware of any written comments regarding 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:	
<p>This rule establishes registration requirements for telephone soliciting businesses and allows the division to gather information from registrants necessary to administer and enforce Title 13, Chapter 26.</p> <p>This rule also clarifies the requirement for any telephone soliciting business that wishes to claim an exemption from registration in accordance with Subsection 13-26-4(2)(i) and provides guidance to regulated entities with respect to a consumer's right of rescission in accordance with Subsection 13-26-5(2). Therefore, this rule should be continued.</p>	

Agency Authorization Information

Agency head or designee and title:	Andrea Mitton, Commerce Analyst	Date:	10/02/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-210	Filing ID: 56191
Effective date:	10/01/2025	

Agency Information

1. Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R277-210. Utah Professional Practices Advisory Commission (UPPAC), Definitions	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.
Section 53E-6-506	Directs the Board to adopt rules regarding the Utah Professional Practices Advisory Commission (UPPAC) duties and procedures.
Subsection 53E-3-401(4)	Allows the Board to adopt rules in accordance with its responsibilities.
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:	
There were no public comments 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 to establish definitions for terms in UPPAC activities. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/01/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-211	Filing ID: 56192
Effective date:	10/01/2025	

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	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:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R277-211. Utah Professional Practices Advisory Commission (UPPAC) Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.
Section 53E-6-506	Directs the Board to adopt rules regarding Utah Professional Practices Advisory Commission (UPPAC) duties and procedures.
Subsection 53E-3-401(4)	Allows the Board to adopt rules in accordance with its responsibilities.
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:	
There were no public comments 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 to provide procedures regarding notifications of alleged educator misconduct, review of notifications by UPPAC, complaints, consents to discipline, and defaults. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/01/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-215	Filing ID: 53317
Effective date:	10/01/2025	

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	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:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R277-215. Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Section 53E-6-506	Directs the Board to adopt rules regarding Utah Professional Practices Advisory Commission (UPPAC) duties and procedures.
Subsection 53E-3-401(4)	Allows the Board to adopt rules in accordance with its responsibilities.
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:	
There were no public comments 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 to establish rebuttable presumptions for UPPAC and Board review of UPPAC cases. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/01/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-217	Filing ID: 56289
Effective date:	10/01/2025	

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	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:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R277-217. Educator Standards and LEA Reporting	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.
Subsection 53E-3-401(4)	Allows the Board to adopt rules in accordance with its responsibilities.
Subsection 53E-3-501(1)(a)	Directs the Board to make rules regarding the certification of educators.
Title 53E, Chapter 6	Provides all laws related to educator licensing and professional practices.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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:

There were no public comments 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 to establish statewide ethical standards for educators, establish reporting requirements for educators and local education agencies (LEA), and recognize that educators are professionals and share common professional standards, expectations, and role model responsibilities. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/01/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R455-3	Filing ID: 54449
Effective date:	09/16/2025	

Agency Information

1. Title catchline:		Cultural and Community Engagement, History	
Street address:		3760 S Highland Dr	
City, state:		Salt Lake City, UT 84106	
Contact persons:			
Name:		Phone:	Email:
Heidi Tak		801-698-5567	hjtak@utah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	
R455-3. Memberships, Sales, Gifts, Bequests, Endowments	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 9-8-206	This section directs the Division of History (division) to produce a historical magazine and other books to be available to membership.
Section 9-8-207	Grants the division the authority to solicit and accept donations and gifts.
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 in this five-year period.	
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 division is actively producing historical documentation for its statewide membership and continues to accept donations for the benefit of the division and its historical, documentary efforts. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Donna Law, Executive Director	Date:	09/16/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R523-21	Filing ID: 52768
Effective date:	09/25/2025	

Agency Information

1. Title catchline:		Health and Human Services, Substance Use and Mental Health	
Building:		Cannon Health Building	
Street address:		288 N 1460 W	
City, state:		Salt Lake City, UT	
Mailing address:		288 N 1460 W	
City, state and zip:		Salt Lake City, UT 84116	
Contact persons:			
Name:	Phone:	Email:	
Thomas Dunford	801-538-4181	tdunford@utah.gov	
Mariah Noble	385-214-1150	mariahnoble@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	
R523-21. Behavioral Health Receiving Centers Standards	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-5-114	<p>Section 26B-5-114 requires the Division of Integrated Healthcare (division) to increase access to mental health crisis services for individuals in the state who are experiencing a mental health crisis and reduce the number of individuals in the state who are incarcerated or in a hospital emergency room while experiencing a mental health crisis, through managing a grant that has a tiered funding structure.</p> <p>This section further specifies that funding structure's coverage should be split between the state and the counties and distributed through requests for proposals to counties for the purpose of creating behavioral health receiving centers. Section 26B-5-114 also requires the division to make rules for the application and award of this grant to include an implementation and funding structure, creation of standards of care, and a requirement that grantees operate the receiving centers 24 hours per day, seven days per week.</p>
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 since the last five-year review of 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:	
<p>This rule is necessary to fulfill statutory requirements, manage behavioral health receiving center grants, and ensure the receiving centers maintain minimum standards to include access 24 hours per day, seven days per week. Therefore, this rule should be continued.</p> <p>As there were no comments in opposition to this rule, the Department of Health and Human Services has not responded to any such comment.</p>	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/25/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R523-23	Filing ID: 57265
Effective date:	09/25/2025	

Agency Information

1. Title catchline:	Health and Human Services, Substance Use and Mental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Thomas Dunford	801-538-4181	tdunford@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R523-23. Assisted Outpatient Treatment Court Orders	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 26B-5-104(2)	Subsection 26B-5-104(2) requires the Division of Integrated Healthcare (division) to establish, by rule, minimum standards for local substance abuse authorities and local mental health authorities.
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 since the last five-year review of 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 to establish minimum standards for local authorities to manage and assist individuals with assisted outpatient civil court orders and to maintain a standardized process throughout the statewide public mental health system. Therefore, this rule should be continued.	
As there were no comments in opposition to this rule, the Department of Health and Human Services has not responded to any such comment.	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/25/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R606-1	Filing ID: 51494
Effective date:	09/18/2025	

Agency Information

1. Title catchline:	Labor Commission, Antidiscrimination and Labor, Antidiscrimination	
Building:	Heber M Wells Bldg	
Street address:	160 E 300 S, 3rd Floor	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Bonnie LePage	801-530-6921	blepage@utah.gov
Chris Hill	801-530-6113	chill@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R606-1. Antidiscrimination	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 34A-5-101 et seq.	This statute provides "[t]he commission may adopt, publish, amend and rescind rules, consistent with, and for enforcement of this chapter."
Section 63G-4-102 et seq.	This chapter sets forth the rules the agency may enact.
Subsection 63G-3-301(2)(a)	This reference requires the agency to comply with the requirements of the section when making, amending, or repealing a rule.
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 regarding this rule since its 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 remain in place for the Labor Commission to enforce the Utah Antidiscrimination Act. Rule R606-1 sets forth the process for an employment discrimination case, provides information as to what information obtained during an investigation may be released, and the process for obtaining declaratory orders, as well as how to compute time periods for filing a discrimination complaint. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Jacson R. Maughan, Commissioner	Date:	09/17/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R616-2	Filing ID: 56396
Effective date:	09/29/2025	

Agency Information

1. Title catchline:	Labor Commission, Boiler, Elevator and Coal Mine Safety
Building:	Heber M Wells Building
Street address:	160 E 300 S, 3rd Floor

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Rick Sturm	801-326-7266	rsturm@utah.gov
Chris Hill	801-530-6113	chill@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R616-2. Boiler and Pressure Vessel Rules	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 34A-7-101 et seq.	These sections give the Labor Commission authority to establish inspection and safety standards for boilers and pressure vessels to prevent a "menace to the public safety."
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 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:	
<p>This rule remains necessary in light of the Labor Commission's continuing responsibility to administer Title 34A, Chapter 7, Part 1, "boiler and pressure Vessels," and the statutory directive continued in Subsections 34A-7-103(6) and (7) to adopt standards for inspection and safe operation of boilers and pressure vessels. Therefore, this rule should be continued.</p> <p>The Commission has received no comments opposing this rule or its continuation.</p>	

Agency Authorization Information

Agency head or designee and title:	Jaceson R. Maughan, Commissioner	Date:	09/29/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R616-3	Filing ID: 53702
Effective date:	09/29/2025	

Agency Information

1. Title catchline:	Labor Commission, Boiler, Elevator and Coal Mine Safety	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S, 3rd Floor	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Rick Sturm	801-326-7266	rsturm@utah.gov

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Chris Hill	801-530-6113	chill@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R616-3. Elevator Rules	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 34A-7-203(6)	Subsection 34A-7-203(6) directs the Commission to enact rules adopting "Nationally recognized standards or other safety codes to be used in inspecting elevators or escalators."
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 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 remains necessary in light of the Labor Commission's continuing responsibility to administer Title 34A, Chapter 7, Part 2, the "elevator and Escalator Safety Act," and the statutory directive contained in Subsection 34A-7-203(6) to adopt national safety standards or other safety codes to be used in inspecting elevators and escalators. Therefore, this rule should be continued.	
The Commission has received no comments opposing this rule or its continuation.	

Agency Authorization Information

Agency head or designee and title:	Jacson R. Maughan, Commissioner	Date:	09/30/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R628-11	Filing ID: 51520
Effective date:	09/25/2025	

Agency Information

1. Title catchline:	Money Management Council, Administration	
Building:	State Capitol Building	
Street address:	350 N State Street, Suite 180	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 2315	
City, state and zip:	Salt Lake City, UT 84114-2315	
Contact persons:		
Name:	Phone:	Email:
Ann Pedroza	801-538-1883	apedroza@utah.gov
Candace Castor	801-538-1883	ccastor@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R628-11. Maximum Amount of Uninsured Public Funds Allowed to be held by any Qualified Depository

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 51-7-18.1	This section of the Money Management Act requires the Council to determine the maximum amount of uninsured public funds that qualified depositories are allowed to hold as defined by Council rule.
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 either supporting or opposing this rule have been received 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:	
<p>The Money Management Act requires the Council to determine the amount of uninsured public funds a qualified depository can hold and that it be defined in council rule. Rule R628-11 needs to be in place to provide those formulas as public entities use qualified depositories for deposit of their funds.</p> <p>The Council reviewed this rule for continuation in their last meeting and agreed that it needs to be in place for the oversight of the financial institutions that hold public funds. Therefore, this rule should be continued.</p>	

Agency Authorization Information

Agency head or designee and title:	Scott R Burnett, Chair	Date:	09/25/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R722-910	Filing ID: 56825
Effective date:	09/29/2025	

Agency Information

1. Title catchline:	Public Safety, Criminal Investigations and Technical Services, Criminal Identification	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT 84129	
Mailing address:	4315 S 2700 W, Suite 1300	
City, state and zip:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Nicole Borgeson	801-281-5072	nshepherd@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R722-910. Non-Reportable Traffic Offenses	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 53-10-104(13)	Requires the Division of Criminal Investigations and Technical Services, Criminal Identification to make rules to implement Title 53, Chapter 10.

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 since the last five-year review of 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 authorized under Subsection 53-10-104(13) and is necessary to establish procedures regarding the collection and dissemination of non-reportable traffic offenses. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jason Ricks, BCI Division Director	Date:	09/29/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R746-407	Filing ID: 51985
Effective date:	09/26/2025	

Agency Information

1. Title catchline:	Public Service Commission, Administration	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S, 4th Floor	
City, state:	Salt Lake City, UT	
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 persons listed above.		

General Information

2. Rule catchline:	
R746-407. Annualization of Test-year Data	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 54-4-1	<p>This section vests the Public Service Commission (PSC) "with [the] power and jurisdiction to[.]" among other things, "supervise and regulate every public utility in this state, and to supervise all of the business of every such public utility in this state[.]"</p> <p>This legislative grant encompasses the PSC's role in setting just and reasonable utility rates in Utah, as expressed and outlined in Section 54-4-4.</p>
Section 54-4-4	<p>This section addresses the PSC's authority setting public utility rates in Utah, with Subsection 54-4-4(3) specifically describing the PSC's use of test-year data to set just and reasonable utility rates.</p> <p>This rule provides direction on how test-year data may be adjusted to reflect partial period effects of test-year events, thus allowing the PSC to more accurately coordinate a utility's rates with its projected revenues and expenses in setting just and reasonable utility rates.</p>

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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 since the last five-year review of 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 enables the PSC to more accurately coordinate a utility's rates with the utility's anticipated revenues and costs by recognizing that some of the conditions which arise during a test-year period are ongoing and must be spread over the entire period.

Using a utility's test period operations as a measure of future operations to establish future utility rates requires a focus on the quality of the test period data. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jerry D. Fenn, PSC Chair	Date:	09/26/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R895-8	Filing ID: 53731
Effective date:	09/30/2025	

Agency Information

1. Title catchline:	Government Operations, Technology Services	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
Stephanie Weteling	435-720-5315	stephanie@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R895-8. State Privacy Policy and Agency Privacy Policies

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 63A-16-205(1)(a)(iv)	This reference requires the Division of Technology Services to establish standards related to the privacy policies of websites operated by or on behalf of an executive branch agency.
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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 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:

Subsection 63A-16-205(1)(a)(iv) requires a rule for this purpose. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Marvin Dodge, Executive Director	Date:	09/30/2025
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End of the Five-Year Notices of Review and Statements of Continuation 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

Specialized Products

No. 57355 (Amendment) R66-33: Industrial Hemp Producer Registration

Published: 08/15/2025

Effective: 09/22/2025

No. 57356 (Amendment) R66-34: Industrial Hemp Retailer Permit

Published: 08/15/2025

Effective: 09/22/2025

No. 57357 (Amendment) R66-36: Transport of Transportable Industrial Hemp Concentrate

Published: 08/15/2025

Effective: 09/22/2025

No. 57369 (New Rule) R66-50: Kratom Retail Permit

Published: 08/15/2025

Effective: 09/22/2025

No. 57370 (New Rule) R66-51: Kratom Product Registration and Labeling

Published: 08/15/2025

Effective: 09/22/2025

No. 57371 (New Rule) R66-52: Kratom Product Testing

Published: 08/15/2025

Effective: 09/22/2025

Regulatory Services

No. 57367 (Repeal and Reenact) R70-410: Grading and Inspection of Small Shell Egg Producers

Published: 08/15/2025

Effective: 09/22/2025

Attorney General

Administration

No. 57384 (New Rule) R105-5: White Collar Crime Offender Registry

Published: 09/01/2025

Effective: 10/08/2025

No. 57385 (New Rule) R105-6: Child Protection Registry
Published: 09/01/2025
Effective: 10/08/2025

Commerce

Consumer Protection
No. 57164 (New Rule) R152-78: Earned Wage Access Services Act Rule
Published: 06/01/2025
Effective: 10/08/2025

No. 57164 (Change in Proposed Rule) R152-78: Earned Wage Access Services Act Rule
Published: 09/01/2025
Effective: 10/08/2025

Professional Licensing
No. 57366 (Amendment) R156-20b: Environmental Health Scientist Act Rule
Published: 08/15/2025
Effective: 09/23/2025

Education

Administration
No. 57388 (Amendment) R277-333: Registered Apprenticeship Program for Teachers
Published: 09/01/2025
Effective: 10/08/2025

No. 57389 (Amendment) R277-445: Classifying Small Schools as Necessarily Existent
Published: 09/01/2025
Effective: 10/08/2025

No. 57390 (Amendment) R277-471: School Construction Oversight, Inspections, Training, and Reporting
Published: 09/01/2025
Effective: 10/08/2025

No. 57391 (Amendment) R277-495: Electronic Devices in Public Schools
Published: 09/01/2025
Effective: 10/08/2025

No. 57392 (Amendment) R277-606: Dropout Prevention and Recovery Program
Published: 09/01/2025
Effective: 10/08/2025

No. 57393 (Amendment) R277-613: LEA Policies and Training Regarding Bullying, cyber-bullying, Hazing, Retaliation, and Abusive Conduct
Published: 09/01/2025
Effective: 10/08/2025

No. 57394 (Amendment) R277-616: Education for Homeless and Emancipated Students
Published: 09/01/2025
Effective: 10/08/2025

No. 57395 (Amendment) R277-623: School Climate Survey
Published: 09/01/2025
Effective: 10/08/2025

No. 57396 (Amendment) R277-705: Secondary School Completion and Diplomas
Published: 09/01/2025
Effective: 10/08/2025

NOTICES OF RULE EFFECTIVE DATES

No. 57397 (Amendment) R277-733: Adult Education Programs
Published: 09/01/2025
Effective: 10/08/2025

No. 57398 (Amendment) R277-921: Strengthening College and Career Readiness Program
Published: 09/01/2025
Effective: 10/08/2025

Environmental Quality

Waste Management and Radiation Control, Radiation
No. 57278 (Amendment) R313-28: Definitions
Published: 07/01/2025
Effective: 09/15/2025

Waste Management and Radiation Control, Waste Management
No. 57329 (Amendment) R315-306-1: Applicability
Published: 08/01/2025
Effective: 09/15/2025

No. 57330 (Amendment) R315-307-1: Applicability
Published: 08/01/2025
Effective: 09/15/2025

No. 57331 (Amendment) R315-310-12: Contents of a Permit Application for a New or Expanding Coal Combustion Residual Landfill and Coal Combustion Residual Surface Impoundment
Published: 08/01/2025
Effective: 09/15/2025

No. 57332 (Amendment) R315-311-2: Permit Modification, Renewal, or Termination
Published: 08/01/2025
Effective: 09/15/2025

No. 57333 (Amendment) R315-314-1: Applicability
Published: 08/01/2025
Effective: 09/15/2025

No. 57334 (Amendment) R315-319: Coal Combustion Residuals Requirements
Published: 08/01/2025
Effective: 09/15/2025

Water Quality

No. 57091 (Amendment) R317-2: Standards of Quality for Waters of the State
Published: 04/15/2025
Effective: 09/22/2025

No. 57091 (Change in Proposed Rule) R317-2: Standards of Quality for Waters of the State
Published: 08/15/2025
Effective: 09/22/2025

Government Operations

Facilities Construction and Management

No. 57321 (Repeal and Reenact) R23-3: Planning, Programming, Request for Capital Development Projects and Operation and Maintenance Reporting for State Owned Facilities
Published: 08/01/2025
Effective: 10/02/2025

No. 57321 (Change in Proposed Rule) R23-3: Planning, Programming, Request for Capital Development Projects and Operation and Maintenance Reporting for State Owned Facilities
Published: 09/01/2025
Effective: 10/02/2025

Risk Management

No. 57339 (Amendment) R37-4: Adjusted Utah Governmental Immunity Act Limitations on Judgments
Published: 08/15/2025
Effective: 09/22/2025

Technology Services

No. 57353 (Amendment) R895-14: Access to Information Technology for Users with Disabilities
Published: 08/15/2025
Effective: 09/22/2025

Health and Human Services

Population Health, Environmental Health

No. 57352 (Amendment) R392-103: Food Handler Training and Certificate
Published: 08/15/2025
Effective: 10/09/2025

Integrated Healthcare, Administrative Hearings

No. 57237 (Amendment) R410-14: Administrative Hearing Procedures
Published: 07/01/2025
Effective: 09/19/2025

Integrated Healthcare

No. 57360 (Amendment) R414-60: Limitations
Published: 08/15/2025
Effective: 10/09/2025

No. 57236 (Amendment) R497-100: Adjudicative Proceedings

Published: 07/01/2025
Effective: 09/19/2025

Ombudsman (Office of)

No. 57364 (New Rule) R500-3: Long-Term Care Ombudsman Program
Published: 08/15/2025
Effective: 10/09/2025

Aging and Adult Services

No. 57365 (Repeal) R510-200: Long-Term Care Ombudsman Program
Published: 08/15/2025
Effective: 10/09/2025

Substance Use and Mental Health

No. 57240 (Repeal) R523-4: Certification Requirements for Screening, Assessment, Prevention, Treatment and Recovery Support Programs for Adults
Published: 07/01/2025
Effective: 09/15/2025

No. 57241 (Repeal) R523-15: Drug Testing Requirements

Published: 07/01/2025
Effective: 09/15/2025

No. 57361 (Amendment) R523-18: Mobile Crisis Outreach Teams Certification Standards

Published: 08/15/2025
Effective: 10/09/2025

No. 52768 (New Rule) R523-21: Behavioral Health Receiving Centers Standards

Published: 06/01/2020
Effective: 09/25/2025

No. 52768 (Change in Proposed Rule) R523-21: Behavioral Health Receiving Centers Standards

Published: 08/01/2020
Effective: 09/25/2025

NOTICES OF RULE EFFECTIVE DATES

No. 57239 (Amendment) R523-21: Behavioral Health Receiving Centers Standards
Published: 07/01/2025
Effective: 09/15/2025

Higher Education (Utah Board of)

Administration

No. 57363 (Amendment) R765-264: Student Religious Accommodations
Published: 08/15/2025
Effective: 10/09/2025

No. 57362 (Amendment) R765-611: Veterans Tuition Gap Program
Published: 08/15/2025
Effective: 10/09/2025

Insurance

Administration

No. 57368 (Amendment) R590-146: Open Enrollment
Published: 08/15/2025
Effective: 09/29/2025

Labor Commission

Boiler, Elevator and Coal Mine Safety

No. 57380 (Amendment) R616-3: Safety Codes for Elevators
Published: 09/01/2025
Effective: 10/08/2025

Natural Resources

State Parks

No. 57175 (New Rule) R651-101a: Adjudicative Proceedings
Published: 06/01/2025
Effective: 09/29/2025

No. 57176 (Repeal and Reenact) R651-612: Veterans with Disabilities Honor Pass
Published: 06/01/2025
Effective: 09/16/2025

Public Safety

Criminal Investigations and Technical Services, Criminal Identification

No. 57323 (Amendment) R722-360: Certificate of Eligibility for Removal from the Sex Offender and Kidnap Offender Registry
Published: 08/01/2025
Effective: 09/15/2025

School and Institutional Trust Lands

Administration

No. 57336 (Amendment) R850-30: Special Use Leases
Published: 08/01/2025
Effective: 09/15/2025

No. 57337 (Amendment) R850-80: Sale of Trust Lands
Published: 08/01/2025
Effective: 09/15/2025

No. 57338 (Amendment) R850-170: Renewable Energy Lease Agreements
Published: 08/01/2025
Effective: 09/15/2025

Tax Commission

Motor Vehicle

No. 57326 (Amendment) R873-22M-20: Aircraft Registration

Published: 07/15/2025

Effective: 09/15/2025

Motor Vehicle Enforcement

No. 57307 (Amendment) R877-23V-5: Temporary Motor Vehicle Registration Permits and Extension Permits Issued by Dealers

Published: 07/15/2025

Effective: 09/15/2025

Property Tax

No. 57327 (Amendment) R884-24P-66: County Board of Equalization Procedures and Appeals

Published: 08/01/2025

Effective: 09/15/2025

Transportation

Motor Carrier

No. 57387 (Amendment) R909-2: Utah Size and Weight Rule

Published: 09/01/2025

Effective: 10/08/2025

End of the Notices of Rule Effective Dates Section