

UTAH STATE BULLETIN

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

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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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 2025-2S

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 Second Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 9th day of December 2025, at 6:00 p.m., for the following purposes:

1. to modify election provisions relating to qualifying for placement on a primary election ballot, including changing the declaration of candidacy filing period for congressional office;
2. to consider a joint resolution of the House of Representatives and the Senate regarding constitutional authority, including in redistricting, and the redistricting process;
3. to consider amendments to court rules related to appeals by government officers or governmental entities and appeals of election, voting, and redistricting cases;
4. to clarify that the Utah Supreme Court has exclusive and original appellate jurisdiction over election, voting, and redistricting cases, to address the appeals process for a post-judgment motion on attorney fees in such cases, and to address statutory inconsistencies regarding the appellate jurisdiction of the Utah Supreme Court and Utah Court of Appeals; and
5. to repeal H.B. 267, Public Sector Labor Union Amendments, enacted in the 2025 General Session.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done this 7th day of December 2025.

(State Seal)

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 Eighth Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 18th day of December 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.

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 17th day of December 2025.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2025-08E

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 December 02, 2025, 12:00 a.m., and December 15, 2025, 11:59 p.m. are included in this, the January 01, 2026, 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 February 02, 2026. 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 May 01, 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:****R51-5****Filing ID:** 57705**Agency Information**

1. Title catchline:		Agriculture and Food, Administration	
Building:		TSOB South Bldg, Floor 2	
Street address:		4315 S 2700 W	
City, state:		Taylorsville, UT	
Mailing address:		PO Box 146500	
City, state, and zip:		Salt Lake City, UT 84114-6500	
Contact persons:			
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Amber Brown		385-245-5222	ambermbrown@utah.gov
Camille Knudson		801-597-6010	camillek@utah.gov
Jim Bowcutt		435-232-4017	jdbowcutt@utah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:
R51-5. Rural Rehabilitation Loans
4. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food (department) is amending this rule to align with the standards in the Rulewriting Manual for Utah and to reduce redundancy with statute.
5. Summary of the new rule or change:
The key changes in this amendment include updating the references to "loan staff" to "department" for consistency and removing or rewriting redundant definitions that duplicate information found in statute. Additionally, certain subsections were removed from Section R51-5-3 due to redundancy. Overall, the changes are technical and structural, focusing on improving clarity and conciseness by converting passive voice to active voice, eliminating vague qualifiers, and reorganizing line structure.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This amendment will not have an impact on the state's budget because the requirements are not changing.
B. Local governments:
This amendment will not have an impact on local governments because they do not participate in or administer the program.
C. Small businesses ("small business" means a business employing 1-49 persons):
This amendment will not have an impact on small businesses because the requirements are not changing.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This amendment will not have an impact on non-small businesses because the requirements are 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 amendment will not have an impact on other persons because the program requirements are not changing.

F. Compliance costs for affected persons:

The compliance costs 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:

Subsection 4-2-103(1)(i)	Section 4-19-103	
--------------------------	------------------	--

Public Notice Information

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

A. Comments will be accepted until:	02/02/2026
--	------------

10. This rule change MAY become effective on:	02/09/2026
--	------------

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:	12/10/2025
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R51. Agriculture and Food, Administration.

R51-5. Rural Rehabilitation Loans.

R51-5-1. Authority.

Pursuant to Section 4-19-10[4]3 and Subsection 4-2-103(1)(i), this rule establishes the general operating practices by which the Rural Rehabilitation Loan program shall function.

R51-5-2. Definitions.

(1) "Agricultural Advisory Board" means ~~a twenty-one member board appointed by the Commissioner of Agriculture to advise the Commissioner regarding the planning, implementation, and administration of the Department of Agriculture and Food's programs as authorized by the board created in Section 4-2-108.~~

~~[(2) "Board" means the Agricultural Advisory Board.]~~

~~[(3)2] "Borrower" or "Applicant" means a person applying to or borrowing Rural Rehabilitation federal or state funds.~~

~~[(4) "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food, who is responsible for the conduct and administration of the Rural Rehabilitation Loan Program within the state in accordance with the Use Agreement entered into in January 1975.~~

~~[(5) "Department" means the Utah Department of Agriculture and Food.]~~

~~[(6)3] "Executive Committee" means a committee consisting of members of the Board that is organized under Subsection 4-2-108(9), and is tasked with approval of Rural Rehabilitation Loans. Pursuant to Subsection 4-19-104(5), the Executive Committee may create a Subcommittee from Board membership to approve a loan or renewal.]~~

R51-5-3. Rural Rehabilitation Loan Program Operation.

~~[(1) The program is available to any entity allowed under the January 1975 use agreement between the department and the United States Farm Home Administration or state or federal law, including individual farmers and ranchers or agricultural cooperatives, corporations, or other entities that directly or indirectly provide assistance to farmers or members of their families.]~~

~~[(2)1] Pursuant to Section 4-19-102, an eligible entity or individual may apply for a loan or a grant [Borrowers may] to use [funds] for any purpose allowed under the January 1975 use agreement between the department and the United States Farm Home Administration, including for one or more of the following Rural Rehabilitation purposes:~~

- (a) loans, such as:
 - (i) real estate loans;
 - (ii) farm operating loans;
 - (iii) youth loans;
 - (iv) education loans; or
 - (v) loans for irrigation and water conservation projects;
- (b) grants, such as youth and education grants;
- (c) reserve funds; and
- (d) other rural rehabilitation purposes.

~~[(3)2] Borrowers may use loans for the purchase of land within the borders of Utah, and any collateral or security for a loan must be located within Utah.~~

~~[(4)3] The department may use a portion of program funds for:~~

- (a) costs of administration;
- (b) protection of the assets; and
- (c) temporary investments, annual reports, implementing agreements, and other allowed uses under Title 4, Chapter 19, Rural Rehabilitation.

~~[(5)4] The [department may not make a loan authorized under Title 4, Chapter 19, Rural Rehabilitation, for a period to exceed 10 years. Loans are renewable. A] Executive Committee shall set a limitation on total borrowings by any one entity [shall be set] in policy [approved by the Executive Committee].~~

~~[(6) To protect its interest in a defaulting loan, the Board may use either appropriated or repayment monies to purchase or otherwise obtain property in which the Board has acquired a security interest by any mortgage, trust deed, pledge, assignment, judgment, or other means at any execution, bankruptcy, or foreclosure sale.~~

~~[(7) The Board may operate or lease, if necessary to protect an investment, any property in which it has an interest, or sell or otherwise dispose of such property to recover loaned funds.]~~

~~[(8)5] [The department, through] With approval from the Executive Committee [or Board] and in conjunction with the Commissioner, the department may adopt additional policies and procedures as necessary to carry out the purposes of the Rural Rehabilitation Loan program. These policies and procedures may be in addition to those outlined in this rule.~~

R51-5-4. Loan Application.

(1) The department shall accept and process loan requests from eligible applicants regardless of race, age, sex, creed, color, religion, national origin, or on any other basis prohibited by law.

(2) An applicant shall request a loan in writing on the forms provided by the department.

(3) The Executive Committee requires a minimum of 90 days to process, approve, and close a loan.

(4) An applicant may request a loan at any time during the [program] year.

(5) Approval of a loan shall be subject to the availability of funds. The [D]department [loan staff] shall impartially consider each loan application based on the [basis of] program objectives and priorities [set in place and] approved by the Executive Committee [and Board].

(6) The department encourages [A]applicants [are encouraged] to apply for available federal funds, such as from the United States Department of Agriculture Farm Service Agency, or other cost-share assistance.

R51-5-5. Application Procedure.

(1) Any person or group of persons, or entity, who desires to participate in the Rural Rehabilitation Loan program shall apply to the department [through the staff of the agriculture loan department].

(2) The department shall provide [A]any person who contacts the department to express interest in the program, [shall be given] an applicant information page that lists the information required [in] the application.

(3) The applicant shall include [the]all required information, including any necessary personal information, in [a one page]the application [letter, including any necessary personal information].

[The applicant shall send the completed application directly to the agriculture loan department either by email or regular mail.]

([5]4) If necessary, [loan staff] the department shall contact the applicant and provide further information about the policies and procedures [that shall be followed in order for the loan application to be approved by]for the Executive Committee [the Board]to consider the loan application for approval. [This conversation and]Contact or any other actions by the [loan staff]department does not guarantee loan approval.

R51-5-6. Loan Review.

(1) [Loan staff]The department shall:

(a) review and discuss the application and required documentation with the applicant or the applicant's representative; and [Loan staff shall shall]

(b) conduct a policy compliance review, credit analysis, and underwriting before presenting a written loan proposal to the Executive Committee for approval.

(2) The Executive Committee shall make decisions concerning the use of loan program funds, and shall consider the recommendation of the Commissioner and the department [loan staff].

(3) The Board shall ensure, to the best of its ability, that available Rural Rehabilitation Loan funds are made available in accordance with this rule and state and federal laws. If there are insufficient funds to fund each loan application, the department shall distribute funds [shall be distributed] based on the date the complete application is received, in sequential order.

(4) The Executive Committee shall approve loans by majority vote.

(5) The Executive Committee shall report approved loans to the Board.

R51-5-7. Loan Closing.

(1) After the Executive Committee approval, [F]the Commissioner shall sign loans [that have been approved by the Executive Committee] and make the final obligation of funds by signing the Rural Rehabilitation Obligation to Purchase form.

(2) [Loan staff]The department shall prepare loan documents and an instruction letter for the title company closing^[5], including a signed warrant request to disburse funds.

(3) The borrower may proceed with the closing at the title company.

(4) Neither the state, the department, nor the Board has [have] any obligation to disburse funds before the completion of the procedures described in Rule R51-5.

(5) The borrower shall [be required to cover]pay any costs incurred for loan closing, including:

(a) escrow fees;^[5]

(b) title insurance;^[5]

(c) recording fees;^[5] and

(d) appraisal, when necessary.

R51-5-8. Collections.

(1) Collection Policy. The department shall follow the following procedures on delinquent loans:

(a) 30 Days Past Due: If the department does not receive payment within 30 days after the due date, the department shall send a delinquent notice reflecting the amount due, including a penalty [shall be sent] to the borrower.

(b) 60 Days Past Due: If the department does not receive payment within 60 days after the due date, the department shall send a second delinquent notice [shall be sent] to the borrower. [Loan staff]The department shall also make or attempt to make personal contact with the borrower during this time period to try to collect the payment.

(c) 90 Days Past Due: If the department does not receive payment within 90 days after the due date, the department shall send a third delinquent notice [shall be sent] to the borrower. This notice may also advise the borrower that payment shall be made, or other satisfactory arrangements made with [loan staff]the department within 30 days, or the account shall be assigned to the Attorney General's Office for appropriate action. [Loan staff]The department shall attempt to make personal contact during this period to try to collect the payment or make acceptable arrangements with the borrower.

(d) 120 to 180 Days Past Due: [Loan staff]The department shall work with the borrower to make satisfactory arrangements for payment of past due amounts. This may include:

(i) modifying [of] the terms of the original contract to meet the borrower's ability to perform on the obligation;

(ii) taking additional or substitute collateral if the lender is deemed insecure; or

NOTICES OF PROPOSED RULES

(iii) any other appropriate actions to provide service for the borrower and protect against loss.

(e) If it appears that the borrower shall be unable to pay the loan, refuses to communicate or cooperate with the department~~[-or loan staff]~~, or fails to cure the delinquency, the account shall be assigned to the Attorney General's Office for collection and foreclosure proceedings.

(f) These actions are at the discretion of the ~~[loan staff]~~department in consultation with the Commissioner or the Commissioner's designee, and the Attorney General's Office.

(2) Notwithstanding the procedures set in Subsection R51-5-8(1), at any time, the ~~[loan staff]~~department, with approval from the Commissioner or the Commissioner's designee, may consult with the Attorney General's Office on behalf of the department to protect the state's interest in any pledged security or collateral on a loan or to protect its interest in any property, real or otherwise.

(3) Notwithstanding the procedures set in Subsection R51-5-8(1), the state or the department may, at any time, pursue any legal or equitable remedy allowed under state or federal law to protect its interest in any pledged security or collateral on a loan or to protect its interest in any property, real or otherwise.

KEY: Rural Rehabilitation Loans, loans, grants, program operations, agriculture funding

Date of Last Change: ~~2026~~~~February 1, 2022~~

Notice of Continuation: March 7, 2023

Authorizing, and Implemented or Interpreted Law: 4-19-103; 4-2-103(i); 4-19-102

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R51-6

Filing ID: 57707

Agency Information

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

General Information

2. Rule or section catchline:
R51-6. Agricultural Advisory Board Electronic Meetings
4. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food is repealing this rule as part of a comprehensive review of all administrative rules, aiming to remove redundant information found in statute, or in another rule.
Rule R51-7, Open and Public Meetings Act Electronic Meetings, provides the information required for public bodies created within Title 4, the Utah Agricultural Code.
(EDITOR'S NOTE: The proposed amendment to Rule R51-7, ID 57706, is in this issue, January 1, 2026, of the Bulletin.)
5. Summary of the new rule or change:
This filing repeals this rule in its entirety because the statute makes the information redundant, and Rule R51-7 governs the relevant information for the Agricultural Advisory Board electronic meetings.

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

This filing will not have an impact on the state's budget because the requirements are not changing.

B. Local governments:

This filing will not have an impact on local governments because the requirements are not changing.

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

This filing will not have an impact on small businesses because the requirements are not changing.

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

This filing will not have an impact on non-small businesses because the requirements are 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 will not have an impact on other persons because the requirements are not changing.

F. Compliance costs for affected persons:

The compliance costs 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 52-4-207

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:

02/02/2026

10. This rule change MAY become effective on:

02/09/2026

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:

12/10/2025

R51. Agriculture and Food, Administration.

~~R51-6. Agricultural Advisory Board Electronic Meetings.~~

~~R51-6-1. Authority and Purpose.~~

~~_____ (1) Section 52-4-207 requires any public body that convenes or conducts an electronic meeting to have a rule in place governing the use of electronic meetings. This rule establishes procedures for conducting Agricultural Advisory Board meetings or meetings of the board's subcommittees by electronic means.~~

~~_____ (2) This rule is enacted under the authority of Sections 52-4-207, 4-2-108, and Subsection 4-2-103(1)(i).~~

~~R51-6-2. Definitions.~~

~~_____ The definitions found in Section 52-4-103 apply to this rule. In addition, the following definitions apply:~~

~~_____ (1) "Board" means the Agricultural Advisory Board.~~

~~_____ (2) "Meeting" means a meeting of the public body that is required to be public by Title 52, Chapter 4, Open and Public Meetings Act.~~

~~_____ (3) "Electronic meeting" includes any meeting where at least one member of the public body participates in the public meeting by telephonic or other electronic means.~~

~~R51-6-3. Public Notice and Public Participation.~~

~~_____ (1) If board members constituting a voting majority intend to participate in a meeting electronically or by telephone, public notice of the electronic meeting shall be posted.~~

~~_____ (2) The notice shall specify the anchor location where the members of the board not participating electronically or by telephone will be meeting and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.~~

~~_____ (3) Public notice of the meeting and the agenda shall be posted at the anchor location at least 24 hours before the meeting.~~

~~_____ (4) Written or electronic notice shall be posted on the Public Notice Website at least 24 hours before the meeting.~~

~~R51-6-4. Quorum, Member Participation.~~

~~_____ (1) Notice of the possibility of an electronic meeting shall be given to the board members at least 24 hours before the meeting.~~

~~_____ (2) The notice shall describe how a board member may participate in the meeting electronically or by telephone.~~

~~_____ (3) When notice is given of the possibility of a member participating electronically or by telephone, any board member may participate electronically.~~

~~_____ (4) A board member participating electronically shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the board.~~

~~_____ (5) At the commencement of the meeting, or when any board member initially appears electronically or by telephone, the chair shall identify for the record any board members who are participating by telephone or electronically.~~

~~_____ (6) Votes by members of the board who are not at the physical location of the meeting shall be confirmed by the chair.~~

~~_____ (7) Except for a unanimous vote, the board shall take each vote by roll call.~~

~~R51-6-5. Anchor Location.~~

~~_____ (1) The anchor location, unless otherwise designated in the notice, is the Department of Agriculture and Food, located at 4315 South 2700 West TSOB South Bldg, Floor 2 Taylorsville, UT 84129-2128.~~

~~_____ (2) The anchor location shall have space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.~~

~~KEY: electronic meetings~~~~Date of Last Change: June 1, 2022~~~~Notice of Continuation: January 10, 2023~~~~Authorizing, and Implemented or Interpreted Law: 4-2-108; 4-2-103(i); 52-4-207~~**NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** Amendment**Rule or section number:****R51-7****Filing ID:** 57706**Agency Information**

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

General Information

2. Rule or section catchline:
R51-7. Open and Public Meetings Act Electronic Meetings
4. Purpose of the new rule or reason for the change:
<p>The Department of Agriculture and Food (department) is amending this rule to enhance clarity, improve consistency, and ensure broad applicability across the department's regulatory bodies.</p> <p>This revision expands the rule's scope to include all boards, commissions, and other public bodies created under Title 4 to establish uniform procedures for electronic meetings.</p> <p>This amendment streamlines the existing text by removing redundant information that is already codified in statute, thus aligning this rule more closely with both the Open and Public Meetings Act and the requirements of the Rulewriting Manual for Utah.</p>
5. Summary of the new rule or change:
<p>The amendments formally incorporate each public body created by statute under Title 4, the Utah Agricultural Code, by revising this rule's purpose and scope.</p> <p>The revisions remove definitions that duplicate the statute.</p> <p>The revisions also update the Electronic Meeting Designation and Participation section to enhance clarity, eliminating the no longer relevant requirement concerning a "no vote" of the public body for electronic member inclusion.</p> <p>Furthermore, the revisions restate the Anchor Location section in the active voice.</p> <p>Finally, the amendments consolidate the Public Participation section and the Voting section into the Quorum, Member Participation and Voting section to enhance clarity and organizational structure.</p>

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

The proposed changes will not have an impact on the state's budget because the requirements are not changing.

B. Local governments:

The proposed changes will not affect local governments as the requirements are not changing.

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

The proposed changes will not affect small businesses as the requirements are not changing.

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

The proposed changes will not affect non-small businesses as the requirements are 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**):

The proposed changes will not affect other persons as the requirements are not changing.

F. Compliance costs for affected persons:

The compliance costs 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 52-4-207	Section 63G-3-201	Subsection 4-2-103(1)(i)
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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:	02/02/2026
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10. This rule change MAY become effective on:	02/09/2026
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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:	12/10/2025
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R51. Agriculture and Food, Administration.**R51-7. Open and Public Meetings Act Electronic Meetings.****R51-7-1. Authority~~and Purpose~~.**

~~[(1)] Sections 52-4-207, 63G-3-201, and Subsection 4-2-103(1)(i), authorize this rule. [requires a state public body that holds electronic meetings to have a rule governing the use of electronic meetings.]~~

R51-7-2. Purpose.

~~This rule establishes procedures for conducting electronic meetings held by each public body created by statute within Title 4, Utah Agricultural Code [or by department rule, except for any public body under the department that has adopted its own rule].~~

~~[(2) A public body under the department with rule making authority may adopt a separate rule governing its electronic meetings.~~

~~[(3) This rule is authorized by Sections 52-4-207, 63G-3-201, and 4-2-103.]~~

R51-7-~~2~~3. Definitions.

The definitions found in Section 52-4-103 apply to this rule. In addition, the following definitions apply:

~~[(1) "Meeting" means a meeting of the public body that is required to be public by Title 52, Chapter 4, Open and Public Meetings Act.~~

~~[(2) "Electronic meeting" includes any meeting where at least one member of the public body participates in the public meeting by telephonic or other electronic means.~~

~~[(3) "Presiding officer" means the member of the public body designated by statute, rule, or vote of the public body to preside at a meeting of the public body.]~~

~~[(4)1] "Business day" means a day that the department is open to the public for the conduct of business, exclusive of weekends and state holidays.~~

~~[(2) "Presiding officer" means the member of the public body designated by statute, rule, or vote of the public body to preside at the meeting of the public body.~~

R51-7-~~3~~4. ~~Designation of~~ Electronic Meetings Designation and Participation Requirements.

~~(1) The presiding officer may schedule any meeting as an electronic meeting [upon the presiding officer's] at their discretion or upon request of a [ny] member of the public body.~~

~~(a) A member of the public body may request [that the member's participation] to participate in the meeting [be allowed] electronically [up to 48 hours, but] by submitting a request to the presiding officer no less than two business days [7] before the commencement of the meeting.~~

~~(b) The presiding officer or the department may [refuse] deny a member's request [to hold a meeting electronically] for electronic participation based on equipment capability.~~

~~[(b) If the department cannot technically arrange for the meeting to be held electronically, the department may deny the presiding officer's decision to allow electronic participation.~~

~~(c) The presiding officer or the department may restrict the number of connections for members to participate in the meeting based on available equipment capability.~~

~~[(2) No vote of the public body is necessary to include other members of the public body to join the meeting through an electronic connection.]~~

R51-7-~~4~~5. Anchor Location.

~~(1) Unless otherwise designated in the posted public notice of the meeting, the anchor location for an electronic meeting held by the public body is the Utah Department of Agriculture and Food located at 4315 South 2700 West, TSOB South Bldg., Floor 2, Taylorsville, UT 84129-2128.~~

NOTICES OF PROPOSED RULES

(2) The person presiding at the meeting may restrict the number of separate connections for members of the public body that are allowed for an electronic meeting based on available equipment capability.

(3) The department shall provide a meeting room ~~[for an]~~ at the anchor location for ~~[any meeting that is held electronically]~~ members of the public to attend and monitor the meeting.

R51-7-[5]6. Quorum, Member Participation, and Voting.

(1) A quorum is not required to be physically present at the anchor location.

(2) A presiding officer shall count a member of the public body who participates in the meeting via electronic means ~~[shall be counted]~~ as present for all purposes including ~~[at the meeting for]~~ quorum, participation, and voting requirements.

(3) The public body shall take all votes by roll call unless the vote is unanimous.

~~[R51-7-6. Public Participation:~~

~~Interested persons and the public may attend and monitor the open portions of the meeting at the anchor location.~~

~~R51-7-7. Voting:~~

~~Except for in the case of unanimous vote, a public body that is conducting an electronic meeting shall take each vote by roll call.]~~

KEY: electronic meetings, Open and Public Meetings Act, OPMA, member participation

Date of Last Change: 2026~~[June 1, 2022]~~

Notice of Continuation: July 9, 2025

Authorizing, and Implemented or Interpreted Law: 52-4-207; 63G-3-201; 4-2-103

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R65-1

Filing ID: 57733

Agency Information

1. Title catchline:	Agriculture and Food, Marketing and Development	
Building:	Taylorsville State Office Buildings, South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 16500	
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
Caroline Hargraves	385-867-0901	Carolinehargraves@Utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R65-1. Utah Apple Marketing Order	
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 346 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
The updates to this rule in response to HB 346, passed during the 2025 General Session.	
The proposed changes align with Subsection 4-2-103(3) which amends the requirement for the board's financial oversight from an annual audit to a yearly review of financials completed by an accountant approved by the Commissioner.	

5. Summary of the new rule or change:

The key changes to this rule streamline its administration and update it to reflect recent passed legislation.

In Section R65-1-5, the revisions shift the financial oversight from an audit to an annual review.

The remaining revisions are mostly technical, ensuring this rule aligns with the Rulewriting Manual for Utah. These include removing outdated and redundant language in definitions, providing clearer phrasing in the authority and purpose sections, eliminating the section on complaints and violations, and generally rewriting the text into a clearer active voice.

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

The proposed changes will not have an impact on the state's budget because the state does not collect the funds or administer the requirements.

The department absorbs the minimal administrative oversight costs to ensure compliance with OPMA and Subsection 4-2-103(3).

B. Local governments:

The proposed changes will not have an impact on local governments because they do not participate in or administer the marketing order.

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

The proposed change will not have an impact on small businesses because the assessment amount is not changing for a small business that participates in the marketing order.

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

The proposed changes will not have an impact on non-small businesses because the assessment amount is not changing for a non-small business to participate.

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 changes will not have an impact on other persons because the assessment costs are not changing.

F. Compliance costs for affected persons:

The compliance costs for the board to conduct a review instead of an audit are reducing, but the board has not completed a review or an audit to provide the Department of Agriculture and Food with the total impact on the compliance costs for the board.

Currently, the board has voted to keep the assessment amounts the same, regardless of the financial review costs.

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

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

NOTICES OF PROPOSED RULES

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

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

The 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:

Subsection 4-2-103(1)(e)	Subsection 4-2-103(1)(i)	
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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:	02/02/2026
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10. This rule change MAY become effective on:	02/09/2026
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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:	12/10/2025
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R65. Agriculture and Food, Marketing and Development.
R65-1. Utah Apple Marketing Order.
R65-1-1. ~~[Purpose and]~~ Authority.

~~[(1) Promulgated under the authority of]~~ Subsections 4-2-103(1)(e) and ~~[Subsection]~~ 4-2-103(1)(i) authorize this rule.

R65-1-2. Purpose.

~~[(2)]~~ This rule establishes a marketing order for Utah apples to promote orderly market conditions, give Utah producers a fair return on their investment in the marketplace, and promote the marketing of Utah apples.

~~[— (3) Pursuant to Subsection 4-2-103(3)(b)(i), a board of control is created, and the board shall ensure;~~

~~— (a) proceeds from assessments are placed in an account in the board of control's name in a depository institution; and~~

~~— (b) an independent auditor approved by the commissioner annually audits the account.]~~

R65-1-~~[2]~~3. Definitions.

(1) "Board" or "Board of Control" means the ~~[Board of Control for]~~ Utah Apple Marketing Board.

~~[— (2) "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food.]~~

~~[(3)]~~2 "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.

~~[(4)]~~3 "Apples" means apples produced for the commercial market.

~~[(5)]~~4 "Producer" means a person in the business of producing ~~[or causing to be produced]~~ apples ~~[for the commercial market. Producers who sell commodities directly to the consumer are not included.]~~

~~[(6)]~~5 "Handler" means any person engaged in the operation of selling, marketing, distributing, in commerce, or affecting commerce of apples produced in Utah ~~[, but no rule under this Order shall apply to the sale of apples to retail outlets.]~~

~~[— (7) "Independent auditor" means a certified public accountant or chartered accountant who examines a company's financial records and business transactions with which they are not affiliated. An independent auditor may not be a person employed by the department.]~~

~~— (6) "Order" or "marketing order" means the mechanism that levies the assessment.~~

~~[(8)]~~7 "Registered producer" means a producer who registers to vote in the referendum ~~[;]~~ that creates the marketing order, and indicates they want to be included in the marketing order voting process.

~~_____ (9) "Known producer" means a producer of a specific commodity who the commodity group identifies as eligible to register to vote in a referendum affecting that commodity.]~~

R65-1-~~3~~4. Board.

- (1) The ~~[B]~~board ~~[of Control]~~ shall consist of seven members, two of whom shall be handlers ~~[to implement the duties of the board]~~, plus the commissioner.
- (2)(a) The commissioner shall select the original board members from a list of names submitted by the industry.
- (b) The board shall consist of:
 - (i) two producer members and one handler for two years - the first appointment only;
 - (ii) three producer members and one handler for four years; and
 - (iii) each appointment shall be for four years after the first year.
- (3) The commissioner shall appoint successors to original members from names submitted by the industry.
- (4) Pursuant to Sections 63A-3-106 and 63A-3-107, board members may receive per diem and travel expenses incurred by the board member for attendance at an official meeting.
- (5)(a) A majority of the board members plus the chair shall constitute a quorum.
- (b) Each decision of the board shall be made by majority vote.
- (6) A designee from the Agricultural Cooperative Association may serve as an ex officio member to complete the duties of the board.

R65-1-~~4~~5. Duties of the Board.

- (1)(a) The board may engage in advertising and sales promotion programs to create new or larger markets for apples grown in Utah.
- (b) Marketing programs;
 - (i) shall promote the sale of apples without any reference to a particular brand or trade name; and
 - (ii) may not use false or unwarranted claims on behalf of apples or disparage the quality, value, sale, or use of any other agricultural commodity to supply the market demands of consumers of the commodity.
- (2) The board may research projects and experiments to improve the quality, size, health, and general conditions ~~[to grow]~~ of growing apples in Utah.
- (3) Labeling, marketing, or branding of apples may not conflict with any rules of the department or state law.
- (4) The board shall cooperate with any other state or federal agency to consider activities that may benefit this rule or marketing order.
- (5) The duties of the board shall be administrative only and may include only the acts mentioned in this rule.
- (6) With the commissioner's approval, the board may establish policies necessary and incidental to the administration of this rule.
- (7) The board shall conduct all meetings in accordance with Title 52, Chapter 4, Open and Public Meetings Act.

R65-1-~~5~~6. Expenses, Assessments, Collections, and Disbursement.

- (1)(a) Each producer or handler, as determined by the board, shall pay to the board the producer's or handler's pro rata share of expenses as ~~[the commissioner of expenses]~~ the board finds necessary.
- (b) The discretionary assessment shall be set by a majority vote of the board and approved by the commissioner.
- (c) The pro rata share of ~~[the]~~ expenses payable by a cooperative association of producers shall be computed based on the quantity of the product covered by the marketing order that is distributed, sold, or shipped in commerce by the cooperative association of producers.
- (2) Each producer shall pay up to \$1 per bin of apples distributed, sold, or shipped in Utah commerce, to the board annually.
- (3) The board shall retain records of the receipt of the assessment.
- (4) The commissioner may require the board to reimburse funds that the commissioner spends performing their duties, ~~[as listed in Section R65-1-4.]~~
- ~~(5)(a) The board may incur expenses as necessary to carry out its functions, subject to the commissioner's approval.~~
- ~~_____ (b) The board shall receive and disburse any funds it receives pursuant to Section R65-1-5.]~~
- (6)(a) An ~~[independent auditor]~~ accountant approved by the commissioner shall ~~[audit]~~ review the board's financial records ~~[at least once in the department's fiscal year and when the commissioner requests].~~
- (b) The board ~~[must]~~ shall complete the annual ~~[audit]~~ review and provide it to the department ~~[its Administrative Services Division within 180 days of the end of the department's fiscal]~~ by December 31 each year.
- (c) The ~~[audit]~~ review shall examine the receipt of assessments, the disbursement of funds, and any reimbursements, as well as a review of the board's financial documents, including bank statements, bank account reconciliations, and board meeting minutes.
- (d) The board shall ~~[make]~~ provide copies of the ~~[audits]~~ review and financial statements available to producers and processors for examination after the removal of any confidential individual producer or processor information.
- (7)(a) The board shall divide assessments made~~[;]~~ and money collected into funds for administrative, advertising, and research purposes.
- (b) The board may ~~[use funds as described in Subsection 4-2-103(1)(c) and may]~~ not use funds for political or lobbying activities.
- (8)(a) If, at the end of the department's fiscal year, the assessments collected exceed the expenses incurred, the board, with the commissioner's approval, may carry over a portion of the excess into subsequent years as a reserve.
- (b) The reserve funds may cover any expenses authorized by this rule, and necessary expenses of liquidation if the commissioner terminates the order or dissolves the board.
- (c) The board shall refund any excess not kept in reserve proportionately to the producers or processors that paid the excess.

NOTICES OF PROPOSED RULES

(d) Without an additional amount reserve level approved by the commissioner, the amount held may not exceed one year's operations expenses.

(9)(a) The board shall notify each producer or handler, subject to the assessment, and allow them to request a refund.

(b) ~~[Within]~~ Up to 30 days after the board collects the assessment, the board may receive a written request for a refund from a producer objecting to the payment~~[s]~~.

~~(b)~~ (c) The board shall approve and pay each refund claim from its account.

~~(e)~~ (d) The board may deny refund claims filed more than 30 days after the assessment's collection date~~[s]~~.

~~(d)(i) If the board determines the expense to send postcards will exceed their budget, they may electronically notify each producer subject to the assessment and allow them to request a refund by responding to the electronic notification.~~

~~(ii) The board may verify electronic notifications through reading receipt verification processes.~~

~~(iii) Producers must provide accurate and complete email addresses to the board to allow electronic notifications.]~~

(e) The board shall notify the department each time a producer requests a refund.

~~[R65-1-6. Complaints for Violations – Procedure.~~

~~Responsible legal agencies shall handle complaints for violations of this rule, and the civil courts shall enforce it.]~~

R65-1-7. Termination of Order.

(1) The commissioner may terminate the ~~[Utah Apple Marketing O]~~ order when there is no longer an industry need for the order.

(2) Upon the termination of the Order, the ~~[then functioning]~~ members of the board shall:

(a) continue in their capacity until discharged by the commissioner upon dissolution of the board;

(b) dispose of any remaining funds in a manner as the commissioner may determine to be appropriate; and

(c) to the extent practicable, proportionally return funds to the producers who may have paid in excess.

~~(3) The department shall review or amend this rule at least every five years.]~~

~~(4)~~ (3) Producers may request a referendum vote once a year through a petition of 25% of the registered producers.

R65-5-8. Rights of the Commissioner.

(1) Members of the board and any agents, employees, or representatives of the board shall be subject to removal or suspension by the commissioner at any time.

(2)~~(a)~~ Each rule, decision, determination, or other act of the board shall be subject to the commissioner's veto at any time.

~~(b) Upon veto, the board will consider the board's action as void, except for acts done before the veto by the commissioner.]~~

KEY: promotions, marketing order, apples marketing, marketing assessments

Date of Last Change: ~~2026~~ March 26, 2024

Notice of Continuation: July 31, 2024

Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(e)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R65-5

Filing ID: 57734

Agency Information

1. Title catchline:	Agriculture and Food, Marketing and Development	
Building:	Taylorsville State Office Buildings, South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@Utah.gov
Camille Knudson	801-597-6010	CamilleK@Utah.gov
Caroline Hargraves	385-867-0901	Carolinehargraves@Utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R65-5. Utah Red Tart and Sour Cherry Marketing Order

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 346 (2025 General Session)

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

The updates to this rule are in response to HB 346, passed during the 2025 General Session.

The proposed changes align with Subsection 4-2-103(3) which amends the requirement for the board's financial oversight from an annual audit to a yearly review of financials completed by an accountant approved by the Commissioner.

5. Summary of the new rule or change:

The key changes to this rule streamline its administration and update it to reflect recent passed legislation.

In Section R65-5-6, the revisions shift the financial oversight from an audit to an annual review.

The remaining revisions are mostly technical, ensuring this rule aligns with the Rulewriting Manual for Utah.

These include removing outdated and redundant language in definitions, providing clearer phrasing in the authority and purpose sections, eliminating the section on complaints and violations, and generally rewriting the text into a clearer active voice.

Fiscal Information

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

The proposed changes will not have an impact on the state's budget because the state does not collect the funds or administer the requirements.

The Department of Agriculture and Food (department) absorbs the minimal administrative oversight costs to ensure compliance with OPMA and Subsection 4-2-103(3).

B. Local governments:

The proposed changes will not have an impact on local governments because they do not participate in or administer the marketing order.

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

The proposed change will not have an impact on small businesses because the assessment amount is not changing for a small business that participates in the marketing order.

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

The proposed changes will not have an impact on non-small businesses because the assessment amount is not changing for a non-small business to participate.

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 changes will not have an impact on other persons because the assessment costs are not changing.

F. Compliance costs for affected persons:

The compliance costs for the board to conduct a review instead of an audit are reducing, but the board has not completed a review or an audit to provide the department with the total impact on the compliance costs for the board.

Currently, the board has voted to keep the assessment amounts the same, regardless of the financial review costs.

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

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

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

The 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:

Subsection 4-2-103(1)(e)	Subsection 4-2-103(1)(i)	
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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:	02/02/2026
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10. This rule change MAY become effective on:	02/09/2026
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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:	12/10/2025
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R65. Agriculture and Food, Marketing and Development.

R65-5. Utah Red Tart and Sour Cherry Marketing Order.

R65-5-1. Purpose and Authority.

~~[(1) Promulgated under authority of]~~ Subsections 4-2-103(1)(e) and ~~[Subsection]~~ 4-2-103(1)(i) authorize this rule.

R65-5-2. Purpose.

~~[(2)]~~ This rule establishes a marketing order for Utah Red Tart and Sour Cherries to promote orderly market conditions, give Utah producers a fair return on their investment in the marketplace, and promote the marketing of Utah Red Tart and Sour Cherries.

~~[(3) A board of control is created, pursuant to Subsection 4-2-103(3)(b)(i), to ensure:~~

~~— (a) proceeds from any assessments are placed in an account in the board of control's name in a depository institution; and~~

~~_____ (b) the account is annually audited by an independent auditor approved by the commissioner.]~~

R65-5-[2]3. Definitions~~[of Terms]~~.

(1) "Board" or "Board of Control" means the Red Tart and Sour Cherry Marketing Board.

(2) "Cherries" means all Red Tart and Sour Cherries ~~[the same]~~ as defined in 7 CFR 930~~[- means all tart and sour cherry varieties grown in the production area classified botanically as Prunus cerasas, or hybrids of Prunus cerasas by Prunus avium, or Prunus cerasas by Prunus fruticosa].~~

~~_____ (3) "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food or the commissioner's designee.]~~

~~_____ (4) "Department" means the Utah Department of Agriculture and Food.]~~

~~_____ (5) "Independent auditor" means a certified public accountant or chartered accountant who examines a company's financial records and business transactions with which they are not affiliated. An independent auditor may not be a person employed by the department.]~~

(6) "Order" or "marketing order" means the mechanism that levies the assessment.

(7) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.

(8) "Processor" means any person in Utah engaged in canning, freezing, dehydrating, fermenting, distilling, extracting, preserving, grinding, crushing, or in any other way preserving or changing the form of Red Tart or Sour ~~[e]Cherries to market[them]~~, and handles a three year average of at least 10,000 pounds of cherries per year.

(9) "Producer" means any person in Utah ~~[in the business of producing]who produces~~ or ~~[causing]causes other to produce~~ Red Tart or Sour ~~[e]Cherries[-to be produced that have]~~, provided they produce a three year average of at least ~~[300 trees or have received at least \$500 from a processor for the previous year's production]~~10,000 pounds per year.

(10) "Registered producer" means a producer who registers to vote in the referendum~~[-]~~ which creates the marketing order, and indicates they want to be included in the marketing order voting process.

R65-5-[3]4. Board of Control.

(1) The board of control shall consist of seven members plus the commissioner or the commissioner's designee.

(2)(a) The commissioner shall select the original board members from a list of names submitted by the industry.

(b) The board shall consist of:

(i) three producer members and one processor member appointed for a term of four years; and

(ii) two producer members and one processor member are appointed for two years.

(A) the appointed term shall be four years after the first two years.

(B) Board members may be appointed ~~[for]~~to repeat terms.

(3) The commissioner shall appoint successors to original members from names submitted by the industry.

(4) Board members may not receive a salary, but each may receive a per diem and travel expenses in accordance with Sections 63A-3-106 and 63A-3-107.

(5)(a) A majority of the board members plus the chair shall constitute a quorum for board action.

(b) Each decision of the board shall be made by majority vote.

(6) A designee from the Agricultural Cooperative Association may serve as an ex officio member to complete the duties of the board.

R65-5-[4]5. Duties of the Board.

(1)(a) The board may engage in advertising and sales promotion programs to create new or larger markets for cherries grown in Utah.

(b) Marketing programs;

(i) shall promote the sale of cherries without any reference to a particular brand or trade name; and

(ii) may not use false or unwarranted claims on behalf of cherries or disparage the quality, value, sale, or use of any other agricultural commodity~~[-to supply the market demands of consumers of the commodity].~~

(2) The board may conduct research projects and experiments to improve the quality, size, health, and general conditions of growing cherries in Utah.

(3) Labeling, marketing, or branding of cherries may not conflict with any rules of the department or state law.

(4) The board shall cooperate with any other state or federal agency to consider activities that may benefit this rule or marketing order.

(5) The duties of the board shall be administrative only and may include only the acts mentioned in this rule.

(6) With the commissioner's approval, the board may establish policies necessary and incidental to the administration of this rule.

(7) The board shall conduct all meetings in accordance with Title 52, Chapter 4, Open and Public Meetings Act.

R65-5-[5]6. Expenses, Assessments, Collections, and Disbursement.

(1)(a) Each producer or processor shall pay the board an assessment equal to a pro rata share, as approved by the commissioner, of expenses the board finds necessary.

(b) The board shall compute the pro rata share of the expenses, up to \$10 per ton of cherries, payable by a cooperative association of producers or processors based on the quantity of the product covered by the order that is distributed, sold, or shipped in commerce by the cooperative association of producers or processors.

~~_____ (2) This assessment shall be up to \$10 per ton of cherries.]~~

(3)(2)(a) Each producer shall deduct the assessment from the producer's gross receipt of cherries from a processor and pay the board upon sale.

NOTICES OF PROPOSED RULES

(b) ~~Each processor shall pay to the board [A]any proceeds the processor receives from the deducted portion[the processor shall pay annually to the board]~~ on or before February 1 for each crop year.

([4]3) The board shall keep records of the receipt of the assessment that shall be available for public inspection upon request.

([5]4)(a) ~~The [commissioner or the] department may require the board to reimburse the department [or commissioner] for any funds spent by the department [or commissioner] in performing duties under this rule.~~

~~[(b) Reimbursement shall include only funds spent in connection with this rule.]~~

([6]5)(a) The board may incur expenses necessary to carry out its functions, subject to the commissioner's approval.

(b) The board shall receive and disburse any funds it receives pursuant to ~~[Section R65-5-5]~~ this rule.

([7]6)(a) ~~An [independent auditor] accountant approved by the commissioner shall [audit] review the board's financial records [at least] once in the department's fiscal year[and when the commissioner requests].~~

(b) The board ~~[must] shall~~ complete the ~~[annual audit] review~~ and provide it to the department ~~[s Administrative Services Division within 180 days of the end of the department's fiscal]~~ by December 31 of each year.

(c) The ~~[audit] review~~ shall examine the receipt of assessments, the disbursement of funds, and any reimbursements, as well as a review of the board's financial documents, including bank statements, bank account reconciliations, and board meeting minutes.

(d) The board shall ~~[make] provide~~ copies of the ~~[audits] review~~ and financial statements available to producers and processors for examination after the removal of any confidential individual producer or processor information.

([8]7)(a) The board shall divide assessments made and money collected into funds for administrative, advertising, and research purposes.

(b) The board may ~~[use funds as described in Subsection 4-2-103(1)(c) and may]~~ not use funds for political or lobbying activities.

([9]8)(a) If, at the end of the department's fiscal year, the assessments collected exceed the expenses incurred, the board, with the commissioner's approval, may carry over a portion of the excess into subsequent years as a reserve.

(b) The reserve funds may cover any expenses authorized by this rule and necessary expenses of liquidation if the commissioner terminates the order or dissolves the board.

(c) The board ~~[shall] may~~ refund any excess not kept in reserve proportionately to the producers or processors that paid the excess.

(d) Without an additional amount reserve level approved by the commissioner, the amount held may not exceed one year's operations expenses.

([10]9)(a) Within 30 days after the board collects the assessment, the board may receive a written request for a refund from a producer objecting to the payment.

(b) The board shall approve and pay each refund claim from its account.

(c) The board may deny refund claims filed more than 30 days after the assessment's collection date.

(d) The board ~~[may send a postage paid, self-addressed postcard to]~~ shall notify each producer subject to the assessment, allowing them to request a refund ~~[by returning the postcard]~~.

~~[(e)(i) If the board determines the expense to send postcards will exceed their budget, they may electronically notify each producer subject to the assessment and allow them to request a refund by responding to the email notification.~~

~~[(ii) The board may verify electronic notifications through reading receipt verification processes.~~

~~[(iii) Producers must provide accurate and complete email addresses to the board to allow electronic notifications.]~~

([f]c) The board shall notify the department each time a producer requests a refund.

~~[R65-5-6. Complaints for Violation Procedure.~~

~~Responsible legal agencies shall handle complaints for violation of this rule, and civil courts shall enforce it.]~~

R65-5-7. Termination of Order.

(1) The commissioner may terminate the order at a time ~~[as] when~~ it is determined there is no longer an industry need for the order.

(2) Upon the termination of the ~~[O] order~~, the ~~[then functioning] members~~ of the board shall:

(a) continue in their capacity until discharged by the commissioner upon dissolution of the board.

(b) dispose of any remaining funds in a manner as the commissioner may determine to be appropriate; and

(c) to the extent practicable, proportionally return funds to the producers who may have paid in excess.

~~[(3) The department shall review or amend this rule at least every five years.]~~

([4]3) Producers may request a referendum vote once a year through a petition of 25% of the registered producers.

R65-5-8. Rights of the Commissioner.

(1) Members of the board and any agents, employees, or representatives of the board shall be subject to removal or suspension by the commissioner at any time.

(2)(a) Each rule, decision, determination, or other act of the board shall be subject to the commissioner's veto at any time.

~~[(b) Upon veto, the board will consider the vetoed action as void, except for acts done before the veto by the commissioner.]~~

KEY: promotions, marketing order, Red Tart Cherries, Sour Cherries, marketing assessments, cherry marketing order

Date of Last Change: 2026[March 26, 2024]

Notice of Continuation: March 21, 2022

Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(e)

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Repeal**Rule or section number:****R277-111****Filing ID:** 57719**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:
R277-111. Board Oversight Framework
4. Purpose of the new rule or reason for the change:
The rule is being repealed because the requirements are no longer applicable.
5. Summary of the new rule or change:
The repeal is the result of the oversight framework for public education-related requirements having been eliminated.
This rule is repealed in its entirety.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures.
The oversight framework was a way of categorizing rules by requirements but did not impact the requirements themselves. Removing the framework does not change expenditures or revenues for the Utah State Board of Education (USBE), Local Education Agencies (LEAs), or any other entities.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
The oversight framework was a way of categorizing rules by requirements but did not impact the requirements themselves. Removing the framework does not change expenditures or revenues for the USBE, LEAs, or any other entities.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.
The oversight framework was a way of categorizing rules by requirements but did not impact the requirements themselves. Removing the framework does not change expenditures or revenues for the USBE, LEAs, or any other entities.

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

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

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

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

The oversight framework was a way of categorizing rules by requirements but did not impact the requirements themselves. Removing the framework does not change expenditures or revenues for the USBE, LEAs, or any other entities.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The oversight framework was a way of categorizing rules by requirements but did not impact the requirements themselves. Removing the framework does not change expenditures or revenues for the USBE, LEAs, or any other entities.

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

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
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-3-301
Section 53F-1-104		

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: 02/02/2026

10. This rule change MAY become effective on: 02/09/2026

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:	12/15/2025
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R277. Education, Administration.**~~R277-111. Board Oversight Framework.~~****~~R277-111-1. Authority and Purpose.~~**

- ~~_____ (1) This rule is authorized by:~~
- ~~_____ (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;~~
- ~~_____ (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;~~
- ~~_____ (c) Section 53F-1-104, which requires the Board to monitor state-funded education programs and the expenditure of state funds in accordance with certain statutory provisions; and~~
- ~~_____ (d) Section 53E-3-301, which requires the Superintendent to:~~
 - ~~_____ (i) administer programs assigned to the state board in accordance with the policies and the standards established by the state board; and~~
 - ~~_____ (ii) investigate matters pertaining to public schools.~~
- ~~_____ (2) The purpose of this rule is to define minimum Board oversight standards, including establishing an oversight framework for public education-related requirements.~~

~~R277-111-2. Definitions.~~

- ~~_____ (1) "Framework" means the Board Oversight Framework established in this rule.~~
- ~~_____ (2) "Oversight entity" means:~~
 - ~~_____ (a) an LEA;~~
 - ~~_____ (b) a regional service agency, as that term is defined in Section 53G-4-410;~~
 - ~~_____ (c) an entity that enters into a contract with the Board:~~
 - ~~_____ (i) to provide an educational good or service; or~~
 - ~~_____ (ii) as the Board is directed by the Legislature;~~
 - ~~_____ (d) a charter school authorizer, as that term is defined in Section 53G-5-102, if the charter school authorizer has an approved charter school;~~
 - ~~_____ (e) an institution of higher education that is associated with an educator preparation program, as defined in Section R277-303-2;~~
 - ~~_____ (f) an entity that receives a distribution of state funds through a grant program funded by the state board; or~~
 - ~~_____ (g) a nonfederal entity that receives an award through the Board to carry out part of a federal program.~~
- ~~_____ (3) "Program or set of requirements" means a requirement or set of requirements in state or federal law that is related to:~~
 - ~~_____ (a) the public education system; and~~
 - ~~_____ (b) an oversight entity.~~

~~R277-111-3. Board Oversight of Public Education Programs and Requirements.~~

- ~~_____ (1) The Superintendent shall create a framework, as described in Section R277-114-4, that sets minimum standards for oversight of a program or set of requirements.~~
- ~~_____ (2) In accordance with Section R277-111-4, the Superintendent shall:~~
 - ~~_____ (a) on or before July 31, 2029, designate each program or set of requirements into a framework category for the Board's consideration and codification in Board rule, that corresponds to the Board's oversight role for that program or set of requirements; and~~
 - ~~_____ (b) fulfill related oversight duties as described in rule and internal policy and procedures.~~
- ~~_____ (3) In accordance with Rule R277-114, the Board or Superintendent may take investigative or corrective action with regard to any program or set of requirements.~~
- ~~_____ (4) An oversight entity shall provide all information and documents requested by the Board or the Superintendent in a timely manner.~~

~~R277-111-4. Board Oversight Framework.~~

- ~~_____ (1) The framework shall consist of four categories that represent an increasing degree of Board oversight for each subsequent category.~~
- ~~_____ (2) Before categorizing a program or set of requirements for the Board's consideration, the Superintendent shall analyze the program or set of requirements based on the following factors:~~

NOTICES OF PROPOSED RULES

~~(a) the quantity and content of the legal requirements, including explicit monitoring requirements in state or federal law;~~
~~(b) the risk inherent in:~~
~~(i) the requirements; and~~
~~(ii) the individual oversight entities subject to the requirements, with regard to the effectiveness of each oversight entity's internal control system;~~
~~(c) all general and dedicated resources available to carry out the requirements, including:~~
~~(i) the restricted or unrestricted nature of applicable funding; and~~
~~(ii) options for using dedicated staff; and~~
~~(d) any other factors the Superintendent considers relevant to the analysis.~~
~~(3) Based on the analysis described in Subsection (2), the Superintendent shall categorize a program or set of requirements in the framework as follows:~~
~~(a) a program or set of requirements belongs in category one if the Superintendent determines that:~~
~~(i) the Superintendent will not dedicate specific staff to the program or set of requirements; and~~
~~(ii) either:~~
~~(A) local control is critical to the purpose of the requirements; or~~
~~(B) the Superintendent will not use resources for implementing the requirements and will typically refer complaints and allegations back to the oversight entity for resolution;~~
~~(b) a program or set of requirements belongs in category two if the Superintendent determines that:~~
~~(i) the Superintendent will not specifically dedicate staff to the program or set of requirements; and~~
~~(ii) the Superintendent will provide assistance as needed to an oversight entity implementing the requirements;~~
~~(c) a program or set of requirements belongs in category three if the Superintendent determines:~~
~~(i) that the Superintendent will dedicate staff to the program or set of requirements; and~~
~~(ii) at least one of the following:~~
~~(A) that less frequent than annual desk monitoring is sufficient to fulfill the requirements; or~~
~~(B) that resources are limited to either completely fulfill monitoring requirements or to appropriately mitigate identified risks; and~~
~~(d) a program or set of requirements belongs in category four if the Superintendent determines that:~~
~~(i) the Superintendent will dedicate staff to the program or set of requirements;~~
~~(ii) annual or more frequent monitoring is necessary to ensure accountability of the oversight entity;~~
~~(iii) monitoring may include on-site visits; and~~
~~(iv) resources are sufficient to fulfill the requirements.~~
~~(4) When the Board makes, amends, or continues a rule regarding a program or set of requirements, the rule:~~
~~(a) shall state the Board's oversight objectives and related duties, based on the Superintendent's analysis and recommended framework categorization of the program or set of requirements; and~~
~~(b) may include, as necessary for the intended category of oversight:~~
~~(i) designing an internal control system to achieve the Board's oversight objectives and creating an implementation plan;~~
~~(ii) creating a mechanism to check the effectiveness of the oversight process; and~~
~~(iii) setting a standard for satisfactory outcomes for the program or set of requirements.~~
~~(5) For a program or set of requirements that needs monitoring, the details of the monitoring system shall be described:~~
~~(a) in the rule relating to the program or set of requirements; or~~
~~(b) in contract, if the program or set of requirements is established in contract.~~

~~R277-111-5. Framework Standards.~~

~~(1) The framework does not supersede or limit the Board's power of general control and supervision and the Board may vote to change part or all of the framework or categorizations within the framework at any time.~~
~~(2) The Board's internal audit function is not part of the framework and is not limited by the framework.~~

~~R277-111-6. Superintendent Status Reports on Framework.~~

~~The Superintendent shall provide a report to the Board that reviews and evaluates the effectiveness of the framework:~~
~~(1) before December 15, 2024; and~~
~~(2) at the request of the Board thereafter.~~

KEY: monitoring, oversight

Date of Last Change: March 11, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-301; 53F-1-104]

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or section number:

R277-114

Filing ID: 57720

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:
R277-114. Response to Compliance and Related issues
4. Purpose of the new rule or reason for the change:
The rule amendments are needed due to changes to the compliance monitoring process for all the Utah State Board of Education (USBE) administrative rules as requested by the Board.
5. Summary of the new rule or change:
The amendments update requirements for the Superintendent to create and maintain an internal controls system for current rules and creates a new Board committee called the Oversight and Accountability Committee that will oversee the appeals process for recipients appealing corrective action plans.

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 change provides clarity for the USBE, Local Education Agencies (LEAs), and the public on the corrective action process, and will provide clearer information to stakeholders and progress with corrective action plans.
While changes in the USBE internal processes could result in more staff time spent in certain areas, the USBE does not believe this will require additional Full-Time Equivalency (FTE) or resources as these process updates can be accomplished with existing staff and resources at the USBE.
There are no impacts to other state agencies.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
LEAs that remain compliant with regulations are not affected.
LEAs placed on corrective action plans for noncompliance may incur costs, but these are the same costs that have been present in prior versions of Rule R277-114 and are required by existing legislation such as Section 53f-4-104.
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 USBE and LEAs.

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

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

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

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

This only impacts the USBE and LEAs.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The rule change provides clarity for the USBE, LEAs, and the public on the corrective action process, and will provide clearer information to stakeholders and progress with corrective action plans.

While changes in USBE internal processes could result in more staff time spent in certain areas, the USBE does not believe this will require additional FTE or resources as these process updates can be accomplished with existing staff and resources at the USBE.

There are no new impacts to the USBE or other state agencies, LEAs, or other entities.

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

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

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

The State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-401(8)
Section 53E-3-301	Section 53F-1-104	Section 63G-7-301

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: 02/02/2026

10. This rule change MAY become effective on: 02/09/2026

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:	12/15/2025
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R277. Education, Administration.**~~R277-114. Response to Compliance and Related Issues.~~****~~R277-114.1. Authority, Purpose, and Oversight Category.~~**

- ~~(1) This rule is authorized by:~~
- ~~(a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;~~
- ~~(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;~~
- ~~(c) Subsection 53E-3-401(8), which allows the Board to make rules setting forth the procedures to be followed for enforcing Board rules;~~
- ~~(d) Section 53F-1-104, which requires the Board to monitor state-funded education programs and the expenditure of state funds in accordance with certain statutory provisions; and~~
- ~~(e) Section 53E-3-301, which requires the Superintendent to:~~
- ~~(i) administer programs assigned to the state board in accordance with the policies and the standards established by the state board; and~~
- ~~(ii) investigate matters pertaining to public schools.~~
- ~~(2) The purpose of the rule is to provide procedures for responses to compliance and related issues, including corrective action and appeals procedures.~~
- ~~(3) Except for Section R277-114.6, this rule does not apply to oversight of federal programs.~~
- ~~(4) This Rule R277-114 is categorized as Category 4 as described in Rule R277-111.~~

~~R277-114.2. Definitions.~~

- ~~(1) "Framework" means the Board Oversight Framework established in Rule R277-111.~~
- ~~(2) "Oversight entity" means the same as that term is defined in Rule R277-111.~~
- ~~(3) "Program or set of requirements" means the same as that term is defined in Rule R277-111.~~

~~R277-114.3. Use of Framework for Compliance and Related Issues.~~

- ~~(1)(a) Except as provided in Subsection (1)(b), for an alleged compliance issue regarding a program or set of requirements in framework category one or two, the Superintendent shall refer reports and complaints back to the oversight entity for resolution.~~
- ~~(b) The Superintendent may work informally with an oversight entity to resolve an alleged compliance issue arising under a program or set of requirements in framework category one or two, including discussing whether:~~
- ~~(i) the oversight entity had adequate time to comply; or~~
- ~~(ii) the oversight entity needs additional training.~~
- ~~(2) For a compliance issue arising under a program or set of requirements in framework category three or four, the Superintendent shall pursue formal corrective action:~~
- ~~(a) as described in Section R277-114.4 or R277-114.5; and~~
- ~~(b) in accordance with a state law, administrative rule, or a contract associated with the program or set of requirements.~~
- ~~(3)(a) In response to an alleged compliance issue regarding a program or set of requirements, Board leadership may work informally with the oversight entity toward resolving the issue, which efforts may include:~~
- ~~(i) for an issue regarding an LEA, meeting with the chair of the LEA's governing board, the LEA's superintendent, or charter director; or~~
- ~~(ii) considering whether training or additional time will allow the oversight entity to resolve the issue.~~

NOTICES OF PROPOSED RULES

~~_____ (b) Before Board leadership works informally with an oversight entity as described in Subsection (3)(a), Board leadership shall notify the Board member or members who represent the area where the oversight entity is located.~~

~~_____ (c)(i) For an alleged compliance issue regarding a program or set of requirements uncategorized or in framework category one or two, the Board's audit committee may determine an appropriate method to investigate the alleged compliance issue, including requesting the Board's internal audit function to investigate the alleged issue in accordance with Rule R277-116.~~

~~_____ (ii) If the Board's audit committee directs an investigation as described in Subsection (3)(c)(i), the entity conducting the investigation shall notify the oversight entity that the investigation will review an alleged compliance issue in accordance with this section.~~

~~_____ (d) Based on the results of an investigation described in Subsection (3)(c), the Board may:~~

~~_____ (i) take no further action;~~

~~_____ (ii) resolve the issue informally;~~

~~_____ (iii) direct the Superintendent to pursue corrective action as described in Section R277-114-4 or R277-114-5; or~~

~~_____ (iv) take other action.~~

R277-114-4. Corrective Action for Contract Requirements.

~~_____ For corrective action related to a program or set of requirements established or culminating in a contract between the Board and an oversight entity, the Superintendent shall take corrective action in accordance with the provisions of the contract.~~

R277-114-5. Corrective Action for Non-Contractual Requirements.

~~_____ (1) For corrective action related to a program or set of requirements not established in contract, the Superintendent may take corrective action as described in this section.~~

~~_____ (2)(a) In taking corrective action under this section, the Superintendent shall act in accordance with state and federal law applicable to the program or set of requirements.~~

~~_____ (b) Before the Superintendent places an oversight entity on a corrective action plan as described in Subsection (3), the Superintendent shall:~~

~~_____ (i) provide written notice of initiating the process 30 days before the day on which the corrective action plan is finalized; and~~

~~_____ (ii) during the 30 days, discuss with the LEA's superintendent, charter director or the oversight entity's primary contact the nature of the issue and try to resolve the issue informally, including discussing whether:~~

~~_____ (A) the oversight entity has adequate time to comply; or~~

~~_____ (B) the oversight entity needs additional training.~~

~~_____ (c) If the corrective action plan is due to an oversight entity's failure to provide information, the notice described in Subsection (2)(b)(i) shall include a statement confirming that the information is not available elsewhere.~~

~~_____ (3) The Superintendent may place an oversight entity on a corrective action plan if the Board, the Superintendent, or an external or internal audit determines that the oversight entity:~~

~~_____ (a) demonstrates non-compliance with published expectations for program outcomes or allowable program expenditures;~~

~~_____ (b) demonstrates unsatisfactory outcomes in performance as evidenced by audit results or framework category three or four monitoring;~~

~~_____ (c) demonstrates financial fraud, waste, or abuse; or~~

~~_____ (d) did not comply with a request to provide timely, accurate and complete program or financial information, in accordance with oversight procedures.~~

~~_____ (4) A corrective action plan shall contain the following elements:~~

~~_____ (a) the background information that led to corrective action;~~

~~_____ (b) each identified issue, including the reasons for the corrective action plan as described in Subsection (3);~~

~~_____ (c) details of the identified issue, based on evidence gathered, including dates;~~

~~_____ (d) the specific conditions the oversight entity must meet as a result of the issues;~~

~~_____ (e) steps required to satisfy the corrective action plan and estimated time frame for completing the steps;~~

~~_____ (f) a procedure for communication during the course of the corrective action, including:~~

~~_____ (i) designation of a primary contact at the oversight entity;~~

~~_____ (ii) a schedule for the frequency of updates provided by the contact;~~

~~_____ (iii) the format of required updates; and~~

~~_____ (iv) the designated recipient of the updates;~~

~~_____ (g) a procedure to close the corrective action, including:~~

~~_____ (i) designation of an individual authorized to close the corrective action;~~

~~_____ (ii) the criteria for closing the corrective action;~~

~~_____ (iii) an estimated schedule for closing the corrective action; and~~

~~_____ (iv) how the authorized individual will communicate closure to the oversight entity; and~~

~~_____ (h) notice of the option for appeal as described in Section R277-114-6.~~

~~_____ (5) In creating a corrective action plan, the Superintendent shall emphasize providing technical support to assist the oversight entity to achieve compliance and performance.~~

~~_____ (6) The specific conditions described in Subsection (4)(b) may include:~~

~~_____ (a) requiring the oversight entity to obtain technical or management support, including program assistance such as mentoring;~~

~~_____ (b) requiring the oversight entity to receive payment as a reimbursement instead of advance payment;~~

~~(c) requiring evidence of acceptable performance within a given period before the oversight entity may proceed to the next corrective action step;~~
~~(d) requiring more frequent or more intensive monitoring than what is required from the related program or set of requirements;~~
~~(e) requiring additional or more detailed financial or compliance reports; or~~
~~(f) establishing additional prior approvals.~~
~~(7) The Superintendent may also include in a corrective action plan a provision and timeline for:~~
~~(a) training for the oversight entity's staff;~~
~~(b) a referral for risk-based monitoring, for a program or set of requirements that does not already perform risk-based monitoring;~~
~~(c) a referral for an audit or other agreed-upon procedure by:~~
~~(i) an external auditor; or~~
~~(ii) the Board's internal audit section, with approval of the Board's Audit Committee;~~
~~(d) periodic meetings between an oversight entity administrator or governing board member and the Superintendent or a Deputy Superintendent; and~~
~~(e) a planned appearance before the Board or a Board committee to provide status updates~~
~~(8) For an oversight entity that is a charter school the Superintendent shall:~~
~~(a) consult with the charter authorizer in the creation of the corrective action plan; and~~
~~(b) report regularly to the charter authorizer about the status of the oversight entity.~~
~~(9) The Superintendent may implement escalating restrictive conditions in a corrective action plan based on:~~
~~(a) the severity of the violation as determined by the program's monitoring plan or process; or~~
~~(b) repeated violations by an oversight entity.~~
~~(10)(a) The Superintendent may include penalties for non-compliance with a corrective action plan in accordance with Subsection 53E-3-401(8).~~
~~(b) If the Superintendent determines to withhold funding as part of a corrective action plan, the corrective action plan will state:~~
~~(i) the circumstances that led to the determination;~~
~~(ii) a timeline for withholding funds; and~~
~~(iii) the steps the oversight entity is required to satisfy to reinstate funding.~~
~~(11) The Superintendent shall give notice and a hard or electronic copy of the corrective action plan to:~~
~~(a) the designated primary contact described in Subsection (4)(d)(i);~~
~~(b) the respective oversight entity's governing board; and~~
~~(c) the charter school authorizer, in accordance with Subsection (8).~~
~~(12) As requested, the Superintendent shall report to the Board about the status of a corrective action plan in force for an oversight entity.~~

R277-114-6. Corrective Action Appeals.

~~(1) An oversight entity may submit an appeal to the Board relating to:~~
~~(a) a reason the Superintendent is imposing the corrective action plan;~~
~~(b) the requirements of a corrective action plan; or~~
~~(c) an action the Superintendent takes to impose or implement a corrective action plan.~~
~~(2) For an appeal described in Subsection (1), the oversight entity shall:~~
~~(a) state in the appeal the plan requirement or action with which the oversight entity disagrees; and~~
~~(b) submit the appeal to the Board in accordance with Section R277-102-3.~~
~~(3) Except for corrective action subject to 34 CFR 76.783, the Board may:~~
~~(a) review the appeal as a full board;~~
~~(b) refer the matter to the Board audit committee to make a recommendation to the Board for action; or~~
~~(c) identify another method to review the appeal.]~~

R277-114. Oversight, Accountability, and Compliance to Promote General Control and Supervision, Academic Excellence, and Student Protection and Safety.

R277-114-1. Authority and Purpose.

~~(1) This rule is authorized by:~~
~~(a) Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board;~~
~~(b) Subsection 53E-3-401(4) and (8) which allow the Board to adopt rules in accordance with its responsibilities;~~
~~(c) Section 53E-3-301 which requires the Superintendent to:~~
~~(i) administer programs assigned to the Board in accordance with the policies and the standards established by the Board; and~~
~~(ii) investigate matters pertaining to public schools;~~
~~(d) Section 53F-1-104 which requires the Superintendent to monitor state-funded education programs;~~
~~(e) Section 53-22-109 which requires the Board to collaborate with the State Security Chief to address school safety related compliance; and~~
~~(f) Subsection 631-5-201(4) which requires the Board to establish an internal audit program to provide internal audit services, inclusive of evaluating the effectiveness of internal controls, for provisions administered by the Board.~~
~~(2) The purpose of this rule is to establish standards and procedures to ensure oversight, accountability, transparency, and compliance and to promote academic excellence.~~

R277-114-2. Definitions.

(1) "Internal control system" means the actions the Superintendent develops and establishes through policies, procedures, and rule to mitigate risks to achieving the Board's objectives to acceptable levels.

(2) "Monitor" means activities established by the Superintendent to monitor the internal control system, LEA compliance, and evaluate the results.

(3) "Provision" means a public education requirement or set of requirements in:

(a) federal law;

(b) state law;

(c) administrative rule; or

(d) board rule.

(3) "Recipient" means an LEA, school, or subrecipient.

(4) "Risk" means the possibility that an event will occur and adversely affect or prevent the achievement of, and compliance with, a provision.

(5) "Risk Assessment" means the systematic process of identifying, analyzing, and responding to internal and external risks related to a provision.

R277-114-3. Superintendent Responsibilities.

(1) The Superintendent shall monitor internal controls and recipient to ensure the Board's general control and supervision.

(2) Monitoring includes:

(a) tracking systems;

(b) relevant documentation; and

(c) regular reporting to the Board on the status of monitored programs.

(2) The Superintendent shall provide a summary report quarterly to the Board on the development and effectiveness of internal control systems.

(3) A recipient shall comply in a timely manner with requests to provide accurate and complete information to comply with this rule.

(4)(a) The Superintendent shall prioritize coordination and collaboration with an LEA or recipient to resolve issues and to promote voluntary compliance when possible.

(b) Such collaboration does not diminish or limit the constitutional and statutory authority of the Board or the Superintendent to act independently in determining, issuing, and monitoring a corrective action plan to ensure timely resolution of identified matters.

(5) Nothing in this rule shall excuse LEA noncompliance with any federal law, state law, or Board rule.

R277-114-4. Corrective Action Plans.

(1) The Superintendent may place a recipient on a corrective action plan when a recipient:

(a) where applicable, does not demonstrate satisfactory progress or outcomes as described by the provision;

(b) is noncompliant with federal or state law, Board rule, program requirements, fiscal requirements, or other applicable standards of professional, fiduciary, or supervisory conduct required under Board rule or law;

(c) fails to comply in a timely manner with requests to provide accurate and complete information required under this rule or other Board directives;

(d) engages in fraud, waste, abuse, or other misuse of funds or resources; or

(e) engages in alleged actions that cause significant risk to the Board.

(2) The Superintendent shall clearly outline in a corrective action plan:

(a) the reason for the corrective action plan, including the provision at issue;

(b) related and relevant documentation obtained or generated as part of the monitoring process;

(c) a summary of the evidence gathered, including relevant dates;

(d) specific conditions to be met to resolve identified issues;

(e) a procedure for communication during the course of resolving the corrective action, including:

(i) designation of a primary contact of the recipient;

(ii) a schedule for the frequency of updates provided by the contact;

(iii) the format of required updates; and

(iv) the designated recipient of the updates;

(f) a procedure to close the corrective action, including:

(i) designation of an individual authorized to close the corrective action;

(ii) the criteria for closing the corrective action;

(iii) an estimated schedule for closing the corrective action; and

(iv) how the authorized individual will communicate closure to the recipient; and

(g) notice of the option for appeal as described in Section R277-114-6.

(3) The specific conditions described in Subsection (2)(d) may include:

(a) requiring payments as reimbursements rather than advance payments;

(b) withholding authority to proceed to the next step until receipt of evidence of acceptable performance is provided;

(c) requiring additional, more detailed financial reports;

(d) requiring an extension of the existing monitoring plan or the implementation of a revised monitoring plan;

(e) requiring the recipient to obtain technical or management assistance; or

- (f) other appropriate requirements that include adequate notice to recipient.
- (4) A corrective action plan may also include a provision and a timeline for:
 - (a) periodic meetings between a recipient administrator or governing board member and the Superintendent or the Superintendent's designee;
 - (b) planned appearances before the Board or Superintendent to provide status updates; and
 - (c) training for the recipient's staff.
- (5) In creating a corrective action plan, the Superintendent may provide technical support to assist the recipient to achieve compliance and performance.
- (6) The Superintendent may include penalties for noncompliance with a corrective action plan in accordance with Subsection 53E-3-401(8).
- (7)(a) All corrective action plans shall be reviewed and approved by the Superintendent or designee before finalization and issuance.
- (b) If a corrective action plan includes financial noncompliance or conditions related to fiscal oversight, the corrective action plan shall be reviewed by the Deputy Superintendent of Operations or the Assistant Superintendent of Operations.
- (8)(a) The Superintendent shall provide written notice of the corrective action plan to the recipient's chief administrator and the chair, or equivalent presiding officer, of the recipient's governing board.
- (b) If additional administrators or board members are designated in writing by the recipient as points of contact for such matters, notice shall also be provided to those individuals.
- (c) If one or more required recipients cannot reasonably be identified or contacted, delivery to the recipient's central administrative office or official email address shall constitute sufficient notice.
- (10) The Superintendent shall also provide the written notice of the corrective action plan to:
 - (a) the Board; and
 - (b) internal controls.
- (11) Internal controls, under the direction of the Superintendent, shall maintain a centralized tracking system of corrective action plans which shall be implemented by USBE to ensure consistency of internal processes, predictability to recipients, and increased transparency.
- (12) The tracking system shall:
 - (a) be updated upon issuance of a corrective action plans;
 - (b) record progress and completion of corrective actions; and
 - (c) support quarterly reporting to the Board on the status of monitored provisions and corrective actions.
- (13) If a recipient placed on a Corrective Action Plan for violations of school safety law as outlined in Sections 53-22-101 through 53-22-109 fails to comply with the conditions outlined in the corrective action plan within the specified timeframe, the Superintendent shall provide notice to the State Security Chief and may refer the matter for further review or action as deemed appropriate.

R277-114-5. Review and Appeals Committee and Duties.

- (1) Board leadership shall select a five-member Review and Appeals Committee.
- (2) Board leadership shall select a chair and vice-chair for the Committee.
- (3) Committee Duties:
 - (a) The Committee shall review and may take action on:
 - (i) appeals regarding corrective action plans as outlined in Section R277-114-5-6;
 - (ii) referrals made by Board leadership;
 - (iii) referrals from the Superintendent; or
 - (iv) referrals from the Audit Committee.
 - (b) Upon referral to the Committee, the Committee shall, as appropriate:
 - (i) review allegations or findings of noncompliance of an LEA or recipient corrective action plan;
 - (ii) review a corrective action plan issued by the Superintendent;
 - (iii) review supporting documentation and data that demonstrate ongoing noncompliance; and
 - (iv) review other relevant materials, as well as aggravating and mitigating factors.
 - (c) The Committee may require:
 - (i) additional information, materials, or records from the recipient; and
 - (ii) the recipient or recipient's representative to appear before the Committee to provide responses as requested and consistent with Title 52, Chapter 4, Open and Public Meetings Act;
 - (d) review matters referred to the Committee by the Board, Board leadership, or the Superintendent.
- (5) Following review, the Committee may make any of the following recommendations:
 - (a) request the Superintendent to strengthen, modify or expand an existing corrective action plan;
 - (b) recommend that the Superintendent or Internal Audit conduct additional inquiry, risk assessment, or monitoring;
 - (c) recommend to the full Board the imposition of sanctions or other enforcement actions;
 - (d) request that an item be placed on the Board agenda; or
 - (e) other action consistent with the law and Board by-laws and policies.
- (6) Any action recommended or taken by the Committee is subject to full Board approval, consistent with actions by all Board committees.
- (7)(a) Discussion and actions by the Committee and subsequent Board discussion and decisions shall be consistent with Board By-laws and policies;
- (b) If the Committee holds an open and public meeting it shall comply with Title 52, Chapter 4, Open and Public Meetings Act.

R277-114-6. Corrective Action Plan Appeals.

(1) A recipient may appeal a corrective action plan within 14 business days after receipt of the plan, amendment to a plan, or a proposed closure to the plan, to the Board secretary, on any of the following grounds:

- (a) the basis or reason the Superintendent identified for imposing the corrective action plan;
- (b) one or more requirements contained in the corrective action plan; or
- (c) an action the Superintendent takes to implement the corrective action plan.

(2) The appeal shall:

- (i) identify the specific plan provisions or implementation actions at issue;
- (ii) include any supporting documentation; and
- (iii) state the relief requested.

(3) Except for corrective action subject to 34 CFR 76.783, the Board shall refer the matter to the Board Review and Appeals Committee (the Committee).

(4) The Committee shall provide information to the appellant regarding the procedures and timeline for an appeal no later than 10 days following the Committee's receipt of the appeal request.

(5) The Committee shall review the appeal and:

- (a) recommend changes to the corrective action plan;
- (b) refer the matter to internal audit; or
- (c) refer the matter to the full Board with recommendations.

(6)(a) Appeals under this section are conducted pursuant to Rule R277-102 to the extent applicable.

(b) If a procedure is not specified in this rule, the Board may establish reasonable procedures consistent with Rule R277-102.

(7) The appeal shall be decided on the written record, unless the Board or its designee authorizes additional submissions or a limited hearing for good cause.

(8) The Committee may select a hearing officer to facilitate the appeal.

(9) All Committee discussions shall be conducted consistent with Title 52, Chapter 4, Open and Public Meetings Act.

(10) The Committee shall submit a recommendation to the Board regarding an appeal no more than 30 days following the referral to the Committee.

(11) The Board shall take final action on the Committee's recommendation as soon as possible but no later than 60 days following receipt of the Committee's recommendation.

(a) The Board's review of the Committee's recommendation shall be based solely on the Committee's record of the appeal.

(b) The Board's action on the Committee's recommendation is the final administrative action for a corrective action plan appeal.

R277-114-7. Relationship to State Security Chief.

(1) Pursuant to Section 53-22-102, the State Security Chief holds statutory responsibilities for statewide coordination of school safety.

(2) Nothing in this rule shall be construed to limit, expand, or otherwise alter the statutory powers and duties of the State Security Chief.

(3) The Board affirms its constitutional delegation of authority in the area of public education and school safety, including oversight, compliance, and rulemaking, and shall exercise that authority in coordination with the State Security Chief as provided by law.

(4) Local education agencies shall comply with both:

- (a) directives and requirements of the State Security Chief made pursuant to state law; and
- (b) rules and policies adopted by the Board under its constitutional and statutory authority.

KEY: monitoring, corrective action, oversight

Date of Last Change: ~~2026~~**February 7, 2025**

Notice of Continuation: August 15, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3[; ~~53E-3-401; 53E-3-401(4); 53F-1-104~~]; **53E-3-401(4); 53E-3-401(8); 53E-3-301; 53F-1-104; 63G-7-301**

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R277-212	Filing ID: 57721
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:
R277-212. UPPAC Hearing Procedures and Reports
4. Purpose of the new rule or reason for the change:
<p>The rule amendments add an oversight category and update the requirements of the Utah Professional Practices Advisory Commission (UPPAC) Executive Secretary.</p> <p>The use of oversight categories will be phased out with the repeal of Rule R277-111, which is published in this same edition of the <i>Utah State Bulletin</i>. However, due to the schedule of board approvals, some rules are required to have an oversight category added during the transitional period.</p> <p>(EDITOR'S NOTE: The proposed repeal of Rule R277-111, ID 57719, is in this issue, January 1, 2026, of the Bulletin.)</p>
5. Summary of the new rule or change:
<p>The oversight category specified is "exempt".</p> <p>Additionally, this rule is amended to clarify the UPPAC Executive Secretary's responsibilities when scheduling a hearing and when providing additional relevant evidence.</p>

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).</p>
B. Local governments:
<p>This rule change is not expected to have fiscal impact 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.</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>This only impacts the USBE and LEAs.</p>

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, LEAs, or any other entities or individuals.

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, LEAs, or any other entities or individuals.

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

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

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

The State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Article X, Section 3	Section 53E-6-506	Subsection 53E-3-401(4)
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Public Notice Information

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

A. Comments will be accepted until:	02/02/2026
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10. This rule change MAY become effective on:	02/09/2026
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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:	12/15/2025
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R277. Education, Administration.**R277-212. UPPAC Hearing Procedures and Reports.****R277-212-1. Authority, ~~and~~ Purpose, and Oversight Category.**

(1) This rule is authorized by:

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

(b) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and

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

(2) The purpose of this rule is to establish procedures regarding UPPAC hearings and hearing reports.

(3) The standards and procedures of Title 63G, Chapter 4, Administrative Procedures Act do not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

(4) Hearings conducted in accordance with this rule are formal adjudicatory proceedings.

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

R277-212-2. Scheduling a Hearing.

(1)(a) Following receipt of an answer by a respondent requesting a hearing, or at the direction of the Board to give the respondent an opportunity to have a hearing:

(i) UPPAC shall select panel members;

(ii) the Executive Secretary shall appoint a hearing officer from among a list of hearing officers identified by the state procurement process and approved by UPPAC; and

(iii) ~~UPPAC~~ The Executive Secretary shall schedule the date, time, and place for the hearing.

(b) The Executive Secretary shall schedule a hearing for a date that is not less than 45 days nor more than 180 days from the date the Executive Secretary receives the answer unless otherwise stipulated by the parties.

(c) The required scheduling periods may be waived by mutual written consent of the parties or by the hearing officer for good cause shown.

(2)(a) Any party may request a change of hearing date by submitting a request in writing that shall:

(i) include a statement of the reasons for the request; and

(ii) be submitted to the hearing officer at least five days ~~prior to~~ before the scheduled date of the hearing.

(b) The hearing officer shall determine whether the reasons stated in the request ~~is~~ are sufficient to warrant a change.

(c) If the hearing officer finds that the reasons for the request for a change of hearing date ~~is~~ are sufficient, the hearing officer shall promptly direct the Executive Secretary to reschedule the hearing and send notice to the parties.

(d) If the hearing officer does not find the reasons for the request for a change of hearing date to be sufficient, the hearing officer shall immediately notify the parties that the request has been denied.

(e) The hearing officer may, upon stipulation of the parties or upon motion, waive the time period required for requesting a change of hearing date for good cause shown.

(3) An educator is entitled to a hearing on any matter in which an action is recommended.

(4) An educator is not entitled to a hearing on a matter in which a letter of education, ~~or~~ letter of warning, or dismissal is recommended.

R277-212-3. Appointment and Duties of the Hearing Officer and Hearing Panel.

(1)(a) The Executive Secretary shall appoint a hearing officer to chair the hearing panel and conduct the hearing.

(b) The Executive Secretary shall select a hearing officer on a random basis from a list of available contracted hearing officers, subject to availability and conflict of interest.

NOTICES OF PROPOSED RULES

- (c) The Executive Secretary shall provide such information about the case as necessary to determine whether the hearing officer has a conflict of interest and shall disqualify any hearing officer that cannot serve under the Utah Rules of Professional Conduct.
- (d) A hearing officer:
- (i) may require the parties to submit a brief and a list of witnesses ~~[prior to]~~ before the hearing;
 - (ii) presides at the hearing and regulates the course of the proceeding;
 - (iii) administers an oath to a witness as follows: "Do you swear or affirm that the testimony you will give is the truth?";
 - (iv) may take testimony, rule on a question of evidence, and ask a question of a witness to clarify a specific issue; and
 - (v) prepares and submits a hearing report to the Executive Secretary at the conclusion of the proceedings in consultation with panel members and the timelines of this rule.
- (2)(a) UPPAC shall select three or more individuals to serve as members of the hearing panel.
- (b) The majority of panel members shall be current UPPAC members.
- (c) ~~[As directed by UPPAC, a]~~ A licensed educator or member of the community may serve as a panel member, if needed.
- (d) UPPAC shall select panel members on a rotating basis to the extent practicable.
- (e) UPPAC shall accommodate each prospective panel member based on the availability of the panel member.
- (f) If the respondent is a teacher, at least one panel member shall be a current classroom teacher.
- (g) If the respondent is a non-teacher licensed educator, at least one panel member shall be a non-teacher licensed educator.
- (3) The requirements of Subsection (2) may be waived only upon the stipulation of both the UPPAC attorney and the respondent.
- (4)(a) A UPPAC panel member shall:
- (i) assist a hearing officer by providing information concerning professional standards and practices of educators in the respondent's particular field of practice and in the situations alleged;
 - (ii) ask a question of a witness to clarify a specific issue;
 - (iii) review all evidence and briefs, if any, presented at the hearing;
 - (iv) make a recommendation to UPPAC as to the suggested disposition of a complaint; and
 - (v) assist the hearing officer in preparing the hearing report.
- (b) A panel member may only consider the evidence approved for admission by the hearing officer.
- (c) The Executive Secretary may make an emergency substitution of a panel member for good cause shown or with the consent of the parties.
- (d) An agreement to substitute a panel member shall be in writing.
- (e) Parties may agree to a two-member UPPAC panel in an emergency situation.
- (5)(a) A party may request that the Executive Secretary disqualify a hearing officer by submitting a written request for disqualification to the Executive Secretary.
- (b) A party shall submit a request to disqualify a hearing officer to the Executive Secretary at least 15 days before a scheduled hearing.
- (6)(a) The Executive Secretary shall review a request described in Subsection (5) and supporting evidence to determine whether the reasons for the request are substantial and compelling.
- (b) If the Executive Secretary determines that the hearing officer should be disqualified, the Executive Secretary shall appoint a new hearing officer and, if necessary, reschedule the hearing.
- (7) A hearing officer ~~[may]~~ shall recuse himself or herself from a hearing if ~~[in the hearing officer's opinion]~~ the hearing officer's participation would violate any of the Utah Rules of Professional Conduct consistent with the Supreme Court Rules of Professional Practice.
- (8)(a) If the Executive Secretary denies a request to disqualify a hearing officer described in Subsection (5), the Executive Secretary shall notify the party within ten days ~~[prior to]~~ before the date of the hearing.
- (b) The requesting party may submit a written appeal of the Executive Secretary's denial to the Superintendent no later than five days ~~[prior to]~~ before the hearing date.
- (c) If the Superintendent finds that the appeal is justified, the Superintendent shall direct the Executive Secretary to appoint a new hearing officer and, if necessary, reschedule the hearing.
- (d) The decision of the Superintendent described in Subsection (8)(c) is final.
- (e) If a party fails to file an appeal within the time requirements of Subsection (8)(b), the appeal shall be deemed denied.
- (f) If the Executive Secretary fails to meet the time requirements described in Subsection (6) or (8), the request or appeal is approved.
- (9)(a) A UPPAC member shall recuse himself or herself as a panel member due to any known financial or personal interest, prior relationship, personal and independent knowledge of the persons or issues in the case, or other association that the panel member believes would compromise the panel member's ability to make an impartial decision.
- (b) A party may request that a UPPAC panel member be disqualified by submitting a written request to the hearing officer.
- (c) A party shall submit a request described in Subsection (9)(b) no less than 15 days before a scheduled hearing.
- (d) The hearing officer shall:
- (i) review a request described in Subsection (9)(b) and supporting evidence to determine whether the reasons for the request are substantial and compelling enough to disqualify the panel member; and
 - (ii) if the reasons for the request described in Subsection (9)(b) are substantial and compelling, disqualify the panel member.
- (e) If a panel member is disqualified:
- (i) UPPAC shall appoint a replacement; and
 - (ii) the Executive Secretary shall, if necessary, reschedule the hearing.
- (f) If a request described in Subsection (9)(b) is denied, the hearing officer, shall notify the party requesting the panel member's disqualification no less than ten days ~~[prior to]~~ before the date of the hearing.

(10) The Executive Secretary may, ~~[at the time]~~when the Executive Secretary selects a hearing officer or panel member, select an ~~[alternative]~~alternate hearing officer or panel member following the process for selecting those individuals.

(11) The Executive Secretary may substitute a panel member with an ~~[alternative]~~alternate panel member if the Executive Secretary notifies the parties of the substitution.

R277-212-4. Preliminary Instructions to Parties to a Hearing.

- (1) A hearing shall be scheduled no less than 45 days after receipt of an answer, unless otherwise stipulated by the parties.
- (2) No later than 25 days before the date of a hearing, the Executive Secretary shall provide the parties with the following information:
 - (a) date, time, and location of the hearing;
 - (b) names and LEA affiliations of each panel member, and the name of the hearing officer; and
 - (c) instructions for accessing ~~[these rules]~~Rules R277-210 through R277-217.
- (3) No later than 20 days before the date of the hearing, the respondent and the complainant shall provide the following to the other party and to the hearing officer:
 - (a) a brief, if requested by the hearing officer containing:
 - (i) any procedural and evidentiary motions along with the party's position regarding the allegations; and
 - (ii) relevant laws, rules, and precedent;
 - (b) the name of the person who will represent the party at the hearing;
 - (c) a list of witnesses expected to be called, including a summary of the testimony that each witness is expected to present;
 - (d) a summary of documentary evidence that the party intends to submit; and
 - (e) following receipt of the other party's witness list, a list of anticipated rebuttal witnesses and evidence no later than ten days ~~[prior to]~~before the hearing.
- (4)(a) Except as provided in Subsection (4)(b), a party may not present a witness or evidence at the hearing if the witness or evidence has not been disclosed to the other party as required in Subsection (3).
- (b) A party may present a witness or evidence at the hearing even if the witness or hearing has not been disclosed to the other party if:
 - (i) the parties stipulate to the presentation of the witness or evidence at the hearing; or
 - (ii) the hearing officer makes a determination of good cause to allow the witness or evidence.
- (5) If a party fails to comply in good faith with a directive of the hearing officer, including time requirements, the hearing officer may prohibit introduction of the testimony or evidence or take other steps reasonably appropriate under the circumstances.
- (6) A party shall provide materials to the hearing officer, panel members, and UPPAC as directed by the hearing officer.

R277-212-5. Hearing Parties' Representation.

- (1) A UPPAC attorney shall represent the complainant.
- (2) A respondent may represent himself or herself or be represented, at the respondent's own cost, by legal counsel.
- (3) An informant has no right to:
 - (a) individual representation at the hearing; or
 - (b) to be present or heard at the hearing unless called as a witness.
- (4) A respondent shall notify the Executive Secretary in a timely manner and in writing if the respondent chooses to be represented by legal counsel.

R277-212-6. Discovery Prior to a Hearing.

- (1) Discovery is permitted to the extent necessary to obtain relevant information necessary to support claims or defenses, as determined by the hearing officer.
- (2) Unduly burdensome legalistic discovery may not be used to delay a hearing.
- (3) A hearing officer may limit discovery:
 - (a) at the discretion of the hearing officer; or
 - (b) upon a motion by either party.
- (4) A hearing officer rules on all discovery requests and motions.
- (5) The Executive Secretary shall issue a subpoena ~~[or other order]~~to secure the attendance of a witness pursuant to Subsection 53E-6-606(1) if:
 - (a) requested by either party; and
 - (b) notice of intent to call the witness has been timely provided as required by Section R277-212-4.
- (6) The Executive Secretary shall issue a subpoena to produce evidence if timely requested by either party.
- (7)(a) A party may not present an expert witness report or expert witness testimony at a hearing unless the requirements of Section R277-212-10 have been met.
- (b) A respondent may not subpoena the UPPAC attorney or investigator as an expert witness.

R277-212-7. Burden and Standard of Proof for UPPAC Proceedings.

- (1) In matters other than those involving applicants for licensing, and excepting the presumptions under ~~[Subs]~~Section R277-212-11, the Board shall have the burden of proving that an action against the license is appropriate.
- (2) An applicant for licensing has the burden of proving that licensing is appropriate.
- (3) The standard of proof in all UPPAC hearings is a preponderance of the evidence.

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- (4) The Utah Rules of Evidence are not applicable to UPPAC proceedings.
- (5) The criteria to decide an evidentiary question are:
 - (a) reasonable reliability of the offered evidence;
 - (b) fairness to both parties; and
 - (c) usefulness to UPPAC in reaching a decision.
- (6) The hearing officer has the sole responsibility to determine the application of the hearing rules and the admissibility of evidence.

R277-212-8. Deportment.

(1) Parties, their representatives, witnesses, and other persons present during a hearing shall conduct themselves in an appropriate manner during a hearing, giving due respect to members of the hearing panel and complying with the instructions of the hearing officer.

(2) A hearing officer may exclude a person from the hearing room who fails to conduct himself or herself in an appropriate manner and may, in response to extreme instances of noncompliance, disallow the person's testimony.

(3) Parties, attorneys for parties, or other participants in the professional practices investigation and hearing process may not harass, intimidate, or pressure witnesses or other hearing participants, nor may they direct others to harass, intimidate, or pressure witnesses or participants.

R277-212-9. Hearing Record.

(1) A hearing shall be recorded at UPPAC's expense, and the recording shall become part of the UPPAC case file, unless otherwise agreed upon by all parties.

(2) An individual party may, at the party's own expense, make a recording or transcript of the proceedings if the party provides notice to the Executive Secretary.

(3) If an exhibit is admitted as evidence, the record shall reflect the contents of the exhibit.

(4) All evidence and statements presented at a hearing shall become part of the UPPAC case file and may not be removed except by direction of the Executive Secretary or by order of the Board.

(5)(a) Upon request of an educator, UPPAC will provide an electronic or paper copy of the UPPAC case file to the educator.

(b) UPPAC may charge fees in accordance with ~~[Rule]~~Section R277-103-5 if the educator requests a paper copy.

R277-212-10. Expert Witnesses in UPPAC Proceedings.

(1) A hearing officer may allow testimony by an expert witness.

(2) A party may call an expert witness at the party's own expense.

(3) A party shall provide a hearing officer and the opposing party with the following information at least 15 days ~~[prior to]~~before the hearing date:

- (a) notice of intent of a party to call an expert witness;
- (b) the identity and qualifications of an expert witness;
- (c) the purpose for which the expert witness is to be called; and
- (d) any prepared expert witness report.

(4) Defects in the qualifications of an expert witness, once a minimum threshold of expertise is established, go to the weight to be given the testimony and not to its admissibility.

(5) An expert witness who is a member of the complainant's staff or staff of an LEA may testify and have the testimony considered as part of the record in the same manner as the testimony of any other expert.

R277-212-11. Evidence and Participation in UPPAC Proceedings.

(1) A hearing officer may not exclude evidence solely because the evidence is hearsay.

(2) Each party has a right to call witnesses, present evidence, argue, respond, cross-examine witnesses who testify in person at the hearing, and submit rebuttal evidence.

(3) Testimony presented at the hearing shall be given under oath if the testimony is offered as evidence to be considered in reaching a decision on the merits.

(4) On the hearing officer's own motion or upon objection by a party, the hearing officer:

- (a) may exclude evidence that the hearing officer determines to be irrelevant, immaterial, or unduly repetitious;
- (b) shall exclude evidence that is privileged under law applicable to administrative proceedings in the state unless waived;
- (c) may receive documentary evidence in the form of a copy or excerpt if the copy or excerpt contains all pertinent portions of the original document;

(d) may take official notice of any facts that could be judicially noticed under judicial or administrative laws of the state, or from the record of other proceedings before the agency.

(5)(a) In addition to a rebuttable presumption described in Subsection 53E-6-506(3)(e), a rebuttable evidentiary presumption exists that a person has committed a sexual offense against a minor if the person has:

- (i) been found, pursuant to a criminal, civil, or administrative action to have committed a sexual offense against a minor; or
- (ii) failed to defend himself or herself against the charge when given a reasonable opportunity to do so.

(b) A rebuttable evidentiary presumption exists that a person is unfit to serve as an educator if the person has been found pursuant to a criminal, civil, or administrative action to have exhibited behavior evidencing unfitness for duty, including immoral, unprofessional, or incompetent conduct, or other violation of standards of ethical conduct, performance, or professional competence.

(c) Evidence of behavior described in Subsection (11)(b) may include:

- (i) conviction of a felony;
- (ii) a felony charge and subsequent conviction for a lesser related charge pursuant to a plea bargain or plea in abeyance;
- (iii) an investigation of an educator's license, certificate, or authorization in another state; or
- (iv) the expiration, surrender, suspension, revocation, or invalidation of an educator's license for any reason.

R277-212-12. Testimony of a Minor Victim or Witness.

- (1) For purposes of this section, a "minor victim or witness" is an individual who is less than 18 years old at the time of hearing.
- (2) If a case involves allegations of child abuse or of a sexual offense against a minor under applicable federal or state law, either party, or the hearing officer, may request that a minor victim or witness be allowed to testify outside of the respondent's presence.
- (3) If the hearing officer determines that a minor victim or witness would suffer undue emotional or mental harm, or that the minor victim or witness's testimony in the presence of the respondent would be unreliable, the minor victim or witness's testimony may be admitted as described in this section.
- (4) An oral statement of a minor victim or witness that is recorded [~~prior to~~]before the filing of a complaint is admissible as evidence in a hearing regarding the offense if:
 - (a) no attorney for either party is in the minor victim or witness's presence when the statement is recorded;
 - (b) the recording is visual and aural and is recorded;
 - (c) the recording equipment is capable of making an accurate recording;
 - (d) the operator of the equipment is competent;
 - (e) the recording is accurate and has not been altered; and
 - (f) each voice in the recording is identified.
- (5) The testimony of a minor victim or witness may be taken in a room other than the hearing room, and may be transmitted by closed circuit equipment to another room where it can be viewed by the respondent if:
 - (a) only the hearing officer, hearing panel members, attorneys for each party, persons necessary to operate equipment, and a person approved by the hearing officer whose presence contributes to the welfare and emotional well-being of the minor victim or witness may be with the minor victim or witness during the testimony;
 - (b) the respondent is not present during the minor victim or witness's testimony;
 - (c) the hearing officer ensures that the minor victim or witness cannot hear or see the respondent;
 - (d) the respondent is permitted to observe and hear, but not communicate with the minor victim or witness; and
 - (e) only hearing panel members, the hearing officer, and the attorneys question the minor victim or witness.
- (6)(a) If a witness testifies under circumstances described in Subsection (5), a pro se educator, may submit written questions to the hearing officer to ask on the educator's behalf.
- (b) A hearing officer shall take appropriate recesses to ensure a pro se educator is allowed to ask all needed follow up questions.
- (7) If the hearing officer determines that the testimony of a minor victim or witness may be taken consistent with Subsections (2) through (5), the minor victim or witness may not be required to testify in any proceeding where the recorded testimony is used.

R277-212-13. Hearing Report.

- (1) Within 20 days after the hearing, or within 20 days after the deadline imposed for the filing of any post-hearing materials as permitted by the hearing officer, the hearing officer shall sign and issue a hearing report consistent with the recommendations of the panel that includes:
 - (a) detailed findings of fact and conclusions of law based upon the evidence of record or on facts officially noted;
 - (b) a statement of relevant precedent, if available;
 - (c) a statement of applicable law and rule;
 - (d) presumptions applied by UPPAC;
 - (e) mitigating and aggravating circumstances considered by UPPAC;
 - (f) a recommended disposition of UPPAC panel members that shall be one of the following:
 - (i) dismissal of the complaint;
 - (ii) letter of education;
 - (iii) letter of warning;
 - (iv) reprimand;
 - (vii) suspension, to include the following terms and conditions:
 - (A) a recommended minimum time period consistent with R277-215 after which an educator may request a reinstatement hearing under Rule R277-213; and
 - (B) any recommended conditions precedent to requesting a reinstatement hearing under Section R277-213-2; or
 - (viii) revocation; and
 - (g) notice that UPPAC's recommendation is subject to approval by the Board and judicial review as may be allowed by law.
- (2) Findings of fact may not be based solely upon hearsay, and conclusions shall be based upon competent evidence.
- (3)(a) A hearing officer shall circulate a draft report to hearing panel members [~~prior to~~]before the 20 day completion deadline of the hearing report.
- (b) Hearing panel members shall notify the hearing officer of any changes to the report:
 - (i) as soon as possible after receiving the report; and
 - (ii) [~~prior to~~]before the 20 day completion deadline of the hearing report.
- (c) The hearing officer shall file the completed hearing report with the Executive Secretary, who shall review the report with UPPAC.

NOTICES OF PROPOSED RULES

(d) The Executive Secretary may participate in UPPAC's deliberation as a resource to UPPAC in explaining the hearing report and answering any procedural questions raised by UPPAC members.

(e) The hearing officer may confer with the Executive Secretary or the panel members or both while preparing the hearing report.

(f) The hearing officer may request the Executive Secretary to confer with the hearing officer and panel following the hearing.

(g) The Executive Secretary may return a hearing report to a hearing officer if the report is incomplete, unclear, or unreadable, or missing essential components or information.

(h) UPPAC shall vote to uphold the hearing officer's and panel's report if UPPAC finds that:

(i) there are no significant procedural errors;

(ii) the hearing [officer's]panel's recommendations are based upon a preponderance of the evidence presented at the hearing; and

(iii) that all issues explained in the hearing report are adequately addressed in the conclusions of the report.

(i) After the UPPAC review, the Executive Secretary shall send a copy of the hearing report to:

(i) the Board for further action;

(ii) the respondent; and

(iii) the UPPAC case file.

(4) If the Board does not approve a UPPAC hearing report, the Board may:

(a) remand the case to UPPAC with direction to cure due process issues; or

(b) direct the Executive Secretary to make other evidence available pursuant to Section R277-212-14 before issuing a final decision with official findings; or

(c) issue findings based on the UPPAC hearing record and report:

(i) specifying the reasons, including the evidence, presumptions, and the mitigating and aggravating circumstances the Board considered, for the Board's failure to accept the hearing report;

(ii) adopting the Board's decision on the matter; and

(iii) directing the Executive Secretary to include the findings as an addendum to the hearing report, which findings constitute final Board action; or

(d) take other appropriate action consistent with due process and Rule R277-215.

(5) Following Board adoption of a hearing report or the Board's decision under Subsection (4)(c), the Executive Secretary shall:

(a) notify the educator;

(b) notify the educator's employer;

(c) update CACTUS or USIMS to reflect the Board's action; and

(d) report the action to the NASDTEC Educator Information Clearing house if the action results in:

(i) a revocation;

(ii) a suspension; or

(iii) reprimand.

(6) The hearing report is a public document under Title 63G, Chapter 2, Government Records Access and Management Act after final action is taken in the case, but may be redacted if it is determined that the hearing report contains particular information, the dissemination of which is otherwise restricted under the law.

(7) A respondent's failure to comply with the terms of a final disposition may result in additional discipline against the educator license.

(8) If a hearing officer fails to satisfy the hearing officer's responsibilities under this rule, the Executive Secretary may:

(a) notify the Utah State Bar of the failure;

(b) reduce the hearing officer's compensation consistent with the failure;

(c) take timely action to avoid disadvantaging either party; or

(d) preclude the hearing officer from further employment by the Board for UPPAC purposes.

(9) The Executive Secretary may waive the deadlines within this section if the Executive Secretary finds good cause.

(10) All criteria of letters of warning and reprimand, probation, suspension, and revocation apply to the comparable sections of the final hearing report.

R277-212-14. Additional Relevant Evidence.

(1) If the Board directs the Executive Secretary to make additional relevant evidence available to the Board for review, before the Board issues a final decision with official findings, the Executive Secretary shall give the educator a notice that includes:

(a) what additional relevant evidence the Board directed UPPAC to make available to review;

(b) the opportunity to file a response described in Subsection (2); and

(c) a statement that the educator's failure to file either a timely written response or request for hearing would be a waiver of the right to either respond, or request a hearing.

(2) An educator who receives a notice described in Subsection (1) may submit one of the following within 30 days of the notice described in Subsection (1) was sent:

(a) a written response to the additional relevant evidence that the Board directed the Executive Secretary to make available for review; or

(b) a written request for a hearing before the Board to respond to the additional relevant evidence.

(3) If the educator fails to timely respond as provided in Subsection (2):

(a) the Executive Secretary shall notify the respondent that the respondent waived the right to respond or request a hearing; and

(b) the Board may proceed to view the additional relevant evidence.

- (4) If the educator files a timely written response, the Executive Secretary shall submit the written response to the Board for consideration before the Board issues a final decision.
- (5) If the educator files a timely hearing request, before the Board issues a final decision, the Executive Secretary shall:
- (a) request a hearing before the Board, as described in Subsection (7);
 - (b) provide the respondent notice of the hearing meeting the requirements of Section 53E-6-607;
 - (c) include a copy of the Board rules that apply; and
 - (d) notify the respondent that if the respondent fails to attend or participate in the hearing:
 - (i) that the respondent has waived the right to appear and respond to the additional relevant evidence; and
 - (ii) that the Board may proceed to review the additional relevant evidence.
- (6) The Board shall schedule a hearing described in Subsection (5)(b) within no less than 45 days and no more than 90 days from the date the Executive Secretary receives the respondent's written request for a hearing.
- (7) If the Board conducts a hearing described in Subsection (6), Sections R277-212-4, R277-212-5, and R277-212-7 through R277-212-12 apply.
- (8) The Executive Secretary shall issue a subpoena ~~[or other order]~~ to secure the attendance of a witness pursuant to Subsection 53E-6-506(3)(c)(i) if:
- (a) requested by either party; and
 - (b) notice of intent to call the witness has been timely provided as required by Section R277-212-4.
- (9) Subsection R277-212-3(1) governs the appointment of a hearing officer to conduct a hearing under this section, but no hearing report is required.
- (10) After the hearing or viewing the additional relevant evidence, the Board will prepare findings that support the reasons for the Board's decision, including the presumptions and mitigating and aggravating circumstances described in Rule R277-215 that the Board applied.
- (11) Findings issued by the Board as described in Subsection (11) may not be based solely upon hearsay.

R277-212-15. Default.

- (1)(a) The Executive Secretary shall prepare an order of default if:
- (i) the respondent fails to file an answer as described in Subsection R277-211-6(4);
 - (ii) the respondent fails to attend or participate in a properly scheduled hearing after receiving proper notice; or
 - (iii) the hearing officer recommends default as a sanction as a result of misconduct by the respondent or the respondent's representative during the course of the hearing process.
- (b) The hearing officer may determine that the respondent has failed to attend a properly scheduled hearing if the respondent has not appeared within 30 minutes of the appointed time for the hearing to begin, unless the respondent shows good cause for failing to appear in a timely manner.
- (2) The recommendation of default may be executed by the Executive Secretary following all applicable time periods, without further action by UPPAC.
- (3) The Executive Secretary shall make a recommendation to the Board for discipline in accordance with Rule R277-215.

R277-212-16. Rights of Victims at Hearings.

- (1) If the allegations that gave rise to the underlying allegations involve abuse of a sexual or physical nature, UPPAC shall make reasonable efforts to:
- (a) advise the alleged victim that a hearing has been scheduled;
 - (b) notify the alleged victim of the date, time, and location of the hearing; and
 - (c) notify the alleged victim of the right to attend the hearing alone or with a victim advocate present.
- (2) An alleged victim or guardian entitled to notification of a hearing is permitted, but is not required, to attend the hearing.
- (3) An alleged victim or witness may have a criminal justice victim advocate or support person attend the hearing with them.

KEY: hearings, reports, educators**Date of Last Change:** 2026~~February 7, 2020~~**Notice of Continuation:** December 15, 2025**Authorizing, and Implemented or Interpreted Law:** Art X Sec 3; 53E-6-506; 53E-3-401(4)**NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** Amendment**Rule or section number:****R277-213****Filing ID:** 57722**Agency Information****1. Title catchline:** Education, Administration**Building:** Board of Education**Street address:** 250 E 500 S

NOTICES OF PROPOSED RULES

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:
R277-213. Request for Licensure Reinstatement and Reinstatement Procedures
4. Purpose of the new rule or reason for the change:
The rule amendments add an oversight category and update the requirements of the Utah Professional Practices Advisory Commission (UPPAC) Executive Secretary.
The use of oversight categories will be phased out with the repeal of Rule R277-111, which is published in this same edition of the <i>Utah State Bulletin</i> . However, due to the schedule of board approvals, some rules are required to have an oversight category added during the transitional period.
(EDITOR'S NOTE: The proposed repeal of Rule R277-111, ID 57719, is in this issue, January 1, 2026, of the Bulletin.)
5. Summary of the new rule or change:
The oversight category is specified as "exempt".
The amendments also update the requirements for the UPPAC Executive Secretary, as well as updating requirements related to applications for reinstatement and reinstatement hearing procedures.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impacts on state government revenues or expenditures.
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, Local Education Agencies (LEAs), or any other entities or individuals.
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 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, LEAs, or any other entities or individuals.
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 applies to the USBE and LEAs.

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

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

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

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

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

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

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, LEAs, or any other entities or individuals.

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

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

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

The State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Article X, Section 3	Section 53E-6-506	Subsection 53E-3-401(4)
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Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.**

A. Comments will be accepted until:	02/02/2026
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10. This rule change MAY become effective on:	02/09/2026
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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:	12/15/2025
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R277. Education, Administration.**R277-213. Request for Licensure Reinstatement and Reinstatement Procedures.****R277-213-1. Authority, ~~and~~ Purpose, and Oversight Category.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
- (b) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and
- (c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah

Constitution and state law.

(2) The purpose of this rule is to establish procedures regarding educator license reinstatement.

(3) The standards and procedures of the Utah Administrative Procedures Act do not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

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

R277-213-2. Application for Reinstatement.

(1)(a) An individual with a suspended license, may request a review to consider reinstatement of the license.

(b) A request for review described in Subsection (1)(a) shall:

- (i) be in writing;
- (ii) be submitted to the UPPAC Executive Secretary; and
- (iii) have the following information:

(A) name and address of the individual requesting review;

(B) the action being requested;

(C) specific evidence and documentation of compliance with terms and conditions of any remedial or disciplinary requirements or recommendations from UPPAC or the Board;

(D) reasons that the individual seeks reinstatement; and

(E) signature of the individual requesting review or the individual's attorney.

~~(2)(a) The Executive Secretary shall review the request with UPPAC.~~

~~(b) If UPPAC determines that the request is incomplete or invalid:~~

~~(i) the Executive Secretary shall deny the request; and~~

~~(ii) notify the individual requesting reinstatement of the denial.~~

~~(c) If UPPAC determines that~~ If the request of an individual described in Subsection (1) is complete, timely, and appropriate, the Executive Secretary shall schedule and hold a hearing as soon as practicable in accordance with ~~[the provisions of]~~ Section R277-213-3.

(3) An educator may file a request for reinstatement at any time one year ~~[prior to]~~ before the expiration of the suspension period if the educator has completed the requirements identified in the educator's consent to discipline or hearing report.

(4)(a) ~~[Burden of Persuasion:]~~ The burden of persuasion at a reinstatement hearing shall fall on the individual seeking reinstatement.

(b) An individual requesting reinstatement of a suspended license shall:

- (i) show sufficient evidence of compliance with any conditions imposed in the past disciplinary action;

(ii) provide sufficient evidence to the reinstatement hearing panel that the educator will not engage in recurrences of the actions that gave rise to the suspension and that reinstatement is appropriate;

(iii) undergo a criminal background check and re-enroll, if necessary, in the FBI Rapback system not more than six months ~~prior to~~ before the requested hearing; and

(iv) provide materials for review by the hearing panel that demonstrate the individual's compliance with directives from UPPAC or the Board found in petitioner's original consent to discipline or hearing report.

(c) An individual requesting reinstatement shall show sufficient evidence of completion of a rehabilitation or remediation program, if applicable, when requesting reinstatement.

(5) An individual whose license has been suspended or revoked in another state shall seek reinstatement of the individual's license in the other state before a request for a reinstatement hearing may be approved.

R277-213-3. Reinstatement Hearing Procedures.

(1) A hearing officer shall:

- (a) preside over a reinstatement hearing; and
- (b) rule on all procedural issues during the reinstatement hearing as they arise.

(2) A hearing panel, comprising individuals as set forth in Subsection R277-212-3(2), shall:

(a) hear the evidence; and

(b) along with the UPPAC attorney and hearing officer, question the individual seeking reinstatement regarding the appropriateness of reinstatement.

(3) An individual seeking reinstatement may:

- (a) be represented by counsel; and
- (b) may present evidence and witnesses.

(4) A party may present evidence and witnesses consistent with Rule R277-212.

(5) A hearing officer of a reinstatement hearing shall direct one or both parties to explain the background of a case to panel members at the beginning of the hearing to provide necessary information about the initial misconduct and subsequent UPPAC and Board action.

(6) An individual seeking reinstatement shall present documentation or evidence that supports reinstatement.

(7) The Executive Secretary, represented by a UPPAC attorney, shall present any evidence or documentation that explains and supports UPPAC's recommendation in the matter.

(8) Either party may present ~~Other~~ other evidence or witnesses ~~[may be presented by either party and shall be presented]~~ consistent with Rule R277-212.

(9) The individual seeking reinstatement shall:

- (a) focus on the individual's actions, rehabilitative efforts, and performance following suspension;
- (b) explain item by item how each condition of the hearing report or consent to discipline was satisfied;
- (c) provide documentation in the form of evaluations, reports, or plans, as directed by the hearing report or consent to discipline, of

satisfaction of all required and outlined conditions;

(d) be prepared to completely and candidly respond to the questions of the UPPAC attorney and hearing panel regarding:

- (i) the misconduct that caused the license suspension;
- (ii) subsequent rehabilitation activities;
- (iii) counseling or therapy received by the individual related to the original misconduct; and

(iv) work, professional actions, and behavior between the suspension and reinstatement request;

(e) present witnesses and be prepared to question witnesses, ~~[including counselors, current employers, support group members]~~, at the hearing who can provide substantive corroboration of rehabilitation or current professional fitness to be an educator; and

(f) provide copies of all reports and documents to the UPPAC attorney and hearing officer at least five days before a reinstatement hearing; ~~and~~

~~(g) bring eight copies of all documents or materials that an individual seeking reinstatement plans to introduce at the hearing].~~

(10) The UPPAC attorney, the hearing panel, and hearing officer shall thoroughly question the individual seeking reinstatement as to the individual's:

- (a) underlying misconduct which is the basis of the sanction on the educator's license;
- (b) specific and exact compliance with reinstatement requirements;
- (c) counseling, if required for reinstatement;
- (d) specific plans for avoiding previous misconduct; and
- (e) demeanor and changed understanding of petitioner's professional integrity and actions consistent with Rule R277-217.

(11) If the individual seeking reinstatement sought counseling as described in Subsection (10)(c), the individual shall state, under oath, that ~~he~~ they provided all relevant information and background to ~~his~~ their counselor or therapist.

(12) A hearing officer shall rule on procedural issues in a reinstatement hearing in a timely manner as they arise.

(13) No more than 20 days following a reinstatement hearing, a hearing officer, with the assistance of the hearing panel, shall:

- (a) prepare a hearing report in accordance with the requirements set forth in Section R277-213-5; and
- (b) provide the hearing report to the UPPAC Executive Secretary.

(14) The Executive Secretary shall submit the hearing report to UPPAC at the next meeting following receipt of the hearing report by the Executive Secretary.

(15) UPPAC may do the following upon receipt of the hearing report:

- (a) accept the hearing panel's recommendation as prepared in the hearing report;

NOTICES OF PROPOSED RULES

(b) amend the hearing panel's recommendation with conditions or modifications to the hearing panel's recommendation which shall be:

- (i) directed by UPPAC;
- (ii) prepared by the UPPAC Executive Secretary; and
- (iii) attached to the hearing report; or
- (c) reject the hearing panel's recommendation.

(16) After UPPAC makes a recommendation on the hearing panel report, the UPPAC recommendation ~~[-will be forwarded]~~ the Executive Secretary shall forward the recommendation to the Board for final action on the individual's reinstatement request.

(17) If the Board reinstates an educator's license, the Executive Secretary shall:

- (a) update CACTUS or USIMS to reflect the Board's action; and
- (b) report the Board's action to the NASDTEC Educator Information Clearing house.

(18) The Executive Secretary shall send notice of the Board's decision no more than 30 days following Board action to:

- (a) the educator;
- (b) the educator's former LEA.

R277-213-4. Rights of a Victim at a Reinstatement Hearing.

(1) If the allegations that gave rise to the underlying suspension involve abuse of a sexual or physical nature, UPPAC shall make reasonable efforts to notify the victim or the victim's family of the reinstatement request.

(2) ~~[A]~~ UPPAC's notification described in Subsection (1) shall:

- (a) advise the victim or the victim's family that a reinstatement hearing has been scheduled;
- (b) notify the victim or the victim's family of the date, time, and location of the hearing;
- (c) advise the victim or the victim's family of the victim's right to be heard at the reinstatement hearing; and
- (d) provide the victim or the victim's family with a form upon which the victim can submit a statement for consideration by the hearing panel.

(3) A victim entitled to notification of the reinstatement proceedings shall be permitted:

- (a) to attend the hearing; and

(b) to offer the victim's position on the educator's reinstatement request, either by testifying in person or by submitting a written statement.

(4) A victim choosing to testify at a reinstatement hearing shall be subject to reasonable cross examination in the hearing officer's discretion.

(5) A victim choosing not to respond in writing or appear at the reinstatement hearing waives the victim's right to participate in the reinstatement process.

R277-213-5. Reinstatement Hearing Report.

(1) A hearing officer shall provide the following in a reinstatement hearing report:

- (a) a summary of the background of the original disciplinary action;
- (b) adequate information, including summary statements of evidence presented, documents provided, and petitioner's testimony and demeanor for both UPPAC and the Board to evaluate petitioner's progress and rehabilitation since petitioner's original disciplinary action;
- (c) the hearing panel's conclusions regarding petitioner's appropriateness and fitness to be a public school educator again;
- (d) the hearing panel's recommendation;
- (e) a statement indicating whether the hearing panel's recommendation to UPPAC was unanimous or identifying how the panel members voted concerning reinstatement; and
- (f) if the recommendation is to deny the reinstatement request, a recommended time period the educator must wait and requirements the educator must complete, if any, before requesting another reinstatement hearing.

(2)(a) The hearing panel report is a public document under GRAMA following the conclusion of the reinstatement process unless specific information or evidence contained therein is protected by a specific provision of GRAMA, or another provision of state or federal law.

(b) The Executive Secretary shall add the hearing panel report to the UPPAC case file.

(3) If a license is reinstated, an educator's CACTUS or USIMS file shall be updated to:

- (a) remove the flag;
- (b) show that the educator's license was reinstated; and
- (c) show the date of formal Board action reinstating the license.

R277-213-6. Reinstatement from Revocation of License.

(1) The Executive Secretary shall deny any request for a reinstatement hearing for a revoked license unless the educator's stipulated agreement or revocation order from the Board allows the educator to request a reinstatement hearing consistent with the law at the time of the revocation.

(2) An educator may request that the Superintendent order a reconsideration of the prior Board licensing action if:

- (a) an educator provides:
 - (i) evidence of mistake or false information that was critical to the revocation action; or
 - (ii) newly discovered evidence:
 - (A) that undermines the revocation determination; and
 - (B) that the educator could not have reasonably obtained during the original disciplinary proceedings; or

(b) an educator identifies material procedural Board error in the revocation process.

(3) A request for reconsideration by the Superintendent must be filed within 30 days of Board action for circumstances identified in Subsection (2)(a)(i) or (b).

(4) A request for reconsideration by the Superintendent must be filed within 90 days of discovery of the new evidence for circumstances identified in Subsection (2)(a)(ii).

(5) The Superintendent:

(a) shall make a determination on a request made under Subsection (2) within 60 days; and

(b) may request briefing from the educator and the UPPAC attorney in making a determination.

(6) If the Superintendent finds that the criteria in Subsection (2)(a) have been established, the Superintendent shall make a recommendation to direct UPPAC to conduct a new hearing consistent with Rule R277-212.

(7) If the Superintendent finds that the criteria in Subsection (2)(b) have been established, the Superintendent shall recommend to the Board that they reconsider their previous action.

KEY: licensure, reinstatement, hearings

Date of Last Change: 2026[February 7, 2020]

Notice of Continuation: December 15, 2025

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

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-214

Filing ID: 57723

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:
R277-214. Criminal Background Review
4. Purpose of the new rule or reason for the change:
The rule amendments add an oversight category and make other updates to the Utah Professional Practices Commission (UPPAC) criminal background review process.
The use of oversight categories will be phased out with the repeal of Rule R277-111, which is published in this same edition of the <i>Utah State Bulletin</i> . However, due to the schedule of board approvals, some rules are required to have an oversight category added during the transitional period.
(EDITOR'S NOTE: The proposed repeal of Rule R277-111, ID 57719, is in this issue, January 1, 2026, of the Bulletin.)
5. Summary of the new rule or change:
The oversight category is specified as "exempt".
The amendments also add clarification related to the procedures for initial submission and evaluation of information.

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, Local Education Agencies (LEAs), or any other entities or individuals.

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, LEAs, or any other entities or individuals.

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 applies to the USBE and LEAs.

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

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

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

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

The oversight framework categorization is part of 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, LEAs, or any other entities or individuals.

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, LEAs, or any other entities or individuals.

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

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

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

The State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Article X, Section 3	Section 53E-6-506	Subsection 53E-3-401(4)
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Public Notice Information

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

A. Comments will be accepted until:	02/02/2026
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10. This rule change MAY become effective on:	02/09/2026
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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:	12/15/2025
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R277. Education, Administration.

R277-214. Criminal Background Review.

R277-214-1. Authority, ~~and~~ Purpose, and Oversight Category.

(1) This rule is authorized by:

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

(b) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and

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

(2) The purpose of this rule is to establish procedures for evaluation of a licensure applicant's criminal background review.

NOTICES OF PROPOSED RULES

(3) If a licensed educator is charged with a misdemeanor or felony after receiving a license under Rule R277-301, the Executive Secretary shall review the matter with UPPAC in accordance with Rule R277-211 to determine how to proceed.

(4) The standards and procedures of the Utah Administrative Procedures Act do not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

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

R277-214-2. Initial Submission and Evaluation of Information.

(1) The Executive Secretary shall review all information received as part of a criminal background review.

(2) The Executive Secretary may request any of the following information from an educator in determining how to process a criminal background review:

(a) a letter of explanation for each reported offense that details the circumstances, the final disposition, and any explanation for the offense the applicant may want to provide UPPAC, including any advocacy for approving licensing;

(b) official documentation regarding each offense, including court records and police reports for each offense, or if both court records and police reports are not available, a letter ~~[on official police or court stationery]~~ from the appropriate court or police department involved, explaining why the records are not available; and

(c) any other information that the Executive Secretary considers relevant under the circumstances in a criminal background review.

(3)(a) The Executive Secretary may only process a criminal background review after receipt of all letters of explanation and documentation requested in good faith by the Executive Secretary.

(b) The Executive Secretary shall provide timely notice if the information provided by an applicant is incomplete.

(4) If an applicant is under court supervision of any kind, including parole, informal or formal probation, or plea in abeyance, the Executive Secretary may not process the background check review until the Executive Secretary receives proof that court supervision has terminated.

(5) It is the applicant's sole responsibility to provide any requested material to the Executive Secretary.

(6) The Executive Secretary shall process criminal background reviews subject to the following criteria:

(a) the Executive Secretary may clear a criminal background review without further action if the arrest, citation, or charge resulted in a dismissal, unless the dismissal resulted from a plea in abeyance agreement;

(b) the Executive Secretary shall forward a recommendation to clear the following criminal background reviews directly to the Board:

(i) singular offenses committed by an applicant, excluding offenses identified in Subsection (6)(c), if the offense occurred more than two years ~~[prior to]~~ before the date of submission to UPPAC for review;

(ii) two offenses committed by an applicant, excluding offenses identified in Subsection (6)(c), if both offenses occurred more than two years ~~[prior to]~~ before the date of submission to UPPAC for review; or

(iii) more than two offenses committed by the applicant, excluding offenses identified in Subsection (6)(c), if all offenses occurred more than five years ~~[prior to]~~ before the date of submission to UPPAC for review;

(c) the Executive Secretary shall forward the following criminal background reviews to UPPAC, which shall make a recommendation to the Board for final action:

(i) any offense where the offense date occurred less than two years ~~[prior to]~~ before the date of submission to UPPAC;

(ii) more than two offenses where at least one offense occurred less than five years ~~[prior to]~~ before the date of submission to UPPAC;

(iii) any felony;

(vi) any sex-related or lewdness offense;

(v) any alcohol-related offense or drug-related offense where the offense date was less than five years ~~[prior to]~~ before the date of submission to UPPAC;

(vi) any offense involving children in any way; and

(vii) any other matter which in the Executive Secretary's discretion, warrants review by UPPAC before consideration by the Board; and

(d) If a criminal background review involves a conviction for an offense identified in Subsection 53E-6-603(2) or an applicant meeting the definition of sex offender under Subsection ~~[77-41-102(17)]~~ 53-29-101(15), the Executive Secretary shall forward a recommendation to the Board that clearance be denied.

(7) If, as a result of a criminal background review, it is discovered that an applicant has been convicted of a misdemeanor offense, there is a rebuttable presumption that the following shall apply:

(a) for a single conviction, the individual shall be denied clearance for a period of one year from the date of the conduct giving rise to the charge;

(b) for two convictions:

(i) the individual shall be denied clearance for a period of two years from the date of the conduct giving rise to the most recent charge; and

(ii) if both offenses are alcohol-related offenses or drug-related offenses, the applicant shall present documentation of clinical assessment and recommended treatment before being considered for clearance; and

(c) for three convictions:

(i) the applicant shall be denied clearance for a period of five years from the date of the conduct giving rise to the most recent charge; and

(ii) if two or more of the offenses are alcohol-related offense or drug-related offenses, the applicant shall present documentation of clinical assessment and recommended treatment before being considered for clearance.

(8) UPPAC or the Board may deviate from the presumptions specified in Subsection (7) if aggravating or mitigating circumstances apply, as set forth in Section R277-215-3.

(9) The Executive Secretary shall use reasonable discretion to interpret the information received from the Bureau of Criminal Identification to comply with ~~the provisions of~~ this rule.

(10) If a criminal background review arises as a result of conduct that was cleared in a prior criminal background review by the Executive Secretary, UPPAC, or the Board, the prior action shall be deemed final, and the Executive Secretary shall clear the criminal background review.

R277-214-3. Board Review and Appeals.

(1) In Board consideration of recommendations of the Executive Secretary and UPPAC for a criminal background review, the following shall apply:

- (a) the Board shall consider a criminal background review in accordance with the standards described in Section 53E-6-603;
- (b) the Board may uphold the recommendation of the Executive Secretary or UPPAC; or
- (c) the Board may substitute its own judgment in lieu of the recommendation of the Executive Secretary or UPPAC.

(2) If a criminal background review results in an applicant's denial, the Executive Secretary shall provide notice as required by Subsection 53E-6-603(4)(a).

(3) If an applicant requests a hearing in accordance with Subsection 53E-6-603(4)(b), the Executive Secretary shall schedule a hearing within 90 days.

(4) During a hearing on a criminal background review a hearing panel, composed in the same manner as provided for expedited hearings in Subsection R277-210-2(21) shall hear the evidence.

(5) the applicant, or applicant's attorney, and a UPPAC attorney, may present evidence at a hearing, including:

- (a) documents submitted to the Executive Secretary in accordance with Subsection R277-214-2(2); and
- (b) relevant evidence or witnesses related to:
 - (i) the facts surrounding the criminal offenses at issue; and
 - (ii) the applicant's character and conduct since the time of the offense.

(6) The applicant shall have the burden of persuasion by a preponderance of evidence that the applicant is fit for licensure as an educator.

(7) Following the hearing, the hearing officer, with the assistance of the hearing panel, shall prepare a hearing report within 20 days setting forth findings of fact and recommendations in accordance with Subsection 53E-6-603(1).

(8)(a) The Executive Secretary shall submit the matter to UPPAC at the next available meeting following preparation of the report.

(b) UPPAC may:

- (i) approve the hearing report; or
- (ii) direct the Executive Secretary to prepare an addendum modifying the hearing recommendation and specifying the evidence supporting the modification.

(9) Following UPPAC's recommendation under Subsection (6), the Executive Secretary shall forward the hearing report to the Board.

(10) The Board shall consider the recommendation submitted under Subsection (7) and within a reasonable time shall:

- (a) adopt the UPPAC recommendation; or
- (b) issue an alternate written determination and action based on the findings of fact made in the hearing report, if the Board disagrees with the UPPAC recommendation.

KEY: educator licenses, background reviews, background checks

Date of Last Change: ~~2026~~**May 24, 2024**

Notice of Continuation: December 15, 2025

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

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-216

Filing ID: 57724

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:
R277-216. Surrender of License with UPPAC Investigation Pending
4. Purpose of the new rule or reason for the change:
<p>The rule amendments add an oversight category and also add clarification to the Utah Professional Practices Advisory Commission's (UPPAC's) process when a license is surrendered with an investigation pending.</p> <p>The use of oversight categories will be phased out with the repeal of Rule R277-111, which is published in this same edition of the <i>Utah State Bulletin</i>. However, due to the schedule of board approvals, some rules are required to have an oversight category added during the transitional period.</p> <p>(EDITOR'S NOTE: The proposed repeal of Rule R277-111, ID 57719, is in this issue, January 1, 2026, of the Bulletin.)</p>
5. Summary of the new rule or change:
<p>The oversight category for Section R277-216-2 is "category 4" and the oversight category for Section R277-216-3 is "exempt".</p> <p>The amendments also make specific updates related to the procedures when making a petition to surrender a license.</p>

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, Local Education Agencies (LEAs), or any other entities or individuals.</p>
B. Local governments:
<p>This rule change is not expected to have fiscal impact 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, LEAs, or any other entities or individuals.</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>This only affects the USBE and LEAs.</p>

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, LEAs, or any other entities or individuals.

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, LEAs, or any other entities or individuals.

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

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

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

The State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Article X, Section 3	Section 53E-6-506	Subsection 53E-3-401(4)
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Public Notice Information

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

A. Comments will be accepted until:	02/02/2026
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10. This rule change MAY become effective on:	02/09/2026
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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:	12/15/2025
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R277. Education, Administration.**R277-216. Surrender of License with UPPAC Investigation Pending.****R277-216-1. Authority, ~~and~~ Purpose, and Oversight Category.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
- (b) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and
- (c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah

Constitution and state law.

(2) The purpose of this rule is to establish procedures for Board consideration of an educator request to surrender a license in the face of a UPPAC investigation.

(3) The standards and procedures of the Utah Administrative Procedures Act do not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

(4)(a) With regards to Section R277-216-2, this rule is categorized as Category 4 as described in Rule R277-111.

(b) With regards to Section R277-216-3, this rule is categorized as exempt as described in Rule R277-111.

R277-216-2. Petition to Surrender.

(1) An educator may surrender an educator license at any point ~~[prior to]~~before final Board action on the recommendation from a UPPAC investigation.

(2) An educator who requests to surrender an educator license under Subsection (1), shall submit a petition to UPPAC for submission to the Board, which shall include:

- (a) a brief statement of the procedural history of the investigation leading up to the voluntary surrender;
- (b) a statement that the educator is entitled to due process in UPPAC's investigation and that the educator freely and voluntarily waives the educator's due process rights, including:

- (i) a right to a hearing;
- (ii) a right to confront and cross examine witnesses;
- (iii) a right to present witnesses;
- (iv) a right to an impartial decision based upon evidence presented at the hearing; and
- (v) a right to subpoena witnesses; and
- (c) a statement that the educator surrenders the educator's license freely and voluntarily and without coercion or duress;
- (d) a statement that the educator:

- (i) is represented by counsel; or
- (ii) understands the educator's right to be represented by counsel and knowingly and voluntarily waives the assistance of counsel in UPPAC's investigation;

(e) a statement that the educator is fully aware of the implications of surrendering the educator's license with an investigation pending, including:

- (i) that the educator may not work, consult, or volunteer in any K-12 public school in the ~~[state of]~~ Utah in any capacity;
- (ii) that the educator is not eligible for a reinstatement hearing at any time;
- (iii) that UPPAC ~~[files]~~case file and case resolution are subject to public disclosure in accordance with state and federal law;
- (iv) that notification of the educator's license surrender will be shared with all states through NASDTEC; and
- (v) except as provided in Subsection (3), that notification of the educator's license surrender will be:
 - (A) classified and reported as a voluntary surrender (UPPAC investigation); and
 - (B) shared with LEAs throughout the state.

(3) If an educator surrenders a license during an investigation of allegations described in Subsection 53E-6-604(5)(b), the surrender will be:

- (a) classified and reported as a revocation; and
- (b) shared with LEAs through the state.
- (4)(a) Voluntary surrender of a license as set forth in this section is permanent.
- (b) An educator who surrenders a license as set forth in this section is not eligible for a reinstatement hearing at any time.

R277-216-3. Review of Petition to Surrender.

(1)(a) Upon receiving a petition as provided in Subsection R277-216-2(2), the Executive Secretary shall review the request for surrender to determine if it meets the requirements set forth in the rule.

(b) If the requirements of Subsection R277-216-2(2) are not met, the Executive Secretary shall notify the educator that the request is insufficient and the reasons why the request is insufficient.

(c) If the requirements of Subsection R277-216-2(2) are met, the Executive Secretary shall notify the Board of the voluntary surrender and request direction on whether to continue the investigation.

(2) Upon receipt of a voluntary surrender of an educator license, the Executive Secretary shall:

(a) notify the educator:

(i) that the voluntary surrender was received;

(ii) whether the Board required UPPAC to continue the investigation;

(iii) that the voluntary surrender will be reported in the public record as a voluntary surrender with pending UPPAC investigation except as provided in Subsection R277-216-2(3);

(iv) that the voluntary surrender will be reported to NASDTEC and to LEAs throughout the state; and

(v) that the educator's license cannot be reinstated at any time.

(b) update the educator's licensing file in CACTUS or USIMS to reflect the disposition;

(c) report the disposition to NASDTEC;

(d) notify the educator's last employer of record;

(e) report the disposition to LEAs through the state; and

(f) provide the educator a copy of the report to LEAs described in Subsection (2)(e).

R277-216-4. Applicability of Rule.

This Rule R277-216 does not apply to an educator's voluntary surrender of the educator's license if the educator is not under investigation by UPPAC.

KEY: educators, license surrender, UPPAC

Date of Last Change: 2026[April 8, 2024]

Notice of Continuation: December 15, 2025

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

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-477

Filing ID: 57725

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:**

R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program

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

The rule amendments make several updates involving the distributions of funds from the trust distribution account and administration of the School LAND Trust Program.

5. Summary of the new rule or change:

The amendments update terminology, including adding a definition for "academic".

The amendments also update the program requirements for charter schools, school land trust funding requirements to receive funds for the upcoming school year, plan amendments, final reports, and compliance review procedures.

A new program requirement has been added that specifies the director of a charter school must provide an annual report to the charter council or board council that summarizes the current safety principles and practices used by the Local Education Agency (LEA) and school to facilitate the charter council's responsibilities.

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 change refines the responsibilities of the Utah State Board of Education (USBE) regarding oversight and distribution of funds.

These changes utilize existing staff and the existing School LAND Trust (SLT) reporting website and has no measurable impact on the USBE budgets or other state agencies.

B. Local governments:

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

Local Education Agencies (LEAs) are able to increase spending on student incentives, and penalties for non-compliance are clarified. These changes do not cause a measurable impact for LEAs as the increased flexibility for student incentives does not require additional expenditures or 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 USBE and LEAs.

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

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

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

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

This only impact the USBE and LEAs.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The rule change refines the responsibilities of the USBE regarding oversight and distribution of funds.

These changes utilize existing staff and the existing School LAND Trust (SLT) reporting website and has no measurable impact on the USBE budgets or other state agencies.

Changes to student incentive limits do not cause a measurable impact for LEAs as the increased flexibility for student incentives does not require additional expenditures or 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	Section 53E-3-401	Section 53F-2-404
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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:	02/02/2026
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10. This rule change MAY become effective on:	02/09/2026
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:	12/15/2025
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R277. Education, Administration.**R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program.****R277-477-1. Authority, Purpose, and Oversight Category.**

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53F-2-404(2)(d), which allows the Board to adopt rules regarding the time and manner in which a student count shall be made for allocation of funds; and
 - (c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
- (2) In accordance with Section 53D-2-202, through representation on the Land Trusts Protection and Advocacy Committee, the Board exercises trust oversight of:
 - (a) the Common School Trust;
 - (b) the School for the Deaf Trust; and
 - (c) the School for the Blind Trust.
- (3) The Board implements the School LAND Trust program and provides oversight, support, and training for school community councils and Charter Trust Land Councils consistent with Sections 53G-7-1205, 53G-7-1206, Rule R277-491, and this Rule R277-477.
- (4) The purpose of this rule is to:
 - (a) provide financial resources to a public school to implement a component of a school's Teacher and Student Success Plan to enhance and improve student academic achievement;
 - (b) provide a means to involve a parent of a school's student in decision-making regarding the expenditure of School LAND Trust program funds allocated to the school;
 - (c) provide direction in the distribution of funds from the Trust Distribution Account, as funded in Section 53F-2-404;
 - (d) provide for appropriate and adequate oversight of the expenditure and use of funds by an approving entity, school administration, and the Board;
 - (e) provide for proper allocation of funds as stated in Section 53F-2-404, and the appropriate and timely distribution of the funds;
 - (f) enforce compliance with statutory and rule requirements, including the responsibility for a school community council to notify school community members regarding the use of funds; and
 - (g) define the roles, duties, and responsibilities of the Superintendent with regards to the School Children's Trust.
- (5) This Rule R277-477 is categorized as Category 4 as described in Rule R277-111.

R277-477-2. Definitions.

- (1) "Academic" means an area listed or defined within the official Utah core standards for k-12 education, including:
 - (a) a learning objective;
 - (b) a skill;
 - (c) a concept; or
 - (d) a subject area.
- ~~_____ (1) "Approving entity" means a school district board or a budget officer whom the school governing board appoints consistent with Section 53G-7-1206.]~~
- (2) "Board plan approval meeting" means the meeting when the LEA governing board approves a school plan for the upcoming school year.
- (3) "Board council" means a charter school governing board serving as the charter council wherein the parents or grandparents of students attending the school constitute a majority exceeding all other board members by at least two as defined in Section 53G-7-1205.
- (4) "Budget officer" means an individual appointed by a charter school governing board in accordance with Section 53G-7-1206.
- (5) "Carry-over limit" means any unexpended funds at the end of a school year, which exceed 10% of a school's current year distribution or \$5,000, whichever is greater.
- (6) "Charter council" means an elected council for a charter school, serving as its school community council, where its parent members are elected by parents of students attending the charter school, and at least two more members are parents of students attending the charter school than all other members combined.
- ~~_____ (3)(a) "Charter trust land council" means a council comprised of a two person majority of parents or grandparents of students attending the charter school, elected by parents of students attending the charter school, convened to act in lieu of the school community council for the charter school.~~
- ~~_____ (b) "Charter trust land council" includes a charter school governing board if:~~
 - ~~_____ (i) the charter governing board meets the two parent majority requirement; and~~
 - ~~_____ (ii) the charter school governing board chooses to serve as the charter trust land council.]~~

- ([4]7) "Council" means a school community council, ~~or a charter trust land~~ a charter council, or a board council.
- ([5]8) "Council plan approval meeting" means the meeting where a ~~charter trust land council or school community~~ council approves the school plan for the upcoming school year.
- (9)(a) "District liaison" means an individual authorized by an LEA governing board to fulfill program-related responsibilities under the board's supervision.
- (b) A "district liaison" may not approve school plans in place of an LEA governing board.
- ([6]10) "Fall enrollment report" means the audited census of students registered in Utah public schools as reported in the audited October 1 Fall Enrollment Report of the previous year.
- ([7]11) "Funds" means School LAND Trust program funding as defined in Section 53F-2-404.
- ([8]12) "Most critical academic need" means an academic need, consistent with the core standards in Rule R277-700, identified by a council through the annual review of school-wide assessment data and other relevant indicators.
- ([9]13) "Newly opened charter school" means a charter school in its first two years of operation.
- ([10]14) "Newly opened satellite school" means a satellite school in its first two years of operation.
- (15) "Non-academic activity" means an activity, item, or use of funds that does not have a direct impact on a learning objective, skill, concept, or subject area within the official Utah core standards for k-12 education.
- ([14]16) "Parent," for a charter school, includes a grandparent of a student currently enrolled at the school.
- ([12]17)(a) "Principal" means: ~~an administrator licensed as a principal in the state~~
- (a) a licensed educator with a school leadership license area of concentration ~~and~~ employed ~~in that capacity~~ at a school~~;~~ or
- (b) ~~["Principal" includes t]The director or principal of a charter school who serves as the administrator of the school.~~
- ([13]18) "Satellite charter school" has the same meaning as that term is defined in Section R277-550-2.
- (19) "SLT reporting website" means the School LAND Trust reporting website.
- ([14]20) "Student" means a child in public school grades kindergarten through 12 counted on the fall enrollment report of an LEA.
- ([15]21) "Teacher and Student Success Plan" or "TSSP" means the plan required of each school under Section 53G-7-1305.
- ([16]22) "Trust Distribution Account" means the restricted account within the Uniform School Fund created under Subsection 53F-9-201(2).
- ([17]23) "UPEFS" means the Utah Public Education Finance System.
- ~~[(18) "Website" means the School LAND Trust website.]~~

R277-477-3. Program Requirements for Charter Schools.

- (1) A charter school that elects to receive School LAND Trust funds shall have a charter ~~trust land~~ council or board council consistent with Section 53G-7-1205.
- (2) A ~~Charter Board and a Charter Trust Lands Council~~ charter school governing board and a charter council shall receive training about Section 53G-7-1206 and this rule.
- (3) A charter governing board ~~that is not the charter trust land council~~ shall establish a process for the election of the charter ~~trust land~~ council that includes:
- the number of parent or grandparent members, the number of 'other members', and the definition of each 'other member' to be elected to serve on the council;
 - the terms of each position;
 - a timeframe for the election;
 - a process for noticing and conducting the election of council members elected by parents of students enrolled at the charter school consistent with Section R277-477-2; and
 - the process for filling unfilled seats following an election or when a member resigns.
- (4) In the election process, if the number of candidates who file for a position on a charter trust land council is less than or equal to the number of open positions, an election is not required.
- (5) A charter ~~trust land~~ council ~~that is not a charter governing board~~ shall:
- be subject to Section 53G-7-1203;
 - ~~have parent or grandparent members elected by parents of students attending the charter school;~~ and
 - ~~post the following items on the school's website by October 20 annually:~~
 - an invitation to parents to serve on the ~~Charter Trust Land Council~~ charter council;
 - the election process to establish a ~~Charter Trust Land Council~~ charter council consistent with this section;
 - the dollar amount the school receives each year from the School LAND Trust program;
 - a copy or link to the current Teacher and Student Success Plan;
 - approved minutes of ~~Charter Trust Land Council~~ charter council meetings for at least a year;
 - the proposed council meetings scheduled for the school year;
 - a means to contact the members of the school's ~~Charter Trust Land Council~~ charter council directly;
 - a link or copy of the final reports of the school for the last two years, as required by Subsection 53G-7-1206(5); and
 - a link or copy of the school plan for the current year.
- (6) The principal of a charter school ~~that elects to receive School LAND Trust funds~~ shall submit a plan, approved by the school's governing board~~;~~ and the charter school budget officer on the School LAND Trust website:
- no later than May 1; or
 - for a newly opening charter school, no later than November 1 in the school's first year to receive funding in the year the newly opening charter school opens.

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(7)(a) The director of a charter school shall provide an annual report to the charter council or board council that summarizes the current safety principles and practices used by the LEA and school to facilitate the charter council's responsibilities under Subsection 53G-7-1205(7).

(b) The report described in Subsection (7)(a) shall include:

(i) information concerning internet filtering protocols for school and district devices that access the internet;

(ii) local instructional practices, monitoring, and reporting procedures; and

(iii) internet safety training provided to students and parents.

R277-477-4. School LAND Trust [Plan Submission and Approval]Funding Requirements.

(1) A public school receiving School LAND Trust program funds shall have:

(a) a school community council as required by Section 53G-7-1202 and Rule R277-491;[~~or~~]

(b) a charter [school trust land]council as required by Section 53G-7-1205[~~7~~]; or

(c) a charter board council as required by Section 53G-7-1205.

(2) Notwithstanding Subsection (1)[~~(a)~~], the USDB Advisory Council may fill the responsibilities of a school community council for USDB.

[~~(3) A public school receiving School LAND Trust program funds shall submit a membership form demonstrating compliance with the required membership in Subsection (1) that includes a principal assurance consistent with Subsection 53G-7-1206(3)(c) by October 20 annually.~~]

(4)(a) To receive funds, the principal of a public school shall submit a School LAND Trust plan to the approving entity annually through the School LAND Trust website using the form provided.

(b) The Board may grant an exemption to a school using the Superintendent provided form, described in Subsection (4)(a), on a case-by-case basis.]

(3) To qualify to receive funds for an upcoming school year, a school's principal shall:

(a) submit a Council Membership Form on the SLT reporting website demonstrating compliance with the required membership in Subsection (1) by October 20 annually;

(b) submit a Principal Assurance Form on the SLT reporting website consistent with Subsection 53G-7-1206(3)(c) by October 20 annually;

(c) complete all school website requirements consistent with Subsection R277-477-3(5)(c) for charter schools or Subsection R277-491-4(2) for district schools by October 20 annually;

(d) submit a final report for the prior school year, approved by the budget officer or district liaison on the form provided through the SLT reporting website;

(e) submit a School LAND Trust plan for the upcoming school year through the SLT reporting website consistent with Subsection 53G-7-1205(4); and

(f) ensure all council members have an opportunity to provide a signature verifying their involvement consistent with Subsection (4).

([~~5~~4)(a) The principal of a school shall ensure that a council member has an opportunity to provide a signature indicating the member's involvement in implementing the current School LAND Trust plan and developing the school plan for the upcoming year.

(b) The principal shall collect a council member's signature at the Council plan approval meeting or at a later time consistent with LEA policies.

(c) A school shall retain signatures collected under Subsection ([~~5~~4)(b) for no less than three years.

(d) A school shall provide copies of signatures collected under Subsection ([~~5~~4)(b) to the LEA governing board before the Board plan approval meeting.

(e) [~~An approving entity~~]A governing board or designee may design the [~~approving entity's~~]LEA's own form to collect the information required by this Subsection ([~~5~~4).

(f) A [~~charter~~]board [~~that serves as a charter trust land~~]council is exempt from the requirement of collecting signatures as outlined in this Subsection ([~~5~~4)(b).

([~~6~~5)(a) [~~An approving entity for a district school or a charter school shall~~]A district liaison or a budget officer shall collaborate with the LEA governing board to establish a timeline, including a deadline, for a school to submit a school's School LAND Trust plan on the SLT reporting website.

(b) A timeline described in Subsection ([~~6~~5)(a) shall[~~7~~] require a School LAND Trust plan to be ready for review by the Superintendent no later than May 15 for a district school or May 1 for a charter school, allowing sufficient time for the LEA governing board, through the district liaison, and budget officer to approve the plan or return the plan to the school's council for any necessary edits before resubmission and approval.

[~~(i) require a school's School LAND Trust plan to be submitted to the approving entity with sufficient time so that the approving entity may approve the school's School LAND Trust plan no later than May 15 of each year for a district school or May 1 of each year for a charter school; and~~]

(ii) allow sufficient time for a council to reconsider and amend the council's School LAND Trust plan if the approving entity rejects the school's plan and still allow the school to meet the May 15 date for a district school or May 1 for a charter school consistent with this subsection.

(7)(a) An approving entity:]

(6)(a) An LEA governing board and budget officer:

(i) shall consider a plan annually; and

(ii) may approve or disapprove a school plan.

(b) If an ~~[approving entity does]~~ LEA governing board and budget officer do not approve a plan, ~~[the approving entity] they~~ shall:

(i) provide a written explanation ~~for the disapproval~~ ~~[why the approving entity did not approve the plan]~~; and

(ii) request that the school revise the plan, consistent with Subsection 53G-7-1206(4)(d).

~~[(8)7](a)~~ After an ~~[approving entity has completed the approving entity's review]~~ LEA governing board has completed the plan review, the ~~[approving entity shall notify the Superintendent that the review is complete]~~ budget officer or district liaison shall enter the date of the governing board approval in the SLT reporting website before approving the plan on the SLT reporting website on behalf of the governing board.

~~(b)~~ Subsequently, the budget officer shall perform an additional review in accordance with Subsections (6)(a)(i) through (ii).

~~(c)~~ Upon completion of Subsection (7)(b), the budget officer or district liaison shall notify the Superintendent that the LEA's reviews are complete and the plan is ready for the Superintendent's review.

~~[(9)8]~~ For ~~[an LEA] a school~~ to receive its full distribution in July, the ~~[LEA shall submit plans with all required approvals online]~~ school's plan shall be ready for Superintendent review no later than May 15 for a district school and May 1 for a charter school.

~~[(10)9](a)~~ Before approving a plan, ~~[an approving entity] an LEA governing board and budget officer~~ shall review a School LAND Trust plan ~~[under the approving entity's purview]~~ to confirm that a School LAND Trust plan contains:

~~[(i)]~~ academic goals;

~~[(ii)]~~ specific steps to meet the academic goals described in Subsection (11)(a)(i);

~~[(iii)]~~ measurements to assess improvement; and

~~[(iv)]~~ specific expenditures focused on student academic improvement needed to implement plan goals;

~~[(v)]~~ an explanation for any planned carry-over that exceeds one-tenth of a school's allocation in the plan; and

~~[(vi)]~~ the date a council approved the plan.]

~~[(i)]~~ priority academic areas listed in Subsection R277-477-5(3) or LEA-approved academic areas of greatest need for improvement;

~~[(ii)]~~ academic goal statements that align with the areas identified in Subsection (i) and have direct impact on student learning;

~~[(iii)]~~ measurement tools and baseline data for each academic area to assess progress and improvement toward the goals;

~~[(iv)]~~ specific action steps designed to achieve the academic goals;

~~[(v)]~~ detailed and specific expenditures to carry out the action steps and support academic improvement in the plan goals;

~~[(vi)]~~ an explanation for any planned carry-over that exceeds the school's applicable carry-over limit; and

~~[(vii)]~~ the date the council approved the plan, verified by the council vote that corresponds with the council membership in the Council Membership Form.

~~(b)~~ The ~~[approving entity] LEA governing board~~ shall determine whether a School LAND Trust plan is evidence-based and consistent with the approving entity's pedagogy, programs, and curriculum.

~~(c)~~ The president or chair of the ~~[approving entity] LEA governing board~~ shall provide training annually on the requirements of Section 53G-7-1206 and this rule to the members of the ~~[approving entity] LEA governing board, district business administrator, district liaison, and the budget officer.~~

~~[(14)10]~~ By approving a plan ~~[on the School LAND Trust website]~~, the ~~[approving entity] LEA governing board, budget officer, and district liaison~~ affirm[s] that:

~~(a)~~ the ~~[entity has reviewed the]~~ plan has been through all LEA-level reviews; and

~~(b)~~ the plan meets the requirements of statute and rule.

~~[(12)11](a)~~ After receiving the notice described in Subsection ~~[(10)7](c)~~, the Superintendent shall review each School LAND Trust plan for compliance with the law governing School LAND Trust plans.

~~(b)~~ The Superintendent shall report back to the ~~[approving entity] budget officer, district liaison or charter principal when [concerning which] School LAND Trust plans [were] are~~ found to be out of compliance with the law.

~~(c)~~ An ~~[approving entity] LEA governing board or the principal and budget officer for a charter school~~ shall ensure that a School LAND Trust plan that is found to be out of compliance with the law by the Superintendent is amended or revised by the council to bring the school's School LAND Trust plan into compliance with the law.

~~[(13)12]~~ A school shall implement a plan as approved.

~~[(14)13]~~ If an ~~[approving entity] LEA~~ fails to comply with Subsection ~~[(12)11](c)~~, ~~[Superintendent may report the failure to the Audit Committee of the Board as described in Section R277-477-8]~~ corrective action may be implemented consistent with Rule R277-114.

R277-477-5. Appropriate Use of School LAND Trust Program Funds.

~~[(1)]~~ Parents, teachers, and the principal, in collaboration with an approving entity, shall review school wide assessment data annually and use School LAND Trust program funds in data driven and evidence based ways to improve educational outcomes, consistent with the academic goals of the school's teacher and student success plan framework under Section 53G-7-1304 and the priorities of the LEA governing board, including:

~~(a)~~ strategies that are measurable and show academic outcomes with multi-tiered systems of support; and

~~(b)~~ counselors and educators working with students and families on academic and behavioral issues when a direct impact on academic achievement can be measured.]

~~(1)~~ A council shall annually review school-wide assessment data to prepare and approve a School LAND Trust plan, including:

~~(a)~~ identifying academic priority areas of greatest need consistent with LEA priorities;

~~(b)~~ establishing student centered academic goal statements;

~~(c)~~ selecting measurement tools and baselines for each academic priority area; and

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(d) developing action steps and identifying School LAND Trust fund expenditures for data-driven and evidence-based ways to improve educational outcomes.

(2) A school plan shall support academic components of the teacher and student success plan under Section 53G-7-1304 and the LEA's governing board priorities.

([2]3) A school's School LAND Trust program expenditures shall have a direct impact on the instruction of students in the particular school's areas of most critical academic need and consistent with the academic priorities of the LEA's governing board:

(a) to increase achievement in:

(i) English;

(ii) language arts;

(iii) mathematics; and

(iv) science; and

(b) for secondary schools to:

(i) increase graduation rates; and

(ii) promote college and career readiness.

(4) A school's LAND Trust plan:

(a) may include counselors and educators working with students and families on academic and behavioral issues when a direct impact on academic achievement can be measured; and

(b) may include addressing absenteeism when a direct impact on academic achievement can be measured.

([3]5) A school may not use School LAND Trust program funds for the following:

(a) costs related to district or school administration, including accreditation;

(b) expenses for:

(i) construction;

(ii) maintenance;

(iii) facilities;

(iv) overhead;

(v) furniture;

(vi) storage of personal student property;

(vii) security; or

(viii) athletics; or

(c) expenses for non-academic ~~[in school, co-curricular, or extracurricular]~~ activities.

([4]6) A school that demonstrates appropriate progress and achievement consistent with the academic priorities of the LEA governing board outlined in Subsection (2) may request local board approval of a plan to address other academic goals if the plan includes:

(a) how the goal is in accordance with the core standards established in Rule R277-700;

(b) how the action ~~[plan]~~ steps for the goal ~~[is]~~ are:

(i) data-driven;

(ii) evidence-based; and

(iii) ~~[has]~~ have a direct impact on the instruction of students consistent with ~~[Subsections (1) and (2)]~~ this Section R277-477-5;

(c) the data driving the decision to spend School LAND Trust funds for academic needs outlined in this Subsection (4); and

(d) the anticipated data source the school will use to measure progress.

([5]7) ~~[A school district or local school board.]~~ An LEA governing board may not require a council or school to spend the school's School LAND Trust program funds on a specific use or set of uses.

([6]8)(a) Student incentives implemented as part of an academic goal in the School LAND Trust program may not exceed ~~[\$2]~~\$4 per student per plan in an academic school year.

(b) The limit set forth in Subsection (8)(a) does not apply to expenditures for academic instructional materials for students.

R277-477-6. Distribution of Funds - Determination of Proportionate Share.

(1) An LEA shall report the prior year expenditure of distributions for each school.

(2) The total expenditures each year described in Subsection (1) may not be greater than the total available funds for an LEA.

(3)(a) In an unanticipated circumstance, a school within an LEA may be allowed a small advance from a school's allocation for the next fiscal year when:

(i) the LEA has unspent School LAND Trust funds to cover the advance; and

(ii) the LEA governing board approves the advance.

(b) If a school receives an advance under Subsection (3)(a):

(i) the LEA shall decrease the beginning allocation to the school for the next fiscal year in the same amount as the advance; and

(ii) restore the same advance amount to the unspent School LAND Trust funds of the LEA.

(c) A school's beginning School LAND Trust funds balance for a new school year shall be:

(i) the school's allocation for the new school year;

(ii) minus any advance approved under Subsection (3)(a);

(iii) plus any carry-over from the prior year.

(4) ~~[A]~~ Before October 1, a school district shall adjust the current year distribution of funds received from the School LAND Trust program as described in Section 53F-2-404, as necessary to maintain an equal per student distribution within a school district based on:

(a) school openings and closings;

- (b) boundary changes; and
- (c) other enrollment changes occurring after the fall enrollment report.

(5) For any reallocations made after October 1, a district liaison shall provide written notification to the impacted principals and school community councils and shall copy the Superintendent on the correspondence.

([5]6) An LEA shall provide the current year distribution and carry-over amount from the prior school year to the principal by October 1 annually.

([6]7) A charter school and each of the charter school's satellite charter schools are a single LEA for purposes of public school funding.

([7]8)(a) For purposes of this section, "qualifying charter school" means a charter school that:

- (i) would receive more funds from a per pupil distribution than the charter school receives from the base payment described in

Subsection ([9]10); and

- (ii) is not a newly opening charter school as described in Subsection ([11]12)(a).

(b) The Superintendent shall distribute the funds allocated to charter schools:

- (i) as described in this Subsection ([9]10); and
- (ii) is consistent with the March 1 calculation for existing and new charter schools.

([8]9) The Superintendent shall add any unused balance to the total charter school distribution amount for the following fiscal year for charter schools if a charter school:

- (a) chooses not to apply for funds;
- (b) does not meet the requirements for receiving funds;
- (c) does not open as scheduled;
- (d) closes; or
- (e) has other unforeseen circumstances.

([9]10) The Superintendent shall first distribute a base payment to each charter school that is equal to the product of:

- (a) an amount equal to the total funds available for all charter schools; and
- (b) at least 0.4%.

([10]11) After the Superintendent distributes the amount described in Subsection ([6]7)(c), the Superintendent shall distribute the remaining funds to qualifying charter schools on a per pupil basis.

([11]12)(a) The Superintendent shall distribute an amount of funds to a newly opening charter school that is either:

- (i) the base payment described in Subsection (9); or
- (ii) a per pupil amount based on the newly opened charter school's projected October 1 enrollment count.

(b)(i) The governing board of a newly opening charter school shall notify the Superintendent by March 1 preceding the school's first year of operation, which option under Subsection (8)(a) the school elects to receive.

(ii) If a school fails to notify the Superintendent as required under Subsection (b)(i), the school shall receive the base payment described in Subsection (6)(c) in the school's first year of operation.

(c) The Superintendent shall increase or decrease a newly opening charter school's first year distribution of funds in the school's second year to reflect the newly opening charter school's actual first year October 1 enrollment.

([12]13)(a) The Superintendent shall distribute an amount of funds to a newly opening satellite school equal to the base payment described in Subsection (6)(c).

(b) The Superintendent shall increase or decrease a newly opening satellite school's first year distribution of funds in the school's second year to reflect the newly opening satellite school's actual first year October 1 enrollment.

R277-477-7. School LAND Trust Program - Plan Amendments~~and Final Reports~~.

(1)(a) ~~[The]~~A principal shall submit a plan amendment authorized by Subsection 53G-7-1206(4)(d)(iii) through the School LAND Trust website for approval, including the date the council approved the amendment and the number of votes for, against, and absent.

(b) ~~[The approving entity]~~An LEA governing board and budget officer shall:

- (i) consider the amendment for approval;
- (ii) approve or deny an amendment~~[before the school uses funds according to the amendment]~~; and
- (iii) notify the Superintendent when an amendment is ready for review.

(c) The Superintendent shall review an amendment for compliance with statute and rule before the school uses funds according to the amendment.

R277-477-8. School LAND Trust Program Final Reports.

([2]1) A principal shall submit a final report on the School LAND Trust website annually before a School LAND Trust plan for the coming school year is submitted.

~~[(3)(a) A district or charter school business official shall enter prior year audited expenditures of School LAND Trust funds through UPEFS consistent with UPEFS requirements and timelines.]~~

([b]2) ~~[The]~~Audited expenditure data from the state's financial system shall appear in the final report submitted ~~[online]~~on the SLT reporting website by a principal, as required by Subsection 53G-7-1206(5)(b).

([4]3) A school shall provide an explanation for any carry-over that exceeds ~~[one-tenth of the school's allocation]~~the school's applicable carry-over limit in a given year in the School LAND Trust final report.

([5]4) ~~[An approving entity]~~A district liaison or budget officer shall ensure that a final report includes:

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- (a) clear explanations of plan implementations and expenditures, substantiated by a comparison to the LEA's detailed expenditure records for the school; and
- (b) meets the confidentiality requirements of Rule R277-487 before March 1 to allow the review required by Section R277-477-7.
- (~~(6)~~)(a) The Superintendent shall recommend a district or school with a consistently large carry-over balance over multiple years for corrective action for not making adequate and appropriate progress on an approved plan.
- (b) The Superintendent may take corrective action to remedy excessive carry-over balances consistent with Rule R277-114.
- (~~(7)~~)(~~6~~) [~~An LEA~~] A district liaison or budget official shall provide [~~an annual~~] a final report or a summary of the final report to [~~its~~] the LEA governing board and parents of the school on the implementation of each school's prior year School LAND Trust plans by March 1 [~~annually~~].

R277-477-~~[8]~~9. Compliance Review.

- (1) The Superintendent may visit a school receiving funds from the School LAND Trust program to discuss the program, receive information and suggestions, provide training, and answer questions.
- (2)(a) The Superintendent shall supervise annual compliance reviews to review expenditure of funds consistent with the approved plan, final report, applicable amendments, allowable expenses, and the law.
- (b) The Superintendent shall require an LEA to reimburse the school's School LAND Trust budget for any funds found to be spent inconsistent with the school's approved plan or this rule.
- (~~(b)~~)(c) The Superintendent shall annually provide a [~~written~~] report to the Board Finance Committee on compliance review findings and other compliance issues.

R277-477-~~[9]~~10. Superintendent Responsibilities.

The Superintendent shall:

- (1) represent the Board on the Land Trusts Protection and Advocacy Committee in accordance with Section 53D-2-202;
- (2) review and approve a plan submitted by the USDB Advisory Council as necessary;
- (3) prepare the annual distribution of funds to implement the School LAND Trust program pursuant to Section 53F-2-404;
- (4) provide training to entities involved with the School LAND Trust program consistent with Subsection 53G-7-1206(8); and
- (5) implement corrective action, if appropriate, consistent with Rule R277-114 if an LEA or its council fails to comply with this rule.

KEY: schools, trust lands funds, school community councils

Date of Last Change: 2026~~[October 8, 2024]~~

Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53F-2-404

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-484

Filing ID: 57726

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:

R277-484. Data Standards

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

The rule amendments clarify when Local Education Agencies (LEAs) and schools need to alert the Utah State Board of Education (USBE) of significant changes to data reporting.

5. Summary of the new rule or change:

The amendments add a definition for "New School" and "Private School Entity".

The amendments also clarify changes to data reporting when shifting a charter campus under a different authorizer, extending a campus to include new grade levels, or splitting a campus.

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 updates the text to recognize "USIMS" (Utah Schools Information Management System) alongside or replacing "CACTUS" (Comprehensive Administration of Credentials for Utah Teachers).

This aligns this rule with software updates that have already been funded and are underway.

The definition updates provide clarity and do not add measurable costs for the USBE or other entities.

B. Local governments:

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

LEAs with new schools will now have greater clarity on reporting deadlines.

There are no measurable costs or savings for LEAs.

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

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

This only impacts the USBE and LEAs.

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

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

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

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

The definition of private schools has no direct fiscal impact on private schools; it defines them clearly for those private schools who wish to voluntarily participate in the USBE programs.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

There are no compliance costs associated with the changes for the USBE, LEAs, private schools, or any other entities or persons.

These updates provide clarity for schools on reporting deadlines.

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-3-301(d)	Subsection 53E-3-301(e)
Section 53E-3-401	Subsection 53E-3-401(8)(a)	Subsection 53E-3-511(8)

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: 02/02/2026

10. This rule change MAY become effective on: 02/09/2026

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:	12/15/2025
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R277. Education, Administration.

R277-484. Data Standards.

R277-484-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

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

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

- (c) Subsection 53E-3-401(8)(a), which allows the Board to take corrective action against an education entity that fails to comply with Board rules; and
- (d) Subsection 53E-3-511(8), which requires the Board to ensure LEA inclusion of data in an LEA's Student Information System.
- (2) The Superintendent shall perform certain data collection related duties essential to the operation of statewide educational accountability and financial systems as mandated in state and federal law.
- (3) The purpose of this rule is to:
 - (a) support the operation of required educational accountability and financial systems by ensuring timely submission of data by LEAs;
 - (b) support the provision of equal opportunity for students;
 - (c) support accuracy, efficiency, and consistency of data; and
 - (d) ensure maintenance of basic contact and demographic information for each LEA and school.
- (4)(a). This Rule R277-484 is categorized as Category 3 as described in Rule R277-111.
- (b) Notwithstanding Subsection (4)(a), individual requirements contained in the rule or incorporated by reference into the rule may be categorized separately in accordance with program resources and responsibilities.

R277-484-2. Definitions.

As used in this rule and the Board Reporting Deadline Table incorporated by reference in this rule:

- (1) "Annual Financial Report" means an account of LEA revenue and expenditures by source and fund sufficient to meet the reporting requirements specified in Subsections 53E-3-301(3)(d) and (e).
- (2) "Annual Program Report" means an account of LEA revenue and expenditures by source and program sufficient to meet the reporting requirements specified in Subsections 53E-3-301(3)(d) and (e).
- (3) "Comprehensive Administration of Credentials for Teachers in Utah Schools" or "CACTUS" means the online licensing database maintained by the Superintendent, which will be phased out and replaced by USIMS.
- (4) "Contact information" means the name, title, email address, and phone number for a designated individual.
- (5) "Data Warehouse" means the database of demographic information, course taking, and test results maintained by the Superintendent on all students enrolled in Utah schools.
- (6) "Designated individual" means:
 - (a) an LEA governing board chair;
 - (b) a local administrator;
 - (c) a business administrator; or
 - (d) a school principal.
- (7) "Governing board chair" means the chair or president of an LEA governing board.
- (8) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- (9) "LEA demographic information" means:
 - (a) the LEA name;
 - (b) the LEA number;
 - (c) the physical address;
 - (d) the website;
 - (e) a phone number; and
 - (f) the LEA's grade range.
- (10) "Local administrator" means a district superintendent or charter school director.
- (11) "MSP" means Minimum School Program, the set of state supported K-12 public school funding programs.
- (12) "New School" for purposes of Rule R277-484 means any school that receives a unique institutional identifier, including:
 - (a) a newly created school;
 - (b) a reopened school;
 - (c) schools that have changes in:
 - (i) charter authorizers; or
 - (ii) a change in a school's LEA's affiliation;
 - (d) the creation of a satellite school as defined in Subsection 53G-5-303(1)(b); or
 - (e) a split in an LEA or a split in a school to accommodate additional grade ranges;
- (13) "Private School Entity" means an educational entity that:
 - (a) maintains a physical presence within Utah;
 - (i) if the school only provides online instruction, the school's primary headquarters shall be located in Utah; and
 - (b) possesses a valid business license issued by the Utah Department of Commerce.
- (14) School for the purpose of this rule means an entity with a unique institutional identifier.
- ~~[(12)]~~(13) "School demographic information" means:
 - (a) the school name;
 - (b) the school number;
 - (c) the physical and mailing address;
 - (d) the website;
 - (e) a phone number;
 - (f) the school type; and

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(g) the school grade range.

~~[(13)](14)~~ "Schools interoperability framework" or "SIF" means an open global standard for seamless, real time data transfer and usage for Utah public schools.

~~[(14)](15)~~ "Student achievement backpack" has the same meaning as that term is defined in Subsection 53E-3-511(1)(d).

~~[(15)](16)~~ "Student information system" or "SIS" means a student data collection system used for Utah public schools.

~~[(16)](17)~~ "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows individual detailed student records to be exchanged electronically between public education LEAs and the Board, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the etranscript service.

~~(18)~~ "Utah Schools Information Management System or USIMS" has the same meaning as that term is defined in Subsection R277-312-2(6).

~~[(17)](19)~~ "Utah Student Record Store" has the same meaning as that term is defined in Subsection 53E-3-511(1)(d).

~~[(18)](20)~~ "Year" means both the school year and the fiscal year for a Utah LEA, which runs from July 1 through June 30.

R277-484-3. Inclusion of Private School Entities in CACTUS or USIMS.

(1) For data collection and management, the USBE shall include private school entities in CACTUS or USIMS that meet the criteria outlined in this section.

(2) To be included in CACTUS or USIMS, a private school entity shall demonstrate a connection to USBE oversight or Educator Licensing through one or more of the following:

(a) participation in the Carson Smith Scholarship Program;

(b) the submission of Preschool Early Education Program (PEEP) scores;

(c) accreditation and the provision of special education services;

(d) accreditation and the operation of an Alternate Pathway to Professional Educator License (APPEL) program;

(e) seeking USBE oversight due to the receipt of Individuals with Disabilities Education Act (IDEA) funds;

(f) accredited private schools employing educators holding a valid Utah educator license and seeking to record educator assignments within CACTUS or USIMS; or

(g) participation in any program with the USBE that requires inclusion in CACTUS or USIMS.

R277-484-[3]4. Incorporation by Reference of Board Reporting Deadline Table.

(1) This rule incorporates by reference the Board Reporting Deadline Table dated June 6, 2024.

(2) A copy of the Board Reporting Deadline Table is located at:

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

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah - 84111.

R277-484-[4]5. Deadlines for Data Submission.

(1) An LEA shall submit student level data to the Board through UTREx.

(2) An LEA shall submit teacher assignment and salary data to the Board through CACTUS or USIMS.

(3) An LEA shall, by 5 p.m. Mountain Standard Time on the date specified in the Board Reporting Deadline Table, submit reports in the format specified by the Superintendent.

(4) If a deadline in the Board Reporting Deadline Table falls on a weekend or state holiday in a given year, an LEA shall submit the report on the next business day following the date specified in the Board Reporting Deadline Table.

(5) An LEA shall assign an individual to oversee compliance with this rule.

(6) A new school as defined in Subsection R277-484-2(12) shall meet the deadline submission requirements required of LEAs, as outlined in the Board Reporting Deadline Table, Notice of School Opening, in Subsection R277-484-4(2)(a).

R277-484-[5]6. Adjustments to Deadlines.

(1) An LEA may seek an extension of a deadline to ensure continuation of funding and provide more accurate information to allocation formulas by submitting a written request to the Superintendent no later than 24 hours before the specified deadline in Board Reporting Deadline Table.

(2) An extension request shall include:

(a) The reasons for the extension request;

(b) The signatures of the LEA business administrator and local administrator; and

(c) The date by which the LEA proposes to submit the report.

(3) If an LEA requests an extension under Subsection (1), the Superintendent may do any of the following after taking into consideration the pattern of LEA compliance with reporting deadlines and the urgency of the need for the data to be submitted:

(a) Approve the request and allow the MSP fund transfer process to continue; or

(b) Deny the request and stop the MSP fund transfer process; or

(c) Recommend corrective action to the Board in accordance with Rule R277-114.

(4) If, after receiving an extension, an LEA fails to submit the report by the designated date, the MSP fund transfer process shall be stopped and the procedures described in Section R277-484-7 shall apply.

(5) An extension shall apply only to the specific reports and dates for which an extension was requested.

(6) The Superintendent may not extend deadlines for the following reports:

(a) AFR;

- (b) APR;
- (c) Mid-year or Final CACTUS or USIMS updates;
- (d) a Financial Audit Report; or
- (e) any UTREx updates.

(7) Notwithstanding Subsection (6)(e), if an LEA identifies significant errors in a UTREx update, the Superintendent may grant the LEA an extension of no more than eight calendar days to file a new update.

R277-484-[6]7. Official Data Source and Required LEA Compatibility.

- (1) The Superintendent shall load operational data collections into the Data Warehouse as of the submission deadlines specified.
- (2) The Data Warehouse shall be the sole official source of data for annual:
 - (a) school performance reports required under Section 53E-5-204;
 - (b) determination of state and federal accountability reports; and
 - (c) submission of data files to the U.S. Department of Education.
- (3) The Superintendent shall maintain a database of LEA and school:
 - (a) demographic information;
 - (b) openings;
 - (c) closures; and
 - (d) contact information for designated individuals.
- (4)(a) An LEA shall use an SIS approved by the Superintendent to ensure compatibility with Board data collection systems.
- (b) The Superintendent shall maintain a list of approved student information systems.
- (5) Before the Superintendent granting approval for an LEA to initiate or replace a student information system that was not previously approved, the LEA shall:
 - (a) send written request for approval to the Superintendent no later than November 15 of the year before the year the LEA proposes to use the SIS for production software;
 - (b) submit documentation to the Superintendent that the new or modified student information system is SIF certified;
 - (c) submit documentation to the Superintendent that an SIF agent can meet the UTREx specifications profile for Vertical Reporting Framework (VRF) and eTranscripts;
 - (d) ensure that a new student information system can generate valid data collection by submitting a ~~file~~ ^[n-actual] file to the Superintendent for review;
 - (e) ensure that the new student information system can generate the Statewide Student Identifier (SSID) request file by submitting a ~~file~~ ^[n-actual] file to the Superintendent for review.
- (6)(a) The Superintendent shall review documentation and grant or deny an LEA submission under Subsection (4) within 30 calendar days.
 - (b) An approved replacement system shall run in parallel to a state-approved system for a period of at least three months and be able to generate duplicate reports to previously generated information.
- (7) An LEA shall submit daily updates to the Board Clearinghouse using School Interoperability Framework (SIF) objects defined in the UTREx Clearinghouse specification.
- (8) An LEA shall electronically submit all public high school transcripts requested by a public education post-secondary school if the post-secondary school is capable of receiving transcripts through the electronic transcript service designated by the Superintendent.
- (9) No later than June 30, 2017, an LEA shall ensure that data collected in the Utah Student Record Store for a Student Achievement Backpack is integrated into the LEA's SIS and is made available to a student's parent or guardian and an authorized LEA user in an easily accessible viewing format.
- (10) Failure to comply with any of the requirements of this Section R277-484-5 may result in a recommendation for corrective action in accordance with Rule R277-114.

R277-484-[7]8. Adjustments to Summary Statistics Based on Compliance Audits.

- (1) To allocate MSP funds and projecting enrollment, the Superintendent may modify LEA level aggregate membership and fall enrollment counts on the basis of the values in the Membership and Enrollment audit reports, respectively, when an audit report review team agrees that an adjustment is warranted by the evidence of an audit.
- (2) An audit report review team shall make a determination under Subsection (1) within 60 working days of the authorized audit report deadline.
- (3) The Superintendent may only adjust values downward if an audit report is received after an authorized deadline.

R277-484-[8]9. Financial Consequences of Failure to Submit Reports on Time.

- (1) If an LEA fails to submit a report by its deadline as specified in Board Reporting Deadline Table, consistent with procedures outlined in Rule R277-114, the Superintendent may recommend corrective action, including stopping the LEA's MSP funds transfer process, unless the LEA has obtained an extension of the deadline in accordance with the procedure described in Section R277-484-4.
- (2) The Superintendent may recommend loss of up to 1.0 WPU from Kindergarten or Grades 1-12 programs, depending on the grade level and aggregate membership of the student, in the current year Mid-Year Update for each student whose prior year immunization status was not accounted for in accordance with Section 53G-9-302 as of June 15.

KEY: data standards, reports, deadlines**Date of Last Change:** 2026[August 7, 2024]**Notice of Continuation:** November 5, 2021**Authorizing, and Implemented or Interpreted Law:** Art X Sec 3; 53E-3-301(d) and (e); 53E-3-401; 53E-3-401(8)(a); 53E-3-511(8)**NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** Amendment**Rule or section number:****R277-491****Filing ID:** 57727**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:**

R277-491. School Community Councils

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

The rule amendments make several updates to the requirements for local governing boards so that they are consistent with Utah code.

The amendments also add an oversight category.

The use of oversight categories will be phased out with the repeal of Rule R277-111, which is published in this same edition of the *Utah State Bulletin*. However, due to the schedule of board approvals, some rules are required to have an oversight category added during the transitional period.

(EDITOR'S NOTE: The proposed repeal of Rule R277-111, ID 57719, is in this issue, January 1, 2026, of the Bulletin.)

5. Summary of the new rule or change:

The amendments add an oversight category 4, update the definition of "Principal", and clarify school community council principal responsibilities.

The amendments also specifically update the requirements for local governing boards to grant exemptions for school community councils.

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

This rule change is not expected to have fiscal impact on state government revenues or expenditures.

The Utah State Board of Education (USBE) will create a form to facilitate applicable exemptions. This can be done with existing staff and resources and does not have a measurable impact to the USBE budgets.

B. Local governments:

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

In compliance with state code, Local Education Agency (LEA) governing boards can now grant exemptions to schools with special challenges in holding public council meetings or maintaining specific website postings.

LEAs may see a slight administrative time savings but the USBE is unable to quantify the savings at this time.

The exemption process is optional and does not add measurable costs.

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 USBE and LEAs.

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

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

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

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

This only impacts the USBE and LEAs.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The USBE will create a form to facilitate applicable exemptions. This can be done with existing staff and resources and does not have a measurable impact to the USBE budgets.

The exemption process for schools within an LEA is optional and does not add measurable costs.

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

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

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

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

The State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

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

Article X, Section 3	Subsection 53E-3-401(4)	Title 53G, Chapter 7, Part 12
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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:	02/02/2026
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10. This rule change MAY become effective on:	02/09/2026
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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:	12/15/2025
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R277. Education, Administration.
R277-491. School Community Councils.
R277-491-1. 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; 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:
 - (a) provide procedures and clarifying information to a school community council to assist the council in fulfilling school community council responsibilities consistent with Sections 53G-7-1202, ~~through~~ 53G-7-1203, and 53G-7-1206;
 - (b) provide direction to a local school board, school, and school district in establishing and maintaining a school community council;
 - (c) provide a framework and support for improved academic achievement of students that is locally driven from within an individual school;
 - (d) encourage increased participation of a parent, school employee, and others to support the mission of a school community council;
 - (e) increase public awareness of:
 - (i) school trust lands;
 - (ii) the permanent State School Fund; and
 - (iii) educational excellence; and
 - (f) enforce compliance with the laws governing a school community council.
- (3) This rule is categorized as Category 4 as described in Rule R277-111.
- ~~(3)~~(4) This rule does not apply to charter schools.

R277-491-2. Definitions.

- (1) "Local school board" means the locally elected school board designated in Section 53G-4-201.
- (2) "Parent member" means the same as the term is defined in Section 53G-7-1202.
- (3)(a) "Principal" means an administrator licensed as a principal in the state and employed in that capacity at a school.
- (b) "Principal" may include[s] a specific designee of the principal, who is licensed with a school leadership license area of concentration.
- (4) "School community" means the geographic area a school district designates as the attendance area, with reasonable inclusion of a parent of a student who attends the school but lives outside the attendance area.

(5) "Student" means a child in a public school, grades kindergarten through 12, counted on the audited October 1 fall enrollment report.

R277-491-3. School Community Council Member Election Provisions.

- (1) In addition to the election notice requirements of Section 53G-7-1202, the principal shall provide notice of:
 - (a) the location where a ballot may be cast; and
 - (b) the means by which a ballot may be cast, whether in person, by mail, or by electronic transfer.
- (2)(a) A school community council may establish a procedure that allows a parent to mail a ballot to the school in the event the distance between a parent and the voting location would otherwise discourage parental participation.
- (b) A mailed or hand-delivered ballot shall meet the same timeline as a ballot voted in person.
- (3)(a) A school, school district, or local school board may allow a parent to vote by electronic ballot through a district approved election process that is consistent with the election requirements in Subsection 53G-7-1202(5).
- (b) If allowed, the school or school district shall clearly explain on its website the opportunity to vote by electronic means.
- (4) In the event of a change in statute or rule affecting the composition of a school community council, a council member who is elected or appointed ~~prior to~~ before the change may complete the term for which the member was elected.
- ~~[(5)(a) A public school that is a secure facility, juvenile detention facility, hospital program school, or other small or special school may receive School LAND Trust Program funds without having a school community council if the school demonstrates and documents a good faith effort to:~~
 - ~~(i) recruit members;~~
 - ~~(ii) have meetings; and~~
 - ~~(iii) publicize the opportunity to serve on the council.~~
- ~~(b) A local school board shall make the determination whether to grant the exemption for a school described in Subsection (5)(a).]~~

R277-491-4. School Community Council Exemptions.

- (1) An LEA governing board may grant a full council exemption or a partial council exemption to a school, enabling the school to receive School LAND Trust program funds consistent with Subsection 53G-7-1202(e) if the requirements of Subsections (2) through (4) are met, and the school faces participation barriers due to:
 - (a) low enrollment;
 - (b) local board-approved consolidation with another school;
 - (c) challenges with ongoing parent involvement; or
 - (d) the school's status as a:
 - (i) secure facility;
 - (ii) juvenile detention facility;
 - (iii) hospital program school; or
 - (iv) other special program school.
- (2) Before requesting a full council exemption or partial council exemption, the principal and existing council members shall:
 - (a) provide notice of the council election to all eligible parents consistent with Section 53G-7-1202;
 - (b) provide information to eligible parents of the important responsibilities of a school community council;
 - (c) encourage eligible parents to file for election to the school community council in the upcoming election consistent with this rule;
 - (d) identify the current school community council meeting time and, if necessary, reschedule the meeting to facilitate attendance by parents;
 - (e) offer an electronic meeting option in accordance with Section 53G-7-1203; and
 - (f) provide support for parents needing translation services.
- (3) Following an election, the principal and council members shall encourage eligible parents to accept appointment to fill vacant seats on the school community council consistent with this rule and Section 53G-7-1202.
- (4) If the school has met the requirements of Subsections (2) and (3) and the school has not filled its school community council consistent with Section 53G-7-1202, the principal and school community council members shall encourage the following individuals to fill parent positions as part of a request for a full council exemption or partial council exemption:
 - (a) grandparents or step parents who live in the same household as a student in the school; and
 - (b) a parent who teaches at the school and has a student attending the school.
- (5) A school may request a council exemption by submitting a form prepared by the Superintendent to the local governing board that includes:
 - (a) the name of the LEA;
 - (b) the name of the school;
 - (c) whether the school seeks a full council exemption or a partial council exemption; and
 - (d) the rationale for the exemption.
- (6) A local school board may grant a full council exemption or a partial council exemption.
- (7) A school granted a full council exemption by its local governing board is not required to hold school community council meetings in public.
- (8) A school granted a full council exemption by its local governing board shall:
 - (a) include the principal on the school community council; and
 - (b) comply with all other requirements in rule and code, except:

NOTICES OF PROPOSED RULES

- ~~(i) the following website posting requirements of this rule:~~
 - ~~(A) means for contacting council members;~~
 - ~~(B) proposed council meeting schedule for the coming year;~~
 - ~~(C) one year of approved meeting minutes;~~
 - ~~(D) notice of the council's next meeting;~~
 - ~~(E) notice of the council's next meeting agenda; and~~
 - ~~(F) draft minutes of the council's prior meeting; and~~
- ~~(ii) council signature form requirements.~~
- ~~(9) A school granted a partial council exemption by its local governing board shall:~~
 - ~~(a) include, at a minimum, one parent member and the school principal;~~
 - ~~(b) continue to include stakeholder input in decision-making related to the School LAND Trust plan through accessible means; and~~
 - ~~(c) meet all other requirements of code and rule.~~
- ~~(10)(a) An exemption granted under this section is valid for one school year.~~
- ~~(b) An LEA governing board may renew an exemption following the procedures outlined in the section each year.~~
- ~~(11) For each exemption granted, an LEA governing board shall provide to the Superintendent:~~
 - ~~(a) the form submitted under Subsection (5); and~~
 - ~~(b) the board meeting minutes for the meeting where the local governing board approved the exemption.~~

R277-491-[4]5. School Community Council Principal Responsibilities.

(1) Following an election, the principal shall enter and electronically sign on the School LAND Trust Program website a principal's assurance affirming:

- (a) the school community council's election;
- (b) that unfilled positions were filled by appointment as necessary, consistent with Subsection 53G-7-1202(5); and
- (c) that the school community council's bylaws, rules of order, ~~or~~ and procedures comply with Sections 53G-7-1202, 53G-7-1203, and this rule.

(2) To encourage parental involvement in a school, the principal shall post the following information on a single publicly accessible page of the school's website on or before October 20 annually:

- (a) an invitation to a parent to serve on the school community council;
- ~~(b) a proposed council meeting schedule for the year;~~
- ~~(c) a means to contact the members of the school's community council directly;~~
- ~~(d) a copy of or link to the following information:~~

- ~~(i) the dollar amount the school receives each year from the School LAND Trust Program;~~
- ~~(ii) the school's plan or final report for the most recent two years, consistent with Section 53G-7-1206;~~
- ~~(iii) the school's current year plan;~~

~~(iv) [a copy of or link to] the school's current Teacher and Student Success Plan; and~~

~~(v) approved minutes of the school's council meetings for at least a year;~~

- ~~(e) a proposed council meeting schedule for the year;~~
- ~~(f) a means to contact the members of the school's community council directly;~~
- ~~(g) a copy of or link to the school's plan or final report for the most recent two prior years, consistent with Section 53G-7-1206; and~~
- ~~(h) a copy of or link to the school's current year plan.]~~

R277-491-[5]6. School Community Council Chair Responsibilities.

(1) After the school community council election, the school community council shall annually elect at the council's first meeting a chair and vice chair in accordance with Subsection 53G-7-1202(5)(j).

(2) The school community council chair shall:

- (a) set the agenda for every meeting;
- (b) conduct every meeting;
- (c) keep written minutes of every meeting, consistent with Section 53G-7-1203;
- (d) inform council members about resources available on the School LAND Trust Program website; and
- (e) welcome and encourage public participation in school community council meetings.

(3) The chair may delegate the responsibilities established in this section as appropriate at the chair's discretion.

R277-491-[6]7. School Community Council Business.

(1)(a) The school community council shall adopt rules of order and procedure to govern a council meeting in accordance with Subsection 53G-7-1203([4]9).

(b) The rules of order and procedure shall outline the process for:

(i) electing the school community council, including:

(A) the number of parent members and school employee members on the council; and

(B) member positions beginning in odd years or even years to ensure half of the council members positions are open for election each year;

(ii) [s]electing a chair and vice chair;

(iii) removing from office a member who moves away or fails to attend meetings regularly; and

- (iv) a member to declare a conflict of interest if required by the local school board's policy.
- (2) The school community council shall:
 - (a) report on a plan, including programs, practices, and expenditures at least annually to the local school board; and
 - (b) encourage participation on the school community council by members of the school community and recruit a potential candidate to run for an open position on the council.
- (3)(a) The principal shall provide an annual report to the school community council that summarizes current safety principles and practices used by the school district and school to facilitate the school community council's responsibilities under Subsection 53G-7-1202(3).
- (b) The report described in Subsection (3)(a) shall include:
 - (i) information concerning internet filtering protocols for school and district devices that access the internet;
 - (ii) local instructional practices, monitoring, and reporting procedures; and
 - (iii) internet safety training provided to a student and parent by the school or district.
- (4) A school community council shall comply with the requirements of ~~Subsection 53G-7-1202(3)(vi)~~ Section 53G-7-1206.
- (5) A school community council may advise and inform the local school board and other members of the school community regarding the uses of School LAND Trust Program funds.
- (6) A school community council may hold electronic meetings consistent with:
 - (a) the policies of the local school board; and
 - (b) the requirements of Section 53G-7-1203.

KEY: school community councils

Date of Last Change: ~~2026~~July 22, 2022

Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); Title 53G, Chapter 7, Part 12

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:	R277-600	Filing ID: 57728
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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:
R277-600. Student Transportation Standards and Procedures
4. Purpose of the new rule or reason for the change:
The rule amendments are necessary in order to update the requirements related to bus route approval.
5. Summary of the new rule or change:
The amendments specifically create a requirement that a Local Education Agency (LEA) must include notice on their website that school bus stops and the child access routing plan may not take into account the location of registered sex and child abuse offenders.

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 changes include adding a definition for the "Child access routing plan" (Subsection R277-600-2(6)) to align with existing statute (Section 53G-4-402) and renumbering subsequent sections.

These are technical adjustments that require no new funding or personnel.

B. Local governments:

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

LEAs must now post a notice on their website stating that bus stops and routing plans "may not take into account the location of registered sex and child abuse offenders."

LEAs frequently update their websites with notices and this will not require measurable new resources or staff time outside regular duties.

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 Utah State Board of Education (USBE) and LEAs.

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

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

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

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

This only impacts the USBE and LEAs.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

These are technical adjustments that require no new funding or personnel for the USBE or LEAs.

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

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

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-3-501(1)(d)	Subsection 53E-3-401(4)
Section 53F-2-415	Section 53F-2-403	

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

02/02/2026

10. This rule change MAY become effective on:

02/09/2026

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:	12/15/2025
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R277. Education, Administration.**R277-600. Student Transportation Standards and Procedures.****R277-600-1. Authority, Purpose, and Oversight Category.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public schools in the Board;
- (b) Subsection 53E-3-501(1)(d), which directs the Board to establish rules for bus routes, bus safety and other transportation needs;
- (c) Sections 53F-2-402 and 53F-2-403, which provide for distribution of funds for transportation of public school students;
- (d) Section 53F-2-417, which directs the Board to make rules to implement rural school district transportation grants; and
- (e) 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 specify the standards under which school districts may qualify for and receive state transportation funds.

(3) This Rule R277-600 is categorized as Category 4 as described in Rule R277-111.

R277-600-2. Definitions.

(1) "ADA" means average daily attendance.

(2) "ADM" means average daily membership.

(3) "AFR" means a school district's annual financial report, one component of which is the AFR for all pupil transportation costs.

(4) "Annual Program Report" or "APR" has the same meaning as defined in Section R277-484-2.

(5)(a) "Approved costs" means the Board approved costs of transporting eligible students from home to school to home once each day, after-school routes, approved routes for students with disabilities and vocational students attending school outside their regularly assigned attendance boundary, and a portion of the bus purchase prices.

NOTICES OF PROPOSED RULES

(b) All approved costs are adjusted by the Superintendent consistent with a Board approved formula per the annual legislative transportation appropriation.

(6) "Child access routing plan" means the annual plan submitted to the Department of Transportation as outlined in Subsection 53G-4-402(19)(c).

~~[(6)](7)~~ "Deadhead miles" means miles traveled while operating a bus with no passengers on board.

~~[(7)](8)~~ "Extended school year" or "ESY" means an extension of the school district or charter school traditional school year to provide special education and related services to a student with a disability, in accordance with the student's IEP, and at no cost to the student's parent or guardian.

~~[(8)](9)~~ "Hazardous" means in a state of danger or potential danger, which may result in injury or death.

~~[(9)](10)~~ "Local school board" means a local school district board of education.

~~[(10)](11)~~ "Multipurpose passenger vehicle" or "MPV" means any motor vehicle with less than ten passenger positions, including the driver's position, which cannot be certified as a bus.

~~[(11)](12)~~ "Public route" means a road, thoroughfare, walkway, or highway.

~~[(12)](13)~~ "Pupil Transportation Schedule A1" means a report submitted annually to the Superintendent covering all estimated miles and minutes of to and from pupil transportation within an LEA.

R277-600-3. General Provisions.

(1)(a) The Superintendent shall use state transportation funds to reimburse school districts for the costs reasonably related to transporting students to and from school.

(b) The Board shall define the limits of a school district's transportation costs reimbursable by state funds in a manner that encourages safety, economy, and efficiency.

(2) Allowable transportation costs are divided into two categories:

(a) A Category costs include expenditures for regular and special education bus routes established by the school district, and approved by the state.

(b) B Category costs include other methods of transporting students to and from school.

(3) The Superintendent shall develop a formula to allocate A Category costs based on a calculated rate.

(4) The Superintendent shall approve reasonable and necessary B Category costs on a line-by-line basis.

(5) The Superintendent shall develop a uniform accounting procedure for the financial reporting of transportation costs, which shall specify the methods used to calculate allowable transportation costs.

(6) The Superintendent shall develop uniform forms for the administration of the transportation program.

(7)(a) An LEA shall record all student transportation costs, including accurate mileage, minute, and trip records.

(b) An LEA shall maintain records and financial worksheets during the fiscal year for audit purposes.

R277-600-4. Eligibility.

(1) The Superintendent shall only disburse state transportation funds for transporting eligible students.

(2) The Superintendent shall determine transportation eligibility for elementary students (k-6), grade 6 students attending a middle school, and secondary students (7-12) in accordance with the mileage from home, specified in Subsections 53F-2-403(1) and (2), to the school attended by assignment of the local school board.

(3) A student whose IEP identifies transportation as a necessary related service is eligible for transportation regardless of distance from the school attended by assignment of the local school board.

(4) A student who attends school for at least one-half day at a location other than the local school board designated school is not eligible for transportation for distances up to one and one-half miles.

(5) A school district that implements double sessions as an alternative to new building construction may transport, one way to or from school, with Board approval, affected elementary students residing less than one and one-half miles from school, if the local school board determines the transportation would improve safety affected by darkness or other hazardous conditions.

(6) The distance from a student's home to the student's school or the student's bus stop is determined as follows: From the center of the public route open to public use, opposite the regular entrance where the student is living, over the nearest public route open regularly for use by the public, to the center of the public route open to public use, opposite the nearest public entrance to the school grounds which the student is attending, or the student's bus stop.

R277-600-5. Student with Disabilities Transportation.

(1) A student with a disability shall be transported on regular buses and regular routes when possible, unless the IEP team determines otherwise.

(2) A school district may be reimbursed for the costs of transporting or for alternative transportation for students with disabilities whose severity of disability, or combination of disabilities, necessitates special transportation.

(3) During the regular school year, an eligible special transportation route from the assigned school site to an alternative program location shall be for a minimum of 15 days with primarily the same group of students.

(4) During the ESY, an eligible special transportation route from the assigned school site to an alternative program location shall be for a minimum of ten days with primarily the same group of students.

(5) ESY services shall meet the standards of Part B of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1401(3) and Board Special Education Rules.

(6) The Utah Schools for the Deaf and the Blind shall provide transportation for students who are transported to its self-contained classes, unless an exception is approved by the Superintendent.

R277-600-6. Bus Route Approval.

- (1)(a) A local school board shall propose bus routes subject to approval by the Superintendent.
- (b) A local school board shall provide information requested by the Superintendent ~~[prior to]~~ before approval of a route.
- (c) During the regular school year, an eligible route from the assigned school site to an alternative program location shall be for a minimum of 15 days with primarily the same group of students.
- (d) The Superintendent may not approve a route for reimbursement if an equitable student transportation allowance or a subsistence allowance for the necessary transportation is more cost-effective.
- (2) A bus route shall:
 - (a) traverse the most direct public road;
 - (b) be reasonably cost-effective in comparison to other feasible alternatives;
 - (c) provide adequate safety for students;
 - (d) traverse roads that are constructed and maintained in a manner that does not cause property damage; and
 - (e) include an economically appropriate number of students.
- (3)(a) The minimum number of general education students required to establish full eligibility for state-supported transportation is ten.
- (b) The minimum number of students with disabilities required to establish full eligibility for state-supported transportation is five.
- (c) A bus route may be established for fewer students upon special permission of the Superintendent.
- (4) A school district shall designate safe areas for bus stops, subject to the following, where possible:
 - (a) a school district shall place bus stops at least 3/10 miles apart; and
 - (b) a school district shall avoid placing bus stops on dead end roads.
- (5)(a) A student's parent or guardian is responsible for the student's own transportation to bus stops up to one and one-half miles from home.
- (b) A parent or guardian with a student that has a disability is responsible for the student's own transportation to bus stops unless the IEP team determines otherwise.
- (6)(a) A school district shall report changes made in existing routes or the addition of new routes to the Superintendent as they occur.
- (b) The Superintendent shall review and may refuse to fund route changes.
- (7) The Superintendent may reimburse a school district for transporting another district's students across school district boundaries so long as:
 - (a) the route promotes efficient transportation for both districts;
 - (b) the route serves a group or community of students and families rather than a single student or a single family;
 - (c) the local school boards of both participating districts vote in an open meeting that students who reside in one district can be better and more economically served by another district; and
 - (d) both districts and the Superintendent maintain documentation annually of the boards' votes and the approved route.
- (8) A school district may transport eligible students home after school activities held at the students' school of regular attendance and within a reasonable time period after the close of the regular school day and receive approved route mileage.
- (9)(a) The Superintendent may approve atypical routes as alternatives to building construction if routes are needed to allow more efficient school district use of school facilities.
- (b) Building construction alternatives include:
 - (i) double sessions;
 - (ii) year-round school; and
 - (iii) attendance across school district boundaries.
- (10)(a) A school district may use local transportation funds to transport students across state lines or out-of-state for school sponsored activities or required field trips if:
 - (i) the local school board has a policy that includes approval of trips at the appropriate administrative level;
 - (ii) the school or school district has considered the purpose of the trip or activity and any competing risk or liability;
 - (iii) given the distance, purpose, and length of the trip, the school district has determined that the use of a publicly owned school bus is appropriate for the trip or activity; and
 - (iv) the local school board has consulted with State Risk Management.
- (b) If school bus routes transport students across Utah state lines or outside of Utah for required to and from routes, routes are reimbursable providing a school district maintains documentation that:
 - (i) the routes are necessary;
 - (ii) the routes are more cost-effective; or
 - (iii) the routes provide greater safety for students than in-state routes.
- (11) An LEA shall include notice on their website that school bus stops and the child access routing plan might not take into account the location of registered sex offenders.

R277-600-7. Alternative Transportation.

- (1) A district shall analyze bus routes that involve a large number of deadhead miles to determine if an alternative method of transporting students is more efficient.

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(2) Approved alternatives include the alternatives described in Subsections (3) through (9).

(3)(a) The costs incurred in transporting eligible pupils in a school district MPV are approved costs as long as the costs demonstrate efficiency; or

(b) The costs incurred in paying a parent or guardian of an eligible student an allowance in lieu of school district-supplied transportation are approved costs.

(4)(a) A parent or guardian of a student may be reimbursed for the mileage to the bus stop or school, whichever is closer to the student's home.

(b) The allowance under this Subsection (4)(a) may not be less than \$0.35 per mile, nor greater than the reimbursement allowance permitted by the Utah Department of Government Operations for use of privately owned vehicles set forth in the Utah Travel Regulations.

(5) A district shall annually perform a cost-benefit analysis as part of its determination of the LEA specific reimbursement rate and make this analysis available to the public.

(6)(a) A district shall make a student mileage allowance under this Section R277-600-7 to only one student per family for each trip that is necessary for all the students within a family to attend school.

(b) If siblings are on different school schedule or ride buses that are on significantly different schedules, a parent or guardian may claim and be paid for student mileage allowances for multiple students.

(7) If a student eligible for reimbursement under this Section R277-600-7 or the student's parent or guardian cannot provide private transportation, with prior approval from the Superintendent:

(a) the Superintendent may reimburse an amount equivalent to the student allowance to the school district to help pay the costs of school district transportation; or

(b) the Superintendent may reimburse a school district costs paid for school contracted transportation, commercial bus passes, or alternative specialized transportation services.

(8)(a) A district shall measure and certify a student's mileage in school district records.

(b) A student's ADA, as entered in school records, is used to determine the student's attendance.

(9)(a) The cost incurred in providing a subsistence allowance is an approved cost under the following conditions:

(i) a student lives more than 60 miles (one way) on well-maintained roads from the student's assigned school, a parent or guardian may be reimbursed for the student's room and board if the student relocates temporarily to reside in close proximity to the student's assigned school;

(ii) payment may not exceed the Substitute Care Rate for Family Services for the current fiscal year;

(iii) adjustments for changes made in the rate during the year shall be included in the allowance; and

(iv) in addition to the reimbursement for room and board, the subsistence allowance may include the costs of up to 18 round trips per year.

(b)(i) A subsistence allowance is not available to a parent or guardian who maintains a separate home during the school year for the convenience of the family.

(ii) A parent or guardian's primary residence during the school year is the residence of the child.

(10) A school district may contract or lease with a third party provider for pupil transportation services.

(11)(a) The cost incurred in engaging in a contract or leasing for transportation is an approved cost at the prorated amount available to school districts.

(b) The Superintendent shall determine reimbursements for school districts using a leasing arrangement in accordance with the comparable cost for the school district to operate its own transportation.

(c) Under a contract or lease, a school district's transportation administrator's time may not exceed 1% of the commercial contract cost.

(12) If a school district contracts or leases with a third party provider or other LEA for pupil transportation services, it shall maintain and provide to the Superintendent upon request the following items as if it operated its own transportation:

(a) eligible student counts;

(b) bus route mileage;

(c) bus route minutes; and

(d) service to students with disabilities and bus inventory data.

R277-600-8. Other Reimbursable Expenses.

The Superintendent may reimburse a school district for the following costs with state transportation funds:

(1) salaries of clerks, secretaries, trainers, drivers, a supervisor, mechanics, and other personnel necessary to operate the transportation program, subject to the following limitations:

(a) a full time supervisor may be paid at the same rate as other professional directors in the school district; and

(b) a school district shall ensure that a supervisor's salary is commensurate with the number of buses, number of eligible students transported, and total responsibility relative to other school district supervisory functions;

(2) a school district may claim a percentage of the school district superintendent's or other supervisor's salary for reimbursement if the school district's eligibility count is less than 600 and a verifiable record of administrative time spent in the transportation operation is maintained; and

(3) the wage time for bus drivers may include to and from school time consisting of:

(i) 10 minute pre-trip inspection;

(ii) actual driving time;

(iii) 10 minute post-trip inspection and bus cleanup; and

- (iv) 10 minute bus servicing and fueling;
- (4) a proportionate amount of a superintendent's or supervisor's employee benefits such as health, accident, or life insurance;
- (5) purchased property services;
- (6) property, comprehensive, and liability insurance;
- (7) communication expenses;
- (8) travel for supervisors to workshops or national conventions;
- (9) supplies and materials for vehicles, the school district transportation office and the garage;
- (10) training expenses to complete bus driver instruction and certification required by the Board; and
- (11) other related costs approved by the Superintendent, which may include additional bus driver training.

R277-600-9. Non-reimbursable Expenses.

(1) AFR for all pupil transportation costs may only include pupil transportation costs and other school district expenditures directly related to pupil transportation.

(2) In determining expenditures for eligible to and from school transportation, all related costs shall be reduced on a pro rata basis for the miles not connected with approved costs.

(3) Expenses determined by the Superintendent as not directly related to transportation of eligible students to and from school may not be reimbursed.

(4)(a) A local school board may determine appropriate non-school uses of school buses.

(b) A local school board may lease or rent public school buses to:

- (i) federal, state, county, or municipal entities;
- (ii) entities insured by State Risk Management;
- (iii) non-government entities; or
- (iv) entities not insured through State Risk Management.

(c) As part of any agreement to allow non-school use of a school bus, a local school board shall:

(i) require full cost reimbursement for any non-public school use including:

- (A) cost per mile;
- (B) cost per minute; and
- (C) bus depreciation;

(ii) require a non-school user to provide:

- (A) proof of insurance through State Risk Management or private insurance coverage; and
- (B) a fully executed agreement for full release of indemnification;
- (iii) require that any non-school use is revenue neutral; and

(iv) consult with State Risk Management to determine adequacy of documentation of insurance and indemnity for any entity requesting use or rental of publicly owned school buses.

(5) A local school board shall approve the use of school buses by a non-governmental entity or an entity not insured through State Risk Management in an open meeting.

(6)(a) In the event of an emergency, local, regional, state or federal authorities may request the use of school buses or school bus drivers or both for the period of the emergency.

(b) A local school board shall grant a request under Subsection (a) so long as the use can be accommodated consistent with continuing student transportation and student safety requirements.

R277-600-10. Board Local Levy.

(1) Costs for school district transportation of students which are not reimbursable may be paid for from general school district funds or from the proceeds of the Board Local Levy authorized under Section 53F-8-302.

(2) The revenue from the Board Local Levy may be used for transporting students and for school bus replacement.

(3)(a) A local school board may approve the transportation of students in areas where walking constitutes a hazardous condition from general local school board funds or from the Board Local Levy.

(b) A local school board shall determine hazardous walking conditions by an analysis of the following factors:

- (i) volume, type, and speed of vehicular traffic;
- (ii) age and condition of students traversing the area;
- (iii) condition of the roadway, sidewalks and applicable means of access in the area; and
- (iv) environmental conditions.

(c) A local school board may designate hazardous conditions.

R277-600-11. Exceptions.

(1)(a) When undue hardships and inequities are created through exact application of these standards, a school district may request an exception to this rule from the Superintendent for individual cases.

(b) Hardships or inequities under Subsection (1)(a) may include written evidence demonstrating that no significant increased costs, less than 1% of a school district's transportation budget, is incurred due to a waiver or that students cannot be provided services consistent with the law due to transportation exigencies.

(2) A school district may not be penalized in the computation of its state allocation for the presence on an approved to and from school route of an ineligible student who does not create an appreciable increase in the cost of the route.

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(3) There is an appreciable increase in cost under Subsection (2) if, because of the presence of ineligible students, any of the following occurs:

- (a) another route is required;
 - (b) a larger or additional bus is required;
 - (c) a route's mileage is increased;
 - (d) the number of pick-up points below the mileage limits for eligible students exceeds one; and
 - (e) significant additional time is required to complete a route.
- (4)(a) An ineligible student may ride a school bus on a space available basis.
- (b) An eligible student may not be displaced or required to stand in order to make room for an ineligible student.

R277-600-12. Rural School Transportation Reimbursement Program.

(1) The Superintendent shall annually determine which LEAs are eligible for rural school transportation reimbursement using the criteria described in Section 53F-2-520.

(2) The Superintendent shall measure eligibility based on:

- (a) the most recent October 1 UTREx submission; and
- (b) the prior year's transportation data submitted in accordance with Section R277-484-3.

(3) By November 1 annually, the Superintendent shall notify an LEA that the LEA may seek reimbursement.

(4) An LEA eligible for reimbursement shall:

(a) provide evidence to the Superintendent in the first year of the LEA's eligibility that the LEA has provided transportation to and from the school for the past five years;

(b) submit to the Superintendent in the first year of the LEA's eligibility the LEA's current year pupil transportation Schedule A1 by December 30; and

(c) in subsequent years of eligibility, submit all transportation reports in accordance with Section R277-484-3.

(5) Submission of the pupil transportation Schedule A1 shall constitute an annual application and request for reimbursement by an LEA with an eligible school.

(6)(a) The Superintendent shall calculate and process reimbursements to LEAs once a year.

(b) The Superintendent shall determine allowable costs eligible for reimbursement taking into account:

- (i) eligible routes; and
- (ii) eligible miles and minutes as reported on the pupil transportation Schedule A1.

(c) The Superintendent shall reimburse an LEA based on the LEA's percentage of total unreimbursed eligible costs submitted.

(d) If the annual appropriation is insufficient to fund all submitted eligible cost payments, the Superintendent shall prorate the reimbursement up to the amount of the appropriation.

(7) An LEA shall permit the Superintendent to review accounting ledgers, student records, and transportation records upon request in order to determine:

- (a) a school's eligibility in accordance with Subsection (1); and
- (b) allowability of an LEA's submitted costs.

KEY: school buses, school transportation

Date of Last Change: ~~2026~~**October 8, 2024**

Notice of Continuation: June 4, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(d); 53E-3-401(4); 53F-2-415; 53F-2-403

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-700

Filing ID: 57729

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:

R277-700. The Elementary and Secondary School General Core

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 381 (2025 General Session)

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

The rule amendments are a result of the passage of HB 381 during the 2025 General Session.

5. Summary of the new rule or change:

The amendments remove the oversight category and specifically update the requirements for the new civics course.

Fiscal Information

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

A. State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures.

The Utah State Board of Education (USBE) believes any fiscal impact was captured in the fiscal note to HB 381 (2025).

The rule change does not carry any additional costs or savings for the USBE, Local Education Agencies (LEAs), other entities, or persons.

B. Local governments:

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

The USBE believes any fiscal impact were captured in the fiscal note to HB 381 (2025).

This rule change does not carry any additional costs or savings for the USBE, LEAs, other entities, or persons.

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

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

The USBE believes any fiscal impact was captured in the fiscal note to HB 381 (2025).

This rule change does not carry any additional costs or savings for the USBE, LEAs, 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.

The USBE believes any fiscal impact was captured in the fiscal note to HB 381 (2025).

This rule change does not carry any additional costs or savings for the USBE, LEAs, other entities, or persons.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The USBE believes any fiscal impact was captured in the fiscal note to HB 381 (2025).

This rule change does not carry any additional costs or savings for the USBE, LEAs, other entities, or persons.

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

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

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

The State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-501(1)(b)	Section 53E-4-202
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: 02/02/2026

10. This rule change MAY become effective on: 02/09/2026

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:	12/15/2025
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R277. Education, Administration.**R277-700. The Elementary and Secondary School General Core.****R277-700-1. Authority and Purpose.** ~~[, Purpose, and Oversight Category.]~~

- (1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
 - (c) Section 53E-3-501, which directs the Board to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements;
 - (d) Section 53E-4-202, which directs:
 - (i) the Board to establish Core Standards in consultation with LEA boards and superintendents; and
 - (ii) LEA boards to adopt local evidence-based curriculum and to design programs to help students master the General Core;
 - (e) Title 53E, Chapter 4, Part 2, Career and College Readiness Mathematics Competency, which directs the Board to establish college and career mathematics competency standards; and
 - (f) Section 53E-4-205, which requires the Board to provide rules related to a basic civics test.
- (2) The purpose of this rule is to specify the minimum Core Standards and General Core requirements for the public schools, and to establish responsibility for mastery of Core Standard requirements.
- ~~[(3) This Rule R277-700 is categorized as Category 3 as described in Rule R277-111.]~~

R277-700-2. Definitions.

For purposes of this rule:

- (1)(a) "Applied course" means a public school course or class that applies the concepts of a Core subject.
- (b) "Applied course" includes a course offered through Career and Technical Education or through other areas of the curriculum.
- (2) "Arts" means the visual arts, music, dance, theatre, and media arts.
- (3) "Assessment" means a summative assessment for:
 - (a) English language arts grades 3 through 10;
 - (b) mathematics grades 3 through 10, and Secondary I, II, and III; or
 - (c) science grades 4 through 10.
- (4) "Career and Technical Education (CTE)" means an organized educational program in secondary schools (grades 6-12) or courses, which teach current industry-specific skills and knowledge that prepares students for employment, and for additional postsecondary preparation leading to employment.
- (5) "Core Standard" means a statement of what a student enrolled in a public school is expected to know and be able to do at a specific grade level or following completion of an identified course.
- (6) "Core subject" means a course for which there is a declared set of Core Standards as approved by the Board.
- (7) "Elementary school" for purposes of this rule means a school that serves grades K-6 in whatever kind of school the grade levels exist.
- (8) "General Core" means the courses, content, instructional elements, materials, resources and pedagogy that are used to teach the Core Standards, including the ideas, knowledge, practice and skills that support the Core Standards.
- (9) "High school" for purposes of this rule means a school that serves grades 9-12 in whatever kind of school the grade levels exist.
- (10) "LEA" or "local education agency" includes the Utah Schools for the Deaf and the Blind.
- (11) "Middle school" for purposes of this rule means a school that serves grades 7-8 in whatever kind of school the grade levels exist.
- (12) "Junior High school" means a school that serves grades 7-9 in whatever kind of school the grade levels exist.
- (13) "Proficiency in keyboarding" means a student's ability to key by touch.
- (14) "Summative adaptive assessment" means an assessment that:
 - (a) is administered upon completion of instruction to assess a student's achievement;
 - (b) is administered online under the direct supervision of a licensed educator;
 - (c) is designed to identify student achievement on the Core Standards for the respective grade and course; and
 - (d) measures the full range of student ability by adapting to each student's responses, selecting more difficult questions when a student answers correctly and less difficult questions when a student answers incorrectly.

R277-700-3. General Core and Core Standards.

- (1) The Board establishes minimum course description standards for each course in the required General Core.
- (2)(a) The Superintendent shall develop, in cooperation with LEAs, course descriptions for required and elective courses.
- (b) The Superintendent shall provide parents and the general public an opportunity to participate in the development process of the course descriptions described in Subsection (2)(a).
- (3)(a) The Superintendent shall ensure that the courses described in Subsection (2):
 - (i) contain mastery criteria for the courses; and
 - (ii) stress mastery of the course material, Core Standards, and life skills consistent with the General Core.
- (b) The Superintendent shall place a greater emphasis on a student's mastery of course material rather than completion of predetermined time allotments for courses.
- (4) An LEA board shall administer the General Core and comply with student assessment procedures consistent with state law.

NOTICES OF PROPOSED RULES

(5) An LEA shall use evidence-based best practices, technology, and other instructional media to increase the relevance and quality of instruction.

R277-700-4. Elementary Education Requirements.

- (1) The Core Standards and a General Core for elementary school students in grades K-6 are described in this section.
- (2) The following are the Elementary School Education Core Subject Requirements:
 - (a) English Language Arts;
 - (b) Mathematics;
 - (c) Science;
 - (d) Social Studies;
 - (e) Arts:
 - (i) Visual Arts;
 - (ii) Music;
 - (iii) Dance; or
 - (iv) Theatre;
 - (f) Health Education;
 - (g) Physical Education;
 - (h) Educational Technology, including keyboarding;
 - (i) Library Media skills, integrated into the core subject areas and
 - (j) Civics and character education, integrated into the core subject areas.
- (3) An LEA board shall provide access to the General Core to all students within the LEA.
- (4) An LEA board is responsible for student mastery of the Core Standards.
- (5) An LEA shall implement formative assessment practices on a regular basis to ensure continual student progress.
- (6) An LEA shall assess students for proficiency in keyboarding by grade 5 and report school level results to the Superintendent.
- (7) An LEA shall use Board-approved summative adaptive assessments to assess student mastery of the following:
 - (a) language arts;
 - (b) mathematics;
 - (c) science; and
 - (d) effectiveness of written expression in grade 5.
- (8) An LEA shall provide intervention to elementary students who do not achieve mastery of the subjects described in this section.

R277-700-5. Middle School Education Requirements.

- (1) The Core Standards and a General Core for middle school students are described in this section.
- (2) A student in grades 7-8 shall complete the courses described in Subsection (3) to be properly prepared for instruction in grades 9-12.
- (3) The following are the Grades 7-8 General Core Requirements:
 - (a) Grade 7 Language Arts;
 - (b) Grade 8 Language Arts;
 - (c) Grade 7 Mathematics;
 - (d) Grade 8 Mathematics;
 - (e) Grade 7 Integrated Science;
 - (f) Grade 8 Integrated Science;
 - (g) United States History;
 - (h) Utah History; and
 - (i) at least one course in each of the following in grades 7 or 8:
 - (A) Health Education;
 - (B) College and Career Awareness;
 - (C) Digital Literacy;
 - (D) the Arts; and
 - (E) Physical Education.
- (5) An LEA shall use Board-approved summative adaptive assessments to assess student mastery of the following:
 - (a) language arts;
 - (b) mathematics;
 - (c) science; and
 - (d) writing in grade 8.
- (6) At the discretion of the LEA board, an LEA board may:
 - (a) offer additional elective courses;
 - (b) require a student to complete additional courses; or
 - (c) set minimum credit requirements.
- (7) Upon parental or student request, an LEA may, with parental consent, substitute a course requirement described in Subsection (3) with a course, extracurricular activity, or experience that is:
 - (a) similar to the course requirement; or

(b) consistent with the student's plan for college and career readiness.

(8)(a) An LEA shall establish a policy governing the substitution of a course requirement as described in Subsection (7).

(b) An LEA's policy described in Subsection (8)(a) shall include a process for a parent to appeal an LEA's denial of a request for a substitution described in Subsection (7) to the LEA board or the LEA board designee.

R277-700-6. High School Requirements.

(1) The General Core and Core Standards for students in grades 9-12 are described in this section.

(2) A student in grades 9-12 shall earn a minimum of 24 units of credit through course completion or through competency assessment consistent with Rule R277-705 to graduate.

(3)(a) Through recording of credits in a student's transcripts for grades 9-12, for purposes of high school graduation, an LEA shall recognize high school credits earned before grade 9.

(b) An LEA may not use high school courses to replace middle school educational requirements.

(4) The General Core credit requirements from courses approved by the Board are described in Subsections (4) through (18).

(5) Language Arts (4.0 units of credit from the following):

(a) Grade 9 level (1.0 unit of credit);

(b) Grade 10 level (1.0 unit of credit);

(c) Grade 11 level (1.0 unit of credit); and

(d) Grade 12 level (1.0 Unit of credit) consisting of applied or advanced language arts credit from the list of Board-approved courses using the following criteria and consistent with the student's Plan for College and Career Readiness:

(i) courses are within the field or discipline of language arts with a significant portion of instruction aligned to language arts content, principles, knowledge, and skills;

(ii) courses provide instruction that leads to student understanding of the nature and disposition of language arts;

(iii) courses apply the fundamental concepts and skills of language arts;

(iv) courses provide developmentally appropriate content; and

(v) courses develop skills in reading, writing, listening, speaking, and presentation.

(e) A student may receive up to a half credit of the students four required Language Arts credits for a course or school sponsored activity emphasizing verbal communication during any year between grades 9 and 12.

(6) Mathematics (3.0 units of credit) shall be met minimally through successful completion of a combination of the foundation or foundation extended courses, Secondary Mathematics I, Secondary Mathematics II, and Secondary Mathematics III.

(7)(a) A student may opt out of Secondary Mathematics III if the student's parent submits a written request to the school.

(b) If a student's parent requests an opt out described in Subsection (6)(a), the student shall complete a third math credit from the Board-approved mathematics list.

(8) A 7th or 8th grade student may earn credit for a mathematics foundation course before 9th grade, consistent with the student's Plan for College and Career Readiness if:

(a) the student is identified as gifted in mathematics in accordance with the procedures outlined in Rule R277-707;

(b) the student is enrolled at a middle school or junior high school and a high school;

(c) the student qualifies for promotion one or two grade levels above the student's age group and is placed in 9th grade; or

(d) the student takes the Board competency test in the summer before 9th grade and earns high school graduation credit for the course.

(9) A student who successfully completes a mathematics foundation course before 9th grade shall earn 3.0 units of additional mathematics credit by:

(a) taking the other mathematics foundation courses described in Subsection (5); and

(b) an additional course from the Board-approved mathematics list consistent with:

(i) the student's Plan for College and Career Readiness; and

(ii) the following criteria:

(A) courses are within the field or discipline of mathematics with a significant portion of instruction aligned to mathematics content, principles, knowledge, and skills;

(B) courses provide instruction that lead to student understanding of the nature and disposition of mathematics;

(C) courses apply the fundamental concepts and skills of mathematics;

(D) courses provide developmentally appropriate content; and

(E) courses include the Standards for Mathematical Practice as listed in the Utah secondary mathematics core.

(10) A student who successfully completes a Calculus course with a "C" grade or higher has completed mathematics graduation requirements, regardless of the number of mathematics credits earned.

(11) Science (3.0 units of credit):

(a) shall be met minimally through successful completion of 2.0 units of credit from two of the following five science foundation areas:

(i) Earth Science (1.0 units of credit);

(A) Earth Science;

(B) Advanced Placement Environmental Science; or

(C) International Baccalaureate Environmental Systems;

(ii) Biological Science (1.0 units of credit);

(A) Biology;

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- (B) Biology: Agricultural Science and Technology;
- (C) Advanced Placement Biology;
- (D) International Baccalaureate Biology; or
- (E) Biology with Lab Concurrent Enrollment;
- (iii) Chemistry (1.0 units of credit);
- (A) Chemistry;
- (B) Advanced Placement Chemistry;
- (C) International Baccalaureate Chemistry; or
- (D) Chemistry with Lab Concurrent Enrollment;
- (iv) Physics (1.0 units of credit);
- (A) Physics;
- (B) Advanced Placement Physics (1, 2, C: Electricity and Magnetism, or C: Mechanics);
- (C) International Baccalaureate Physics; or
- (D) Physics with Lab Concurrent Enrollment; or
- (v) Computer Science (1.0 units of credit);
- (A) Advanced Placement Computer Science;
- (B) Computer Science Principles; or
- (C) Computer Programming 2; and
- (b) one additional unit of credit from:
 - (i) the foundation courses described in Subsection (10)(a); or
 - (ii) the applied or advanced science list:
 - (A) determined by the LEA board; and
 - (B) approved by the Board using the following criteria and consistent with the student's Plan for College and Career Readiness:
 - (i) courses are within the field or discipline of science with a significant portion of instruction aligned to science content, principles, knowledge, and skills;
 - (ii) courses provide instruction that leads to student understanding of the nature and disposition of science;
 - (iii) courses apply the fundamental concepts and skills of science;
 - (iv) courses provide developmentally appropriate content;
 - (v) courses include the areas of physical, natural, or applied sciences; and
 - (vi) courses develop students' skills in scientific inquiry.
- (12) Social Studies (3.0 units of credit, and beginning with incoming [9th]-10th graders in the 2026-2027 school year, 3.5 units of credit) shall be met minimally through successful completion of:
 - (a) 2.5 and beginning with incoming [9th]-10th graders in the 2026-2027 school year 3.0 units of credit from the following courses:
 - (i) World Geography (0.5 units of credit);
 - (ii) World History (0.5 units of credit);
 - (iii) U.S. History (1.0 units of credit);
 - (iv) U.S. Government and Citizenship (0.5 units of credit);
 - (v) Beginning with incoming [9th]-10th graders in the 2026-2027 school year, American Constitutional Government and Citizenship (0.5 units of credit); and
 - (b) Social Studies (0.5 units of credit per LEA discretion).
- (13) The Arts (1.5 units of credit from any of the following performance areas):
 - (a) Visual Arts;
 - (b) Music;
 - (c) Dance;
 - (d) Theatre; or
 - (e) Media Arts.
- (14) Health Education (0.5 units of credit).
- (15)(a) Physical Education (1.5 units of credit from each of the following):
 - (i) Participation Skills (0.5 units of credit);
 - (ii) Fitness for Life (0.5 units of credit); and
 - (iii) Individualized Lifetime Activities (0.5 units of credit);
- (b) Notwithstanding Subsection (15)(a), a student may earn 0.5 units of credit per sport for team sport or athletic participation up to a maximum of 1.0 units of credit with LEA approval to replace participation skills and individualized lifetime activities requirements.
- (16) Career and Technical Education (1.0 units of credit from any of the following):
 - (a) Agriculture, Food and Natural Resources;
 - (b) Architecture and Construction;
 - (c) Arts, Audio/Visual Technology and Communications;
 - (d) Business, Finance and Marketing;
 - (e) Computer Science and Information Technology;
 - (f) Education and Training;
 - (g) Engineering and Technology;
 - (h) Health Science;

- (i) Hospitality and Tourism;
- (j) Human Services;
- (k) Law, Public Safety, Corrections and Security;
- (l) Manufacturing; or
- (m) Transportation, Distribution, and Logistics.
- (17) Digital Studies (0.5 units of credit).
- (18) Library Media Skills, integrated into the subject areas.
- (19) General Financial Literacy (0.5 units of credit).
- (20) Electives (5.0 units of credit).
- (21) An LEA shall use Board-approved summative assessments to assess student mastery of the following subjects:
 - (a) language arts through grade 11;
 - (b) mathematics as defined in Subsection (6); and
 - (c) science as defined in Subsection (11).

(22) An LEA board may require a student to earn credits for graduation that exceed the minimum Board requirements described in this rule.

(23) An LEA board may establish and offer additional elective course offerings at the discretion of the LEA board.

(24)(a) An LEA may modify a student's graduation requirements to meet the unique educational needs of a student if:

- (i) the student has a disability; and
 - (ii) the modifications to the student's graduation requirements are made through the student's individual IEP.
- (b) An LEA shall document the nature and extent of a modification, substitution, or exemption made to a student's graduation requirements described in Subsection (22)(a) in the student's IEP.

(25) The Superintendent shall provide a list of approved courses meeting the requirements of this rule.

(26) An LEA may modify graduation requirements for an individual student to achieve an appropriate route to student success if the modification:

- (a) is consistent with:
 - (i) the student's IEP; or
 - (ii) SEOP or Plan for College and Career Readiness;
- (b) is maintained in the student's file;
- (c) includes the parent's signature; and
- (d) maintains the integrity and rigor expected for high school graduation, as determined by the Board.

R277-700-7. Student Mastery and Assessment of Core Standards.

(1) An LEA shall ensure students master the Core Standards at all levels.

(2) An LEA shall provide intervention for secondary students who do not achieve mastery in accordance with Section 53G-9-803.

(3) An LEA shall provide remedial assistance to students who are found to be deficient in basic skills through a statewide assessment in accordance with Subsection 53E-5-206(1).

(4) If a student refrains from a portion of a course or to a course in its entirety under Section 53G-10-205, the parent and school may work together to establish an alternate academic accommodation, which allows the student to demonstrate mastery of Core Standards or alternate standard, consistent with Subsection 53G-6-803(7) and Subsection 53G-10-205(2)(b).

(5)(a) A student with a disability served by a special education program shall demonstrate mastery of the Core Standards.

(b) If a student's disability precludes the student from successfully mastering the Core Standards, the student's IEP team, on a case-by-case basis, may provide the student an accommodation for, or modify the mastery demonstration to accommodate, the student's disability.

(6) A student may demonstrate competency to satisfy course requirements consistent with Section R277-705-3.

(7) LEAs are ultimately responsible for and shall comply with all assessment procedures, policies and ethics as described in Rule R277-404.

R277-700-8. Civics Education Initiative.

(1) For purposes of this section:

- (a) "Student" means a student enrolled in an adult education program who receives an adult education secondary diploma.
- (b) "Basic civics test" means the same as that term is defined in Subsection 53E-4-205(1)(b).

(2) Except as provided in Subsection (3), an LEA shall:

- (a) administer a basic civics test in accordance with the requirements of Section 53E-4-205; and
- (b) require a student to pass the basic civics test as a condition of receiving an adult education secondary diploma.

(3) An LEA may require a student to pass an alternate assessment if:

- (a)(i) the student has a disability; and
- (ii) the alternate assessment is consistent with the student's IEP; or
- (b) the student is within six months of intended graduation.

(4) Except as provided in Subsection (5), the alternate assessment shall be given:

- (a) in the same manner as an exam given to an unnaturalized citizen; and
- (b) in accordance with 8 C.F.R. Sec. 312.2.

(5) An LEA may modify the manner of the administration of an alternate assessment for a student with a disability in accordance with the student's IEP.

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(6) If a student passes a basics civics test or an alternate assessment described in this section, an LEA shall report to the Superintendent that the student passed the basic civics test or alternate assessment.

(7) If a student who passes a basic civics test or an alternate assessment transfers to another LEA, the LEA may not require the student to re-take the basic civics test or alternate assessment.

R277-700-9. College and Career Readiness Mathematics Competency.

(1) For purposes of this section, "senior student with a special circumstance" means a student who:

(a) is pursuing a college degree after graduation; and

(b) has not met one of criteria described in Subsection (2)(a) before the beginning of the student's senior year of high school.

(2) Except as provided in Subsection (4), in addition to the graduation requirements described in Section R277-700-6, beginning with the 2016-17 school year, a student pursuing a college degree after graduation shall:

(a) receive one of the following:

(i) a score of 3 or higher on an Advanced Placement (AP) calculus AB or BC exam;

(ii) a score of 3 or higher on an Advanced Placement (AP) statistics exam;

(iii) a score of 5 or higher on an International Baccalaureate (IB) higher level math exam;

(iv) a score of 50 or higher on a College Level Exam Program (CLEP) pre-calculus or calculus exam;

(v) a score of 26 or higher on the mathematics portion of the American College Test (ACT) exam;

(vi) a score of 640 or higher on the mathematics portion of the Scholastic Aptitude Test (SAT) exam; or

(vii) a "C" grade in a concurrent enrollment mathematics course that satisfies a state system of higher education quantitative literacy requirement; or

(b) if the student is a senior student with a special circumstance, take a full year mathematics course during the student's senior year of high school.

(3) Except as provided in Subsection (4), in addition to the graduation requirements described in Section R277-700-6, beginning with the 2016-17 school year, a non-college and degree-seeking student shall complete appropriate math competencies for the student's career goals as described in the student's Plan for College and Career Readiness.

(4) An LEA may modify a student's college or career readiness mathematics competency requirement under this section if:

(a) the student has a disability; and

(b) the modification to the student's college or career readiness mathematics competency requirement is made through the student's IEP.

(5)(a) An LEA shall report annually to the LEA's board the number of students within the LEA who:

(i) meet the criteria described in Subsection (2)(a);

(ii) take a full year of mathematics as described in Subsection (2)(b);

(iii) meet appropriate math competencies as established in the students' career goals as described in Subsection (3); and

(iv) meet the college or career readiness mathematics competency requirement established in the students' IEP as described in Subsection (4).

(b) An LEA shall provide the information described in Subsection (5)(a) to the Superintendent by October 1 of each year.

KEY: graduation requirements, standards

Date of Last Change: ~~2026~~ **August 7, 2025**

Notice of Continuation: June 4, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(b); 53E-4-202; 53E-3-401(4)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-705

Filing ID: 57730

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:

R277-705. Secondary School Completion and Diplomas

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

The rule amendments are needed in order for the Utah State Board of Education (USBE) to be compliant with assessment requirements for students with disabilities based on the federal Every Student Succeeds Act (ESSA).

5. Summary of the new rule or change:

The amendments specifically update the definition of "Student with a Significant Cognitive Disability" (SWSCD), as well as the assessment requirements for students with disabilities.

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 primarily refine the definition of which students qualify for an "Alternate Diploma" (specifically setting a statistical threshold for cognitive disability).

These are administrative and technical adjustments that utilize existing staff and data for the Utah State Board of Education (USBE) and Local Education Agencies (LEAs), and comply with federal requirements.

There are no measurable costs or savings for the USBE, LEAs, other entities, or individuals.

B. Local governments:

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

The rule changes primarily refine the definition of which students qualify for an "Alternate Diploma" (specifically setting a statistical threshold for cognitive disability).

These are administrative and technical adjustments that utilize existing staff and data for the USBE and LEAs, and comply with federal requirements.

There are no measurable costs or savings for the USBE, LEAs, other entities, or individuals.

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 primarily refine the definition of which students qualify for an "Alternate Diploma" (specifically setting a statistical threshold for cognitive disability).

These are administrative and technical adjustments that utilize existing staff and data for the USBE and LEAs, and comply with federal requirements.

There are no measurable costs or savings for the USBE, LEAs, other entities, or individuals.

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 primarily refine the definition of which students qualify for an "Alternate Diploma" (specifically setting a statistical threshold for cognitive disability).

These are administrative and technical adjustments that utilize existing staff and data for the USBE and LEAs, and comply with federal requirements.

There are no measurable costs or savings for the USBE, LEAs, other entities, or individuals.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The rule changes primarily refine the definition of which students qualify for an "Alternate Diploma" (specifically setting a statistical threshold for cognitive disability).

These are administrative and technical adjustments that utilize existing staff and data for the USBE and LEAs, and comply with federal requirements.

There are no measurable costs or savings for the USBE, LEAs, other entities, or individuals.

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-3-501(1)(b)	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:	02/02/2026
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10. This rule change MAY become effective on:	02/09/2026
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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:	12/15/2025
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R277. Education, Administration.**R277-705. Secondary School Completion and Diplomas.****R277-705-1. Authority, Purpose, and Oversight Category.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
- (b) Subsections 53E-3-501(1)(b) and (c), which direct the Board to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements; and
- (c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to:

- (a) provide consistent definitions;
 - (b) provide alternative methods for a student to earn credit and alternate methods for schools to award credit;
 - (c) provide rules and procedures for the assessment of all students as required by law; and
 - (d) provide rules for a student to receive an alternative to a traditional diploma if appropriate criteria are met.
- (3) This Rule R277-705 is categorized as Category 3 as described in Section 53E-3-501.

R277-705-2. Definitions.

(1) "Alternate Diploma" means a diploma issued in accordance with Section R277-705-5.

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

(b) "Comparable course" does not include a course a student completes through the packet method.

(3) Credit recovery" means the same as "replacement credit."

(4) "Demonstrated competence" means subject mastery as determined by LEA standards and review. LEA review may include such methods and documentation as: tests, interviews, peer evaluations, writing samples, reports, or portfolios.

(5) "Diploma" means an official document awarded by an LEA consistent with state and LEA graduation requirements and the provisions of this rule.

(6) "FAPE" means a free appropriate public education, which includes special education and related services that are provided at public expense, under public supervision and direction, and without charge in accordance with Board rule and the IDEA and Section 504 of the Rehabilitation Act of 1973.

(7) "Grade replacement" means credit a student earns by retaking a teacher-led course for a letter grade to improve a previous grade, which:

- (a) may raise the student's grade point average if the new grade is higher; and
 - (b) replaces the lower grade on the student's transcript.
- (8) "Original credit" means credit a student earns through the successful completion of a course for the first time.
- (9) "Packet" means a collection of instructional materials and assessments used to receive credit through the packet method.
- (10) "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.
- (11) "Replacement credit" means a pass-fail credit a student earns for a course the student did not pass or complete, which:
- (a) does not affect the student's grade point average; and
 - (b) allows the student to fulfill high school graduation requirements.
- (12)(a) "Secondary school" means grades 7-12 in whatever kind of school the grade levels exist.

NOTICES OF PROPOSED RULES

- (b) Grade 6 may be considered a secondary grade for some purposes.
- (13) "Section 504 plan" means a written statement of related aids and services for a student with a qualifying disability that is developed, reviewed, and revised in accordance with Section 504 of the Rehabilitation Act of 1973.
- (14)(a) "Special purpose school" means a school designated by a regional accrediting agency, adopted by the Board.
- (b) "Special purpose school" includes a school:
 - (i) that serves a specific population such as a student with a disability, youth in care, or a school with a specific curricular emphasis; and
 - (ii) with curricula designed to serve specific populations that may be modified from a traditional program.
- (15) "Student with ~~the~~ the most significant cognitive disability" or "SWSCD" is determined by a comprehensive understanding of a whole student, including review of educational considerations and data obtained through the IEP process, including whether a student:
 - (a) requires intensive, repeated, modified, and direct individualized instruction and requires substantial supports to learn, maintain, and generalize skills in the student's grade and age-appropriate curriculum;
 - (b) has special education eligibility documentation indicating the disability significantly impacts intellectual functioning and adaptive behavior which means typically functioning at least two and a half or more standard deviations below the mean;
 - (c) demonstrates cognitive functioning and adaptive behavior in home, school, and community environments, which are significantly below age expectations, even with program modifications, adaptations, and accommodations;
 - (d) has a severe and complex cognitive disability, which limits the student from meaningful participation in the standard academic core curriculum or achievement of the academic content standards established at grade level, without substantial support, modifications, adaptations, and accommodations;
 - (e) has a course of study that addresses the significant impact in adaptive behavior skills;
 - (f) may be eligible to participate in alternate assessments; and
 - ~~(f)~~ (g) has a disability, which increases the need for dependence on others for many, if not all, daily living needs, and is expected to require extensive ongoing support through adulthood.
- (16) "Supplemental education provider" means a private school or educational service provider:
 - (a) that may or may not be accredited; and
 - (b) that provides courses or services similar to public school courses or classes.
- (17)(a) "Transcript" means an official document or record generated by one or several schools which includes:
 - (i) the courses in which a secondary student was enrolled;
 - (ii) grades and units of credit earned; and
 - (iii) citizenship and attendance records.
- (b) A transcript is one part of a student's permanent record or cumulative file that may include:
 - (i) birth certificate
 - (ii) immunization records; and
 - (iii) other information as determined by the school in possession of the record.
- (18) "Unit of credit" means credit awarded for a course taken:
 - (a) consistent with this rule;
 - (b) upon LEA authorization; or
 - (c) for mastery demonstrated by approved methods.

R277-705-3. Required LEA Policy Explaining Student Credit.

- (1)(a) An LEA governing board shall establish a policy, in an open meeting, explaining the process and standards for acceptance and reciprocity of credits earned by a student in accordance with state law.
- (b) An LEA policy described in Subsection (1)(a) shall include specific and adequate notice to a student and a parent of all policy requirements and limitations.
- (2)(a) An LEA shall accept credits and grades awarded to a student from a school or a provider accredited by an accrediting entity adopted by the Board.
- (b) An LEA policy may establish reasonable timelines and may require adequate and timely documentation of authenticity for credits and grades submitted.
- (3) An LEA policy shall provide various methods for a student to earn credit from a non-accredited source, course work, or education provider including:
 - (a) satisfaction of coursework by demonstrated competency, as evaluated at the LEA level;
 - (b) assessment as proctored and determined at the school or school level;
 - (c) review of student work or projects by an LEA administrator; and
 - (d) satisfaction of electronic or correspondence coursework, as approved at the LEA level.
- (4) An LEA may require documentation of compliance with Section 53G-6-204 before reviewing a student's home school or competency work, assessment, or materials.
- (5) An LEA policy for participation in extracurricular activities, awards, recognitions, and enhanced diplomas may be determined locally consistent with the law and this rule.
- (6) An LEA has the final decision-making authority for the awarding of credit and grades from a non-accredited source consistent with state law, due process, and this rule.
- (7) An LEA may award a grade for original credit through the packet method if:
 - (a) the packet adheres to the following criteria:

- (i) it fully covers the course standards;
- (ii) it includes adequate opportunities for practice and application;
- (iii) it includes a variety of assessments; and
- (iv) it is consistent with Section 53E-3-501; and
- (b) the LEA approves the packet for use as an instructional material in accordance with:
 - (i) Subsection 53G-4-402(27) for a district school; or
 - (ii) Section 53G-5-404 for a charter school; or
- (c) the Board recommends the packet after going through the state instructional materials process described in Title 53E, Chapter 4,

Part 4, State Instructional Materials.

- (8) Packets for original credit are not "Demonstrated Competence" as defined in Subsection R277-705-2(2).
- (9) 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 (9).
- (10) A high school student may improve a grade through grade replacement by:
 - (a) repeating a course one or more times; or
 - (b) enrolling in and completing a comparable course that is teacher-led.
- (11) The Board shall:
 - (a) ensure that packets that come to the Board for review adhere to the following criteria:
 - (i) the packet fully covers the course standards;
 - (ii) the packet contains adequate opportunities for practice and application;
 - (iii) the packet includes a variety of assessments; and
 - (iv) is consistent with Section 53E-3-501; and
 - (b) maintain a comprehensive list of Board approved packets in the Board's Recommended Instructional Materials System on the Board's website; and
 - (c) report annually to the Education Interim Committee the number of students in each LEA who receive academic credit through the packet method.
- (12) An LEA shall:
 - (a) assign a distinct course name and number for credit earned through the packet method to easily identify the use of the packet method on a student transcript; and
 - (b) track and record the number of packets an LEA uses to award original credit or replacement credit each school year.
- (13) Subsection R277-705-3(11)(b), regarding a report on the packet method, is repealed July 1, 2028.

R277-705-4. Diplomas and Certificates of Completion.

- (1) An LEA shall award diplomas and certificates of completion.
- (2) An LEA shall establish criteria for a student to earn a certificate of completion that may be awarded to a student who:
 - (a) has completed the student's senior year;
 - (b) is exiting or aging out of the school system; and
 - (c) has not met all state or LEA requirements for a diploma.
- (3) A student with a disability served by a special education program shall satisfy high school completion or graduation criteria, consistent with state and federal law and the student's IEP.
- (4) An LEA may award a student a certificate of completion consistent with state and federal law and the student's IEP or Section 504 plan.
- (5) An LEA may not enroll a student with the intent to award a diploma or a certificate of completion once the student has earned a high school equivalence.

R277-705-5. Alternate Diploma.

- (1) An LEA may award an alternate diploma to a student with ~~[a]~~the most significant cognitive disability if:
 - (a) the student accesses grade-level Core standards through the Essential Elements;
 - (b) the student's IEP team makes graduation substitutions in the same content area, from a list of alternative courses approved by the Superintendent; and
 - (c) the student meets all graduation requirements before exiting school at or before age 22.
- (2) An alternate diploma issued in accordance with Subsection (1) may not indicate that the recipient is a student with a disability.
- (3) Notwithstanding the award of an alternate diploma, an LEA may still be obligated to provide FAPE to an eligible student in accordance with the IDEA.
- (4)(a) The Superintendent shall provide a list of alternative courses that may be considered for student with cognitive disabilities working to receive an alternate diploma.
- (b) An LEA may submit courses to the Superintendent to be considered for possible inclusion on the list required by Subsection (4)(a).
- (c) The Superintendent shall annually update the list of alternative courses required under Subsection (4)(a) following review of LEA recommendations made under Subsection (4)(b).

R277-705-6. Career Development Credentials.

- (1) An LEA may award a career development credential to a student with an IEP or Section 504 plan:

NOTICES OF PROPOSED RULES

- (a) who meets the requirements of a career focused work experience before leaving school; and
- (b) consistent with:
 - (i) state and federal law; and
 - (ii) the student's IEP or Section 504 plan.
- (2) Before receiving a career development credential, a student shall:
 - (a) earn the following credits in core content:
 - (i) English Language Arts (3.0);
 - (ii) Mathematics (2.0);
 - (iii) Science (1.0); and
 - (iv) Social Studies (1.0);
 - (b) complete 120 hours of community based work experience, to include:
 - (i) 40 hours of paid employment; or
 - (ii) documentation of completion of intake with a vocal rehabilitation counselor or the Department of Workforce Services;
 - (c) complete an LEA approved transition curriculum class or coursework that includes:
 - (i) disability awareness;
 - (ii) accommodations;
 - (iii) self-advocacy training;
 - (iv) career exploration; and
 - (v) workplace soft skills;
 - (d) receive .5 credits in a CTE Work Based Learning internship, including accommodations or modifications as appropriate and allowed by industry standards; and
 - (e) verify concentration in a CTE pathway in the student's area of interest.

R277-705-7. Adult Education Students.

- (1) An adult education student is eligible only for an adult education secondary diploma.
- (2) An adult education diploma may not be upgraded or changed to a traditional, high school-specific diploma.
- (3) A school district shall establish a policy:
 - (a) allowing or disallowing adult education student participation in graduation activities or ceremonies; and
 - (b) establishing timelines and criteria for satisfying adult education graduation and diploma requirements.

R277-705-8. Student Rights and Responsibilities Related to Graduation, Transcripts, and Receipt of Diplomas.

- (1) An LEA shall supervise the granting of credit and awarding of diplomas, but may delegate the responsibility to schools within the LEA.
- (2) An LEA may determine criteria for a student's participation in graduation activities, honors, and exercises, independent of a student's receipt of a diploma or certificate of completion.
- (3) A diploma, a certificate, credits, or an unofficial transcript may not be withheld from a student for nonpayment of school fees.
- (4)(a) An LEA shall establish a consistent timeline for all students for completion of graduation requirements.
- (b) A timeline described in Subsection (4)(a) shall be consistent with state law and this rule.
- (5) An LEA's graduation requirements may not apply retroactively.

KEY: adult education, high school credits, graduation requirements

Date of Last Change: ~~2026~~~~October 8, 2025~~

Notice of Continuation: November 15, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(b); 53E-3-401(4)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R277-716

Filing ID: 57731

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:**

R277-716. Alternative Language Services for Utah Students

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

The amendments are necessary in order to update the rule's language so that it aligns with state code.

5. Summary of the new rule or change:

The amendments specifically clarify and update the Local Education Agency (LEA) responsibilities related to alternative language services for students.

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 changes primarily align Board Rule with existing State Statute (Section 53G-7-223) and Federal Civil Rights requirements regarding language access. This rule simply updates the terminology to match those mandates.

There are no measurable costs or savings for the Utah State Board of Education (USB), LEAs, other entities, or individuals.

B. Local governments:

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

The changes primarily align Board Rule with existing State Statute (Section 53G-7-223) and Federal Civil Rights requirements regarding language access. This rule simply updates the terminology to match those mandates.

There are no measurable costs or savings for the USB, LEAs, other entities, or individuals.

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.

The changes primarily align Board Rule with existing State Statute (Section 53G-7-223) and Federal Civil Rights requirements regarding language access. This rule simply updates the terminology to match those mandates.

There are no measurable costs or savings for the USB, LEAs, other entities, or individuals.

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 changes primarily align Board Rule with existing State Statute (Section 53G-7-223) and Federal Civil Rights requirements regarding language access. This rule simply updates the terminology to match those mandates.

There are no measurable costs or savings for the USBE, LEAs, other entities, or individuals.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The changes primarily align Board Rule with existing State Statute (Section 53G-7-223) and Federal Civil Rights requirements regarding language access. This rule simply updates the terminology to match those mandates.

There are no measurable costs or savings for the USBE, LEAs, other entities, or individuals.

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:	02/02/2026
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10. This rule change MAY become effective on:	02/09/2026
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:	12/15/2025
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R277. Education, Administration.**R277-716. Alternative Language Services for Utah Students.****R277-716-1. Authority and Purpose.**

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
 - (b) Title III; and
 - (c) Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities.
- (2) The purpose of this rule is:
 - (a) to address the requirements of Title III and implementing regulations and case law;
 - (b) to clearly define the respective responsibilities of the Superintendent and LEAs:
 - (i) in identifying students learning English who are currently enrolled in Utah schools; and
 - (ii) in providing evidence-based language instruction educational programs to identified students; and
 - (c) to:
 - (i) meet Title III requirements;
 - (ii) meet funding eligibility requirements; and
 - (iii) appropriately distribute Title III funds for students learning English to LEAs with approved plans in the Utah Grants Management System.

R277-716-2. Definitions.

- (1) "Alternative language services program" or "ALS program" means an evidence-based language instruction educational program used to achieve English proficiency and academic progress of identified students.
- (2) "Alternative language services" or "ALS" means language services designed to meet the education needs of all students learning English so that students are able to participate effectively in the regular instruction program.
- (3) "Board" means the same as defined in Subsection R277-100-2(3).
- (4) "Consolidated State Plan" means the application for federal funds authorized under the Elementary and Secondary Education Act, or ESEA, 20 U.S.C. Sec. 1001, et seq., as amended, and other federal sources submitted annually to the Superintendent.
- (5) "Evidence-based language instruction education program" means evidence-based methods, recommended by the Superintendent, that meet the "Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments" developed by the U.S. Department of Education.
- (6) "Immigrant children and youth" for purposes of this rule means individuals who:
 - (a) are ages 3 through 21;
 - (b) were born outside of the United States; and
 - (c) have not been attending one or more schools in any one or more states of the United States for more than three full academic years.
- (7) "Instructional Materials Commission" means a Commission appointed by the Board to evaluate instructional materials for recommendation by the Board consistent with Title 53E, Chapter 4, State Instructional Materials Commission.
- (8) "Language instruction educational program" means an instructional course:
 - (a) in which a student learning English is placed for developing and attaining English proficiency, while meeting challenging state academic standards;
 - (b) that may make instructional use of both English and a child's native language to enable the child to attain and develop English proficiency; and
 - (c) that may include the participation of English proficient children if the course is designed to enable all participating children to become proficient in English and a second language.
- (9) "Student learning English" means an individual who:
 - (a) ~~who~~ has sufficient difficulty speaking, reading, writing, or understanding the English language, and whose difficulties may deny the individual the opportunity to:
 - (i) learn successfully in classrooms where the language of instruction is English; or
 - (ii) participate fully in society;
 - (b) ~~who~~ was not born in the United States or whose native language is a language other than English and who comes from an environment where a language other than English is dominant; or
 - (c) ~~who~~ is an American Indian or Alaskan native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency.
- (10) "TESOL" means Teach~~ers~~ing ~~of~~ English to Speakers of Other Languages.
- (11) "TESOL Standards" mean the Pre-K-12 English Language Proficiency Standards established by TESOL International.

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(12) "Title III" means federal provisions for providing language instruction to students learning English and immigrant children and youth under 20 U.S.C. 6801, et seq.

R277-716-3. Superintendent Responsibilities.

(1) The Superintendent shall make available in Utah's approved Consolidated State Plan for Title III and require all LEAs to adhere to identification and placement procedures to support evidence-based language instruction education programs for students learning English.

(2) The Superintendent shall develop and require all LEAs to administer a Board approved annual English language proficiency assessment to measure fluency level and progress in:

- (a) listening;
- (b) speaking;
- (c) reading; and
- (d) writing.

(3) The Superintendent shall apply a formula and distribute funds to LEAs for identification and services to students learning English and their families.

(a) The formula shall provide an amount based upon eligible students and available funds, to be distributed to all eligible LEAs and consortia consistent with Title III requirements.

(b) The formula shall provide for an additional amount to qualifying LEAs based on numbers of immigrant children and youth.

(4) An LEA that receives Title III funds under this rule shall provide the following to the Superintendent:

- (a) assurances and documentation maintained of services or a program used to serve students; and
- (b) assurances and documentation maintained of required parent notification.

(5) The Superintendent shall provide timelines to LEAs for meeting Title III requirements.

(6) The Superintendent shall assist and provide training to LEAs in development of ALS and Title III services to students learning English who do not meet the state designated annual growth goals in both increased English proficiency and academic standards.

(7) An LEA shall maintain:

- (a) an ALS budget plan;
- (b) a plan for delivering student instruction as a requirement in the monitoring section of the Utah Grants Management System;
- (c) ALS assessments to date;
- (d) a sample of parent notification required under Subsection R277-716-4(7); and
- (e) documentation or evidence of progress in the state accountability system.

(8) The Superintendent shall conduct on-site or virtual monitoring of all funded ALS programs at least once every five years.

(9) The Superintendent shall provide technical assistance during on-site or virtual monitoring and as the Superintendent deems necessary.

R277-716-4. LEA Responsibilities.

(1) An LEA that receives funds under Title III shall assure that the LEA has a written plan that:

(a) includes an identification process for students learning English, including a Board approved home language survey, entrance criteria, and a language proficiency assessment for program placement, that is implemented with student registration;

(b) uses a Board approved valid and reliable assessment of a student's English proficiency in:

- (i) listening;
- (ii) speaking;
- (iii) reading; and
- (iv) writing;

(c) provides an evidence-based language instruction educational program based on Board approved English Language Proficiency Standards;

(d) uses the Board approved student exit criteria from ALS programs or services; and

(e) includes the count of students learning English, by classification, before July 1 of each year.

(2) Following receipt of Title III funds, an LEA shall:

(a) determine what type of Title III ALS services are available and appropriate for each student identified in need of ALS services, including:

- (i) dual immersion;
- (ii) ESL content-based; and
- (iii) sheltered instruction;

(b) implement an approved language instruction educational program designed to achieve English proficiency and academic progress of an identified student;

(c) ensure that all identified students learning English receive English language instructional services in the least segregated environment, consistent with Subsection R277-716-4(1)(c);

(d) provide adequate staff development to assist a teacher and staff in supporting students learning English; and

(e) provide necessary staff with:

- (i) curricular materials approved by the Instructional Materials Commission consistent with Rule R277-469; and
- (ii) facilities for adequate and effective training.

(3) Following evaluation of student achievement and services, an LEA shall:

- (a) analyze results and determine the program's success or failure; and

- (b) modify a program or services that are not effective.
- (4) An LEA shall have a policy to identify and serve students who qualify for services under IDEA, including:
 - (a) implementing procedures and training, consistent with federal regulations and state special education rules, that ensure students learning English are not misidentified as students with disabilities due to their inability to speak and understand English;
 - (b) reviewing the assessment results of a student's language proficiency in English and other languages before initiating evaluation activities, including selecting additional assessment tools;
 - (c) conducting assessments for IDEA eligibility determination and educational programming in a student's native language when appropriate;
 - (d) using nonverbal assessment tools when appropriate;
 - (e) ensuring that accurate information regarding a student's language proficiency in English and another language is considered in evaluating assessment results;
 - (f) considering results from assessments administered both in English and in a student's native language;
 - (g) ensuring that all required written notices and communications with a parent who is not proficient in English are provided in the [parent's preferred] native language of the parent, including utilizing interpretation services; and
 - (h) coordinating the language instruction educational program and special education and related services to ensure that the IEP is implemented as written.
- (5) An LEA shall provide information and training to staff that:
 - (a) limited English proficiency is not a disability; and
 - (b) if there is evidence that a student with limited English proficiency has a disability, the staff shall refer the student for possible evaluation for eligibility under IDEA.
- (6)(a) An LEA shall notify a parent who is not proficient in English of the LEA's required activities.
- (b) A school shall provide information about required and optional school activities in [a] the [parent's preferred] native language of the parent.
- (c) An LEA shall provide interpretation and translation services based on the LEA's board approved language access policy as stated in Subsection 53G-7-223(1)(2) [for a parent] at:
 - (i) registration;
 - (ii) an IEP meeting;
 - (iii) an SEOP meeting;
 - (iv) a parent-teacher conference; and
 - (v) a student disciplinary meeting.
- (d) An LEA shall provide annual notice to a parent of a student placed in a language instruction educational program within 30 days of the first day of school.
- (e) If a student has been identified as requiring ALS services after the first month of school, the LEA shall notify the student's parent within ten school days of the student's identification and placement.
- (7) A required notice described in Subsection (6) shall include:
 - (a) the student's English proficiency level;
 - (b) how the student's English proficiency level was assessed;
 - (c) the status of the student's academic achievement;
 - (d) the methods of instruction proposed to increase English language [acquisition] proficiency, including using both the student's native language and English if necessary;
 - (e) specifics regarding how the methods of instruction will help the child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation; and
 - (f) the specific exit requirements for the program including:
 - (i) the student's expected rate of transition from the program into a classroom that is not tailored for a student learning English; and
 - (ii) the student's expected high school graduation date if funds appropriated consistent with this rule are used for a secondary school student.

R277-716-5. Teacher Qualifications.

- (1) A Utah educator who is assigned to provide instruction in a language acquisition instructional program shall comply with state ESL endorsement requirements.
- (2) A Utah educator whose primary assignment is to provide English language instruction to a student learning English shall have:
 - (a) an ESL endorsement, through an approved program based on the TESOL Standards;
 - (b) an advanced degree or certification in teaching English as a Second Language, including an approved competency program consistent with Board rule; or
 - (c) a bilingual endorsement consistent with the educator's assignment.

R277-716-6. Miscellaneous Provisions.

- (1)(a) An LEA that generates less than \$10,000 from the LEA's count of students learning English, may form a consortium with other similar LEAs.
- (b) A consortium described in Subsection (1)(a) shall designate a fiscal agent and shall submit all budget and reporting information from all the member LEAs of the consortium.

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(c) Each member of a consortium shall submit plans and materials to the fiscal agent of the consortium for final reporting submission to the Superintendent.

(d) A fiscal agent of a consortium described in Subsection (1)(a) shall assume all responsibility of an LEA under Section R277-716-4.

(2) No LEA or consortium may withhold more than 2% of Title III funding for administrative costs in serving students learning English.

KEY: alternative language services

Date of Last Change: 2026[March 11, 2024]

Notice of Continuation: February 10, 2021

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:

R436-3

Filing ID: 57703

Agency Information

Agency Information		
1. Title catchline:	Health and Human Services, Data, Systems and Evaluation, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Nicole Bissonette	385-266-1543	nbissonette@utah.gov
Mariah Noble	35-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R436-3. Amendments and Corrections to Vital Records	
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 119 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
Based on internal review of this rule, the Department of Health and Human Services determined it is appropriate to add an incorporation by reference (IBR) that gives more information on the process for birth certificate corrections and changes.	
Additionally, SB 119 from the 2025 General Session of the Legislature renumbered a reference in this rule's annotation block, and it is appropriate to update that reference.	
5. Summary of the new rule or change:	
This filing adds to this rule an IBR to provide customer clarity on scrivener's errors, omissions, and birth certificate changes.	
Additionally, it updates a reference in the annotation block that has been renumbered from Section 78B-15-302 to Section 81-5-302.	

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

There is no anticipated fiscal impact to the state budget as a result of this filing, as it adds an IBR to clarify administrative processes and updates a statutory reference.

This filing does not add, modify, or remove any responsibility or restriction to the state.

It clarifies existing processes.

B. Local governments:

There is no anticipated fiscal impact to local governments as a result of this filing, as it adds an IBR to clarify administrative processes and updates a statutory reference.

This filing does not add, modify, or remove any responsibility or restriction to local governments.

It clarifies existing processes.

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

There is no anticipated fiscal impact to small businesses as a result of this filing, as it adds an IBR to clarify administrative processes and updates a statutory reference.

This filing does not add, modify, or remove any responsibility or restriction to small businesses.

It clarifies existing processes.

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

There is no anticipated fiscal impact to non-small businesses as a result of this filing, as it adds an IBR to clarify administrative processes and updates a statutory reference.

This filing does not add, modify, or remove any responsibility or restriction to non-small businesses.

It clarifies existing processes.

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

There is no anticipated fiscal impact to other persons as a result of this filing, as it adds an IBR to clarify administrative processes and updates a statutory reference.

This filing does not add, modify, or remove any responsibility or restriction to other persons.

It clarifies existing processes.

F. Compliance costs for affected persons:

There are no anticipated compliance costs persons as a result of this filing, as it adds an IBR to clarify administrative processes and updates a statutory reference.

This filing does not add, modify, or remove any responsibility or restriction to affected persons.

It clarifies existing processes.

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 Health and Human Services, Tracy S. Gruber, 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 26B-8-107	Section 26B-8-111	

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. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	Birth Certificate Corrections and Changes
Publisher	Office of Vital Records and Statistics
Issue Date	September 2025
Issue or Version	2025

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:	02/02/2026

10. This rule change MAY become effective on:	02/09/2026
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/02/2025
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R436. Health and Human Services, Data, Systems and Evaluation, Vital Records and Statistics.**R436-3. Amendments and Corrections to Vital Records.****R436-3-1. Authority and Purpose.**

- (1) Sections 26B-8-107 and 26B-8-111 authorize this rule.
- (2) This rule sets forth the process for correcting and amending vital records.

R436-3-2. Definitions.

- (1) "Amendment to a vital record" means a change made to a field that appears on the printed birth certificate or a change, other than a scrivener's error, made a year or more after the event.
- (2)(a) "Correction to a vital record" means a change made to a field that does not appear on the printed birth certificate, such as birth weight or residence, or a change to information that was entered incorrectly.
- (b) Any correction, other than for a scrivener's error, must occur within one year of the event or before the issuance of a certificate.
- (3)(a) "Court order" means an order from a court of competent jurisdiction; and
- (b) includes a civil petition invoking the jurisdiction of a court of record.
- (4) "Delayed birth certificate" means the certificate from a delayed birth registration as defined in Section 26B-8-108.
- (5) "Department" means the Department of Health and Human Services.
- (6) "Scrivener's error" means an error or omission made by an individual entering information into a Vital Records system or while creating a record.

R436-3-3. Role of the State Registrar.

- (1) The state registrar shall determine if a change to a certificate item may be corrected or if an amendment is required.
- (2)(a) The state registrar may initiate a correction to a record if the state registrar becomes aware of incorrect information on a record.
- (b) The state registrar may contact any facility or individual responsible for the original submission of data to assist in the collection of evidence of the error and correct information.
- (3)(a) The state registrar may require documentary evidence as outlined in Section R436-3-5 to substantiate any requested correction or amendment.
- (b)(i) If there is reason to doubt the validity or adequacy of the documentary evidence, the Office of Vital Records may reject the change.
- (ii) If the Office of Vital Records rejects the change, the Office of Vital Records shall advise the applicant of the reasons for the rejection.
- (4)(a) If the state registrar makes a correction, the state registrar shall make a notation recording the source of the corrected information, the date the change was made, and the identity of the authorized individual making the change on the record in such a way as to not become a part of any certificate issued.
- (b) The previous information shall be preserved in the electronic or paper record for tracking and audit purposes.
- (5)(a) If an amendment is made, the Office of Vital Records shall print a notation showing the record was amended on the face of the certificate of record.
- (b) The exact changes made or specifics of the amendment may be printed on further pages of the certificate.

R436-3-4. Amend a Record.

A person requesting any amendment to a vital record shall submit a notarized affidavit asserting that the error exists that is signed by the asserting person and one other credible person having knowledge of the facts. The affidavit shall set forth:

- (1) information to identify the record;
- (2) any item to be amended;
- (3) the incorrect information as it appears; and
- (4) the correct information as it should appear.

R436-3-5. Documentary Evidence Required for Corrections or Amendments.

- (1) With the exception of a correction initiated by the state registrar, as outlined in Section R436-3-2, or an amendment to the medical certification, at least one item of documentary evidence may be required that supports an alleged fact.
- (2) Each document presented shall contain sufficient information to clearly show that they pertain to the registrant on the record for which the amendment or correction has been requested.
- (3) Each document shall clearly establish any fact pertaining to the amendment sought.
- (4) An acceptable document includes:
 - (a) a certified copy of a live birth record of the registrant's child;
 - (b) a certified copy of a marriage record;
 - (c) a copy of any official record prepared by a state or federal agency that has maintained case files on the applying individual;
 - (d) a federal government census record;
 - (e) a government agency record for benefit establishment, including social services, Medicaid, clinical services, or similar services;
 - (f) a passport or visa;
 - (g) a tax record such as a W-2 form;
 - (h) an insurance policy naming the married couple;
 - (i) any court order clearly establishing any fact to be amended;

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- (j) any medical record pertaining to the vital event;
 - (k) any medical treatment record, which may include official medical history, a patient information sheet, or immunization records that list birth information and show dates the patient was seen;
 - (l) any military record;
 - (m) any Social Security record;
 - (n) the most recent joint tax return of the married couple;
 - (o) the original voter registration; or
 - (p) any other document considered valid and adequate by the state registrar to support the requested change.
- (5) Only one document of each type listed in Subsections (4)(a) through (p) may be used in a case where more than one document is required to support a fact.
- (6) Any document presented shall be from an independent source.
- (7) A family document, such as records from bibles or personal genealogical records, is not acceptable.
- (8) Each document shall be in the form of:
- (a) the original record; or
 - (b) a certified copy or excerpt from the original custodian of the record.
- (9) If a vital record was issued with information that was entered incorrectly, a corrected version of the vital record, as outlined in Section R436-3-2, may be issued for no additional fee if the incorrect vital record is returned to the department.

R436-3-6. Amend or Correct a Live Birth Record, Stillbirth Record, or Fetal Death Record.

(1) Correction types for changes to birth certificates are described in Birth Certificate Corrections and Changes, version 2025, incorporated by reference in this rule.

(2) A stillbirth record or fetal death record may be amended or corrected after registration.

(2)3 A live birth record may not be amended or corrected after death, except that omission of a child's name may be amended after death within one year of birth.

(3)4(a) A person may apply for an amendment or correction of a live birth record, stillbirth record, or fetal death record if that person is:

- (i) the registrant, if the registrant is least 18 years old or has the status of emancipated minor;
- (ii) the parent of the registrant, if the registrant is under 18;
- (iii) the legal guardian of the registrant; or
- (iv) the legal representative acting on behalf of the registrant.

(b) The licensed facility, licensed provider, or health care provider responsible for submitting the report of live birth within one year of the date of the birth may also apply.

(4)5 Until one year from the date of birth, a child's name may be changed or added upon receipt of an affidavit signed by both parents named on the record or the legal guardian of the registrant.

(5)6(a) The state registrar requires a court order to change or amend:

- (i) a child's name after one year from the date of birth; or
- (ii) the child's sex or gender.

(b) The state registrar does not require a court order to correct a scrivener's error.

(6)7 A court order is required for any change to a delayed birth certificate.

(7)8 A facility of birth or midwife attending a birth may correct a date of birth.

(8)9 If the facility of birth or midwife cannot make the correction to the date of birth, the Office of Vital Records may make a correction if:

(a)(i) two supporting documents are submitted demonstrating the registrant has consistently used the corrected date of birth from childhood; and

(ii) at least one of these documents was created within seven years of the alleged date of birth; and

(b) the corrected date of birth is before the date the birth record was registered.

(9)10 To amend parent information for a child under 18 years old:

(a) the parent whose information is being changed must sign the amendment request form;

(b) if the parent is deceased, a death certificate must be provided and another immediate family member of that parent must sign the amendment request form;

(c) if the parents are married and the amendment request is to add the father, a marriage certificate must be provided and both parents must sign the form; or

(d) if the parents are not married, a voluntary declaration of paternity or court order establishing paternity must be submitted for the father to be added to the child's birth certificate.

(10)11 To amend a live birth record, stillbirth record, or fetal death record for a registrant at least 18 years old:

(a) the registrant, or legal guardian, must sign as one of the witnesses on the amendment request form; and

(b) the second witness shall be an immediate family member to the registrant.

(11)12 If only one parent is listed, the second witness shall be an immediate family member of the listed parent.

(12)13(a) For a live birth record, any document submitted shall have been established before the registrant's 18th birthday or at least ten years before the date of the application for the amendment or correction.

(b) The state registrar may make exceptions for other documents, including a court order, passport, or other evidence that clearly supports a fact of live birth.

R436-3-7. Amend or Correct a Death Record.

(1) A funeral home director may amend a death record through the electronic death registration system for up to one year after a death.

(2) The following persons may apply to amend or correct personal information on a death record:

- (a) the informant listed on the death record and an immediate family member of the decedent;
- (b) two immediate family members of the decedent; or
- (c) the funeral director, or person acting as the funeral director, who submitted the information for the death record.

(3) The following persons may apply to amend or correct the marital status on a death record:

- (a) the spouse with a marriage certificate and the informant listed on the death record;
- (b) the spouse with a marriage certificate and a witness with personal knowledge of the marriage;
- (c) two family members with the marriage certificate or acceptable evidence of marriage;
- (d) a family member with evidence of divorce, dissolution, death, or annulment before the death of the decedent; or
- (e) a common-law spouse with a court order issued in a legal action indicating that the person was in a common-law marriage with the decedent at the time of the decedent's death.

(4) Other changes to marital status and recorded surviving spouse may be made only upon a court order that determines the marital status of the decedent and identifies the surviving spouse.

(5) If there is conflict, the state registrar may elect to require a court order before a change is made to the marital status.

(6) If there are conflicting requests with no clear documentary evidence, an informant who is in concurrence with one other witness with personal knowledge of a fact shall be considered in the following order of precedence:

- (a) a surviving spouse;
- (b) a child, if at least 18 years old, otherwise the legal guardian of the child;
- (c) a parent;
- (d) a grandparent;
- (e) a sibling;
- (f) an uncle or aunt;
- (g) a nephew or niece; and
- (h) a cousin.

(7)(a) The cause of death on a death record may only be amended upon receipt of a signed statement or approved electronic notification from the medical certifier or medical examiner who originally certified the cause of death.

(b) In the absence or inability of that physician, an individual may request the change if that individual is:

- (a) the authorized medical associate of the original certifier;
 - (b) the chief medical officer of the institution in which the death occurred; or
 - (c) a medical examiner who assumes jurisdiction of the case if that medical examiner has access to the medical history of the case.
- (8) The funeral director may correct the date or time of death.

R436-3-8. Amendment of the Same Item More Than Once.

Once an item is amended through a signed affidavit, that item may not be amended again, except upon receipt of a court order.

KEY: vital statistics, amendments, fathers, mothers

Date of Last Change: 2026~~(July 1, 2025)~~

Notice of Continuation: March 20, 2023

Authorizing, and Implemented or Interpreted Law: 26B-8-107; 26B-8-111; ~~78B-15-302~~81-5-302

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:	R590-238	Filing ID: 57704
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Agency Information	
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1. Title catchline:	Insurance, Administration
Building:	Taylorsville State Office Building
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901

Contact persons:

Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov

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

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

R590-238. Captive Insurance Companies

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

This rule is being amended to move a filing deadline and clarify what must be included in a filing.

5. Summary of the new rule or change:

The amendment moves the filing deadline for a Statement of Actuarial opinion to June 30, to align it with the filing deadline for the annual audit report.

It also clarifies that a Statement of Economic Benefit to the State of Utah is due as part of the annual report.

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

There is no anticipated cost or savings to the state budget.

This rule does not change what must be submitted to the Department of Insurance (Department); it merely alters the timing.

The Department will continue to review submitted reports as usual.

B. Local governments:

There is no anticipated cost or savings to local governments.

This rule does not change what must be submitted to the Department; it merely alters the timing.

If a local government insures itself using a captive insurer, the entity will be required to comply with this rule, but it will not change what is required to comply.

The only change is the date the report is due.

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

There is no anticipated cost or savings to small businesses.

This rule does not change what must be submitted to the Department; it merely alters the timing.

If a small business insures itself using a captive insurer, the entity will be required to comply with this rule, but it will not change what is required to comply.

The only change is the date the report is due.

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

There is no anticipated cost or savings to non-small businesses.

This rule does not change what must be submitted to the Department; it merely alters the timing.

If a non-small business insures itself using a captive insurer, the entity will be required to comply with this rule, but it will not change what is required to comply.

The only change is the date the report is due.

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

There is no anticipated cost or savings to any other persons.

This rule does not change what must be submitted to the Department; it merely alters the timing.

If another person insures itself using a captive insurer, the entity will be required to comply with this rule, but it will not change what is required to comply.

The only change is the date the report is due.

F. Compliance costs for affected persons:

There is no compliance cost for any affected persons.

This rule does not change what must be submitted to the Department; it merely alters the timing.

If a person insures itself using a captive insurer, the entity will be required to comply with this rule, but it will not change what is required to comply.

The only change is the date the report is due.

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 Insurance Department, Jonathan T. Pike, 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 31A-2-201

Section 31A-37-106

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:

02/02/2026

10. This rule change MAY become effective on:

02/09/2026

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:

Steve Gooch, Public Information Officer

Date:

12/04/2025

R590. Insurance, Administration.**R590-238. Captive Insurance Companies.****R590-238-1. Authority.**

This rule is promulgated by the commissioner pursuant to Sections 31A-2-201 and 31A-37-106.

R590-238-2. Purpose and Scope.

(1) The purpose of this rule is to set forth the financial, reporting, record-keeping, and other requirements for the regulation of captive insurance companies and special purpose financial captive insurance companies.

(2) This rule applies to:

(a) a captive insurance company licensed under Title 31A, Chapter 37, Captive Insurance companies Act; and

(b) a special purpose financial captive insurance company licensed under Title 31A, Chapter 37a, Special Purpose Financial Captive Insurance Company Act.

R590-238-3. Definitions.

Terms used in this rule are defined in Sections 31A-1-301, 31A-37-102, and 31A-37a-102. Additional terms are defined as follows:

(1) "AICPA" means the American Institute of Certified Public Accountants.

(2) "Captive insurance manager" means a person who:

(a) is on the Utah Approved Captive Management Firms list, available on the department's website, <https://insurance.utah.gov/captive>;

(b) pursuant to a written contract with a company, provides and coordinates services including:

(i) accounting;

(ii) statutory filings;

(iii) signed annual statements; and

(iv) coordination of related services; and

(c) acts as an intermediary that facilitates and assists the company in meeting its statutory requirements under Title 31A, Insurance Code.

(3) "Company" means:

(a) a captive insurance company as defined in Section 31A-1-301; and

(b) a special purpose financial captive insurance company as defined in Section 31A-37a-102.

(4) "GAAP" means generally accepted accounting procedures.

(5) "Work papers" or "working papers" include schedules, analyses, reconciliations, abstracts, memoranda, narratives, flow charts, copies of company records, or other documents prepared or obtained by the accountant and the accountant's employees in the conduct of their audit of the company.

R590-238-4. Annual Reporting Requirements.

(1) A company shall file an annual report of its financial condition with the commissioner as required by Section 31A-37-501.

(2) The report required in Subsection (1) shall be:

(a) verified by oath of at least two individuals who are executive officers of the company and by the captive manager or a appointed representative;

(b) prepared using GAAP; and

(c) filed electronically using the department's website, <https://insurance.utah.gov/captive>.

(3)(a) A company, except for a company under Subsection (3)(b), shall use the Captive Insurance Company Annual Statement Form.

(b) A risk retention group and a special purpose financial captive shall use the NAIC's Annual and Quarterly Statements.

(4) An annual report shall include a Statement of ~~[Actuarial Opinion setting forth the qualified actuary's opinion relating to loss and loss adjustment expense reserves]~~ Economic Benefit to the State of Utah that is filed in accordance with Subsection (2)(c).

R590-238-5. Annual Audit.

(1) A company shall ~~[have an annual audit by an independent certified public accountant, approved by the commissioner, and shall file the annual audit report]~~ file the following reports with the commissioner on or before June 30 for the preceding year~~[-]~~:

~~(a) an audit by an independent certified public accountant, approved by the commissioner; and~~

~~(b) a Statement of Actuarial Opinion setting forth the qualified actuary's opinion relating to loss and loss adjustment expense reserves.~~

(2) The ~~[annual]~~ audit report ~~[is]~~ and Statement of Actuarial Opinion are part of the company's annual report of financial condition except for the date by which it must be filed with the commissioner.

(3) The annual audit report shall include:

(a) an opinion of an independent certified public accountant that:

(i) includes financial statements examined by the independent certified public accountant in accordance with GAAP, as determined by the AICPA;

(ii) covers all years presented; and

(iii) is on the accountant's stationery showing the address of issuance, date of issuance, and bearing original signatures;

(b) a report of evaluation of internal controls, including:

(i) an evaluation of the methods and procedures used in the securing of assets and the reliability of the financial records, including controls of the system of authorization and approval, and the separation of duties; and

(ii) a review conducted in accordance with GAAP and filed with the commissioner;

(c) an accountant's letter furnished to the company, for inclusion in the filing of the audited annual report, stating:

(i) that the accountant is independent from the company and conforms to the standards of the accountant's profession as contained in the Code of Professional Ethics and pronouncements of the AICPA and pronouncements of the Financial Accounting Standards Board;

(ii) the general background and experience of the staff engaged in the audit, including their experience in auditing captive or other insurance companies;

(iii) that the accountant understands that the audited annual report and the accountant's opinions thereon will be filed in compliance with this rule;

(iv) that the accountant consents to the requirements of Section R590-238-9;

(v) that the accountant consents and agrees to make the work papers available for review by the commissioner, the commissioner's designee, or the commissioner's appointed agent; and

(vi) that the accountant is properly licensed by an appropriate state licensing authority;

(d) financial statements, including:

(i) a balance sheet;

(ii) a statement of gain or loss from operations;

(iii) a statement of changes in financial position;

(iv) a statement of cash flow;

(v) a statement of changes in capital paid up, gross paid in, and contributed surplus and unassigned funds; and

(vi) notes to financial statements required by GAAP, including:

(A) a reconciliation of any differences between the audited financial report and the statement or form filed with the commissioner;

(B) a summary of ownership and relationship of the company and all affiliated corporations or companies insured by the captive;

and

(C) a narrative explanation of each material transaction with the company that involves 3% or more of a company's assets as of the December 31 next preceding; and

(e) a certification of loss reserves and loss expense reserves of the company's opining actuary, including:

(i) an actuarial opinion of the reasonableness of the company's loss reserves and loss expense reserves, unless waived by the commissioner; and

(ii) a certification by the individual who certifies the reasonableness of reserves.

(4) The actuary who certifies the reasonableness of reserves under Subsection (3)(e) shall be:

(a) approved by the commissioner;

(b) a member in good standing of the American Academy of Actuaries; and

(c) a fellow or an associate of:

(i) the Casualty Actuarial Society, for property and casualty companies; or

(ii) the Society of Actuaries, for life and health companies.

(5) A certification under Subsection (3)(e) shall be in a form prescribed by the commissioner.

R590-238-6. Designation of Independent Certified Public Accountant.

(1) A company shall appoint an independent certified public accountant retained to conduct the independent annual audit from the list of approved certified public accounting firms or individual certified public accountants maintained by the commissioner.

(2) A company that terminates the appointment of an independent certified public accountant retained to conduct the annual audit required in this rule shall, within 90 days of termination, report to the commissioner in writing:

(a) the name and address of the certified public accountant that is terminated; and

(b) the name and address of the certified public accountant that is subsequently retained.

R590-238-7. Notification of Adverse Financial Condition.

- (1) A company shall require an independent certified public accountant to immediately notify an officer and the board of directors, in writing, of any determination that the company has materially misstated its financial condition in its report to the commissioner.
- (2) The company shall notify the commissioner of the adverse financial condition within five business days.

R590-238-8. Additional Capital Requirement.

- (1) If the commissioner determines that the financial condition of a company warrants additional capital, the commissioner may require the company to deposit, in trust for the company:
 - (a) cash;
 - (b) a security approved by the commissioner; or
 - (c) an irrevocable letter of credit issued by a bank, as defined in Section 7-1-103.
- (2) The commissioner shall return the deposit or letter of credit if the company ceases to do business, but only after being satisfied that the company has discharged all of its obligations.
- (3) A company may receive interest or dividends from the deposit or exchange of the deposits for another deposit of equal value, upon approval of the commissioner.

R590-238-9. Availability and Maintenance of Working Papers of the Independent Certified Public Accountant.

- (1) A company's independent certified public accountant shall:
 - (a) make available for review by the commissioner, or the commissioner's appointed agent, all work papers prepared in the conduct of the audit or examination of the company;
 - (b) retain the work audit papers for a period of not less than seven years after the period reported upon; and
 - (c) provide photocopies of any working papers that the department considers relevant to its audit or examination.
- (2) The department may retain photocopies of any working papers.

R590-238-10. Documentation Required to be Held in Utah by a Licensed Captive.

- (1)(a) A company shall maintain and make available for inspection by the commissioner, or the commissioner's appointed agent, all documents pertaining to the formation, operation, management, finances, insurance, and reinsurance of each company.
- (b) A company shall keep the original documents in the offices of the company's captive manager, the company's parent, or the company itself.
- (2) A company shall hold complete copies of the documents under Subsection (1)(a) in an office located in Utah that is designated by the company and approved by the commissioner.

R590-238-11. Reinsurance.

- (1) A company may take credit for reserves on risks ceded to a reinsurer subject to the following limitations:
 - (a) credit may not be allowed for reinsurance when the reinsurance contract does not result in the transfer of the risk or liability to the reinsurer; and
 - (b) credit may not be allowed, as an asset or a deduction from liability, to a ceding insurer for reinsurance unless the reinsurance is payable by the assuming insurer based on the liability of the ceding insurer under the contract reinsured without diminution because of the insolvency of the ceding insurer.
- (2) Reinsurance is effected through a written agreement of reinsurance setting forth the terms, provisions, and conditions governing the reinsurance.
- (3) The commissioner may require that complete copies of all reinsurance treaties and contracts be filed and approved.

R590-238-12. Service Providers.

- (1) A person may not act, in or from this state, as a captive insurance manager, broker, agent, salesperson, or reinsurance intermediary for captive business without the commissioner's authorization.
- (2) An application for authorization shall be on a form prescribed by the commissioner.

R590-238-13. Directors and Managers.

- (1) A company shall report any change in any executive officer, director, or manager to the commissioner within 30 days and shall include in its report a biographical affidavit of any new executive officer, director, or manager.
- (2) An officer, director, manager, or employee of a company may not, except on behalf of the company, accept or be the beneficiary of any fee, brokerage, gift, or other emolument because of any investment, loan, deposit, purchase, sale, payment, or exchange made by or for the company.
- (3) An officer, director, manager, or employee may receive reasonable compensation for necessary services provided to the company in their usual private, professional, or business capacity.
- (4) Any profit or gain received by or on behalf of a person in violation of Subsection (2) shall inure to the company.

R590-238-14. Conflict of Interest.

- (1)(a) A company shall adopt a conflict of interest statement for its directors, managers, and key employees.
- (b) The conflict of interest statement shall disclose that the individual has no outside commitments, personal or otherwise, that would divert the individual from the individual's duty to further the interests of the company.

- (c) The conflict of interest statement does not preclude an individual from being an officer, director, or manager in more than one insurance company.
- (2) Each officer, director, manager, and key employee shall file a yearly disclosure with the board of directors.

R590-238-15. Suspension or Revocation.

- (1) In addition to the grounds in Section 31A-37-505, the commissioner may suspend or revoke the license of a company or place a company on probation for the following reasons:
 - (a) the company has not commenced business according to its plan of operation within two years of being licensed;
 - (b) the company ceased to carry on insurance business in or from Utah; or
 - (c) at the request of the company.
- (2) An action taken by the commissioner shall be in accordance with Title 63G, Chapter 4, Utah Administrative Procedures Act.

R590-238-16. Change of Information in Initial Application.

- (1) A material change in a company's business plan, including changes to lines of coverage and limits filed with the commissioner at the time of initial application, requires prior approval of the commissioner.
- (2) A change in any other information filed with the initial application shall be submitted to the commissioner within 60 days, but does not require prior approval.

R590-238-17. Application.

- (1) An application to form a company shall be submitted to the commissioner on the Application to Form a Captive Insurance Company Form.
- (2) A complete application including forms, attachments, exhibits, and all other papers and supporting documents shall be filed electronically with the commissioner through the department's website, <https://insurance.utah.gov/captive>.
- (3)(a) The application shall be signed in the manner prescribed on the application form.
- (b) If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of the power of attorney or other authority shall also be filed with the application.
- (4)(a) A company shall include with its application a feasibility study of the company's business plan.
- (b) The department may test the feasibility of the study by examining the company's corporate records, including:
 - (i) the charter;
 - (ii) the bylaws and minute books;
 - (iii) verification of capital and surplus;
 - (iv) verification of principal place of business;
 - (v) determination of assets and liabilities; and
 - (vi) other factors the commissioner considers necessary.

R590-238-18. Fee Schedule; Initial Application; Renewal.

- (1) An applicant for a certificate of authority under Title 31A, Chapter 37, Captive Insurance Companies Act, or Title 31A, Chapter 37a, Special Purpose Financial Captive Insurance Company Act, shall pay to the department, at the time the application is filed, a nonrefundable fee established by the Utah Legislature under Section 63J-1-504.
- (2) An applicant may pay fees associated with the application:
 - (a) in person;
 - (b) online at <https://payment.uid.utah.gov/s/>;
 - (c) by mail, addressed to Office of the Commissioner, Utah Insurance Department, 4315 S. 2700 W., Suite 2300, Taylorsville, UT 84129, Attention: Captive Insurance Administrator; or
 - (d) by phone at 801-957-9200.
- (3) A company shall pay an initial license fee for the initial year of registration and a renewal fee for each succeeding year in the amount annually established by the Utah Legislature under Section 63J-1-504.
- (4) A company, except for a captive cell company, shall pay the department a nonrefundable electronic commerce fee in the amount annually established by the Utah Legislature under Section 63J-1-504.
- (5) A company shall pay the department other fees annually established by the Utah Legislature under Section 63J-1-504.

R590-238-19. Authorized Forms.

- (1) An applicant shall use the following forms, available on the department's website, <https://insurance.utah.gov/captive>, when applying for a certificate of authority for a new company:
 - (a) Application to Form a Captive Insurance Company;
 - (b) Appointment of the Insurance Commissioner for the State of Utah as Attorney to Accept Service of Process;
 - (c) Bank Capitalization Confirmation Form;
 - (d) Biographical Affidavit for Captive Insurance Company;
 - (e) Captive Insurance Company Annual Statement Form;
 - (f) Statement of Economic Benefit to the State of Utah; and
 - (g) Utah Approved Irrevocable Letter of Credit.

NOTICES OF PROPOSED RULES

(2) An applicant shall use the following forms, available on the department's website, <https://insurance.utah.gov/captive>, when applying to become an approved captive insurance company service provider:

- (a) Application for Placement on Approved Captive Insurer Management Firm List;
- (b) Application to Certify Loss and Expense for Captive Insurance Companies Captive Actuary Application; and
- (c) Application for Authorization as an Independent Certified Public Accountant for Captive Insurance Companies.

(3) A company, except as provided under Subsection R590-238-4(2)(b), shall use the Captive Insurance Company Annual Statement Form.

(4) A company shall file a Statement of Economic Benefit to the State of Utah form with its initial application and for each year.

R590-238-20. Severability.

If any provision of this rule, Rule R590-238, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: captive insurance

Date of Last Change: 2026[September 10, 2024]

Notice of Continuation: May 2, 2022

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-37-106

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R649-1

Filing ID: 57709

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining; Oil and Gas	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R649-1. Oil and Gas Definitions
4. Purpose of the new rule or reason for the change:
The Division of Oil, Gas and Mining (Division) has been updating their bond requirements for Oil and Gas wells and is introducing new terms.
5. Summary of the new rule or change:
This rule filing introduces 19 new definitions, such as "active well", "at risk well", "inactive well", "state well", and "total well count", which will aid in clarifying the new bonding requirements.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is a total of one state agency, the Division that will be associated with this proposed rule change.
There will be no fiscal impact to the agency as these changes are purely administrative.

B. Local governments:

No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.

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

There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There is no fiscal impact to small businesses as these changes are purely administrative.

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

There are a total of four non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There is no fiscal impact to non-small businesses as these changes are purely administrative.

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 will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.

F. Compliance costs for affected persons:

There will be no compliance costs as this rule change is purely administrative.

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

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

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 40-6-1 et seq.

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:

02/02/2026

10. This rule change MAY become effective on:

02/25/2026

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:

Mick Thomas, Director

Date:

12/12/2025

R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.

R649-1. Oil and Gas Definitions.

R649-1-1. Definitions.

"Active Well" means a well that is drilled, completed and is currently being utilized for disposal or injection of fluids related to oil and gas.

"Adjudicative proceeding" means an agency action or proceeding that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more identifiable persons, including any agency actions to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and judicial review of any of such actions.

"Agency" means the Board of Oil, Gas and Mining and the Division of Oil, Gas and Mining including the director or division employees acting on behalf of or under the authority of the director or board.

"Agency head" means an individual or body of individuals in whom the ultimate legal authority of the agency is vested by statute.

"Application for Permit to Drill, Deepen or Plug Back" or "APD" means the Form 3 submission required under Section R649-3-4 with the division.

"Aquifer" means a geological formation including a group of formations or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"At Risk Well" means a State Well that produces less than an average of 1 BOE per day for the first 12 consecutive months of the previous 15-month period, or an Injection Well with zero injection activity for the same period.

"At Risk Well Ratio" means an operator's total number of At Risk Wells divided by the Total Well Count.

"At Risk Well Supplement Amount" means the amount calculated in accordance with Subsection R649-13-3(1)(b)(i)(B).

"Authorized Agent" means a representative of the director as authorized by the board.

"Authority for Expenditure" or "AFE" is a detailed written statement made in good faith by an operator memorializing the total estimated costs to be incurred in the drilling, testing, completion and equipping of a well for oil and gas operations.

"Average TVD" means the average true vertical depth of all State Wells for an operator.

"Barrel" means 42 gallons at 60 degrees Fahrenheit at atmospheric pressure.

"Board" means the Board of Oil, Gas and Mining.

"BOE" means one barrel of oil equivalency. For conversion of gas production in calculating average daily production, 5,800 cubic feet of natural gas is equivalent to one BOE.

"Bond Calculation" means the calculation of the Performance Bonds as provided in Section R649-13-2 or Rule R649-13 as applicable.

"Carrier, Transporter or Taker" means any person moving or transporting oil or gas away from a well or lease or from any pool.

"Casing Pressure" means the pressure within the casing or between the casing and tubing at the wellhead.

"Class II Injection Well" means a well that is used for:

(1)[-] the disposal of fluids that are brought to the surface in connection with conventional oil or natural gas production and that may be commingled with wastewater produced from the operation of a gas plant that is an integral part of production operations, unless that wastewater is classified as a hazardous waste at the time of injection;

(2)[-] enhanced recovery of oil or gas; or

(3)[-] storage of hydrocarbons that are liquids at standard temperature and pressure conditions.

"Closed System" means the use of a combination of solids control equipment including a shale shaker, flowline cleaner, desanders, desilters, mud cleaners, centrifuges, agitators, and any necessary pumps and piping incorporated in a series on the rig's steel mud tanks, or a self contained unit that eliminates the use of a reserve pit to dump and dilute drilling fluids for the removal of entrained drill solids. A closed system for Title R649 rules may with division approval include the use of a small pit to receive cuttings, but does not include the use of trenches for the collection of fluids of any kind.

"Coalbed Methane" means natural gas that is produced, or may be produced, from a coalbed and rock strata associated with the coalbed.

"Collateral Bond" means an agreement in a sum certain executed by the operator as principal which is supported by the deposit with the division of:

(1) a cash account, which will be the deposit of cash in one or more federally-insured account, payable only to the division upon demand, or the deposit of cash directly with the division;

(2) negotiable certificates of deposit, made payable or assigned to the division and placed in its possession, or held by a federally insured bank authorized to do business in Utah; or

(3) an irrevocable letter of credit of any bank authorized to do business in the United States.

"Completion of a Well" means that the well has been adequately worked to be capable of producing oil or gas or that well testing as required by the division has been concluded.

"Confining Strata" refers to a body of material that is relatively impervious to the passage of liquid or gas and that occurs either below, above, or lateral to a more permeable material in such a way that it confines or limits the movement of liquids or gases that may be present.

"Controlling Interest" means an ownership of more than 50% of the voting shares or equity in a company, project, or asset, granting the holder the power to make key operational, financial, and strategic decisions. This includes decisions about exploration, production, asset management, or corporate governance. In the absence of more than 50% or greater percentage the largest percentage ownership will be the controlling interest.

"Correlative Rights" means the opportunity of each owner in a pool to produce a just and equitable share of the oil and gas in the pool without waste.

"Cubic Foot" of gas means the volume of gas contained in one cubic foot of space at a standard pressure base of 14.73 psia and a standard temperature base of 60 degrees Fahrenheit.

"Day" means a period of 24 consecutive hours.

"Development Wells" means any oil and gas producing wells other than wildcat wells.

"Director" means the executive and administrative head of the division.

"Disposal Facility" means a facility that uses an injection well to dispose of produced water. This includes both commercial and noncommercial facilities.

"Division" means the Division of Oil, Gas and Mining.

"Drilling" means creating a bore hole for, or to be used for, producing, extracting, or injecting gas, petroleum, or another liquid related to oil and gas production or storage, including brine disposal, but excluding a bore hole drilled to produce potable water.

"Drilling Fluid" means a circulating fluid usually called mud, that is introduced in a drill hole to lubricate the action of the rotary bit, remove the drilling cuttings, and control formation pressures.

"Drilling Operations Suspended" means

(1) the cessation of drilling, or re-drilling of a well where the drilling rig is released before the well has reached its permitted total depth and the well has not been drilled deeper or plugged or completed as a well capable of producing oil or gas within one year from the date the drilling rig was released from the well; or

(2) drilling has not been continued below the deepest depth to which conductor pipe or surface casing, or both, was set in the well within one year from the date the spudder, hammer, drilling rig or equivalent rig type was released from the well.

"E and P Products" means Exploration and Production Products, and is defined as produced water, drilling fluids and other materials associated with the exploration, development and production of crude oil and natural gas, which are recyclable.

"E and P Recycling Facility" means Exploration and Production Recycling Facility, and is defined as any facility or site constructed or used for the primary purpose to recycle E and P products, making them available for reuse.

"E and P Waste" means Exploration and Production Waste, and is defined as waste resulting from the drilling of and production from an oil and gas well as determined by the Environmental Protection Agency (EPA), before January 1, 1992, to be exempt from Subtitle C of the Resource Conservation and Recovery Act (RCRA).

"Emergency Pit" means a pit used for containing any fluid at an operating well during an actual emergency or for a temporary period.

"Enhanced Recovery" means the process of introducing fluid or energy into a pool ~~to~~^{for the purpose of} increase~~ing~~^{ing} the recovery of hydrocarbons from the pool.

"Enhanced Recovery Project" means the injection of liquids or hydrocarbon or non-hydrocarbon gases directly into a reservoir ~~to~~^{for the purpose of} augment~~ing~~^{ing} reservoir energy, modify~~ing~~^{ing} the properties of the fluids or gases in the reservoir, or change~~ing~~^{ing} the reservoir conditions to increase the recoverable oil, gas, or oil and gas through the joint use of two or more well bores.

"Entity" means a well or a group of wells that have identical division of interest, have the same operator, produce from the same formation, have product sales from a common tank, LACT meter, gas meter, or are in the same participating area of a properly designated unit. Entity number assignments are made by the division in cooperation with other state government agencies.

"Existing Liability" means an outstanding obligation of the operator to the division, which includes:

(1) where wells or facilities have been abandoned and not properly plugged and reclaimed;

(2) where a forfeited bond was insufficient to cover plugging and restoration costs and additional costs incurred by the division in plugging and restoration have failed to be repaid;

(3) a violation of, or failure to comply with, a final order of the division or the board and is not pending appeal; or

(4) a failure to pay in full a final outstanding administrative penalty imposed by the division or board and is not pending appeal.

"Field" means the general area underlain by one or more pools.

"Gas" means natural gas or natural gas liquids or other gas or any mixture thereof defined as follows:

NOTICES OF PROPOSED RULES

(1)[-] "Natural Gas" means those hydrocarbons, other than oil and other than natural gas liquids separated from natural gas, that occur naturally in the gaseous phase in the reservoir and are produced and recovered at the wellhead in gaseous form. Natural gas includes coalbed methane.

(2)[-] "Natural Gas Liquids" means those hydrocarbons initially in reservoir natural gas, regardless of gravity, that are separated in gas processing plants from the natural gas as liquids at the surface through the process of condensation, absorption, adsorption, or other methods.

(3)[-] "Other Gas" means hydrogen sulfide (H₂S), carbon dioxide (CO₂), helium (He), nitrogen (N), and other nonhydrocarbon gases that occur naturally in the gaseous phase in the reservoir or are injected into the reservoir in connection with pressure maintenance, gas cycling, or other secondary or enhanced recovery projects.

"Gas-Oil Ratio" means the ratio of the number of cubic feet of natural gas produced to the number of barrels of oil concurrently produced during any stated period. The term GOR is synonymous with gas-oil ratio.

"Gas Processing Plant" means a facility in which liquefiable hydrocarbons are removed from natural gas, including wet gas or casinghead gas, and the remaining residue gas is conditioned for delivery for sale, recycling or other use.

"Gas Well" means any well capable of producing gas in substantial quantities that is not an oil well.

"Ground Water" means water in a zone of saturation below the ground surface.

"Hearing" means any matter heard before the board or its designated hearing examiner.

"Horizontal Well" means a well bore drilled laterally at an angle of at least 80 degrees to the vertical or with a horizontal projection exceeding one hundred feet measured from the initial point of penetration into the productive formation through the terminus of the lateral in the same common source of supply.

"Illegal Oil or Illegal Gas" means oil or gas that has been produced from any well within the state in violation of Title 40, Chapter 6, Board and Division of Oil, Gas and Mining, or any rule or order of the board.

"Illegal Product" means any product derived in whole or in part from illegal oil or illegal gas.

"Inactive Well" means a well that is drilled, completed and currently not being utilized for disposal or injection of fluids related to oil and gas.

"Incremental Production" means that part of production that is achieved from an enhanced recovery project that would not have economically occurred under the reservoir conditions existing before the project and that has been approved by the division as incremental production.

"Injection or Disposal Well" means any Class II Injection Well used for the injection of air, gas, water or other substance into any underground stratum.

"Interest Owner" means a person owning an interest, which may include working interest, royalty interest, payment out of production, or any other interest, in oil or gas, or in the proceeds thereof.

"Joint Operating Agreement" or "JOA" is an agreement for the exploration, development, and production for oil, gas or other minerals between parties entitled to participate pursuant to the ownership of said minerals or leaseholds covering said minerals, which are subject to the contract area, which may be inclusive of a drilling unit, described therein.

"Large Capacity Storage Tank" means a tank that is designed to be disassembled and reassembled for temporary set up and take down with volume above 500 barrels.

"License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by statute.

"Load Oil" means any oil or liquid hydrocarbon that is used in any remedial operation in an oil or gas well.

"Log or Well Log" means the written record progressively describing the strata, water, oil or gas encountered in drilling a well with such additional information as is usually recorded in the normal procedure of drilling including electrical, radioactivity, or other similar conventional logs, a lithologic description of samples and drill stem test information.

"Long Term Produced Water Recycling Pond Facility" means a facility that contains ponds that are designed, maintained and operated for the reuse of produced water in oil and gas operations, and not designed primarily for evaporation.

"Major Modification" means any structural or operational change at an E and P Recycling Facility that significantly alters the volume of E and P products managed or changes the processes used to recycle and make these products available for reuse.

"Multiple Zone Completion" means a well completion in which two or more separate zones, mechanically segregated one from the other, are produced simultaneously from the same well.

"Notice of Opportunity to Participate" means the written notice of opportunity to participate in a well for oil and gas operations required under Subsections 40-6-2(4) and (12) to be provided to an owner and which includes an offer to lease if the owner is an unleased owner, and an offer for the owner to directly participate financially, in proportion to the owner's interest in the drilling, testing, completion, equipping and operation of the subject well and which includes:

(1)[-] the approximate surface and, bottom hole location of the subject well by county, township, range, section, quarter-quarter section or substantially equivalent lot, and footages from directional section lines;

(2)[-] the proposed well name;

(3)[-] the proposed total distance from the surface of the ground to the terminus measured along the vertical and lateral components if the well is a horizontal well;

(4)[-] the proposed total depth;

(5)[-] the objective productive zone and the approximate depth and locations of producing intervals in the borehole;

(6)[-] the approximate date upon which the subject well was or will be spud;

(7)[-] a joint operating agreement proposed in good faith by the operator for operation of the drilling unit upon which the subject well is to be drilled;

(8)[-] an AFE for the subject well;

(9)[-] a statement that a refusal to agree to either lease or participate in the subject well may result in the imposition of the statutory risk compensation award allowed under Subsection 40-6-6.5(4)(d)(i)(D) of between 150% and 400% as determined by the board; and

(10)[-] a statement that any initial compulsory pooling order may apply to subsequent wells within the drilling unit including any statutory risk compensation award imposed under Utah law pursuant to Subsection 40-6-6.5(12).

"Oil" means crude oil or condensate or any mixture thereof, defined as follows:

(1)[-] "Crude Oil" means those hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and occur naturally in the liquid phase in the reservoir or are produced through enhanced recovery operations authorized by the board in accordance with Subsection 40-6-5(3)(c).

(2)[-] "Condensate" means those hydrocarbons, regardless of gravity, that occur naturally in the gaseous phase in the reservoir that are separated from the natural gas as liquids through the process of condensation either in the reservoir, in the well bore or at the surface in field separators.

(3)[-] "Oil and Gas" may not include gaseous or liquid substances derived from coal, oil shale, tar sands or other hydrocarbons classified as synthetic fuel, except tar sands produced at the wellhead in liquid form through enhanced recovery operations authorized by the board in accordance with Subsection 40-6-5(3)(c).

"Oil and Gas Field" means a geographical area overlying an oil and gas pool.

"Oil Well" means any well capable of producing oil in substantial quantities.

"Operator" means the person who has been designated by the owners or the board to operate a well or unit.

"Operatorship" means the exclusive right, privilege and obligation of exercising any rights granted by the owners or the board to act as operator of a well or drilling unit which rights are necessary and effective for prospecting for, producing, storing, allocating and distributing oil and gas extracted from a well or a drilling unit.

"Owner" means the person who has the right to drill into and produce from a reservoir and to appropriate the oil and gas that they produce, either for themselves and others.

"Party" means the board, division, or other person commencing an adjudicative proceeding, any respondents, any persons permitted by the board to intervene in the proceeding, and any persons authorized by statute or agency rule to participate as parties in an adjudicative proceeding.

"Performance Bond" or "Bond" means a surety bond or collateral bond, or a combination thereof, payable to the division, and conditioned upon the faithful performance by the operator of all requirements of Title 40, Mines and Mining, Title R649, the State Program, and of the duty to plug each dry or abandoned well, repair each well causing waste or pollution, maintain and restore the well site, and complete reclamation of other permitted oil and gas activity.

"Person" means an individual, group of individuals, partnership, corporation, association, political subdivision or its units, governmental subdivision or its units, public or private organization or entity of any character, or another agency.

"Pit" means an earthen surface impoundment constructed to retain fluids and oil field wastes.

"Pollution" means such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, or the discharge of any liquid, gaseous or solid substance into any waters of the state in such manner as will create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare; to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish or other aquatic life.

"Pool" means an underground reservoir containing a common accumulation of oil or gas or both. Each zone of a general structure that is completely separated from any other zone in the structure is a separate pool. "Common source of supply" and "reservoir" are synonymous with "pool."

"Preparation for Drilling" means:

(1)[-] mobilization of drilling equipment; or

(2)[-] erecting a drilling rig; or

(3)[-] diligently engaging in other work necessary to prepare the well site, including commencement of access road and pad construction.

"Presiding Officer" means an agency head, or an individual or body of individuals designated by the agency head, by the agency's rules, or by statute to conduct an adjudicative proceeding. The board, or its appointed hearing examiner, may be considered the presiding officer of any appeals or informal adjudicative proceedings that is commenced before the division as well as any adjudicative proceeding that is commenced before the board. The director or their designated agent may be considered a presiding officer for any informal adjudicative proceedings that is commenced before the division. If fairness to the parties is not compromised, an agency may substitute one presiding officer for another during any proceeding.

"Pressure Maintenance" means the injection of gas, water or other fluids into a reservoir, either to increase or maintain the existing pressure in such reservoir or to retard the natural decline in the reservoir pressure.

"Produced Water" means water that is:

(1) extracted below the earth's surface by ~~means of~~ an oil and gas producing well, or separated from hydrocarbons after extraction; and

(2) Required to be managed pursuant to board rules for waste management and disposal made pursuant to Subsection 40-6-5(3) and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking act.

"Producer" means the owner or operator of a well capable of producing oil or gas.

"Producing Well" means a well capable of producing oil or gas.

"Product" means any commodity made from oil and gas.

NOTICES OF PROPOSED RULES

"Production Facilities" means any storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil wells, gas wells or injection wells, before any processing plant or refinery.

"Purchaser or Transporter" means any person who, acting alone or jointly with any other person, by~~[-means of]~~ their own, an affiliated, or designated carrier, transporter or taker, shall directly or indirectly purchase, take or transport by any means, or who shall otherwise remove from any well or lease, oil or gas produced from any pool, excepting royalty portions of oil or gas taken in kind by an interest owner who is not the operator.

"Recompletion" means any completion in a new perforated interval or pool within an established wellbore and approved as a recompletion by the division.

"Recycling" means to take action to recover E and P products from solid waste generated by oil and gas operations for the purposes of use or reuse, conversion into raw materials, or use in the production of new products.

"Refinery" means a facility, other than a gas processing plant, where controlled operations are performed by which the physical and chemical characteristics of petroleum or petroleum products are changed.

"Reserve Pit" means a pit used to retain fluid during the drilling, completion, and testing of a well.

"Resource Detriment" means: damage, harm or detriment to the mineral estate or oil and gas formation; pollution or surface damages as specified in Section R649-3-15; damage, harm or detriment to the surface estate or Surface Land as defined in Subsection 40-6-2(25); damage to a Surface land owner's property as defined in Subsection 40-6-2(27); or damage, harm or detriment to livestock or wildlife.

"Respondent" means any person against whom an adjudicative proceeding is initiated whether by an agency or any other person.

"Seismic Operator" means a person who conducts seismic exploration for oil or gas, whether for themselves or as a contractor for others.

"State At Risk Well" means a State Well that is an At Risk Well.

"State Well" means any well located in Utah that either penetrates, or proposes to penetrate, fee or state minerals or is a well that is not otherwise subject to a performance bond with a federal tribal or other governmental agency having jurisdiction and that, at the time of Bond Calculations, has one of the following statuses in the division's database: active, drilling, drilling operations suspended, inactive, producing, shut-in, and temporarily abandoned.

"State Well Count" means the total number of an Operator's State Wells at the time of Bond Calculation.

"Shut-in Well" means a well that is completed, is shown to be capable of production in paying quantities, and is not presently being operated.

"Spud In" means the first boring of a hole in the drilling of a well by any type of rig.

"State" means the State of Utah.

"Stratigraphic Test or Core Hole" means any hole drilled for the sole purpose of obtaining geological information. The general rules applicable to the drilling of a well will apply to the drilling of a stratigraphic test or core hole.

"Surety Bond" means an indemnity agreement in a sum certain payable to the division, executed by the operator as principal and which is supported by the performance guarantee of a company licensed to do business as a surety in Utah.

"Temporarily Abandoned Well" means a well that is completed, is shown not capable of production in paying quantities, and is not presently being operated.

"Temporary Produced Water Recycling Tank Facility" means a facility that contains a large capacity storage tank set on or near drill sites that is used for nearby well completion activities.

"Temporary Spacing Unit" means a specified area of land designated by the board for purposes of determining well density and location. A temporary spacing unit may not be a drilling unit as provided for in Section 40-6-6, Drilling Units, and does not provide a basis for pooling the interest therein as does a drilling unit.

"Total Well Count" means the total number of wells operated by a single operator in the state regardless of ownership of the minerals penetrated and that, at the time of Bond Calculations, has one of the following statuses in the division's database: active, drilling, drilling operations suspended, inactive, producing, shut-in, and temporarily abandoned.

"Underground Source of Drinking Water" (USDW) means a fresh water aquifer or a portion thereof that supplies drinking water for human consumption or that contains less than 10,000 mg/1 total dissolved solids and that is not an exempted aquifer under Section R649-5-4.

"Waste" means:

(1)~~[-]~~ The inefficient, excessive or improper use or the unnecessary dissipation of oil or gas or reservoir energy.

(2)~~[-]~~ The inefficient storing of oil or gas.

(3)~~[-]~~ The locating, drilling, equipping, operating, or producing of any oil or gas well in a manner that causes reduction in the quantity of oil or gas ultimately recoverable from a reservoir under prudent and economical operations, or that causes unnecessary wells to be drilled, or that causes the loss or destruction of oil or gas either at the surface or subsurface.

(4)~~[-]~~ The production of oil or gas in excess of:

(a)~~[4-1-]~~ Transportation or storage facilities.

(b)~~[4-2-]~~ The amount reasonably required to be produced in the proper drilling, completing, testing, or operating of a well or otherwise utilized on the lease from which it is produced.

(5)~~[-]~~ Underground or above ground waste in the production or storage of oil or gas.

"Waste Crude Oil Treatment Facility" means any facility or site constructed or used for~~[-the purpose of]~~ wholly or partially reclaiming, treating, processing, cleaning, purifying or in any manner making non-merchantable waste crude oil marketable.

"Well" means an oil or gas well, injection or disposal well, or a hole drilled for producing oil or gas or both. The definition of well may not include water wells, seismic, stratigraphic test, core hole, or other exploratory holes drilled ~~to~~~~[-for the purpose of]~~ obtain~~ing~~ geological information only.

"Well Site" means the areas that are directly disturbed during the drilling and subsequent use of, or affected by production facilities directly associated with any oil well, gas well or injection well.

"Wildcat Wells" means oil and gas producing wells that are drilled and completed in a pool in which a well has not been previously completed as a well capable of producing in commercial quantities.

"Willful Violation" means any action or inaction done with conscious objective or desire to engage in the action or inaction that a reasonably prudent person would know is likely to cause a violation.

"Working Interest Owner" means the owner of an interest in oil or gas burdened with a share of the expenses of developing and operating the property.

"Workover" means any operation designed to sustain, to restore, or to increase the production rate, the ultimate recovery, or the reservoir pressure system of a well or group of wells and approved as a workover, a secondary recovery, a tertiary recovery, or a pressure maintenance project by the division. The definition may not include operations that are conducted principally as routine maintenance or the replacement of worn or damaged equipment.

KEY: oil and gas law

Date of Last Change: 2026~~(December 3, 2025)~~

Notice of Continuation: June 30, 2025

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING:

Rule or section number:

R649-2-4

Filing ID: 57710

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining; Oil and Gas	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R649-2-4. Designation of Operator
4. Purpose of the new rule or reason for the change:
The Division of Oil, Gas and Mining (Division) is updating their bond requirements for Oil and Gas wells and has added a new form, Form 0 Registration Form.
5. Summary of the new rule or change:
This rule filing introduces a new form, Form 0 Registration Form, so there will be an agent responsible for operations who will also receive and accept all communications, notices, and orders from the Division and board.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is a total of one state agency, the Division, that will be associated with this proposed rule change.
There will be no fiscal impact to the agency as these changes are purely administrative.

B. Local governments:

No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.

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

There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There is no fiscal impact to small businesses as these changes are purely administrative.

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

There are a total of four non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There is no fiscal impact to non-small businesses as these changes are purely administrative.

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 will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.

F. Compliance costs for affected persons:

There will be no compliance costs as this rule change is purely administrative.

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

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

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 40-6-1 et seq.

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:

02/02/2026

10. This rule change MAY become effective on:

02/25/2026

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:

Mick Thomas, Director

Date:

12/12/2025

R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.**R649-2. General Rules.****R649-2-4. Designation of Operator.**

(1)[~~1~~] Subject to [~~the provision of~~] Subsections R649-2-4(3) and (4), the designated operator of a drilling unit for oil and gas operations shall be the owner which, in the applicable drilling unit:

(a)[~~1-1~~] owns more than an undivided 50% of the working interest;

(b)[~~1-2~~] owns 50% or less of the working interest, and has the written authorization and designation by additional owners to operate on their behalf which, combined with the designated operator's interest, totals more than an undivided 50% of the working interest; or

(c)[~~1-3~~] is the designated owner selected by the consenting parties to a JOA if:

(i)[~~a~~] a JOA has been entered by owners owning more than an undivided 50% of the working interest;

(ii)[~~b~~] the operator designated under the JOA has elected to go non-consent to the proposed operation; and

(iii)[~~c~~] the terms of the JOA allow the designation.

(2)[~~2~~] Subject to [~~the provision of~~] Subsections R649-2-4(3) and (4)[~~below~~], in the absence of a board order establishing a drilling unit for oil and gas operations, the designated operator of a well shall be the owner that:

(a)[~~2-1~~] owns more than the aggregate of the undivided 50% of:

(i)[~~a~~] the working interest in the lease covering the lands which the well will physically penetrate and in the targeted formations from which the well will produce; and

(ii)[~~b~~] the working interest derived from oil and gas owned in fee in the lands which the well will physically penetrate and in the targeted formations from which the well will produce; or

(b)[~~2-2~~] owns the aggregate of the undivided 50% or less of:

(i)[~~a~~] the working interest in the lease covering the lands which the well will physically penetrate and in the targeted formations from which the well will produce; and

(ii)[~~b~~] the working interest derived from oil and gas owned in fee in the lands which the well will physically penetrate and in the targeted formations from which the well will produce; and

(iii)[~~c~~] has the written authorization and designation by additional owners to operate on their behalf which, combined with the designated operator's interest totals more than the aggregate of an undivided 50%:

(A)[~~2-2-1~~] the working interest attributable to the lease covering the lands which the well will physically penetrate and in the targeted formations from which it will produce; and

(B)[~~2-2-2~~] the working interest derived from oil and gas owned in fee in the lands which the well will physically penetrate and in the targeted formations from which it will produce; or

(c)[~~2-3~~] the designated owner selected by consenting parties to a JOA if:

(i)[~~a~~] a JOA has been entered by owners owning more than the aggregate of an undivided 50% of:

(A)[~~i~~] the working interest in the lease covering the lands which the well will physically penetrate and in the targeted formations from which the well will produce; and

(B)[~~ii~~] the working interest derived from oil and gas owned in fee in the lands which the well will physically penetrate and in the targeted formations from which the well will produce;

(ii)[~~b~~] the operator designated under the JOA has elected to go non-consent to an operation; and

(iii)[~~c~~] the terms of the JOA allow the designation.

(3)[~~3~~] If the criteria set forth in Subsection R649-2-4(1) or (2) cannot be met, or if any owner desires to challenge whether any of the required criteria have been satisfied, or if any owner desires to challenge the designation of the operator on any other good faith basis, including those specified in Subsection R649-3-4(4), the owner may file a request for agency action seeking board review and designation of a different operator provided that no challenge may be asserted after the protest period specified in Subsection R649-3-4(4) has elapsed and, if the division has determined that good cause exists for shortening the ten day period under Subsection R649-3-4(4), preparation for drilling has commenced.

NOTICES OF PROPOSED RULES

(a)[3-1-] The board may elect to consider the provisions of the applicable JOA regarding change of operatorship in determining which owner shall be the operator rather than designating an operator under this rule.

(b)[3-2-] The board may elect to take the designation of an operator under advisement or continue the request until additional information is provided to the board.

(4)[-] If a request for agency action is filed as provided in Subsection R649-2-4(3), and after opportunity for a hearing, the board may consider any of the following factors in its deliberations and ruling:

(a)[4-1-] experience, prudence and competence as an operator in other similarly situated wells;

(b)[4-2-] multi-well expenditures already made for infrastructure that involve the applicable well or drilling unit;

(c)[4-3-] good faith negotiations ~~before~~~~prior to~~ the board's consideration of the operator designation;

(d)[4-4-] whether drainage of the spacing or drilling unit has occurred or is likely to occur in the immediate future and whether an owner has committed to drill a well in a timely fashion;

(e)[4-5-] project complexity and geology;

(f)[4-6-] contractual obligations including those arising under a drilling contract, surface use agreement, or an expiring lease; and

(g)[4-7-] any other factors the board may consider~~deem~~ material to its decision.

(5)[-] Subject to Subsection R649-2-4(5)[-3-](c) the designated operator has the right to request the division revoke any other approved APDs for any wells where preparation for drilling has not yet commenced relating to:

(a)[5-1-] the applicable drilling unit; or

(b)[5-2-] in the absence of a board order establishing a drilling unit, any approved APDs for any wells approved under the criteria specified in Subsection R649-2-4(2)[-above-].

(c)[5-3-] The division may not revoke APDs approved pursuant to Subsection R649-3-4(5).

(6) The operator of a drilling unit shall designate, on Form 0 Registration Form, an agent responsible for operations in the state who will receive and accept service of all communications, notices, and orders of the division and board.

(a) An operator shall provide the division written notice within five business days of any change to the designated agent or its contact information.

(b) Services of any notice or order under Title R649 shall be sufficient if sent to the designated agent at the last address or email address furnished to the division by the operator.

(7) The designated operator of a well shall notify the division in writing when a party, other than the designated operator, is on site operating a well.

(a) Written notice to the division should include the on site party's name, address, telephone number, and email address.

(b) Providing the division with notice of the on site party's contact information does not relieve the designated operator of responsibility for the well or the resolution of any compliance issues.

KEY: consenting, nonconsenting, oil, pooling

Date of Last Change: 2026[July 27, 2020]

Notice of Continuation: June 30, 2025

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R649-2-4a

Filing ID: 57711

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining; Oil and Gas	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov

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

General Information

2. Rule or section catchline:

R649-2-4a. Request for Change of Operator

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

The Division of Oil, Gas and Mining (Division) is updating their bond requirements for Oil and Gas wells and has added a new form, Form 16 Operator Change Form.

5. Summary of the new rule or change:

This rule filing introduces a new form, Form 16 Operator Change Form, so the Division will know when a sale, assignment, transfer, conveyance, or other disposition is finalized.

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

There is a total of one state agency, the Division, that will be associated with this proposed rule change.

There will be no fiscal impact to the agency as these changes are purely administrative.

B. Local governments:

No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.

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

There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There is no fiscal impact to small businesses as these changes are purely administrative.

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

There are a total of four non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There is no fiscal impact to non-small businesses as these changes are purely administrative.

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 will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.

F. Compliance costs for affected persons:

There will be no compliance costs as this rule change is purely administrative.

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

NOTICES OF PROPOSED RULES

State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

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

Section 40-6-1 et seq.

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:

02/02/2026

10. This rule change MAY become effective on:

02/25/2026

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:	Mick Thomas, Director	Date:	12/12/2025
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R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.
R649-2. General Rules.
R649-2-4a. Request for Change of Operator.

(1) The operator of a well shall notify the division, in writing, on Form 16, Operator Change Form, of the sale, assignment, transfer, conveyance, exchange, or other disposition of the well by the operator of the well as soon as reasonably possible, but in no event no later than 90 days after the date that the sale, assignment, transfer, exchange, or other disposition becomes final.

(2) The Operator Change form shall include the following:

(a) the name and address of the person to whom the well was or will be sold, assigned, transferred, conveyed, exchanged, or otherwise disposed;

(b) the well name, API number, and location as described by the section, township, range, and county;

(c) a description of the well's current status;

(d) the date that the sale, assignment, transfer, conveyance, exchange or other disposition was or becomes final; and

(e) the proposed effective date for the operator change.

(3) The Operator Change form shall be signed by the current operator and the new operator. In lieu of the signature of the current operator, the new operator may submit a court order or other legal document evidencing ownership of the well to be transferred if the current operator cannot be located or refuses to sign the Operator Change form.

(4) Before the division approving the operator change, the new operator shall:

(a) be authorized to do business within Utah;

(b) be registered as an operator with the division; and

(c) furnish a performance bond for the well or wells as required by Rule R649-13.

(5) If the proposed operator refuses or cannot provide an acceptable performance bond for the well, the division shall deny the operator change and the original operator shall remain responsible for the well.

(6) Except as set forth in Subsection (7), if the division determines that the requirements of this rule have been met and has approved the form and amount of the proposed operator's performance bonds, the division shall issue a notice of approval of the operator change.

(7) The division's approval of an operator change is conditioned upon both operators' compliance with the Act, rules, and orders of the division and board.

(8) Except as set forth in Subsection (8), the division may not approve an operator change where information available to the division indicates that either the current operator or proposed operator:

(a) has an existing liability with the division; or

(b) has an owner, officer, director, partner, member or manager of a limited liability company, or other person with a controlling interest in the entity, who has or previously had, a controlling interest in another entity with an existing liability with the division.

(9) The division may approve an operator change for an operator with an existing liability if the operator provides proof that the existing liability has been resolved or is in the process of being resolved to the division's satisfaction.

(10) The current operator may not be relieved of responsibility for the well and will be responsible for resolving all compliance issues until the division approves the operator change.

(11) The denial of an operator change by the division may be appealed by filing a request for agency action with the division pursuant to Rule R649-10.

(12) Upon request, the current and new operators shall provide the division copies of documents involving the sale, assignment, transfer, conveyance, exchange, or other disposition of the well.

(13) The division's decision to approve or deny the operator change shall be made within 60 days of submittal of a complete Operator Change form, and to the extent possible, conform with approvals of operator changes made by federal agencies. An Operator Change form is determined to be complete once the division receives the information necessary to process and approve the request.

KEY: consenting, nonconsenting, oil, pooling

Date of Last Change: 2026[July 27, 2020]

Notice of Continuation: June 30, 2025

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R649-3-1

Filing ID: 57712

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining; Oil and Gas	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R649-3-1. Bonding
4. Purpose of the new rule or reason for the change:
The Division of Oil, Gas and Mining (Division) is updating their bond requirements for Oil and Gas wells and is moving the bonding section from R649-3-1 to its own rule, R649-13.
5. Summary of the new rule or change:
This rule filing removes the old Section R649-3-1 language.
New language will be located in Rule R649-13.
(EDITOR'S NOTE: The proposed new Rule R649-13, ID 57716, is in this issue, January 1, 2026, of the Bulletin.)

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

There is a total of one state agency, the Division, that will be associated with this proposed rule change.

There will be no fiscal impact to the agency as these changes are purely administrative.

B. Local governments:

No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.

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

There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There is no fiscal impact to small businesses as these changes are purely administrative.

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

There are a total of four non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There is no fiscal impact to non-small businesses as these changes are purely administrative.

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 will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.

F. Compliance costs for affected persons:

There will be no compliance costs as this rule change is purely administrative.

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

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

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 40-6-1 et seq.

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:**

02/02/2026

10. This rule change MAY become effective on:

02/25/2026

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:**

Mick Thomas, Director

Date:

12/12/2025

R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.**R649-3. Drilling and Operating Practices.****[R649-3-1. Bonding.**

1. An owner or operator shall furnish a bond to the division prior to approval of a permit to drill a new well, reenter an abandoned well or assume responsibility as operator of existing wells.

1.1. An owner or operator shall furnish a bond to the division on Form 4, for wells located on lands with fee or privately owned minerals.

1.2. An owner or operator shall furnish evidence to the division that a bond has been filed in accordance with state, federal or Indian lease requirements and approved by the appropriate agency for any wells located on state, federal or Indian leases.

2. A bond furnished to the division shall be payable to the division and conditioned upon the faithful performance by the operator of the duty to plug each dry or abandoned well, repair each well causing waste or pollution, and maintain and restore the well site.

3. Bond liability shall be for the duration of the drilling, operating and plugging of the well and restoration of the well site.

3.1. The bond for drilling or operating wells shall remain in full force and effect until liability thereunder is released by the division.

3.2. Release of liability shall be conditioned upon compliance with the rules and orders of the board.

4. For any drilling or operating wells, the bond amounts for individual wells and blanket bonds required in Subsections (5) and (6) represent base amounts adjusted to year 2002 average costs for well plugging and site restoration. The base amounts are effective immediately upon adoption of this bonding rule, subject to division notification as described in Subsection (4.1).

4.1. The division shall provide written notification to each operator of the need to revise or establish bonds in amounts required by this bonding rule.

4.2. Within 120 days of such notification by the division, the operator shall post a bond with the division in compliance with this bonding rule.

4.3. If the division finds that a well subject to this bonding rule is in violation of Section R649-3-36, Shut in and Temporarily Abandoned Wells, the division shall require a bond amount for the applicable well in the amount of actual plugging and site restoration costs.

4.4. The division shall provide written notification to an operator found in violation of Section R649-3-36, and identify the need to establish increased bonding for shut in wells.

4.4.1. Within 30 days of notification by the division, the operator shall submit to the division an estimate of plugging and site restoration costs for division review and approval.

4.4.2. Upon review and approval of the cost estimate, the division will provide a notice of approval back to the operator specifying the approved bond amount for shut in wells.

4.4.3. Within 120 days of receiving such notice of approval, the operator shall post a bond with the division in compliance with this bonding rule.

5. The bond amount for drilling or operating wells located on lands with fee or privately owned minerals shall be one of the following:

5.1. For wells of less than 1,000 feet in depth, an individual well bond in the amount of at least \$1,500, for each such well.

5.2. For wells of more than 1,000 feet in depth but less than 3,000 feet in depth, an individual well bond in the amount of at least \$15,000 for each such well.

5.3. For wells of more than 3,000 feet in depth but less than 10,000 feet in depth, an individual well bond in the amount of at least \$30,000 for each such well.

NOTICES OF PROPOSED RULES

- 5.4. For wells of more than 10,000 feet in depth, an individual well bond in the amount of at least \$60,000 for each such well.
6. If, prior to the July 1, 2003 revision of this bonding rule, an operator is drilling or operating more than one well on lands with fee or privately owned minerals, and a blanket bond was furnished and accepted by the division in lieu of individual well bonds, that operator shall remain qualified for a blanket bond with the division subject to the amounts described by this bonding rule.
- 6.1. A blanket bond shall be conditioned in a manner similar to individual well bonds and shall cover any wells that the operator may drill or operate on lands with fee or privately owned minerals within the state.
- 6.2. For wells of less than 1,000 feet in depth, a blanket bond in the amount of at least \$15,000 shall be required.
- 6.3. For wells of more than 1,000 feet in depth, a blanket bond in the amount of at least \$120,000 shall be required.
- 6.4. Subsequent to the July 1, 2003 revision of this rule, operators who desire to establish a new blanket bond that consists either fully or partially of a collateral bond as described in subsection 10.2. shall be qualified by the division for such blanket bond.
- 6.4.1. Operators who elect to establish a surety bond as a blanket bond shall not require qualification by the division.
- 6.4.2. In those cases where operator qualification for blanket bond is required, the division will review the following criteria and make a written finding of the operator's adequacy to meet the criteria before accepting a new blanket bond:
- 6.4.3. The ratio of current assets to current liabilities shall be 1.20 or greater, as evidenced by audited financial statements for the previous two years and the most current quarterly financial report.
- 6.4.4. The ratio of total liabilities to stockholder's equity shall be 2.50 or less, as evidenced by audited financial statements for the previous two years and the most current quarterly financial report.
7. If an operator desires bond coverage in a lesser amount than required by these rules, the operator may file a request for agency action with the board for a variance from the requirements of these rules.
- 7.1. Upon proper notice and hearing and for good cause shown, the board may allow bond coverage in a lesser amount for specific wells.
8. If after reviewing an application to drill or reenter a well or when reviewing a change of operator for a well, the division determines that bond coverage in accordance with these rules will be insufficient to cover the costs of plugging the well and restoring the well site, the division may require a change in the form or the amount of bond coverage. In such cases, the division will support its case for a change of bond coverage in the form of written findings to the operator of record of the well and provide a schedule for completion of the requisite changes.
- 8.1 Appeals of mandated bond amount changes will follow procedures established by Section R649-10, Administrative Procedures.
9. The bond shall provide a mechanism for the surety or other guarantor of the bond, to provide prompt notice to the division and the operator of any action alleging the insolvency or bankruptcy of the surety or guarantor, or alleging any violations that would result in suspension or revocation of the surety's or guarantor's charter or license to do business.
- 9.1. Upon the incapacity of the surety or guarantor to guarantee payment of the bond by reason of bankruptcy, insolvency, or suspension or revocation of a charter or license, the operator shall be deemed to be without bond coverage.
- 9.2. Upon notification of insolvency or bankruptcy, the division shall notify the operator in writing and shall specify a reasonable period, not to exceed 90 days, to provide bond coverage.
- 9.3. If an adequate bond is not furnished within the allowed period, the operator shall be required to cease operations immediately, and shall not resume operations until the division has received an acceptable bond.
10. The division shall accept a bond in the form of a surety bond, a collateral bond or a combination of these bonding methods.
- 10.1. A surety bond is an indemnity agreement in a sum certain payable to the division, executed by the operator as principal and which is supported by the performance guarantee of a corporation authorized to do business as a surety in Utah.
- 10.1.1. A surety bond shall be executed by the operator and a corporate surety authorized to do business in Utah that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". Surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. Operators who do not have a surety bond with a company that meets the standards of subsection 10.1.1. will have 120 days from the date of division notification after enactment of the changes to subsection 10.1.1., or face enforcement action. When the division in the course of examining surety bonds notifies an operator that a surety company guaranteeing its performance does not meet the standards of Subsection (10.1.1), the operator has 120 days after notice from the division by mail to correct the deficiency, or face enforcement action.
- 10.1.2. Surety bonds shall be noncancellable during their terms, except that surety bond coverage for wells not drilled may be canceled with the prior consent of the division.
- 10.1.3. The division shall advise the surety, within 30 days after receipt of a notice to cancel a bond, whether the bond may be canceled on an undrilled well.
- 10.2. A collateral bond is an indemnity agreement in a sum certain payable to the division, executed by the operator that is supported by one or more of the following:
- 10.2.1. A cash account.
- 10.2.1.1. The operator may deposit cash in one or more accounts at a federally insured bank authorized to do business in Utah, made payable upon demand only to the division.
- 10.2.1.2. The operator may deposit the required amount directly with the division.
- 10.2.1.3. Any interest paid on a cash account shall be retained in the account and applied to the bond value of the account unless the division has approved the payment of interest to the operator.
- 10.2.1.4. The division shall not accept an individual cash account in an amount in excess of \$100,000 or the maximum insurable amount as determined by the Federal Deposit Insurance Corporation.
- 10.2.2. Negotiable bonds of the United States, a state, or a municipality.
- 10.2.2.1. The negotiable bond shall be endorsed only to the order of and placed in the possession of the division.
- 10.2.2.2. The division shall value the negotiable bond at its current market value, not at face value.

- ~~10.2.3. Negotiable certificates of deposit.~~
- ~~10.2.3.1. The certificates shall be issued by a federally insured bank authorized to do business in Utah.~~
- ~~10.2.3.2. The certificates shall be made payable or assigned only to the division both in writing and upon the records of the bank issuing the certificate.~~
- ~~10.2.3.3. The certificates shall be placed in the possession of the division or held by a federally insured bank authorized to do business in Utah.~~
- ~~10.2.3.4. If assigned, the division shall require the banks issuing the certificates to waive any rights of setoff or liens against those certificates.~~
- ~~10.2.3.5. The division shall not accept an individual certificate of deposit in an amount in excess of \$100,000 or the maximum insurable amount as determined by the Federal Deposit Insurance Corporation.~~
- ~~10.2.4. An irrevocable letter of credit.~~
- ~~10.2.4.1. Letters of credit shall be placed in the possession of and payable upon demand only to the division.~~
- ~~10.2.4.2. Letters of credit shall be issued by a federally insured bank authorized to do business in Utah.~~
- ~~10.2.4.3. Letters of credit shall be irrevocable during their terms.~~
- ~~10.2.4.4. Letters of credit shall be automatically renewable or the operator shall ensure continuous bond coverage by replacing letters of credit, if necessary, at least 30 days before their expiration date with other acceptable bond types or letters of credit.~~
- ~~11. The required bond amount specified in Subsections (5) and (6) of any collateral posted as assurance under this section shall be subject to a margin determined by the division which is the ratio of the face value of the collateral to market value, as determined by the division.~~
- ~~11.1. The margin shall reflect legal and liquidation fees, as well as value depreciation, marketability and fluctuations that might affect the net cash available to the division to complete plugging and restoration.~~
- ~~12. The market value of collateral may be evaluated at any time, and in no case shall the market value of collateral be less than the required bond amount specified in Subsections (5) and (6).~~
- ~~12.1. Upon evaluation of the market value of collateral by the division, the division will notify the operator of any required changes in the amount of the bond and shall allow a reasonable period, not to exceed 90 days, for the operator to establish acceptable bond coverage.~~
- ~~12.2. If an adequate bond is not furnished within the allowed period the operator shall be required to cease operations immediately and shall not resume operations until the division has received an acceptable bond.~~
- ~~13. Persons with an interest in collateral posted as a bond, and who desire notification of actions pursuant to the bond, shall request the notification in writing from the division at the time collateral is offered.~~
- ~~14. The division may allow the operator to replace existing bonds with other bonds that provide sufficient coverage.~~
- ~~14.1. Replacement of a bond pursuant to this section shall not constitute a release of bond under Subsection (15).~~
- ~~14.2. The division shall not allow liability to cease under an existing bond until the operator has furnished, and the division has approved, an acceptable replacement bond.~~
- ~~14.3. When the operator of wells covered by a blanket bond changes, the division will review the financial eligibility of a new operator for blanket bonding as described in Subsection (6.4), and the division will make a written finding concerning the applicability of blanket bonding to the prospective new operator.~~
- ~~14.4. Transfer of the ownership of property does not cancel liability under an existing bond until the division reviews and approves a change of operator for any wells affected by the transfer of ownership.~~
- ~~14.5. If a transfer of the ownership of property is made and an operator wishes to request a change to a new operator of record for the affected wells, then the following requirements shall be met:~~
- ~~14.5.1. The operator shall notify the division in writing when ownership of any well associated with the property has been transferred to a named transferee, and the operator shall request a change of operator for the affected wells.~~
- ~~14.5.2. The request shall describe each well by reference to its well name and number, API number, and its location, as described by the section, township, range, and county, and shall also include a proposed effective date for the operator change.~~
- ~~14.5.3. The request shall contain the endorsement of the new operator accepting such change of operator.~~
- ~~14.5.4. The request shall contain evidence of the new operator's bond coverage.~~
- ~~14.5.5. The request may include a request to cancel liability for the well included in the operator change that are listed under the existing operator's bond upon approval by the division of an adequate replacement bond in the name of the new operator.~~
- ~~14.6. Upon receipt of a request for change of operator, the division will review the proposed new operator's bond coverage, and if bond coverage is acceptable, the division will issue a notice of approval of the change of operator.~~
- ~~14.6.1. If the division determines that the new operator's bond coverage will be insufficient to cover the costs of plugging and site restoration for the applicable well, the division may deny the change of operator, or the division may require a change in the form and amount of the new operator's bond coverage in order to approve the change of operator. In such cases, the division will support its case for a change of the new operator's bond coverage in the form of written findings, and the division will provide a schedule for completion of the requisite changes in order to approve the operator change. The written findings and schedule for changes in bond coverage will be sent to both the operator of record of the applicable well and the proposed new operator.~~
- ~~14.7. If the request for operator change included a request to cancel liability under the existing operator's bond in accordance with Subsection (14.5.5), and the division approves the operator change, then the division will issue a notice of approval of termination of liability under the existing bond for the wells included in the operator change. When the division has approved the termination of liability under a bond, the original operator is relieved from the responsibility of plugging or repairing any wells and restoring any well site affected by the operator change.~~

NOTICES OF PROPOSED RULES

~~14.8. If any of the wells covered by a bond are affected by an operator change, the bond may be released by the division in accordance with Subsection (15).~~

~~15. Bond release procedures are as follows:~~

~~15.1. Requests for release of a bond held by the division may be submitted by the operator at any time after a subsequent notice of plugging of a well has been submitted to the division or the division has issued a notice of approval of termination of liability for well covered by an existing bond.~~

~~15.1.1. Within 30 days after a request for bond release has been filed with the division, the operator shall submit signed affidavits from the surface landowner of any previously plugged well site certifying that restoration has been performed as required by the mineral lease and surface agreements.~~

~~15.1.2. If such affidavits are not submitted, the division shall conduct an inspection of the well site in preparation for bond release as explained in Subsection (15.2).~~

~~15.1.3. Within 30 days after a request for bond release has been filed with the division, the division shall publish notice of the request in a daily newspaper of general circulation in the city and county of Salt Lake and in a newspaper of general circulation in the county in which the proposed well is located.~~

~~15.1.4. If a written objection to the request for bond release is not received by the division within 15 days after publication of the notice of request, the division may release liability under the bond as an administrative action.~~

~~15.1.5. If a written objection to the request for bond release is received by the division within 15 days after publication of the notice of request, the request shall be set for hearing and notice thereof given in accordance with the procedural rules of the board.~~

~~15.2. If affidavits supporting the bond release application are not received by the division in accordance with Subsection (15.1.1), the division shall within 30 days or as soon thereafter as weather conditions permit, conduct an inspection and evaluation of the well site to determine if restoration has been adequately performed.~~

~~15.2.1. The operator shall be given notice by the division of the date and time of the inspection, and if the operator is unable to attend the inspection at the scheduled date and time, the division may reschedule the inspection to allow the operator to participate.~~

~~15.2.2. The surface landowner, agent or lessee shall be given notice by the operator of such inspection and may participate in the inspection; however, if the surface landowner is unable to attend the inspection, the division shall not be required to reschedule the inspection in order to allow the surface landowner to participate.~~

~~15.2.3. The evaluation shall consider the adequacy of well site restoration, the degree of difficulty to complete any remaining restoration, whether pollution of surface and subsurface water is occurring, the probability of future occurrence of such pollution, and the estimated cost of abating such pollution.~~

~~15.2.4. Upon request of any person with an interest in bond release, the division may arrange with the operator to allow access to the well site or sites for the purpose of gathering information relevant to the bond release.~~

~~15.2.5. The division shall retain a record of the inspection and the evaluation, and if necessary and upon written request by an interested party, the division shall provide a copy of the results.~~

~~15.3. Within 60 days from the filing of the bond release request, if a public hearing is not held pursuant to Subsection (15.1.5), or within 30 days after such public hearing has been held, the division shall provide written notification of the decision to release or not release the bond to the following parties:~~

~~15.3.1. The operator.~~

~~15.3.2. The surety or other guarantor of the bond.~~

~~15.3.3. Other persons with an interest in bond collateral who have requested notification under Subsection R649-3-1.13.~~

~~15.3.4. The persons who filed objections to the notice of application for bond release.~~

~~15.4. If the decision is made to release the bond, the notification specified in Subsection (15.3) shall also state the effective date of the bond release.~~

~~15.5. If the division disapproves the application for release of the bond or portion thereof, the notification specified in Subsection (15.3) shall also state the reasons for disapproval, recommending corrective actions necessary to secure the release, and allowing an opportunity for a public hearing.~~

~~15.6. The division shall notify the municipality in which the well is located by certified mail at least 30 days prior to the release of the bond.~~

~~16. The following guidelines will govern the forfeiture of bonds:~~

~~16.1. The division shall take action to forfeit the bond if any of the following occur:~~

~~16.1.1. The operator refuses or is unable to conduct plugging and site restoration.~~

~~16.1.2. Noncompliance as to the conditions of a permit issued by the division.~~

~~16.1.3. The operator defaults on the conditions under which the bond was accepted.~~

~~16.2. In the event forfeiture of the bond is necessary, the matter will be considered by the board.~~

~~16.3. For matters of bond forfeiture, the division shall send written notification to the parties identified in Subsection (15.3), in addition to the notice requirements of the board procedural rules.~~

~~16.4. After proper notice and hearing, the board may order the division to do any of the following:~~

~~16.4.1. Proceed to collect the forfeited amount as provided by applicable laws for the collection of defaulted bonds or other debts.~~

~~16.4.2. Use funds collected from bond forfeiture to complete the plugging and restoration of the well to which bond coverage applies.~~

~~16.4.3. Enter into a written agreement with the operator or another party to perform plugging and restoration operations in accordance with a compliance schedule established by the division as long as such party has the ability to perform the necessary work.~~

~~16.4.4. Allow a surety to complete the plugging and restoration, if the surety can demonstrate an ability to complete the plugging and restoration.~~

~~16.4.5. Any other action the board deems reasonable and appropriate.~~

~~16.5. In the event the amount forfeited is insufficient to pay for the full cost of the plugging and restoration, the division may complete or authorize completion of plugging and restoration and may recover from the operator any costs of plugging and restoration in excess of the amount forfeited.~~

~~16.6. In the event the amount of bond forfeited was more than the amount necessary to complete plugging and restoration, the unused funds shall be returned by the division to the party from whom they were collected.~~

~~16.7. In the event the bond is forfeited and there exists any unplugged well or wells previously covered under the forfeited bond, then the operator must establish new bond coverage in accordance with these rules.~~

~~16.8. If the operator requires new bond coverage under the provisions of Subsection (16.7), then the division will notify the operator and specify a reasonable period, not to exceed 90 days, to establish new bond coverage.]~~

KEY: oil and gas law

Date of Last Change: ~~2026~~**December 3, 2025**

Notice of Continuation: June 30, 2025

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.; 40-6-5; 40-6-20; 40-6-21

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R649-3-26

Filing ID: 57713

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining; Oil and Gas	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R649-3-26. Seismic Exploration
4. Purpose of the new rule or reason for the change:
The Division of Oil, Gas and Mining (Division) is updating their bond requirements for Oil and Gas wells, including bond amounts for seismic exploration.
5. Summary of the new rule or change:
This rule filing added a performance bond amount of \$10,000 for any seismic exploration conducted in the state.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is a total of one state agency, the Division, that will be associated with this proposed rule change.
There will be a fiscal impact of \$10,000 per seismic exploration, however, the Division cannot estimate how many operators will conduct seismic exploration activities.
B. Local governments:
No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.

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

There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There will be a fiscal impact of \$10,000 per seismic exploration, however, the Division cannot estimate how many operators will conduct seismic exploration activities.

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

There are a total of four non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There will be a fiscal impact of \$10,000 per seismic exploration, however, the Division cannot estimate how many operators will conduct seismic exploration activities.

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 will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.

F. Compliance costs for affected persons:

There will be a compliance cost of \$10,000, however, the Division cannot estimate how many operators will conduct seismic exploration activities.

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

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

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 40-6-1 et seq.

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:

02/02/2026

10. This rule change MAY become effective on:

02/25/2026

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:

Mick Thomas, Director

Date:

12/12/2025

R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.

R649-3. Drilling and Operating Practices.

R649-3-26. Seismic Exploration.

(1)[~~1~~] Form 1, Application for Permit to Conduct Seismic Exploration shall be submitted to the division by the seismic contractor at least seven days ~~before~~[~~prior to~~] commencing any type of seismic exploration operations. In cases of emergency, approval may be obtained either verbally or by telegraphic communication.

(a)[~~1-1~~] Changes of plans or line locations may be implemented in an emergency situation without division approval.

(b)[~~1-2~~] Within five days after the change is performed, the seismic contractor shall submit written notice of the change to the division.

(c)[~~1-3~~] The permit may be revoked at any time by the division for failure to comply with the rules and orders of the board.

(d)[~~1-4~~] Any request to deviate from the general plugging and operations procedures of Title R649[~~these rules~~] shall be included on the permit application.

(e)[~~1-5~~] The name, address, and telephone number of the seismic contractor's local contact shall be submitted to the division as soon as determined if not available when the permit application is submitted.

(f)[~~1-6~~] After review of the application for a seismic permit, the division may require written permission of the owner of the surface of the affected land if it is determined that the seismic operation may significantly impact any building, pipeline, water well, flowing spring, or other cultural or natural feature in the area.

(g)[~~1-7~~] The permit will be in effect for six months from the date of approval. The permit may be extended upon application to and approval by the division.

(2)[~~2~~] Before beginning any geophysical operations or seismic exploration, the applicant must provide the division a performance bond in the amount of \$10,000.[~~Bonding shall not be required for seismic exploration requiring the drilling of shot holes.~~]

(3)[~~3~~] Seismic contractors shall give the division at least 24 hours advance notice of the plugging of seismic holes. The notice shall include the date and time the plugging activities are expected to begin[~~commence~~], the name and address of the seismic contractor responsible for the holes, and, if different, the name and address of the hole plugging company.

(4)[~~4~~] Unless the seismic contractor can prove to the satisfaction of the division that another method will provide adequate protection to ground water resources and other artificial[~~man-made~~] or natural features and will provide long-term land stability, the following procedures shall be required for the conduct of seismic operations and hole plugging:

(a)[~~4-1~~] Seismic contractors shall take reasonable precautions to avoid conducting shot hole operations closer than 1,320 feet to any building, pipeline, water well, flowing spring, or other cultural[~~or~~] or natural feature, such as[~~e.g.~~], a historical monument, marker, or structure, that may be adversely affected by the seismic operations.

(b)[~~4-2~~] When nonartesian water is encountered while drilling seismic shot holes, the holes shall be filled from the bottom up with a high grade bentonite/water slurry mixture.

(c)[~~4-3~~] The slurry shall have a density that is at least 4%[~~four percent~~] greater than the density of fresh water and shall have a marsh funnel viscosity of at least 60 seconds per quart.

(d)[~~4-4~~] The density and viscosity of the slurry are to be measured before[~~prior to~~] adding cuttings. Cuttings not added to the slurry are to be disposed of in accordance with Subsection (4)(f)[~~R649-3-26-4.6~~].

(e)[~~4-5~~] Upon approval by the division, any other suitable plugging material commonly used in the industry may be substituted for the bentonite/water slurry as long as the physical characteristics of the substitute plugging material are at least comparable to those of the bentonite/water slurry.

(f)[~~4-6~~] The hole shall be filled with the substitute plugging material from the bottom up to a depth of three feet below ground level.

(g)[~~4-7~~] A nonmetallic permaplug shall be set at a depth of three feet. The remaining hole shall be filled and tamped to the surface with cuttings and native soil.

(h)[~~4-8~~] The permaplug shall be imprinted with an approved identification number or mark.

NOTICES OF PROPOSED RULES

(i)[4.9-] When drilling with air only, and in completely dry holes, plugging may be accomplished by returning the cuttings to the holes, tamping the returned cuttings to the depth of three feet below ground level, and setting the permaplug topped with more cuttings and soil. A small mound shall be left over the hole for settling allowance.

(j)[4.10-] If artesian flow, water flowing at the surface, is encountered in the drilling of any seismic hole, cement shall be used to seal off the water flow to prevent cross-flow, erosion, or contamination of fresh water supplies.

(k)[4.11-] Unless severe weather conditions prevent access, the holes shall be cemented immediately.

(l)[4.12-] Approval may be granted to seismic operator to plug a flowing hole in another manner, if it is proved to this division that the alternate method will provide adequate protection to ground water resources and provide long term land stability.

(m)[4.13-] The owner of the surface of the land affected may assume liability for a seismic hole capable of conversion to a water well by sending a letter assuming such liability to the division and by filing an application with and obtaining approval for appropriation of underground water from the Division of Water Rights.

(n)[4.14-] Shotholes shall be properly plugged and abandoned as soon as practical after the shot has been fired.

(o)[4.15-] No shothole shall be left unplugged for more than 30 days without approval of the division.

(p)[4.16-] Until properly plugged, shotholes shall be covered with a tin hat or other similar cover.

(q)[4.17-] The hats shall be imprinted with the seismic contractor's name or initials.

(r)[4.18-] Any slurry, drilling fluids, or cuttings that are deposited on the surface around the seismic hole shall be raked or otherwise spread out to a height of not more than one inch above the surface, so that the growth of the natural grasses or foliage will not be impaired.

(s)[4.19-] Restoration plans required by the Title 40, Chapter 8, Mined Land Reclamation Act[~~Mined Land Reclamation Act, Section 40-8~~], or by any other surface management agency will be accepted by the division.

(t)[4.20-] The surface area around each seismic shothole shall be reclaimed and reseeded to its original condition insofar as such restoration is practical and is required by the surface management agency.

(u)[4.21-] Any flagging, stakes, cables, cement, or mud sacks shall be removed from the drill site and disposed of in an acceptable manner.

(5)[-] Upon application to the division, approval may be obtained for preplugging of shotholes using coarse bentonite material or a suitable alternative used in the industry. Preplugging of holes in this manner shall be performed according to the following procedures:

(a)[5.1-] A sales receipt indicating proof of purchase of an adequate amount of coarse bentonite to properly plug any shotholes shall be submitted to the division upon request.

(b)[5.2-] For shotholes drilled with air that are completely dry, the seismic contractor shall have the option of preplugging with the coarse bentonite material or of using an alternate plugging material under Subsection (4)(c)[~~R649-3-26-4.3~~].

(c)[5.3-] For conventionally drilled, wet holes, enough approved material shall be used to cover the initial water level, for example[~~i.e.~~], the depth of the initial water level in the hole before[~~prior~~] to adding coarse bentonite material shall be equal to the final plug depth.

(d)[5.4-] An additional ten feet of approved material shall be placed above this depth and hole cuttings shall be used to fill the remainder of the hole to a depth of three feet below ground level.

(e)[5.5-] A nonmetallic plug imprinted with an approved identification number or mark shall be installed at this depth.

(f)[5.6-] The remaining three feet of hole shall be filled and tamped to the surface with cuttings and native soil.

(g)[5.7-] The remaining cuttings shall be raked or spread to a height not to exceed one inch above ground level.

(h)[5.8-] When using heliportable drills and insufficient cuttings are available, the hole shall be preplugged with bentonite plugging material or an approved alternate material to a depth of three feet below ground level.

(i)[5.9-] Installation of a nonmetallic plug and filling the remainder of the hole shall be performed as required by Subsection R649-3-26(5)(c)[~~5.3~~].

(j)[5.10-] The coarse bentonite plugging material shall have the following specifications - chemically unaltered sodium bentonite, coarse ground, three quarter inch maximum size, not more than 19% moisture content and not more than 15% inert solids by volume.

(6)[-] Form 2, Seismic Exploration Completion Report shall be submitted to the ~~(D)~~division within 60 days after completion of each seismic exploration project. The report shall include: Certification by the seismic contractor that any shot holes have been plugged as prescribed by the division.

KEY: oil and gas law

Date of Last Change: 2026[December 3, 2025]

Notice of Continuation: June 30, 2025

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.; 40-6-5; 40-6-20; 40-6-21

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R649-3-38

Filing ID: 57714

Agency Information

1. Title catchline:

Natural Resources; Oil, Gas and Mining; Oil and Gas

Building:

Department of Natural Resources

Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R649-3-38. Surface Owner Protection Act Provisions
4. Purpose of the new rule or reason for the change:
The Division of Oil, Gas and Mining (Division) is updating their bond requirements for Oil and Gas wells, including totals for surface owner protection amounts.
5. Summary of the new rule or change:
This rule filing increased the bond amount from \$6,000 to \$10,000 per well for the surface owner protection act provisions.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is a total of one state agency, the Division, that will be associated with this proposed rule change.
There will be a fiscal impact of \$10,000 per well, however, the Division cannot estimate how many operators will need a surface owner protection bond.
B. Local governments:
No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.
C. Small businesses ("small business" means a business employing 1-49 persons):
There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
There will be a fiscal impact of \$10,000 per well, however, the Division cannot estimate how many operators will need a surface owner protection bond.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are a total of four non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
There will be a fiscal impact of \$10,000 per well, however, the Division cannot estimate how many operators will need a surface owner protection bond.
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 will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.

F. Compliance costs for affected persons:

There will be a compliance cost of \$10,000, however, the Division cannot estimate how many operators will need a surface owner protection bond.

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

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

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 40-6-1 et seq.

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:

02/02/2026

10. This rule change MAY become effective on:

02/25/2026

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:	Mick Thomas, Director	Date:	12/12/2025
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R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.

R649-3. Drilling and Operating Practices.

R649-3-38. Surface Owner Protection Act Provisions.

(1)[-] Title R649[these rules] and any subsequent revisions as approved by the board are developed pursuant to the requirements of the Surface Owner Protection Act of 2012 in Title 40, Chapter 6. It is the intent of the board and the division to encourage owners or operators and surface land owners to enter into surface use agreements. Surface use agreements should fairly consider the respective rights of the owner or operator and the surface land owner and also comply with the requirements of S[ubs]ection R649-3-34.

(2)[-] For the purposes of S[ubs]ection R649-3-38, these definitions are utilized.

(a)[2-1-] "Crops" means any growing vegetative matter used for an agricultural purpose, including forage for grazing and domesticated animals.

(b)[2-2-] "Oil and gas operations" means to explore for, develop, or produce oil and gas.

(c)[2-3-] "Surface land" means privately owned land overlying privately owned oil and gas resources, upon which oil and gas operations are conducted, and owned by a surface land owner.

(d)[2-4-] "Surface land owner" means a person who owns, in fee simple absolute, any or part of the surface land as shown by the records of the county where the surface land is located. Surface land owner does not include the surface land owner's lessee, renter, tenant, or other contractually related person.

(e)[2-5-] "Surface land owner's property" means a surface land owner's surface land, crops on the surface land, and existing improvements on the surface land.

(f)[2-6-] "Surface use agreement" means an agreement between an owner or operator and a surface land owner addressing the use and reclamation of surface land owned by the surface land owner and compensation for damage to the surface land caused by oil and gas operations that result in loss of the surface land owner's crops on the surface land, loss of value of existing improvements owned by the surface land owner on the surface land, and permanent damage to the surface land.

(3)[-] Oil and gas operations shall be conducted in such manner as to prevent unreasonable loss of a surface land owner's crops on surface land, unreasonable loss of value of existing improvements owned by a surface land owner on surface land, and unreasonable permanent damage to surface land.

(4)[-] In accordance with Section 40-6-20, an owner or operator may enter onto surface land under which the owner or operator holds rights to conduct oil and gas operations and use the surface land to the extent reasonably necessary to conduct oil and gas operations and consistent with allowing the surface land owner the greatest possible use of the surface land owner's property, to the extent that the surface land owner's use does not interfere with the owner's or operator's oil and gas operations.

(a)[4-1-] Except as is reasonably necessary to conduct oil and gas operations, an owner or operator shall mitigate the effects of accessing the surface land owner's surface land, minimize interference with the surface land owner's use of the surface land owner's property, and compensate a surface land owner for unreasonable loss of a surface land owner's crops on the surface land, unreasonable loss of value to existing improvements owned by a surface land owner on the surface land, and unreasonable permanent damage to the surface land.

(b)[4-2-] An owner or operator may but is not required to obtain location or spacing exceptions from the division or board or utilize directional or horizontal drilling techniques that are not technologically feasible, economically practicable, or reasonably available.

(5)[-] In accordance with Section 40-6-21, non-binding mediation may be requested by a surface land owner and an owner or operator, by providing written notice to the other party, if they are unable to agree on the amount of damages for unreasonable crop loss on the surface land, unreasonable loss of value to existing improvements owned by the surface land owner on the surface land, or unreasonable permanent damage to the surface land.

(a)[5-1-] A mediator may be mutually selected by a surface land owner and an owner or operator from a listing of qualified mediators maintained by the division and the Utah Department of Agriculture and Food, which includes the mediators identified on the Utah State Courts website with "property" or "real estate" as an area of expertise, or a mediator may be selected from any other source.

(b)[5-2-] The surface land owner and the owner or operator shall equally share the cost of the mediator's services.

(c)[5-3-] The mediation provisions of this subsection do not prevent or delay an owner or operator from conducting oil and gas operations in accordance with applicable law.

(6)[-] A surface use bond shall be furnished to the division by the owner or operator, in accordance with ~~the following provisions of~~ Subsection ~~R649-3-38~~ [(6)(a) through (6)(i)].

(a)[6-1-] A surface use bond does not apply to surface land where the surface land owner is a party to, or a successor of a party to:

(i)[6-1.1-] A lease of the underlying privately owned oil and gas;

(ii)[6-1.2-] A surface use agreement applicable to the surface land owner's surface land; or

(iii)[6-1.3-] A contract, waiver, or release addressing an owner's or operator's use of the surface land owner's surface land.

(b)[6-2-] The surety bond or other guarantee shall be in an amount of not less than \$10,000 per well on the land unless the operations involve seismic activities. The surface use bond shall be ~~in the amount of \$6,000 per well site and shall be~~ conditioned upon the performance by the owner or operator of the duty to protect a surface land owner against unreasonable loss of crops on surface land, unreasonable loss of value of existing improvements, and unreasonable permanent damage to surface land.

(c)[6-3-] The surface use bond shall be furnished to the division on Form 4S after good faith negotiation and ~~before~~ prior to the approval of the application for permit to drill. The mediation process identified in Subsection R649-3-38[-](5) may ~~begin~~ commence and is encouraged to be completed.

(d)[6-4-] The division may accept a surface use bond in the form of a cash account ~~as provided in Subsection R649-3-1-10.2.1~~ or a certificate of deposit as provided in Subsection R649-13-1(2) ~~Subsection R649-3-1-10.2.3~~. Interest will remain within the account.

(e)[6-5-] The division may allow the owner or operator, or a subsequent owner or operator, to replace an existing surface use bond with another bond that provides sufficient coverage.

(f)[6-6-] The surface use bond shall remain in effect by the operator until released by the division.

(g)[6-7-] The surface use bond shall be payable to the division for the use and benefit of the surface land owner, subject to Title R649 ~~the provisions of these rules~~.

(h)[6-8-] The surface use bond shall be released to the owner or operator after the division receives sufficient information that:

(i)[6-8.1-] A surface use agreement or other contractual agreement has been reached;

(ii)[6-8.2-] Final resolution of the judicial appeal process for an action for unreasonable damages, as defined in Subsection R649-3-38(6)(b) ~~[-6.2]~~, has occurred and have been paid; or

(iii)[6-8.3-] Plugging and abandonment of the well is completed.

NOTICES OF PROPOSED RULES

(i)[6-9] The division shall make a reasonable effort to contact the surface land owner before[prior to] the division's release of the surface use bond.

KEY: oil and gas law

Date of Last Change: 2026[December 3, 2025]

Notice of Continuation: June 30, 2025

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.; 40-6-5; 40-6-20; 40-6-21

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R649-8

Filing ID: 57715

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining; Oil and Gas	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R649-8. Reporting and Report Forms
4. Purpose of the new rule or reason for the change:
The Division of Oil, Gas and Mining (Division) is updating their bond requirements for Oil and Gas wells, including the forms needed and used.
5. Summary of the new rule or change:
This rule filing introduces two new forms, Form 0 Registration Form and Form 16 Operator Change Form.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is a total of one state agency, the Division, that will be associated with this proposed rule change.
There will be no fiscal impact to the agency as these changes are purely administrative.
B. Local governments:
No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.
C. Small businesses ("small business" means a business employing 1-49 persons):
There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
There will be no fiscal impact to small businesses as these changes are purely administrative.

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

There are a total of four non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There will be no fiscal impact to non-small businesses as these changes are purely administrative.

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 will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.

F. Compliance costs for affected persons:

There will be no fiscal impact to the agency as these changes are purely administrative.

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

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

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 40-6-1 et seq.

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:**

02/02/2026

10. This rule change MAY become effective on:

02/25/2026

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:	Mick Thomas, Director	Date:	12/12/2025
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R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.**R649-8. Reporting and Report Forms.****R649-8-1. General Report Forms.**

(1)[~~7~~] The forms in this Subsection~~[listed below]~~, as modified by the ~~[D]~~division from time to time shall be used for the purpose indicated in accordance with the instructions and the applicable rule.

Form 0 Registration Form Section R649-8-2

Form 1 Application for Permit to Conduct Seismic Exploration Section R649-8-3~~[2]~~

Form 2 Seismic Exploration Completion Report Section R649-8-4~~[3]~~

Form 3 Application for Permit to Drill, Deepen, or Plug Back (APD) Section R649-8-5~~[4]~~

Form 4 Bond Section R649-8-6~~[5]~~

Form 5 Designation of Agent or Operator Section R649-8-7~~[6]~~

Form 6 Entity Action Form Section R649-8-8~~[7]~~

Form 7 Report of Water Encountered During Drilling Section R649-8-9~~[8]~~

Form 8 Well Completion or Recompletion Report and Log Section R649-8-10~~[9]~~

Form 9 Sundry Notices and Reports on Wells Section R649-8-11~~[0]~~

Form 10 Monthly Oil and Gas Production Report Section R649-8-12~~[1]~~

Form 11 Monthly Oil and Gas Disposition Report Section R649-8-13~~[2]~~

Form 12 Report of Transferred Oil Section R649-8-14~~[3]~~

Form 13-A Monthly Summary Report of Gas Processing Plant Operations Section R649-8-15~~[4]~~

Form 13-B Monthly Report of Gas Processing Plant Product Allocations Section R649-8-16~~[5]~~

Form 14 Monthly Report of Waste Crude Oil Treatment Facility Operations Section R649-8-17~~[6]~~

Form 15 Designation of Workover or Recompletion Section R649-8-18~~[7]~~

Form 16 Operator Change Form Section R649-8-19

UIC Form 1 Application for Injection Well Section R649-8-20~~[18]~~

UIC Form 2 Monthly Report of Enhanced Recovery Project Section R649-8-21~~[19]~~

UIC Form 3 Monthly Injection Report Section R649-8-22~~[0]~~

UIC Form 4 Annual Fluid Injection Report Section R649-8-23~~[1]~~

UIC Form 5 Transfer of Authority to Inject Section R649-8-24~~[2]~~

(2)[~~7~~] Any permitted well which is referenced on a report form, correspondence, or well log should be identified by its assigned API number.

R649-8-2. Form 0, Registration Form.

The operator of a drilling unit shall designate an agent responsible for operations in the state who will receive and accept service of all communications, notices, and orders of the division and board.

R649-8-3~~[2]~~. Form 1, Application for Permit to Conduct Seismic Exploration.

At least seven days ~~before~~~~[prior to]~~ commencing any type of seismic exploration operations, an Application for Permit to Conduct Seismic Exploration shall be submitted in duplicate to the division by the seismic contractor in accordance with Section R649-3-26.

R649-8-4~~[3]~~. Form 2, Seismic Exploration Completion Report.

Within 60 days of the completion of each seismic exploration project, a Seismic Exploration Completion Report shall be submitted to the division by the seismic contractor in accordance with Section R649-3-26.

R649-8-5~~[4]~~. Form 3, Application for Permit to Drill, Deepen, or Plug Back (APD).

~~Before~~~~[Prior to]~~ the commencement of drilling, deepening, or plugging back any well or the commencement of exploratory drilling such as core holes and stratigraphic test holes, and ~~before~~~~[prior to]~~ the commencement of any surface disturbance associated with such activity, the operator shall submit in duplicate an Application for Permit to Drill, Deepen, or Plug Back in accordance with Section R649-3-4.

R649-8-6~~[5]~~. Form 4, Bond.

Except where a bond in satisfactory form has been filed by the operator in accordance with state, federal, or Indian lease requirements and evidence has been furnished to the division that such bond has been approved by the appropriate agency, the division shall require from the operator a good and sufficient bond in accordance with Rule R649-13~~[4]~~.

R649-8-7~~[6]~~. Form 5, Designation of Agent or Operator.

~~Before~~~~[Prior to]~~ the commencement of operations, a Designation of Agent or Operator shall be filed with the division in accordance with Section R649-2-4.

R649-8-8[7]. Form 6, Entity Action Form.

(1)[1-] To[For the purpose of] accurately establish[ing] the division's computerized oil and gas production accounting system and properly maintain[ing] division of interest data for each well in the system, the operator shall file an Entity Action Form with the division within five working days of any of the following actions:

(a)[1-1-] Spudding of a well, Section R649-3-6.

(b)[1-2-] A change in operations which requires adding or removing a well from a group of wells that have identical division of interests, produce from the same formation, have product sales from a common tank, LACT meter, or gas meter, and have the same operator.

(c)[1-3-] A change in operations when a service well is converted to a producing oil or gas well.

(d)[1-4-] A change in operations when a well is recompleted and is capable of producing from another formation, Section R649-3-

23.

(e)[1-5-] A change in interest which requires adding or removing a well from a participating area of a properly designated unit.

(2)[1-] Upon receipt of an Entity Action Form, the division will assign an entity number to a new well or change the entity number as needed for an existing well.

(a)[2-1-] This number identifies the well on the operator's monthly oil and gas production and disposition reports.

(b)[2-2-] Entity numbers are used by the State Tax Commission and other state government agencies to properly account for all production taxes and the divisions of royalty interest on state leases.

(3)[1-] This form does not take the place of Form 9, Sundry Notices and Reports on Wells, which is to be used to provide detailed accounts of physical operations on wells.

R649-8-9[8]. Form 7, Report of Water Encountered During Drilling.

The operator shall report to the division all fresh water sands encountered during drilling in accordance with Section R649-3-6. The report shall be filed with the Well Completion or Recompletion Report and Log, Form 8.

R649-8-10[9]. Form 8, Well Completion or Recompletion Report and Log.

In accordance with Sections R649-3-11, R649-3-21, R649-3-23, and R649-3-24, the operator shall file a Well Completion or Recompletion Report and Log and a copy of the electric and radioactivity logs, if run, within 30 days after completing, recompleting, or plugging a well.

R649-8-11[10]. Form 9, Sundry Notices and Reports on Wells.

(1)[1-] This report form shall be used to notify the division of the intention to do miscellaneous work on any well for which a specific report form is not provided, and to report the subsequent results of that work.

(a)[1-1-] A notice of intention to do work on a well located on lands with state, fee or privately owned minerals or to change plans previously approved shall be submitted in duplicate and must be received and approved by the division before the work is commenced.

(b)[1-2-] The operator is responsible for receipt of the notice by the division in ample time for proper consideration and action. In cases of emergency the operator may obtain verbal approval to begin[commence] work.

(c)[1-3-] Within five days after receiving verbal approval, the operator shall submit a Sundry Notice describing the work and acknowledging the verbal approval.

(2)[1-] In addition to the types of work listed on the form, a Sundry Notice is required for the following:

(a)[2-1-] Monthly status report for each drilling well in accordance with Section R649-3-6.

(b)[2-2-] Application for permit to complete a well into more than one pool in accordance with Section R649-3-22.

(c)[2-3-] Notice of intent to plug and abandon a well in accordance with Section R649-3-24.

(d)[2-4-] Notice of intent to pull casing in accordance with Section R649-3-24.

(e)[2-5-] Notice of change of operator. The report form should be submitted by both the previous operator and the new operator.

R649-8-12[11]. Form 10, Monthly Oil and Gas Production Report.

(1)[1-] Each operator shall electronically submit Form 10 monthly to properly account for all oil, gas, and water produced from each well. The form may be found on the division's oil and gas website.

(2)[1-] This form may be submitted in conjunction with Form 11, Monthly Oil and Gas Disposition Report before the fifteenth day of the second calendar month following the month of production.

R649-8-13[12]. Form 11, Monthly Oil and Gas Disposition Report.

(1)[1-] All oil and gas well operators shall complete this form monthly to account for all oil and gas dispositions from each entity.

(a)[1-1-] The report should account for the physical dispositions of all oil and gas produced during the report month from each well or group of wells (entity).

(b)[1-2-] Only the initial disposition of each product as it leaves the well site or is used at the well site should be reported.

(c)[1-3-] Residue gas ~~and~~ or load oil, or both, received from another well, plant, or field should not be shown on this report.

(2)[1-] This report shall be submitted in conjunction with Form 10, Monthly Oil and Gas Production Report and Form 12, Report of Transferred Oil on or before the fifteenth day of the second calendar month following the month of production.

R649-8-14[13]. Form 12, Report of Transferred Oil.

(1)[1-] This report is to be used only in accounting for oil that is transferred from one entity to another entity or oil that is acquired and used during remedial operations on a well.

NOTICES OF PROPOSED RULES

This includes situations such as the following:

(a)[~~1-1-~~] Oil that is produced at one entity or is acquired from another company, is then used as load oil at a "second" entity, and is then recovered and sold;~~[7]~~ or

(b)[~~1-2-~~] Oil that is produced and then transferred to a "second" entity for treatment and sale due to mechanical problems at the producing entity.

(2)[~~7-~~] Load oil that is recovered at the "second" entity and non-load oil that is transferred to the "second" entity should be excluded from all reported production, dispositions, and stocks of the "second" entity on Form 11, Monthly Oil and Gas Disposition Report. This allows the reporting of the "second" entity's true production and sales on Form 11, while the remainder of any sales is accounted for on this form.

(a)[~~2-1-~~] The transported volumes reported on this form plus the transported volume for the "second" entity on Form 11 should equal the total run ticket volume as reported by the trucking or pipeline company serving this entity.

(b)[~~2-2-~~] This report is to be filed as an attachment to Form 11, Monthly Oil and Gas Disposition Report during the month in which recovered load oil or any other transferred oil (non-load oil) is sold from the "second" entity.

R649-8-~~15~~[14]. Form 13-A, Monthly Summary Report of Gas Processing Plant Operations.

(1)[~~7-~~] Gas processing plant operators shall complete and submit a monthly report in accordance with Section R649-6-1, to account for the receipt, processing and disposition of all gas by the plant.

(2)[~~7-~~] The report is due on or before the fifteenth day of the second calendar month following the operations month covered by the report.

R649-8-~~16~~[15]. Form 13-B, Monthly Report of Gas Processing Plant Product Allocations.

(1)[~~7-~~] Gas processing plant operators that are required by contractual arrangements to allocate residue gas and extracted liquids to the individual producing wells must complete and submit this form monthly in accordance with Section R649-6-1.

(2)[~~7-~~] The report is to be filed as an attachment to Form 13-A, Monthly Summary Report of Gas Processing Plant Operations on or before the fifteenth day of the second calendar month following the operations month covered by the report.

R649-8-~~17~~[16]. Form 14, Monthly Report of Waste Crude Oil Treatment Facility Operations.

(1)[~~7-~~] Each operator of treatment or reclaiming facilities handling tank bottoms, oil from pits or ponds, or any other waste crude oil, shall complete and submit this report monthly in accordance with Section R649-6-2 to account for stocks, receipts, and deliveries of processed and unprocessed waste crude oil.

(2)[~~7-~~] The report is due on or before the fifteenth day of the second calendar month following the operations month covered by the report.

R649-8-~~18~~[17]. Form 15, Designation of Workover or Recompletion.

(1)[~~7-~~] In accordance with Section R649-3-23, each operator desiring to claim a tax credit for workover or recompletion work performed must submit this report within 180 days after the workover or recompletion work is completed. Upon determination and notification by the division that the described work qualifies for a tax credit under this rule, the operator may claim the tax credit on reports submitted to the Tax Commission during the third quarter after completion of the work.

(2)[~~7-~~] The following workover and recompletion operations qualify for a tax credit:

(a)[~~2-1-~~] perforating;

(b)[~~2-2-~~] stimulation, acid jobs, frac jobs, solvent treatments, nitrogen cleanouts;

(c)[~~2-3-~~] sand control;

(d)[~~2-4-~~] water control or shut-off;

(e)[~~2-5-~~] wellbore cleanout;

(f)[~~2-6-~~] casing or liner repair;

(g)[~~2-7-~~] well deepening;

(h)[~~2-8-~~] initiation of enhanced recovery, excluding surface equipment and associated costs;

(i)[~~2-9-~~] change of lift system, excluding surface equipment and associated costs;

(j)[~~2-10-~~] gas well tubing changes, down-sizing; and

(k)[~~2-11-~~] thief zone identification and elimination.

(3)[~~7-~~] The following workover and recompletion operations do not qualify for a tax credit:

(a)[~~3-1-~~] pump changes;

(b)[~~3-2-~~] rod string fishing and repair or replacement;

(c)[~~3-3-~~] tubing repair or replacement;

(d)[~~3-4-~~] surface equipment installation and repair; and

(e)[~~3-5-~~] operations generally classified as routine maintenance or repair.

(4)[~~7-~~] Division approval is conditional subject to audit, and actual final expenses may be disallowed if they are not appropriate workover or recompletion expenses.

R649-8-19. Form 16, Operator Change Form.

(1) The operator of a well shall notify the division of the sale, assignment, transfer, conveyance, exchange, or other disposition of the well by the operator of the well by filing an operator change form with the division.

(2) The operator change form shall be filed as soon as reasonably possible, but in no event later than 90 days after the date of the sale, assignment, transfer, exchange, or other disposition of a well becomes final.

R649-8-20[18]. UIC Form 1, Application for Injection Well.

Before[~~Prior to~~] the commencement of operations for injecting any fluid into a well for[~~the purpose of~~] enhanced recovery, disposal, or storage, the operator shall submit an Application for Injection Well and obtain division approval in accordance with Section R649-5-2.

R649-8-21[19]. UIC Form 2, Monthly Report of Enhanced Recovery Project.

(1)[-] The operator shall submit this report monthly to report the injection pressure, rate, and volume for each enhanced recovery injection well or project.

(2)[-] The report is due within 30 days following the end of the month of operations.

R649-8-22[20]. UIC Form 3, Monthly Injection Report.

(1)[-] The operator shall submit this report monthly to report the daily injection pressure, rate, and volume for each disposal well [and/or] storage well.

(2)[-] The report is due within 30 days following the end of the month of operations.

R649-8-23[24]. UIC Form 4, Annual Fluid Injection Report.

(1)[-] The operator of disposal wells, storage wells, or enhanced recovery projects shall file an annual report with the division using this form.

(2)[-] The report is due within 60 days following the end of the year.

R649-8-24[22]. UIC Form 5, Transfer of Authority to Inject.

(1)[-] The authority to inject for any injection well may[~~shall~~] not be transferred from one operator to another without the approval of the division. The transfer of authority to inject for any injection well from one operator to another shall be submitted to the division on this form before[~~prior to~~] the date of the proposed transfer.

(2)[-] The division shall, within 30 days after receipt of a properly completed form, return a copy of the form to each operator indicating approval or denial of the transfer of authority to inject. If approved, a copy of the order authorizing injection shall be attached to the form returned to the new operator.

KEY: oil and gas conservation, reporting

Date of Last Change: 2026[~~February 24, 2022~~]

Notice of Continuation: June 30, 2025

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R649-13

Filing ID: 57716

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining; Oil and Gas	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R649-13. Performance Bonds
4. Purpose of the new rule or reason for the change:
The Division of Oil, Gas and Mining (Division) is updating their performance bond requirements for Oil and Gas wells.

5. Summary of the new rule or change:

This rule filing moves the performance bonds required for oil and gas activities from Section R649-3-1 to a new Rule R649-13.

This proposed rule provides new tiered performance bonding system.

(EDITOR'S NOTE: The proposed amendment to Section R649-3-1, ID 57712, is in this issue, January 1, 2026, of the Bulletin.)

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

There is a total of one state agency, the Division, that will be associated with this proposed rule change.

There will be no fiscal impact to the agency as these changes are purely administrative.

B. Local governments:

No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.

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

There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There will be a fiscal impact to operators, however, the impact is dependent upon individual operator's well inventory, activity status of wells, and the average depth of wells, therefore a broad estimate cannot be given.

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

There are a total of four non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There will be a fiscal impact to operators, however, the impact is dependent upon individual operator's well inventory, activity status of wells, and the average depth of wells, therefore a broad estimate cannot be given.

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 will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.

F. Compliance costs for affected persons:

There will be a fiscal impact to operators, however, the impact is dependent upon individual operator's well inventory, activity status of wells, and the average depth of wells, therefore a broad estimate cannot be given.

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

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

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

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 40-6-1 et seq.

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:**

02/02/2026

10. This rule change MAY become effective on:

02/25/2026

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:	Mick Thomas, Director	Date:	12/12/2025
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R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.**R649-13. Performance Bonds.****R649-13-1. Performance Bonds Required for Oil and Gas Activities.**

(1) Before approval of a permit to drill a new well or engaging in any permitted oil and gas activity in Utah, an operator shall provide a performance bond to the division as set forth in Rule R649-13.

(a) Oil and gas activities include:

(i) drilling, completion or recompletion of an oil or gas well;

(ii) production of oil or gas;

(iii) re-entering an abandoned well;

(iv) activities commenced by a transferee upon a transfer of ownership of existing wells;

(v) Underground Injection Control (UIC) disposal and Enhanced Oil Recovery (EOR) Operations;

(vi) operation of E&P product recycling facilities; and

(vii) seismic exploration.

(b) Except as set forth in Subsection R649-13-1(c), the division will not require a separate bond when an operator furnishes evidence to the division that a bond to cover plugging and restoration and in a form and amount acceptable to the division is held by other governmental or tribal entities in accordance with state, federal or tribal regulatory requirements and has been approved by the agency having jurisdictional primacy over oil and gas operations for each permitted oil and gas activity.

(c) If a federally permitted well with private or state surface does not penetrate the targeted federal or Tribal minerals and the federal bonding agency releases or excludes the well from their bonding, the well will be regulated by the division and bonded according to Section R649-13-2 or R649-13-3.

(d) Except as set forth in Section R649-13-6, performance bonds shall remain in full force and effect until liability thereunder is released by the division.

(e) Should the division determine that an operator is not appropriately bonded, the division shall provide written notice to the operator of the bonding deficiencies. Except as provided in Subsection R649-13-6(b), if the operator fails to obtain appropriate bonding within 120 days, the division may require an operator to immediately cease all oil and gas activities until the operator complies with the bonding requirements.

NOTICES OF PROPOSED RULES

(f) A performance bond furnished to the division shall be payable to the division and conditioned upon the faithful performance by the operator of the duty to plug each dry or abandoned well, repair each well causing waste or pollution, maintain and restore the well site and complete reclamation of other permitted oil and gas activity.

(g) The form and amount of the performance bond must be approved by the division. Subject to the requirements of Subsection (2), acceptable forms may include a surety bond, a collateral bond, cash, certificates of deposit, letters of credit or a combination of these bonding methods.

(h) Performance bond liability shall be for the duration of the drilling, operating, plugging, restoration of the well and well site, and reclamation of other permitted oil and gas activity.

(i) To ensure continuous coverage, a performance bond shall be automatically renewable or the operator shall ensure continuous bond coverage by replacing a bond, if necessary, at least 30 days before the expiration date with another acceptable bond.

(2) General Terms & Conditions of Performance Bonds.

(a) Each performance bond shall provide a mechanism for the surety, or other guarantor of the performance bond, to provide prompt notice to the division and the operator of any action filed alleging the insolvency or bankruptcy of the surety or guarantor, or alleging violations that would result in suspension or revocation of the surety's or guarantor's charter or license to do business.

(i) Upon the incapacity of the surety or guarantor to guarantee payment of the performance bond by reason of bankruptcy, insolvency, or suspension or revocation of a charter or license, the operator shall be deemed to be without bond coverage.

(ii) Upon notification of insolvency or bankruptcy, the division shall notify the operator in writing of the lack of bond coverage and shall specify a reasonable period, not to exceed 90 days, to provide substitute bond coverage. The 90-day period may be extended upon written request and a showing of good cause to the division or the board.

(b) Surety Bonds.

(i) A surety bond shall be executed by the operator and a surety company licensed to do business in Utah that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better. All surety companies will also be listed in the current issue of the U.S. Department of the Treasury Circular 570.

(ii) When the division notifies an operator that a surety company guaranteeing its performance does not meet the standard of Subsection (2)(b)(i), the operator shall have 120 days after notice from the division to obtain bond coverage which complies with this rule.

(iii) A surety bond will be forfeited and collected by the division if not replaced by an acceptable bond at least 30 days before its expiration date.

(c) Collateral Bonds.

(i) The division may not accept an individual account or certificate of deposit in excess of the maximum insurable amount as determined by the Federal Deposit Insurance Corporation;

(ii) The division shall require that certificates of deposit be made payable to or assigned to the division both in writing and upon the records of the bank issuing the certificates. If assigned to the division, the division shall require the bank issuing the certificate to waive all rights of setoff or liens against that certificate.

(iii) Any interest paid on a cash account or certificate of deposit shall be retained in the account and applied to the bond value of the account unless the division has provided written approval for the payment of interest to the operator.

(iv) Letters of credit will be subject to the following conditions:

(A) Letters of credit shall be payable to the division upon demand.

(B) Letters of credit shall be irrevocable during their terms.

(C) Letters of credit shall be issued by a federally insured bank authorized to do business in the United States.

(D) A letter of credit will be forfeited and collected by the division if not replaced by an acceptable bond at least 30 days before its expiration date.

(v) Persons with an interest in collateral posted as a bond, and who desire notification of actions pursuant to the bond, shall request the notification in writing from the division when the collateral is offered.

(d) Transfer of wells.

(i) If the transfer, sale, or exchange of wells between parties results in a change in well performance bond amounts the division may allow the parties to agree to maintain the bonding amount before the transfer, sale, or exchange for a period of up to 12 months to facilitate operational changes. An extension may be requested before the board.

(3) Bonding Schedules.

(a) The board shall adjust the bonding schedules outlined in Section R649-13-4 on a not to exceed five-year cycle to account for inflation based on current data from the Producer Price Index for oil and gas extraction operations. The adjusted schedules shall follow Rulemaking Procedure pursuant to Section 63G-3-301.

(b) Then, upon written notice and a showing of good cause, may require operators to provide performance bonds in amounts greater than set out in this rules. Good cause includes violation of Section R649-3-36, Shut-in and Temporarily Abandoned Wells, a violation of which shall result in the division requiring a bond amount for the applicable well in the amount of actual plugging and site restoration costs.

(c) An operator may appeal a performance bond determination by the division by filing a request for agency action with the division pursuant to Rule R649-10.

R649-13-2. Individual Well Depth Performance Bonds.

(1) Except as set forth in Section R649-13-3, an operator who, on or after March 1, 2026, engages in the drilling, completion, re-entry, deepening, or who acquires a well, shall furnish to the division an individual well depth performance bond in the amount set forth in the approved individual well depth performance bonding schedule.

(2) The individual well depth performance bond amount may be found in Subsection R649-13-4(4).

(3) The division shall provide written notification to each operator of the need to establish or adjust an individual well depth performance bond to conform with an updated bonding schedule or bonding requirement. Within 120 days of such notification by the division the operator shall post the required individual well bond with the division. In the event of a transfer of ownership for the well where there is an approved bond in place the operator shall provide an updated bond amount within 12 months of a transfer of ownership for the well as provided in Subsection R649-13-6(b).

R649-13-3. Blanket Well Performance Bonds.

(1) Blanket Well Performance Bonds

An operator who, on or after March 1, 2026, engages in the drilling, completion, re-entry, deepening of a well, or who acquires an existing well, and who meets the qualifications set forth in Subsection (1)(a), may file with the division a blanket well performance bond to cover operations of its State Wells in lieu of an individual well depth performance bond for each well as required by Section R649-13-2.

(a) Qualifications Required for Blanket Well Performance Bonding

(i) To qualify for a blanket well performance bond, an operator must meet: (1) a production requirement, and (2) a threshold at risk well ratio requirement.

(ii) An operator qualifies for blanket well performance bonding in accordance with the tier 1 base blanket bond schedule if:

(A) The operator's total well count production is equal to or greater than 1,000 BOE for the previously reportable 12 months; and

(B) The operator's at risk well ratio is equal to or less than 20%.

(iii) An operator qualifies for blanket well performance bonding in accordance with the tier 2 base blanket bond schedule if:

(A) The operator's total well count production is equal to or greater than 500 BOE for the previously reportable 12 months; and

(B) The operator's at risk well ratio is equal to or less than 22%.

(iv) An operator qualifies for blanket well performance bonding in accordance with the tier 3 base blanket bond schedule if:

(A) The operator's total well count production is equal to or greater than 200 BOE for the previously reportable 12 months; and

(B) The operator's at risk well ratio is equal to or less than 25%.

(v) An operator who does not qualify for blanket well performance bonding must provide individual well depth performance bonds for each well as outlined in Section R649-13-2.

(b) Determination of Blanket Well Performance Bond Amount

(i) An operator who qualifies for blanket well performance bonding shall post a bond with the division that equals the total sum of the operator's combined base blanket bond amount and at risk well supplemental amount within the appropriate tier.

(A) Base Blanket Bond Amount Calculation.

(I) An operator's base blanket bond amount is determined in accordance with the base blanket bond table for the appropriate tier outlined in Section R649-13-4.

(II) An operator's base blanket bond amount shall be the amount which corresponds to the operator's total state well count.

(ii) For each tier, the allowable percentage of at risk wells exempt from inclusion in the calculation is as follows:

(A) Tier 1: 20%;

(B) Tier 2: 13%; and

(C) Tier 3: 8%.

(B) At Risk Well Supplement Amount Calculation.

(I) An operator's at risk well supplement amount shall be determined for at risk wells exceeding the following percentages and is in accordance with the at risk well supplement table for the appropriate tier outlined in Section R649-13-4:

(A) Tier 1: 20%;

(B) Tier 2: 13%; and

(C) Tier 3: 8%.

(II) The depth to be used for this calculation shall be the average TVD.

(III) An operator's at risk well supplement amount shall be calculated by:

(1) determining the total number of non-exempt at risk wells, rounded down to the nearest multiple ten;

(2) determine the average TVD;

(3) identifying the corresponding bond amount for the average TVD for the appropriate tier; and

(4) multiplying the multiple of ten from Subsection (1)(b)(i)(B)(III)(1) by the corresponding bond amount.

(2) Adjustment of Blanket Well Performance Bond Amount.

(a) An operator's blanket well performance bond amount shall be set in accordance with the base blanket bond schedules found in Section R649-13-4, which shall be adjusted every five years as referenced in Subsection R649-13-1(3).

(b) An operator's at risk well supplement will be recalculated under Subsection (1)(b)(i)(B)(III)(1) when an operator's at risk wells increase to the next multiple of ten.

(c) An operator may request a recalculation of its at risk well supplement when an operator's at risk wells decrease by a multiple of ten.

(d) An operator's blanket well performance bond amount shall be recalculated if the division determines the operator's blanket well performance bonding qualifications have changed since the last calculation.

(e) The division shall provide written notification to an operator of the need to increase the amount of its blanket well performance bond to conform with updated bonding schedules or an increase in state at risk wells.

(f) Within 120 days of such notification by the division, the operator shall post a bond with the division in compliance with Rule R649-13 or appeal the decision to the Board of Oil, Gas, and Mining.

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R649-13-4. Bonding Schedules.

(1)(a) Tier 1 Requirements:

(i) The operator's total state well production shall be equal to or greater than 1,000 BOE per day average for the previously reportable 12 months; and

(ii) An at risk well ratio equal to or less than 20%.

(b)(i) Tier 1 base blanket bond table for total well count:

<u>TABLE</u> <u>BASE BLANKET BOND</u>	
<u>STATE WELL COUNT</u>	<u>AMOUNT OF BOND</u>
<u>1-10</u>	<u>\$200,000</u>
<u>11-25</u>	<u>\$300,000</u>
<u>26-50</u>	<u>\$400,000</u>
<u>51- 100</u>	<u>\$500,000</u>
<u>101-250</u>	<u>\$650,000</u>
<u>251-500</u>	<u>\$800,000</u>
<u>501-750</u>	<u>\$1,000,000</u>
<u>751-1000</u>	<u>\$1,250,000</u>
<u>1001-1500</u>	<u>\$1,500,000</u>
<u>1501-2000</u>	<u>\$2,000,000</u>
<u>2001-2500</u>	<u>\$2,500,000</u>

(ii) Tier 1 at risk well supplemental schedule for state at risk wells based on average TVD:

<u>TABLE</u> <u>AT RISK WELL SUPPLEMENT SCHEDULE</u>	
<u>AVERAGE TVD</u>	<u>AMOUNT OF BOND PER AT RISK WELL</u>
<u>0 - 500 FEET</u>	<u>\$2,500</u>
<u>501 - 1,000 FEET</u>	<u>\$5,000</u>
<u>1,001 - 3,000 FEET</u>	<u>\$10,000</u>
<u>3,001 - 6,000 FEET</u>	<u>\$20,000</u>
<u>6,001 - 9,000 FEET</u>	<u>\$32,500</u>
<u>9,001 - 12,000 FEET</u>	<u>\$42,500</u>
<u>12,000+ FEET</u>	<u>\$55,000</u>

(2)(a) Tier 2 Requirements:

(i) The operator's total state well production shall be equal to or greater than 500 BOE per day average for the previously reportable 12 months; and

(ii) An at risk well ratio equal to or less than 22%.

(b)(i) Tier 2 base blanket bond table for total well count:

<u>TABLE</u> <u>BASE BLANKET BOND</u>	
<u>STATE WELL COUNT</u>	<u>AMOUNT OF BOND</u>
<u>1-10</u>	<u>\$300,000</u>
<u>11-25</u>	<u>\$450,000</u>
<u>26-50</u>	<u>\$600,000</u>
<u>51- 100</u>	<u>\$750,000</u>
<u>101-250</u>	<u>\$975,000</u>
<u>251-500</u>	<u>\$1,200,000</u>
<u>501-750</u>	<u>\$1,500,000</u>
<u>751-1000</u>	<u>\$1,875,000</u>
<u>1001-1500</u>	<u>\$2,250,000</u>
<u>1501-2000</u>	<u>\$3,000,000</u>
<u>2001-2500</u>	<u>\$3,750,000</u>

(ii) Tier 2 at risk well supplemental schedule for state at risk wells based on average TVD:

<u>TABLE</u> <u>AT RISK WELL SUPPLEMENT SCHEDULE</u>	
<u>AVERAGE TVD</u>	<u>AMOUNT OF BOND PER AT RISK WELL</u>
<u>0 - 500 FEET</u>	<u>\$2,500</u>
<u>501 - 1,000 FEET</u>	<u>\$5,000</u>
<u>1,001 - 3,000 FEET</u>	<u>\$10,000</u>
<u>3,001 - 6,000 FEET</u>	<u>\$20,000</u>
<u>6,001 - 9,000 FEET</u>	<u>\$32,500</u>
<u>9,001 - 12,000 FEET</u>	<u>\$42,500</u>
<u>12,000+</u>	<u>\$55,000</u>

(3)(a) Tier 3 Requirements:

(i) The operator's total state well production shall be equal to or greater than 200 BOE per day average for the previously reportable 12 months; and

(ii) An at risk well ratio equal to or less than 25%; or

(iii) Production greater than 1,000 BOE per day for the previously reportable 12 months with no required at risk well ratio.

(b)(i) Tier 3 base blanket bond table for total well count:

<u>TABLE</u> <u>BASE BLANKET BOND</u>	
<u>STATE WELL COUNT</u>	<u>AMOUNT OF BOND</u>
<u>1-10</u>	<u>\$400,000</u>
<u>11-25</u>	<u>\$600,000</u>
<u>26-50</u>	<u>\$800,000</u>
<u>51- 100</u>	<u>\$1,000,000</u>
<u>101-250</u>	<u>\$1,300,000</u>
<u>251-500</u>	<u>\$1,600,000</u>
<u>501-750</u>	<u>\$2,000,000</u>
<u>751-1000</u>	<u>\$2,500,000</u>
<u>1001-1500</u>	<u>\$3,000,000</u>

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<u>1501-2000</u>	<u>\$4,000,000</u>
<u>2001-2500</u>	<u>\$5,000,000</u>

(ii) Tier 3 at risk well supplemental schedule for state at risk wells based on average TVD:

<u>TABLE</u> <u>AT RISK WELL SUPPLEMENT SCHEDULE</u>	
<u>AVERAGE TVD</u>	<u>AMOUNT OF BOND PER AT RISK WELL</u>
<u>0 - 500 FEET</u>	<u>\$2,500</u>
<u>501 - 1,000 FEET</u>	<u>\$5,000</u>
<u>1,001 - 3,000 FEET</u>	<u>\$10,000</u>
<u>3,001 - 6,000 FEET</u>	<u>\$20,000</u>
<u>6,001 - 9,000 FEET</u>	<u>\$32,500</u>
<u>9,001 - 12,000 FEET</u>	<u>\$42,500</u>
<u>12,000+</u>	<u>\$55,000</u>

(4) Individual Well Depth Performance Bond, which is based on TVD:

<u>TABLE</u> <u>INDIVIDUAL WELL DEPTH PERFORMANCE BOND</u>	
<u>TVD</u>	<u>AMOUNT OF BOND PER WELL</u>
<u>0 - 500 FEET</u>	<u>\$5,000</u>
<u>501 - 1,000 FEET</u>	<u>\$10,000</u>
<u>1,001 - 3,000 FEET</u>	<u>\$20,000</u>
<u>3,001 - 6,000 FEET</u>	<u>\$40,000</u>
<u>6,001 - 9,000 FEET</u>	<u>\$65,000</u>
<u>9,001 - 12,000 FEET</u>	<u>\$85,000</u>
<u>12,000+</u>	<u>\$110,000</u>

R649-13-5. Miscellaneous Bonds.

(1) Exploration and Production Recycling Facilities shall be bonded as set forth in Section R649-9-9.

(2) Waste Crude Oil Treatment Facilities shall be bonded as set forth in Section R649-9-9.

(3) Seismic Exploration operations shall be bonded as set forth in Section R649-3-26.

(4) Surface bonding shall be required as set forth in Section R649-3-38.

R649-13-6. Replacement of Performance Bonds.

(1) The division may allow an operator to replace existing performance bonds with other performance bonds that provide sufficient coverage.

(2) The division shall not release an existing performance bond until the operator has furnished, and the division has approved, an acceptable replacement performance bond.

(3) Replacement of a performance bond pursuant to this Subsection shall not constitute a release of bond under Section R649-13-7.

(4) Bond Replacement Due to Change of Operator.

(a) No later than 30 days after receipt of a complete Form 16 Operator Change Form, pursuant to Section R649-8-18, the division will provide the current and proposed operator with a determination of the proposed operator's performance bond requirements.

(b) In the event the division determines that the new operator's bond coverage will be insufficient to cover the costs of plugging and site restoration for the well or wells assigned, the division will provide a written explanation justifying the bond adjustment. After receipt and approval of a plan to remedy the bond inadequacy the division may grant the new operator up to 12 months to remedy the bond inadequacy.

(c) The current operator's bond shall not be released until the proposed operator provides adequate replacement bonding.

(d) When the division has approved the termination of liability under a bond, the current operator is relieved from the responsibility of plugging or repairing any wells and restoring any well site affected by the operator change.

R649-13-7. Requirements for Performance Bond Release.

(1) The owner or operator may request release of a bond by submitting a request for bond release together with a certification of the mailing of the same to interested parties having standing to challenge the same, including the surface landowner.

(a) Within 30 days of filing a request for bond release with the division, the operator shall submit signed affidavits from the surface landowner of the bonded site certifying that restoration has been performed as required by the surface agreements or to the satisfaction of the parties. These affidavits shall be used by the division in determination of final bond release as required by Subsection R649-3-34(13).

(i) If such affidavits are not submitted, the division shall conduct an inspection in accordance with Subsection (1)(b) upon receiving a written request from the operator.

(ii) The division shall give the operator and surface landowner notice of the date and time of the inspection. If either the operator or the surface landowner are unable to attend the inspection at the scheduled time and date, the division may reschedule the inspection to allow the operator or surface landowner to participate.

(b) Before the approval of a bond release, the division shall conduct an evaluation and inspection of the bonded site as follows:

(i) within 60 days of the filing of the request for bond release, or the conclusion of any associated informal adjudicative proceeding described in Subsection R649-13-6(2)(b), or as soon thereafter as weather conditions permit, the division shall conduct an inspection and evaluation of the bonded site to determine if restoration has been adequately performed.

(ii) The division's evaluation and inspection shall consider the adequacy of the bonded site restoration, the degree of difficulty to complete any remaining restoration, whether pollution of surface and subsurface water is occurring, the probability of future occurrence of such pollution, and the estimated cost of abating such pollution.

(iv) The adequacy of a well site restoration will also evaluate any restoration requirements provided for in Section R649-3-34.

(v) The division shall retain a record of the evaluation and inspection according to the division's approved retention schedule.

(2)(a) If no written objection to the request for bond release is received by the division within 30 days after the filing of the request, the division may release liability under the bond as an administrative action, subject to the evaluation and inspection described in Subsection (1)(b).

(b) If a written objection to the request for bond release is received by the division within 30 days after the filing of the request, the request shall be set for an informal adjudicative proceeding and notice thereof given in accordance with the procedural rules of the division under Rule R649-10.

(i) within 60 days of the conclusion of any associated informal adjudicative proceeding, or as soon thereafter as weather conditions permit, whichever is the later, the division shall conduct an inspection and evaluation of the bonded site to determine if restoration has been adequately performed.

(3)(a) The division shall give written notice of its decision to release or not to release all or part of the performance bond within 30 days after the completion of the inspection and evaluation.

(b) The following parties will be notified of the division's decision:

(i) the operator;

(ii) the surety or other guarantor of the bond;

(iii) other persons with an interest in bond collateral who have requested notification under Subsection R649-13-1(2)(c)(v);

(iv) the persons who filed written objections to the notice of application for bond release; and

(v) any other interested parties identified in the certification of mailing in Subsection (1).

(c) If the decision is made to release the bond, the notification shall also state the effective date of the bond release.

(d) If the division denies the request for bond release or a portion thereof, the written notice shall state the reasons for denial and recommend corrective actions necessary to secure the release.

(4) Release of bond liability shall be conditioned upon compliance with Title 40, Chapter 6, Board and Division of Oil, Gas and Mining, Title R649, Natural Resources; Oil, Gas and Mining; Oil and Gas, and orders of the division and board.

(5) The denial of a request for bond release may be appealed by filing a request for agency action with the division pursuant to Rule R649-10.

R649-13-8. Forfeiture of Performance Bonds.

(1) The division shall take action to forfeit a performance bond if any of the following occur:

(a) the operator refuses or cannot conduct plugging and site restoration;

(b) the operator refuses or cannot repair a well or remediate pollution;

(c) the operator fails to comply with conditions of a permit issued by the division; or

(d) the operator defaults on the conditions under which the bond was accepted.

(2) In the event the division forfeits a bond, the matter will be considered by the board before the division taking any action to plug a well.

(3) After proper notice and hearing, the board may order the division to do the following:

(a) use funds collected from bond forfeiture to complete the plugging and restoration of the well or wells to which bond coverage applies;

(b) enter into a written agreement with the operator or another party to perform plugging and restoration operations in accordance with a compliance schedule established by the division as long as such party has the ability to perform the necessary work;

(c) allow a surety to complete the plugging and restoration, if the surety can demonstrate an ability to complete the plugging and restoration; or

(d) take other actions the board deems reasonable and appropriate.

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(4) In the event the amount forfeited is insufficient to pay for the full cost of the plugging and restoration, the division may complete or authorize completion of plugging and restoration and may recover from the operator and its principals all costs of plugging and restoration in excess of the amount forfeited.

(e) In the event the amount forfeited was more than the amount necessary to complete plugging and restoration, the unused funds shall be returned by the division to the party from whom they were collected.

(f) In the event the bond is forfeited and there exists any unplugged well or wells previously covered under the forfeited bond, the operator must establish new bond coverage in accordance with this rules or, upon an order from the division or the board, cease operations until adequate bonding is provided.

R649-13-9. Approval of Bonding Contingent Upon Compliance with Laws.

(1) Division approval of a bond is conditioned upon an operator's compliance with Title 40, Chapter 6, Board and Division of Oil, Gas and Mining, Title R649, Natural Resources; Oil, Gas and Mining; Oil and Gas, and orders of the division and board.

(2) Except as set forth in Subsection (3), the division shall not approve a bond where information available to the division indicates that an operator:

(a) has an existing liability with the division; or

(b) has an owner, officer, director, partner, member or manager of a limited liability company, or other person with a controlling interest in the entity, who has or previously had, a controlling interest in another entity with an existing liability with the division.

(3) The division may approve a bond for an operator with an existing liability if the operator provides proof that the existing liability has been resolved or is in the process of being resolved to the division's satisfaction.

(4) The denial of a bond by the division may be appealed by filing a request for agency action with the board pursuant to Rule R649-10.

R649-13-10. Effective Date of Rule Revisions.

(1) The performance bond amounts for all wells, facilities, and operations permitted after March 1, 2026 shall be determined as set forth in Sections R649-13-2 and R649-13-3 in accordance with the bond schedules referenced in Subsection R649-13-1(3)(a).

(2) Performance bonds for wells, facilities, and operations permitted before March 1, 2026, will be adjusted to conform to the requirements of Sections R649-13-2 and R649-13-3 as follows:

(a) on or before March 1, 2026, the division shall complete a comprehensive well analysis for each operator and determine the total performance bond amount required by the bonding schedule.

(b) the division shall send written notification to each operator of the division's final bonding assessment.

(c) For wells with existing bonding as of March 1, 2026, an operator will be allowed to increase their bonding to conform to the division's bonding assessment in five installments. The installments shall be made as follows:

(i) the first installment is due six months after the date the division notifies the operator of their bonding assessment, and must be a minimum of \$50,000, or one-fifth the difference between the operator's existing bonding and the division's bonding assessment, whichever is greater;

(ii) the second through fourth installments are due annually March 1 and must be a minimum of one-quarter of the difference between the operator's existing bonding after payment of the first installment and the division's bonding assessment.

(iii) the fifth and final installment is due on March 1 of the year following the fourth installment and must be in the amount of the remaining difference between the operator's existing bonding and the division's bonding assessment.

KEY: oil and gas law

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R657-42

Filing ID: 57708

Agency Information

1. Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84416
Mailing address:	PO Box 146301
City, state and zip:	Salt Lake City, UT 84414-6301

Contact persons:

Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

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

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

R657-42. Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents

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

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to taking Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents.

5. Summary of the new rule or change:

The proposed amendment to this rule:

- 1) adds language that allows the division to offer relief options to hunters when natural disasters affect their ability to hunt or access to their hunting unit;
- 2) defines natural disasters as Wildlife, Earthquake, Flood, Land/mudslide, Hurricane, Tornado, Tsunami, and Volcanic eruption;
- 3) adds options offered by the division to include, Reinstatement of their bonus points, Waive the waiting period, or Refund of the permit fee, minus processing fee; and
- 4) sets the process and criteria to be eligible for natural disaster remedies.

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

The amendments to Rule R657-42 are administrative in nature, the DWR determines that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

The DWR already mitigates for other special circumstances so the addition of natural disasters will not create an increase in DWR workload or administrative costs.

B. Local governments:

Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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 amendments do have the potential to impact a small number of persons that request refunds for hunting permits in Utah.

The DWR will notify all permit holders of the rule change through the DWR application site prior to completing an application for a permit, however it is impossible to estimate how many hunters may be impacted by natural disasters in the coming hunting seasons and therefore, the DWR cannot determine the extent of the cost or savings impact.

F. Compliance costs for affected persons:

The DWR determines that this amendment may not create additional costs for those individuals wishing to hunt big game in Utah because it simply adds criteria to enhance the options to qualify for a refund, as well as adds qualifying events.

The fees associated with a refund remain the same, thus causing no additional cost or savings.

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:

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal 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 23A-4-201	Section 23A-4-207	Section 23A-4-301
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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:	02/02/2026
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10. This rule change MAY become effective on:	02/09/2026
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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:	Riley Peck, Director	Date:	12/09/2025
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R657. Natural Resources, Wildlife Resources.**R657-42. Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents.****R657-42-1. Purpose and Authority.**

(1) Under the authority of Sections 23A-4-201 and 23A-4-207 the division may issue wildlife documents in accordance with the rules of the Wildlife Board.

(2) This rule provides the standards and procedures for the:

- (a) exchange of permits;
- (b) surrender of wildlife documents;
- (c) refund of wildlife documents;
- (d) reallocation of permits; and
- (e) assessment of late fees.

R657-42-2. Definitions.

(1) Terms used in this rule are defined in Section 23A-1-101 and the applicable rules and guidebooks of the Wildlife Board.

(2) In addition:

(a) "Alternate drawing lists" means a list of persons who have not already drawn a permit and would have been the next person in line to draw a permit.

(b) "CWMU" means cooperative wildlife management unit.

(c) "Deployed or mobilized" means that a person provides military or emergency services in the interest of national defense or national emergency pursuant to the demand, request, or order of their employer.

(d) "General season permit" means any:

- (i) bull elk, buck deer, or turkey permit identified in the guidebooks of the Wildlife Board as a general season permit;
- (ii) antlerless permit for elk, deer, or pronghorn antelope; or

(e) "Landowner association operator" for purposes of this rule, means:

- (i) a landowner association or any of its members eligible to receive limited entry landowner permits as provided in Rule R657-43;

or

(ii) CWMU - landowner association or its designated operator as provided in Rule R657-37.

(f) "Limited entry permit" means any permit, including a CWMU, conservation, expo, sportsman, or limited entry landowner permit, identified in the guidebooks of the Wildlife Board as limited entry or premium limited entry for the following;

- (i) bull elk, buck deer, buck pronghorn, bear, or turkey; and

(ii) antlerless moose.

~~_____ (g) _____~~ (g) "Natural disaster" means a naturally occurring event that causes significant damage and impacts a person's ability to use a permitted opportunity and include:

~~_____ (i) Wildfire;~~

~~_____ (ii) Earthquake;~~

~~_____ (iii) Flood;~~

~~_____ (iv) Land or mudslide;~~

~~_____ (v) Hurricane;~~

~~_____ (vi) Tornado;~~

~~_____ (vii) Tsunami; or~~

~~_____ (viii) Volcanic Eruption.~~

~~_____ (h) _____~~ (h) "Once-in-a-lifetime permit" means any permit, including a CWMU, conservation, expo, sportsman, or limited entry landowner permit, identified in the guidebooks of the Wildlife Board as once-in-a-lifetime for the following:

- (i) bison, bull moose, Rocky Mountain goat; and

(ii) desert bighorn sheep, and Rocky Mountain bighorn sheep.

~~_____ (i) _____~~ (i) "Substantially precluded" means participating in no more than one hunt day during the prescribed hunting season because of a qualifying natural disaster event or condition

~~_____ (j) _____~~ (j) "Wildlife document" means any license, permit, tag, or certificate of registration issued by the division.

R657-42-12. Natural Disaster Relief.

~~_____ (1) _____~~ (1) The Division may grant relief for natural disasters that result in the displacement of a permitted hunter from their residence or significantly impede their travel.

~~_____ (2) _____~~ (2) The Division may grant relief to individuals whose participation in a hunting activity authorized by an eligible wildlife document is completely or substantially precluded during the designated season due to a natural disaster that directly impacts the permit holder.

~~_____ (3) _____~~ (3) A person may request relief pursuant to the requirements of Subsections (1) and (2) by filing an application with the division within 30 days of the last day of the hunting season that is listed on their permit.

~~_____ (4) _____~~ (4) Under Sections R657-42-1 and R657-42-2, the hunter must provide documentation of the natural disaster occurring, along with a notarized statement with supporting documentation explaining how the disaster resulted in their displacement, significantly impeded travel, or substantially precluded them from hunting.

~~_____ (5) _____~~ (5) The following types of relief may be granted under Subsections (1) and (2) after approval, and upon furnishing a surrendered permit:

- ~~_____ (a) _____~~ (a) reinstate bonus or preference points;

NOTICES OF PROPOSED RULES

- _____ (b) waive the waiting period, if applicable; and
- _____ (c) refund of the permit fee minus the processing fee.
- _____ (6) In the event a natural disaster affects a hunt unit, the division director may grant relief if the following criteria are met:
 - _____ (a) More than 50% of hunting opportunities are unavailable; and
 - _____ (b) Access to more than 50% of public land within an individual hunt unit has been closed due to administrative actions of the state or federal government in restricting public access to such lands.
- _____ (7) If the criteria outlined in Subsection (6) are met, the division director may grant one or more of the following types of relief:
 - _____ (a) reinstate bonus or preference points;
 - _____ (b) waive the waiting period, if applicable;
 - _____ (c) refund of the permit fee minus the processing fee; and
 - _____ (d) extend the hunting opportunity to the subsequent year for the same season and unit.
- _____ (8) Under Subsections (6) and (7), the hunter will be required to follow any instructions given by the division director to receive the relief described in Subsection (7).

KEY: wildlife, permits

Date of Last Change: 2026[~~October 22, 2025~~]

Notice of Continuation: March 15, 2023

Authorizing, and Implemented or Interpreted Law: 23A-4-201; 23A-4-207; 23A-4-301

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R277-212	Filing ID: 53274
Effective date:	12/15/2025	

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:	R277-212. UPPAC Hearing Procedures and Reports	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:		
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.	
Section 53E-6-506	Directs the Board to adopt rules regarding the Utah Professional Practices Advisory Commission (UPPAC) duties and procedures.	
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no public comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to establish procedures regarding UPPAC hearings and hearing reports. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/15/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-213	Filing ID: 52448
Effective date:	12/15/2025	

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:	
R277-213. Request for Licensure Reinstatement and Reinstatement Procedures	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.
Section 53E-6-506	Directs the Board to adopt rules regarding UPPAC duties and procedures.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
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 procedures regarding educator license reinstatement. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/15/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-214	Filing ID: 53366
Effective date:	12/15/2025	

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:	
R277-214. Criminal Background Review	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.
Section 53E-6-506	Directs the Board to adopt rules regarding UPPAC duties and procedures.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
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 procedures for evaluation of a licensure applicant's criminal background review. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/15/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R277-216	Filing ID: 53318
Effective date:	12/15/2025	

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:	R277-216. Surrender of License with UPPAC Investigation Pending	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:		
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.	
Section 53E-6-506	Directs the Board to adopt rules regarding UPPAC duties and procedures.	
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.	
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 procedures for Board consideration of an educator request to surrender a license in the face of a UPPAC investigation. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/15/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R277-716	Filing ID: 56288
Effective date:	12/15/2025	

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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:	
R277-716. Alternative Language Services for Utah Students	
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.
Title III 20 U.S.C. 6801, et seq.	Provides federal provisions for providing language instruction to students learning English and immigrant children and youth.
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:	
<p>This rule is necessary to address the requirements of Title III and implementing regulations and case law, to clearly define the respective responsibilities of the Superintendent and LEAs in identifying students learning English who are currently enrolled in Utah schools and in providing evidence-based language instruction educational programs to identified students.</p> <p>This rule meets Title III requirements, meets funding eligibility requirements, and appropriately distributes Title III funds for students learning English to LEAs with approved plans in the Utah Grants Management System. Therefore, this rule should be continued.</p>	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	12/15/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R305-10	Filing ID: 56443
Effective date:	12/09/2025	

Agency Information

1. Title catchline:	Environmental Quality, Administration
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Ashley Sumner	801-856-5683	ssumner@utah.gov
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R305-10. Local Health Department Minimum Performance Standards	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 26A-1-106(4)	The Department of Environmental Quality is required to establish, by rule, minimum performance standards, including standards for inspection and enforcement, for basic programs of environmental health, not inconsistent with law, as necessary or desirable for the protection of public health.
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:	
State law requires that the Utah Department of Environmental Quality establish minimum performance standards for basic programs of environmental health for the Local Health Departments. This rule satisfies those requirements. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Tim Davis, Executive Director	Date:	12/01/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R307-104	Filing ID: 50575
Effective date:	12/04/2025	

Agency Information

1. Title catchline:	Environmental Quality, Air Quality	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov
Becky Close	801-536-4013	bclose@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R307-104. Conflict of Interest	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-104	Section 19-2-104 allows for the Air Quality Board to make rules.
42 U.S.C. 7428(a)(2)	This rule satisfies 42 U.S.C. 7428(a)(2) which states that any potential conflicts of interest by members of a state board, body, or head of an executive agency be adequately disclosed.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments have been received since the last five-year review of this rule.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary to meet the conflict of interest requirement of 42 U.S.C. 7428(a)(2) to keep the state in compliance. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	11/17/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-26	Filing ID: 50731
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation		
Building:	Multiagency State Office Building		
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	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	
R313-26. Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-3-106.4	This section also allows the board to make rules governing a generator site access permit program, prevents the transfer of radioactive waste to a commercial facility in the state without a permit, allows the director to grant generator site access permits, and allows the Division of Radiation to establish fees for generator site access permits.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Rule R313-26 contains the requirements for the issuance of permits to radioactive waste generators, collectors and processors for transferring radioactive waste to a land disposal facility located within the state of Utah.

Without this rule, the radiation control program would not be qualified to maintain primacy from the federal government. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-15	Filing ID: 57133
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management		
Building:	Multiagency State Office Building		
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	

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

General Information

2. Rule catchline:	
R315-15. Standards for the Management of Used Oil	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-6-704	<p>This section allows the Waste Management and Radiation Control Board to make rules as necessary to administer this part.</p> <p>It allows the board to authorize inspections and audits and establish standards for various types of used oil facilities.</p> <p>It also allows the board to hold hearings, require retention and submission of records, and require audits of records and recordkeeping procedures.</p>
Section 19-6-720	This section allows the division to solicit or request and receive gifts, grants, or donations that shall be appropriated to the division for the management of DIYer used oil.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Rule R315-15 contains the standards for the management of used oil.

In Section 19-6-702, the legislature found that millions of gallons of used oil are generated each year in Utah and that used oil is valuable resource that can be recycled.

The legislature also found that significant quantiles of used oil a wastefully disposed of or improperly used in manners that cause pollution and endanger public health. Considering the harmful consequences that can result from the improper disposal and use of used oil, and its value as a resource, the collection, recycling, and reuse of used oil is in the public interest.

This rule meets the intent of the legislature that there be a program for the collection, recycling, and reuse of used oil. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-17	Filing ID: 50739
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management		
Building:	Multiagency State Office Building		
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	
Kari Lundeen	385-499-4923	klundeen@utah.gov	

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

General Information

2. Rule catchline:	R315-17. End of Life Automotive Mercury Switch Removal Standards		
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:			
Section 19-6-1003	During the 2006 General Session of the Utah State Legislature, HB 138 passed which created the Mercury Switch Removal Act. This act created Part 10 of Title 19, Chapter 6.		
	Section 19-6-1003 requires the Waste Management and Radiation Control Board make rules governing the administration of the act.		

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Rule R315-17 contains the rules that provide for the administration of the Mercury Switch Removal Act (Act).

The Act and these rules require the removal of mercury switches from vehicles that have reached the end of their useful life to prevent the release of this toxic material into the environment where it could have a detrimental effect on people's health. Therefore, this rule should be continued.

However, the legislature is proposing to repeal the Act with SB 20 in the 2026 Session of the Utah Legislature. If the Act is repealed, this rule will also be repealed.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-101	Filing ID: 54864
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Multiagency State Office Building	
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
Kari Lundeen	385-499-4923	klundeen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R315-101. Cleanup Action and Risk-Based Closure Standards	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:		
Section 19-6-105	Subsection 19-6-105(1)(d) allows the Waste Management and Radiation Control Board to make rules requiring owners or operators of a treatment, storage, or disposal facilities to take appropriate corrective action or other response measures for releases of hazardous waste or hazardous waste constituents.	

Section 19-6-106	<p>Section 19-6-106 prohibits the Waste Management and Radiation Control Board from making rules that are more stringent than the corresponding federal regulations unless the Board makes a written finding that corresponding federal regulations are not adequate to protect public health and the environment of the state.</p> <p>This section also allows the Board to incorporate by reference corresponding federal regulations.</p>
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4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

In November of 2021, proposed amendments to this rule were published in the Utah State Bulletin and a public comment period was opened. The purpose of the rule amendments was to update this rule to include the most up-to-date methods and procedures being used by industry to conduct cleanups of contaminated sites and risk assessments based on EPA guidance.

The Division of Waste Management and Radiation Control, Waste Management (Division) received comments on the proposed amendments from several stakeholders. Based on the comments, the Division held a stakeholders outreach meeting to discuss the proposed amendments with stakeholders.

As this is a technical and complex rule many of the comments suggested technical changes and removal of duplicate or conflicting language.

Other comments suggested removing guidance documents incorporated into this rule or changing the incorporation language to incorporate the current guidance without specific dates.

Some comments requested more flexibility in this rule and longer time periods for submission of plans. Based on the comments, changes were made to the amendments.

In October of 2022, the revised, amended rule was published in the Utah State Bulletin and a public comment period was opened.

During the public comment period, comments were received from one stakeholder. The comments were similar to those received during the first public comment period. Based on the comments changes were made to the amendments.

In February of 2023, a notice of change in a proposed rule was published in the Utah State Bulletin re-opening the public comment period only for those parts of this rule that were changed.

The Division did not receive any additional comments, and the amended rule was made effective on 03/15/2023.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Rule R315-101 contains the rules that allow the Division to establish requirements for risk-based cleanup and closure standards at sites for which remediation or removal of hazardous constituents to background levels will not be achieved.

The procedures in this rule also provide for continued management of sites for which minimal risk-based standards cannot be met.

Without this rule, there would not be any requirements or standards for risk-based cleanup and closure which would result in detrimental impacts to human health and the environment. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-102	Filing ID: 50733
Effective date:	12/11/2025	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Multiagency State Office Building	
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	
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General Information

2. Rule catchline:	
R315-102. Penalty Policy	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-6-105	This section allows the Waste Management and Radiation Control Board (Board) to make rules establishing minimum standards for protection of human health and the environment for the storage, collection, transport, transfer, recovery, treatment, and disposal of solid waste.
Section 19-6-106	Section 19-6-106 prohibits the Board from making rules that are more stringent than the corresponding federal regulations unless the Board makes a written finding that corresponding federal regulations are not adequate to protect public health and the environment of the state. This section also allows the Board to incorporate by reference corresponding federal regulations.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
Rule R315-102 contains the rules used by the Division of Waste Management and Radiation Control, Waste Management and the Waste Management and Radiation Control Board to assess and collect civil penalties from those entities that violate the hazardous waste and used oil rules. These rules are required by state code and by federal regulation to maintain primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-103	Filing ID: 50734
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Multiagency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
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General Information

2. Rule catchline:	
R315-103. Commercial Hazardous Waste Facility Siting Criteria	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 19-6-105(3)	This subsection requires the Waste Management and Radiation Control Board to establish criteria for siting commercial hazardous waste treatment, storage, or disposal facilities.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
Rule R315-103 contains the rules that allow the Division of Waste Management and Radiation Control, Waste Management to ensure that commercial hazardous waste treatment, storage, and disposal facilities are sited properly. These rules ensure that these types of facilities do not have a negative impact on human health and the environment of the community around the facilities.	
Without these rules there would not be any requirements for the siting of hazardous waste treatment, storage, and disposal facilities which would result in detrimental impacts to human health and the environment. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-124	Filing ID: 56178
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Multiagency State Office Building	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
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General Information

2. Rule catchline:	
R315-124. Procedures for Decisionmaking	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-6-105	Subsection 19-6-105(1)(f) allows the Waste Management and Radiation Control Board to make rules governing public hearings and participation.
Section 19-6-106	Section 19-6-106 prohibits the Waste Management and Radiation Control Board from making rules that are more stringent than the corresponding federal regulations unless the Board makes a written finding that corresponding federal regulations are not adequate to protect public health and the environment of the state. This section also allows the Board to incorporate by reference corresponding federal regulations.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
Rule R315-124 contains the rules and procedures that the Division of Waste Management and Radiation Control, Waste Management will follow in receiving permit applications, preparing draft permits, assembling an administrative record, issuing public notice, inviting public comment, responding to comments, holding public hearings, issuing a final permit decision, and allowing for administrative appeal of the final permit decisions. These are all required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the state of Utah is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-260	Filing ID: 57492
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Multiagency State Office Building	
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	
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General Information

2. Rule catchline:	
R315-260. Hazardous Waste Management System	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-1-301	<p>This section governs adjudicative proceedings that are not special adjudicative proceedings. It allows the Department of Environmental Quality (department) executive director to appoint an administrative law judge and contains the minimum requirements for someone to be an administrative law judge.</p> <p>The section also provides states what the administrative law judge and the executive director must do or may do in regards to adjudicative proceedings.</p>
Section 19-6-105	Allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.
Section 19-6-106	<p>Section 19-6-106 prohibits the Waste Management and Radiation Control Board from making rules that are more stringent than the corresponding federal regulations unless the Board makes a written finding that corresponding federal regulations are not adequate to protect public health and the environment of the state.</p> <p>This section also allows the Board to incorporate by reference corresponding federal regulations.</p>
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments were 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:	
Rule R315-260 provides definitions of terms, general standards, and overview information applicable to Rules R315-260 through R315-265 and R315-268. These are all required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the state of Utah is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-261	Filing ID: 57493
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Multiagency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
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Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:	
R315-261. General Requirements -- Identification and Listing of Hazardous Waste	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-6-105	Allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.
Section 19-6-106	Section 19-6-106 prohibits the Waste Management and Radiation Control Board from making rules that are more stringent than the corresponding federal regulations unless the Board makes a written finding that corresponding federal regulations are not adequate to protect public health and the environment of the state. This section also allows the Board to incorporate by reference corresponding federal regulations.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments were received 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:	
Rule R315-261 identifies those solid wastes which are subject to regulation as hazardous wastes under Rules R315-262 through R315-265, R315-268, R315-270, and R315-124 and which are subject to the notification requirements of these rules. This is required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the state of Utah is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-262	Filing ID: 57494
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Multiagency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
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General Information

2. Rule catchline:	R315-262. Hazardous Waste Generator Requirements	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:		
Section 19-6-105	Allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.	
Section 19-6-106	Section 19-6-106 prohibits the Waste Management and Radiation Control Board from making rules that are more stringent than the corresponding federal regulations unless the Board makes a written finding that corresponding federal regulations are not adequate to protect public health and the environment of the state. This section also allows the Board to incorporate by reference corresponding federal regulations.	
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	No comments were received 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:	Rule R315-262 establishes standards for generators of hazardous waste. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the state of Utah is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-263	Filing ID: 57495
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Multiagency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R315-263. Standards Applicable to Transporters of Hazardous Waste and Standards Applicable to Emergency Control of Spills for Any Hazardous Waste Handlers	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:		
Section 19-6-105	Allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.	
Section 19-6-106	Section 19-6-106 prohibits the Waste Management and Radiation Control Board from making rules that are more stringent than the corresponding federal regulations unless the Board makes a written finding that corresponding federal regulations are not adequate to protect public health and the environment of the state. This section also allows the Board to incorporate by reference corresponding federal regulations.	
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:	Rule R315-263 establishes standards which apply to persons transporting hazardous waste within Utah if the transportation requires a manifest under Rule R315-262. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous waste program of the state of Utah is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-264	Filing ID: 57496
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Multiagency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R315-264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-6-105	Allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.
Section 19-6-106	Section 19-6-106 prohibits the Waste Management and Radiation Control Board from making rules that are more stringent than the corresponding federal regulations unless the Board makes a written finding that corresponding federal regulations are not adequate to protect public health and the environment of the state. This section also allows the Board to incorporate by reference corresponding federal regulations.
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:	
Rule R315-264 establishes the minimum standards that define the acceptable management of hazardous waste that apply to each owner and operator of facilities that treat, store, or dispose of hazardous waste. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the state of Utah is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-265	Filing ID: 57497
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Multiagency State Office Building	
Street address:	195 N 1950 W	
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Mailing address:	PO Box 144880	
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R315-265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-6-105	Allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.
Section 19-6-106	Section 19-6-106 prohibits the Waste Management and Radiation Control Board from making rules that are more stringent than the corresponding federal regulations unless the Board makes a written finding that corresponding federal regulations are not adequate to protect public health and the environment of the state. This section also allows the Board to incorporate by reference corresponding federal regulations.
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:	
Rule R315-265 establishes the minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the state of Utah is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-266	Filing ID: 57498
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Multiagency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R315-266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-6-105	Allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.
Section 19-6-106	Section 19-6-106 prohibits the Waste Management and Radiation Control Board from making rules that are more stringent than the corresponding federal regulations unless the Board makes a written finding that corresponding federal regulations are not adequate to protect public health and the environment of the state. This section also allows the Board to incorporate by reference corresponding federal regulations.
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:	
Rule R315-266 establishes the minimum standards for the management of specific hazardous wastes and specific types of hazardous waste management facilities. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the state of Utah is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-268	Filing ID: 56946
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Multiagency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R315-268. Land Disposal Restrictions	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-6-105	Allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.
Section 19-6-106	Section 19-6-106 prohibits the Waste Management and Radiation Control Board from making rules that are more stringent than the corresponding federal regulations unless the Board makes a written finding that corresponding federal regulations are not adequate to protect public health and the environment of the state. This section also allows the Board to incorporate by reference corresponding federal regulations.
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:	
Rule R315-268 identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the state of Utah is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-270	Filing ID: 57499
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Multiagency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R315-270. Hazardous Waste Permit Program	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-6-105	Allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.
Section 19-6-106	Section 19-6-106 prohibits the Waste Management and Radiation Control Board from making rules that are more stringent than the corresponding federal regulations unless the Board makes a written finding that corresponding federal regulations are not adequate to protect public health and the environment of the state. This section also allows the Board to incorporate by reference corresponding federal regulations.
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:	
Rule R315-270 requires that any person who owns, constructs, modifies, or operates any facility for the purpose of treating, storing, or disposing of hazardous waste must first apply for, and receive the Director's approval for, a hazardous waste permit for that facility. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the state of Utah is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R315-273	Filing ID: 53918
Effective date:	12/11/2025	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Multiagency State Office Building	
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
Kari Lundeen	385-499-4923	klundeen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R315-273. Standards for Universal Waste Management	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-6-105	Allows the Board to make rules identifying wastes that are determined to be hazardous and to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.
Section 19-6-106	Section 19-6-106 prohibits the Waste Management and Radiation Control Board from making rules that are more stringent than the corresponding federal regulations unless the Board makes a written finding that corresponding federal regulations are not adequate to protect public health and the environment of the state. This section also allows the Board to incorporate by reference corresponding federal regulations.
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:	
Rule R315-273 provides an alternative set of management standards that generators of hazardous waste can use to manage certain types of hazardous waste in lieu of managing them in accordance with the hazardous waste management requirements found in R315-260 through R315-266, R315-268 and R315-270. These standards are required to meet the requirements of federal law related to solid and hazardous wastes to ensure that the solid and hazardous wastes program of the state of Utah is qualified to assume primacy from the federal government in control over solid and hazardous waste. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	12/11/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R392-105	Filing ID: 57573
Effective date:	12/09/2025	

Agency Information

1. Title catchline:		Health and Human Services, Population Health, Environmental Health	
Building:		Cannon Health Building	
Street address:		288 N 1460 W	
City, state:		Salt Lake City, UT	
Mailing address:		PO Box 142102	
City, state and zip:		Salt Lake City, UT 84114-2102	
Contact persons:			
Name:		Phone:	Email:
Karl Hartman		801-538-6191	khartman@utah.gov
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:	
R392-105. Agritourism Food Establishment Sanitation	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 26B-1-202(2)(a)	Subsection 26B-1-202(2)(a) authorizes the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of this state.
Subsection 26B-1-202(2)(z)	Subsection 26B-1-202(2)(a) authorizes the department to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness.
Section 26B-7-402	Section 26B-7-402 requires the department to establish and enforce, or provide for the enforcement of minimum rules of sanitation necessary to protect the public health, including rules necessary for the design, construction, operation, maintenance, or expansion of a restaurant or a place where food or drink is handled, sold, or served to the public.
Subsection 26B-7-415(5)	This section requires the department to make rules regarding sanitation, equipment, and maintenance requirements for agritourism food establishments.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
The department has received two comments from interested persons since the last five-year review of this rule, both relating to the lack of interest or participation in agritourism food establishment operations in the state.	
The first comment received by the department stated, "We still don't have any [in our local health jurisdiction]."	
The second comment said, "[Our local health jurisdiction] has [seen] no interest in this rule from the public or industry."	

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 comply with Subsection 26B-7-415(5), which specifically requires the department to make rules regarding sanitation, equipment, and maintenance requirements for agritourism food establishments, and to provide oversight to ensure any agritourism food establishment complies with standards to protect public health. Therefore, this rule should be continued.

Despite the comments received, the provisions in this rule are statutorily required and must continue unless or until this directive is removed from statute.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/09/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R414-512	Filing ID: 56117
Effective date:	12/09/2025	

Agency Information

Agency Information		
1. Title catchline:	Health and Human Services, Integrated Healthcare	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 143325	
City, state and zip:	Salt Lake City, UT 84114-3325	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Nancy Thomson	801-538-9463	nancythomson@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:	
R414-512. Use of Extrapolation in Provider Audits	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-1-213	Section 26B-1-213 grants the Department of Health and Human Services (department) the authority to adopt, amend, or rescind rules necessary to carry out the provisions of Title 26B, Utah Health and Human Services Code.
Section 26B-3-108	Section 26B-3-108 requires the department to implement the Medicaid program through administrative rules.
Section 26B-3-129	Section 26B-3-129 requires the department to adopt administrative rules and, in consultation with providers and health care professionals subject to audit and investigation under the state Medicaid program, to establish procedures for audits and investigations that are fair and consistent with the duties of the department as the single state agency responsible for the administration of the Medicaid program under Section 26B-3-108 and Title XIX of the Social Security Act.

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 it sets the conditions under which the department or the department's contractors use extrapolation during an audit.

This rule additionally fulfills statutory requirements for rulemaking. Therefore, this rule should be continued.

As the department did not receive any comments in opposition to this rule, it did not respond to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/09/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R527-200	Filing ID: 55558
Effective date:	12/09/2025	

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	
Mailing address:	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:	
R527-200. Administrative Procedures	
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 or desirable for providing health and to the people of this state.
Section 26B-9-108	Section 26B-9-108 authorizes the Office of Recovery services (ORS) to adopt, amend, and enforce rules necessary to carry out the provisions of Title 26B, Chapter 9, Recovery Services and Administration of Child Support.

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 for compliance with statute and to provide the procedures for informal adjudicative proceedings conducted by ORS, which includes information as to who presides over the hearing, the service of notices of agency action, hearings, telephonic hearings, how to conduct the hearings, and agency review.

This rule also provides information about reconsideration and limits reconsiderations to only one request during an informal adjudicative proceeding.

There is also information about setting aside and amending administrative orders, including both establishment and paternity orders. This rule is necessary to provide clarity and oversight of these procedures. Therefore, this rule should be continued.

As there were no comments in opposition to this rule, the department has not responded to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/09/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R527-250	Filing ID: 56688
Effective date:	12/09/2025	

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	
Mailing address:	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:	R527-250. Emancipation and a Child's Age of Majority	
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 or desirable for providing health and to the people of this state.	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Section 26B-9-108	Section 26B-9-108 authorizes the Office of Recovery services (ORS) to adopt, amend, and enforce rules necessary to carry out the provisions of Title 26B, Chapter 9, Recovery Services and Administration of Child Support.
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4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review 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 for compliance with statute.

This rule also provides information necessary on how to determine a child's date of emancipation and explain what the department uses for presumed data. Therefore, this rule should be continued.

As there were no comments in opposition to this rule, the department did not respond to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/09/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R708-19	Filing ID: 51868
Effective date:	12/09/2025	

Agency Information

1. Title catchline:	Public Safety, Driver License	
Mailing address:	PO Box 144501	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R708-19. Automobile No-Fault Self-Insurance	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 41-12a-201	This statute requires the Department of Public Safety (department) to enforce the provisions of Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act and allows the department to adopt rules to assist in the enforcement of that chapter.
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 for the department to ensure the proper enforcement of Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	12/09/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R708-20	Filing ID: 51872
Effective date:	12/09/2025	

Agency Information

1. Title catchline:	Public Safety, Driver License	
Mailing address:	PO Box 144501	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R708-20. Motor Vehicle Accident Prevention Course Standards	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 31A-19a-211	This section allows the Department of Public Safety to make rules to establish standards for curriculum for a motor vehicle accident prevention course.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments have been received since the last five-year review of this rule.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary to establish a standard for the curriculum of a motor vehicle accident prevention course as it relates to insured drivers over the age of 55 in exchange for a reduction in insurance premiums. Therefore, this rule should be continued.	
The Division of Driver License intends to make some formatting and content changes to be more in line with statute in a later filing.	

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	12/09/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R708-38	Filing ID: 51883
Effective date:	12/09/2025	

Agency Information

1. Title catchline:	Public Safety, Driver License	
Mailing address:	PO Box 144501	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R708-38. Anatomical Gift	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 53-3-205(15)(a)	This subsection requires licensees to indicate whether they intend to be an organ or tissue donor in accordance with the Division of Driver License (division) rule.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No 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 required for the division to make a standardized process for individuals to indicate whether they intend to be an organ or tissue donor. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	12/09/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R708-42	Filing ID: 53352
Effective date:	12/09/2025	

Agency Information

1. Title catchline:	Public Safety, Driver License	
Mailing address:	PO Box 144501	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R708-42. Driver Address Record	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 53-3-109(9)(f)	<p>This statute allows the Division of Driver License (division) to make rules regarding the release of personal identifying information, and the process for requesting the information.</p> <p>The current rule cites Subsection 53-3-109(8)(f) which will be updated to Subsection 53-3-109(9)(f) in a subsequent filing.</p>
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments have been received since the last five-year review of this rule.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary for the division to establish procedures necessary to define how a requester may request and receive necessary information regarding driver address information on an individual. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	12/09/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R708-43	Filing ID: 53553
Effective date:	12/09/2025	

Agency Information

1. Title catchline:			Public Safety, Driver License
Mailing address:			PO Box 144501
City, state and zip:			Salt Lake City, UT 84114
Contact persons:			
Name:	Phone:	Email:	
Kim Gibb	801-556-8198	kgibb@utah.gov	
Tara Zamora	801-964-4483	tarazamora@utah.gov	
Britani Flores	801-884-8313	bflores@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R708-43. Verification of Personal Identifying Information by Depository Institutions

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 53-3-109(9)(f)	<p>This allows the Division of Driver License (division) to make rules to establish procedures and requirements for disclosing personal identifying information to a depository institution.</p> <p>This rule currently cites Subsection 53-3-109(8)(f) as the authorizing statute and will be updated to Subsection 53-3-109(9)(f) in a future filing.</p>
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4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There have been no comments 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 required for the division to be able to set standards and procedures to release personal identifying information according to Section 53-3-109. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	12/09/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R708-44	Filing ID: 53385
Effective date:	12/09/2025	

Agency Information

1. Title catchline:	Public Safety, Driver License	
Mailing address:	PO Box 144501	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov

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

General Information

2. Rule catchline:	
R708-44. Citation Monitoring Service	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 53-3-109(9)(g)	<p>This subsection allows the Division of Driver License (division) to establish the process for requesters to receive and gain access to citation monitoring services.</p> <p>The current rule lists Subsection 53-3-109(3) as the authorizing statute and will be updated to Subsection 53-3-109(9)(g) in a later filing.</p>
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments have been received since the last five-year review of this rule.	

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary for the division to establish procedures necessary to define how a requester may request and receive necessary information regarding citation information on an individual. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	12/09/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R746-315	Filing ID: 53104
Effective date:	12/03/2025	

Agency Information

1. Title catchline:	Public Service Commission, Administration	
Building:	Heber M Wells Building	
Street address:	160 E 300 S, 4th Floor	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144558	
City, state and zip:	Salt Lake City, UT 84114-4558	
Contact persons:		
Name:	Phone:	Email:
Michael Hammer	801-530-6729	michaelhammer@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R746-315. Wildland Fire Protection Plans	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 54-24-103	<p>This section expressly states the Public Service Commission (PSC) "shall make rules to implement this chapter," including rules establishing procedures for "the review and approval of" wildland fire protection plans and annual expenditures for the implementation of such plans.</p> <p>The section also requires the PSC to make "any other rules that the [PSC] determines are necessary to protect the public interest and implement this chapter."</p>
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
This is the first five-year review of this rule, and the PSC has received no comments since this rule was first promulgated.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
<p>The Wildland Fire Planning and Cost Recovery Act (Act), codified in Title 54, Chapter 24, requires certain electric utilities to prepare and submit wildland fire protection plans to the PSC for review and approval.</p> <p>The Act also governs those utilities' recovery of costs associated with implementation of their wildland fire protection plans.</p> <p>The Act further requires the PSC to adopt rules to implement the Act.</p>	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

This rule simply establishes the procedures required to implement the Act. This rule is necessary because the Act requires it. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jerry D. Fenn, PSC Chair	Date:	12/03/2025
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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

Administration

No. 57638 (Amendment) R51-3: Government Records Access and Management Act

Published: 11/15/2025

Effective: 12/22/2025

Animal Industry

No. 57424 (Amendment) R58-11: Slaughter of Livestock and Poultry

Published: 09/15/2025

Effective: 12/10/2025

No. 57424 (Change in Proposed Rule) R58-11: Slaughter of Livestock and Poultry

Published: 11/01/2025

Effective: 12/10/2025

Specialized Products

No. 57487 (Repeal and Reenact) R66-6: Home Delivery and Courier

Published: 10/01/2025

Effective: 12/22/2025

No. 57487 (Change in Proposed Rule) R66-6: Home Delivery and Courier

Published: 11/15/2025

Effective: 12/22/2025

No. 57632 (Amendment) R66-9: Cannabis Licensing Process

Published: 11/15/2025

Effective: 12/22/2025

No. 57590 (Amendment) R66-10: Closed-Door Medical Cannabis Pharmacy

Published: 11/15/2025

Effective: 12/22/2025

Plant Industry

No. 57634 (Amendment) R68-3: Utah Fertilizer Rule

Published: 11/15/2025

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Regulatory Services

No. 57615 (Amendment) R70-101: Bedding, Upholstered Furniture, and Quilted Clothing

Published: 11/15/2025

Effective: 12/22/2025

Commerce

Consumer Protection

No. 57528 (New Rule) R152-52: Residential Solar Energy Consumer Protection Act Rule

Published: 10/15/2025

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Professional Licensing

No. 57613 (Amendment) R156-24b: Physical Therapy Practice Act Rule

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No. 57614 (Amendment) R156-42a: Occupational Therapy Practice Act Rule

Published: 11/15/2025

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Cultural and Community Engagement

Arts and Museums

No. 57415 (New Rule) R451-3: Public Art Installation Initiative Application Process

Published: 09/15/2025

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Historic Preservation

No. 57518 (New Rule) R453-1: Ancient Human Remains

Published: 10/15/2025

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No. 57519 (New Rule) R453-2: State Register for Historic Resources and Archaeological Sites

Published: 10/15/2025

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No. 57520 (New Rule) R453-3: Preservation Easements

Published: 10/15/2025

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History

No. 57513 (Repeal) R455-4: Ancient Human Remains

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No. 57515 (Repeal) R455-8: Preservation Easement

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Education

Administration

No. 57552 (Amendment) R277-305: School Leadership License Areas of Concentration and Programs

Published: 11/01/2025

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No. 57553 (Amendment) R277-319: Special Educator Stipends

Published: 11/01/2025

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No. 57554 (Amendment) R277-407: School Fees

Published: 11/01/2025

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No. 57555 (Amendment) R277-469: Instructional Materials Operating Procedures

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NOTICES OF RULE EFFECTIVE DATES

No. 57556 (Amendment) R277-494: Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities
Published: 11/01/2025
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No. 57557 (Amendment) R277-717: High School Course Grading Requirements
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No. 57558 (Amendment) R277-721: PRIME Program
Published: 11/01/2025
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Environmental Quality

Air Quality

No. 57509 (Amendment) R307-801: Utah Asbestos Rule
Published: 10/01/2025
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Water Quality

No. 57526 (Amendment) R317-8-10: Animal Feeding Operations (AFOs) and Concentrated Animal Feeding Operations (CAFOs)
Published: 10/15/2025
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Government Operations

Facilities Construction and Management

No. 57630 (Amendment) R23-29: Categorical Delegation of Project Management
Published: 11/15/2025
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Higher Education (Utah Board of)

Administration

No. 57524 (Amendment) R765-431: State Authorization Reciprocity Agreement Rule
Published: 10/15/2025
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No. 57523 (Amendment) R765-612: Opportunity Scholarship
Published: 10/15/2025
Effective: 12/27/2025

No. 57522 (Repeal) R765-801: Student Due Process
Published: 10/15/2025
Effective: 12/27/2025

No. 57521 (Repeal) R765-993: Records Access and Management
Published: 10/15/2025
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Insurance

Administration

No. 57626 (Amendment) R590-267: Personal Injury Protection Relative Value Study Rule
Published: 11/15/2025
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Title and Escrow Commission

No. 57609 (Repeal) R592-1: Title Insurance Licensing
Published: 11/15/2025
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Labor Commission

Industrial Accidents

No. 57620 (Amendment) R612-300-2: Obtaining Medical Care for Injured Workers

Published: 11/15/2025

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No. 57619 (Amendment) R612-300-4: General Method For Computing Medical Fees

Published: 11/15/2025

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No. 57625 (Amendment) R612-300-6: Limitations on Fees for Specific Medical Providers and Non-Physicians

Published: 11/15/2025

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No. 57637 (Amendment) R612-300-7: Billing and Payment

Published: 11/15/2025

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No. 57621 (Amendment) R612-400-5: Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund

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Boiler, Elevator and Coal Mine Safety

No. 57610 (Amendment) R616-2-15: Deputy Boiler/Pressure Vessel Inspectors

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Lieutenant Governor

Elections

No. 57428 (Amendment) R623-4: Processing Partisan Candidate Nomination Petitions

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No. 57428 (Change in Proposed Rule) R623-4: Processing Partisan Candidate Nomination Petitions

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Natural Resources

Oil, Gas and Mining; Oil and Gas

No. 57399 (Amendment) R649-1-1: Definitions

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No. 57409 (Amendment) R649-1-1: Definitions

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No. 57400 (Amendment) R649-3-39: Hydraulic Fracturing

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No. 57408 (Amendment) R649-10-1: Designation of Informal Adjudicative Proceedings

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No. 57206 (Amendment) R649-11: Administrative Penalty Assessment

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NOTICES OF RULE EFFECTIVE DATES

No. 57206 (Change in Proposed Rule) R649-11: Administrative Penalty Assessment
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Pardons (Board of)

Administration

No. 57591 (Amendment) R671-101: Rules
Published: 11/15/2025
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No. 57592 (Amendment) R671-201: Original Hearing Schedule and Notice
Published: 11/15/2025
Effective: 12/24/2025

No. 57594 (Amendment) R671-204: Hearing Continuances
Published: 11/15/2025
Effective: 12/24/2025

No. 57595 (Amendment) R671-205: Credit for Time Served
Published: 11/15/2025
Effective: 12/24/2025

No. 57596 (Amendment) R671-206: Competency of Offenders
Published: 11/15/2025
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Public Safety

Administration

No. 57531 (New Rule) R698-14: Security Improvement Certification
Published: 11/01/2025
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Emergency Management

No. 57617 (Repeal and Reenact) R704-4: Response, Recovery, and Post-disaster Mitigation Grant Funding
Published: 11/15/2025
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Criminal Investigations and Technical Services, Criminal Identification

No. 57551 (Amendment) R722-330: Licensing of Private Investigators
Published: 11/01/2025
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No. 57636 (Amendment) R722-350: Certificate of Eligibility
Published: 11/15/2025
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No. 57561 (Amendment) R722-380: Firearm Background Check Information
Published: 11/01/2025
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Emergency Medical Services

No. 57568 (New Rule) R911-11: Blood Draw Permits
Published: 11/15/2025
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No. 57612 (New Rule) R911-12: Emergency Medical Service Personnel Providing Medical Services in Non-911 Settings
Published: 11/15/2025
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Tax Commission

Auditing

No. 57418 (Amendment) R865-6F-26: Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-7-609
Published: 09/15/2025
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No. 57421 (Amendment) R865-9I-34: Property Tax Relief For Individuals Pursuant to Utah Code Ann. Sections 59-2-1201 through 59-2-1220
Published: 09/15/2025
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No. 57417 (Amendment) R865-9I-41: Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-10-1006
Published: 09/15/2025
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No. 57419 (Amendment) R865-19S-12: Filing of Returns Pursuant to Utah Code Ann. Sections 59-12-107 and 59-12-118
Published: 09/15/2025
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No. 57420 (Amendment) R865-19S-68: Premiums, Gifts, Rebates, and Coupons Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103
Published: 09/15/2025
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Property Tax

No. 57459 (Amendment) R884-24P-5: Abatement, Deferral, Exemption, or Relief under the Property Tax Act Pursuant to Utah Code Ann. Sections 59-2-1202, 59-2-1801, 59-2-1804, 59-2-1902, and 59-2-1904
Published: 09/15/2025
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No. 57485 (Amendment) R884-24P-53: 2025 Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515
Published: 10/01/2025
Effective: 01/01/2026

No. 57486 (Amendment) R884-24P-33: 2025 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-107
Published: 10/01/2025
Effective: 01/01/2026

Workforce Services

Employment Development

No. 57546 (Amendment) R986-700: Child Care Assistance
Published: 11/01/2025
Effective: 12/08/2025

Homeless Services

No. 57549 (Amendment) R988-400-7: Application for Funds
Published: 11/01/2025
Effective: 12/08/2025

No. 57547 (New Rule) R988-700: Property Loss Related to Homelessness Compensation Enterprise Fund
Published: 11/01/2025
Effective: 12/08/2025

No. 57548 (New Rule) R988-1000: Homeless Services Provider Ombudsman
Published: 11/01/2025
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NOTICES OF RULE EFFECTIVE DATES

Housing and Community Development

No. 57550 (Amendment) R990-200: Private Activity Bonds

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End of the Notices of Rule Effective Dates Section