

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed October 02, 2025, 12:00 a.m. through October 15, 2025, 11:59 p.m.

Number 2025-21
November 01, 2025

Nancy L. Lancaster, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
- I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

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EXECUTIVE DOCUMENTS

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

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

PROCLAMATION 2025-1S

Calling a Special Session of the Utah Legislature

WHEREAS, since the adjournment of the 2025 General Session of the Sixty-sixth Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention;

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

NOW, THEREFORE, I, Spencer J. Cox, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Sixty-sixth Legislature of the State of Utah into a First Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 6th day of October 2025, at 9:00 a.m., for the following purposes:

1. to consider amendments to H.B. 263, Election Record Amendments, enacted in the 2025 General Session, specifically to clarify definitions and define new terms, address retention requirements for certain election records, and modify reporting requirements related to certain election-related data;
2. to consider amendments to H.B. 356, County Governance Amendments, enacted in the 2025 General Session, specifically to modify when a council member in certain counties must represent a single district, and other related provisions;
3. to consider changes to the process for selection as well as term of the chief justice of the Utah Supreme Court, as allowed by Article VIII, Section 2, of the Utah Constitution;
4. to consider amendments to H.B. 272, Vehicle Assessment Amendments, enacted in the 2025 General Session, specifically to modify vehicle weights required to be tested for emissions compliance;
5. to consider amendments to H.B. 337, Property Manager Requirements, enacted in the 2025 General Session, specifically to adjust the effective date and to amend other provisions of the bill;
6. to recodify Utah Code Title 17, Counties, and to recodify certain corresponding provisions in Title 10, Utah Municipal Code;
7. to recodify Utah Code Title 53B, State System of Higher Education;
8. to consider technical amendments to the Utah Code in a bill entitled "Revisor's Technical Corrections to Utah Code";
9. to consider amendments to Utah Code § 65A-17-201(14) to enable the Division of Forestry, Fire, and State Lands to raise the Great Salt Lake adaptive management berm under certain circumstances;
10. to consider amendments comparable to S.B. 67, Local Option Sales Tax Amendments, from the 2025 General Session, to adjust local option sales and use taxes available for qualifying political subdivisions to fund emergency services within certain counties;
11. to consider amendments to Utah Code §20A-19-103 to address redistricting standards, including determining the best available data and scientific and statistical methods to use in evaluating redistricting plans;
12. to consider adopting new congressional district boundaries in relation to ongoing redistricting litigation; and
13. to consider a resolution approving acceptance by the State of Utah of Rural Health Transformation Program funds granted under Public Law 119-21, known as the One Big Beautiful Bill Act.

(State Seal)

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done this 3rd day of October 2025.

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

PROCLAMATION

WHEREAS, since the close of the 2025 General Session of the 66th Legislature of the state of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, Spencer J. Cox, governor of the state of Utah, by virtue of the authority vested in me by the Constitution and Laws of the state of Utah, do by this Proclamation call the Senate only of the 66th Legislature of the state of Utah into the Sixth Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 15th day of October 2025, at 4:00 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the state of Utah since the close of the 2025 General Session of the Legislature of the state of Utah.

(State Seal)

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 14th day of October 2025.

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2025-06E

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between October 02, 2025, 12:00 a.m., and October 15, 2025, 11:59 p.m. are included in this, the November 01, 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 December 01, 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 March 03, 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:** Amendment**Rule or section number:****R277-305****Filing ID:** 57552**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:	
R277-305. School Leadership License Areas of Concentration and Programs	
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 66 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
The rule amendments are due to the passage of SB 66 in the 2025 General Session.	
5. Summary of the new rule or change:	
The amendments add an Oversight Category 4 and clarify terminology related to the school leadership license area of concentration requirements.	
The amendments also remove the requirement for the "Superintendent to explore the adoption of a performance-based school leadership assessment and make related recommendations to the Board by September 1, 2020."	

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).
The outdated report and recommendations to the USBE are removed as the deadline passed in 2020 and do not have an impact on revenue or expenditures.
The other rule amendments are due to SB 66 (2025). The USBE believes that the fiscal note to SB 66 (2025) captured any fiscal impacts and this rule 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 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.

The outdated report and recommendations to the USBE are removed as the deadline passed in 2020 and do not have an impact on revenue or expenditures.

The other rule amendments are due to SB 66 (2025). The USBE believes that the fiscal note to SB 66 (2025) captured any fiscal impacts and this rule 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. This only impacts LEAs and the USBE.

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

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

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

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

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.

The outdated report and recommendations to the USBE are removed as the deadline passed in 2020 and do not have an impact on revenue or expenditures.

The other rule amendments are due to SB 66 (2025). The USBE believes that the fiscal note to SB 66 (2025) captured any fiscal impacts and this rule does not add any additional fiscal impacts.

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.

The outdated report and recommendations to the USBE are removed as the deadline passed in 2020 and do not have an impact on revenue or expenditures.

The other rule amendments are due to SB 66 (2025). The USBE believes that the fiscal note to SB 66 (2025) captured any fiscal impacts and this rule 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

NOTICES OF PROPOSED RULES

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)	Section 53E-6-201

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:	12/01/2025
10. This rule change MAY become effective on:	12/08/2025
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:	10/15/2025
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R277. Education, Administration.

R277-305. School Leadership License Areas of Concentration and Programs.

R277-305-1. 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 of public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Section 53E-6-201, which permits the Board to issue certificates for educators.
- (2) The purpose of this rule is to:
 - (a) specify the requirements for a professional school leadership license area of concentration;
 - (b) specify the standards which the Board expects of a school leadership preparation program ~~[prior to]~~ before program approval.
- (3) This rule is categorized as Category 4 as described in Rule R277-111.

R277-305-2. Definitions.

- (1) "Clinical experience" means a structured opportunity in which a program candidate is mentored by a licensed educator and evaluated by an LEA administrator or university preparation program faculty member, ~~[in order]~~ to develop and demonstrate competency in the skills and knowledge necessary to be an effective school leader.
- (2) "School leadership license area of concentration" means the initial credential issued by the Board that authorizes a holder to be employed as a school principal, vice-principal, or assistant principal.

R277-305-3. School Leadership License Area of Concentration Requirements.

(1) The Superintendent shall issue a professional school leadership license area of concentration to an individual that applies for the license and meets all requirements in this section.

(2) The requirements for a professional school leadership license area of concentration shall include ~~either:~~

~~(a)(i)~~ a master's degree or more advanced degree, and either;

~~(a)(ii)~~ passage of a school leadership assessment approved by the Superintendent; and

~~(a)(iii)~~ a recommendation from a Board-approved school leadership preparation program pursuant to the process described in Rule R277-303; or

(b) a valid ~~[school leadership license in another jurisdiction under the NASDTEC interstate agreement]~~ NASDTEC Stage 2 license in school leadership.

R277-305-4. School Leadership Preparation Programs.

(1) ~~[Prior to]~~ Before approval by the Superintendent, a preparation program for school leadership shall:

(a) demonstrate how it will prepare candidates to meet the Utah Educational Leadership Standards described in Rule R277-330;

(b) subject to Subsection (2), establish weighted entry requirements that consider prior leadership experiences of applicants and are designed to select high quality candidates to enter the licensure program;

(c) include school-based clinical experiences for a candidate to observe, practice skills, and reflect on school leadership that:

(i) are significant in number, depth, breadth, and duration;

(ii) are progressively more complex;

(iii) occur in multiple schools;

(iv) include working with both elementary and secondary teachers and students; and

(v) occur throughout the preparation program;

(d) require the demonstration of competency in:

(i) properly utilizing data, including student performance data, to evaluate educator and school performance and provide actionable information to educators to improve instruction;

(ii) facilitating educator use of technology to support and meaningfully supplement the learning of students;

(iii) collaborating with stakeholder groups to create a shared vision, mission, and goals for a school;

(iv) implementing the shared vision, mission, and goals for a school:

(A) as a principal; and

(B) as an assistant principal supporting the school principal;

(v) communicating effectively with parents, community groups, staff, and students;

~~(vi) understanding parents' rights, consent, requests, and reasonable accommodations under Utah Code, including Section 53G-6-803, and Board rule;~~

~~(vii)~~ (vii) recognizing effective and ineffective instructional practice ~~[in order]~~ to ensure authentic learning and assessment experiences for all students;

~~(viii)~~ (viii) implementing a multi-tiered system of supports in individual classrooms and the school as a whole;

~~(ix)~~ (ix) counseling and coaching educators in relation to the educator's evaluation, professional learning, and student performance to improve the educator's practice;

~~(x)~~ (x) understanding the laws and legal ramifications surrounding school leadership decisions and practices;

~~(xi)~~ (xi) understanding the requirements and LEA responsibilities of the IDEA;

~~(xii)~~ (xii) ensuring a safe, secure, emotionally protective, and healthy school environment, including the prevention of bullying and youth suicide;

~~(xiii)~~ (xiii) establishing and maintaining a school culture that supports inquiry, risk-taking, innovation, and learning of both students and teachers; ~~and~~

~~(xiv)~~ (xiv) connecting management operations, policies, and resources to the vision and values of the school ~~[-]; and~~

~~(xv)~~ (xv) understanding internal controls.

(2) Beginning on January 1, 2020, the entry requirements described in Subsection (1)(b) shall require an individual entering a Board-approved education leadership licensure program to:

(a) clear a USBE fingerprint background check described in:

(i) statute; and

(ii) background check rule;

(b) hold a:

(i) Utah professional educator license; or

(ii) an equivalent out of state license;

(c) have been deemed effective or higher by:

(i) an evaluation system meeting the standards of Rule R277-~~534~~ 323; or

(ii) the LEA's equivalent on the applicant's most recent evaluation;

(d) have a confidential recommendation from:

(i) the individual's immediate administrative supervisor; or

(ii) an LEA-level administrator with knowledge regarding the individual's potential as a school leader; and

(e) pass an interview conducted by the program to measure the potential of the individual as a school leader.

NOTICES OF PROPOSED RULES

(3) Board-approved education leadership licensure program may waive the entrance requirements described in Subsections (2)(b) through (e) based on program established guidelines for no more than 10% of an incoming cohort.

(4) For a program applicant accepted on or after January 1, 2020, an -approved school leadership licensure program shall require multiple opportunities for a program applicant to successfully demonstrate application of knowledge and skills gained through the program in one or more clinical experiences in each of the following competencies:

(a) analyzing school assessment data from common formative assessments, summative assessments, standardized assessments, and interim or benchmark assessments with school staff and with individual teachers;

(b) administering all aspects of a teacher evaluation system that meets the requirements of:

(i) Rule R277-~~534~~323; or

(ii) the LEA's equivalent;

(c) administering all aspects of an evaluation system for ~~[a classified employee]~~an education support professional;

(d) planning, organizing, conducting, and evaluating the effectiveness of a professional learning activity for school staff;

(e) supporting or overseeing a school-based learning team;

(f) working with a School Community Council, including the annual development and evaluation of a school's Teacher and Student Success Act plan and School LAND Trust plan;

(g) performing formal and informal classroom observations for ~~[the purpose of]~~improving instruction;

(h) acting as the LEA representative in IEP and 504 accommodation plan meetings;

(i) appropriately handling cases of student discipline referred to the school office;

(j) supervising school activities and monitoring the process for collecting and handling fees and gate receipts; and

(k) implementing a school's screening and hiring process, including interviews and the notification of successful and unsuccessful applicants.

R277-305-5. Superintendent Responsibilities.

(1) The Superintendent shall ensure that the model mentoring program required under Rule R277-308 includes induction for new school leaders.

~~[(2) The Superintendent shall explore the adoption of a performance-based school leadership assessment and make related recommendations to the Board by September 1, 2020.]~~

~~[(3)]~~2 The Superintendent shall include a list of resources for potential school leadership candidates to help them prepare for school leadership on the Utah Leading through Effective and Dynamic Education website.

~~[(4)]~~3 The Superintendent shall implement a network for principals.

~~[(5)]~~4 The Superintendent shall create a depository of school principal learning resources that can be utilized by LEAs in the Utah Leading through Effective and Dynamic Education website.

KEY: school leadership license, program

Date of Last Change: 2025|May 8, 2024|

Notice of Continuation: March 11, 2024

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

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-319

Filing ID: 57553

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:

R277-319. Special Educator Stipends

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

The rule amendments are necessary to include Speech Language Pathologists as eligible to receive the special educator stipends.

5. Summary of the new rule or change:

The amendments add an Oversight Category 4.

The amendments also add Speech Language Pathologists as eligible to receive the special educator stipends, and update Local Education Agencies (LEA) requirements related to maintaining an Extended Year Special Educator (EYSE) dashboard and to ensure valid survey responses.

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 (USB E'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 USB E resulting from this rule. This categorization does not add any requirements or resources in and of itself for the USB E or Local Education Agencies (LEAs).

The rule amendment to clarify that speech language pathologists does not have a fiscal impact, as they are already listed as eligible in Section 53F-2-310 as effective 05/14/2019.

The rule amendment to require use of the EYSE dashboard clarifies the reporting mechanism already used by the USB E to collect the necessary data from LEAs required by statute. This does not have a fiscal impact for LEAs or the USB E as the USB E has already developed the reporting dashboard with existing resources.

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 USB E'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 USB E resulting from this rule. This categorization does not add any requirements or resources in and of itself for the USB E or LEAs.

The rule amendment to clarify that speech language pathologists does not have a fiscal impact, as they are already listed as eligible in Section 53F-2-310 as effective 05/14/2019. The rule amendment to require use of the EYSE dashboard clarifies the reporting mechanism already used by the USB E to collect the necessary data from LEAs required by statute. This does not have a fiscal impact for LEAs or the USB E as the USB E has already developed the reporting dashboard with existing resources.

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 impacts the USB E and LEAs.

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

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

expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

This only impacts the USBE and LEAs.

Other persons, such as speech language pathologists, are not affected. The rule amendment to clarify that speech language pathologists qualify for the stipend does not have a fiscal impact, as they are already listed as eligible in Section 53F-2-310 as effective 05/14/2019.

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.

The rule amendment to clarify that speech language pathologists does not have a fiscal impact, as they are already listed as eligible in Section 53F-2-310 as effective 05/14/2019.

The rule amendment to require use of the EYSE dashboard clarifies the reporting mechanism already used by the USBE to collect the necessary data from LEAs required by statute. This does not have a fiscal impact for LEAs or the USBE as the USBE has already developed the reporting dashboard with existing resources.

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)	Section 53F-2-310
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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:	12/01/2025
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10. This rule change MAY become effective on:	12/08/2025
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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:	10/15/2025
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R277. Education, Administration.**R277-319. Special Educator Stipends.****R277-319-1. 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 of public education in the Board;

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

(c) Subsection 53F-2-310(2), which requires the Board to distribute money appropriated for stipends for special educators for additional days of work.

(2) The purpose of this rule is providing standards and procedures for distributing money appropriated for stipends for special educators for additional days of work, recognizing:

(a) the added duties and responsibilities assumed by special educators to comply with federal law and Board special education rules regulating the education of students with disabilities; and

(b) the need to attract and retain qualified special educators.

(3) This Rule R277-319 is categorized as Category 4 as described in Rule R277-111.

R277-319-2. Definitions.

(1) "After the school year" means two weeks after the final day of the required contract period, as determined by the employer.

(2) "Before the school year" means two weeks before the first day of the required contract period, as determined by the employer.

(3)(a) "Duties related to the IEP process" means the duties and responsibilities provided in Subsection 53F-2-310(4);

(b) "Duties related to the IEP process" do not include:

(i) professional development;

(ii) instructional planning;

(iii) classroom set-up and tear-down;

(iv) district level planning; and

(v) direct student instruction.

(4)(a) "Special educator" has the same meaning as described in Subsection 53F-2-310(1)(b).

(b) "Special educator" includes a pre-kindergarten special education teacher.

(5) "Work day" means a special educator's contract day as determined by the employer.

R277-319-3. Special Educator Stipend.

(1) A special educator or speech language pathologist (SLP) eligible for funding shall complete a survey through an online provider approved by the Superintendent as follows:

(a) by a date determined by the special educator's LEA, but no later than September 30 for a special educator who worked before the school year began; and

(b) by a date determined by the special educator's LEA, but no later than July 31 for a special educator who worked after the school year ended.

(2) A special educator may only receive a stipend under this rule for actual days worked.

(3) An LEA may not transfer stipend workdays under this rule among special educators.

(4) A special educator hired by an LEA after the beginning of the school year may receive funding for extra days to the extent of funds available.

NOTICES OF PROPOSED RULES

R277-319-4. Superintendent Responsibilities.

- (1) The Superintendent shall annually review this program and determine, based upon the annual appropriation, the number of special education days to be funded.
- (2) To simplify accounting and evaluation requirements for LEAs, the Superintendent shall:
 - (a) provide a methodology for tracking and accounting for special educator days to LEAs;
 - (b) provide a checklist of appropriate duties related to the IEP process for special educators; and
 - (c) distribute reimbursements to participating LEAs for eligible special educators on a semiannual basis.

R277-319-5. LEA Responsibilities.

- (1) An LEA shall distribute the survey required under Subsection R277-319-3(1) to eligible special educators and speech language pathologists semi-annually in time to meet the reporting deadlines of this rule.
- (2)(a) An LEA shall maintain its Extended Year Special Educator (EYSE) dashboard and ensure valid survey responses~~[submit a semi-annual report in a form approved by the Superintendent]~~ no later than September 30 and July 31 annually.
- (b) In its ~~[report]~~dashboard an LEA shall verify:
 - (i) that special educators and speech language pathologists have not exceeded the allowed days; and
 - (ii) that information submitted is complete and correct with no duplicate entries.

KEY: special educators, stipends

Date of Last Change: 2025~~[November 9, 2020]~~

Notice of Continuation: October 7, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-310

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-407

Filing ID: 57554

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:	
R277-407. School Fees	
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 344 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
The rule amendments are due to the passage of HB 344 in the 2025 General Session.	
5. Summary of the new rule or change:	
The amendments update the definition of "Non-waivable charge".	
The amendments also remove language related to "a concurrent enrollment, CTE, IB, or AP course", in order to clarify the school leadership license area of concentration requirements.	

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 change is due to HB 344 (2025).

The Utah State Board of Education (USB E) believes that the fiscal note to HB 344 (2025) captured any fiscal impacts.

B. Local governments:

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

This rule change is due to HB 344 (2025). The USB E believes that the fiscal note to HB 344 (2025) captured any 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.

This rule change is due to HB 344 (2025).

The USB E believes that the fiscal note to HB 344 (2025) captured any 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.

This rule change is due to HB 344 (2025).

The USB E believes that the fiscal note to HB 344 (2025) captured any fiscal impacts.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

This rule change is due to HB 344 (2025).

The USB E believes that the fiscal note to HB 344 (2025) captured any 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

NOTICES OF PROPOSED RULES

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 2	Article X, Section 3	Subsection 53E-3-401(4)
Subsection 53G-7-503		

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:

12/01/2025

10. This rule change MAY become effective on:

12/08/2025

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:	10/15/2025
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R277. Education, Administration.
R277-407. School Fees.
R277-407-1. Authority and Purpose.

(1) This rule is authorized under:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
- (b) Utah Constitution Article X, Section 2, which provides that:
 - (i) public elementary schools shall be free; and
 - (ii) secondary schools shall be free, unless the Legislature authorizes the imposition of fees;
- (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;

- (d) Subsection 53G-7-503(4), which requires the Board to adopt rules regarding student fees; and
- (e) Section 53G-7-504 which authorizes waiver of fees for eligible students with appropriate documentation.

(2) The purpose of this rule is to:

- (a) permit the orderly establishment of a system of reasonable fees;
- (b) provide adequate notice to students and families of fees and fee waiver requirements; and
- (c) prohibit practices that would:
 - (i) exclude those unable to pay from participation in school-sponsored activities; or
 - (ii) create a burden on a student or family as to have a detrimental impact on participation.

(3) This Rule R277-407 is categorized as Category 3 as described in Rule R277-111.

R277-407-2. Definitions.

- (1) "Common education expense" means the same as that term is defined in Section 53G-7-501.
- (2) "Course" means the same as that term is defined in Section 53G-7-501.
- (3) "Discretionary Project" means the same as that term is defined in Section 53G-7-501.
- (4) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.
- (5) "Fee" means the same as that term is defined in Section 53G-7-501.
- (6) "Fee course" means the same as that term is defined in Section 53G-7-501.
- (7) "Fundraiser," "fundraising," or "fundraising activity" means the same as that term is defined in Rule R277-408.
- (8) "Individual fundraiser" or "individual fundraising" means the same as that term is defined in Rule R277-408.
- (9) "Instructional equipment" means the same as that term is defined in Section 53G-7-501.
- (10) "Instructional supply" means the same as that term is defined in Section 53G-7-501.
- (11) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- (12) "Noncurricular club" has the same meaning as that term is defined in Section 53G-7-701.
- (13) "Non-fee course" means the same as that term is defined in Section 53G-7-501.
- (14) "Non-waivable charge" means a cost, payment, or expenditure that:
 - (a) is a personal discretionary charge or purchase, including:
 - (i) a charge for insurance, unless the insurance is required for a student to participate in an activity, class, or program;
 - (ii) a charge for college credit~~[related to the successful completion of]~~:
 - (A) ~~[a concurrent enrollment class]~~from an institution of higher education; or
 - (B) ~~[an advanced placement examination]~~post-secondary related courses; or
 - (iii) except when requested or required by an LEA, a charge for a personal consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar item;
 - (b) is subject to sales tax as described in Utah State Tax Commission Publication 35, Sales Tax Information for Public and Private Elementary and Secondary Schools; or
 - (c) by Utah Code, federal law, or Board rule is designated not to be a fee, including:
 - (i) a school uniform as provided in Section 53G-7-801;
 - (ii) a school lunch; or
 - (iii) a charge for a replacement for damaged or lost school equipment or supplies.
- (15)(a) "Personal student supplies" means items which are the personal property of a student which, although used in the instructional process, are also commonly purchased and used by persons not enrolled in the class or activity in question and have a high probability of regular use in other than school-sponsored activities.
 - (b) "Personal student supplies" include:
 - (i) pencils;
 - (ii) paper;
 - (iii) notebooks;
 - (iv) crayons;
 - (v) scissors;
 - (vi) basic clothing for healthy lifestyle classes; and
 - (vii) similar personal or consumable items over which a student retains ownership.
 - (c) "Personal student supplies" does not include items listed in Subsection (15)(b) if the requirement from the school for the student supply includes specific requirements such as brand, color, or a special imprint to create a uniform appearance not related to basic function.
- (16)(a) "Provided, sponsored, or supported by a school" means an activity, class, program, club, camp, clinic, or other event that:
 - (i) is authorized by an LEA or school, according to local education board policy; or
 - (ii) satisfies at least one of the following conditions:
 - (A) the activity, class, program, club, camp, clinic, or other event is managed or supervised by an LEA or school, or an LEA or school employee in the employee's school employment capacity;
 - (B) the activity, class, program, club, camp, clinic, or other event uses, more than inconsequentially, the LEA or school's facilities, equipment, or other school resources; or
 - (C) the activity, class, program, club, camp, clinic, or other event is supported or subsidized, more than inconsequentially, by public funds, including the school's activity funds or minimum school program dollars.
- (b) "Provided, sponsored, or supported by a school" does not include an activity, class, or program that meets the criteria of a noncurricular club as described in Title 53G, Chapter 7, Part 7, Student Clubs.
- (17)(a) "Provision in lieu of fee" means an alternative to fee payment.
- (b) "Provision in lieu of fee" may include a plan under which fees are paid in installments or under some other delayed payment arrangement or a service in lieu of fee payment agreement.
- (18) "Regular school day" has the same meaning as the term "school day" described in Section R277-419-2.
- (19) "Requested or required by an LEA as a condition to a student's participation" means something of monetary value that is impliedly or explicitly mandated or necessary for a student, parent, or family to provide so that a student may:
 - (a) fully participate in school or in a school activity, class, or program;
 - (b) successfully complete a school class for the highest grade; or
 - (c) avoid a direct or indirect limitation on full participation in a school activity, class, or program, including limitations created by:
 - (i) peer pressure, shaming, stigmatizing, bullying, or the like; or

NOTICES OF PROPOSED RULES

- (ii) withholding or curtailing any privilege that is otherwise provided to any other student.
- (20) "Scholarship expense" means the same as that term is defined in Section 53F-6-401.
- (21) "Scholarship student" means the same as that term is defined in Section 53F-6-401.
- (22) "School activity clothing" means the same as that term is defined in Section 53G-7-501.
- (23)(a) "School equipment" means the same as that term is defined in Section 53G-7-501.
- (b) "School equipment" includes a saw or 3D printer.
- (24)(a) "Something of monetary value" means a charge, expense, deposit, rental, fine, or payment, regardless of how the payment is termed, described, requested or required directly or indirectly, in the form of money, goods or services.
- (b) "Something of monetary value" includes:
 - (i) charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges;
 - (ii) payments made to a third party that provide a part of a school activity, class, or program;
 - (iii) classroom supplies or materials; and
 - (iv) a fine, except for a student fine specifically approved by an LEA for:
 - (A) failing to return school property;
 - (B) losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior; or
 - (C) improper use of school property, including a parking violation.
 - (c) "Something of monetary value" does not include a payment or charge for damages, which may reasonably be attributed to normal wear and tear.
- (25) "Supplemental Nutrition Assistance Program" or "SNAP" means a program, formerly known as food stamps, which provides nutrition benefits to supplement the food budget of low income families through the Utah Department of Workforce Services.
- (26) "Supplemental Security Income for children with disabilities" or "SSI" means a benefit administered through the Social Security Administration that provides payments for qualified children with disabilities in low income families.
- (27) "Temporary Assistance for Needy Families" or "TANF," means a program, formerly known as AFDC, which provides monthly cash assistance and food stamps to low income families with children under age 18 through the Utah Department of Workforce Services.
- (28) "Textbook" means the same as that term is defined in Section 53G-7-501.
- (29) "Waiver" means the same as that term is defined in Section 53G-7-501.

R277-407-3. Classes and Activities During the Regular School Day.

- (1) An LEA may not charge a fee in kindergarten through grade six for:
 - (a) materials;
 - (b) textbooks;
 - (c) supplies, except for student supplies described in Subsection (6); or
 - (d) any class or regular school day activity, including assemblies and field trips.
- (2)(a) An LEA may charge a fee related to an activity, class, or program provided, sponsored, or supported by a school for a student in a secondary school that takes place during the regular school day if:
 - (i) the fee is allowed to be charged under Title 53G, Chapter 7, Student Fees; and
 - (ii) the fee is noticed and approved as provided in this rule.
- (b) All fees are subject to the fee waiver requirements of Section R277-407-8.
- (3)(a) Notwithstanding, Subsection (1) and except as provided in Subsection (3)(b), a school may charge a fee to a student in grade six if the student attends a school that includes any of grades seven through twelve.
- (b) A school that provides instruction to students in grades other than grades six through twelve may not charge fees for grade six unless the school follows a secondary model of delivering instruction to the school's grade six students.
- (c) If a school charges fees in accordance with Subsection (3)(a), the school shall annually provide notice to parents that the school will collect fees from grade six students and that the fees are subject to waiver.
- (4) If a class is established or approved, which requires payment of fees or purchase of items in order for students to participate fully and to have the opportunity to acquire skills and knowledge required for full credit and highest grades, the fees or costs for the class shall be subject to the fee waiver requirements of Section R277-407-8.
- (5)(a) In project related courses, projects required for course completion shall be included in the course fee.
- (b) A school may require a student at any grade level to provide materials or pay for an additional discretionary project if the student chooses a project in lieu of, or in addition to a required classroom project.
- (c) A school shall avoid allowing high cost additional projects, particularly if authorization of an additional discretionary project results in pressure on a student by teachers or peers to also complete a similar high cost project.
- (d) A school may not require a student to select an additional project as a condition to enrolling, completing, or receiving the highest possible grade for a course.
- (6) An elementary school or elementary school teacher may provide to a student's parent or guardian, a suggested list of student supplies for use during the regular school day so that a parent or guardian may furnish, on a voluntary basis, student supplies for student use, provided that, in accordance with Section 53G-7-503, the following notice is provided with the list:
"NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS, OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."
- (7) A school may require a secondary student to provide student supplies, subject to the requirements of Section 53G-7-503 and Section R277-407-8.

- (8)(a) A school may require a secondary student to provide school activity clothing.
- (b) School activity clothing is considered a fee and is subject to fee waiver.
- (9) As provided in Subsection 53G-7-802(4), an LEA's school uniform policy, including a requirement for a student to wear a school uniform, is not considered a fee for either an elementary or a secondary school if the LEA's school uniform policy is consistent with the requirements of Title 53G, Chapter 7, Part 8, School Uniforms.

R277-407-4. School Activities Outside of the Regular School Day.

- (1) A school may charge a fee, subject to the requirements of Section R277-407-8, related to any school-sponsored activity, that does not take place during the regular school day, regardless of the age or grade level of the student, if participation in the activity is voluntary and does not affect a student's grade or ability to participate fully in any course taught during the regular school day.
- (2) A fee related to a fee course may not exceed the maximum fee amounts for the fee course adopted by the LEA governing board as described in Subsection R277-407-6(2).
- (3) A school may only collect a fee for an activity, class, or program provided, sponsored, or supported by a school consistent with LEA policies and state law.
- (4) An LEA that provides, sponsors, or supports an activity, class, or program outside of the regular school day or school calendar is subject to the requirements of this rule regardless of the time or season of the activity, class, or program.

R277-407-5. Fee Waivable Activities, Classes, or Programs Provided, Sponsored, or Supported by a School.

Fees for the following are waivable:

- (1) an activity, class, or program that is:
 - (a) primarily intended to serve school-age children, including a student participating in an activity, class, or program through dual enrollment as described in Rule R277-438 or as described in Rule R277-494; and
 - (b) taught or administered, more than inconsequentially, by a school employee as part of the employee's assignment;
- (2) an activity, class, or program that is explicitly or implicitly required:
 - (a) as a condition to receive a higher grade, or for successful completion of a school class or to receive credit, including a requirement for a student to attend a concert or museum as part of a music or art class for extra credit; or
 - (b) as a condition to participate in a school activity, class, program, or team, including, a requirement for a student to participate in a summer camp or clinic for students who seek to participate on a school team, such as cheerleading, football, soccer, dance, or another team;
- (3) an activity or program that is promoted by a school employee, such as a coach, advisor, teacher, school-recognized volunteer, or similar person, during school hours where it could be reasonably understood that the school employee is acting in the employee's official capacity;
- (4) an activity or program where full participation in the activity or program includes:
 - (a) travel for state or national educational experiences or competitions;
 - (b) debate camps or competitions; or
 - (c) music camps or competitions;
- ~~[(5) a concurrent enrollment, CTE, IB, or AP course;]~~ and
- ~~[(6)](5)~~ the cost to access software, digital content, or other instructional materials required as part of an activity, course, or program.

R277-407-6. LEA Requirements to Establish a Fee Schedule -- Maximum Fee Amounts -- Notice to Parents.

- (1) An LEA, school, school official, or employee may not charge or assess a fee or request or require something of monetary value related to an activity, class, or program provided, sponsored, or supported by, and including for a fee course, unless the fee:
 - (a) has been set and approved by the LEA's governing board;
 - (b) is equal to or less than the maximum fee amount established by the LEA governing board as described in Subsection (4); and
 - (c) is included in an approved fee schedule.
- (2)(a) If an LEA charges a fee, on or before June 1 and in consultation with stakeholders, the LEA governing board shall annually adopt a fee schedule and fee policies for the LEA in a regularly scheduled public meeting.
- (b) Before approving the LEA's fee schedule described in this section, an LEA shall provide an opportunity for the public to comment on the proposed fee schedule during a minimum of two public LEA governing board meetings.
- (c) An LEA shall:
 - (i) provide public notice of the meetings described in Subsections (2)(a) and (b) in accordance with Title 52, Chapter 4, Open and Public Meetings Act; and
 - (ii) encourage public participation in the development of fee schedules and waiver policies.
- (d) In addition to the notice requirements of Subsection (2)(c), an LEA shall provide notice to parents and students of the meetings described in Subsections (2)(a) and (b) using the same form of communication regularly used by the LEA to communicate with parents, including notice by email, text, flyer, or phone call.
- (e) An LEA shall keep minutes of meetings during which fee and waiver policies are developed or adopted, together with copies of approved policies, in accordance with Section 52-4-203.
- (3) After the fee schedule described in Subsection (2)(a) is adopted, an LEA may amend the LEA's fee schedule if the LEA follows the process described in Subsection (2) before approving the amended fee schedule.
- (4)(a) As part of an LEA's fee setting process, an LEA shall establish:
 - (i) a maximum fee amount per student for each activity; and
 - (ii) a maximum total aggregate fee amount per student per school year.

NOTICES OF PROPOSED RULES

(b) An LEA may establish a reasonable number of activities, courses, or programs that will be covered by the annual maximum fee amount described in Subsection (4)(a).

(5) As part of an LEA's fee setting process described in this section, the LEA may review and consider the following per school:

(a) the school's cost to provide the activity, class, or program;

(b) the school's student enrollment;

(c) the median income of families:

(i) within the school's boundary; or

(ii) enrolled in the school;

(d) the number and monetary amount of fee waivers, designated by individual fee, annually granted within the prior three years;

(e) the historical participation and school interest in certain activities;

(f) the prior year fee schedule;

(g) the amount of revenue collected from each fee in the prior year;

(h) fundraising capacity;

(i) prior year community donors; and

(j) other resources available, including through donations and fundraising.

(6)(a) If an LEA charges a fee, the LEA shall:

(i) annually publish the following on each of the LEA's schools' publicly available websites:

(A) the LEA's fee waiver policies and fee schedule, including the fee maximums described in Subsection (4);

(B) the LEA's fee waiver application;

(C) the LEA's fee waiver decision and appeals form; and

(D) the LEA's school fee notice for families;

(ii) annually include a copy of the LEA's fee schedule and fee waiver policies with the LEA's registration materials;

(iii) beginning in the 2026-2027 school year, clearly identify any fee for each activity, course, or program alongside the description of the activity, course, or program in the LEA's registration materials; and

(iv) provide a copy of the LEA's fee schedule and fee waiver policies to a student's parent who enrolls a student after the initial enrollment period.

(b) If an LEA's student or parent population in a single written language other than English exceeds 20%, the LEA shall also publish the LEA's fee schedule and fee waiver policies in the language of those families.

(c) An LEA representative shall meet personally with each student's parent or family and make available an interpreter for the parent to understand the LEA's fee waiver schedules and policies if:

(i) the student or parent's first language is a language other than English; and

(ii) the LEA has not published the LEA's fee schedule and fee waiver policies in the parent's first language.

(7)(a) An LEA policy shall include easily understandable procedures for obtaining a fee waiver and for appealing an LEA's denial of a fee waiver, as soon as possible before the fee becomes due.

(b) If an LEA denies a student or parent request for a fee waiver, the LEA shall provide the student or parent:

(i) the LEA's decision to deny a waiver; and

(ii) the procedure for the appeal in the form approved by the Board.

(8)(a) A school may not deny a present or former student receipt of transcripts or a diploma, nor may a school refuse to issue a grade for a course for failure to pay school fees.

(b) A school may impose a reasonable charge to cover the cost of duplicating, mailing, or transmitting transcripts and other school records.

(c) A school may not charge for duplicating, mailing, or transmitting copies of school records to an elementary or secondary school in which a former student is enrolled or intends to enroll.

(9) To preserve equal opportunity for all students and to limit diversion of money and school and staff resources from the basic school program, each LEA's fee policies shall be designed to limit student expenditures for school-sponsored activities, including expenditures for activities, uniforms, clubs, clinics, travel, and subject area and vocational leadership organizations, whether local, state, or national.

(10)(a) Beginning with the 2026-2027 school year, each LEA shall ensure that each school that awards credit toward graduation provides at least one option for each graduation requirement that:

(i) fulfills the graduation requirement; and

(ii) does not require the payment or waiver of any fee.

(b) Notwithstanding Subsection (10)(a), a charter school that only offers one of the following for a given graduation requirement is not required to provide an option that does not require the payment or waiver of any fee:

(i) an Advanced Placement course;

(ii) an International Baccalaureate course; or

(iii) a concurrent enrollment course, as described in Section 53E-10-302.

(c) Nothing in Subsection (10) requires an LEA or a school to provide, without a fee or fee waiver:

(i) a specific activity, course, or program; or

(ii) the student's preferred activity, course, or program.

R277-407-7. Fee Structure for Scholarship Student Expenses.

(1) An LEA that offers classes, programs, or services to scholarship students that include expenses beyond tuition shall establish a transparent and fair fee structure for those expenses.

(2) An LEA may establish the fee structure required under this Subsection (1) without adhering to the requirements of Sections R277-407-1 through R277-407-6.

(3) The fee schedule required under this Subsection (7) shall:

- (a) be based on actual costs of providing the services or items covered by the scholarship;
- (b) be consistent with fees charged to enrolled students for the same services or items, if applicable;
- (c) itemize all charges and fees;
- (d) explain the basis for each fee; and
- (e) be updated annually.

R277-407-8. Donations in Lieu of Fees.

(1)(a) A school may not request or accept a donation in lieu of a fee from a student or parent unless the activity, class, or program for which the donation is solicited will otherwise be fully funded by the LEA and receipt of the donation will not affect participation by an individual student.

(b) A donation is a fee if a student or parent is required to make the donation as a condition to the student's participation in an activity, class, or program.

(c) An LEA may solicit and accept a donation or contribution in accordance with the LEA's policies, but such requests must clearly state that donations and contributions by a student or parent are voluntary.

(2) If an LEA solicits donations, the LEA:

- (a) shall solicit and handle donations in accordance with policies established by the LEA; and
- (b) may not place any undue burden on a student or family in relation to a donation.

(3) An LEA may raise money to offset the cost to the LEA attributed to fee waivers granted to students through the LEA's foundation.

(4) An LEA shall direct donations provided to the LEA through the LEA's foundation in accordance with the LEA's policies governing the foundation.

(5) If an LEA accepts a donation, the LEA shall prevent potential inequities in schools within the LEA when distributing the donation.

R277-407-9. Fee Waivers.

(1)(a) All fees are subject to waiver.

(b) Fees charged for an activity, class, or program held outside of the regular school day, during the summer, or outside of an LEA's regular school year are subject to waiver.

(c) Non-waivable charges are not subject to waiver.

(2)(a) Except as provided in Subsection (2)(b), an LEA may not use revenue collected through fees to offset the cost of fee waivers by requiring students and families who do not qualify for fee waivers to pay an increased fee amount to cover the costs of students and families who qualify for fee waivers.

(b) An LEA may notify students and families that the students and families may voluntarily pay an increased fee amount or provide a donation to cover the costs of other students and families.

(3) An LEA shall provide, as part of any fee policy or schedule, for adequate waivers or other provisions in lieu of a fee to ensure that no student is denied the opportunity to participate in a class or school-sponsored or supported activity because of an inability to pay a fee.

(4) An LEA shall designate at least one person at an appropriate administrative level in each school to review and grant fee waiver requests.

(5) An LEA shall administer the process for obtaining a fee waiver or pursuing an alternative fairly, objectively, without delay, and in a manner that avoids stigma, embarrassment, undue attention, and unreasonable burdens on students and parents.

(6) An LEA may not treat a student receiving a fee waiver or provision in lieu of a fee waiver differently from other students.

(7) A school may not identify a student on fee waiver to students, staff members, or other persons who do not need to know.

(8)(a) An LEA shall ensure that a fee waiver or other provision in lieu of a fee payment is available to any student whose parent cannot pay a fee.

(b) A school or LEA administrator shall verify fee waivers consistent with this rule.

(9) An LEA shall adopt a fee waiver policy for review and appeal of fee waiver requests which:

- (a) provides parents the opportunity to review proposed alternatives to fee waivers;
- (b) establishes a timely appeal process, which shall include the opportunity to appeal to the LEA or its designee; and
- (c) suspends any requirement that a given student pay a fee during any period for which the student's eligibility for waiver is under consideration or during which an appeal of denial of a fee waiver is in process.

(10) An LEA may pursue reasonable methods for collecting student fees, but may not, as a result of unpaid fees:

(a) exclude a student from a school, an activity, class, or program that is provided, sponsored, or supported by a school during the regular school day;

(b) refuse to issue a course grade; or

(c) withhold official student records, including written or electronic grade reports, class schedules, diplomas or transcripts.

(11)(a) A school may withhold student records in accordance with Subsection 53G-8-212(2)(a).

(b) Notwithstanding Subsection (13)(a), a school may not withhold any records required for student enrollment or placement in a subsequent school.

(12) A school is not required to waive a non-waivable charge.

R277-407-10. Service In Lieu of Fees -- Provisions In Lieu of Fees -- Voluntary Requests for Installment Plans.

(1) Subject to the requirements of Subsection (2), an LEA may allow a student to perform service in lieu of a fee, but service in lieu of a fee may not be required.

(2) An LEA may allow a student to perform service in lieu of a fee if the LEA establishes a policy as described in Subsection R277-407-14(2).

(3)(a) A student who performs service may not be treated differently than other students who pay a fee.

(b) The service may not create an unreasonable burden for a student or parent and may not be of such a nature as to demean or stigmatize the student.

(4) An LEA shall transfer a student's service credit to:

(a) another school within the LEA; or

(b) another LEA upon request of the student.

(5)(a) An LEA may make an installment payment plan available to a parent or student to pay for a fee.

(b) An installment payment plan described in Subsection (5)(a) may not be required in lieu of a fee waiver.

(6) An LEA may provide optional individual fundraising opportunities for students to raise money to offset the cost of the student's fees as provided in Rule R277-408.

R277-407-11. Fee Waiver Eligibility.

(1) A student is eligible for fee waiver if an LEA receives verification that:

(a) in accordance with Subsection 53G-7-504(4), based on the family income levels established by the Superintendent as described in Subsection (2);

(b) the student to whom the fee applies receives SSI;

(c) the family receives TANF or SNAP funding;

(d) the student is in foster care through the Division of Child and Family Services;

(e) the student is in state care; or

(f) the student qualifies for McKinney-Vento Homeless Assistance Act assistance.

(2) The Superintendent shall annually establish income levels for fee waiver eligibility and publish the income levels on the Board's website.

(3) In lieu of income verification, an LEA may require alternative verification under the following circumstances:

(a) If a student's family receives TANF or SNAP, an LEA may require the student's family to provide to the LEA an electronic copy or screenshot of the student's family's eligibility determination or eligibility status covering the period for which a fee waiver is sought from the Utah Department of Workforce Services;

(b) If a student receives SSI, an LEA may require a benefit verification letter from the Social Security Administration;

(c) If a student is in state care or foster care, an LEA may rely on the youth in care required intake form and school enrollment letter or both provided by a case worker from the Utah Division of Child and Family Services or the Utah Juvenile Justice Department; or

(d) If a student qualifies for McKinney-Vento, verification is obtained through the LEA's McKinney-Vento liaison.

(4)(a) An LEA may not subject a family to unreasonable demands for re-qualification.

(b) A school may grant a fee waiver to a student, on a case-by-case basis, who does not qualify for a fee waiver under Subsection (1), but who, because of extenuating circumstances is not reasonably capable of paying the fee.

(5) An LEA may charge a proportional share of a fee or reduced fee if circumstances change for a student or family so that fee waiver eligibility no longer exists.

(6) An LEA may retroactively waive fees if eligibility can be determined to exist before the date of the fee waiver application.

R277-407-12. Fees for Textbooks.

(1) An LEA may not charge a fee for a textbook as provided in Section 53G-7-506, except for a textbook used for a concurrent enrollment, International Baccalaureate, or Advanced Placement course as described in Subsection (2).

(2)(a) An LEA may charge a fee for a textbook used for a concurrent enrollment, International Baccalaureate, or Advanced Placement course.

(b) A fee for a textbook used for a concurrent enrollment, International Baccalaureate, or Advanced Placement course is fee waivable as described in Section R277-407-9.

R277-407-13. Budgeting and Spending Revenue Collected Through Fees -- Fee Revenue Sharing Requirements.

(1) An LEA shall follow the general accounting standards described in Rule R277-113 for treatment of fee revenue.

(2) An LEA shall establish a spend plan for the revenue collected from each fee charged.

(3)(a) A spend plan described in Subsection (2)(a) provides students, parents, and employees transparency by identifying a fee's funding uses.

(b) An LEA or school's spend plan shall identify the needs of the activity, course, or program for the fee being charged and shall include a list or description of anticipated types of expenditures, for the current fiscal year or as carryover for use in a future fiscal year, funded by the fee charged.

(4)(a) An LEA that has multiple schools shall establish a procedure to identify and address potential inequities due to the impact of the number of students who receive fee waivers within each of the LEA's schools.

(b) For an LEA with multiple schools, the LEA shall distribute the impact of fee waivers across the LEA so that no school carries a disproportionate share of the LEA's total fee waiver burden.

R277-407-14. Fee Waiver Reporting Requirements.

(1) An LEA shall collect the following information, which may be requested by the Superintendent as part of the Superintendent's monitoring of the LEA's school fees practices:

- (a) a summary of:
 - (i) the number of students in the LEA given fee waivers;
 - (ii) the number of students who worked in lieu of a waiver;
 - (iii) the number of students denied fee waivers; and
 - (iv) the total dollar value of student fees waived by the LEA; and
- (b) the total dollar amount of all fees charged to students within all schools within the LEA.
- (2) An LEA shall submit school fee revenue information in the Utah Public Education Financial System as provided in Rule R277-

113.

R277-407-15. LEA Required Policies -- Superintendent and LEA Policy and Training Requirements.

(1) An LEA that charges fees shall adopt policies that include at least the following:

- (a) a process for obtaining waivers or pursuing alternatives that is administered fairly, objectively, and without delay, and avoids stigma and unreasonable burdens on students and families;
- (b) a process with no visible indicators that could lead to identification of fee waiver applicants;
- (c) a process that complies with the privacy requirements of The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA);

- (d) a student may not collect fees or assist in the fee waiver approval process;
- (e) a standard written decision and appeal form is provided to every applicant; and
- (f) during an appeal the requirement that the fee be paid is suspended.

(2) An LEA may allow a student to perform service in lieu of a fee as described in Section R277-407-10 if:

- (a) the LEA establishes a service policy that ensures that a service assignment is appropriate to the:
 - (i) age of the student;
 - (ii) physical condition of the student; and
 - (iii) maturity of the student;
- (b) the LEA's service policy is consistent with state and federal laws, including:
 - (i) Section 53G-7-504; and
 - (ii) the Federal Fair Labor Standards Act, 29 U.S.C. 201;
- (c) the service can be performed within a reasonable period; and
- (d) the service is at least equal to the minimum wage for each hour of service.

(3) The Superintendent shall provide ongoing training, informational materials, and model policies, as available, for use by LEAs.

(4) The Superintendent shall provide online training and resources for LEAs regarding:

- (a) an LEA's fee approval process;
 - (b) LEA notification requirements;
 - (c) LEA requirements to establish maximum fees; and
 - (d) fee waiver eligibility requirements, including requirements to maintain student and family confidentiality.
- (5) An LEA governing board shall annually review the LEA's policies on school fees and fee waivers.

(6) An LEA shall develop a plan for, at a minimum, annual training of LEA and school employees on fee related policies enacted by the LEA specific to each employee's job function.

R277-407-16. Enforcement.

(1) The Superintendent shall monitor LEA compliance with this rule.

(2) If an LEA fails to comply with the terms of this rule or request of the Superintendent, the Superintendent shall send the LEA a first written notice of non-compliance, which shall include a proposed corrective action plan.

(3) Within 45 days of the LEA's receipt of a notice of non-compliance, the LEA shall:

- (a) respond to the allegations of non-compliance described in Subsection (2); and
- (b) work with the Superintendent on the Superintendent's proposed corrective action plan to remedy the LEA's non-compliance.

(4)(a) Within 15 days after receipt of a proposed corrective action plan described in Subsection (3)(b), an LEA may request an informal hearing with the Superintendent to respond to allegations of non-compliance or to address the appropriateness of the proposed corrective action plan.

(b) The form of an informal hearing described in Subsection (4)(a) shall be as directed by the Superintendent.

(5) The Superintendent shall send an LEA a second written notice of non-compliance and request for the LEA to appear before a Board standing committee if:

- (a) the LEA fails to respond to the first notice of non-compliance within 60 days; or
- (b) the LEA fails to comply with a corrective action plan described in Subsection (3)(b) within the time period established in the LEA's corrective action plan.

(6) If an LEA receives a second written notice of non-compliance, the LEA may:

- (a)(i) respond to the notice of non-compliance described in Subsection (5); and
- (ii) work with the Superintendent on a corrective action plan within 30 days of receiving the second written notice of non-compliance;

or

NOTICES OF PROPOSED RULES

(b) within 15 days after receipt of the second notice seek an appeal before a Board standing committee.

(7) If an LEA that fails to respond to a first notice of non-compliance, and fails to respond to a second notice of non-compliance, nor seeks an appeal as described in Subsection (6)(b), the Superintendent shall impose one of the financial consequences described in Subsection (10).

(8)(a) Before imposing a financial consequence described in Subsection (10), the Superintendent shall provide an LEA 30 days' notice of any proposed action.

(b) The LEA may, within 15 days after receipt of a notice described in Subsection (8)(a), request an appeal before a Board standing committee.

(9) If the LEA does not request an appeal described in Subsection (8)(b), or if after the appeal the Board finds that the allegations of non-compliance are substantially true, the Superintendent may continue with the suggested corrective action, formulate a new form of corrective action or additional terms and conditions which must be met and may proceed with the appropriate remedy which may include an order to return funds improperly collected.

(10) A financial consequence may include:

(a) requiring an LEA to repay an improperly charged fee, commensurate with the level of non-compliance;

(b) withholding all or part of an LEA's monthly Minimum School Program funds until the LEA comes into full compliance with the corrective action plan; and

(c) suspending the LEA's authority to charge fees for an amount of time specified by the Superintendent or Board in the determination.

(11) The Board's decision described in Subsection (9) is final and no further appeals are provided.

R277-407-17. Distribution of Legislative Funds for School Fees.

(1) When funds are appropriated by the Legislature for school fees, the Superintendent shall determine LEA allocations by April 30 before distributing the funds as described in Subsection (2) and using prior year average daily membership.

(2) The Superintendent shall distribute available funds to LEAs with students enrolled in grades 7-12, proportionately based on an LEA's number of students in the applicable grades, weighting each student in grade 7 or 8 at .99 and each student in grade 9, 10, 11, or 12 at 1.2.

(3) For funds appropriated by the Legislature during the 2024 Legislative General Session, the Superintendent shall distribute the following to LEAs in operation with enrolled students before July 1, 2025:

(a) 50% of the funds to LEAs for the fiscal year beginning on July 1, 2025;

(b) 30% of the funds to LEAs for the fiscal year beginning on July 1, 2026; and

(c) 20% of the funds to LEAs for the fiscal year beginning on July 1, 2027.

KEY: education, school fees, policies, training

Date of Last Change: ~~July 8,~~ 2025

Notice of Continuation: August 19, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 2; Art X Sec 3; 53E-3-401(4); 53G-7-503

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-469

Filing ID: 57555

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:

R277-469. Instructional Materials Operating Procedures

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 191 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
The rule amendments are due to the passage of HB 191 in the 2025 General Session.	
5. Summary of the new rule or change:	
The amendments include new requirements related to Local Education Agencies (LEAs) using the "Packet Method".	

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 change is due to HB 191 (2025).
The Utah State Board of Education (USB E) believes that the fiscal note to HB 191 (2025) captured any fiscal impacts.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
This rule change is due to HB 191 (2025).
The USB E believes that the fiscal note to HB 191 (2025) captured any 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.
This rule change is due to HB191 HB 191 (2025).
The USB E believes that the fiscal note to HB 191 (2025) captured any 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.
This rule change is due to HB 191 (2025).
The USB E believes that the fiscal note to HB 191 (2025) captured any fiscal impacts.
F. Compliance costs for affected persons:
There are no compliance costs for affected persons.

This rule change is due to HB 191 (2025).

The USBE believes that the fiscal note to HB 191 (2025) captured any 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
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-4-402	Section 53E-4-408
Subsection 53E-3-401(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:	12/01/2025
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10. This rule change MAY become effective on:	12/08/2025
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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:	10/15/2025
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R277. Education, Administration.

R277-469. Instructional Materials Operating Procedures.

R277-469-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) Utah Constitutional 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 53E-4-408, which directs the Board to make rules that establish the qualifications of the independent parties who may evaluate and map the alignment of the primary instructional materials and requirements for the detailed summary of the evaluation.
- (2) The purpose of this rule is to:
 - (a) provide definitions, operating procedures, and criteria for recommending instructional materials for use in Utah public schools;
 - (b) provide for mapping and alignment of primary instructional materials to the Core consistent with Utah law; and
 - (c) provide rules for the purchase and distribution of instructional materials within the state.
- (3) This Rule R277-469 is categorized as Category 3 as described in Rule R277-111, and Rule R277-705.

R277-469-2. Definitions.

- (1) "Core" means the core standards adopted by the Board in Rule R277-700.
- (2) "Curriculum alignment" means the assurance that the material taught in a course or grade level matches the standards, and assessments set by the state for specific courses or grade levels.
- (3) "Depository" means a business dedicated to storing and distributing resources or materials in sufficient quantities to ensure rapid and efficient delivery to LEAs.
- (4)(a) "Instructional materials" means systematically arranged content in text, digital, Braille and large print, or audio format which may be used within the state curriculum framework for courses of study by students in public schools.
- (b) "Instructional materials" include:
 - (i) textbooks;
 - (ii) workbooks; and
 - (iii) digital resources.
- (c) "Instructional materials" may be used by students or teachers or both as principal sources of study to cover any portion of a course.
- (d) "Instructional materials":
 - (i) are designed for student use;
 - (ii) may be accompanied by or contain teaching guides and study helps;
 - (iii) shall include all textbooks, workbooks, student materials, supplements, and online and digital materials necessary for a student to fully participate in coursework;
 - (iv) shall be high quality, research-based materials for supporting student learning; and
 - (v) may not be sensitive materials as defined by Subsection 53G-10-103(1)(h).
- (5) "Independent party" means an entity that is not part of or related to:
 - (a) the Board;
 - (b) Board staff;
 - (c) an employee or governing board member of an LEA;
 - (d) the creator or publisher of instructional materials under review; or
 - (e) anyone with a financial interest, however minimal, in instructional materials under review.
- (6) "Integrated instructional program" means any combination of instructional materials for students, including:
 - (a) textbooks;
 - (b) workbooks;
 - (c) digital resources;
 - (d) videos;
 - (e) electronic devices; or
 - (f) similar resources.
- (7) "Instructional materials provider" means a publisher or author and self-publisher who sells or provides instructional materials for use in Utah public schools.
- (8) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- (9) "Mapping" means creating a visual representation listing topics in instructional materials in correlation to the standards of the Utah Core.
- (10) "National Instructional Materials Access Center" or "NIMAC" means the same as that term is defined in Subsection R277-800-2(14).
- (11) "National Instructional Materials Accessibility Standard" or "NIMAS" means the same as that term is defined in Subsection R277-800-2(15).
- (12) "Not sampled" means instructional materials that were included in a publisher bid for evaluation, but which were not sampled to the Superintendent.
- (13) "Packet Method" means an educational approach where:
 - (a) a high school student receives a collection of instructional materials from an institution, organization, or LEA;
 - (b) the high school student works through the materials independently with minimal or no direct instruction from a teacher; and
 - (c) assessment is primarily based on completion of assignments within the instructional materials.
- ~~[(13)]~~(14) "Primary instructional material" means a comprehensive basal or Core textbook or integrated instructional program for which a publisher seeks a recommendation for Core subjects designated in Sections R277-700-4 through R277-700-6.
- ~~[(14)]~~(15) "Recommended instructional materials" or "RIMs" means the recommended instructional materials searchable database provided as a free service by the Board for the posting of evaluations and alignments to the Core of instructional materials submitted by publishers for review by the Superintendent and approval of the Board.

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~~[(15)](16)~~ "Recommended limited" means instructional materials that are in limited alignment with the Core requirements or are narrow or restricted in their scope and sequence.

~~[(16)](17)~~ "Recommended primary" means instructional materials that:

- (a) are in alignment with content, philosophy, and instructional strategies of the Core;
- (b) have been mapped and aligned to the Core, consistent with Section 53E-4-408;
- (c) are appropriate for use by students as principal sources of study; and
- (d) support Core requirements.

~~[(17)](18)~~ "Recommended student resource" means instructional materials aligned to the Core that are developmentally appropriate, but not intended to be the primary instructional resource, which may provide valuable content information for students.

~~[(18)](19)~~ "Recommended teacher resource" means instructional materials that are appropriate as resource materials for use by teachers.

~~[(19)](20)~~ "Reviewed, but not recommended" means instructional materials that an LEA is strongly cautioned against using because the materials:

- (a) do not align with the Core;
- (b) are inaccurate in content;
- (c) include misleading connotations;
- (d) contain undesirable presentation; or
- (e) are in conflict with existing law or rule.

~~[(20)](21)~~ "Sensitive materials" means an instructional material that constitutes objective sensitive material or subjective sensitive material as described in Subsection 53G-10-103(1)(h).

~~[(21)](22)~~ "Utah State Instructional Materials Access Center" or "USIMAC" means the same as that term is defined in Subsection R277-800-2(21).

R277-469-3. Use of State Funds for Instructional Materials.

(1) An LEA may use state funds for any primary supplemental or supportive instructional materials that support Core requirements.

(2) An LEA shall select and approve instructional materials consistent with:

- (a) established local board procedures and timelines;
- (b) Utah Code and Board rule, including Section 53G-2-105 and Section 53G-10-103;
- (c) Subsection 53G-10-402(1)(c)(iii); and
- (d) Subsection 53E-4-403(4).

(3) A school or school district that uses any funding source to purchase materials that have not been recommended or selected consistent with state law, may have funds withheld to the extent of the actual costs of those materials pursuant to Subsection 53E-3-401(8)(a)(ii).

(3)(a) An LEA may use free instructional materials that are used as primary instructional materials or that are part of primary integrated instructional programs subject to the same independent party evaluation and Core mapping as basal or Core material.

(b) If an LEA receives free materials, the LEA may use the materials as student instructional materials only consistent with the law and this rule.

(4) An LEA shall include a requirement in all publisher contracts for instructional materials that the publisher shall:

- (a) prepare and provide electronic files of all instructional materials in the NIMAS format to NIMAC on or before delivery of print instructional materials; or
- (b) provide instructional materials that are produced in, or may be made in, specialized formats; and
- (c) provide materials consistent with the Utah Code and administrative rules.

(5)(a) An LEA shall provide timely notice to all publishers with whom the LEA contracts for instructional materials that all materials shall be provided consistent with Subsection (4).

(b) An LEA's notice shall include a copy of this rule.

R277-469-5. Review of Materials.

(1) The Superintendent shall primarily focus on reviewing materials used in subjects aligned with Core requirements to include reading, language arts, mathematics through geometry, science, in kindergarten through 12th grade, effectiveness of written expression, and other Core subject areas as assigned by the Board.

(2) The Superintendent shall determine subject areas and timelines for review based on school district and charter school needs and requests, using forms and procedures provided by the Superintendent.

(3) Following its evaluation of a submitted item, the Superintendent shall recommend that the Board classify materials in one of the following categories:

- (a) Recommended primary;
- (b) Recommended limited;
- (c) Recommended teacher resource;
- (d) Recommended student resource;
- (e) Reviewed, but not recommended; or
- (f) Not sampled.

(4) An LEA may award replacement credit or assign a grade for original credit through the packet method if the packet adheres to the standards prescribed in Board rule and:

- (a) the LEA approves the packet for use as an instruction material in accordance with:

- (i) Subsection 53G-4-402(27) for a district school; or
- (ii) Subsection 53G-5-404(13) for a charter school; or
- (iii) the Board recommends the packet after it has been reviewed, consistent with the state instructional materials process described in Section 53E-4-403.

R277-469-6. Criteria for Recommendation of Instructional Materials Following Mid-Party Evaluation of Core Curriculum.

(1) The Superintendent and the Board, in reviewing whether to recommend instructional materials, may consider whether the instructional materials:

- (a) are consistent with Core requirements;
- (b) are mapped and aligned to the Core and state-adopted assessments if planned for use as primary materials;
- (c) are high quality, research-based, and proven to be effective in supporting student learning;
- (d) provide an objective and balanced viewpoint on issues;
- (e) include enrichment and extension possibilities;
- (f) are appropriate to varying levels of learning;
- (g) are accurate and factual;
- (h) are arranged chronologically or systematically, or both;
- (i) meets the requirements of Section 53E-2-204.1;
- (j) are not sensitive materials as defined in Subsection 53G-10-103(1)(h);
- (k) are not prohibited discriminatory practice as described in Section 53B-1-118;
- (l) are consistent with the principles of individual freedom as defined in Section 53G-10-206; and
- (m) are of acceptable technical quality.

(2) A publisher, when submitting new primary material to be evaluated by the Superintendent, shall submit an electronic version of that material in NIMAS file format to NIMAC for use in conversion into Braille, large print, and other formats for students with print disabilities.

(3) The Superintendent may require an LEA to provide a report of instructional materials purchased by the LEA or a school in the previous five years.

(4) The Superintendent may initiate a formal or informal audit of instructional materials purchased to determine purchase or use of instructional materials consistent with the law or this rule.

R277-469-7. Agreements and Procedures for LEAs.

(1) A local board shall establish a policy for selection and purchase of instructional materials.

(2) As part of any materials adoption process or procurement contract for purchasing instructional materials, an LEA shall provide instructional materials to all students, including blind students and other students with disabilities, in a timely manner.

(a) A publisher shall provide materials in electronic files to NIMAC to make materials available to eligible students.

(b) An LEA shall include NIMAS contract language in all contracts with publishers for Core materials.

(c) An LEA may purchase instructional materials from the publisher that are produced in, or may be in, specialized formats for eligible students.

(3) An LEA shall require a detailed Core curriculum alignment before the purchase of primary instructional materials.

R277-469-8. Qualifications for Core Curriculum Alignment Independent Parties.

(1) A primary instructional materials provider shall contract with an independent party in accordance with Subsection 53E-4-408(1)(a).

(2) An independent party may only employ or contract with a reviewer who has a degree or an endorsement specific to the subject area of the primary instructional materials.

(3) A publisher shall provide proof of an independent party's credentials to the Superintendent upon request.

R277-469-9. Detailed Summary Requirements.

(1) An independent party shall submit a summary required under Subsection 53E-4-408(1)(b) in a searchable, digital resource database format designated by the Superintendent.

(2) A summary required under Subsection 53E-4-408(1)(b) shall:

(a) include detailed alignment information that includes, at a minimum:

(i) the title of the material;

(ii) the ISBN number;

(iii) the publisher's name;

(iv) the name and grade of the Core document used to align the material;

(v) the overall percentage of coverage of the Core;

(vi) the overall percentage of coverage in ancillary resources of the material to the Core;

(vii) the percentage of coverage of the Core in the material for each standard, objective and indicator in the Core with corresponding page numbers;

(viii) percentage of coverage of the Core not covered in the material but covered in the ancillary resources for each standard; and

(ix) objective and indicator in the Core with corresponding page numbers or URLs; and

(b) provide the detailed alignment information listed in Subsection (a)(iv) for the student text for all editions of the text that are used in Utah public schools;

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(c) provide the detailed alignment information listed in Subsection (a)(iv) for a teacher edition of text, if a teacher edition is used in Utah public schools; and

(d) provide an assurance, including a personal signature, that the work was completed personally and as required by the licensed and endorsed reviewer.

R277-469-10. Agreements and Procedures for Publishers.

(1) A publisher desiring to sell primary instructional materials to Utah school districts shall comply with the requirements of Section 53E-4-408 and this rule.

(2)(a) A publisher seeking to sell recommended materials to Utah schools or school districts shall maintain on deposit the number of books necessary to meet the anticipated needs within the state at an instructional materials depository in the business of selling instructional materials to schools or school districts in Utah.

(b) A publisher shall submit verification of compliance with Subsection (2)(a) to the Superintendent through the publisher's contracted depository before the Superintendent posting a review of the materials on RIMs.

(3) A publisher may make a depository agreement with one or more depository.

(4) Notwithstanding Subsection (2), a publisher may sell instructional materials to schools or school districts in Utah directly or through means other than a designated depository.

(5) A publisher need not store digital and online resources within the state, but shall guarantee timely resource availability of a placed order and shall provide digital and online resource orders without shipping charges.

(6) If a revised edition of recommended materials retains the original title and authorship, the publisher may request its substitution for the edition currently recommended providing that:

(a) the original contract price and contract date do not change and the original contract price applies for the substituted materials;

(b) the revised edition is compatible with the earlier edition, permitting use of either or both in the same classroom;

(c) a sample copy of the revised edition is provided to the Superintendent for examination purposes; and

(d) the publisher submits a revised electronic edition in NIMAS file format to the NIMAC if the Superintendent approves the substitution request.

(7) The Superintendent shall make the final determination about the substitution of a new edition for a previously recommended edition.

(8) A publisher's contract price for materials recommended by the Superintendent and the Board shall apply for five years from the contract date.

KEY: instructional materials

Date of Last Change: 2025~~July 9, 2024~~

Notice of Continuation: September 15, 2022

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-4-402; 53E-4-408; 53E-3-401(4)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-494

Filing ID: 57556

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:

R277-494. Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities

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 344 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
The rule amendments are due to the passage of HB 344 in the 2025 General Session.	
5. Summary of the new rule or change:	
The amendments add an Oversight Category 3, removes the definition for "Course", and adds a definition for "Co-curricular activities".	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
<p>This rule change is not expected to have fiscal impact on state government revenues or expenditures.</p> <p>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.</p> <p>This categorization does not add any requirements or resources in and of itself for the USBE or Local Education Agencies (LEAs). The definition changes are a result of HB 344 (2025).</p> <p>The USBE believes that the fiscal note to HB 344 (2025) captured any fiscal impacts associated with these needed changes.</p>
B. Local governments:
<p>This rule change is not expected to have fiscal impacts on local governments' revenues or expenditures.</p> <p>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.</p> <p>This categorization does not add any requirements or resources in and of itself for the USBE or LEAs. The definition changes are a result of HB 344 (2025).</p> <p>The USBE believes that the fiscal note to HB 344 (2025) captured any fiscal impacts associated with these needed changes.</p>
C. Small businesses ("small business" means a business employing 1-49 persons):
<p>This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.</p> <p>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 USBE or LEAs. The definition changes are a result of HB 344 (2025).</p> <p>The USBE believes that the fiscal note to HB 344 (2025) captured any fiscal impacts associated with these needed changes.</p>
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
<p>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.</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**):

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. The definition changes are a result of HB 344 (2025).

The USBE believes that the fiscal note to HB 344 (2025) captured any fiscal impacts associated with these needed changes.

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. The definition changes are a result of HB 344 (2025).

The USBE believes that the fiscal note to HB 344 (2025) captured any fiscal impacts associated with these needed changes.

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 53G-6-704(5)
Subsection 53G-6-705(6)		

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:** 12/01/2025**10. This rule change MAY become effective on:** 12/08/2025

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:	10/15/2025
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R277. Education, Administration.**R277-494. Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities.****R277-494-1. 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 of public education in the Board;
 - (b) Subsection 53E-3-401(4), which permits the Board to adopt rules in accordance with its responsibilities;
 - (c) Subsection 53G-6-704(7), which directs the Board to make rules establishing fees for a charter school student's participation in extracurricular or co-curricular activities at certain public schools; and
 - (d) Subsection 53G-6-705(6), which directs the Board to make rules establishing fees for an online student's participation in extracurricular or co-curricular activities at certain public schools.
- (2) The purpose of this rule is to inform school districts, charter schools, online schools, private schools, and parents of:
- (a) school participation fees; and
 - (b) state-determined requirements for a charter school, public online school, or private school student to participate in an extracurricular activity at another public school.
- (3) This Rule R277-494 is categorized as Category 3 as described in Rule R277-111.

R277-494-2. Definitions.

- (1) "Activity fee" means a fee that:
- (a) is approved by a local school board or public school;
 - (b) is charged to all students to participate in an extracurricular or co-curricular activity sponsored by or through the public school;
- and
- (c) entitles a public school student to:
 - (i) participate in a school activity;
 - (ii) try out for an extracurricular or co-curricular school activity;
 - (iii) receive transportation to an activity; and
 - (iv) attend a regularly scheduled public school activity.
- (2) "Association" has the same meaning as defined in Section 53G-7-1101.
- (3) "Co-curricular activity" means [the same as that term is defined in Section 53G-7-501] a school district or school activity, course, or experience, outside of school hours, that also includes a required regular school day component.
- (4) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.
- (5) "Online school" means a formally constituted public school that offers full-time education delivered primarily over the internet.
- (6) "Qualifying school" means:
- (a) for purposes of a charter school student, a school described in Subsection 53G-6-704(2);
 - (b) for purposes of an online school student, a school described in Subsection 53G-6-705(2); and
 - (c) for purposes of a private or home school student, a school described in Subsection 53G-6-703(2)(c).
- (7) "School of enrollment" means the public school that maintains the student's cumulative file, enrollment information, and transcript for purposes of high school graduation.
- (8) "School participation fee" means the fee paid by a charter or online school to a qualifying school consistent with Subsection R277-494-3(2) or R277-494-4(2) for the charter or online school student's participation in an extracurricular or co-curricular activity.
- (9) "Student activity specific fee" means the activity fee charged to all participating students by a qualifying school for a designated extracurricular or co-curricular activity consistent with Rule R277-407.

R277-494-3. Charter and Online School Student Participation in Extracurricular Activities at Another Public School.

- (1) A charter or online school student may participate in an extracurricular activity at a qualifying school if:
- (a) the extracurricular activity is not offered by the student's charter or online school;
 - (b) the student satisfies:
 - (i) for a charter school student, the requirements of Section 53G-6-704;
 - (ii) for an online school student, the requirements of Section 53G-6-705;
 - (iii) any participation requirements established by an association for a sanctioned interscholastic activity; and

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- (iv) the requirements of this rule;
- (c) the student meets the qualifying school's standards and requirements; and
- (d) the student's parent agrees to provide the student transportation to the qualifying school for the extracurricular activity.
- (2)(a) A charter or online school student's school of enrollment shall pay a one-time annual school participation fee of \$75 per student to the qualifying school at which the charter or online school student desires to participate.
- (b) Upon annual payment of the school participation fee, the student may participate in all extracurricular ~~[or co-curricular]~~ school activities at the school during the school year for which the student is qualified and eligible.
- (3) The school participation fee described in Subsection (2)(a) is in addition to:
 - (a) a student activity specific fee for a specific extracurricular activity; and
 - (b) the activity fee charged to all students in a qualifying school to supplement a school activity as assessed by the school consistent with this rule.
- (4) Except as provided in Subsection (7), a charter or online school student who participates in an extracurricular activity at a qualifying school shall pay all required student activity specific fees to the qualifying school in accordance with deadlines set by the qualifying school.
- (5) All fees, including school participation fees and student activity specific fees shall be paid ~~[prior to]~~ before a charter or online school student's participation in an activity at the qualifying school.
- (6) A charter or online school of enrollment shall cooperate fully with all qualifying schools:
 - (a) regarding students' participation in try-outs, practices, pep rallies, team fund raising efforts, scheduled games, and required travel; and
 - (b) by providing complete and prompt reports of student academic and citizenship progress or grades, upon request.
- (7)(a) If a participating charter or online school student qualifies for a fee waiver, in accordance with Rule R277-407, the charter or online student's school of enrollment shall pay the school participation fee described in Subsection (2)(a) and any waived student activity specific fees to the qualifying school.
- (b) A charter or online school that is required to pay a fee waiver student's participation fee or student activity specific fee as described in Subsection (7)(a) shall pay the student participation fee and any student activity specific fees to the qualifying school before the charter or online school student may begin to participate in the extracurricular activity at the qualifying school.

R277-494-4. Charter or Online School Student Participation in Co-Curricular Activities.

- (1)(a) A charter or online school student may participate in a co-curricular activity at a qualifying school if:
 - (i) the co-curricular activity is not offered by the student's charter or online school;
 - (ii) the student satisfies:
 - (A) for a charter school student, the requirements of Section 53G-6-704;
 - (B) for an online school student, the requirements of Section 53G-6-705;
 - (C) any participation requirements established by an association for a sanctioned interscholastic activity; and
 - (D) the requirements of this rule;
 - (iii) the student meets the qualifying school's standards and requirements; and
 - (iv) the student's parent agrees to provide the student transportation to the qualifying school for the co-curricular activity.
- (b) A charter or online school may negotiate with a public school other than a school described in Subsection (1) to participate in a co-curricular activity at the other public school, including:
 - (i) a debate, drama, or choral program;
 - (ii) a specialized course or program offered during the regular school day; and
 - (iii) a school's sponsored enrichment program or activity.
- (c) A student who participates in a co-curricular activity described in Subsection (1)(b) shall meet:
 - (i) the same attendance, discipline, and course requirements expected of the public school's full-time students;
 - (ii) for a charter school student, the requirements of Section 53G-6-704; and
 - (iii) for an online school student, the requirements of Section 53G-6-705.
- (2)(a) A charter or online school of enrollment shall determine if the school will allow students to participate in co-curricular school activities at qualifying schools.
- (b) If a charter or online school allows one student to participate in a co-curricular activity at a qualifying school, the charter or online school shall allow all interested students to participate.
- (3)(a) A charter or online school student's school of enrollment shall pay a one-time annual school participation fee of \$75 per student to the qualifying school at which the charter or online school student desires to participate.
- (b) If a charter or online school of enrollment pays a \$75 school participation fee to a qualifying school as described in Subsection R277-494-3(2)(a), the charter or online school of enrollment is not required to pay an additional \$75 school participation fee described in Subsection (3)(a) to the qualifying school in the same year.
- (4) A charter or online school student participating under this rule shall:
 - (a) pay the required student activity specific fees for each co-curricular activity; and
 - (b) meet all eligibility requirements and timelines of the public school.
- (5)(a) If a participating charter or online school student qualifies for a fee waiver, in accordance with Rule R277-407, the charter or online student's school of enrollment shall pay any waived student activity specific fees to the qualifying school.

(b) A charter or online school that is required to pay a fee waiver student's activity specific fees as described in Subsection (5)(a), shall pay the student activity specific fees to the qualifying school before the charter or online school student may begin to participate in the co-curricular activity at the qualifying school.

R277-494-5. Private or Home School Student Participation in Extracurricular Activities.

(1) In accordance with Section 53G-6-703, a private or home school student may participate in an extracurricular activity at a qualifying school if:

- (a) for a private school student, the extracurricular activity is not offered by the student's private school;
- (b) the student satisfies the requirements of:
 - (i) Section 53G-6-703;
 - (ii) any participation requirements established by an association for a sanctioned interscholastic activity; and
 - (iii) this rule; and
- (c) the student meets the qualifying school's standards and requirements.

(2) Except as provided in Subsection (3), a private or home school student shall pay the required student activity specific fees for each extracurricular activity to the qualifying school:

- (a) before the student may participate in the extracurricular activity at the qualifying school; and
- (b) in accordance with deadlines set by the qualifying school.

(3) If a private or home school student qualifies for a fee waiver in accordance with Rule R277-407, the qualifying school shall waive any required student activity specific fees in accordance with the requirements of Rule R277-407, School Fees.

R277-494-6. Private or Home School Student Participation in Co-curricular Activities.

A private or home school student may participate in a co-curricular activity at a public school in accordance with the dual enrollment provisions of Rule R277-438.

KEY: extracurricular, co-curricular, activities, student participation

Date of Last Change: 2025~~(October 11, 2023)~~

Notice of Continuation: October 7, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-6-704(5); 53G-6-705(6)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-717

Filing ID: 57557

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:	R277-717. High School Course Grading Requirements	
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 191 (2025 General Session)	
4. Purpose of the new rule or reason for the change:	The rule amendments are due to the passage of HB 191 in the 2025 General Session.	

5. Summary of the new rule or change:

The amendments add definitions for "Packet" and "Packet Method" and include new requirements related to Local Educational Agencies (LEAs) using the "Packet Method".

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 rule changes are due to HB 191 (2025). The Utah State Board of Education (USBE) believes that the fiscal note to HB 191 (2025) captured any fiscal impacts and this rule 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 rule changes are due to HB 191 (2025). The USBE believes that the fiscal note to HB 191 (2025) captured any fiscal impacts and this rule 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 rule changes are due to HB 191 (2025). The USBE believes that the fiscal note to HB 191 (2025) captured any fiscal impacts and this rule 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 rule changes are due to HB 191 (2025). The USBE believes that the fiscal note to HB 191 (2025) captured any fiscal impacts and this rule does not add any additional fiscal impacts.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The rule changes are due to HB 191 (2025). The USBE believes that the fiscal note to HB 191 (2025) captured any fiscal impacts and this rule 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
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:	12/01/2025
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10. This rule change MAY become effective on:	12/08/2025
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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:	10/15/2025
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R277. Education, Administration.**R277-717. High School Course Grading Requirements.****R277-717-1. 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; and
- (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.

(2) The purpose of this rule is to establish requirements for awarding credit when a student repeats a course or takes a comparable course and earns a higher grade.

R277-717-2. Definitions.

(1) "Comparable course" means a teacher led course that fulfills the same graduation credit requirements as a course for which a student seeks to improve a grade.

(2) "Course" means a course that a student:

- (a) is enrolled in; and
 - (b)(i) completes; or
 - (ii) withdraws from but still receives a grade.
- (3) "Highest grade" means a grade that reflects the higher grade of:
- (a) a course and a repeat of the course; or

NOTICES OF PROPOSED RULES

- (b) a course and a comparable course.
- (4) "LEA" includes the Utah Schools for the Deaf and the Blind for purposes of this rule.
- (5) "Packet" has the same meaning as defined in Subsection R277-705-2(9).
- (6) "Packet Method" has the same meaning as defined in Subsection R277-705-2(10).
- ~~[(5)]~~(6) "Recurring course" means a course that a student takes more than once to:
 - (a) further the student's understanding and skills in the course subject, such as journalism or band; or
 - (b) satisfy a different credit requirement that the course may fulfill, such as an art class that fulfills an elective requirement and an art requirement.
- ~~[(6)]~~(7) "Student" means an individual enrolled in an LEA in grade 9, 10, 11, or 12.

R277-717-3. ~~[Course Grade Forgiveness]~~Grade Replacement.

- (1)(a) A student may, to improve a course grade received by the student:
 - (i) repeat the course one or more times; or
 - (ii) enroll in and complete a comparable course.
- (b) A grade for an additional unit of a recurring course does not change a student's original course grade for purposes of this section.
- (2) If a student repeats a course, the student's LEA:
 - (a) shall adjust, if necessary, the student's course grade and grade point average to reflect the student's highest grade and exclude a lower grade;
 - (b) shall exclude from the student's permanent record the course grade that is not the highest grade; and
 - (c) may not otherwise ~~[indicate]~~show on the student's current record that the student repeated the course.
- (3)(a) If a student enrolls in a comparable course, the student shall, at the time of enrolling in the comparable course, inform the student's LEA of the student's intent to enroll in the course for ~~[the purpose of]~~improving a course grade.
- (b) If a student enrolls in a comparable course, the student's LEA:
 - (i) shall confirm, ~~[at the time]~~when the student enrolls in the comparable course, that the comparable course fulfills the same credit requirements as the course that the student intends to replace with the comparable course grade;
 - (ii) shall update the student's current record and grade point average to reflect the highest grade between the course and the comparable course and exclude the lower grade and corresponding course; and
 - (iii) may not otherwise ~~[indicate]~~show the course or comparable course for which the student did not receive the highest grade on the student's record.
- ~~(4) An LEA may not use the packet method, or classify a packet as original credit, to improve a previous course grade of a high school student as described in Subsection R277-705-3(9).~~

KEY: students, grades, credits

Date of Last Change: 2025~~[March 14, 2018]~~

Notice of Continuation: January 13, 2022

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:

R277-721

Filing ID: 57558

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:

R277-721. PRIME 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 260 (2025 General Session)**4. Purpose of the new rule or reason for the change:**

The rule amendments are due to the passage of HB 260 in the 2025 General Session.

5. Summary of the new rule or change:

The amendments add an Oversight Category 2.

The amendments also specify the requirements for distributing the remaining funds from the PRIME program, which was repealed and replaced by recent legislation.

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.

HB 260 (2025) repealed the PRIME program and instituted the First Credential program.

The Utah State Board of Education (USBE) believes that the fiscal note to HB 260 (2025) captured the fiscal impacts and the rule change does not add any additional fiscal impact for the USBE, Local Education Agencies (LEAs), are any other entities or persons.

B. Local governments:

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

HB 260 (2025) repealed the PRIME program and instituted the First Credential program.

The USBE believes that the fiscal note to HB 260 (2025) captured the fiscal impact and the rule change does not add any additional fiscal impact for USBE, LEAs, are any 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 impacts on small businesses' revenues or expenditures.

HB 260 (2025) repealed the PRIME program and instituted the First Credential program.

The USBE believes that the fiscal note to HB 260 (2025) captured the fiscal impact and the rule change does not add any additional fiscal impact for the USBE, LEAs, are any 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.

HB 260 (2025) repealed the PRIME program and instituted the First Credential program.

The USBE believes that the fiscal note to HB 260 (2025) and the rule change does not add any additional fiscal impact for the USBE, LEAs, are any other entities or persons.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

HB 260 (2025) repealed the PRIME program and instituted the First Credential program.

The USBE believes that the fiscal note to HB 260 (2025) captured the fiscal impact and the rule change does not add any additional fiscal impact for USBE, LEAs, are any 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	Section 53E-3-401	
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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:	12/01/2025
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10. This rule change MAY become effective on:	12/08/2025
--	------------

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:	10/15/2025
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R277. Education, Administration.

R277-721. PRIME Program.

R277-721-1. 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) Section 53E-10-309, which requires the Board to make rules to establish the requirements for the Utah PRIME Program.
- (2) The purpose of this rule is to:
 - (a) establish eligibility requirements for a participating LEA; and
 - (b) create an application process for LEAs to apply for the program.
- (3) This Rule R277-406 is categorized as Category 4 as described in Rule R277-111.

R277-721-2. Definitions.

- (1) "Career and technical education" or "CTE" means the same as the term is defined in Subsection 53B-1-101.5(3).
- (2) "Concurrent enrollment" or "CE" means the same as the term is defined in Subsection R277-701-2(2).
- (3) "Program" means the PRIME program as described in Section 53E-10-309.
- (4) "Underrepresented students" means the same as the term is defined in Subsection R277-707-2(6).
- (5) "Technical college" means the same as the term is defined in Subsection 53B-1-101.5(7).
- (6) "Utah System of Higher Education" or "USHE" means the same as the term is defined in Section 53B-1-102.

R277-721-3. PRIME Program--Eligibility, Application, and Review Committee.

- (1) Subject to legislative appropriation, an LEA may apply for a PRIME pilot program grant.
- (2) An LEA's application shall contain the following:
 - (a) a budget proposal for the use of funds;
 - (b) how the LEA will increase access to courses for underrepresented students;
 - (c) a list of the current CE and CTE courses the LEA offers;
 - (d) a detailed plan of implementation including current gaps the program will address; and
 - (e) requisite baseline data established by the Superintendent.
- (3) The Superintendent, along with the committee established in Subsection (4), shall score and rank each application based upon the quality of the LEA's overall budget proposal and application as described in Subsection (2).
- (4) The Superintendent shall create a PRIME program advisory committee.
- (5) The advisory committee shall include the following members as non-voting chairs:
 - (a) The Superintendent; and
 - (b) The Commissioner of Higher Education or the commissioner's designee.
- (6) In addition to the chairs described in Subsection (5), the Board shall appoint additional members to the committee including:
 - (a) an early college specialist;
 - (b) a CTE coordinator, or the coordinator's designee;
 - (c) a technical college representative;
 - (d) a representative of USHE;
 - (e) a member of the State Charter School Board; and
 - (f) a secondary LEA designee.
- (7) The Superintendent shall award program grants:
 - (a) based upon the score and rank assigned in accordance with Subsection (3); and
 - (b) consistent with Section 53E-10-309.

R277-721-4. Performance Measures and Reporting.

- (1) An LEA that receives a program grant shall submit to the Superintendent an annual progress report by June 30 that includes:
 - (a) demographic data of participating students compared to overall LEA demographics;
 - (b) growth of the program compared to the program baseline data submitted in the LEA's application;
 - (c) how the LEA has closed access gaps with underrepresented students;

NOTICES OF PROPOSED RULES

- (d) itemized budgetary expenditures; and
- (e) overall effectiveness of the program.
- (2) An LEA may request a complete list of awarded certificates from the Superintendent.

R277-721-5. Distribution and Use of Funds.

- (1) An LEA may receive up to the LEA's requested amount not to exceed \$100,000 annually.
- (2) An LEA may not use funds to:
 - (a) fund non-CTE or CE courses;
 - (b) supplant local funds;
 - (c) pay indirect costs charged by the LEA;
 - (d) cover expenditures not listed in the LEA's proposed budget.

KEY: PRIME, concurrent enrollment, CTE, early college

Date of Last Change: ~~2025~~**[August 22, 2023]**

Notice of Continuation: October 7, 2025

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

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R313-24-6

Filing ID: 57545

Agency Information

1. Title catchline:		Environmental Quality, Waste Management and Radiation Control, Radiation	
Building:		MASOB	
Street address:		195 N 1950 W	
City, state:		Salt Lake City, UT	
Mailing address:		PO Box 144880	
City, state and zip:		Salt Lake City, UT 84114-4880	
Contact persons:			
Name:		Phone:	Email:
Tom Ball		385-454-5574	tball@utah.gov
Spencer Wickham		385-499-4895	swickham@utah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:
R313-24-6. Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements
4. Purpose of the new rule or reason for the change:
The purpose of this rule amendment is to incorporate federal regulatory changes made by the Nuclear Regulatory Commission (NRC) to the federal radioactive materials regulations.
The changes are necessary to maintain regulatory compatibility with the NRC as required because Utah is an Agreement State with the NRC.
5. Summary of the new rule or change:
The amendment updates the date for Appendix A to Part 40 of 10 CFR that is incorporated by reference in the introductory paragraph to R313-24-6. The date is updated from 2015 to 2023.
In 2023, the NRC amended Appendix A to Part 40 of 10 CFR to replace the word "meterology" which is spelled incorrectly with the correct spelling "meteorology".

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

It is not anticipated that there will be any cost or savings to the state budget due to this amendment because the changes are administrative in nature and do not add or remove any requirements from the rule.

B. Local governments:

It is not anticipated that there will be any cost or savings to local governments due to this amendment because the changes are administrative in nature and do not add or remove any requirements from the rule.

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

It is not anticipated that there will be any cost or savings to small businesses due to this amendment because the changes are administrative in nature and do not add or remove any requirements from the rule.

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

It is not anticipated that there will be any cost or savings to non-small businesses due to this amendment because the changes are administrative in nature and do not add or remove any requirements from the rule.

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

It is not anticipated that there will be any cost or savings to persons other than small businesses, non-small businesses, state or local governments due to this amendment because the changes are administrative in nature and do not add or remove any requirements from the rule.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons due to this rule amendment because it does not add any new requirements to the rule.

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 Environmental Quality, Tim Davis, 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 19-3-104

Section 19-6-107

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)	Appendix A to Part 40 CRITERIA RELATING TO THE OPERATION OF URANIUM MILLS AND THE DISPOSITION OF TAILINGS OR WASTES PRODUCED BY THE EXTRACTION OR CONCENTRATION OF SOURCE MATERIAL FROM ORES PROCESSED PRIMARILY FOR THEIR SOURCE MATERIAL CONTENT
Publisher	Government Printing Office
Issue Date	August 24, 2023

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:**

12/01/2025

10. This rule change MAY become effective on:

12/15/2025

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:	Douglas J. Hansen, Director	Date:	10/09/2025
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R313. Environmental Quality, Waste Management and Radiation Control, Radiation.**R313-24. Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements.****R313-24-6. Clarifications or Exceptions.**

For the purposes of Rule R313-24, 10 CFR 40.2a through 40.4; 40.12; 40.20(a); 40.21; 40.26(a) through 40.26(c); 40.31(h); the introductory paragraph of 40.36 and 40.36(a), 40.36(b), 40.36(d) and 40.36(f); 40.41(c); the introduction to 40.42(k) and 40.42(k)(3)(i); 40.46; 40.61(a) and 40.61(b); 40.65; and Appendix A to Part 40 (20152023) are incorporated by reference with the following clarifications or exceptions:

(1) The exclusion and substitution of ~~the following~~:

(a) ~~[E]~~exclude 10 CFR 40.26(c)(1) and replace with "(1) ~~[The provisions of]~~ Sections R313-12-51, R313-12-52, R313-12-53, R313-19-34, R313-19-50, R313-19-61, R313-24-1, Rules R313-14, R313-15, R313-18, and R313-24 (incorporating 10 CFR 40.2a, 40.3, 40.4, and 40.26 by reference)";

(b) ~~[F]~~in Appendix A to 10 CFR 40, exclude Criterion 5B(1) through 5H, Criterion 7A, Criterion 13, and replace the excluded Criterion with "Utah Administrative Code, Rule R317-6, Ground Water Quality Protection"; and

(c) ~~[F]~~in Appendix A to 10 CFR 40, exclude Criterion 11A through 11F and Criterion 12.

(2) The substitution of ~~the following~~:

(a) "10 CFR 40" for reference to "this part" as found throughout the incorporated text;

(b) "director" for reference to "Commission" in the first and fourth references contained in 10 CFR 40.2a, in 10 CFR 40.3, 40.20(a), 40.26, 40.36(f), 40.41(c), 40.46~~[-]~~(a), 40.61, and 40.65; and "director" for reference to "NRC" in 10 CFR 40.36(b);

(c) "Rule[s] R313-19, R313-21, or R313-22" for "Section 62 of the Act" as found in 10 CFR 40.12(a);

(d) "Section R313-15-402" for reference to "10 CFR 20.1402" and "Section R313-15-403" for reference to "10 CFR 20.1403" in 10 CFR 40.36(d);

(e) "Section R313-15-1109" for reference to "10 CFR 20.2108" in 10 CFR 40.36(f);

(f) "Rule[s] R313-21 or R313-22" for reference to "the regulations in this part" in 10 CFR 40.41(c);

- (g) "Section R313-19-100" for reference to "part 71 of this chapter" as found in 10 CFR 40.41(c);
- (h) In 10 CFR 40.42(k)(3)(i), "Sections R313-15-401 through R313-15-406" for reference to "10 CFR part 20, subpart E";
- (i) "source material milling" for reference to "uranium milling, in production of uranium hexafluoride, or in a uranium enrichment facility" as found in 10 CFR 40.65(a);
- (j) "director" for reference to "appropriate NRC Regional Office shown in Appendix D to 10 CFR part 20 of this chapter, with copies to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555," as stated in 10 CFR 65(a)(1);
- (k) "require the licensee to" for reference to "require to" in 10 CFR 40.65(a)(1); and
- (l) in Appendix A to 10 CFR part 40, the following substitutions:
 - (i) "Section R313-12-3" for reference to "Sec. 20.1003 of this chapter" as found in 10 CFR 40.36(f) and in the first paragraph of the introduction to Appendix A;
 - (ii) "Utah Administrative Code, Rule R317-6, Ground Water Quality Protection" for ground water standards in "Environmental Protection Agency in 40 CFR part 192, subparts D and E" as found in the Introduction, paragraph [4]~~four~~; or "Environmental Protection Agency in 40 CFR part 192, subparts D and E (48 FR 45926; October 7, 1983)" as found in Criterion 5;
 - (iii) "director as defined in Subsection 19-5-102(6)" for reference to "Commission" in the definition of "compliance period," in paragraph five of the introduction and in Criterion 5A(3);
 - (iv) "director" for reference to "Commission" in the definition of "closure plan", in paragraph five of the introduction, and in Criteria 6(2), 6(4), 6(6), 6A(2), 6A(3), 9, and 10 of Appendix A;
 - (v) "license issued by the director" for reference to "Commission license" in the definition of "licensed site," in the introduction to Appendix A;
 - (vi) "director" for reference to "NRC" in Criterion 4D;
 - (vii) "representatives of the director" for reference to "NRC staff" in Criterion 6(6);
 - (viii) "director-approved" for reference to "Commission-approved" in Criterion 6A(1) and Criterion 9;
 - (ix) "director" for reference to "appropriate NRC regional office as indicated in Criterion 8A" as found, Criterion 8, paragraph [2]~~two~~ or for reference to "appropriate NRC regional office as indicated in Appendix D to 10 CFR part 20 of this chapter, or the Director, Office of Nuclear Material Safety and Safeguards, U[-]S[-] Nuclear Regulatory Commission, Washington, DC 20555," as stated in Criterion 8A; and
 - (x) "director" for reference to "the Commission or the State regulatory agency" in Criterion 9, paragraph [2]~~two~~.

KEY: environmental analysis, uranium mills, tailings, byproduct material

Date of Last Change: ~~2025~~**July 15, 2024**

Notice of Continuation: October 19, 2021

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-6-107

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

Rule or section number:

R698-14

Filing ID: 57531

Agency Information

1. Title catchline:	Public Safety, Administration	
Building:	Calvin Rampton Building	
Street address:	4501 S 2700 W, 1st Floor	
City, state:	Salt Lake City, UT 84119-5994	
Mailing address:	PO Box 141775	
City, state and zip:	Salt Lake City, UT 84114-1775	
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:
R698-14. Security Improvement Certification

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 340 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
This rule is required under Section 53-30-201, which was enacted in SB 340 during the 2025 General Session.	
5. Summary of the new rule or change:	
This rule establishes a process for receiving and evaluating applications for a protection certification and the required contents of an application for certification, and to require that a certifying officer consult confidentially with a municipal or county building official regarding potential mitigation of any material adverse effects a proposed security improvement would cause if the proposed security improvement would be visible to an individual standing within 500 feet of the protected property.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
<p>The proposed rule is not anticipated to have a fiscal impact on the state budget because this rule only outlines the process for receiving and evaluating applications and the contents of the application, and requires that a certifying officer consult confidentially with a municipal or county building official regarding material adverse effects a proposed security improvement would cause if visible to an individual within 500 feet of the protected property, none of which should result in a fiscal impact to the state budget.</p> <p>Potential fiscal impact to the Department of Public Safety for staff support to process applications was captured in the fiscal note for SB 340 (2025) https://le.utah.gov/~2025/bills/static/SB0340.html</p>
B. Local governments:
<p>The proposed rule is not anticipated to have a fiscal impact on the local governments because this rule only outlines the process for receiving and evaluating applications and the contents of the application, and requires that a certifying officer consult confidentially with a municipal or county building official regarding material adverse effects a proposed security improvement would cause if visible to an individual within 500 feet of the protected property, none of which should result in a fiscal impact to local governments.</p>
C. Small businesses ("small business" means a business employing 1-49 persons):
<p>The proposed rule is not anticipated to have a fiscal impact on small businesses because this rule only outlines the process for receiving and evaluating applications and the contents of the application, and requires that a certifying officer consult confidentially with a municipal or county building official regarding material adverse effects a proposed security improvement would cause if visible to an individual within 500 feet of the protected property, none of which should result in a fiscal impact to small businesses.</p>
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
<p>The proposed rule is not anticipated to have a fiscal impact on non-small businesses because this rule only outlines the process for receiving and evaluating applications and the contents of the application, and requires that a certifying officer consult confidentially with a municipal or county building official regarding material adverse effects a proposed security improvement would cause if visible to an individual within 500 feet of the protected property, none of which should result in a fiscal impact to non-small businesses.</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):
<p>This rule could potentially have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because this rule requires a fingerprint background check for all individuals in the residence. The estimated fiscal impact of the fingerprint background costs would be \$20 per individual.</p> <p>The total fiscal impact is inestimable because the Department of Public Safety cannot anticipate the number of individuals who will be affected.</p>

F. Compliance costs for affected persons:

There are no compliance costs associated with this rule because this rule only outlines the process for receiving and evaluating applications and the contents of the application, and requires that a certifying officer consult confidentially with a municipal or county building official regarding material adverse effects a proposed security improvement would cause if visible to an individual within 500 feet of the protected property.

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 53-30-201

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:

12/01/2025

10. This rule change MAY become effective on:

12/08/2025

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:	Beau Mason, Commissioner	Date:	10/21/2025
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R698. Public Safety, Administration.

R698-14. Security Improvement Certification.

R698-14-1. Purpose.

This rule establishes the procedure for an individual to apply to the department for a protection certificate.

R698-14-2. Authority.

This rule is authorized by Section 53-30-201.

R698-14-3. Definitions.

- (1) Terms used in this rule are defined in Sections 53-1-102 and 53-30-101.
- (2) In addition, "immediate family member" means an applicant's spouse, child, parent, or grandparent who resides with the applicant.

R698-14-4. Application Process.

In addition to the information required in Subsection 53-30-201(1), the application for certification shall include:

- (1) engineering certification of the proposed security improvement from an individual licensed under Subsection 58-22-302(2);
- (2) specific information supporting the credible threat, including:
 - (a) reports of a Utah law enforcement agency documenting the threat to the applicant or the applicant's immediate family member;
- or
 - (b) reports from a Utah law enforcement agency documenting physical harm;
 - (3) full names and dates of birth for each individual residing on the property;
 - (4) fingerprint cards of the applicant and each adult residing on the property, including consent for the department to conduct a criminal background investigation;
 - (5) descriptions of other security measures implemented;
 - (6) if other security measures have not been implemented, a statement describing why other security measures have not been implemented, or are inadequate or not effective;
 - (7) the name and contact information of the municipal or building official with jurisdiction of the property;
 - (8) records of prior building permit applications including any reasons for denial from the building official;
 - (9) copies of county or land use regulations which prohibit the approval of the building permit;
 - (10) photos of existing structures taken from property line, and 500 feet from property documenting each side of existing structures;
 - (11) renderings of proposed visual changes to existing structures;
 - (12) a statement acknowledging and accepting that the land use authority may require any additions, alteration or improvement made under the protection certificate be removed before sale or transfer of the property; and
 - (13) records of ownership and financial information demonstrating compliance with Title 63L, Chapter 13, Restrictions on Foreign Acquisitions of Land Act.

R698-14-5. Review of Application.

- (1) The certifying officer shall review any information available and shall establish that:
 - (a) the threat or harm is verified and has been reported to law enforcement agency with jurisdiction of the property;
 - (b) the threats are current and ongoing;
 - (c) other security measures have been implemented or improved;
 - (d) the applicant and other residents have had a fingerprint-based background check are not involved in illegal activities; and
 - (e) the improvements are not related to an illegal purpose, plan, or scheme.
- (2) The certifying officer may discuss defensibility of the proposed improvement with the fire authority having jurisdiction, and the local law enforcement entity.
 - (a) If the proposed improvements would endanger the occupants due to lack of egress in a fire, the certification may be denied until appropriate fire protection or egress is established in the proposed plans.
 - (b) The certifying officer may discuss with the applicant the potential that the improvement may limit law enforcement's ability to respond to incidents.

R698-14-6. Consultation with Building Authority.

The certifying officer shall confidentially consult with the building authority named under Subsection R698-14-4(8) regarding potential mitigation of any material adverse effects a proposed security improvement would cause if the proposed security improvement would be visible to an individual standing within 500 feet of the protected property.

R698-14-7. Protection Certificate.

The protection certificate shall clearly state the certificate expires two years after the day the certificate was issued in accordance with Subsection 53-30-301(1).

KEY: law enforcement, security improvements, protection certificate

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 53-30-201

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R722-330	Filing ID: 57551

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 or section catchline:	
R722-330. Licensing of Private Investigators	
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 303 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
The reason for the change to this rule is to incorporate changes that took place as a result upon passage of SB 303 in the 2025 General Session.	
5. Summary of the new rule or change:	
This filing removes duplicative language from this rule that is in statute, clarifies that a recent photo is a photo taken within 24 months before application, updates required hours of investigative experience from 10,000 to 5,000 as referenced in Subsection 53-9-108(3), requires notice to a licensee 90 days before expiration of the license, specifies topics for 16 hours of continuing education required under Subsection 53-9-111(2)(b)(i)(B), and clarifies requirements for reinstatement following suspension or revocation of a license.	

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 because this rule only incorporates statutory changes found in SB 303 (2025), clarifies the time frame for acceptance of a photo, clarifies topics for continuing education required under Section 53-9-111, and clarifies requirements for reinstatement following suspension or revocation of a license, none of which should result in a fiscal impact.
B. Local governments:
The proposed rule is not anticipated to have a fiscal impact on local governments because this rule only incorporates statutory changes found in SB 303 (2025), clarifies the time frame for acceptance of a photo, clarifies topics for continuing education required under Section 53-9-111, and clarifies requirements for reinstatement following suspension or revocation of a license, none of which should result in a fiscal impact.
C. Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule is not anticipated to have a fiscal impact on small businesses because the rule only incorporates statutory changes found in SB 303 (2025), clarifies the time frame for acceptance of a photo, clarifies topics for continuing education required under Section 53-9-111, and clarifies requirements for reinstatement following suspension or revocation of a license, none of which should result in a fiscal impact.

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

The proposed rule is not anticipated to have a fiscal impact on non-small businesses because this rule only incorporates statutory changes found in SB 303 (2025), clarifies the time frame for acceptance of a photo, clarifies topics for continuing education required under Section 53-9-111, and clarifies requirements for reinstatement following suspension or revocation of a license, none of which should result in a fiscal impact.

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 is not anticipated to have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because this rule only incorporates statutory changes found in SB 303 (2025), clarifies the time frame for acceptance of a photo, clarifies topics for continuing education required under Section 53-9-111, and clarifies requirements for reinstatement following suspension or revocation of a license, none of which should result in a fiscal impact.

F. Compliance costs for affected persons:

There are no compliance costs associated with this rule because this rule only incorporates statutory changes found in SB 303 (2025), clarifies the time frame for acceptance of a photo, clarifies topics for continuing education required under Section 53-9-111, and clarifies requirements for reinstatement following suspension or revocation of a license, none of which should result in a fiscal impact.

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:**

Sections 53-9-101 through 53-9-119

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:	12/01/2025
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10. This rule change MAY become effective on:	12/08/2025
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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:	10/14/2025
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R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.

R722-330. Licensing of Private Investigators.

R722-330-1. Purpose.

The purpose of this rule is to establish procedures for the licensing of private investigator agencies, registrants, and apprentices.

R722-330-2. Authority.

This rule is authorized by ~~Subsections 53-9-103(2)(c) and~~ Section 53-9-103~~(6)~~.

R722-330-3. Definitions.

(1) Terms used in this rule are defined in Section 53-9-102.

(2) In addition:

(a) "act involving moral turpitude" means conduct which:

(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;

~~[(b)]~~ ~~"board" means the Bail Bond Recovery and Private Investigator Licensure Board established in Sections 53-11-104 and 53-11-105;~~

~~[(e)]~~(b) "FBI" means the Federal Bureau of Investigation;

~~[(e)]~~(c) "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;

~~[(e)]~~(d) "legal resident of this state" means a person who has established a domicile in the state, as that term is defined in Section 41-1a-202;

~~[(f)]~~(e) "license" means a license for a private investigator agency, registrant, or apprentice;

~~[(g)]~~(f) "revocation" means the permanent deprivation of a private investigator license, however revocation of a private investigator license does not preclude an individual from applying for a new private investigator license if the reason for revocation no longer exists; and

~~[(h)]~~(g) "suspension" means the temporary deprivation, for a specified period, of a private investigator license.

R722-330-4. Application for Licensure.

(1)(a) An applicant seeking to obtain a license shall submit a completed application packet to the bureau.

(b) The application packet shall include:

(i) a written application form provided by the bureau with the applicant's residential or physical address and mailing or business address;

(ii) one ~~recent~~ color photograph of passport quality, taken no more than 24 months before application, which contains the applicant's name written on the back of the photograph ~~unless the applicant submitted a photo which meets these requirements to the bureau within the previous three years~~;

(iii) a photocopy of a driver license or state issued identification card ~~issued by the state~~;

(iv) one completed FBI applicant fingerprint card, Form FD-258, with the applicant's legible fingerprints; and

(v) the non-refundable license and registration fee in the amount indicated in Section 53-9-111 and the FBI fingerprint processing fee, in the form of cash, check, money order, or credit card.

(2) If an applicant is applying for an agency license, the applicant shall also provide:

(a) the name under which the applicant intends to do business;

~~[(40,000)]~~ (b) a completed and signed Verification of Investigative Experience Form which documents that the applicant has performed at least 5,000 hours of investigative experience as provided in Subsection 53-9-108(3);

~~[(40,000)]~~ (c) a certificate of liability insurance for the applicant in an amount of not less than \$500,000 as described in Subsection 53-9-109(3); and

(d) a certificate of workers' compensation insurance, if applicable.

(3) If the applicant is applying for a registrant license, the applicant shall also provide:

(a) the name of the licensed agency for which the applicant will be an employee or independent contractor;

(b) authorization from a licensed agency indicating that the agency will employ or contract with the applicant;

(c) a completed and signed Verification of Investigative Experience Form which documents that the applicant has performed at least 2,000 hours of investigative experience as provided in Subsection 53-9-108(3); and

NOTICES OF PROPOSED RULES

- (d) a surety bond for the applicant in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).
- (4) If the applicant is applying for an apprentice license, the applicant shall also provide:
 - (a) the name of the licensed agency for which the applicant will be an employee or independent contractor;
 - (b) authorization from a licensed agency indicating that the agency will employ or contract with the applicant; and
 - (c) a surety bond for the applicant in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).

R722-330-5. Verification of Investigative Experience.

- (1)(a) When completing the Verification of Investigative Experience Form for an agency or registrant license, the applicant shall describe, in detail, the number of hours and the type of investigative work which the applicant performed.
- (b) The investigative experience shall have been performed within ten years from the date of the application, while the applicant was working as a licensed private investigator or an investigator for a governmental entity.
- (c)(i) The Verification of Investigative Experience Form shall be certified by the private investigator or governmental employer for whom the applicant performed the investigative work.
- (ii) If the applicant cannot provide certification from a private investigator or governmental employer, the applicant may provide certification from the individual for whom the applicant performed the investigative work.
- (2) An applicant seeking to receive credit toward the investigative experience requirement for licensure under Subsection 53-9-108(5), shall provide written documentation of the degree or certification for which the applicant is seeking credit.

R722-330-6. Issuance of License.

- (1)(a) Upon receipt of a completed application packet, the bureau shall conduct a thorough background investigation to determine if the applicant meets the requirements for licensure.
- (b) ~~[Once the background check is complete, t]~~The bureau shall submit the completed application packet to the board for review after completion of the background check, unless the application is for an apprentice license.
- (c)(i) The bureau shall review each application for apprentice licenses to determine whether the applicants meet the requirements for licensure.
- ~~[(ii) If the bureau finds that an applicant for an apprentice license meets the requirements for licensure, the bureau shall issue the apprentice license within five days.]~~
- ~~[(iii)]~~(ii) If the bureau finds that an applicant for an apprentice license does not meet the requirements for licensure, the bureau shall submit the application to the board.
- (2)(a) The board shall review each application packet submitted by the bureau to determine whether an applicant meets the requirements for licensure.
- (b) If the board determines that an applicant meets the requirements for licensure, the board shall direct the bureau to issue the license.
- ~~[(3) If the background check indicates that an applicant does not meet the qualifications set forth in Subsection 53-9-108(1)(b), the board shall consider any mitigating circumstances submitted by the applicant.]~~
- ~~[(4)(a)]~~(3) If the board determines that an applicant does not meet the qualifications for licensure the board shall deny the application.
- ~~[(b) The board shall issue a written denial which states the reasons why the license was denied and indicates that the applicant may request a hearing before the board by filing a written request within 30 calendar days from the date the board's written denial was issued.]~~
- ~~[(5)]~~(4) If the applicant requests a hearing, the board shall conduct an informal hearing in accordance with Section R722-330-9 during which the applicant may present evidence and testimony in response to evidence and testimony presented by the bureau.
- (5) An application may not be approved for any individual who has had any private investigator license or permit revoked more than one time in any jurisdiction.

R722-330-7. Renewal of a License.

- (1)(a) The bureau shall notify each licensee by email 90 days before the expiration date clearly printed on the identification card and license.
- ~~[(1)(a)]~~(b) The bureau ~~[shall mail]~~may send a renewal notice to a licensee at the last provided address, about 90 days before the expiration of the licensee's license if there is not an e-mail address on file for the licensee.
- (2)(a) A licensee seeking to renew a license shall submit a completed renewal packet to the bureau.
- (b) The renewal packet shall include:
 - (i) a written renewal form provided by the bureau with the licensee's residential or physical address and mailing or business address;
 - (ii) one ~~[recent]~~color photograph of passport quality, taken no more than 24 months before application for renewal, which contains the licensee's name written on the back of the photograph ~~[unless the licensee submitted a photo which meets these requirements to the bureau within the previous three years];~~
 - (iii) a photocopy of a driver license or state-issued identification card~~[issued by the state]~~; and
 - (iv) a non-refundable processing fee in the form of cash, check, money order, or credit card in the amount required by Section 53-9-111.
- (3) If the licensee has an agency license, the licensee ~~[must]~~shall also provide evidence that the licensee has a valid certificate of:
 - (a) liability insurance for the licensee in an amount of not less than \$500,000 as described in Subsection 53-9-109(3); and
 - (b) workers' compensation insurance, if applicable.
- (4) If the licensee has a registrant or an apprentice license, the licensee ~~[must]~~shall provide evidence that the licensee has a valid surety bond for the licensee in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).

(5) The licensee shall submit proof of completion of continuing education requirements, completed within two years before the date of application for renewal as described under Subsection 53-9-111(2), which shall include:

- (a) four hours of ethics education provided by a nationally recognized association or bureau-approved association;
- (b) four hours of education on Utah law, including Title 53, Chapter 9, Private Investigator Regulation Act; and
- (c) eight hours of education as approved by the bureau.

[(5)](6) A licensee whose license has been expired for more than [90]180 days, shall reapply and meet each requirement found in Section R722-330-4.

[(6)](7) If the licensee meets the qualifications for renewal, the bureau shall renew the license.

[(7)](8)(a) If the bureau determines that the licensee does not meet the qualifications for renewal, the bureau shall deny the renewal.

(b) The bureau's written denial shall state the reasons why the renewal was denied and indicate that the licensee may request a hearing before the board by filing a written request within 30 calendar days from the date the bureau's written denial was issued.

[(8)](9) If the licensee requests review by the board, the board shall conduct an informal hearing in accordance with Section R722-330-9 during which the licensee may present evidence and testimony in response to evidence and testimony presented by the bureau.

R722-330-8. Suspension and Revocation of a License.

(1) The bureau shall conduct an investigation, as provided in Section 53-9-117, if the bureau is made aware of an allegation that a licensee has engaged in conduct in violation of Section 53-9-118.

(2) The bureau shall notify a licensee who is the subject of an investigation of the date and time of the board meeting where the board will consider the bureau's investigative findings.

(3) The bureau may recommend disciplinary action in accordance with Section 53-9-117.

(4) The board shall conduct adjudicative proceedings in accordance with Section R722-330-9.

R722-330-9. Adjudicative Proceedings.

(1) Adjudicative proceeding shall be informal in accordance with Sections 63G-4-202 and 63G-4-203.

(2) The board shall conduct an informal hearing during which the licensee may present evidence and testimony in response to the bureau's investigative findings and recommendations.

(3) The board shall issue a written decision, within ten business days after the hearing, which states the reasons for the board's decision, and indicates that the licensee may appeal to the commissioner by filing a written request within 15 calendar days from the date that the board's written decision was issued.

(4)(a) If the licensee requests review of the board's decision, the commissioner or the commissioner's designee shall review the materials in the bureau's file, any materials submitted by the licensee, and the findings of the board.

(b) The commissioner shall issue a written decision, within 30 calendar days from the date of the request for review, which states the reasons for [e] the decision and indicates that the licensee may appeal to the district court by complying with the requirements found in Section 63G-4-402.

R722-330-10. Records Access.

(1) Information gathered by the division in the course of investigating an application or complaint shall be considered protected information in accordance with Subsection 63G-2-305(10).

(2) If information described in Subsection R722-330-10(1) is used as the basis for the denial, suspension, or revocation of a license, the applicant or licensee shall [be entitled to] have access to the information contained in the bureau's file and to all materials and information gathered in any investigation, to the extent permitted by law.

R722-330-11. Reinstatement of License or Permit.

(1) An individual who has had their license or permit suspended may apply for renewal of the license or permit once the suspension period has ended.

(2) An individual who has had their license or permit revoked may apply for reinstatement:

(a) once the revocation period has ended; and

(b) if the individual has not had their license or permit revoked more than one time in any jurisdiction.

(3) An individual who applies for renewal of a license or permit following suspension or revocation shall:

(a) pay a reinstatement fee; and

(b) comply with the requirements under Section R722-330-7.

KEY: private investigators, license

Date of Last Change: [February 9], 2025

Notice of Continuation: October 3, 2024

Authorizing, and Implemented or Interpreted Law: 53-9-101 through 53-9-119

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R722-380	Filing ID: 57561

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 or section catchline:	
R722-380. Firearm Background Check Information	
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 rule is being amended to incorporate statutory changes made upon passage of HB128 in the 2025 General Session.	
5. Summary of the new rule or change:	
The rule amendment updates statutory references that were changed upon passage of HB 128 (2025), removes unnecessary language related to background checks for NFA firearms, and includes formatting and language changes to comply 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 because this rule only incorporates statutory changes found in HB 128 (2025), removes unnecessary language related to firearm background checks for National Firearms Act (NFA) firearms, and includes formatting and language changes for the Rulewriting Manual for Utah guidelines compliance, none of which should result in a fiscal impact.
B. Local governments:
The proposed rule is not anticipated to have a fiscal impact on local governments because this rule only incorporates statutory changes found in HB 128 (2025), removes unnecessary language related to firearm background checks for NFA firearms, and includes formatting and language changes for the Rulewriting Manual for Utah guidelines compliance, none of which should result in a fiscal impact.
C. Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule is not anticipated to have a fiscal impact on small businesses because this rule only incorporates statutory changes found in HB 128 (2025), removes unnecessary language related to firearm background checks for NFA firearms, and includes formatting and language changes for the Rulewriting Manual for Utah guidelines compliance, none of which should result in a fiscal impact.

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

The proposed rule is not anticipated to have a fiscal impact on non-small businesses because this rule only incorporates statutory changes found in HB 128 (2025), removes unnecessary language related to firearm background checks for NFA firearms, and includes formatting and language changes for the Rulewriting Manual for Utah guidelines compliance, none of which should result in a fiscal impact.

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 is not anticipated to have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities, because this rule only incorporates statutory changes found in HB 128 (2025), removes unnecessary language related to firearm background checks for NFA firearms, and includes formatting and language changes for the Rulewriting Manual for Utah guidelines compliance, none of which should result in a fiscal impact.

F. Compliance costs for affected persons:

There are no compliance costs associated with this rule because this rule only incorporates statutory changes found in HB 128 (2025), removes unnecessary language related to firearm background checks for NFA firearms, and includes formatting and language changes for the Rulewriting Manual for Utah guidelines compliance, none of which should result in a fiscal impact.

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-601	Section 53-5a-602	Section 76-11-302
Section 76-11-303	18 U.S.C. Sec. 922	

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:	12/01/2025
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10. This rule change MAY become effective on:	12/08/2025
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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:	10/15/2025
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R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.

R722-380. Firearm Background Check Information.

R722-380-1. Authority.

This rule is authorized by Subsection ~~[76-10-526(11)]~~53-5a-602(10).

R722-380-2. Definitions.

Terms used in this rule are defined in Section 53-5a-601.

~~_____ (1) "Bureau" means the Utah Bureau of Criminal Identification within the Department of Public Safety established by Section 53-10-201.~~

~~_____ (2) "Firearm dealer" means any firearm dealer who is licensed as defined in Subsection 76-10-501(7).~~

~~_____ (3) "NFA firearm" means a National Firearms Act firearm defined in Title 26 Section 5845 of the United States Code.]~~

R722-380-3. Verification of Identification.

~~[(4)-]~~For purposes of a criminal history background check as established in Section ~~[76-10-526]~~53-5a-602, the only form of photo identification the bureau shall accept is a driver license or identification card that may be accessed through the issuing state's database and verified as a valid form of identification.

R722-380-4. Inquiring Into Denial of Firearm Purchase.

(1)(a) An individual who has been denied the purchase of a firearm by the bureau may inquire why ~~[he or she was]~~they were denied such a purchase by submitting a completed Request for Denial~~[Research]~~ Information form.

(b) The individual may have such denial information released to a third party by submitting a completed Third Party Release Form with a completed Request for Denial~~[Research]~~ Information form.

(2)~~[(a)]~~ Within a reasonable time after receiving the completed request form, the bureau shall release denial information regarding why the individual has been denied the purchase of a firearm, which shall be ~~[mailed, e-mailed, or faxed to the individual at the address, e-mail address, or fax number indicated on the request form]~~delivered by mail, email, or fax to the individual at the phone number, email address, or fax number indicated on the request form.

(3)~~[(a)]~~ A denial of the purchase of a firearm by the bureau may not be overturned except if the denial was done in error by the bureau and no longer than 30 days has passed from the date of the initial background check.

R722-380-5. Law Enforcement Evidence Release.

(1)~~[(a)]~~ A law enforcement agency seeking to obtain background clearance information from the bureau ~~[prior to]~~before releasing a firearm from custody must submit a completed Law Enforcement Evidence Release Form by mail, ~~[or]~~fax, or email.

~~[(b)]~~(2) Upon receipt of a completed Law Enforcement Evidence Release Form, the bureau shall conduct a thorough background investigation to determine whether the individual, to whom the firearm will be released, meets the requirements to possess a firearm established under Sections ~~[76-10-503]~~76-11-302 and 76-11-303, and ~~[Title 18 Section 922 of the United States Code]~~Unlawful Acts, 18 U.S.C. Sec. 922.

~~[(c)]~~(3) Upon completion of the background investigation, the bureau shall notify the law enforcement agency by fax or telephone, at the number indicated on the release form, whether the individual, to whom the firearm will be released, may possess a firearm.

~~[R722-380-6. Procedures on Background Checks for NFA Firearms.~~

~~_____ (1)(a) An applicant seeking to transfer or register an NFA firearm according to Title 26 Chapter 53 of the United States Code must complete the Bureau of Alcohol, Tobacco, Firearms, and Explosives Application for Tax Paid Transfer and Registration of Firearm form and submit to a background check by the bureau as provided in Section 76-10-526.~~

~~_____ (b) The bureau shall conduct a thorough background investigation as provided in Section 76-10-526 on the individual receiving the NFA firearm upon receipt of a request from a firearm dealer to perform the background check.~~

~~_____ (c) Applications initiated prior to July 3, 2016, are not subject to an additional background fee provided under Section 76-10-526 at the time of receiving the NFA firearm from the firearm dealer.]~~

KEY: firearm purchases, firearm releases, firearm denials, firearm background check information

Date of Last Change: ~~[January 10, 2018]~~2025

Notice of Continuation: October 3, 2024

Authorizing, and Implemented or Interpreted Law: ~~[53-10-201; 76-10-526; 76-10-503; 76-10-501]~~53-5a-601; 53-5a-602; 76-11-302; 76-11-303

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R986-700

Filing ID: 57546

Agency Information

1. Title catchline:	Workforce Services, Employment Development	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact persons:		
Name:	Phone:	Email:
Robert Andreasen	801-517-4722	randreasen@utah.gov

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

General Information

2. Rule or section catchline:
R986-700. Child Care Assistance
4. Purpose of the new rule or reason for the change:
This rule change updates and clarifies language concerning special needs and Enhanced Subsidy Grants.
5. Summary of the new rule or change:
This rule change amends definitions, addresses court-ordered nesting agreements, deletes provisions regarding civil money penalties as applied to Enhanced Subsidy Grants, and deletes Section R986-700-779 because this program has been discontinued by statute.
This rule also clarifies eligibility requirements, how the child care rate is determined, and when child care assistance may be awarded for Special Child Care Need.
The rule change makes other technical, conforming, and stylistic changes in accordance 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 rule amendment is not expected to have a fiscal impact on state revenues or expenditures.
There are no additional state employees or resources needed to oversee the rule changes.
The rule amendment will not increase workload and can be carried out with existing budget.
Child care subsidies and grants are provided by federal funds.

B. Local governments:

This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures because the program is federally-funded and does not rely on local governments for funding, administration, or enforcement.

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

The rule amendment may indirectly affect small business child care providers because the amendment clarifies requirements for enhanced subsidy grants, eliminates the financial penalty, and adjusts the requirements for awards of Special Child Care Need.

However, the Department anticipates no direct fiscal cost to small businesses as a result of the rule change. Any cost would be the result of the existing and ongoing cost of conducting a business that applies for child care subsidies.

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

The rule amendment may indirectly affect non-small business child care providers because the amendment clarifies requirements for enhanced subsidy grants, eliminates the financial penalty, and adjusts the requirements for awards of Special Child Care Need.

However, the Department anticipates no direct fiscal cost to non-small businesses as a result of the rule change. Any cost would be the result of the existing and ongoing cost of conducting a business that applies for child care subsidies.

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 rule amendment may indirectly affect persons who receive child care for a child with special needs because the applicant may need to provide additional information as verification of the special need.

However, this rule requires no expenditure by any person and the Department does not anticipate that the rule changes will reduce or increase the number families eligible for a subsidy.

F. Compliance costs for affected persons:

The rule amendment is not expected to cause any compliance costs for affected persons because the rule amendment does not create any new administrative fees.

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 Workforce Services, Casey Cameron, 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 35A-1-104	Subsection 35A-3-203(12)	Section 35A-3-310
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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:	12/01/2025
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10. This rule change MAY become effective on:	12/08/2025
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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:	Casey Cameron, Executive Director	Date:	10/13/2025
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R986. Workforce Services, Employment Development.**R986-700. Child Care Assistance.****R986-700-701.1. Definitions and Acronyms.**

(1) The terms used in this rule are defined in Sections 35A-3-102 and 35A-3-201, and in Sections R986-100-103 and R986-100-104 except as noted in Subsection (2) of this section.

(2) In addition:

(a) "ADH" means administrative disqualification hearing.

(b) "Applicant" means a person requesting CC.

(c) "Approved Provider" means a provider that meets the requirements in Section R986-700-726.

(d) "CCDF" means Child Care and Development Fund.

(e) ~~["CCL" means DHHS, Division of Licensing and Background Checks, Child Care Licensing.~~

~~(f) "CCQS" means Child Care Quality System, a comprehensive statewide system administered by OCC that provides quality ratings to eligible programs and supports programs in attaining higher levels of quality.~~

~~(f) "CCRA" means Child Care Resource Agency, one of several statewide organizations contracted with the Department to provide resources and information to Providers.~~

(g) "Certification period" as it relates to a recipient of CC is the period for which CC is presumptively approved.

(h) "Client" means an applicant for, or recipient of, CC.

(i) "Child" includes the singular and the plural, child or children.

(j) "Child Care Provider" or "Provider" means a person, individual or corporation, institution, or organization that provides child care services.

(k) "Civil money penalty" is a fine assessed by OL~~[CCL]~~ for repeat citations, or when the first instance of noncompliance results in, or is likely to result in, extreme risk or harm.

(l) "DHHS" means the Department of Health and Human Services.

(m) "Employment" means a job or providing a service that pays wages, a salary, in-kind benefits, or self-employment income, provided federal or state law does not prohibit the occupation.

(n) "ES CC" means Employment Support Child Care assistance.

(o) "ESG" means Enhanced Subsidy Grant. An ESG is a monthly payment issued to an eligible program serving children covered by CC subsidies and achieving a rating of CCQS High Quality or High Quality Plus.

(p) "FEP CC" means Family Employment Program Child Care assistance.

(q) "FFN provider" means Family, Friend, and Neighbor provider.

(r) "GED" means General Education Development diploma.

(s) "Licensed-center provider" means a non-hourly, licensed child care center that is regulated through OL~~[CCL]~~.

(t) "Locked-in benefit" means the amount of the first full month of benefits paid on behalf of a client.

(u) "OCC" means Department of Workforce Services, Office of Child Care.

~~(v) "OL" means the Department of Health and Human Services, Office of Licensing.~~

~~(w)(*) "Parent" includes a natural, adoptive, or step parent.~~

~~(x)(*) "Recipient" means an individual receiving CC.~~

~~(y)(*) "Review or recertification" means the process to determine continued eligibility.~~

NOTICES OF PROPOSED RULES

(z[~~y~~]) "Transitional CC" means CC available to a customer whose FEP case closed because of increased income and who meets ES CC eligibility requirements.

R986-700-702. General Provisions.

(1)(a) CC is provided to support employment for a qualified household with at least one minor dependent child who is a United States citizen or who meets qualified alien status.

(b) CC for approved education and training activities, job search, or for an approved temporary change as defined in Section R986-700-703 may be authorized in accordance with this rule.

(2) CC is available, as funding permits, to a client who is employed or is participating in activities that lead to employment, and is:

(a) a parent, including a foster care parent who receives foster care reimbursement from the Utah Department of Health and Human Services, Division of Child and Family Services, or its successor;

(b) a specified relative;

(c) a client who has been awarded custody or appointed guardian of the child by court order and both parents are absent from the home; or

(d) as determined by the Department on a case-by-case basis, a client acting as a child's guardian although no court order exists and both parents are absent from the home.

(3)(a) Except for FEP CC and transitional CC, household eligibility is determined for a minimum period of 12 months.

(b) The eligibility period and eligibility review may be extended to no more than 12 months, but may not be shortened to less than 12 months.

(c) Each requested verification must be provided at the time of the application and review.

(d) The application or review is not complete until the client has completed, signed, and returned each necessary application or review form to the local office or through the Department's online portal. The customer must meet all factors of eligibility on the date the application or review is approved.

(e) If the Department determines the household's gross monthly income exceeds the percentage of the state median income as determined by the Department under Subsection R986-700-710(4), the Department may terminate CC even if the certification period has not expired.

(4) The client shall report the need for each child at the time of the application or review.

(a) After the initial approval, the client must file a new application for assistance reporting the need for additional children who were not included in the CC program filing unit at the time of the initial application.

(b) If a client is eligible to receive CC, each of the following children, living in the household unit, are eligible at the time of application or review:

(i) a child under the age of 13 years; and

(ii) a child up to the age of 18 years if the child is under court supervision or meets the requirements of Section R986-700-717.

~~(5)(4)(a) CC is provided only for a child who lives in the home of the client and only during hours when no parent or other guardian is available to provide care for the child.~~

~~(b) The child must have a need for at least eight hours of child care per month to be eligible for ongoing subsidy payments[CC].~~

~~(5) The need for each child shall be reported at the time of the application or review. After the initial approval, the need for additional children shall require a new application for assistance. If a client is eligible to receive CC, each of the following children, living in the household unit, are eligible at the time of application or review:~~

~~(a) a child under the age of 13 years; and~~

~~(b) a child up to the age of 18 years if the child is under court supervision or meets the requirements of Section R986-700-717.]~~

(6) When a request is made for an additional child to be added to an open CC case, a new application is required. The household must meet all eligibility requirements that the household was subject to at the time of the most recent approval. The eligible child may be added for a minimum of 365 days or 12 full months of benefits and the review for the household may be extended, as follows.

(a) If parent participation does not change, the additional child shall be added to the existing locked-in benefit at its current amount and the review will be extended for a minimum of 12 full months from the first full month of the new child's participation.

(b) If parent participation decreases, but continues to meet the minimum work requirement, the new child will be added to the existing locked-in benefit at its current amount and the review will be extended for a minimum of 12 full months from the first full month of the new child's participation.

(c) If adding a child increases the benefit, specifically a decrease in co-pay or increased hours, the household benefit will increase for the next 12 months from the first full month of the new child's participation.

(7) When requesting to add a child to an open case, CC will be denied for the additional child if the household does not meet all eligibility requirements to which the household was subject at the time of the most recent approval. The remaining children who were determined to be eligible will remain eligible through the end of the current review period.

(8)(a) The child care needs of a client who qualifies for CC will be paid if and as funding is available.

(b) When the child care needs of an eligible applicant exceeds available funding, the applicant will be placed on a waiting list.

(i) Eligible applicants on the waiting list will be served as funding becomes available.

(ii) Special needs children, homeless children, and FEP or FEPTP eligible children will be prioritized at the top of the waiting list and will be served first.

(iii) "Special needs child" is defined in Section R986-700-717.

(9)(a) CC is issued monthly based on a client's eligibility for services in that month.

(b) The amount of CC might not cover the entire cost of care.

(10)(a) A client is only eligible for CC if the client has no other options available for child care.

(b) Clients are encouraged to obtain child care at no cost from a parent, sibling, relative, or other suitable provider.

(c) If suitable child care is available to a client at no cost from another source, CC cannot be provided.

(11)(a) CC may only be provided by an eligible provider approved by the Department and will not be provided for illegal or unsafe child care.

(b) Illegal child care is care provided by a person or facility required to be licensed or certified but where the provider has not fulfilled the requirements necessary to obtain the license or certification.

(12)(a) CC will not be paid for the care of a client's own child during the time the client is working as a caregiver in the same residential setting where care is being provided.

(b) CC will not be approved where the client is working for an approved child care center and regularly watches the client's own children at the center or has an ownership interest in the child care center.

(c) CC will not be paid for the care of a client's own child if the client is also the licensee or is a stockholder, officer, director, partner, manager, or member of a corporation, partnership, limited liability partnership or company, or similar legal entity providing the child care.

(d)(i) A person who is self-employed as a child care provider cannot receive CC for child care provided for that person's children during the time the person is working as a child care provider, regardless of where the person's child receives child care.

(ii) A person who is self-employed as a child care provider may receive CC when needed for approved activities while the person is not engaged in child care.

(13) Neither the Department nor the state is liable for an injury that may occur when a child is placed in child care even if the parent receives CC from the Department.

R986-700-703. Client Rights and Responsibilities.

In addition to the client rights and responsibilities found in Rule R986-100, the rights and responsibilities listed in this section apply.

(1) A client may select the type of child care that best meets the family's needs, including reporting the client's choice of provider to the Department and start date of care, if known. If no start date is reported or a discrepancy in start dates exists, the Department may use the start date verified with the client's chosen provider.

(2) If a client requests help in selecting a provider, the Department will refer the client to the local CCRA [~~Care About Childcare agency~~].

(3)(a) A client must verify identity.

(b)(i) A client is not required to provide a Social Security Number.

(A) The Department will verify a Social Security Number supplied by a client.

(B) The Department will request further verification to confirm an individual's identity if a Social Security Number cannot be verified.

(ii) Benefits will not be denied or withheld if a client chooses not to provide a Social Security Number if the client is otherwise eligible.

(4) A client is responsible for monitoring the child care provider.

(5)(a) A client is responsible to pay all costs of care charged by the provider.

(b) If the CC payment provided by the Department is less than the amount charged by the provider, the client is responsible for paying the provider the difference.

(6) Within ten days of occurrence, a client shall report any of the changes listed in this subsection.

(a) If the household's gross monthly income exceeds the percentage of the state median income as determined by the Department in Subsection R986-700-710(4).

(b) If the client no longer needs child care.

(c) A change of address.

(d) If a child receiving child care:

(i) moves out of the home; or

(ii) has stopped attending child care.

(e) A change in the child care provider, including when care is provided at no cost.

(7) Allowable temporary changes.

(a) The following are allowable temporary changes:

(i) time-limited absences from work due to medical or other emergency, including maternity leave, bed rest, or temporary medical issues of the client or an immediate family member living in the client's home if the client is responsible for the immediate family member's care;

(ii) temporary fluctuations in earnings or hours, including summer break for teachers or seasonal hours changes for IRS employees, that would otherwise have the effect of causing the client to fail to meet the minimum work requirements for eligibility;

(iii) scheduled holidays or breaks in a client's educational training schedule;

(iv) an eligible child turning 13 years old during an eligibility review period, unless the child no longer has a need for child care; and

(v) a client who has been approved for ongoing ES CC at application or recertification and has a temporary [~~permanent~~] loss of employment may remain eligible through the rest of the certification period.

(b) A client who experiences an allowable temporary change after having been approved for ongoing ES CC may continue to receive CC at the same level for the rest of the certification period if the child attends child care at least eight hours each month.

(8)(a) Once an eligibility determination is made and a full month's payment and copayment is assessed, benefits will be paid at the same level during the rest of the certification period so long as the client remains eligible.

(b) The Department may act on reported changes that result in a participation increase or copayment decrease.

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(c) Benefits may be reduced if a child care provider reports a lower monthly charge or the client changes to a different child care provider.

(9)(a) If an overpayment is established and it is determined that the client was at fault in the creation of the overpayment, the client must repay the overpayment to the Department.

(b) The Department may find that the client and provider are jointly liable for the overpayment.

(c) In the case of joint liability, both parties can be held liable for the entire overpayment.

(10) The Department may release the following information to the designated provider:

(a) limited information regarding the status of a CC payment including that no payment was issued or services were denied;

(b) the date the CC payment was issued;

(c) the CC payment amount for that provider;

(d) the copayment amount;

(e) information available in the Department Provider Portal;

(f) the month the client is scheduled for review;

(g) the date the client's application was received; and

(h) general information about what additional information or verification is needed to approve CC including the client's work schedule and income.

(11)(a) If a client changes providers, the change will be made based upon reporting requirements for the following month's subsidy payment.

(b) No additional payment will be made to another provider for any days remaining in the current benefit month, unless the maximum subsidy payment amount for the month will not be exceeded by paying the second provider or if one of the exceptions listed in this subsection applies.

(i) The Department was notified of the change in the month before the change.

(ii) The initial provider is no longer an approved provider or has been disqualified by the Department.

(iii) The initial provider is not holding the child's space for the rest of the month.

(iv) The client relocates to a different residence and it is no longer reasonably feasible to continue using the initial provider due to travel time or distance.

(v) There is a substantial change in the days or times of day when child care is needed, including a change in the timing of the shifts the client is working, that cannot be accommodated by the initial provider.

(vi)(A) The Department determines a change in child care providers is necessary due to a report of endangerment for the child.

(B) The Department may, in its discretion, approve payment to a second provider due to a report of endangerment even if the maximum subsidy payment amount would be exceeded.

(vii) The Department determines a change in child care providers is necessary due to circumstances related to a pandemic, natural disaster, or other state of emergency.

(12) A client may select an authorized representative.

(a) An authorized representative is an individual selected by a client to conduct business on the client's behalf.

(b) An authorized representative may provide verifications and complete forms for the client.

(c) A client's child care provider may act as an authorized representative for the client after the client has been informed of the provider's potential conflict of interest.

R986-700-707. Copayment.

(1) "Copayment" means a dollar amount which is deducted by the Department from the standard CC subsidy for ES CC. The copayment is determined on a sliding scale and the amount of the copayment is based on the parent's countable earned and unearned income and household size.

(2) The parent is responsible for paying the amount of the copayment directly to the child care provider.

(3) If the copayment exceeds the ~~actual~~ cost of child care, the family is not eligible for CC.

(4) The Department will deduct the full monthly copayment from the subsidy even if the client receives CC for only part of the month.

(5) The following clients are not subject to the copayment requirement:

(a) clients at or below 100% of the poverty level;

(b) clients receiving transitional CC and FEP CC as provided in Section R986-700-708; or

(c) other households in accordance with CCDF guidance.

R986-700-707.1. Initial Registration Fee Assistance.

(1) The Department may pay an initial registration fee per child to an approved provider.

(2) A provider must indicate on the Care About Childcare website that the provider charges an initial registration fee per child. If the indicator is marked, the provider must enter the amount of the initial registration fee per child.

(3)(a) An initial registration fee may be paid up to the allowed amount for the provider type. The allowable amount is a set amount determined by the Department.

(b) The fee paid by the Department may not cover the full initial registration charge.

(c) If a client has already paid an initial registration fee, the provider will be expected to reimburse the parent for any portion of the fee paid by the Department.

- (4) The Department will only pay for one initial registration fee per child per provider within a 12-month period, at initial approval, or when a change of providers is reported. Annual registration fees are not covered.
- (5) Initial registration fees will not be paid retroactively or ~~[prior to]~~before the date stated on the Care About Childcare website.

R986-700-708. Family Employment Program Child Care and Transitional Child Care.

- (1) FEP CC may be provided to clients receiving financial assistance from FEP or FEPTP. ~~[Family Employment Program]~~FEP CC will only be provided to cover the hours a client needs child care to support the activities required by the employment plan.
- (2) Transitional child care is available during the six months immediately following a FEP or FEPTP termination if the termination was due to increased earned income and the household meets the work requirement and income rules for ES CC.
- (3) Clients receiving transitional child care are not subject to the copayment requirement.
- (a) The copayment will resume in the seventh month after the termination of FEP or FEPTP.
- (b) The six[-]-month time limit is the same regardless of whether the client receives TCA or not.
- (4) A client does not need to fill out a new application for child care during the six[-]-month transitional period even if there is a gap in services during those six months.

R986-700-709. Employment Support Child Care Assistance.

- (1) Parents who are not eligible for FEP CC may be eligible for ~~[Employment Support (ES)]~~ CC.
- (2) ES CC is available in the following circumstances:
 - (a) In a single-parent household, the single parent must be the custodial parent of the eligible child and must be:
 - (i) employed an average of at least 15 hours per week;
 - (ii) employed to the single parent's full capacity if the single parent has a disability that has been verified and confirmed by the Department;
 - (iii) enrolled and participating in either an in-person, formal course of study or online courses with a set class schedule to obtain a high school diploma or GED;
 - (iv) employed an average of at least 15 hours per week and participating in education and training activities as defined in Section R986-700-711; or
 - (v) enrolled in a WIOA or TANF non-FEP funded training or educational program approved by the Department.
 - (b) Two-parent households.
 - (i) In a two-parent household, the parents must be:
 - (A) employed, with one parent employed an average of at least 30 hours per week and the second parent employed an average of at least 15 hours per week;
 - (B) employed to both parents' full capacities if one or both parents has a disability that has been verified and confirmed by the Department;
 - (C) employed, with one parent employed an average of at least 30 hours per week and the second parent employed an average of at least 15 hours per week and participating in education and training activities as defined in Section R986-700-711;
 - (D) enrolled and participating in an in-person, formal course of study or online courses with a set class schedule to obtain a high school diploma or GED; or
 - (E) enrolled in a WIOA or TANF non-FEP funded training or educational program approved by the Department.
 - (ii)(A) The Department shall authorize ES CC to two-parent households only when neither the parents' work schedules nor course schedules can be changed to provide care for the parents' child.
 - (B) The Department may authorize ES CC when both parents are enrolled and participating in a formal course of study to obtain a high school diploma or GED.
 - (C) The Department may authorize ES CC when one parent is working and the second parent is participating in the formal course of study to obtain a high school diploma or GED.
 - (D) The Department may authorize ES CC when both parents are enrolled and participating in approved WIOA or TANF non-FEP funded training or education.
 - (E) The Department may authorize ES CC when one parent is working and the second parent is participating in approved WIOA or TANF non-FEP funded training or education.
 - (c) Self-employed parents.
 - (i) Self-employed parents may receive ES CC if they meet the minimum work requirements and earn wages or profit from self-employment at a rate equal to at least minimum wage, calculated by dividing the wage or profit earned through self-employment by the number of hours worked in the timeframe used to determine eligibility.
 - (ii) A self-employed parent shall submit business records for the most recent three-month period of self-employment to establish that the self-employed parent is earning at least minimum wage.
 - (iii) An exception to the requirement that a self-employed parent earn at least minimum wage may apply if the self-employed parent has a barrier to other types of employment.
- (3) ~~E[mployment]~~S[upport] CC shall be provided to cover the hours the parent needs child care for employment or approved educational or training activities.
- (4) Disability.
 - (a) A household may verify a disability under this section by establishing:
 - (i) the disabled parent has an inability to earn a minimum of \$500 per month;

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(ii) the disabled parent has a temporary physical, emotional, or mental incapacity expected to last 30 days or longer that has been verified by the household by submitting the following, and the incapacity is confirmed by the Department:

(A) evidence that the disabled parent receives disability benefits from SSA if it proves the incapacity prevents the parent from providing care for the parent's child;

(B) a determination by VA that the parent is 100% disabled if it proves the incapacity prevents the parent from providing care for the parent's child; or

(C) a written statement from a licensed:

(I) medical doctor;

(II) doctor of osteopathy;

(III) ~~[M]mental~~ ~~[H]health~~ ~~[T]therapist~~ as defined in Section 58-60-102;

(IV) ~~[A]advanced~~ ~~[P]practice~~ ~~[R]registered~~ ~~[N]nurse~~; or

(V) ~~[P]physician~~~~[s]~~ ~~[A]assistant~~; and

(iii) in a two-parent household, the disabled parent ~~[is unable to]~~~~cannot~~ provide care for the child while the other parent is employed.

(b) A parent who is employed and earning more than \$500 per month or participating in educational or training activities will not be considered disabled under this section unless the Department confirms the disability.

(5) As used in this section the term "employment" does not include:

(a) AmeriCorps* Vista, Job Corps and other similar training activities; or

(b) Work Study activities.

R986-700-710. Household Assistance Unit, Income, and Asset Limits for Employment Support Child Care.

(1) For the purposes of this section, "common facilities" means essential household utilities including water, electricity, heating, and other utilities, or parts of a physical structure including kitchen, restroom, and other portions of a residential building shared by a household or group of individuals.

(2)(a) Except as provided in this section, Rule R986-200 is used to determine who must be included as part of the household assistance unit to determine income that must be counted to establish the household's eligibility.

(i) Determining household composition for an ES CC household may be different from determining household composition for a FEP or FEPTP household.

(ii) Employment Support CC follows the parent and the child. If a parent in the household is ineligible for ES CC, the entire household assistance unit is ineligible.

(3) Household Assistance Unit.

(a) An eligible child and one or more of the following residing in the same structure with common facilities is considered a household assistance unit:

(i) a parent;

(ii) specified relative;

(iii) unrelated adults with a child in common; or

(iv) unrelated adult with legal custody of a child.

(b) Any person living on the same property or at the same address and sharing common facilities with other individuals is part of a household assistance unit, even if the person lives in a separate structure~~[-]~~, unless:

(i) a court has entered an order requiring a nesting or transition agreement under which the child remains in the home and the parents rotate in and out of the home; and

(ii) a second verifiable address is provided for one of the parents.

(c) An absent parent or provider is part of the household assistance unit if the Department determines that the individual does not have a separate verifiable address, or lives in a structure without common facilities separate from the household.

(d) Notwithstanding Subsection R986-700-710(3)(a), a parent under the age of 18 with an eligible child is a household assistance unit, even if the parent under the age of 18 lives with a parent or guardian and shares common facilities.

(e) A specified relative may not opt out of the household assistance unit when determining eligibility for CC.

(f) Recipients of SSI benefits are included in the household assistance unit.

(g) Foster care parents, their children and foster care children may not opt out of the household assistance unit when determining eligibility for CC.

(4) Countable Income.

(a)(i) If both parents are living in the household, the income of both parents is counted.

(ii) If only one parent lives in the household, only the income of that parent is counted as income.

(b) The income of each specified relative in the household must be counted.

(c) The income of each foster parent in the household must be counted.

(d)(i) Child support is counted as unearned income of the child, even if it exceeds the amount ordered by a court or ORS, if the payment is made directly to a parent or member of the household.

(ii) If a child support payment is paid to a third party, only the amount up to the court or ORS ordered child support amount is counted.

(e)(i) If a non-applicant parent pays a portion of the child care costs directly to the applicant parent, that amount is counted as income.

(ii) If the non-applicant parent pays the child care provider directly, that amount will be deducted from the amount the provider reports to the Department as the charge for the child.

(e) SSI benefits paid to an SSI recipient are not countable income.

- (f) The earned income of a child who is not a parent is not counted.
- (g) An independent living grant paid by DHHS to a minor parent is not counted as income.
- (5) Income deductions allowed on a monthly basis.
 - (a) The first \$50 of child support received by the family.
 - (b) Court ordered and verified child support and alimony paid out by the household.
 - (c) \$100 for each person with countable earned income.
 - (d)(i) \$100 automatic medical deduction.
 - (ii) The medical deduction does not require proof of expenditure.
- (6)(a) The household assistance unit must meet the CCDF asset limit.
- (b) The household's countable income, less applicable deductions in this section, must be at, or below, a percentage of the state median income as determined by the Department.
- (c) The Department will adjust the percentage of the state median income as funding permits.
- (d) The state median income used to determine eligibility and copayment amounts are available on the Department's website.

R986-700-711. Employment Support Child Care Assistance to Support Education and Training Activities.

- (1) ES CC may be provided when the client is engaged in education or training and employment, provided the client meets the work requirements under Section R986-700-709.
- (2) The work requirement may be waived as provided in Subsection R986-700-709(2)(a)(iii), R986-700-709(2)(a)(v), or R986-700-709(2)(b)(i)(C) for a client who is unemployed and is enrolled in a formal course of study to obtain a high school diploma or GED.
 - (a) The 24[-]-calendar month time limit in Subsection R986-700-711(4) does not apply to high school or GED completion.
 - (b) The client must provide verification of satisfactory progress to receive continued ES CC beyond 12 months.
- (3) The education or training is limited to courses approved by the Department that directly relate to improving the parent's employment skills.
- (4) ES CC will only be paid to support education or training activities for a total of 24 calendar months.
 - (a) The months do not need to be consecutive.
 - (b) On a case-by-case basis, and for a reasonable length of time, months do not count toward the 24-month time limit when the client is meeting the work requirements of Section R986-700-709 and is enrolled in a formal course of study for any of the following:
 - (i) obtaining a high school diploma or GED;
 - (ii) adult basic education; or
 - (iii) learning English as a second language.
- (c) Months during which the client received FEP CC while receiving education and training do not count toward the 24-month time limit.
- (d)(i) CC is not ordinarily used to support short-term workshops unless they are required or encouraged by the employer.
- (ii) If a short-term workshop is required or encouraged by the employer, and approved by the Department, months during which the client receives child care to attend such a workshop do not count toward the 24-month time limit.
- (5) Education or training can only be approved if the client can realistically complete the course of study within 24 months and demonstrates progress in the program.
- (6) Any CC payment to cover training participation hours made for a calendar month, or a partial calendar month, counts as one month toward the 24-month limit.
- (7) Except as provided in Section R986-700-711, there are no exceptions to the 24-month time limit, and no extensions may be granted.
- (8) Only the last two years of a four-year program may be supported.
- (9) CC is not allowed to support education or training if the client already has a bachelor's degree.
- (10) CC cannot be approved for graduate study or obtaining a teaching certificate if the client already has a bachelor's degree.

R986-700-713. Amount of Child Care Assistance.

- CC will be paid at the lower of the following levels.
 - (1) The maximum monthly local market rate as calculated using the Local Market Survey.
 - (2) The rate established by the provider for services and reported ~~[to-]~~in the ~~[local-]~~Care About Childcare web application~~[-agency]~~ or to the Department, provided that CC cannot pay more for services than is charged to the public for the same service.
 - (3)(i) The unit cost multiplied by the number of hours approved by the Department.
 - (ii) The unit cost is determined by dividing the maximum monthly local market rate by 137.6 hours.

R986-700-717. Child Care Assistance for Children With ~~[Disabilities or]~~Special Child Care Needs.

- (1) The Department will fund CC for children with ~~[disabilities or]~~special child care needs at a higher rate if the child has a physical, social, or mental condition or special health care need that requires:
 - (a) outside of age-appropriate abilities:
 - (i) assistance with basic movements, including standing, sitting, moving up or down stairs, or walking;~~[an increase in the amount of care or supervision; or]~~
 - (b)(ii) assistance with toileting;~~[special care needs, which include the use of special equipment, assistance with movement, feeding, toileting, or the administration of medications that require specialized procedures.]~~
 - (iii) assistance with eating or drinking; or

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- ~~(iv) assistance due to limited vision or hearing, including being blind, deaf, or nonverbal;~~
- ~~(b) use of a feeding tube;~~
- ~~(c) administration of medications during child care hours, which requires specialized procedures or training;~~
- ~~(d) use of special medical equipment while in child care;~~
- ~~(e) intensive supervision, which requires additional staff or specialized training; or~~
- ~~(f) any other condition that substantially limits one or more major life activities of the child.~~
- (2) To be eligible under this section, the client must submit a written statement from ~~[one of the professionals listed in Subsection R986-700-709(4)(a)(ii)(C) or]~~ one of the following documenting the child's disability and special child care needs:
 - (a) Social Security Administration showing that the child is an SSI recipient, along with additional supporting documentation of the child's special needs;
 - (b) Division of Services for People with Disabilities;
 - (c) ~~[Division of Mental Health;]~~ local school representative for students with an Individualized Education Program Plan;
 - (d) ~~[State Office of Education;~~
 - ~~(e)]~~ Baby Watch, Early Intervention Program; or
 - ~~(e)]~~ by submitting a written statement from:
 - (i) a licensed medical physician~~[doctor];~~
 - (ii) a licensed ~~[A]~~advanced ~~[P]~~practice ~~[R]~~registered ~~[N]~~nurse;
 - (iii) a licensed ~~[P]~~physician's ~~[A]~~assistant~~[-or]~~
 - (iv) a licensed or certified ~~[P]~~psychologist~~[-];~~ or
 - (v) a mental health professional.
- (3) Verification to support that the child is disabled and has a special need must be dated and signed by the preparer and include the following:
 - (a) the child's name;
 - (b) a description of the child's disability;~~[-and]~~
 - (c) the date the condition requiring special child care needs began; and
 - ~~(d) the special provisions that justify a higher payment rate.~~
- (4) The Department may require additional information and may deny requests if adequate or complete information or justification is not provided.
- (5) The higher rate is available through the month the child turns 18 years of age.
- (6) A client qualifies for CC under this section if the household is at or below 85% of the state median income.
- (7) The higher rate in effect for each CC category is available ~~[at any]~~ on the Department's website~~[-office].~~
- (8) The Department shall review the client's eligibility for special needs child care.
- ~~(a) Except as provided in S ubsection (b), the client must submit an updated verification every 12 months or at the next review, whichever is later.~~
- ~~(b) If the child has a permanent disability requiring special child care accommodations, only one special needs verification is required.~~

R986-700-720. Provider General Provisions.

- (1) The Department will only pay CC to a client who selects an eligible provider who:
 - ~~(a) [eligible provider,~~
 - ~~(b) who]~~ is providing care in an eligible setting; and
 - ~~(e)]~~ ~~[who]~~ has approved provider status.
- (2) In addition to the requirements in this section, an eligible provider must meet all CCDF requirements.
- (3) CC is only available for care provided in the state~~[-of Utah].~~

R986-700-721. Eligible Provider.

- A provider may only be eligible if the provider is:
- (1) a provider regulated through OL~~[CCL]~~ including a licensed:
 - (a) home provider;
 - (b) child care center, including an out-of-school time program and excluding an hourly center;
 - (c) commercial preschool; or
 - (d) home with a residential certificate; or
 - (2) a license exempt center, school-age program, or home provider which is not required by law to be licensed and is either;
 - (a) a license exempt center or school-age program as defined in Section R430-8-3, that has a current letter of exempt status from OL~~[CCL]~~ identifying the provider as DWS Approved; or
 - (b) a DWS FFN provider as approved by OL~~[CCL]~~.

R986-700-724. Family, Friend, and Neighbor Provider.

- (1) A FFN provider must comply with all CCDF and Department requirements and will not be approved for a CC payment unless each of the following requirements have been successfully completed and verification has been provided to OL~~[CCL]~~:
 - (a) complete, sign, and submit an application to OL~~[CCL]~~;
 - (b) complete New Provider orientation and agree to comply with Department requirements and policy, including ongoing training, as explained in the orientation;

- (c) pass a home inspection as provided in Department policy;
- (d) complete an infant and child CPR training;
- (e) complete first aid training; and
- (f) ensure the provider and all individuals 12 years old or older living in the home where care is provided submit to and pass a background check as provided in Sections R986-700-751 through R986-700-756.
- (2) A FFN provider must also comply with all Department policies including abiding by the ratio requirements.
- (3)(a) FFN approval must be renewed annually.
- (b) The FFN CC Provider must complete an announced inspection and show compliance with all regulations at least 30 calendar days before the expiration date of the current approval.
- (4) FFN ~~OL[CCL]~~ provider approval is for the provider and the location or locations and is not assignable or transferable.

R986-700-725. Appeals of ~~OL[CCL]~~ [a]Adverse [a]Action.

If a provider has any adverse action taken against it by ~~OL[CCL]~~, the provider's appeal shall be made to ~~OL[CCL]~~ according to ~~OL[CCL]~~'s procedures.

R986-700-726. Approved Provider Status.

- (1) If an eligible provider chooses not to comply with the following requirements, OCC will presume the provider has voluntarily chosen not to receive payment for CC clients. To obtain and retain approved provider status, an eligible provider shall comply with each of the following provisions.
 - (a) CCQS. A licensed-center provider must participate in the CCQS pursuant to Section R986-700-741.
 - (b) Care About Childcare. A provider, except a FFN provider, shall report its monthly, full-time child care rates in~~to~~ the ~~local~~ Care About Child-care web application~~-agency~~.
 - (c) Verification.
 - (i) A provider must provide verification information to the ~~OL[CCL]~~ and the Department~~[DWS]~~ to determine initial and continuing eligibility, which includes submission of a completed Internal Revenue Service Form W-9.
 - (ii) Payment may be withheld from a provider who fails to provide verification information until verification information is provided.
 - (d) Provider Guide.
 - (i) A provider must read and agree to the terms and conditions contained in the Provider Guide. A provider that has not previously received CC payment must comply with this subsection before being approved and receiving payment.
 - (ii) An approved provider will be notified of any substantial change to the terms and conditions of the Provider Guide.
 - (iii) An approved provider will be provided at least 30 days' notice of any substantial change to the terms and conditions of the Provider Guide.
 - (iv) An approved provider shall agree to the terms and conditions of the Provider Guide during the subsequent provider certification period pursuant to Subsection R986-700-727(5).
 - (v) If an approved provider fails to agree to any changes, CC payment will be withheld pursuant to Section R986-700-729.
- (e) Certification.
 - (i) A provider must complete any ongoing certification in the Provider Portal, including any certification described in Subsection R986-700-727(5).
 - (ii) If a provider fails to complete a required certification, CC payment may be withheld pursuant to Section R986-700-729.
 - (iii) If a provider fails to complete a required certification, the provider may be subject to an audit conducted by the Department.
- (2) The Director of OCC may recommend disqualifying a provider pursuant to Sections R986-700-733 and R986-700-734 if a provider:
 - (a) fails to provide necessary information or cooperate with a Department investigation or audit pursuant to Section R986-700-730;
 - (b) has an established pattern of overpayments pursuant to Section R986-700-731;
 - (c) commits an Intentional Program Violation pursuant to Section R986-700-732; or
 - (d) demonstrates a pattern of behavior indicating an inability or unwillingness to fulfill the provider's responsibilities under Section R986-700-727.
- (3) If a provider is no longer an approved provider and the provider has accrued overpayments that have not been repaid and later seeks to become an approved provider, approval will not be granted until any overpayment is paid in full.

R986-700-728. Appropriate use of CC.

- (1) CC is to support an eligible client's monthly employment and any allowed training activity and allows for temporary absences and unforeseen circumstances.
- (2) A provider must provide at least eight hours of care during the initial benefit month for which a CC payment was issued to be eligible for CC payment.
 - (a) A provider has the burden of proof to demonstrate the provider provided care to each CC client for which it receives CC payment.
 - (b) Pursuant to Subsection R986-700-727(2), if a provider is not able to produce a time and attendance record for a specific CC client for a specific month, there is a rebuttable presumption that the provider did not provide child care for that CC client during that month.
- (3) Inappropriate use of a CC payment.
 - (a) Applying the CC payment to a:
 - (i) copayment;
 - (ii) registration fee;

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- (iii) late fee;
- (iv) field trip; or
- (v) client's out of pocket expenses.
- (b) Carrying forward the CC payment for future months of service.
- (4)(a) An excess CC payment cannot be used to cover an outstanding balance, a copayment, a registration fee, a late fee, a field trip, or future services.
- (b) If excess funds are issued for a month of service, the excess funds must be returned to the Department.
- (c) The CC payment for the following month may be reduced to offset the over-issuance.
- (5) A provider who receives a CC payment when the child has not attended at least eight hours in a month may be responsible for repayment of any resulting overpayment under Title 35A, Chapter 3, Part 6, Administrative Determination of Overpayment Act, and Sections R986-700-731 and R986-700-731.1, and there may be a disqualification period pursuant to Sections R986-700-733 and R986-700-734, and potential criminal prosecution under Title 76, Chapter 8, Part 12, Public Assistance Fraud.
- (6) A provider who provides services for any part of a month and then terminates services with the client or for a child during the month may be required to reimburse the Department for the days when care was not provided.
- (a) If it was necessary to remove the child from care because the child or others were endangered, and the incident was reported to OL[~~ECL~~] or local authorities, the Department may waive repayment.
- (7) The Department will issue a IRS Form 1099 annually where applicable to each eligible provider who received a CC payment during the year.
- (8) A provider who applies CC funds inappropriately may be subject to an overpayment and possible disqualification pursuant to Sections R986-700-731, R986-700-733, and R986-700-734.

R986-700-729. Withholding of CC Payment.

- (1) Pursuant to Section R986-700-731.1, CC payment may be withheld if a provider is found to have been overpaid and:
 - (a) fails to repay the overpayment; or
 - (b) fails to enter into a repayment or recoupment plan in accordance with Department policy; or
 - (c) is not current with repayment in accordance with a repayment plan.
- (2) CC payment may be withheld if a provider fails to comply with each requirement of Sections R986-700-726 and R986-700-727.
- (3) CC payment withheld pursuant to Section R986-700-729 will be released once the provider complies with the requirement.
- (4) A provider ~~shall~~ may not charge a client for a withheld CC payment. Although the client remains eligible, the provider will not receive CC payment until the provider complies with all participation requirements as provided by Sections R986-700-726, R986-700-727, R986-700-729, and R986-700-731.1.

R986-700-740. Child Care Quality System Definitions and Acronyms.

In addition to the definitions and acronyms found in Title 35A, Chapter 3, Employment Support Act, Sections R986-100-103, R986-100-104, and R986-700-701.1, the following definitions apply to CCQS:

- (1) "CC subsidy" means a Child Care assistance subsidy payment.
- (2) "Certified quality rating" means the CCQS rating determined by applying the CCQS framework and assigned by OCC.
- (3) "Certified Quality Rating Review Committee" or "Review Committee" means a committee consisting of one representative from OCC, one representative from a licensed private program; and one expert in the field of early childhood education or school-age children, which reviews disputed quality ratings and makes recommendations to the Director of Adjudication concerning final certified quality rating decisions.
- (4) "CCQS status" means the status assigned by OCC to a program without a default rating or certified quality rating.
- (5) "Eligible program" or "eligible provider" means a provider who:
 - (a) is classified as a CCQS-eligible license type from OL[~~ECL~~], in accordance with OCC policy;
 - (b) meets CCDF eligibility requirements;
 - (c) is compliant with OL[~~ECL~~] licensing requirements;
 - (d) has followed the OL[~~ECL~~] process to indicate the program will accept funding from OCC, including funding for children covered by CC subsidy; and
 - (e) can potentially receive CC subsidy and OCC grants, including ESG, if approved.
- (6) "License in good standing" means a program is currently licensed by OL[~~ECL~~], but not with a conditional license.
- (7) "Not participating" is a CCQS status referring to a program that:
 - (a) has opted out of participation in the CCQS;
 - (b) is not classified as a CCQS-eligible license type from OL[~~ECL~~], in accordance with OCC policy;
 - (c) is ineligible due to being disqualified by OCC; or
 - (d) has not applied for a certified quality rating and has not elected to become CCQS-eligible.
- (8) "Denied participation" is a CCQS status referring to an eligible program that is operating on a conditional license from OL[~~ECL~~].
- (9) "Program" refers to an individual location of a child care business.

R986-700-741. Child Care Quality System Rating and Status.

- (1) Each program of an eligible license type from OL[~~ECL~~] shall receive a CCQS rating or status, unless the program withdraws from participation following the process established by OCC policy.

(a) A licensed center program that chooses not to apply for a certified quality rating will receive a default Foundation of Quality rating.

(b) An eligible child care program shall participate in CCQS by maintaining at least a default Foundation of Quality rating. An eligible program is not required to apply for a certified quality rating.

(c) CCQS ratings or statuses shall be made public on the Care About Childcare website.

(d) An eligible child care program that withdraws from participation in CCQS will become ineligible to receive CC subsidy and CCQS grants or funding.

(2) A program may apply for a certified quality rating in accordance with OCC policy through the Care About Childcare website.

(a) A rating shall be awarded or a status shall be assigned no later than 180 days after the application was submitted.

(b) Certified quality ratings will be published publicly on the first day of the month of the certified quality rating period.

(3) A certified quality rating shall remain in place during the 12-month certified quality rating period unless a program:

(a) loses its license in good standing and goes on conditional license; or

(b) is disqualified from accepting funds from CCDF.

(4) A program with a certified quality rating of high quality or high quality plus that is assessed a civil money penalty from OL[~~CCL~~] shall be reduced to a certified quality rating of building quality for the rest of the 12-month certified quality rating period during which the civil money penalty was assessed.

(5) The 12-month certified quality rating period may be modified when a program is receiving CCQS technical assistance and support from OCC, in accordance with OCC policy.

(6) Recertification. A program must recertify to maintain a certified quality rating.

(a) A program must follow the recertification procedures established by OCC policy.

(b) A program failing to recertify in a timely manner may receive one of the following ratings or statuses until a certified quality rating is awarded:

(i) a default Foundation of Quality rating for an eligible program;

(ii) not participating status for a program that is not eligible; or

(iii) denied participation status for a program operating on a conditional license at the time of recertification.

R986-700-742. Enhanced Subsidy Grant.

(1) To receive an ESG a program must:

(a) receive a certified quality rating of:

(i) High Quality; or

(ii) High Quality Plus;

(b) serve children for whom child care was paid for with CC subsidy during the 12-month period used to calculate the ESG;

(c) maintain a license in good standing with OL[~~CCL~~] during the 12-month certification period;

(d) maintain status as a DWS-Eligible child care program during the 12-month certification period;

(e) agree to comply with each requirement outlined in the certified quality rating award notice;

(f) agree to the amount of the ESG stated on the certified quality rating award notice;

(g) agree to receive the ESG through the process established by OCC policy;

(h) not be disqualified pursuant to Sections R986-700-733 and R986-700-734;

(i) not have a pending administrative review on the awarded certified quality rating; and

(j) not have a pending referral from the Director of OCC for an administrative disqualification hearing pursuant to Sections R986-700-733 and R986-700-734.~~], and~~

~~(k) not be assessed a civil money penalty from CCL during the 12-month certified quality rating period.]~~

(2) Upon final disposition of a pending administrative review, an ESG may be issued retroactively where all other ESG requirements are met and the program has not been disqualified pursuant to Sections R986-700-733 and R986-700-734.

(3) An ESG for a program that has an outstanding adjudicated overpayment or other debt owing to OCC shall be issued as follows:

(a) if the overpayment amount is less than the monthly ESG amount, the ESG shall be reduced by the amount of outstanding overpayment due; or

(b) if the overpayment amount is greater than the monthly ESG, a monthly ESG shall continue to be reduced until the overpayment is fully repaid.

(4) If a program is a party to a pending administrative review or appeal of an overpayment that does not involve a suspected IPV, the Department may not reduce the program's ESG as provided in Subsection (3) until final disposition of the action is issued.

(5) The monthly ESG will be calculated in accordance with OCC policy.

(6) Continuing receipt of ESG is subject to the program satisfying the requirements in Subsection (1).~~]~~

~~(7) The Department shall discontinue ESG if a program is assessed a civil money penalty by CCL.]~~

R986-700-743. Child Care Quality System Rating Administrative Review.

(1) A program may request a review of a certified quality rating following the process established by OCC policy.

(2) A review request shall be submitted within 30 calendar days of the date of the certified rating award notice except where there is good cause for failing to request a review within this timeframe.

(a) Good cause for failing to timely request review is limited to circumstances that are:

(i) beyond the party's control~~];~~ or~~];~~

(ii) compelling and reasonable.

NOTICES OF PROPOSED RULES

(b) Good cause excludes ordinary illness, lack of transportation, and temporary absences.

(3) Quality Rating Pending Review. The certified quality rating issued in the quality rating award notice shall be published by OCC and remain published until the review is complete. Issuance of an ESG shall be temporarily suspended until the review is complete.

(4) OCC Review. Each request for review submitted to OCC shall be subject to an OCC review. Upon final determination of the OCC review, a notice of determination shall be sent to the program.

(5) If a program does not agree with the OCC review determination, the program may request a review by the Certified Quality Rating Review Committee.

(a) A review request shall be submitted within 30 calendar days of the date of the OCC review determination, except where there is good cause for failing to request a review within this timeframe pursuant to Subsection R986-700-74[2]3(2).

(b) A review by the Review Committee is an informal adjudicative proceeding under the Utah Administrative Procedures Act.

(c) A review may:

(i) include an OCC staff member to present the conclusions of the OCC review;

(ii) provide an opportunity for the program to present their reasons and evidence for the review request; and

(iii) include witnesses or legal representatives, as applicable; and

(iv) a request for any additional documentation relevant to the review, from either OCC or the program.

(d) Failure by the program to respond to any request by the Review Committee ~~may~~^{shall} result in a dismissal of the review request.

(e) The Review Committee will issue a recommendation to the Department of Workforce Services Director of Adjudication once the review process is complete.

(6) The Director of Adjudication will make a final certified quality rating decision based upon the recommendation of the Review Committee. The Director of Adjudication decision is the final agency action pursuant to the Utah Administrative Procedures Act.

R986-700-751. Background Checks.

(1) Sections R986-700-751 through R986-700-756 apply to a provider identified in Subsection 35A-3-310.5(1), a license-exempt provider, or other program or grantee not subject to ~~OL~~^{OL} requirements.

(2) The following persons must submit to a background check:

(a) the provider;

(b) each person age 12 years old or older who is living in the household where the child care is provided; and

(c) each person who is employed or volunteering at the facility where the child care is provided, if the person's activities involve care or supervision of children or unsupervised access to children.

(3) If child care is provided in the child's home, a background check must be done on each person age 12 years old or older living in the child's home who is not on the client's child care case.

(4) A client is not eligible for CC if the client chooses a provider and any person described in Subsection R986-700-751(2) has:

(a) a supported finding of severe abuse or neglect by DHHS, a substantiated finding by a juvenile court under Section 80-3-404 or a criminal conviction related to neglect, physical abuse, or sexual abuse of any person; or

(b) a conviction for an offense as identified in Section R986-700-754; or

(c) an adjudication in juvenile court of an act which if committed by an adult would be an offense identified in Section R986-700-754.

R986-700-753. Criminal Background Checks.

(1) The Department will contract with ~~OL~~^{OL} to perform a criminal background check, which includes a review of the Bureau of Criminal Identification (BCI) database maintained by the Department of Public Safety pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification; and if a fingerprint card, waiver, and fee are submitted, ~~OL~~^{OL} will submit the fingerprint card and fee to the Department of Public Safety for submission to the FBI for a national criminal history record check.

(2)(a) Each client requesting approval of a covered provider must submit to ~~OL~~^{OL} a form, which will include a certification, completed and signed by the provider as part of the DWS FFN approved provider process.

(i) Additional household members must give permission to run the background check.

(ii) The provider shall pay applicable background check fees.

(iii) A fingerprint card and fee, prepared either by the local law enforcement agency or an agency approved by local law enforcement, shall also be submitted if required by Subsection R986-700-753(4).

(iv) If the fingerprints are submitted electronically, they must be submitted in conformity with the ~~OL~~^{OL} guidelines regarding electronic submissions.

(b) Fingerprints are not required to be submitted if:

(i) the covered individual has previously submitted fingerprints to ~~OL~~^{OL} for a Next Generation national criminal history record check;

(ii) the covered individual has resided in Utah continuously since the fingerprints were submitted; and

(iii) the covered individual has not permitted their background check to lapse or expire since the fingerprints were submitted.

(3)(i) The provider must state in writing, based upon the provider's best information and belief, that no covered person, including the provider's own children, has ever been convicted of a felony, misdemeanor, or had a supported finding from DHHS or a substantiated finding from a juvenile court of severe abuse or neglect of a child.

(ii) If a provider is aware of any such conviction or supported or substantiated finding, but is not certain it will result in a disqualification, ~~OL~~^{OL} will obtain information from the provider to assess the threat to children.

(iii) If a provider knowingly makes false representations or material omissions to OL[CCF] regarding a covered individual's record, the provider will be responsible for repayment to the Department of CC paid by the Department.

(iv) If a provider signs an attestation, a disqualification based on a covered individual who no longer lives in the home can be cured under certain conditions.

(4) A provider, caregiver who is 16 years old and older, or covered individual who is 18 years and older shall submit fingerprints under Sections R986-700-751 through R986-700-756 as requested.

(5) If OL[CCF] takes an action adverse to a covered individual based upon a background check, OL[CCF] will send a denial letter to the provider and the covered individual.

(6) A background check must be submitted for each covered individual:

(a) before the date the person becomes a covered individual, unless:

(i) the person is turning 12 years old and resides in the facility where child care is being provided, in which case the background check form must be submitted and authorized within ten business days of the date the child turns 12 years old;

(ii) the person is currently employed by another child care provider within the [S]state and has a current background check; or

(iii) the person has been separated from employment from another child care provider within the [S]state for no more than 180 days and has a current background check; and

(b) on an annual basis.

(7)(i) A person may not begin work as a covered individual until the person has completed a fingerprint-based check and the results have been received.

(ii) After the fingerprint-based check has been completed but before full completion of the background check process, a covered individual must be supervised by a person who has fully completed and passed the background check process.

(8) The Department may conduct background checks annually.

R986-700-755. Covered Individual with an Arrest or Pending Criminal Charge.

If OL[CCF] determines there exists credible evidence that a covered individual has been arrested or charged with a felony or a misdemeanor that would not be excluded under Section R986-700-754, the Department will act to protect the health and safety of children in child care that the covered individual may have contact with. The Department may revoke or suspend approval of the provider if necessary to protect the health and safety of children in care.

R986-700-756. Exclusion From Child Care Due to Finding of Abuse, Neglect, or Exploitation.

(1) Pursuant to Subsection 80-2-708(2)(a)(v), OL[CCF] will screen each covered individual, including any child residing in a home where child care is provided, for a history of a supported finding of severe abuse, neglect, or exploitation from the licensing information system maintained by DHHS and the juvenile court records. The juvenile court records need only be accessed as provided in Subsection 35A-3-310.5(2)(e)(3)(b).

(2) If a covered individual appears on the licensing information system, the threat to the safety and health of children will be assessed. The Department or OL[CCF] may revoke any existing approval and refuse to permit child care in the home until the Department or OL[CCF] is reasonably convinced that the covered individual no longer resides in the home.

(3) If the Department or OL[CCF] denies or revokes approval of CC based upon the licensing information system, the Department will send a written decision to the client.

(4)(a) If DHHS determines a covered individual has a supported finding of severe abuse, neglect, or exploitation after the Department approves CC, the covered individual has ten calendar days to notify OL[CCF].

(b) Failure to notify OL[CCF] may result in the provider being liable for an overpayment for CC paid to the client between the finding and when it is reported or discovered.

R986-700-770. Provider Grant Eligibility.

To be eligible for a CCDF-funded OCC grant from the Department a provider must:

(1) meet each CCDF requirement;

(2) participate in CCQS, if applicable;

(3)(a) have no outstanding overpayment pursuant to Section R986-700-731; or

(b) have an established repayment plan or recoupment with the Department and be current in repayment pursuant to Section R986-700-731.1;

(4) hold a license in good standing from OL[CCF];

(5) not have a pending referral from the Director of OCC for an administrative disqualification hearing pursuant to Sections R986-700-733 and R986-700-734; and

(6) not be disqualified from receiving CC payment pursuant to Sections R986-700-733 and R986-700-734.

~~R986-700-779. Educational Improvement Opportunities Outside of the Regular School Day Grant Program.~~

~~(1) This section is authorized by Section 53F-5-210, which creates a grant program for out of school time programs and instructs the Department to make rules to administer the grant program for private providers, nonprofit providers, and municipalities.~~

~~(2) The purpose of this section is to outline procedures for the Educational Improvement Opportunities Outside of the Regular School Day Grant Program, including the acceptance of grant applications and the awarding of grants.~~

~~(3)(a) Terms used in this section have the definitions given to them in Section 53F-5-210.~~

NOTICES OF PROPOSED RULES

~~(b) For purposes of this section, "private matching funds" as used in Subsection 53F-5-210(7) means funds from a private source that have not been earmarked or pledged as a match for any other purpose. "Private matching funds" specifically excludes the following:~~

~~(i) any federal funds; and~~

~~(ii) parent funds or any other funds, if the practical effect of earmarking or pledging the funds is to pass the cost of the match along to parents.~~

~~(4)(a) For each year the Department is authorized to solicit grant applications, the Department shall publish a grant application timeline that includes the start and end dates for application acceptance and anticipated timeframes for grant evaluation, acceptance, or rejection, and funding.~~

~~(b) The Department may disregard any application that does not comply with the grant application timeline.~~

~~(5)(a) The Department shall create a grant application consistent with the requirements of Subsections 53F-5-210(4) and 53F-5-210(5).~~

~~(b) An applicant shall apply for a grant using the application the Department creates.~~

~~(c) The Department may disregard an incomplete or non-conforming application.~~

~~(6) The Department shall evaluate and accept or reject a grant application in accordance with the criteria set forth in Subsection 53F-5-210(5).~~

~~(7) A grant recipient shall execute and comply with a standard grant terms and conditions agreement with the Department as a condition of receiving a grant under this section.~~

~~(8) A grant recipient shall claim grant funds by submitting a reimbursement request in accordance with Department reimbursement procedures.]~~

KEY: child care, grant programs

Date of Last Change: ~~[October 18, 2024]~~2025

Notice of Continuation: August 14, 2025

Authorizing, and Implemented or Interpreted Law: 35A-3-203; 35A-3-209; 35A-3-310; ~~[35A-3-312];~~ 45 C.F.R. 98.21

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R988-400-7

Filing ID: 57549

Agency Information

1. Title catchline:		Workforce Services, Homeless Services	
Building:		Olene Walker Building	
Street address:		140 E 300 S	
City, state:		Salt Lake City, UT	
Mailing address:		PO Box 45244	
City, state and zip:		Salt Lake City, UT 84145	
Contact persons:			
Name:		Phone:	Email:
Robert Andreasen		801-517-4722	randreasen@utah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:	
R988-400-7. Application for Funds	
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 505 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
During the 2025 General Session, the Legislature passed HB 505, Homeless Services Revisions, which makes changes to the application process and criteria for approving a request for Homeless Shelter Cities Mitigation Restricted Account funds.	
This change amends this rule to conform with the new legislation.	

5. Summary of the new rule or change:

This rule change identifies information municipalities must submit to show compliance with the requirement to enforce an ordinance prohibiting conduct that impedes sidewalks and building entrances in violation of the Americans with Disabilities Act of 1990, and makes other conforming and clarifying changes.

This rule change was approved after a public meeting held by the Homeless Services Board to consider the change.

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 any fiscal impact on state government revenues or expenditures beyond any impact addressed in the fiscal note of HB 505 (2025).

There are no additional state employees or resources needed to oversee this rule change.

This rule change will not increase the Department of Workforce Services' (Department) workload and can be carried out with existing budget.

B. Local governments:

This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures beyond any impact addressed in the fiscal note of HB 505 (2025).

This rule change is not expected to have any fiscal impact on revenues or expenditures of local governments that already enforce certain ordinances and state laws.

A local government that does not enforce such ordinances or state laws, and is therefore ineligible for funds, may experience a slight fiscal impact if it elects to apply for mitigation funds because the local government may be required to enact or enforce the specified ordinances or laws, which may result in a cost.

The Department, therefore, anticipates no fiscal impact to local governments other than the existing and ongoing cost of maintaining eligibility for mitigation funds.

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

There are no anticipated costs or savings to small businesses.

This rule change requires no action or expenditure by small businesses.

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

There are no anticipated costs or savings to non-small businesses.

This rule change requires no action or expenditure by 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**):

There are no anticipated costs or savings to other persons.

This rule change requires no action or expenditure by other persons.

F. Compliance costs for affected persons:

There are no compliance costs associated with this change.

There are no new fees associated with this change.

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 Workforce Services, Casey Cameron, 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 35A-16-401	Section 35A-16-403	
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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:	12/01/2025
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10. This rule change MAY become effective on:	12/08/2025
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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:	Casey Cameron, Executive Director	Date:	10/14/2025
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R988. Workforce Services, Homeless Services.

R988-400. Homeless Shelter Cities Mitigation Restricted Account.

R988-400-7. Application for Funds.

(1) To apply for funds under ~~Subs~~Section 35A-16-[402(4)(a)]403, an eligible municipality shall submit a request that outlines the impact of the location of the eligible shelter ~~[on eligible services]~~ and demonstrates the need for funding to mitigate that impact.

(2) To demonstrate ~~[improvement]~~compliance under Subsection 35A-16-403(2)(g)~~[(4)(C) in]~~, an eligible municipality shall report in its funding application the following information related to:

- (a) enforcing a camping ordinance~~[, an eligible municipality shall report with its funding application]~~;
- (i) the municipality's reported number of camping-related non-enforcement contacts;
- (ii) the municipality's reported number of camping-related enforcement contacts;
- (iii) reported year-over-year trends for camping-related contacts with unsheltered populations in the relevant county;
- (iv) shelter resources available within the eligible municipality's local homeless council region; and
- (v) shelter utilization rates within the eligible municipality's local homeless council region; and

(b) prohibiting conduct that impedes~~ing~~;

(i) traffic in violation of Subsection 41-6a-1009(4)~~[-an eligible municipality shall report with its funding application]:~~

~~(i)A~~ the municipality's reported number of traffic impediment-related non-enforcement contacts;

~~(i)B~~ the municipality's reported number of traffic impediment-related enforcement contacts; and

~~(i)C~~ reported year-over-year trends for traffic impediment-related contacts in the relevant county~~[-r]; or~~

(ii) sidewalks and building entrances in violation of the Americans with Disabilities Act of 1990:

(A) the municipality's reported number of sidewalk and business entrance impediment-related non-enforcement contacts;

(B) the municipality's reported number of sidewalk and business entrance impediment-related enforcement contacts; and

(C) reported year-over-year trends for sidewalk and business entrance impediment-related contacts in the relevant county.

KEY: grants, Homeless Shelter Cities Mitigation Restricted Account

Date of Last Change: ~~December 26, 2024~~2025

Authorizing, and Implemented or Interpreted Law: 35A-16-401; 35A-16-403

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

Rule or section number:

R988-700

Filing ID: 57547

Agency Information

1. Title catchline:	Workforce Services, Homeless Services	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145	
Contact persons:		
Name:	Phone:	Email:
Robert Andreasen	801-517-4722	randreasen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R988-700. Property Loss Related to Homelessness Compensation Enterprise Fund	
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 121 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
During the 2025 General Session, the Legislature passed SB 121, Property Loss Amendments, which created the Property Loss Related to Homelessness Compensation Enterprise Fund, and provided for loans from the fund to compensate property owners for certain losses related to homelessness.	
As required by SB 121 (2025), this new rule establishes procedures and criteria for granting loans and administering the program.	
5. Summary of the new rule or change:	
This new rule adopts definitions and sets forth the scope for the Property Loss Related to Homelessness Compensation Enterprise Fund.	
The new rule enacts application requirements, time limits, and criteria for determining property loss and eligibility for a loan from the fund.	
The rule also establishes priority of loan proceeds in the event funds are limited. The new rule also enacts provisions for repayment of loans, including collection of unpaid loans.	

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

This new rule is not expected to have a fiscal impact on the state budget that was not already addressed in the fiscal note to SB 121 (2025).

The new rule is not expected to result in any further costs or savings to the state budget because any fiscal impact would have been addressed in the fiscal note to SB 121 (2025).

B. Local governments:

This new rule is not expected to have any fiscal impact on local governments' revenues or expenditures because the program does not rely on local governments for funding, administration, or enforcement.

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

This new rule may have a positive fiscal impact on small businesses because such businesses may be eligible to obtain a no-interest loan to offset losses attributable to the presence of nearby homeless shelters.

The amount of such impact cannot be estimated because each loan will be determined on a case-by-case basis and will depend on the losses incurred.

This new rule is not expected to result in any costs to small businesses other than the indirect costs a business may incur to prepare a loan application.

Further, no fees or interest will be charged for loans from the fund.

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

This new rule may have a positive fiscal impact on non-small businesses because such businesses may be eligible to obtain a no-interest loan to offset losses attributable to the presence of nearby homeless shelters.

The amount of such impact cannot be estimated because each loan will be determined on a case-by-case basis and will depend on the losses incurred.

This new rule is not expected to result in any costs to non-small businesses other than the indirect costs a business may incur to prepare a loan application.

Further, no fees or interest will be charged for loans from the fund.

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 new rule may have a positive fiscal impact on other persons because they may be eligible to obtain a no-interest loan to offset losses attributable to the presence of nearby homeless shelters.

The amount of such impact cannot be estimated because each loan will be determined on a case-by-case basis and will depend on the losses incurred.

This new rule is not expected to result in any costs to other persons other than the indirect costs they may incur to prepare a loan application. However, no fees or interest will be charged for loans from the fund.

F. Compliance costs for affected persons:

The proposed rule is not expected to result in any compliance costs for affected persons because no interest or fees are charged for loans from the fund.

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 Workforce Services, Casey Cameron, 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 35A-16-212

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:

12/01/2025

10. This rule change MAY become effective on:

12/08/2025

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:	Casey Cameron, Executive Director	Date:	10/10/2025
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R988. Workforce Services, Homeless Services.

R988-700. Property Loss Related to Homelessness Compensation Enterprise Fund.

R988-700-1. Authority.

This rule is authorized under Section 35A-16-212, which authorizes the office to make rules governing the fund.

R988-700-2. Definitions.

(1) Terms used in this rule are defined in Title 35A, Chapter 1, Department of Workforce Services, and Title 35A, Chapter 16, Office of Homeless Services.

(2) As used in this rule:

(a) "Cost" means the fair market cost for goods or services.

(b)(i) "Direct result of the presence of a homeless services facility" means attributable to the facility itself, or attributable to known clients of the facility in the area because of the facility.

NOTICES OF PROPOSED RULES

- (ii) "Direct result of the presence of a homeless services facility" does not mean caused by a person not shown to be affiliated with a facility.
- (c) "Service or support mechanism" means in-kind or financial assistance, including insurance, victim's compensation fund, or volunteer assistance.
- (d) "Value" means fair market value.

R988-700-3. Scope.

- (1) The fund is intended to provide no-interest loans on a short-term basis to directly compensate property owners and businesses for documented property loss that is a direct result of the presence of a homeless services facility.
- (2)(a) A loan may not be used to reimburse compensation provided by a service or support mechanism, even if the compensation is for property loss that is the direct result of the presence of a homeless services facility.
- (b) A loan may supplement compensation provided by a service or support mechanism that is insufficient to provide full compensation for the property loss, but only up to the total documented value of the property loss.
- (3) A loan may not be used to purchase fencing, security equipment, or security monitoring services, except as compensation for equipment damaged as a direct result of the presence of a homeless services facility.
- (4) A loan may not be used as compensation for loss of property value or loss of business, even if the loss is attributable to the presence of a homeless service facility within 1/5 mile of the property.

R988-700-4. Loan Application Requirements.

- (1) An application for a loan shall be made on a form provided by the office.
- (2) An application must include:
 - (a) documentation of the property loss that was a direct result of the presence of a homeless services facility;
 - (b) the applicant's identification, contact information, and documentation of ownership or legal interest in the affected property;
 - (c) the requested loan amount; and
 - (d) documentation of the value of the loss or cost to clean, sanitize, repair, or restore the property.

R988-700-5. Time Limits for Applications.

- (1) An application for a loan must be submitted within 90 days after the closed insurance claim related to the reported loss or damage.
- (2) An application received after 90 days will not be considered.
- (3) After an application is submitted, the applicant may submit additional relevant information to the office before the office issues a final decision.
- (4) The office may request additional information it deems necessary to complete a review.
- (5) The office shall issue a decision on an application within 30 days after all requested information is received.

R988-700-6. Criteria for Confirming the Amount of Property Loss.

- (1) The office shall determine eligibility for a loan based on the criteria in Section 35A-16-212 and this rule.
- (2) The office may consider any relevant information related to the claimed property loss, including:
 - (a) police reports;
 - (b) insurance reports;
 - (c) security or monitoring images;
 - (d) appraisals;
 - (e) repair estimates; or
 - (f) witness statements.
- (3) The applicant must report any compensation for the property loss from other sources, including goods and services donated.
- (4)(a) The office may approve a loan if the preponderance of the information submitted establishes that the property loss was the direct result of the presence of a homeless services facility.
- (b) The office shall determine the amount of a loan based on the established value of the personal property loss or the cost to clean, sanitize, repair, or restore real property.

R988-700-7. Distributing Money to Loan Recipients.

- (1) Loan funds may be disbursed to the property or business owner only.
- (2) Loan funds may not be disbursed to contractors, suppliers, or insurance companies.
- (3) In its discretion, the office may require security for a loan in a form and amount as the office determines is reasonably necessary to secure repayment.

R988-700-8. Priority of Loan Disbursements in the Event of Limited Funds.

If requested loan amounts exceed the amount of available funds, the office shall fund loans in the order of the following priorities:

- (1) severity of loss;
- (2) urgency of loss, including financial need of the property owner;
- (3) impact of the loss on public health, safety, or essential services; and
- (4) date of loan application.

R988-700-9. Loan Repayment.

- (1) Loan repayment shall be the responsibility of the property owner.
- (2) Loans shall be repaid within one year of disbursement.
- (3) If the loan is not fully repaid after one year, the borrower shall pay a 5% late fee on the loan balance.
- (4)(a) The office may initiate collection actions to recover unpaid loans.
- (b) As provided by law, interest on the judgment amount, court costs, and attorney's fees may be included in a judgment.
- (c) A judgment shall be a lien on the borrower's real property.

KEY: homeless services, property loss**Date of Last Change: 2025****Authorizing, and Implemented or Interpreted Law: 35A-16-212****NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** New**Rule or section number:****R988-1000****Filing ID: 57548****Agency Information**

1. Title catchline:	Workforce Services, Homeless Services		
Building:	Olene Walker Building		
Street address:	140 E 300 S		
City, state:	Salt Lake City, UT		
Mailing address:	PO Box 45244		
City, state and zip:	Salt Lake City, UT 84145		
Contact persons:			
Name:	Phone:	Email:	
Robert Andreasen	801-517-4722	randreasen@utah.gov	

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

2. Rule or section catchline:	
R988-1000. Homeless Services Provider Ombudsman	
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 78 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
<p>During the 2025 General Session, the Legislature passed SB 78, Homeless Individuals Protection Amendments, which created the position of the homeless services provider ombudsman. The legislation authorizes the ombudsman to investigate and resolve complaints made against service providers.</p> <p>As required by SB 78 (2025), this new rule clarifies the scope of the ombudsman's duties, and establishes procedures and criteria for investigating and resolving complaints.</p>	
5. Summary of the new rule or change:	
<p>This new rule is enacted for the Homeless Services Provider Ombudsman office created by SB 78 (2025).</p> <p>The rule sets forth the scope of the ombudsman's authority and duties.</p> <p>The rule establishes the procedures and criteria for filing and processing complaints about service providers, including time limits for submitting complaints.</p> <p>This new rule also authorizes the ombudsman to conduct mediation to resolve disputes, and enacts guidelines for protecting personal information.</p>	

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

This new rule is not expected to have a fiscal impact on the state budget that was not already addressed in the fiscal note to SB 78 (2025).

The new rule is not expected to result in any further costs or savings to the state budget because any fiscal impact would have been addressed in the fiscal note to SB 78 (2025).

B. Local governments:

This new rule is not expected to have any fiscal impact on local governments' revenues or expenditures because the ombudsman does not rely on local governments for funding, administration, or enforcement.

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

This new rule may indirectly affect homeless service providers that are small businesses because such businesses may expend resources to respond to complaints investigated by the ombudsman, if the business elects to respond.

However, this rule requires no expenditure by a homeless service provider and any fiscal impact would be the result of the existing and ongoing cost of providing homeless services.

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

This new rule may indirectly affect homeless service providers that are non-small businesses because such businesses may expend resources to respond to complaints investigated by the ombudsman, if the business elects to respond.

However, this rule requires no expenditure by a homeless service provider and any fiscal impact would be the result of the existing and ongoing cost of providing homeless services.

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 new rule may indirectly affect other persons because they may expend resources to file or pursue a complaint.

However, this rule requires no expenditure by any person. There is no charge to file a complaint with the Department of Workforce Services (Department) and the free complaint portal is available to the public on the Department's website.

F. Compliance costs for affected persons:

The proposed rule is not expected to result in any compliance costs for affected persons because no fees are charged for the ombudsman's services.

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 Workforce Services, Casey Cameron, 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 35A-16-1002

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:**

12/01/2025

10. This rule change MAY become effective on:

12/08/2025

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:**

Casey Cameron, Executive Director

Date:

10/10/2025

R988. Workforce Services, Homeless Services.**R988-1000. Homeless Services Provider Ombudsman.****R988-1000-1. Authority.**

This rule is authorized under Section 35A-16-1002, which authorizes the office to make rules governing the Homeless Services Provider Ombudsman.

R988-1000-2. Definitions.

Terms used in this rule are defined in Title 35A, Chapter 1, Department of Workforce Services, and Title 35A, Chapter 16, Office of Homeless Services.

R988-1000-3. Scope.

- (1) The ombudsman is a neutral party who investigates complaints to resolve disputes between clients and homeless service providers.
- (2) The ombudsman is not an advocate for clients or service providers, but exists to investigate complaints, resolve disputes, and improve delivery of homeless services.
- (3) The ombudsman serves as a resource to service providers and public agencies and may coordinate with other public agencies throughout the state to provide training and make recommendations for improvement of services.
- (4) The ombudsman may not:
- (a) transport a client;
 - (b) provide services to a client beyond investigating or mediating a complaint;
 - (c) act as a guardian;
 - (d) act as a payee;
 - (e) sign a consent form;
 - (f) sign a medical directive; or
 - (g) exercise a client's power of attorney.

R988-1000-4. Complaint Procedure.

(1) No later than 90 days from the date of the alleged circumstances giving rise to the complaint, a complainant may file a written, oral, or electronic complaint with the office at any of the following:

- (a) an employment center;

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- (b) an email address or telephone number provided by the office; or
- (c) the Department's website.
- (2) A complaint should include:
 - (a) a summary of the reasons for the complaint;
 - (b) the names of persons involved;
 - (c) a summary of the actions taken by the complainant to resolve the complaint;
 - (d) the complainant's desired outcome;
 - (e) whether the complainant requests the ombudsman to contact the complainant directly; and
 - (f) whether the complainant authorizes the ombudsman to release personally identifiable information concerning the complainant.
- (3) A complaint may be filed by any person, including a client, a family member or close associate of a client, an advocacy group, or employee or volunteer of a homeless service provider.
- (b) A complaint may be filed anonymously.
- (4)(a) The ombudsman may request additional information from the complainant or the service provider.
- (b) The ombudsman may decline to investigate a complaint that fails to provide sufficient information to allow further investigation.
- (5) The ombudsman shall maintain data and records regarding the ombudsman's activities and complaints received.

R988-1000-5. Time Limits for Complaints and Reviews.

- (1) Complaints should be filed within 90 days after the act or omission complained of occurred.
- (2) Absent reasonable cause, complaints received after 90 days may not be considered.
- (3) If requested, the ombudsman will generally try to contact the complainant within three business days of receiving a complaint.
- (4) The ombudsman shall prioritize complaints alleging acts or omissions that place a client's health or safety at risk.
- (5) If the ombudsman accepts a complaint for investigation, the ombudsman shall document the ombudsman's findings and recommendations, if any, within 90 days after receiving the complaint.

R988-1000-6. Mediation of Disputes.

- (1) The ombudsman may conduct mediation to resolve disputes and settle complaints.
- (2) The ombudsman is not required to verify a complaint to seek a resolution.

R988-1000-7. Protection of Personal Information.

- (1) Records maintained by the ombudsman shall only be disclosed at the discretion of the ombudsman and in accordance with applicable laws governing the privacy and disclosure of government data and records.
- (2) The identity of a complainant, client, or individual named in a complaint may be disclosed as part of an investigation involving the client to an agency that:
 - (a) has statutory responsibility for the client, or over the action alleged in the complaint;
 - (b) can assist the ombudsman to resolve the complaint; or
 - (c) can provide expertise that would benefit the client.
- (3) The ombudsman shall report to the office substantiated findings that a provider has willfully interfered with an investigation or retaliated against any individual for the filing of a complaint or cooperation with the ombudsman.

KEY: homeless services, ombudsman

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 35A-16-1002

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R990-200

Filing ID: 57550

Agency Information

1. Title catchline:	Workforce Services, Housing and Community Development
Building:	Olene Walker Building
Street address:	140 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 45244
City, state and zip:	Salt Lake City, UT 84145

Contact persons:

Name:	Phone:	Email:
Robert Andreasen	801-517-4722	randreasen@utah.gov

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

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

R990-200. Private Activity Bonds

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

This rule change amends language regarding eligibility for private activity bond allocations and extensions.

5. Summary of the new rule or change:

This rule change clarifies terms and deadlines for extensions, eliminates the disqualification if an applicant has failed to close on a project in the past, and provides for greater flexibility in scheduling meetings and application deadlines.

The rule change also makes technical and other clarifying changes.

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 any fiscal impact on state government revenues or expenditures. There are no additional state employees or resources needed to oversee this rule change.

This rule change will not increase the Department of Workforce Services' workload and can be carried out with existing budget.

B. Local governments:

This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because the program does not rely on local governments for funding, administration, or enforcement.

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

This rule change may have an indirect fiscal impact on small businesses because it may extend a period of eligibility by providing for certain extensions and eliminating the disqualification for failing to close on a prior project.

However, this rule change is not expected to result in any costs to businesses other than the existing and ongoing cost of maintaining eligibility.

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

This rule change may have an indirect fiscal impact on non-small businesses because it may extend a period of eligibility by providing for certain extensions and eliminating the disqualification for failing to close on a prior project.

However, this rule change is not expected to result in any costs to businesses other than the existing and ongoing cost of maintaining eligibility.

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 for other persons.

The rule change requires no action or compliance by a person other than a business applying for bond funds.

F. Compliance costs for affected persons:

There are no compliance costs associated with this change. There are no new fees associated with this change.

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 Workforce Services, Casey Cameron, 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 35A-8-2104

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:

12/01/2025

10. This rule change MAY become effective on:

12/08/2025

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:	Casey Cameron, Executive Director	Date:	10/14/2025
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R990. Workforce Services, Housing and Community Development.**R990-200. Private Activity Bonds.****R990-200-3. Definitions.**

Terms used in this rule are defined in Sections 35A-8-101 and 35A-8-2102. Terms not defined in that section or in this rule shall be defined as used in the Private Activity Bond Program - Policies and Procedures (Policies), adopted October 2022, which is incorporated by reference. In addition:

(1) "Affordable" means at least 20% of the residential units in the project are set aside for families whose incomes do not exceed 50% of Area Median Income (AMI), adjusted for family size; or at least 40% of the residential units in the project are set aside for families whose incomes do not exceed 60% of AMI, adjusted for family size.

- (2) "Applicant" means a borrower or issuing authority submitting an application for an allocation of volume cap or a project sponsor submitting an application on behalf of an issuing authority for an allocation of volume cap.
- (3) "Available volume cap" means the unencumbered volume cap.
- (4) "Application" means:
- (a) the electronic federal Low-Income Housing Tax Credit consolidated application for multi-family applicants;
 - (b) the private activity bond authority manufacturing facility application for the manufacturing, redevelopment or exempt facility applicants; or
 - (c) the private activity bond authority application for single family or student loan applicants.
- (5) "Closed" or "close" means the time at which bonds are exchanged for funds.
- (6)(a) "Good standing" means the applicant or recipient:
- ~~[(a)](i)~~ has ~~[timely]~~remitted ~~[to the Board of Review]~~all required fees and payments to the Board of Review at the time of application;
 - ~~[(b)](ii)~~ has ~~[timely]~~submitted ~~[to the Board of Review]~~all required reports to the Board of Review at the time of application; and
 - ~~[(c)](iii)~~ ~~[for the five years preceding the submission of the request for an allocation or extension, has not failed to close any projects for which the Board of Review has made an allocation; and~~
 - ~~[(d)]~~for the five years preceding the submission of the request for an allocation or extension, has not made ~~[to the Board of Review]~~any misrepresentations to the Board of Review about an application for allocation or any previous or current project.
- ~~[(7)](b)~~ If an applicant or recipient has previously received an allocation from the Board of Review for one or more multi-family projects, "good standing" means the applicant or recipient meets the requirements of Subsection (6)(a) and the applicant or recipient:
- ~~[(a)](i)~~ has not exceeded rent or income limits at any time in the immediately preceding five years;
 - ~~[(b)](ii)~~ has not converted any affordable unit into a market rate unit at any time in the immediately preceding five years;
 - ~~[(c)](iii)~~ has rented designated affordable units only to qualified low- and moderate-income tenants for the immediately preceding five years; and
 - ~~[(d)](iv)~~ is in good standing with the Utah Housing Corporation at the time of application.
- ~~[(8)](7)~~ "Project" means the applicant's plan for which the private activity bonds are being sought.
- ~~[(9)](8)~~ "Recipient" means a borrower or issuing authority that has been awarded an allocation of volume cap.
- ~~[(10)](9)~~ "Low- and moderate- income" means a household whose income upon initial occupancy does not exceed 140% of AMI adjusted for family size.
- ~~[(11)](10)~~ "Market rate" means housing units that are not affordable.
- ~~[(12)](11)~~ "Legislative occurrence" means federal or state legislation that becomes legally effective within one year of a project's fifth bond extension approval and which substantially affects the project and its ability to close.

R990-200-4. Applicant Qualifications.

- (1) An initial application will be presented to the Board of Review only if each project applicant, owner, developer, and manager:
 - (a) is in good standing;
 - (b) has not been in default or breach of any mortgage or project-related contract within the previous five years;
 - (c) is not the subject, in either a personal or professional capacity as a partner, director, or other officer exercising managerial control over any business entity, of a pending fair-housing or civil-rights investigation; and
 - (d) in the ten years preceding the filing date of the application, has not been:
 - (i) the subject of a negative fair-housing or civil-rights determination;
 - (ii) disbarred or otherwise sanctioned in any way by any state or federal agency or professional self-regulatory body; or
 - (iii) a partner, director, or other officer exercising managerial control over any business entity, including a corporation, limited liability company, or professional limited liability company, when the business entity initiated bankruptcy proceedings.
- (2) An application shall include documentation:
 - (a) executed by each applicant, owner, developer, and manager certifying that each signatory meets each requirement identified in Subsection R990-200-4(1); and
 - (b) supporting and verifying the accuracy of each certification.
- (3)(i) The Board of Review shall publish a meeting and application submission schedule annually.
- (ii) The Board of Review shall publish changes to the meeting and application submission schedule on the division website.
- (iii) The Board of Review may schedule an ad hoc meeting to consider extension requests within the 90-day period under Section 35A-8-2107.
- (iv) An applicant shall timely provide all required materials and supporting documents [at least 55 calendar days] before the Board of Review meeting at which the application will be considered.
- (4) Application forms and materials are available on the Department of Workforce Services Housing and Community Development website.
- (5) A partial application will be denied.
- (6) Upon review of a complete application, staff will work with the applicant to ensure documentation accuracy.
- (a) Program staff may request that the applicant correct defects or provide additional documentation within a timeline specified by staff.
- (b) An applicant may not submit corrections or additional documentation after the deadline in Subsection R990-200-4(3) unless requested to do so by program staff.

R990-200-7. Extensions.

(1) ~~[Certificates of allocation shall remain in effect for a period of 90 days following the date of Board of Review approval.]~~ A recipient that has not closed its volume cap allocation within ~~the~~^{such} 90-day period under Section 35A-8-2107 may request an extension from the Board of Review.

(a) A recipient requesting an extension shall submit ~~[to the Board]~~ an application for an extension to the Board of Review as soon as practicable, but no later than the 90th calendar day after the date of the Board of Review's approval of the initial allocation.

(i) The counting of the 90-day period shall be paused from the date of submission, pending the Board of Review's review of the application for extension, and the Certificate of Allocation shall remain effective until the Board of Review has voted whether to approve or deny the application for extension.

(ii) The application for extension shall be approved or denied in the Board of Review's sole discretion.

~~[(a)]~~(b) Manufacturing projects, qualified redevelopment projects, and exempt facility projects are not eligible to carry forward their volume cap allocation beyond the end of the calendar year in which they received the allocation. Such bonds must close by the third Saturday in December in the same year the recipient received the allocation. Any volume cap not issued by this date is automatically relinquished back to the Board of Review.

~~[(b)]~~(c) The Board of Review makes no representation as to whether an issuer will allow the allocation to be transferred to another project if the previously approved transaction fails.

(2) Unless program staff agree to a different deadline, a recipient requesting an extension of a previously approved and current volume cap allocation shall submit a completed extension form to the private activity bond program staff no later than the published due date under Subsection R990-200-4(3)~~[55 calendar days]~~ before the Board of Review meeting at which the extension request is to be considered.

(3) An extension request will not be presented to the Board of Review unless the recipient's account is in good standing.

(4) An extension request for a second or more extension will be evaluated, scored, and considered by the Board of Review, subject to Subsection R990-200-7(6).

(5) An extension approval may not exceed 90 calendar days from the date of approval or until the Board of Review holds its next meeting, whichever is sooner.

(6) Unless program staff agree to a different deadline, no later than the published due date under Subsection R990-200-4(3)~~[55 calendar days]~~ before the Board of Review meeting at which the extension is to be considered, a recipient requesting an extension shall submit a completed extension request status report and extension fee on the form provided on the website of the Board of Review, together with each request.

(a) Private activity bond program staff shall perform a comprehensive progress review before the Board of Review meeting where an extension will be considered, and shall prepare a recommendation.

(b) The applicant may be required to reapply after the third extension review if there is no substantial evidence of being able to close the bonds.

(7)(a) Absent a legislative occurrence, a recipient may not receive more than five extensions.

(i) In the event of a legislative occurrence, a recipient may submit a sixth extension application. A sixth extension application shall include a written explanation of why a sixth extension is necessary and how the legislative occurrence substantially affects the project's ability to close. In its sole discretion, the Board of Review may grant or deny a sixth extension.

(ii) A request for a sixth extension that omits the written explanation required in Subsection (7)(a)(i) will not be presented to the Board of Review, and the previously allocated volume cap shall be revoked.

(b) A request for a seventh extension for any reason will not be presented to the Board of Review, and the previously allocated volume cap shall be revoked.

(8)(a) Except as provided in Subsection R990-200-7(8)(c), a recipient requesting an extension shall attend, either virtually or in person, the Board of Review meeting at which the extension is considered, prepared to update the Board of Review on the progress of the development and answer any questions. If the recipient does not attend, the Board of Review will table consideration of the extension. Within 48 hours of the Board meeting at which the extension was to be considered, the recipient shall submit to the Board of Review a written explanation of its failure to attend. The extension will be considered at the following Board of Review meeting, and the Board of Review, in its sole discretion, shall approve or deny the extension request at that time.

(b) When a recipient fails to attend a meeting, the Board of Review shall treat such a missed meeting as a granted extension request, such that the missed meeting will count as one of the five extensions a recipient is allowed under this rule.

(c) Subsections R990-200-7(8)(a) and (b) shall not apply when the Board of Review determines, in its sole discretion, that the recipient's failure to attend a meeting is the result of extraordinary circumstances beyond the recipient's control. Even in such extraordinary circumstances, though, a recipient shall make every effort to send a designee to attend and provide updates at the meeting. Any such designee shall speak on behalf of the recipient, and the recipient will be bound by the designee's representations to the Board of Review.

(9) A City or County issuer may submit a request for a Carryforward Certificate no later than 21 calendar days before the December Board of Review meeting.

(10) A City or County issued a Carryforward Certificate shall comply with the extension request requirements for each three~~[-]~~-month period after an allocation has been made to a project, including:

(a) attendance at each Board of Review meeting, prepared to update the Board of Review on the progress of the development and answer any questions; and

(b) submission of a complete comprehensive progress report.

(11) The Board of Review reserves the right to approve or reject an extension or Carryforward Certificate in accordance with the criteria established by this rule.

(12) In the event an extension or Carryforward Certificate request is untimely, denied by the Board of Review in its sole discretion, or otherwise not presented to the Board of Review in accordance with this rule, the allocation shall be revoked.

KEY: allocation, private activity bond, volume cap

Date of Last Change: ~~June 21, 2024~~2025

Notice of Continuation: July 23, 2024

Authorizing, and Implemented or Interpreted Law: 35A-8-2104

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends December 01, 2025.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through March 03, 2026, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** CPR (Change in Proposed Rule)**Rule or section number:****R58-11****Filing ID: 57424****Date of previous publication (only for CPRs):** 09/15/2025**Agency Information**

1. Title catchline:	Agriculture and Food, Animal Industry	
Building:	Taylorsville State Office Building, South Building, 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:
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Camille Knudson	801-597-6010	CamilleK@utah.gov
John Keller	801-982-2200	johnkeller@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R58-11. Slaughter of Livestock and Poultry
4. Purpose of the new rule or reason for the change:
This filing is to align this rule with Subsection 4-32-109(13). The subsection grants the Department of Agriculture and Food (department) the authority to maintain a registry for persons qualifying for a poultry exemption.
5. Summary of the new rule or change:
This filing removes the text in Subsection R58-11-6(1) which rephrased the department's ability to maintain a registry. To clarify the current registry process, the department is removing the confusing language to ensure alignment with the statute and reduce any redundant steps.
(EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the September 15, 2025, issue of the Utah State Bulletin, on page 2. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This filing will not impact the states budget because the registry requirement is not changing.
B. Local governments:
This filing will not impact local governments because they do not administer or participate in this program.

NOTICES OF CHANGES IN PROPOSED RULES

C. Small businesses ("small business" means a business employing 1-49 persons):					
This filing does not impact small businesses because the registry requirement is not changing.					
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):					
This filing does not impact non-small businesses because the requirement is not changing.					
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 filing does not impact other persons because the requirement is not changing.					
F. Compliance costs for affected persons:					
The compliance costs for this program are not changing.					
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 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 4-32-109	Section 4-32-110	

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:	12/01/2025
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10. This rule change MAY become effective on:	12/08/2015
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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:	Kelly Pehrson, Commissioner	Date:	10/14/2025
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R58. Agriculture and Food, Animal Industry.

R58-11. Slaughter of Livestock and Poultry.

R58-11-1. Authority.

Promulgated under the authority of Sections 4-32-109 and 4-32-110.

R58-11-2. Definitions.

The definitions listed in Section 4-32-105 shall apply for this rule.

(1) "Bill of Sale for Hides" means a hide release or other formal means of transferring the title of a hide.

(2) "Business" means an individual or organization receiving remuneration for a service.

(3) "Commerce" means the movement or transportation of poultry products between:

(a) any state, territory, or the District of Columbia; or

(b) within any territory not organized with a legislative body, or the District of Columbia.

(~~5~~)4 "Custom Slaughter-Release Permit" means a permit that serves as a Brand Inspection Certificate and allows an animal owner to have their animal farm custom slaughtered.

(~~6~~)5 "Detain or Embargo" means the holding of a food or food product for legal verification of adulteration, misbranding, or proof of ownership.

(~~7~~)6 "Food" means a product intended for human consumption.

(~~8~~)7 "Immediate Family" means individuals who reside in the same household as the owner.

(~~9~~)8 "License" means a license issued by the department to allow farm custom slaughtering.

(~~10~~)9 "Owner" means a person holding legal title to an animal.

R58-11-3. Equipment and Sanitation Requirements.

(1) A farm custom slaughter licensee shall maintain any vehicle, unit used for farm custom slaughtering, equipment, and all sanitation requirements as adopted per Subsection 4-32-103(1)(a).

(2) Any vehicle or unit shall incorporate a tripod or rail that can lift a carcass to a height that enables the carcass to clear the ground for bleeding and evisceration.

(3)(a) A water tank shall be an integral part of the unit or vehicle.

(b) The water tank shall be of approved construction with a minimum capacity of 40 gallons.

(c) A licensee shall maintain each water system according to sanitary standards and use only potable water.

(4) A licensee shall fill a sanitation tank large enough to allow complete immersion of each tool used for slaughtering during slaughter operations with potable water and maintained at a temperature of at least 180 degrees Fahrenheit.

(a)(i) In lieu of 180 degrees Fahrenheit water, a licensee may use chemical sterilization with an approved chemical agent after thoroughly cleaning the equipment.

(ii) Chloramine, hypochlorite, quaternary ammonium or other approved chemical compounds may be used for this purpose, and a concentration shall be maintained sufficient to disinfect each utensil.

(b) Hot water, cleaning agents, and disinfectant shall be available if chemicals are used in lieu of 180 degrees Fahrenheit water.

(5) Cleaning agents and paper towels shall be available so any person can clean their hands and equipment as needed.

(6) Pursuant to 9 CFR 325.13, any licensee may denature inedible product and offal with either an approved denaturing agent or using paunch material, such as stomach or intestinal contents, as a natural denaturing agent.

(7) Licensees transporting uninspected meat products from a slaughter operation to a licensed establishment for processing shall deliver carcasses within one hour of slaughter, under refrigeration at or below 40 degrees Fahrenheit.

(8) To prevent adulteration, a licensee shall properly separate, place, and properly denature inedible in designated containers that are marked "Inedible Not For Human Consumption" in letters not less than 4 inches in height.

R58-11-4. Slaughtering Procedures of Livestock.

(1) Slaughtering may not take place under adverse conditions such as blowing dirt, dust, or mud.

(2) If a licensee uses a slaughter area for repeated kills, the licensee shall maintain the area to prevent blood from collecting, running off onto adjacent property, or contaminating a water source.

NOTICES OF CHANGES IN PROPOSED RULES

(3) A licensee shall remove and dispose of any hides, viscera, blood, paunch material, and tissue at a rendering facility, landfill, composting, or burial as allowed by law.

(4) A licensee shall make each animal insensible to pain by a single blow, gunshot, electrical shock, or other means that is instantaneous and effective before the animal is shackled, hoisted, thrown, cast, or cut.

(5)(a) A licensee shall hoist and bleed each animal as soon after stunning as possible to utilize post-stunning heart action and to obtain complete bleeding.

(b) A licensee shall move carcasses away from the bleeding area for skinning and butchering.

(6) A licensee shall:

(a) handle the carcass and head skin without contaminating the neck tissue by leaving the ears on the hide and tying the head skin;

(b) remove the feet before the carcass is otherwise cut;

(c) except for skinning and starting skinning procedures, cut the skin from the inside outward to prevent carcass contamination with cut hair; and

(d) carefully roll or reflect away the hair side of the hide from the carcass during skinning when the carcass is moved from the skinning bed, caution should be taken to prevent exposed parts from contacting adulterating surfaces.

(7)(a) Before evisceration, a licensee shall tie the rectum, including the bladder neck, to prevent urine and fecal leakage.

(b) A licensee shall take care while opening abdominal cavities to prevent carcass or viscera contamination.

(8)(a) A licensee shall trim hair, dirt, and other accidental contamination before washing.

(b) Washing should proceed from the carcass top downward to remove any possible contaminants from clean areas.

(9) Emergency slaughter does not include the slaughter of non-ambulatory injured cattle. For this rule, the department does not allow non-ambulatory disabled cattle that cannot rise from a recumbent position or cannot walk, including, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions to be slaughtered for food.

R58-11-5. Identification and Records.

(1) Licensees may not slaughter livestock without proper documentation.

(2) A livestock owner shall provide a licensee with proper documentation before or at the time of slaughter that includes:

(a) a brand inspection certificate, as required in Section 4-24-304; or

(b) for beef, pork, and sheep, a Farm Custom Slaughter identification tag obtained from a department Brand Inspector for the legislature approved applicable fee.

(3)(a) The Custom Slaughter-Release Permit or Farm Custom Slaughter Tag shall include an affidavit with a signed statement that reads: "I hereby certify ownership of this animal to be slaughtered by ('insert name'). I fully understand that having my animal farm custom slaughtered means my animal will not receive meat inspection and is for my use, the use of my immediate family, non-paying guests, or full-time employees. The carcass will be stamped "NOT FOR SALE" and will not be sold."

(b) In addition to this affidavit, the owner or designee will record the following information:

(i) date;

(ii) owner's name, address, and telephone number;

(iii) animal description, including brands and marks;

(iv) Farm Custom Slaughter Tag number;

(v) location of slaughter;

(vi) name of licensee;

(vii) licensee permit number; and

(viii) carcass destination.

(4) Before slaughter, the licensee shall prepare the Farm Custom Slaughter Tag with complete and accurate information.

(a) One tag shall stay in the license holder's file for at least one year.

(b) One tag plus a copy of the Farm Custom Slaughter-Release Permit shall be sent to the department by the 10th of each month for the preceding month's slaughter by the licensee.

(5) After slaughter, any licensee shall stamp the carcasses "NOT FOR SALE" on each quarter with letters at least 3/8" in height; and affix a Farm Custom Slaughter "NOT FOR SALE" tag to each quarter of beef and each half of pork and sheep.

(6) A licensee receiving hides for slaughtering services shall obtain a copy of the Custom Slaughter-Release Permit to record the transfer of ownership, pursuant to Section 4-24-401.

R58-11-6. Poultry Exemptions.

~~[(1) A person shall register with the department to operate under a poultry exemption consistent with Title 4 Chapter 32 Utah Meat and Poultry Products Inspection and Licensing Act and federal poultry exemptions, including those outlined in 21 U.S.C 464(e) and 9 C.F.R. 381.10.]~~

~~[(2)]~~ The Personal Use Exemption includes a person who raises poultry to slaughter or process for personal use, as allowed by Subsection 4-32-106(2) if:

(a) the poultry is healthy when slaughtered; and

(b) the exempt poultry is not sold or donated for use as human food.

([3]2) A Farm Custom Slaughter and Processing exemption allows a person to slaughter or process poultry belonging to another person if:

- (a) the poultry is healthy when slaughtered;
- (b) the person conducts the slaughtering or processing in accordance with sanitation standards that produce poultry product that is sound, clean, and fit for human food;
- (c) the person using a unit or vehicle for farm custom slaughtering constructs the unit or vehicle to permit maintenance according to sanitation standards; and
- (d) the immediate container bears the following information:
 - (i) the owner's name and address; and
 - (ii) the licensee's name and address.

([4]3) A Producer or Grower 1,000 Bird Limit Exemption consistent with Subsection 4-32-109(12) includes:

- (a) the producer or grower keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year; and
- (b) as required by the U.S. Public Health Service, Food and Drug Administration, Food Code 2022, incorporated by the department in Section R70-530-3, the immediate container bears the following information:
 - (i) name of product; and
 - (ii) name and place of business of the processor; and
 - (iii) the statement "Exempt R58-11-6(4)."

([5]4) A Producer or Grower 20,000 Bird Limit Exemption consistent with Subsection 4-32-109(11) includes:

- (a) a poultry producer or grower may slaughter no more than 20,000 healthy birds of their own raising in a calendar year for distribution as human food;
- (b) the producer or grower keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year;
- (c) the poultry product does not move in commerce, as defined in 9 CFR 381.1; and
- (d) the immediate container bears the following information:
 - (i) name of product;
 - (ii) name and address of the processor; and
 - (iii) the statement "Exempt R58-11-6(5)."

([6]5) A Producer, Grower, or Other Person Exemption consistent with federal law and Subsection 4-32-109(11), allows a single entity to slaughter and process no more than 20,000 poultry within a calendar year that the entity raised or purchased for direct sale to household consumers, restaurants, hotels, and boarding houses for use in dining rooms to prepare meals served or sold directly to customers if:

- (a) the poultry products do not move in commerce;
- (b) the business slaughters or processes in a fixed establishment and in accordance with sanitation standards that produce poultry products that are sound, clean, and fit for human food;
- (c) the producer keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year;

(d) the immediate containers bear the following information:

- (i) name of product;
- (ii) ingredients statement if applicable;
- (iii) net weights statement;
- (iv) name and address of the processor;
- (v) safe food handling statement;
- (vi) date of the package or Lot number; and
- (vii) the statement "Exempt R58-11-6(6)";
- (d) the entity does not slaughter, or process poultry owned by another person; and
- (e) does not sell poultry products to a retail store or other producer or grower.

([7]6) A Small Enterprise Exemption consistent with federal law and Subsection 4-32-109(11), allows a business to raise, slaughter, dress and cut up poultry for distribution as human food if:

- (a) the business limits the processing of federal or state inspected, or exempt poultry products to the cutting up of carcasses or the business slaughters and dresses or cuts up no more than 20,000 birds in a calendar year;
- (b) the business slaughters or processes in a fixed establishment and in accordance with sanitation standards that produce poultry product that is sound, clean, and fit for human food;
- (c) the facility is not used to slaughter or process another person's poultry; and
- (d) the immediate containers bear the following information:
 - (i) name of product;
 - (ii) ingredients statement if applicable;
 - (iii) net weights statement;
 - (iv) name and address of processor;
 - (v) safe food handling statement;

NOTICES OF CHANGES IN PROPOSED RULES

- (vi) date of package or Lot number, and;
- (vii) the statement "Exempt R58-11-6(7)."

R58-11-7. Producer and Grower Sharing a Fixed Facility.

(1) Each producer or grower sharing a fixed facility shall comply with the laws and regulations governing establishments, including Title 4, Chapter 32, Utah Meat and Poultry and Poultry Products Inspection and Licensing Act, this rule, and relevant United States Department of Agriculture Poultry Exemptions, and federal regulations.

(2) Each producer or grower shall notify the department five business days before slaughtering and processing, and the notification shall include:

- (a) the date of slaughter or processing;
 - (b) the time of slaughter or processing; and
 - (c) the location of slaughter or processing.
- (3) Producers or growers sharing a fixed facility shall:
- (a) before operations begin:

(i) conduct a pre-operational inspection on any food-contact surfaces; and

(ii) document the findings of the pre-operational inspection and corrective actions pursuant to 9 CFR 416.12(a) and 416.15 before the commencement of operations;

- (b) during and after operations:

- (i) maintain records for at least one year and have them available for inspection by department officials;
 - (ii) fully label the product in accordance with this rule before it leaves the facility;
 - (iii) maintain the product temperature at 40 degrees Fahrenheit or less during transport; and
 - (iv) keep a written recall plan pursuant to 9 CFR 418 and have it available for inspection by department officials.
- (4) Producers or growers may not process in the same facility on the same day as any other producer or grower.

R58-11-8. Enforcement Procedures.

(1) The department may suspend a license when:

- (a) the department has reason to believe that an eminent public health hazard exists;
- (b) insanitary conditions are such that carcasses would be made adulterated and or contaminated;
- (c) the license holder has interfered with the department in the performance of its duties; or
- (d) the licensee violates Title 4, Chapter 32, the Utah Meat and Poultry Products Inspection and Licensing Act or Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or associated rules.

(2)(a) The department may, pursuant to 9 CFR 500, suspend or terminate any exemption, as listed in Section R58-11-8, with respect to any person when the department finds that the action will aid in effectuating the purposes of the Act.

(b) Failure to comply with the conditions of the exemption, including failure to process poultry and poultry products under sanitation standards, may result in termination of an exemption, in addition to other penalties consistent with 9 CFR 381.13.

(3) When a violation may have occurred, the department may send a warning letter to the licensee that specifies the violations and affords the holder a reasonable opportunity to correct them.

(4) When a licensee has been notified by the department that suspected violations have occurred or when the department suspends a license, the licensee may have an opportunity for a hearing to state their views before the department.

(5)(a) Any person may apply for reinstatement if the department suspended their license.

(b) The department may re-evaluate the applicant and conditions.

(c) The department may reinstate the license if the applicant demonstrates compliance with this rule.

(6) The department may detain or embargo any meat found in a food establishment that does not have the proper identification or any uninspected meat slaughtered by a licensee that does not meet the requirements of this rule.

(7) The department may denature or destroy meat determined to be unfit for human consumption.

KEY: food inspections, slaughter, livestock, poultry, custom exempt, exemptions, poultry exemptions

Date of Last Change: 2025

Notice of Continuation: November 8, 2024

Authorizing, and Implemented or Interpreted Law: 4-32-109

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: CPR (Change in Proposed Rule)		
Rule or section number:	R623-4	Filing ID: 57428
Date of previous publication (only for CPRs):	09/15/2025	

Agency Information

1. Title catchline:	Lieutenant Governor, Elections	
Building:	Utah State Capitol	
Street address:	350 State Street, Suite 220	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142220	
City, state and zip:	Salt Lake City, UT 84114-2220	
Contact persons:		
Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R623-4. Processing Partisan Candidate Nomination Petitions
4. Purpose of the new rule or reason for the change:
The purpose of this change in proposed rule is to strengthen the signature gathering process.
5. Summary of the new rule or change:
These changes include updating language that outlines specific times when a candidate may drop off signature packets to the reviewing officer.
Additionally, this change in proposed rule makes a minor grammar edit to align with the Rulewriting Manual for Utah.
(EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the September 15, 2025, issue of the Utah State Bulletin, on page 101. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Office of the Lieutenant Governor is not anticipated to incur any fiscal impact, as this CPR should not require extra employees or hours that have not already been accounted for.
It should only change the times and dates of when employees who process candidate nominations are working.
B. Local governments:
Local governments are not anticipated to incur any fiscal impact, as this CPR should not require extra employees or hours that have not already been accounted for.
It should only change the times and dates of when employees who process candidate nominations are working.
C. Small businesses ("small business" means a business employing 1-49 persons):
Small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to small businesses.

NOTICES OF CHANGES IN PROPOSED RULES

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):					
Non-small businesses are not anticipated to incur any fiscal impact, as this rule does not 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):					
Other persons are not anticipated to incur any fiscal impact, as this rule does not apply to other persons.					
F. Compliance costs for affected persons:					
Affected persons are not anticipated to incur any fiscal impact, as this rule does not apply to affected 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 Director of Elections of the Office of the Lieutenant Governor, Ryan Cowley, 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:		
Utah Constitution, Article VII, Section 1	Utah Constitution, Article VII, Section 14	Title 20A, Chapter 9

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:	12/01/2025
10. This rule change MAY become effective on:	
12/08/2025	
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:	Ryan Cowley, Director of Elections	Date:	10/15/2025
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R623. Lieutenant Governor, Elections.**R623-4. Processing Partisan Candidate Nomination Petitions.****R623-4-1. Purpose.**

(1) Pursuant to Subsection 20A-9-403(3)(f), this rule provides for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

(2) Pursuant to Section 20A-9-410, this rule provides procedures for complying with, and verifying compliance with, the candidate nominating process described in that part.

(3) Pursuant to Subsection 20A-3a-106(4), this rule establishes procedures to perform signature comparison audits described in Subsection 20A-9-408(9)(c) and to fulfill the chain of custody requirements described in Section 20A-9-408.3.

R623-4-2. Authority.

This rule is required by Title 20A, Chapter 9, Candidate Qualifications and Nominating Procedures and Subsection 20A-3a-106(4). Rulemaking authority relating to conducting an election is enacted under the authority of the Utah Constitution Act. VII, Sections 1 and 14, and Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R623-4-3. Definitions.

(1) "Candidate" means a valid candidate who has filed for office within the current calendar year, or an individual who is submitting nomination packets on behalf of the candidate, such as a volunteer or contractor.

(2) "Conflicted race" means a race where:

(a) the current Governor is seeking reelection;

(b) the lieutenant governor is the reviewing officer and the race is for an office that the lieutenant governor is seeking; or

(c) the County Clerk is the reviewing officer and the race is for an office that the County Clerk is seeking.

(3) "Filing Officer" for the purposes of this rule means the same as defined in Subsection 20A-9-101(7).

~~[(3)](4)~~ "Qualification threshold" means the number of signatures required for a given office as set forth in Subsections 20A-9-403(3)(a)(ii) and 20A-9-408(8)(b).

~~[(4)](5)~~ "Reasonably consistent" means the same thing as substantially similar for the purposes of this rule.

~~[(5)](6)~~ "Reviewing officer" for the purposes of this rule means:

(a) the lieutenant governor for federal, state, and multicounty legislative and state school board races;

(b) a County Clerk with whom the lieutenant governor has contracted to provide nomination petition signature verification services; or

(c) the County Clerk for single county legislative and state school board races within the County Clerk's county.

~~[(6)](7)~~ "Substantially similar" means that two or more signatures share significant characteristics and resemble each other to a considerable extent, but are not necessarily identical.

~~[(7)](8)~~ "Verification criteria" for signatures means the same thing as it is defined in Section R623-11-3.

R623-4-4. Uniform Nomination Petition Processing Standards.

(1) A nomination submission packet shall be submitted in the following manner:

~~[(a) A candidate who submits a nomination petition for verification shall submit the nomination petition packets, personally or by a designated agent, to the reviewing officer before the deadlines established in Sections 20A-9-403 and 20A-9-408.](a) A candidate shall submit the petition packets, personally or by a designated agent, to the reviewing officer before the deadlines established in Sections 20A-9-403 and 20A-9-408.~~

~~(b) A candidate shall submit packets to the reviewing officer no later than 5pm on the date of the deadline described in accordance with Sections 20A-9-403 and 20A-9-408. Additionally, a candidate may submit packets only:~~

~~(i)(A) between 8am and 4pm on the last business day of each week after declaring candidacy; and~~

~~(B) excepting the deadline in Sections 20A-9-403 and 20A-9-408, any business day between 8am and 4pm during the week of the deadline described in Subsection (a).~~

~~(ii)(A) A candidate may, instead of the date provided in Subsection (b)(i)(A), submit between 8am and 4pm on any single designated weekday of the filing officer's choosing, if the chosen date is decided before January 2 of the year in which candidate filings occur.~~

~~(B) The filing officer shall provide written notice of the designated weekday for submitting packets to each signature gathering candidate upon the candidate filing a declaration of candidacy.~~

(b) A candidate's initial submission of nomination petition signatures shall contain sufficient signatures to meet or exceed the qualification threshold.

(c) When submitting any nomination petition, a candidate or designated agent shall comply with and supply the documents required under Subsections 20A-9-408.3(1) through (3).

(2) The reviewing officer shall provide the candidate with a copy of the submission documents that includes the following:

NOTICES OF CHANGES IN PROPOSED RULES

- (a) the signature of the person making the submission;
- (b) the signature of the person authorized to receive the submission;
- (c) the date and time of submission; and
- (d) a list of any packet numbers included in the submission.
- (3) If the reviewing officer rejects a submission:
 - (a) the reviewing officer shall provide the candidate with a written explanation for the rejection; and
 - (b) the rejected submission is not returned to the candidate.
- (4) A candidate may supplement a nomination petition packet by submitting an unlimited number of supplemental nomination petition packets following the initial submission until the applicable deadline established in Sections 20A-9-403 and 20A-9-408.
 - (a) The intake of supplemental nomination petition packets shall comply with Subsections R623-4-4(1) through (3).
 - (b) The processing of supplemental nomination petition packets shall comply with Subsection R623-4-4(5) and Section R623-4-5.
- (5) When completing the order of nomination petition packet verification, the reviewing officer shall ensure that nomination petition packets for different candidates within the same race:
 - (a) are verified in the order of submission; and
 - (b) may not be verified simultaneously.

R623-4-5. Procedure for Verification of Nomination Petition Packets.

- (1) The reviewing officer shall verify nomination petition packets in accordance with Section 20A-1-1002, Subsection 20A-9-403(3), and Rule R623-11.
- (2) If an individual signed two candidate nomination petitions for the same office, the signature on the first submitted nomination petition that meets the requirements of Section 20A-1-1002, Subsection 20A-9-403(3), and Rule R623-11, is valid in accordance with Section 20A-9-411.
- (3) The reviewing officer shall review and certify each signature submitted for a candidate in accordance with Subsection 20A-9-408(9)(f).
 - (4) The reviewing officer may discontinue the verification of a nomination petition if, in writing, a candidate withdraws:
 - (a) candidacy; or
 - (b) the notice of intent to gather signatures.
 - (5) The reviewing officer shall review each signature in an individual packet once review of that packet has begun.
 - (6) The reviewing officer shall:
 - (a) communicate results to a candidate within one business day after the signature audit described in Section R623-12-~~[5]~~6 is conducted; and
 - (b) notify a candidate in writing that the candidate has met the qualification threshold.

R623-4-6. Withdrawal of Petition Packets and Petition Signatures.

- (1) A candidate may not withdraw or take possession of a nomination petition packet once it is presented to the election officer, regardless of whether it has been accepted or rejected.
- (2) A voter who has signed a candidate's nomination petition may have the voter's signature removed from the petition by submitting to the reviewing officer a statement in accordance with Subsection 20A-9-408(9)(d).

KEY: candidate petitions, election law, elections

Date of Last Change: 2025

Notice of Continuation: December 8, 2020

Authorizing, and Implemented or Interpreted Law: Art. VII, Secs. 1 and 14; 20A-9

End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R277-319	Filing ID: 53026
Effective date:	10/07/2025	

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:	R277-319. Special Educator Stipends	
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 53F-2-310(2)	Requires the Board to distribute money appropriated for stipends for special educators for additional days of work.	

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 standards and procedures for distributing money appropriated for stipends for special educators for additional days of work, recognizing the added duties and responsibilities assumed by special educators to comply with federal law and Board special education rules regulating the education of students with disabilities and the need to attract and retain qualified special educators. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-494	Filing ID: 55659
Effective date:	10/07/2025	

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:	
R277-494. Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities	
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 53G-6-704(7)	Directs the Board to make rules establishing fees for a charter school student's participation in extracurricular or co-curricular activities at certain public schools.
Subsection 53G-6-705(6)	Directs the Board to make rules establishing fees for an online student's participation in extracurricular or co-curricular activities at certain public schools.
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 inform school districts, charter schools, online schools, private schools, and parents of school participation fees and state-determined requirements for a charter school, public online school, or private school student to participate in an extracurricular activity at another public school. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-626	Filing ID: 56523
Effective date:	10/07/2025	

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:	
R277-626. Carson Smith Opportunities Scholarship Program	
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.
Section 53E-7-404	Requires the Board to make rules to implement the Carson Smith Opportunities Scholarship Program.
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 guidelines for contracted scholarship granting organizations and the Superintendent to implement the Carson Smith Opportunities Scholarship Program. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-627	Filing ID: 57048
Effective date:	10/07/2025	

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:	R277-627. Early Warning Program	
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 53F-4-207(2)(d)	Requires the board to make rules to define primary exceptionalities.	
Section 53F-4-207	Requires an LEA to implement a digital early warning system to help identify students in need of academic assistance.	
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 define primary exceptionalities for the term being used in the early warning program. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-721	Filing ID: 55519
Effective date:	10/07/2025	

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:	
R277-721. PRIME Program	
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.
Section 53E-10-309	Requires the Board to make rules to establish the requirements for the Utah PRIME Program.
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 eligibility requirements for a participating Local Education Agency (LEA) and create an application process for LEAs to apply for the program. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	10/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R317-102	Filing ID: 50791
Effective date:	10/02/2025	

Agency Information

1. Title catchline:	Environmental Quality, Water Quality	
Building:	Multi Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144870	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Skyler Davies	385-501-9582	sdavies@utah.gov
Ken Hoffman	385-622-3002	kenhoffman@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R317-102. Utah Wastewater State Revolving Fund (SRF) Program	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 19-5-104(1)(a)	Authorizes the Utah Water Quality Board to adopt rules to implement awarding construction loans to political subdivisions and municipal authorities under Section 11-8-2.
Section 73-10c-1	Under the federal water pollution control act, the state and its political subdivisions may receive grants, subject to the availability of funds, to meet the requirements of the federal water pollution control act if the state or its political subdivisions make contributions to the nonfederal share of construction costs of treatment works. It is desirable that the state assist in providing financing mechanisms to aid political subdivisions in securing needed water treatment and transporting water and in the acquisition and construction of drinking water projects and wastewater projects in order to accomplish the foregoing purposes, to protect the public health and welfare, to meet the anticipated growth in the state and to encourage development of the state's resources.
Title VI of the Federal Clean Water Act	Directs the Federal Government to make capitalization grants to each state for the purpose of establishing a water pollution control revolving fund to accomplish the objectives, goals, and policies of the Clean Water Act (CWA).
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 review period for 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 establishes policies and procedures for implementing the Utah SRF Program. This rule contains definitions, eligibility requirements, application procedures, and prioritization procedures central to the Water Quality Board's implementation of their statutory charge. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	John K. Mackey, PE, Division Director	Date:	10/02/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R527-35	Filing ID: 55584
Effective date:	10/09/2025	

Agency Information

1. Title catchline:	Health and Human Services, Recovery Services	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
PO Box 45033	PO Box 45033	
City, state and zip:	Salt Lake City, UT 84145-0033	
Contact persons:		
Name:	Phone:	Email:
Jodi Witte	801-741-7417	jwitte@utah.gov
Casey Cole	801-741-7523	cacole@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:	
R527-35. Non-IV-A Fee Schedule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-1-202	Section 26B-1-202 authorizes the Department of Health and Human Services (department) to adopt rules necessary for providing social services to the people of this state.
Section 26B-9-104	Section 26B-9-104 requires the Office of Recovery Services (office) to collect money due the department which may help offset state expenditures.
Section 26B-9-108	Section 26B-9-108 gives the office the authority to adopt, amend, and enforce rules necessary to carry out its responsibilities under state law.
Section 63J-1-504	Section 63J-1-504 provides procedures for establishing and accessing fees without legislative approval.
45 CFR 302.33	45 CFR 302.33 requires the state to provide that an application fee will be charged for each individual who applies for services, requires the state to collect the application fee from the individual or pay the application fee out of state funds, and allows the state to elect to recover any costs incurred in excess of any fees collected to cover administrative costs. The state has designated the office to perform these functions.
42 U.S.C. Section 654	Pursuant to 42 U.S.C. Section 654(6)(B)(ii), the state shall charge a \$35 annual collection processing fee for child support services to an applicant or recipient of child support services who is not receiving IV-A financial assistance or Medicaid. The state has designated the office to do this.
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 because the fees outlined in this rule, charged for office-provided Non-IV-A services, are in effect but are not specified elsewhere in applicable federal regulations or state statute.	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

In addition, this rule incorporates by reference 45 CFR 302.33, which is in effect, and addresses the fees that the state may elect to recover for providing Non-IV-A services. This rule outlines and provides necessary oversight for the fees that are in effect. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	10/09/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R655-10	Filing ID: 51720
Effective date:	10/02/2025	

Agency Information

1. Title catchline:	Natural Resources, Water Rights	
Building:	Utah Division of Water Rights	
Street address:	1594 W North Temple, Suite 220	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146300	
City, state and zip:	Salt Lake City, UT 84114-6300	
Contact persons:		
Name:	Phone:	Email:
Matt Call	801-518-4794	mattcall@utah.gov
Mark Stratford	801-244-1747	mstratford@utah.gov
Clark Farley	801-538-7370	cmfarley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R655-10. Dam Safety Classifications, Approval Procedures and Independent Reviews	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 73-2-1(4)(c)	The state engineer is required to make rules regarding dam construction and safety.
Subsection 73-5a-101(2)	Authorizes the state engineer to make rules controlling the construction and operation of dams.
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 justified to protect public health and safety and comply with state law by adopting procedures necessary to design, construct, operate, and remove a dam. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Teresa Wilhelmsen, Director	Date:	10/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R655-11	Filing ID: 51721
Effective date:	10/02/2025	

Agency Information

1. Title catchline:	Natural Resources, Water Rights	
Building:	Utah Division of Water Rights	
Street address:	1594 W North Temple, Suite 220	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146300	
City, state and zip:	Salt Lake City, UT 84114-6300	
Contact persons:		
Name:	Phone:	Email:
Matt Call	801-518-4794	mattcall@utah.gov
Mark Stratford	801-244-1747	mstratford@utah.gov
Clark Farley	801-538-7370	cmfarley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R655-11. Requirements for the Design, Construction and Abandonment of Dams	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:		
Subsection 73-2-1(4)(c)	The state engineer is required to make rules regarding dam construction and safety.	
Subsection 73-5a-101(2)	Authorizes the state engineer to make rules controlling the construction and operation of dams.	
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 justified to protect public health and safety and comply with state law by adopting procedures for minimum design requirements for dams. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Teresa Wilhelmsen, Director	Date:	10/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R655-12	Filing ID: 51724
Effective date:	10/02/2025	

Agency Information

1. Title catchline:	Natural Resources, Water Rights	
Building:	Utah Division of Water Rights	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	1594 W North Temple, Suite 220	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146300	
City, state and zip:	Salt Lake City, UT 84114-6300	
Contact persons:		
Name:	Phone:	Email:
Matt Call	801-518-4794	mattcall@utah.gov
Mark Stratford	801-244-1747	mstratford@utah.gov
Clark Farley	801-538-7370	cmfarley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R655-12. Requirements for Operational Dams	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 73-2-1(4)(c)	The state engineer is required to make rules regarding dam construction and safety.
Subsection 73-5a-101(2)	Authorizes the state engineer to make rules controlling the construction and operation of dams.
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 justified to protect public health and safety and comply with state law by adopting procedures for the minimum operational requirements for dams. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Teresa Wilhelmsen, Director	Date:	10/07/2025
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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

Animal Industry

No. 57422 (Repeal and Reenact) R58-18: Domesticated Elk Farms

Published: 09/15/2025

Effective: 10/22/2025

No. 57425 (Repeal) R58-20: Domesticated Elk Ranch

Published: 09/15/2025

Effective: 10/22/2025

Specialized Products

No. 57414 (Amendment) R66-7: Educational Event and Educational Material Rules

Published: 09/15/2025

Effective: 10/22/2025

No. 57413 (Amendment) R66-8: Academic Medical Cannabis Research

Published: 09/15/2025

Effective: 10/22/2025

No. 57382 (Amendment) R66-35: Cannabinoid Product Registration and Labeling

Published: 09/01/2025

Effective: 10/10/2025

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

NOTICES OF RULE EFFECTIVE DATES

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. 57436 (New Rule) R156-90: Health Care Services Platforms Rule
Published: 09/15/2025
Effective: 10/22/2025

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

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

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

Technology Services

No. 57383 (Amendment) R895-3: Computer Software Licensing, Copyright, Control, Retention, and Transfer

Published: 09/01/2025

Effective: 10/22/2025

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

No. 57350 (Amendment) R392-106: Microenterprise Home Kitchen Sanitation

Published: 08/15/2025

Effective: 10/21/2025

No. 57349 (Amendment) R392-200: Sanitation and Safety of Schools

Published: 08/15/2025

Effective: 10/21/2025

No. 57351 (Amendment) R392-702: Cosmetology Facility Sanitation

Published: 08/15/2025

Effective: 10/21/2025

Family Health, Early Childhood

No. 57354 (Amendment) R402-2: Early Childhood Utah Advisory Council Membership, Duties and Procedures

Published: 08/15/2025

Effective: 10/24/2025

Integrated Healthcare

No. 57360 (Amendment) R414-60: Limitations

Published: 08/15/2025

Effective: 10/09/2025

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. 57361 (Amendment) R523-18: Mobile Crisis Outreach Teams Certification Standards

Published: 08/15/2025

Effective: 10/09/2025

NOTICES OF RULE EFFECTIVE DATES

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. 57245 (Amendment) R590-192: Notification

Published: 07/01/2025

Effective: 10/29/2025

No. 57247 (Amendment) R590-203: Health Grievance Review Process

Published: 07/01/2025

Effective: 10/29/2025

Labor Commission

Boiler, Elevator and Coal Mine Safety

No. 57380 (Amendment) R616-3-3: Safety Codes for Elevators

Published: 09/01/2025

Effective: 10/08/2025

Lieutenant Governor

Elections

No. 57429 (Amendment) R623-6: Verification of Requests to Withhold Voter Registration Information

Published: 09/15/2025

Effective: 10/23/2025

No. 57430 (Amendment) R623-7: Vote Tabulation Software Validation Rule

Published: 09/15/2025

Effective: 10/23/2025

No. 57431 (Amendment) R623-8: Ballot Chain of Custody

Published: 09/15/2025

Effective: 10/23/2025

No. 57433 (Amendment) R623-9: Ballot Printing, Handling, and Envelope Standards

Published: 09/15/2025

Effective: 10/23/2025

No. 57434 (Amendment) R623-10: Voter Registration Database Security and Voter List Maintenance Rule

Published: 09/15/2025

Effective: 10/23/2025

No. 57435 (Amendment) R623-11: Signature Verification Standards

Published: 09/15/2025

Effective: 10/23/2025

No. 57427 (New Rule) R623-12: Audits

Published: 09/15/2025

Effective: 10/23/2025

Natural Resources

Outdoor Recreation

No. 57386 (Amendment) R650-103: Fiscal Emergency Contingent Management of Federal Lands

Published: 09/01/2025

Effective: 10/16/2025

Wildlife Resources

No. 57448 (Amendment) R657-5: Taking Big Game

Published: 09/15/2025

Effective: 10/22/2025

No. 57449 (Amendment) R657-6: Taking Upland Game

Published: 09/15/2025

Effective: 10/22/2025

No. 57450 (Amendment) R657-9: Taking Migratory Game Birds - Waterfowl, Snipe, Coot, American Crow, Band-Tailed Pigeon, Mourning Dove, White-Winged Dove, and Sandhill Crane

Published: 09/15/2025

Effective: 10/22/2025

No. 57451 (Amendment) R657-11: Taking Furbearers and Trapping

Published: 09/15/2025

Effective: 10/22/2025

No. 57452 (Amendment) R657-33: Tagging Requirements

Published: 09/15/2025

Effective: 10/22/2025

No. 57453 (Amendment) R657-41: Conservation and Sportsman Permits

Published: 09/15/2025

Effective: 10/22/2025

No. 57454 (Amendment) R657-42: Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents

Published: 09/15/2025

Effective: 10/22/2025

No. 57455 (Amendment) R657-54a: Taking Wild Turkey

Published: 09/15/2025

Effective: 10/22/2025

No. 57456 (Amendment) R657-57: Division Variance Rule

Published: 09/15/2025

Effective: 10/22/2025

No. 57457 (Amendment) R657-62: Drawing Application Procedures

Published: 09/15/2025

Effective: 10/22/2025

No. 57458 (New Rule) R657-73: Tagging Requirements

Published: 09/15/2025

Effective: 10/22/2025

Public Safety

Criminal Investigations and Technical Services, Criminal Identification

No. 57460 (New Rule) R722-110: Public Access to Sex, Kidnap, and Child Abuse Offender Registration Information

Published: 09/15/2025

Effective: 10/22/2025

NOTICES OF RULE EFFECTIVE DATES

Tax Commission

Motor Vehicle

No. 57416 (Amendment) R873-22M-17: Standards for State Impound Lots Pursuant to Utah Code Ann. Section 41-1a-1101

Published: 09/15/2025

Effective: 10/23/2025

Transportation

Motor Carrier

No. 57387 (Amendment) R909-2: Utah Size and Weight Rule

Published: 09/01/2025

Effective: 10/08/2025

Operations, Traffic and Safety

No. 57405 (Repeal and Reenact) R920-6: Traction Device/Tire Chain Requirements

Published: 09/15/2025

Effective: 10/23/2025

End of the Notices of Rule Effective Dates Section