

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed February 03, 2026, 12:00 a.m. through February 17, 2026, 11:59 p.m.

Number 2026-05  
March 01, 2026

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

Unless otherwise noted, all information presented in this publication is in the public domain and may be reproduced, reprinted, and redistributed as desired. Materials incorporated by reference retain the copyright asserted by their respective authors. Citation to the source is requested.

Utah state bulletin.

Semimonthly.

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

KFU440.A73S7

348.792'025--DDC

85-643197

# TABLE OF CONTENTS

<b>NOTICES OF PROPOSED RULES .....</b>	<b>1</b>
EDUCATION, ADMINISTRATION	
R277-324. Paraprofessional/Paraeducator Programs, Assignments, and Qualifications .....	2
R277-479. Funding for Charter School Students With Disabilities on an IEP .....	6
R277-700. The Elementary and Secondary School General Core .....	10
R277-717. High School Course Grading Requirements .....	19
R277-929. State Council on Military Children .....	22
ENVIRONMENTAL QUALITY, WASTE MANAGEMENT AND RADIATION CONTROL, WASTE MANAGEMENT	
R315-101. Cleanup Action and Risk-Based Closure Standards .....	25
HIGHER EDUCATION (UTAH BOARD OF), ADMINISTRATION	
R765-608a. First Credential Scholarship .....	48
R765-615. Talent Development Award Program .....	52
R675-617. Karen Mayne Public Safety Officer Scholarship Program .....	57
R765-620. Utah Promise Program Grant .....	62
R765-624. Utah Promise Partner Program .....	67
R765-905. Utah Engineering and Computer Science Initiative .....	70
<b>NOTICES OF 120-DAY (EMERGENCY) RULES.....</b>	<b>75</b>
GOVERNOR, ECONOMIC OPPORTUNITY	
R357-48. Affordable Housing Infrastructure Grant Rule .....	75
<b>FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION .....</b>	<b>79</b>
AGRICULTURE AND FOOD, ANIMAL INDUSTRY	
R58-2. Diseases, Inspections, and Quarantines .....	79
R58-4. Use of Animal Drugs and Biologicals .....	80
R58-14. Holding Live Racoons or Coyotes in Captivity .....	81
ENVIRONMENTAL QUALITY, AIR QUALITY	
R307-210. Standards of Performance for New Stationary Sources .....	82
ENVIRONMENTAL QUALITY, ENVIRONMENTAL RESPONSE AND REMEDIATION	
R311-600. Hazardous Substances Mitigation Act: Enforceable Written Assurances .....	83
GOVERNOR, ECONOMIC OPPORTUNITY	
R357-5. Motion Picture Incentive Rule .....	84

TABLE OF CONTENTS

HEALTH AND HUMAN SERVICES, FAMILY HEALTH, CHILDREN WITH SPECIAL HEALTH CARE NEEDS  
R398-15. Adult Autism Treatment Program.....85

HEALTH AND HUMAN SERVICES, UTAH PUBLIC HEALTH LABORATORY, LAB CERTIFICATION PROGRAM  
R444-1. Approval of Clinical Laboratories .....86

INSURANCE, ADMINISTRATION  
R590-144. Commercial Aviation Insurance Exemption From Rate and  
Form Filing.....87  
R590-177. Life Insurance Illustrations Rule .....88  
R590-200. Diabetes Treatment and Management.....89  
R590-285. Limited Long-Term Care Insurance .....90

INSURANCE, TITLE AND ESCROW COMMISSION  
R592-17. Requirements for an Interest Bearing Account Used for Trust  
Fund Deposits .....90

NAVAJO TRUST FUND, TRUSTEES  
R661-9. Utah Navajo Trust Fund Public Facility Projects .....91  
R661-10. Utah Navajo Trust Fund Short-term Training Program.....92  
R661-11. Utah Navajo Trust Fund Water Development Projects  
Culinary and Septic Systems .....93  
R661-12. Utah Navajo Trust Fund Homesite Lease Assistance  
Program.....93  
R661-14. Heavy Equipment Purchase and Repair Program .....94

**NOTICES OF FIVE-YEAR EXPIRATIONS .....96**

FAIR CORPORATION (UTAH STATE), ADMINISTRATION  
R325-1. Utah State Fair Competitive Exhibitor Rules.....96  
R325-2. Utah State Fair Commercial Exhibitor Rules.....97  
R325-3. Utah State Fair Patron Rules.....97  
R325-4. Interim Patrons Rules (Other Than Utah State Fair).....98  
R325-5. Interim Renters Rules (Other Than Utah State Fair).....98

**NOTICES OF RULE EFFECTIVE DATES .....99**

## 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 February 03, 2026, 12:00 a.m., and February 17, 2026, 11:59 p.m. are included in this, the March 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 March 31, 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 June 30, 2026, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

---

**The Proposed Rules Begin on the Following Page**

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or section number:**

**R277-324**

**Filing ID: 57795**

**Agency Information**

<b>1. Title catchline:</b>	Education, Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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**

<b>2. Rule or section catchline:</b>
R277-324. Paraprofessional/Paraeducator Programs, Assignments, and Qualifications
<b>4. Purpose of the new rule or reason for the change:</b>
The rule amendments incorporate by reference an updated version of the Utah Standards for Instructional Paraeducators.
<b>5. Summary of the new rule or change:</b>
The <i>Utah Standards for Instructional Paraeducators</i> have been updated as of 02/05/2026.
The amendments related to the incorporated document, Utah Standards for Instructional Paraeducators, involve the addition of the 5th Standard regarding professional improvement and the new special education competencies.
The oversight Category 2 has also been removed from this rule. The use of oversight category has been phased out with the repeal of Rule R277-111.

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures.
The Utah State Board of Education's (USBE) role is to establish and maintain these standards, which is a core administrative function already funded within the Board's existing budget.
The substantive changes to the incorporated <i>Utah Standards for Instructional Paraeducators</i> -- specifically the addition of the 5th Standard regarding professional improvement and the new special education competencies -- do not require additional state-level oversight, new state-funded positions, or state-run training programs.
The responsibility and cost for implementing these standards and training staff falls to the Local Education Agencies (LEAs), not the state.
<b>B. Local governments:</b>
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

The proposed rule change incorporates the updated *Utah Standards for Instructional Paraeducators (2025)*. These updates include the deletion of "supporting competencies," the addition of a fifth Standard related to professional improvement, and the inclusion of special education-specific competencies where appropriate.

While LEAs will need to update their training materials to align with the new 5th Standard and Special Education competencies, these adjustments are anticipated to be absorbable within the LEAs' existing professional development structures.

This rule continues to allow LEAs to use Title I funds to support ongoing training. Therefore, no significant incremental costs are anticipated.

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

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

This rule governs the qualifications and assignments of paraeducators within the public education system. It does not regulate or impose requirements on small businesses.

**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 affect public schools and the qualifications for staff employed by them.

There are no fiscal impacts on other persons or the general public.

**F. Compliance costs for affected persons:**

There are no compliance costs for affected persons. This rule updates the standards that paraeducators must meet, specifically adding a standard for professional improvement and special education competencies.

However, the responsibility for providing the training and supervision to meet these standards lies with the LEA. There are no new direct compliance costs or fees imposed on individual paraeducators by these amendments.

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

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

NOTICES OF PROPOSED RULES

Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**  
 The State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-501(1)(a)(i)
----------------------	-------------------------	-------------------------------

**Incorporation by Reference Information**

**8. Incorporation by Reference:**

**A. This rule adds or updates the following title of material incorporated by reference** (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

<b>Official Title of Materials Incorporated (from title page)</b>	<i>Utah Standards for Instructional Paraeducators</i>
<b>Publisher</b>	Utah State Board of Education
<b>Issue Date</b>	February 5, 2026

**Public Notice Information**

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

<b>A. Comments will be accepted until:</b>	03/31/2026
--	------------

<b>10. This rule change MAY become effective on:</b>	04/07/2026
--	------------

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**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	02/17/2026
---	---	--------------	------------

**R277. Education, Administration.**

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

**R277-324-1. Authority~~]~~ and Purpose~~]~~ and Oversight Category~~]~~.**

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

**R277-324-2. Definitions.**

- (1)(a) "Paraprofessional" or "paraeducator" means an individual who performs a non-instructional or instructional supporting role in various educational settings and may provide support in a non-instructional role, such as providing parental or guardian involvement activities or by providing support in a specific setting.
- (b) A "paraprofessional" or "paraeducator" provides instructional support under the direct supervision of a licensed educator or other licensed or certified professional.

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

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

(1) This rule incorporates by reference the Utah Standards for Instructional Paraeducators, dated [~~December 4, 2018~~]February 5, 2026.

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

- (a) <https://schools.utah.gov/administrativerules/documentsincorporated>; and
- (b) the offices of the Utah State Board of Education, 250 E. 500 So., Salt Lake City, Utah, 84111.

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

(1) A paraprofessional may:

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

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

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

(d) conduct parental involvement activities;

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

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

(2) A paraprofessional may not:

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

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

(c) be solely responsible for designing lesson plans;

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

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

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

(3) A licensed teacher shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) support through translator services;

NOTICES OF PROPOSED RULES

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

**R277-324-7. Use of Funds.**

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

**KEY: paraprofessional qualifications**

**Date of Last Change: 2026[November 21, 2025]**

**Notice of Continuation: September 9, 2021**

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

**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> Amendment		
<b>Rule or section number:</b>	<b>R277-479</b>	<b>Filing ID: 57796</b>

**Agency Information**

<b>1. Title catchline:</b>	Education, Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>	R277-479. Funding for Charter School Students With Disabilities on an IEP
<b>4. Purpose of the new rule or reason for the change:</b>	The rule amendments are needed in order to address the issue of inflated Special Education (SPED) Add-On Weighted Pupil Unit (WPU) levels for charter schools that have previously expanded.
<b>5. Summary of the new rule or change:</b>	<p>The amendments relate to charter schools in their first or second year of operation, whether newly established or recently expanded.</p> <p>The amendments in Section R277-479-3 of this rule specifically require that SPED Add-On WPUs for these schools reflect actual student counts.</p> <p>The oversight category has also been removed in this rule. The use of oversight category has been phased out with the repeal of Rule R277-111.</p>

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>	
<b>A. State budget:</b>	The proposed rule changes modify the distribution formula and "caps" for Special Education Add-On WPUs for charter schools but do not alter the total legislative appropriation for the Special Education Add-On program.

The shift in calculations is intended to prevent "inflated" WPU levels for expanding charters, ensuring that the existing state budget is distributed more accurately based on actual student counts rather than legacy estimates.

This additional accuracy may result in a savings to the state in the Special Education Add-on program, but the exact amount is not able to be calculated at this time as it will depend on future student counts in special education.

**B. Local governments:**

This rule change is not expected to have major fiscal impact for most Local Education Agencies (LEAs), only new and expanding charter LEAs.

Charter schools with prevalence rates under 60% will see a reduction in their maximum allowable funding levels due to the lowered multipliers in Subsection R277-479-3(4). Specifically, the multiplier for FY2027 drops from 2.41 to 2.30; for FY2028 from 2.06 to 1.82; and for FY2029 from 1.70 to 1.35.

These entities will receive fewer WPUs than they would have under the prior rule version. A precise dollar amount cannot be estimated at this time because the impact depends on future student enrollment counts, Average Daily Membership (ADM), and the actual value of the WPU as set by the Legislature in those future years. However, this rule explicitly strikes language that previously mandated certain "estimated" funding for expanding charters (Section 3(1)(e)-(f)), shifting them toward actual counts which typically results in lower, more accurate funding levels for those specific LEAs.

These funding levels will mirror funding levels for all other 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 rule governs the internal distribution of state education funds to public charter schools. Charter schools are public government entities (LEAs) and not private small businesses. Therefore, there is no direct or incremental fiscal impact on small businesses as defined by Utah Code.

**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 specifically address the funding mechanisms between the State Board of Education and Charter School LEAs. No other persons or classes of individuals are directly required to pay costs or will receive direct savings as a result of these formulaic adjustments.

**F. Compliance costs for affected persons:**

There are no compliance costs for affected persons.

"Affected persons" in this context are the Charter School LEAs. The changes involve the Superintendent's method of calculating and allocating funds. There are no new reporting requirements, application fees, or administrative tasks imposed on charter schools that would create an incremental compliance cost.

The data used for these calculations (December 1 counts and the UTREx, Utah eTranscript and Record Exchange, updates) is already required under existing state law and Board rule.

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

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

**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)(c)(vi)(A)	Section 53E-7-206
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:** 03/31/2026

**10. This rule change MAY become effective on:** 04/07/2026

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**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	02/17/2026
---	---	--------------	------------

**R277. Education, Administration.**

**R277-479. Funding for Charter School Students With Disabilities on an IEP.**

**R277-479-1. Authority~~[-]~~ and Purpose~~[-]~~ and Oversight Category~~[-]~~.**

(1) This rule is authorized by:

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

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

(c) Subsection 53E-3-501(1)(c)(vi)(A), which directs the Board to adopt rules regarding services for persons with disabilities; and  
 (d) Section 53E-7-206, which directs the Board to administer state and federal special education funds.

(2) The purpose of this rule is to specify standards and procedures for funding of charter school students with disabilities on an IEP.

~~[-] (3) This Rule R277-479 is categorized as exempt as described in Rule R277-111.~~

**R277-479-2. Definitions.**

- (1) "Base" means prior year special education add-on WPU.
- (2) "Charter school" means a school authorized by a charter school authorizer under Sections 53G-5-304 through 53G-5-306.
- (3) "Charter school authorizer" or "authorizer" has the same meaning as that term is defined in Subsection 53G-5-102(3).
- (4) "Common Data Committee" or "CDC" means a group comprised of representatives of Board staff, the Legislative Fiscal Analyst's Office, the Governor's Office of Management and Budget, and the Utah State Tax Commission, that reports to the Legislature with:
  - (a) estimates of the growth of students in Utah schools and how much it will cost to fund those students; and
  - (b) estimates of the tax dollars the state will receive for education.
- (5) "Estimated enrollment" means the enrollment projections done by the CDC as approved by the Superintendent and used for legislative projections.
- (6) "Expanding charter school" means a "large expansion" or new "satellite school" as described in Rule R277-550.
- (7) "Foundation" means the average of self-contained and resource special education students average daily membership over the previous five years.
- (8) "Negative growth adjustment" means prior year special education add-on WPU minus weighted negative growth.
- (9) "New charter school" means a charter school with less than five years of operation.
- (10) "Positive growth adjustment" means prior year special education add-on WPU plus weighted growth.
- (11) "Prevalence rate" means the percentage of students with disabilities within the total student enrollment.
- (12) "Special education" means specially designed instruction and related services to meet the unique needs of a student with a disability in accordance with Rule R277-750.
- (13) "Student with a disability" means a student, evaluated in accordance with Utah State Board of Education Special Education Rules, and determined to be eligible for special education and related services.
- (14) "Total enrollment" means the total number of students enrolled in all campuses of a school as of the October 1 UTREx update.
- (15) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows:
  - (a) individual detailed student records to be exchanged electronically among public education LEAs and the Superintendent; and
  - (b) electronic transcripts to be sent to any post-secondary institution that participates in the e-transcript service.

**R277-479-3. Charter School Special Education Add-On Funding.**

- (1)(a) For new and expanding charter schools, the Superintendent shall calculate the foundation based on the average special education ADM for the number of years the school has been in operation beyond the first year, until the charter school completes its fourth year of operation.
  - (b)(i) A new or expanding charter school in its first operational year shall receive special education add-on funding based on estimated enrollment projections made by the CDC and approved by the Superintendent for legislative projections.
  - (ii) The Superintendent shall initially calculate the add-on by multiplying estimated enrollment by 10% to determine the number of WPUs allocated in the legislative estimate.
  - (iii) The Superintendent shall finally calculate the add-on by taking the actual number of special education students reported on the December 1 count.
- (c)(i) For the second operational year, a new or expanding charter school shall receive estimated special education add-on funding based on the December 1 count from the prior year.
  - (ii) The final WPUs allocated from the special education add-on program in the second operational year shall equal the greater of the ADM count from the prior year or the actual number of special education students reported on the December 1 count.
- (d)(i)(A) In its first operational year, a new or expanding charter school shall receive estimated WPUs for the special education self-contained program equal to the average self-contained prevalence rate of all charter schools in the prior year multiplied by the CDC estimated enrollment for the school.
  - (B) The final WPUs allocated shall be equal to the number of self-contained students reported on the December 1 count of the current school year for the new or expanding charter school.
- (ii) In its second operational year, a new or expanding charter school shall receive estimated special education self-contained funding based on the December 1 count of self-contained students from the prior year.
  - (iii) The final WPUs allocated from the special education self-contained program in the second operational year shall equal the ADM count of self-contained students from the current school year.
- (e)~~(i)(A)~~ For special education impact aid funding in the first operational year, a new ~~[or expanding]~~ charter school shall receive an estimated December 1 count equal to 10% multiplied by the CDC estimated enrollment of the new or expanding charter school.
  - ~~(B) The Superintendent shall use the amount from Subsection (A) in the formula prescribed in the USBE Special Education Rules X.J., incorporated by reference in Rule R277-750.~~
  - ~~(C) The Superintendent shall base the final WPUs allocated to a new or expanding charter school on the school's December 1 counts for the current school year.~~
  - ~~(ii)(A) In the second operational year, a new or expanding charter school shall received estimated special education impact aid funding based on the December 1 count of self contained students from the prior year.~~
  - ~~(B) A new or expanding charter school shall receive final WPUs allocated based on December 1 counts for the current school year.]~~
- (f)~~(i)(A)~~ For the special education ESY program, in the first operational year, a new ~~[or expanding]~~ charter school shall receive funding based on a program count equal to .014% multiplied by the CDC estimate.
  - ~~(B) The Superintendent shall use the amount in Subsection (A) in the formula prescribed in the USBE Special Education Rules, X.L., incorporated by reference in Rule R277-750.~~

NOTICES OF PROPOSED RULES

~~(ii) In the second operational year, a new or expanding charter school shall receive estimated special education ESY funding based on the ADM count of ESY eligible students from the prior year.~~

~~(2) The foundation is the minimum amount a charter school may receive for special education add-on funding.~~

~~(3)(a) The Superintendent shall apply a positive growth adjustment to a charter school's foundation for weighted growth.~~

~~(b) The Superintendent shall determine weighted growth as set forth in Subsection 53F-2-307(7)(e)(i).~~

~~(c) The Superintendent shall determine growth WPU as set forth in Subsection 53F-2-307(7)(e).~~

~~(d) The Superintendent may not impose a funding cap based on the charter prevalence rate because a charter school is designed and authorized specifically to serve students with disabilities.~~

~~(e) When there is no growth, either because a charter school is new or because the same number of students are enrolled, the Superintendent may not apply a positive growth adjustment.~~

~~(4)(a) The Superintendent shall apply a negative growth adjustment to a charter school's base for decline in special education ADM.~~

~~(b) The negative growth adjustment is the base multiplied by the percentage of enrollment decline.~~

~~(c) The Superintendent shall subtract the result calculated under Subsection (5)(b) from the base to determine WPU.~~

~~(d) When there is no decline in a charter school's enrollment of students with disabilities, either because the charter school is new or because the same number of students are enrolled, the Superintendent may not apply a negative growth adjustment to the charter school's allotment.~~

~~(e) If a negative growth adjustment brings the WPU below the foundation, the charter school shall receive the foundation WPU.~~

~~(5) After the first and second years of a charter school's expansion, the special education formula provided in this Section R277-479-3 shall account for the expansion.]~~

~~(2) Notwithstanding Subsection (1), if the WPU as calculated under this section are less than the WPU as set out in Subsection (4), a charter school shall receive WPU as calculated under Subsection (4).~~

~~([6]3) Notwithstanding this Section R277-479-3, if a new or expanding charter school identifies a purpose and target population in its application focusing on students with disabilities, the Superintendent [shall estimate the number of students with disabilities expected to enroll in consultation with the authorizer and the school.] may use enrollment projections that are higher than those outlined in this section.~~

~~(4) Notwithstanding the special education add-on WPU as calculated under Section 53F-2-307, for a charter school with a prevalence rate less than 60%, the school's special education add-on WPU cannot exceed the following levels:~~

~~(a) For the 2027 fiscal year, 2.30 multiplied by the charter school's total special education ADM count from the prior year;~~

~~(b) For the 2028 fiscal year, 1.82 multiplied by the charter school's total special education ADM count from the prior year; and~~

~~(c) For the 2029 fiscal year and thereafter, 1.35 multiplied by the charter school's total special education ADM count from the prior year.~~

**KEY: charter schools, students with disabilities**

**Date of Last Change: 2026[October 8, 2024]**

**Notice of Continuation: March 12, 2022**

**Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-501(1)(c)(vi)(A); 53E-7-206; 53E-3-401(4)**

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or section number:</b>	R277-700	<b>Filing ID:</b> 57797
<b>Agency Information</b>		
<b>1. Title catchline:</b>	Education, Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		
<b>General Information</b>		
<b>2. Rule or section catchline:</b>		
R277-700. The Elementary and Secondary School General Core		

<b>3. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>If yes, any bill number and session:</b>	HB 381 (2025 General Session)
<b>4. Purpose of the new rule or reason for the change:</b>	
The rule amendments are due to the passage of HB 381 passed in the 2025 General Session.	
<b>5. Summary of the new rule or change:</b>	
The amendments clarify the credit requirements for Local Educational Agencies (LEAs) offering the new civics course.	
The oversight Category 3 has also been removed in this rule. The use of oversight category has been phased out with the repeal of Rule R277-111.	

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures.
This amendment makes technical adjustments to the implementation timeline (changing "incoming 9th" to "incoming 10th" graders) and removes an administrative categorization reference (Category 3).
It also provides course substitution options for graduation requirements. These changes are policy clarifications and permissive in nature; they do not require additional state appropriations, new full-time employees, or changes to state data systems.
<b>B. Local governments:</b>
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
The rule change allows LEAs to utilize existing courses (such as JROTC, Junior Reserve Officers' Training Corps, or courses emphasizing verbal communication) to fulfill a portion of the new Civics graduation requirement. This utilizes resources and courses already in place within LEAs, providing scheduling flexibility rather than mandating new expenditures.
The adjustment of the cohort from 9th to 10th graders affects the timing of when students must meet the requirement but does not increase the total cost of instruction.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.
This rule regulates public school graduation requirements and administrative procedures. It implies no regulatory or financial burden on small businesses.
<b>D. Non-small businesses</b> ("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.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.
This rule affects public education students by modifying the timeline and options for graduation credits. There are no fees or direct costs passed on to students or families as a result of these technical and permissive changes.

**F. Compliance costs for affected persons:**

There are no compliance costs for affected persons. There are no compliance costs or fees associated with this rule change for any individual.

**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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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.**

<b>A. Comments will be accepted until:</b>	03/31/2026
--	------------

<b>10. This rule change MAY become effective on:</b>	04/07/2026
--	------------

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**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	02/17/2026
---	---	--------------	------------

**R277. Education, Administration.**  
**R277-700. The Elementary and Secondary School General Core.**  
**R277-700-1. 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 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.

**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.

(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;

NOTICES OF PROPOSED RULES

- (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;

(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;

NOTICES OF PROPOSED RULES

- (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 10<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> graders in the 2026-2027 school year, the requirement in Subsection (iv) will be replaced by American Constitutional Government and Citizenship ([0.5]1.0 units of credit);~~and~~
      - (vi) a student may earn 0.5 units of the requirement in Subsection (v) by one of the following:
        - (A) completing a course or school sponsored activity that emphasizes verbal communication, provided that the instruction is primarily dedicated to civic education consistent with Board approved standards, including:
          - (1) policy analysis;
          - (2) governmental systems;
          - (3) civic engagement related to school sponsored activity; or
          - (B) participating in the Junior Reserve Officers' Training Corps described in 10 U.S.C. Sec. 2031; 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 (CTE) (1.0 units of credit) from CTE approved pathways.~~[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.

NOTICES OF PROPOSED RULES

(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:** ~~February 9,~~ 2026

**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:** R277-717 **Filing ID:** 57798

**Agency Information**

<b>1. Title catchline:</b>	Education, Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

### General Information

#### 2. Rule or section catchline:

R277-717. High School Course Grading Requirements

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

The rule amendments are needed to clarify language and ensure consistent interpretation and Implementation for Local Education Agencies (LEAs).

#### 5. Summary of the new rule or change:

The amendments clarify the qualifications that define a "Comparable course".

The amendments also add definitions for "Teacher-Led and "Course Component".

In addition, the amendments clarify whether students must repeat an entire course or if students may repeat only the term(s) in which a low grade was earned.

### 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 amendments define "comparable course," "course component," and "teacher-led" instruction for the purpose of grade replacement. These changes clarify existing practices and administrative procedures for LEAs and do not require additional appropriation or oversight resources from the Utah State Board of Education.

##### B. Local governments:

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

This rule allows LEAs to permit students to retake specific "course components" (such as a single quarter or term) rather than requiring a student to retake an entire course if they have already demonstrated mastery in other parts of that course. This provision may lead to minor efficiency savings for LEAs by reducing the instructional time and resources required for remediation.

However, the primary fiscal impact is neutral, as updating grade replacement policies and verifying "comparable courses" are part of standard administrative 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 rule governs graduation credit and grading policies within public schools and creates no financial obligations or regulatory burdens for small businesses.

##### 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**):

NOTICES OF PROPOSED RULES

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.

These are academic policy adjustments that do not impose direct financial costs or fees on students or families.

**F. Compliance costs for affected persons:**

There are no compliance costs for affected persons. There are no compliance costs or fees associated with this rule change for any individual.

**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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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)	
----------------------	-------------------------	--

**Public Notice Information**

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

<b>A. Comments will be accepted until:</b>	03/31/2026
--	------------

<b>10. This rule change MAY become effective on:</b>	04/07/2026
--	------------

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**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	02/17/2026
---	---	--------------	------------

**R277. Education, Administration.****R277-717. High School Course Grading Requirements.****R277-717-1. Authority and Purpose.**

(1) This rule is authorized by:

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

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

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

**R277-717-2. Definitions.**

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

~~(a) fulfills the same graduation credit requirements as the original course; and~~

~~(b) aligns with a majority of the same Core Standards, strands, or essential learning objectives as the course for which a student seeks to improve a grade.~~

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

(a) is enrolled in; and

(b)(i) completes; or

(ii) withdraws from but still receives a grade.

~~(3) "Course Component" means a quarter, term, or other defined grading interval within a course.~~

~~(4) "Highest grade" means a grade that reflects the higher grade of:~~

(a) a course and a repeat of the course; or

(b) a course and a comparable course.

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

~~(6) "Packet" has the same meaning as defined in Subsection R277-705-2(9).~~

~~(7) "Packet Method" has the same meaning as defined in Subsection R277-705-2(10).~~

~~(8) "Recurring course" means a course that a student takes more than once to:~~

(a) further the student's understanding and skills in the course subject, such as journalism or band; or

(b) satisfy a different credit requirement that the course may fulfill, such as an art class that fulfills an elective requirement and an art requirement.

~~(9) "Student" means an individual enrolled in an LEA in grade 9, 10, 11, or 12.~~

~~(10) "Teacher-led" means a course led by a licensed educator:~~

~~(a) directs the instructional process and manages the delivery of the Core Standards; and~~

~~(b) provides direct feedback and assessment of student mastery.~~

**R277-717-3. Grade Replacement.**

(1)(a) A student may, to improve a course grade received by the student:

(i) repeat the course one or more times; or

(ii) enroll in and complete a comparable course.

(b) A grade for an additional unit of a recurring course does not change a student's original course grade for purposes of this section.

(2) If a student repeats a course, the student's LEA:

(a) shall adjust, if necessary, the student's course grade and grade point average to reflect the student's highest grade and exclude a lower grade;

(b) shall exclude from the student's permanent record the course grade that is not the highest grade; and

(c) may not otherwise show on the student's current record that the student repeated the course.

(3)(a) If a student enrolls in a comparable course, the student shall, at the time of enrolling in the comparable course, inform the student's LEA of the student's intent to enroll in the course for improving a course grade.

(b) If a student enrolls in a comparable course, the student's LEA:

(i) shall confirm, when the student enrolls in the comparable course, that the comparable course fulfills the same credit requirements as the course that the student intends to replace with the comparable course grade;

(ii) shall update the student's current record and grade point average to reflect the highest grade between the course and the comparable course and exclude the lower grade and corresponding course; and

(iii) may not otherwise show the course or comparable course for which the student did not receive the highest grade on the student's record.

~~(c) An LEA may not approve a course for grade replacement if the replacement course is in a different subject area or instructional discipline than the original course, regardless or whether both courses satisfy elective credit requirements.~~

~~(d) For the purposes of this rule, a course is only "comparable" if it is housed within the same department or CTE cluster as the original course.~~

(4) An LEA may not use the packet method, or classify a packet as original credit, to improve a previous course grade of a high school student as described in Subsection R277-705-3(9).

NOTICES OF PROPOSED RULES

(5) An LEA shall allow a student to repeat an individual course component to improve a grade for that specific period, provided the course structure allows for such separation.

(a) If a student repeats an individual course component:

(i) the LEA shall replace the original grade earned for that component with the higher grade; and

(ii) the LEA shall; recalculate the final grade of the course to reflect improvement.

(6) An LEA may not require a student to repeat portions of a course in which the student has already demonstrated mastery, as evidenced by earning a passing grade, as a condition for grade replacement of a failed term or component.

**KEY: students, grades, credits**

**Date of Last Change: 2026|December 8, 2025|**

**Notice of Continuation: January 13, 2022**

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

<b>NOTICE OF SUBSTANTIVE CHANGE</b>		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or section number:</b>	<b>R277-929</b>	<b>Filing ID: 57799</b>

**Agency Information**

<b>1. Title catchline:</b>	Education, Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R277-929. State Council on Military Children
<b>4. Purpose of the new rule or reason for the change:</b>
The rule amendments are needed to clarify the training requirements for purple star schools.
<b>5. Summary of the new rule or change:</b>
The amendments clarify that Purple Star Schools must submit an annual report on a form provided by the Superintendent by March 31.
The oversight Category 3 has also been removed in this rule. The use of oversight category has been phased out with the repeal of Rule R277-111.

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures.
The amendments to this rule are technical in nature, specifically removing a reference to an administrative oversight category (Category 3) and removing redundant language regarding annual reporting dates.

These changes do not alter the scope, duties, or funding of the State Council on Military Children or the Purple Star Schools program, resulting in no incremental cost or savings to the state budget.

**B. Local governments:**

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

This rule outlines the State Council's duties and the voluntary Purple Star Schools designation. The amendments are clerical and do not impose any new requirements, reporting burdens, or financial obligations on Local Education Agencies (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 rule governs a state council and public school recognition program; it has no fiscal or regulatory impact on small businesses.

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

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

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

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

The rule changes are administrative and do not affect the services provided to military families or students, nor do they impose any costs on individuals.

**F. Compliance costs for affected persons:**

There are no compliance costs for affected persons. There are no compliance costs or fees associated with these technical amendments.

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

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

<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H. Department head comments on fiscal impact and approval of regulatory impact analysis:</b>					
The State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.					

**Citation Information**

<b>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:</b>		
Article X, Section 3	Subsection 53E-3-401(4)	

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b>	
<b>A. Comments will be accepted until:</b>	03/31/2026

<b>10. This rule change MAY become effective on:</b>	04/07/2026
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**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	02/17/2026
---	---	--------------	------------

**R277. Education, Administration.**

**R277-929. State Council on Military Children.**

**R277-929-1. Authority<sup>[s]</sup> and Purpose<sup>[, and Oversight Category].</sup>**

- (1) This rule is authorized by:
    - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
    - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
    - (c) Section 53E-3-920.1, which requires the Board to create a state council in accordance with the Interstate Compact on Educational Opportunity for Military Children.
  - (2) The purpose of this rule is to:
    - (a) establish a state council for military children; and
    - (b) establish a purple star schools designation for Utah schools meeting eligibility criteria.
- ~~[(3) This Rule R277-929 is categorized as Category 3 as described in Rule R277-111.]~~

**R277-929-2. Definitions.**

- (1) "Commissioner" means the compact commissioner appointed by the Governor in accordance with Section 53E-3-921.
- (2) "Compact" means Title 53E, Chapter 3, Part 9, Interstate Compact on Educational Opportunity for Military Children.
- (3) "Designated staff point of contact" means a counselor, administrator, teacher, or other staff member who is familiar with the needs of military students and the protections afforded to service members' children under the compact.
- (4) "State council" means the State Council for Military Children created through this rule.

**R277-929-3. Establishment of State Council.**

- (1) There is hereby created the State Council for Military Children.
- (2) The state council shall:
  - (a) coordinate implementation of the compact among:
    - (i) state agencies;
    - (ii) LEAs; and
    - (iii) military installations;
  - (b) safeguard the interests of military impacted students within the state;
  - (c) make recommendations for laws and policies to benefit military impacted students; and
  - (d) promote awareness of compact rights and protections with military families.
- (3)(a) The Superintendent shall invite the individuals identified in Subsection 53E-3-909(1) to participate in the state council.
- (b) The Superintendent may invite other individuals with interest or expertise in working with military students to participate in the state council.
- (4) The Superintendent shall coordinate with the Commissioner to schedule meetings of the state council.
- (5) The state council shall meet on an annual basis or with such other frequency as may be required by compact rules.

(6) The Commissioner shall be responsible for filing all required reports with the national compact office.

**R277-929-4. Purple Star Schools.**

- (1) There is hereby created a purple star schools designation for Utah schools that excel in protecting the educational needs of students from military families.
- (2) The Commissioner shall establish an application process for Utah schools interested in the purple star schools designation.
- (3) The Commissioner shall review purple star school applications with the state council created in Section R277-929-3 and make recommendations for the purple star school designation.
- (4) The Superintendent shall award the purple star school designation to a Utah school that:
  - (a) has a designated staff point of contact for military students and families who acts as the primary link between a military family and the school;
  - (b) has a dedicated page on its school website featuring information and resources for military families;
  - (c) has a student-led transition program to include a student transition team coordinator;
  - (d) provides annual professional development for additional staff on special considerations for military students and families; and
  - (e) meets at least one of the following criteria:
    - (i) the school shall commit to hold a school-wide military recognition event;
    - (ii) the school's governing board shall pass a resolution publicizing support for military students and families; or
    - (iii) the school shall coordinate with the school liaison program from Hill Air Force Base or Dugway Proving Grounds to provide opportunities for active duty parents to volunteer in the school.
- (5)(a) The Superintendent shall approve a seal for schools with a purple star school designation.
- (b) A purple star school may use the approved seal on school letterhead, the school's website, and other school publications.
- (6) The Superintendent shall publish a list of schools receiving the purple star designation on the Board's website.
- (7) A purple star school recognized under this section shall submit an annual report on a form provided by the Superintendent by March 31 [~~annually~~].
- (8) The Superintendent may rescind a school's purple star school designation if:
  - (a) the school fails to file an annual report under Subsection (7); or
  - (b) the school is out of compliance with a requirement in Subsection (4).

**KEY: state council, military, compact**

**Date of Last Change: 2026[July 9, 2024]**

**Notice of Continuation: August 15, 2024**

**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:**

**R315-101**

**Filing ID: 57803**

**Agency Information**

<b>1. Title catchline:</b>	Environmental Quality, Waste Management and Radiation Control, Waste Management	
<b>Building:</b>	Multi-Agency State Office Building (MASOB)	
<b>Street address:</b>	195 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 144880	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4880	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Paige Walton	385-515-0086	pwalton@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

**2. Rule or section catchline:**

R315-101. Cleanup Action and Risk-Based Closure Standards

<p><b>4. Purpose of the new rule or reason for the change:</b></p> <p>Rule R315-101 is being amended with the purpose of granting the director discretion regarding Site Management Plan requirements for sites designated as Corrective Action Complete with Controls.</p>
<p><b>5. Summary of the new rule or change:</b></p> <p>The amended rule provides the director discretion to determine, on a site-specific basis, if a Site Management Plan is required for sites designated as Corrective Action Complete with Controls.</p>

**Fiscal Information**

<p><b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b></p>
<p><b>A. State budget:</b></p> <p>It is not anticipated that there will be any cost or savings to the state budget due to this rule amendment.</p> <p>There will be no change to the procedures and manpower used by the State to review risk assessments and cleanup plans that are based on the amended rule.</p>
<p><b>B. Local governments:</b></p> <p>This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because it does not shift any oversight costs or financial obligations to local jurisdictions.</p>
<p><b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>There are approximately 853 small businesses in the Land Subdivision (NAICS 237210) and Commercial and Institutional Building Construction (NAICS 236220) industries in the State of Utah. Based on internal agency data from the previous fiscal year, there were approximately 10 applications for site closure, of which approximately five (50%) would have been eligible for the waiver established by this rule change.</p> <p>This rule change has the potential to provide a direct fiscal benefit to approximately three small businesses per year. These businesses are expected to experience a direct fiscal benefit as the Director's discretion to waive a Site Management Plan (SMP) will result in a one-time cost savings of approximately \$3,000 per site in avoided professional fees and administrative burdens.</p> <p>The exact number of future impacted businesses remains inestimable because the direct fiscal benefit is granted on a site-specific, discretionary basis and is contingent on the number and complexity of future applications received by the agency.</p> <p>This rule change imposes no new fiscal costs.</p>
<p><b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>There are approximately 42 non-small businesses in the Land Subdivision (NAICS 237210) and Commercial and Institutional Building Construction (NAICS 236220) industries in the State of Utah. Based on internal agency data from the previous fiscal year, there were approximately 10 applications for site closure, of which approximately 5 (50%) would have been eligible for the waiver established by this rule change.</p> <p>This rule change has the potential to provide a direct fiscal benefit to approximately two non-small businesses per year. These businesses are expected to experience a direct fiscal benefit as the Director's discretion to waive a Site Management Plan (SMP) will result in a one-time cost savings of approximately \$3,000 per site in avoided professional fees and administrative burdens.</p> <p>The exact number of future impacted businesses remains inestimable because the direct fiscal benefit is granted on a site-specific, discretionary basis and is contingent on the number and complexity of future applications received by the agency.</p> <p>This rule change imposes no new fiscal costs.</p>
<p><b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b>):</p>

This rule change is not expected to have a significant fiscal impact on other persons' revenues or expenditures because the regulatory requirements for Site Management Plans primarily affect business entities and developers.

However, persons other than small businesses, non-small businesses, state, or local government entities acting could experience a direct fiscal benefit. These persons may see a one-time cost savings of approximately \$3,000 per application by avoiding professional fees for Site Management Plan development. The total aggregate fiscal impact for this group is inestimable because the number of persons who will manage a contaminated site closure rather than utilizing a business entity is unknown and cannot be reasonably predicted from historical agency data.

This rule change imposes no new fiscal costs.

**F. Compliance costs for affected persons:**

It is not anticipated that there will be any additional compliance costs for affected persons due to the adoption of this rule other than those mentioned above.

**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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$6,000	\$9,000	\$9,000	\$9,000	\$9,000
Non-Small Businesses	\$0	\$6,000	\$6,000	\$6,000	\$6,000
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$6,000</b>	<b>\$15,000</b>	<b>\$15,000</b>	<b>\$15,000</b>	<b>\$15,000</b>
<b>Net Fiscal Benefits</b>	<b>\$6,000</b>	<b>\$15,000</b>	<b>\$15,000</b>	<b>\$15,000</b>	<b>\$15,000</b>

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

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

This rule change provides regulatory flexibility for Cleanup Action and Risk-Based Closure Standards without any reduction to protection of human health and the environment.

**Citation Information**

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

Section 19-6-105	Section 19-6-106	
------------------	------------------	--

**Public Notice Information**

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

<b>A. Comments will be accepted until:</b>	03/31/2026
--	------------

<b>10. This rule change MAY become effective on:</b>	04/16/2026
--	------------

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**

<b>Agency head or designee and title:</b>	Ted H. Sonnenburg, PE, LEHS, Division Director	<b>Date:</b>	02/12/2026
---	--	--------------	------------

**R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.**

**R315-101. Cleanup Action and Risk-Based Closure Standards.**

**R315-101-1. Purpose, Applicability.**

(a) Purpose. Rule R315-101 establishes information requirements to support risk-based cleanup and closure standards at sites for which remediation, including removal of hazardous constituents to background levels is not the remediation objective. The procedures in Rule R315-101 also provide for continued management of sites for which risk-based clean closure standards are not met.

(b) Applicability.

(1) Rule R315-101 applies to any responsible party, or other interested party on a voluntary basis, such as a prospective purchaser, a lending institution, or land developer, involved in management of a site contaminated with hazardous waste, hazardous constituents, or other contaminants, as determined by the director. Rule R315-101 does not apply to a site that has been or will be cleaned to background levels of constituents.

(2) In the event of a release of hazardous waste or material that, when released, becomes a hazardous waste, the requirements of Rule R315-101 apply if the responsible party fails to clean up the released material and any residue or contaminated soil, water, or other material resulting from the release, as required by Section R315-263-31. The requirements of Section R315-263-31 shall be considered met if:

(i) the level of cumulative risk present at the site is less than or equal to  $1 \times 10^{-6}$  for carcinogens and the hazard index is less than or equal to one for non-carcinogens based on a risk assessment conducted assuming the land use exposure scenario defined in Subsection R315-101-5(g)(1);

(ii) the director determines that ecological effects are insignificant based on the approved assessment conducted in accordance with Subsection R315-101-5(j); and

(iii) the director determines that current and potential future impacts to groundwater are insignificant in accordance with Subsection R315-101-5(f)(8).

(3) The responsible party of a hazardous waste management site shall meet the requirements of Sections R315-265-110 through R315-265-120 or Sections R315-264-110 through R315-264-120, as applicable, before implementation of any activities described in Rule R315-101.

(4) The requirements of Subsections R315-270-1(c)(5) and R315-270-1(c)(6) shall be considered met for a hazardous waste management unit or solid waste management unit if:

(i) the level of risk, cumulative, present at the site is less than or equal to  $1 \times 10^{-6}$  for carcinogens and a hazard index of less than or equal to one for non-carcinogens, based on the risk assessment conducted, assuming the land use exposure scenario defined in Subsection R315-101-5(g)(1);

(ii) the director determines that ecological effects are insignificant based on the approved assessment conducted in accordance with Subsection R315-101-5(j); and

(iii) the director determines that current and potential future impacts to groundwater are insignificant in accordance with Subsection R315-101-5(f)(8).

(5) If these risk criteria are met, a request for a risk-based clean closure in accordance with Subsection R315-101-7(a) may be submitted to the director for review and approval.

(6) If the level of risk, cumulative, present at the site is greater than the limits defined in Subsection R315-101-1(b)(2) or R315-101-1(b)(4) or the director determines that ecological effects may be significant in accordance with Subsection R315-101-5(j), or current and potential future impact to groundwater is significant in accordance with Subsection R315-101-5(f)(8), then a risk-based clean closure shall not be granted. Either corrective action, as determined in accordance with Section R315-101-6 and as defined in Subsection R315-101-13(u), appropriate site management as defined in Subsection R315-101-13(f) and as determined in Subsections R315-101-7(b) and R315-101-7(c), or both, shall be required.

(c) For determination of appropriate corrective action at a site, the following criteria shall be considered in order of importance:

(1) the impact or potential impact of the contamination on human health;

(2) the impact or potential impact of the contamination on the environment;

(3) the technologies available for use in cleanup; and

(4) economic considerations and cost-effectiveness of cleanup options.

(d) The responsible party shall follow applicable guidance documents, including Utah and federal risk assessment guidance and methods approved by the director, as set forth in Rule R315-101.

**R315-101-2. Stabilization of Releases.**

(a) The responsible party shall immediately take appropriate action to stabilize the site either through source removal or source control. If the director determines that the action taken is insufficient to meet the requirements of Section R315-263-30, the responsible party shall submit a work plan, pursuant to Subsection R315-101-2(b), to the director for approval within 60 days of receiving notice from the director.

(b) The work plan shall:

- (1) define the scope of work to be performed;
- (2) include a description of the interim measures and other corrective actions to be taken; and
- (3) include a description of how the plan shall meet the criteria of source removal or source control.

(c) The responsible party shall implement the work plan in accordance with the schedule contained in the approved plan. The responsible party shall implement interim measures or other corrective actions as approved. If the responsible party fails to take the measures required for stabilizing the site, the director may request the executive director of the Department of Environmental Quality to take abatement and cost recovery actions as provided in Sections 19-6-301 through 19-6-326 of the Utah Hazardous Substances Mitigation Act.

**R315-101-3. Principle of Non-degradation.**

(a) When closing or managing a contaminated site that has been stabilized in accordance with Section R315-101-2, the responsible party shall, to the extent practicable in accordance with Subsection R315-101-1(c), not allow the mass of contaminants in the source area to increase. Levels of contamination in groundwater, regardless of quality, shall not increase beyond the existing levels of contamination at a site when the responsible party has defined the nature and extent of contamination pursuant to Section R315-101-4. Consideration will be given to naturally occurring variations in groundwater contaminant concentrations, natural groundwater flow, and dispersion.

(b) The responsible party shall demonstrate compliance with Subsection R315-101-3(a) by submitting appropriate sampling or other data as may be required by the director.

(c) If at any time the level of contamination increases to a significant level, as determined by the director on a case-by-case basis, the responsible party shall take action, as determined by the director, such as source removal or source control, to prevent further degradation of groundwater. A work plan addressing interim action or other corrective action to mitigate the situation shall be submitted to the director for review and approval.

**R315-101-4. Site Characterization, Data Collection and Documentation.**

(a) Purpose. The intent of a site investigation or characterization is to define the nature and extent of all impacted environmental media, whether on-site or off-site. A phased approach to site characterization may be conducted as applicable on a case-by-case basis. These data shall be collected as part of an initial site investigation to define the nature and extent of potential contamination. The known or suspected history of past or current operations at the facility, in any environmental media shall be considered. Site characterization may also include data collected to demonstrate efficacy of a corrective action remedy pursuant to Section R315-101-6. Before the collection of any data that shall be used in a site characterization, corrective action, or post-remedial corrective action risk assessment, the responsible party shall develop and submit a work plan to the director for review and approval. The work plan shall include the following:

(1) Sampling and analysis plan specifying methods and procedures to be used for data collection and analysis as outlined in Section R315-261-1090, Appendix I, and in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" EPA Publication SW-846, available at the US EPA Hazardous Waste Test Methods/SW-846 website:

(i) samples shall be analyzed by a Utah certified laboratory using procedures and methods in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" EPA Publication SW-846, available at the US EPA Hazardous Waste Test Methods/SW-846 website;

(ii) analysis not available in Utah or methods not contained in Subsection R315-101-4(a)(1)(i) may be reviewed and approved by the director; and

(iii) documentation for laboratory work shall include the data accompanied by quality assurance and quality control measures taken in accordance with current environmental laboratory standards for a level III data package, or other QA/QC data level as determined by the director on a site-specific basis.

(2) Representative proposed media sample locations with depths, sample analytes and justification that the proposed sampling is sufficient to define the nature and extent of contamination:

(i) surface soil is defined as surface or zero to a maximum of six inches below ground surface, or as determined on a case-by-case basis; and

(ii) subsurface soil is defined as greater than six inches below ground surface, or as determined on a case-by-case basis.

(3) Conceptual site model for a site-specific characterization, identifying and showing potential primary source areas, media of concern, contaminant release mechanism, receptors of interest, exposure pathways and possible contaminant migration pathways, including the following media as applicable based on current site conditions:

(i) sediments;

(ii) soil;

(iii) biota;

(iv) groundwater;

(v) surface water; and

(vi) air.

(4) Data quality objective process steps related to the implementation of the sampling and analysis plan in accordance with "Guidance on Systematic Planning Using the Data Quality Objectives Process," EPA QA/G-4, EPA/240/B-06/001, as incorporated by reference in Section R315-101-12.

(5) Quality assurance project plan for field procedures, chain-of-custody and laboratory analytical methods to be used for the sampled media.

(6) Field quality assurance and quality control procedures to characterize and dispose of any site investigation derived waste in an appropriate manner, including a plan for decontamination procedures, field instrument calibration procedures, any standard operating procedures and other relevant documentation.

## NOTICES OF PROPOSED RULES

(b) Background levels. Based on the site characterization sampling results, the responsible party may determine or propose background levels of suspected hazardous constituents and may follow or consider procedures in the Soil Background and Risk Guidance document available on the Interstate Technology Regulatory Council website. The constituent list may be based on the inventory as determined in Subsection R315-101-4(c)(5) in media of concern, including: sediments, soil, groundwater, surface water, and air that are representative of the site.

(c) Additional information. The following additional information shall be collected to characterize the site and to define site boundaries and areas of contamination:

- (1) a description of the site, including legal boundaries;
- (2) historical land use and ownership of the site, including existing aerial photos of the site through time if requested by the director;
- (3) topographical and other relevant maps of sufficient detail, scale, and accuracy to depict and locate each past and current physical structure including any buildings and waste activities at the site;
- (4) information and maps of sufficient detail, scale, and accuracy to describe regional, local, and site geology, surface water, groundwater and groundwater quality, drainage features and other hydrogeological conditions;
- (5) an inventory of each current and past waste stream managed at the site, hazardous waste management units, areas of concern and solid waste management units at the site, including process descriptions, amounts and types of waste generated and disposed and suspected contamination source information;
- (6) location and boundaries of areas of concern including any hazardous waste management units and solid waste management units;
- (7) any past sampling results, and an inventory of any releases, discharges and spills;
- (8) available information such as reports and data on any previous corrective actions; and
- (9) a list of all off-site property owners whose property has been or may have been affected by the release of contaminants for which the responsible party is responsible. This list shall include the name and address of each property owner and shall identify the current land use of each property.

(d) Petroleum wastes and total petroleum hydrocarbon.

At sites where petroleum wastes may be present, the media samples shall be analyzed for volatile organic compounds, semi-volatile organic compounds including Polyaromatic Hydrocarbons (PAHs), and total metals.

(e) The responsible party may propose other analytical suites for the impacted media for review and approval by the director. This shall include Polychlorinated Biphenyls (PCBs), dioxins and furans, and any other emerging contaminant of concern, as determined on a case-by-case basis, based on the history of the site and activities.

(f) Relevant information gathered in Subsections R315-101-4(a) through R315-101-4(e) shall be submitted in a site characterization report to the director for review and approval. In addition, the site characterization report shall include:

- (1) site location, legal description and objectives of the site investigation;
  - (2) methodology and field activities completed, including the handling of any site investigation derived wastes;
  - (3) maps of sufficient detail and accuracy to depict waste management units, areas of contamination, nature and extent of contamination, topography, geology, groundwater quality, and potentiometric surface;
  - (4) site and regional geological, hydrogeological, and hydrological descriptions;
  - (5) a detailed discussion of any areas of contamination found during the site characterization field work;
  - (6) listing and concentrations of any historic and current hazardous constituents identified in Section R315-101-4;
  - (7) background levels of hazardous constituents, including details of statistical methods used to analyze the data gathered, if applicable;
  - (8) the hazardous constituents identified in accordance with Subsections R315-101-4(f)(6) and R315-101-4(f)(7) shall be known as contaminants of interest;
  - (9) descriptions of historic and current releases of hazardous constituents and expected extent of migration from the areas of contamination;
  - (10) deviations from the approved site characterization work plan and the sampling and analysis plan;
  - (11) discussion of the evaluated potential exposure pathways including groundwater, surface water, sediments, surface and subsurface soils and air;
  - (12) a summary outlining the completion of data quality objectives, completed analytical request forms for each analysis performed reported on dry-weight basis, actual sampling locations and depths with justification for variations to the approved sampling and analysis plan, any statistical analysis performed if completed, and quality assurance and quality control results and analytical data validation report in accordance with current environmental laboratory standards for a level II data package, or other QA/QC data level, as determined by the director on a site-specific basis;
  - (13) revised conceptual site model identified in Subsection R315-101-4(a)(3) based on the information presented in the final site characterization report; and
  - (14) conclusions and recommendations for additional site work and applicable supporting documentation, including figures, tables, and appendices.
  - (15) Groundwater, on-site or off-site, shall be considered impacted if contaminant levels are above screening levels as defined in Subsection R315-101-5(f)(1)(vii) or maximum contaminant levels.
- (g) Additional site characterization data shall be collected after corrective action or other remedial actions. The confirmation data shall be used to support a closure risk assessment.

**R315-101-5. Human Health and Ecological Risk Evaluation Criteria and Risk Assessment.**

(a) When conducting the risk assessment, the responsible party shall use the conceptual site model, as defined in Subsection R315-101-13(o) and as described in Subsection R315-101-4(a)(3) or R315-101-4(f)(13), as applicable, and shall use applicable site characterization or confirmation data. For the areas of contamination as defined in Subsection R315-101-13(g), the following shall be included when conducting the risk assessment:

(1) identification, concentration, and distribution of any suspected hazardous constituents identified in Section R315-101-4 and defined as contaminants of interest in Subsection R315-101-4(f)(8);

(2) fate of contaminants of interest and any pathways and transport of contaminants of interest;

(3) any potential exposure routes;

(4) human receptors; and

(5) ecological receptors.

(b) General Human Health Risk Assessment Methodology.

(1) A risk assessment shall be conducted once the nature and extent of contamination has been adequately defined or corrective action completed. The risk assessment may be performed for impacted media by choosing either a Tier 1 approach in accordance with Subsection R315-101-5(f) or a Tier 2 risk assessment process in accordance with Subsection R315-101-5(g). Tier 1 shall be a screening risk assessment and Tier 2 shall be a refined risk assessment that may include site-specific exposure assumptions and allowance of alternative approaches, such as a Monte Carlo exposure risk analysis, probabilistic risk assessment. If excess risks are noted for the Tier 1 assessment, a Tier 2 assessment is required.

(2) The concentration term for each medium and for each contaminant of interest identified in Section R315-101-4 and Subsection R315-101-4(f)(8) and determined to be a contaminant of potential concern following comparison to background shall be evaluated using either the maximum detected concentration or an upper confidence limit as derived using the US EPA ProUCL program.

(3) The fate, pathways, and transport of contaminants of interest identified in Section R315-101-4, defined in Subsection R315-101-4(f)(8), and determined to be a contaminant of potential concern following comparison to background, shall be evaluated using the conceptual site model developed pursuant to Subsection R315-101-4(a)(3) or R315-101-4(f)(13), as applicable and approved by the director.

(c) The exposure scenarios identified in the conceptual site model shall be estimated using reasonable maximum exposure parameters and shall be based on both current and potential future anticipated land use and receptors defined in Subsections R315-101-5(g)(1) and R315-101-5(g)(2).

(d) The conceptual site model shall include a determination as to whether or not each of the following pathways is complete under both current and anticipated future conditions. Risks shall be quantified for those receptors where exposure pathways have a reasonable potential for being complete unless it may be demonstrated that the risk is less significant when compared to other quantified receptor risks.

(1) Potential exposure pathways for surficial soils include:

(i) leaching to groundwater;

(ii) migration to a surface water body; and

(iii) human exposure through ingestion of soil, dermal contact with soil, inhalation of vapors and particulates emitted by surficial soils.

(2) Potential exposure pathways for subsurface soils include:

(i) leaching or vapor migration, including sinking vapors, to groundwater;

(ii) migration to a surface water body;

(iii) volatilization and upward migration of vapors from subsurface soil and potential indoor or outdoor inhalation of these emissions;

and

(iv) human exposure through ingestion of soil, dermal contact, inhalation of vapors and particulates.

(3) The soil exposure interval applicable to residents is defined as surface down to ten feet below ground surface. The soil exposure interval applicable to the industrial or commercial worker is defined as surface to one foot below ground surface. The soil exposure interval applicable to the construction worker is defined as surface down to depth of construction of ten feet below ground surface. Alternative soil exposure intervals shall be determined on a case-by-case basis as approved by the director.

(4) Soil exposure pathways applicable to all receptors where the conceptual site model, in accordance with Subsection R315-101-4(a)(3) or R315-101-4(f)(13), identifies soil as a complete or potentially complete exposure pathway, shall include:

(i) ingestion;

(ii) dermal contact with soil;

(iii) inhalation of vapor emissions; and

(iv) inhalation of particulates from soil.

(5) Groundwater exposure pathways applicable to all receptors where the conceptual site model, in accordance with Subsection R315-101-4(a)(3) or R315-101-4(f)(13), identifies groundwater as a complete or potentially complete exposure pathway, shall include:

(i) ingestion;

(ii) dermal contact with groundwater; and

(iii) inhalation of vapor emissions.

(6) Additional exposure to groundwater shall be considered on a site-specific basis which may include:

(i) volatilization and upward migration of vapors from groundwater and potential indoor inhalation of vapor emissions;

(ii) volatilization and upward migration of vapors from groundwater and potential outdoor inhalation of vapor emissions;

(iii) potable use of groundwater, including ingestion of groundwater, dermal contact with groundwater during showering or bathing, and inhalation of vapors from domestic use of groundwater if pathway is complete; and

(iv) migration to surface water body and potential impacts to surface water and potential exposures to surface water.

## NOTICES OF PROPOSED RULES

- (7) Other exposure pathways that may need to be considered on a site-specific basis may include the following:
- (i) contact with soils and ingestion of soils, sediments, inhalation of vapors and particulates, surface water and groundwater for any other anticipated human contacts, such as recreational and trespasser activities;
  - (ii) ingestion of produce grown in impacted soils;
  - (iii) use of groundwater for irrigation purposes;
  - (iv) use of groundwater for industrial purposes;
  - (v) ingestion of livestock or fish or other aquatic organisms that, as a result of media contamination, have bioaccumulated constituents of potential concern through the food chain; and
  - (vi) ingestion, dermal contact, and inhalation of vapors from surface water such as from recreational activities, including swimming.
- (e) The responsible party shall develop a risk assessment work plan for review and approval by the director before the risk evaluation.
- (f) Tier 1 screening risk assessment. The Tier 1 evaluation shall assume no institutional or engineering controls in place, such as security, signage, pavements, personal protective equipment, fences, or remediation. The Tier 1 risk assessment evaluation may not be appropriate under circumstances when every complete exposure pathway is not covered by the screening values. The Tier 2 refined risk assessment approach may be more appropriate for evaluation in this circumstance.
- (1) Screening levels. The Tier 1 evaluation shall use one or more of the following screening levels:
- (i) US EPA Regional Screening Levels available at the US EPA Risk Assessment, Regional Screening Levels (RSLs) website;
  - (ii) site-specific background 95% upper tolerance limit levels developed in accordance with the US EPA ProUCL model;
  - (iii) vapor intrusion screening levels calculated using US EPA Vapor Intrusion Screening Level Calculator, as incorporated by reference in Section R315-101-12, available at the US EPA Vapor Intrusion Screening Levels Calculator website;
  - (iv) petroleum vapor intrusion screening guidelines developed in accordance with "Technical Guide for Addressing Petroleum Vapor Intrusion at Leaking Underground Storage Tank Sites," US EPA, as incorporated by reference in Section R315-101-12;
  - (v) site-specific confidence limits for groundwater background established for the site in accordance with "Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance," US EPA, as incorporated by reference in Section R315-101-12; or
  - (vi) in instances where a US EPA Regional Screening Level is not available, a responsible party, with the approval of the director, may develop and calculate a site-specific screening value.
- (2)(i) The US EPA Regional Screening Levels, confidence limits, site-specific background levels, calculated site-specific screening values, and vapor intrusion screening levels shall be known collectively as screening values.
- (ii) Documents referenced in Subsections R315-101-5(f)(1)(i) through R315-101-5(f)(1)(vi) and other director approved sources shall be used as sources for obtaining screening values.
- (3) Determination of constituents of potential concern.
- (i) For inorganic contaminants of interest, the following steps shall be followed for determination of constituents of potential concern that shall be included in the risk evaluation.
    - (A) The maximum detected concentration of each contaminant of interest for soil, sediment, and groundwater, or other site-specific media such as surface water, may be compared to the site-specific background reference level, defined as the 95% upper tolerance limit or a confidence limit. If the maximum detected site concentration is greater than the background reference level, the inorganic contaminants of interest shall be considered a constituent of potential concern. If site-specific background reference levels are not available, the detected inorganic contaminant shall be retained as a contaminant of potential concern.
    - (B) For those inorganic contaminants of interest whose maximum concentrations are greater than the background reference, a test of means hypothesis shall be used to determine if inorganic contaminants of interest are present at elevated levels over background levels.
    - (C) If the results of the test of means hypothesis indicate the detected inorganic contaminant of interest is elevated over background level, it will be retained as a constituent of potential concern.
    - (D) If a test of means hypothesis cannot be performed due to sample size or if there is no established site-specific background reference level, the inorganic contaminant of interest shall be retained as a constituent of potential concern.
  - (ii) For organic contaminants of interest, all contaminants with a minimum of one detection shall be retained as constituents of potential concern. If site-specific background reference levels are available for organics, additional refinement of organic contaminants of potential concern may be conducted in accordance with Subsection R315-101-5(f)(3)(i).
- (4) Exposure point concentration.
- (i) The initial exposure point concentration for all inorganic and organic constituents of potential concern shall be the maximum detected concentration for each medium evaluated in the Tier 1 assessment.
  - (ii) If the maximum detected concentration results in a cancer risk greater than  $1 \times 10^{-6}$  or a hazard quotient greater than one, a refined exposure point concentration based on a 95% upper confidence limit on the mean may be calculated using the EPA ProUCL program. The lesser of the maximum concentration and the 95% upper confidence limit concentration shall be selected as the exposure point concentration.
  - (iii) If the minimum required sample size of eight or more for calculating the 95% upper confidence limit cannot be met or there are insufficient numbers of detection, the maximum detected concentration, or an alternative concentration as approved by the director, shall be the exposure point concentration.
- (5) Cumulative risk shall be determined for all carcinogenic constituents of potential concern and a hazard index shall be determined for all noncarcinogenic contaminants of potential concern.
- (i) The cumulative effects screening cancer risk estimate is calculated as the sum of the ratios of exposure point concentrations and screening values for the combined land use exposure pathways, identified under the conceptual site model developed in accordance with Subsection R315-101-4(a)(3) or R315-101-4(f)(13) as applicable for impacted media, multiplied by  $1 \times 10^{-6}$ .

(ii) The hazard index is calculated as the sum of the ratios of exposure point concentrations and screening values for the combined residential land use exposure pathways identified under the conceptual site model in accordance with Subsection R315-101-4(a)(3) or R315-101-4(f)(13) as applicable for impacted media.

(iii) If a contaminant of potential concern has both carcinogenic and non-carcinogenic toxicity, both toxicities shall be evaluated using both the carcinogenic and non-carcinogenic based US EPA Regional Screening Level or other screening levels.

(iv) If the cumulative effects screening cancer risk is less than or equal to  $1 \times 10^{-6}$  and hazard index is less than or equal to one, then the cumulative effects screening risks posed by detected carcinogenic contaminants of interest at the site meet acceptable risk levels and additional evaluation for the receptor and scenario is not required.

(v) If the cumulative effects screening cancer risk is greater than  $1 \times 10^{-6}$  or the hazard index is greater than one, then a Tier 2 risk assessment or further evaluation may be required.

(6) Residential land use.

(i) Risks to residents from ingestion of livestock grazing on a contaminated site shall be evaluated and added to the cumulative effects risk equation if it is determined to be a plausible and complete exposure pathway.

(ii) Vapor intrusion pathway if complete, shall be evaluated and added to the cumulative effects screening risk equation.

(iii) Any other relevant exposure pathway consistent with the residential exposure pathway shall be evaluated and added to the cumulative risk.

(iv) If it is determined that the residential land use cumulative effects screening cancer risk posed by constituents of potential concern is less than or equal to the target cancer risk of  $1 \times 10^{-6}$  and the hazard index is less than or equal to one for each combined residential land use exposure pathways, and it is determined that there are no current and potential future impacts to groundwater as determined by site-specific attenuation factors derived using "Supplemental Guidance For Developing Soil Screening Levels," US EPA, as incorporated by reference in Section R315-101-12, Subsections R315-101-4(f)(15), R315-101-5(f)(8) and R315-101-5(f)(1)(vii), and ecological impacts are insignificant in accordance with Subsection R315-101-5(j), then the site meets the risk-based clean closure criteria for no further action or unrestricted land use as identified in Subsection R315-101-7(a).

(v) If it is determined that the residential land use cumulative effects screening cancer risk posed by constituents of potential concern is greater than the target risk of  $1 \times 10^{-6}$  or the hazard index is greater than one for each combined residential land use exposure pathway, then further evaluation of the site may be conducted using either the Tier 2 refined risk assessment evaluation approach for a residential land use exposure scenario as identified in Subsection R315-101-5(g)(1) or a non-residential land use exposure scenario as identified in Subsection R315-101-5(g)(2), and site management as identified in Section R315-101-7, or the responsible party may choose to conduct corrective action as identified in Section R315-101-6 to mitigate risks at the site to residential acceptable levels.

(vi) An ecological evaluation shall also be completed as part of the screening residential land use risk evaluation as described in Subsection R315-101-5(j).

(vii) A groundwater impact evaluation shall also be completed as part of the screening residential land use risk evaluation as identified in Subsection R315-101-5(f)(8).

(7) Industrial or commercial land use or construction worker.

(i) If the cumulative effects screening risk is less than or equal to a cancer risk of  $1 \times 10^{-6}$  and the hazard index is less than or equal to one, then the cumulative effects screening risks posed by detected contaminants of potential concern at the site meets the industrial or commercial land use or construction worker risk, or both, and the site meets the criteria for restricted land use as identified in the Subsection R315-101-7(b).

(ii) If the cumulative effects screening risk is greater than a cancer risk of  $1 \times 10^{-6}$  or the hazard index is greater than one, then the cumulative effects screening risks posed by the detected contaminants of potential concern at the site do not meet the industrial or commercial land use or construction worker, or both, and a Tier 2 assessment or further evaluation is required.

(iii) If the cumulative effects screening risk is greater than cancer risk of  $1 \times 10^{-6}$  but less than  $1 \times 10^{-4}$  and the hazard index is less than or equal to one, then restricted land use closure with land use controls may be used in accordance with Subsections R315-101-7(b)(1) and R315-101-7(c).

(iv) Exposure scenarios not covered in the screening values shall be evaluated separately and added to the cumulative effects risks. Evaluations may include the vapor intrusion pathway if it is determined to be complete using the vapor intrusion screening levels.

(v) Other receptors relevant to the industrial or commercial land use or both scenario, such as a trespasser or recreational user, shall be evaluated.

(vi) An ecological evaluation, as identified in Subsection R315-101-5(j), shall also be completed as part of the screening industrial or commercial land use or construction worker, or both, risk evaluation.

(vii) A groundwater impact evaluation, as identified in Subsections R315-101-5(f)(8) and R315-101-4(f)(15), shall also be completed as part of the screening industrial or commercial land use or both risk evaluation.

(8) For evaluation of potential future impacts to groundwater one or more of the following steps shall be used:

(i) Step 1. Compare the maximum detected concentration for constituents of potential concern in soil to the US EPA Regional Screening Levels, groundwater protection soil screening level based on a dilution attenuation factor of 20, unless it may be demonstrated that background levels for the contaminants of concern at the site exceed the applicable soil screening levels. If the maximum detected concentrations exceed the US EPA Soil Screening Levels for groundwater protection, the potential exists for future impacts to groundwater. The groundwater protection soil screening level value shall be the greater of either the maximum contaminant level or the risk-based groundwater protection soil screening level value for evaluation. If the potential for future groundwater contamination exists, the responsible party may provide additional lines of evidence and a re-evaluation using a refined exposure point concentration of the 95% upper confidence limit. If sufficient data are not available to calculate a 95% upper confidence limit, the maximum constituent of potential concern concentration value shall be used for evaluation, or the director may approve an alternate value; or

## NOTICES OF PROPOSED RULES

(ii) Step 2. Derive a site-specific dilution attenuation factor and a site-specific groundwater protection soil screening level value. The development of the site-specific dilution attenuation factor shall follow "Supplemental Guidance for Developing Soil Screening Levels," US EPA, as incorporated by reference in Section R315-101-12. If the 95% upper confidence limit concentration exceeds the calculated groundwater protection soil screening level, the potential exists for future impacts to groundwater. The groundwater protection soil screening level value shall be the greater of either the maximum contaminant level or the risk-based groundwater protection soil screening level value for evaluation. If the potential for future groundwater contamination exists, the responsible party may choose to submit a work plan for approval by the director describing actions that will be taken to protect groundwater from future impacts due to soil contamination. In addition, the work plan shall include a proposal for collection of sufficient monitoring data to evaluate both current and future groundwater conditions; or

(iii) Step 3. The responsible party shall propose an alternate method for evaluating potential future impacts to groundwater due to soil contamination to the director for approval. If it is determined that the potential for future groundwater contamination exists, the responsible party shall submit a work plan for approval by the director describing actions that will be taken to protect groundwater from future impacts due to soil contamination. In addition, the work plan shall include a proposal for collection of sufficient monitoring data to evaluate both current and future groundwater conditions.

(g) Tier 2 refined risk assessment. A Tier 2 refined risk assessment shall be conducted using the methodologies described in the "US EPA Risk Assessment Guidance for Superfund Sites," Parts A to F, as incorporated by reference in Section R315-101-12, and following standard land use exposure assumption scenarios listed in Subsections R315-101-5(g)(1) and R315-101-5(g)(2):

(1) Residential Land Use.

(i) child receptor; and

(ii) adult receptor

(2) Non-residential Land Use.

(i) commercial or industrial or both;

(ii) construction worker; and

(iii) trespasser or recreationalist as applicable.

(3)(i) The Tier 2 risk assessment shall assume no institutional or engineering controls in place, such as security, signage, pavements, personal protective equipment, fences or remediation.

(ii) The risk assessment shall use US EPA standard default exposure parameters, variables and equations based on reasonable maximum exposure in the evaluation, unless scientific evidence suggests otherwise. If a US EPA standard default exposure parameter or variable is not available, the responsible party shall use the "Exposure Factors Handbook," US EPA, as incorporated by reference in Section R315-101-12, for default values, or other sources as approved by the director.

(iii) A refined risk assessment may be conducted using site-specific exposure parameters and a Monte Carlo simulation in a probabilistic risk analysis with the approval of the director.

(4) Evaluations shall be conducted in accordance with US EPA approved standards and methodologies and other methodologies as approved by the director. This may include the following guidance:

(i) "Guidelines for the Health Risk Assessment of Chemical Mixtures," Risk Assessment Forum, EPA/630/R-98/002, as incorporated by reference in Section R315-101-12;

(ii) "Risk Assessment Guidance for Superfund Volume 1: Human Health Evaluation Manual (Parts A-F)," Office of Emergency and Remedial Response EPA/504/1-89/002, Interim Final, as incorporated by reference in Section R315-101-12;

(iii) "Human Health Evaluation Manual, Supplemental Guidance: Update of Standard Default Exposure Factors," US EPA OSWER Directive 9200.1-20, as incorporated by reference in Section R315-101-12;

(iv) "Supplementary Guidance for Conducting Health Risk Assessment of Chemical Mixtures," US EPA, as incorporated by reference in Section R315-101-12;

(v) "Soil Screening Guidance Technical Background Document," US EPA and "Supplemental Guidance for Developing Soil Screening Levels for Superfund Sites," US EPA, as incorporated by reference in Section R315-101-12;

(vi) "Guidelines for Carcinogen Risk Assessment," EPA/630/P-03/001F, as incorporated by reference in Section R315-101-12;

(vii) "Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens," EPA/630/R-03/00F, as incorporated by reference in Section R315-101-12;

(viii) "OSWER Technical Guidance for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air," US EPA OSWER 9200.2-154, as incorporated by reference in Section R315-101-12;

(ix) "Technical Guide for Addressing Petroleum Vapor Intrusion At Leaking Underground Storage Tank Sites," US EPA, as incorporated by reference in Section R315-101-12; and

(x) "Risk Assessment Guidance for Superfund, Part A, Volume III, Process for Conducting Probabilistic Risk Assessment," US EPA 540-0R-02-002 OSWER 9285.7-45 PB 2002 963302, as incorporated by reference in Section R315-101-12.

(5) In performing the Tier 2 risk assessment, the responsible party shall use toxicity information for carcinogenic and non-carcinogenic effects in accordance with Subsections R315-101-5(i) and R315-101-5(j)(8).

(6) Risk characterization shall identify carcinogenic risks and non-carcinogenic risks for the constituents of potential concern.

(7) The age dependent adjustment factors shall be applied to carcinogens with a mutagenic mode of action.

(8) Risk characterization shall be based on cumulative risk effects and assumption of additivity in the absence of adequate evidence of toxicological interactions as follows.

(i) For non-carcinogenic toxicants acting by similar modes of action or affecting common organs, dose addition shall be followed.

(ii) For carcinogenic risks or toxicants acting independently, response addition shall be followed.

(9) Carcinogenic cumulative risk may also be calculated as the sum of the probabilities of each chemical across the exposure pathways for cumulative risks less than 0.01. For cumulative risks greater than 0.01, the One-Hit Model, as specified in "Risk Assessment

Guidance for Super Fund Volume 1: Human Health Evaluation Manual," Part A, US EPA, Office of Emergency and Remedial Response EPA/504/1-89/002, Interim Final, as incorporated by reference in Section R315-101-12, shall be used.

(10) Non-carcinogenic hazard indices shall be calculated as the sum of the non-carcinogenic effects for each chemical across the exposure pathways. However, if the hazard index is greater than one, the hazard quotients should be summed separately by target organ or mode of action.

(11) If total petroleum hydrocarbons are present, the risk assessment shall be evaluated using indicator compounds, and shall be conducted in accordance with Subsections R315-101-5(f), R315-101-5(f)(8), R315-101-5(g), R315-101-5(j), "Supplementary Guidance for Conducting Health Risk Assessment of Chemical Mixtures," EPA/630/R-00/002, as incorporated by reference in Section R315-101-12, and the US DOE Risk Assessment Information System website, and in accordance with other procedures approved by the director.

(i) The cumulative risk of the petroleum mixture shall assume additivity, dose addition or response addition, unless there is data suggesting toxicological interaction.

(ii) The risk assessment shall be based on the conceptual site model identified in Subsection R315-101-4(a)(3) or R315-101-4(f)(13) as applicable.

(12) Current and future anticipated land use scenarios evaluation.

(i) The evaluation shall be based on current and reasonably anticipated future uses of the property. Sources of information on land uses may include:

(A) current zoning and comprehensive plan maps and applicable regulations provided by the local jurisdiction for the properties within the locality of the site;

(B) inquiries made and responses as to whether there are regional trends that are relevant to land uses and activities in the locality of the site;

(C) inquiries made of any environmental protection zones or regulations; and

(D)(I) the property owner's planned use of land.

(II) An inactive or vacant, fenced or non-fenced, property with no proposed land use in an area zoned for industrial or commercial land use or both shall be assumed to be reasonably used for industrial or commercial use or both in the future.

(III) An inactive or vacant, fenced or non-fenced, property in an area zoned for residential land use shall be assumed to be reasonably used for residential land use in the future.

(IV) For the protection of human health and the environment, if future anticipated land use conditions offer a more protective exposure scenario than the current land use scenario, the more protective future anticipated land use shall be evaluated.

(V) A summary of the results and conclusions along with supporting documentation as to what the current and reasonably anticipated future land uses are for parcels within the locality of the site shall be submitted with the Tier 2 refined risk assessment for approval.

(h) Data and results presentation.

(1) A risk assessment report shall be submitted to the director for review and approval. The report may be a stand-alone document or included in a site characterization or closure report. The risk assessment, whether submitted by itself or included in a larger report, shall include, at a minimum, the following:

(i) an executive summary;

(ii) an overview of the site;

(iii) a detailed discussion of areas of contamination;

(iv) an exposure assessment identifying exposure levels for the exposure pathways identified in Subsections R315-101-5(c) and R315-101-5(j)(4)(i);

(v) if fate and transport models are used, the user's manual, model theory, computer software for the model, installation verification data set for the model and input files for the model runs shall be provided upon request by the director;

(vi) the output results of the model runs;

(vii) background levels of identified hazardous constituents including any statistical methods used in evaluation of background data;

(viii) identification and concentration of the contaminants of interest identified in Subsection R315-101-4(f)(8);

(ix) a list of constituents of potential concern, contaminants of concern, and contaminants with mutagenic mode of action for human health and constituents of potential ecological concern;

(x) US EPA Regional Screening Levels or, when US EPA Regional Screening Levels are not used, the toxicity information of identified constituents of potential concern, specifically listing mutagenic constituents of potential concern, including slope factors, inhalation unit risks, weight-of-evidence classification, non-carcinogenic chronic reference doses, age dependent adjustment factors, chronic reference concentrations and critical effects associated with reference doses and reference concentrations, toxicity reference values and any other ecological benchmarks used in the risk assessment;

(xi) a list of identified ecological receptors;

(xii) a list of identified ecological habitats;

(xiii) risk characterization calculations including data used; and

(xiv) the risk characterization identifying carcinogenic risk and non-carcinogenic risk for the constituents of potential concern, ecological hazard indices as determined in accordance with Subsection R315-101-5(j), uncertainties analysis, and a tabulation of the risk characterization data presented in a format approved by the director.

(2) If the risk assessment report does not contain the required information of sufficient quality and detail, the director will notify the responsible party in writing of deficiencies and shall require resubmittal of the report in a designated time frame.

(3) If the risk assessment report contains the required information of sufficient quality and detail, the director will approve, the risk assessment report in writing.

(i) Identification of sources of toxicity information.

## NOTICES OF PROPOSED RULES

(1) Sources of toxicity information gathered for identified hazardous constituents, weight-of-evidence classification and critical effects associated with reference doses and reference concentrations shall be in order of preference based on the US EPA hierarchy of human health toxicity values tiered system, "Human Health Toxicity Values in Superfund Risk Assessment," US EPA OSWER Directive 9285.7-53, as incorporated by reference in Section R315-101-12. The approved hierarchy, in order of acceptance is as follows:

(i) US EPA Integrated Risk Information System.

(ii) US EPA Provisional Peer Reviewed Toxicity Values.

(iii) Additional sources may include US EPA and non-US EPA sources of toxicity information with priority given to sources that have been peer reviewed including the following:

(A) California Environmental Protection Agency toxicity values;

(B) Agency for Toxic Substances and Disease Registry Minimal Risk Levels;

(C) US EPA additional sources; or

(D) US EPA Health Effects Assessment Summary toxicity data.

(2) US EPA Regional Screening Levels; and

(3) US DOE Risk Assessment Information System website.

(j) Ecological risk assessment.

(1) Before conducting the risk assessment, the responsible party shall submit a work plan for approval.

(2) An ecological risk assessment for the site shall include terrestrial and aquatic processes as appropriate using toxicity information for the constituents and biological processes relevant to the ecological evaluation. This shall include plants, soil invertebrates, benthic invertebrates, wildlife species and other ecological receptors as approved by the director. A list of all ecological receptors of interest shall also be included.

(3) A waiver of Subsection R315-101-5(j) may be granted by the director if the responsible party demonstrates that ecological receptors will not be affected by any contamination using any of the following criteria:

(i) environmental conditions at the site may be used to eliminate the need for ecological risk assessment;

(ii) the affected property is not a viable habitat and the site cannot be used by potential ecological receptors as a habitat;

(iii) complete or potentially complete exposure pathways do not exist due to prevailing conditions or property setting; or

(iv) detected chemicals at the site are below the ecological screening benchmark levels.

(4) An ecological risk assessment for a site shall be conducted to include the following information:

(i) a problem formulation, identification of constituents of potential ecological concern, identification of habitats, media sampled, potential ecological effects, relevant ecological receptors, relevant exposure pathways, initial definition of assessment and measurement endpoints, with respect to current and reasonably anticipated future land and water uses as described in a conceptual site model;

(ii) the data quality objectives for the ecological risk assessment shall be based on the conceptual site model, with emphasis on analytical detection limits appropriate for ecological receptors;

(iii) an exposure analysis to include identification and selection of constituents of potential ecological concern, identification and selection of target or representative ecological receptors, an exposure pathway model relating target or representative receptors, exposure routes and measurement endpoints for both current and reasonably anticipated future land and water use scenarios;

(iv) an ecological response analysis including a summary of current information regarding the toxicological effects, ecological effects, bioconcentration potential, bioaccumulation potential, biomagnification potential, persistence of the identified constituents of potential ecological concern and ecological benchmark values;

(v) a risk characterization presenting the quantitative ecological risks potentially associated with the site, a discussion of any available site-specific ecological studies, a detailed discussion of risks associated with the bioconcentration potential, bioaccumulation potential, biomagnification potential, and persistence of each contaminant, and consideration of any other available, published and peer reviewed scientific information on other sources of adverse ecological conditions as appropriate;

(vi) an evaluation of the potential for significant adverse effects on the health or viability of individual ecological receptors or local populations, including a weight-of-evidence analysis or population viability analysis. These evaluations may include field studies, laboratory investigations, appropriate population models, or any combination of these or other methods of evaluation as approved by the director; and

(vii) a quantitative and qualitative uncertainty analysis as appropriate for each element of the risk assessment.

(5) Ecological risk assessment estimates shall be conducted:

(i) at the individual level for species present in the locality of the site if the species is listed as threatened or endangered, or is a state sensitive species; and

(ii) at the population level for any other species of plants or animals in the locality of the site.

(6) Cumulative hazard from multiple hazardous substances shall be assessed by summing the hazards posed separately by individual hazardous substances in the locality of the site, unless it is demonstrated that the summation assumption is not appropriate.

(7) Ecological risk assessment shall be conducted in accordance with the following:

(i) "Framework for Ecological Risk Assessment," EPA/630/R-92/001, as incorporated by reference in Section R315-101-12;

(ii) "Ecological Risk Assessment Guidance for Superfund: Process for Designing and Conducting Ecological Risk Assessments Interim Final," EPA 540-R.97-006, OSWER 9285.7-25. PB97-963211, as incorporated by reference in Section R315-101-12;

(iii) "Guidelines for Ecological Risk Assessment," US EPA, as incorporated by reference in Section R315-101-12;

(iv) US EPA "Guidance for Developing Ecological Screening Levels," US EPA, as incorporated by reference in Section R315-101-12; and

(v) any other sources as approved by the director.

(8) Appropriate sources of exposure factor information and toxicological parameters may include the following:

(i) "Wildlife Exposure Factors Handbook," US EPA, as incorporated by reference in Section R315-101-12;

- (ii) "Toxicological Benchmarks for Wildlife," Oak Ridge National Laboratory (ORNL), as incorporated by reference in Section R315-101-12;
  - (iii) Los Alamos National Laboratory (LANL) ECORisk Database;
  - (iv) US EPA Ecological Soil Screening Levels;
  - (v) "Guidance for Developing Ecological Soil Screening Levels," US EPA, as incorporated by reference in Section R315-101-12;
- and

(vi) any other sources as approved by the director.

(9) In the absence of available and acceptable toxicity information, the director may require the development of site-specific toxicity information.

(10) An ecological risk assessment shall be conducted using a tiered evaluation approach as described in Subsections R315-101-5(j)(10)(i) through R315-101-5(j)(10)(x).

(i) A Tier 1 ecological screening risk assessment shall use conservative assumptions and shall include:

- (A) a conceptual site model;
- (B) an evaluation of fate and transport mechanisms;
- (C) an identification of constituents of potential ecological concern;
- (D) a characterization of the ecological setting; and
- (E) a selection of toxicity endpoints and receptors of ecological significance.

(ii) Tier 1 ecological screening risk assessment - exposure pathways:

(A) each ecological receptor is considered to be exposed to constituents of potential ecological concern in soil in the zero to two feet below ground surface interval. In addition, burrowing animals and deep-rooted plants may be considered to be exposed to constituents of potential ecological concern in soils deeper than two feet; and

(B) exposure pathways may include ingestion, direct contact, exposure through uptake of biota exposed to constituents of potential ecological concern, and plant uptake of constituents of potential ecological concern.

(iii) The exposure assessment for the Tier 1 ecological screening risk assessment shall be conducted by assuming:

- (A) the maximum detected concentrations as the exposure point concentration for calculating exposure doses;
- (B) the area use factor is equal to one indicating that the home range of the receptor is the entire contaminated area;
- (C) the bioavailability of contaminants is equal to 100%;
- (D) the maximum reported ingestion rate from literature;
- (E) the dietary composition consists of direct ingestion of 100% of the constituents of potential ecological concern levels in soil;
- (F) each calculation is performed on a dry-weight basis; and
- (G) minimum receptor body weight.

(iv) The toxicity assessment for the Tier 1 ecological screening risk assessment shall be conducted by assuming:

(A) for wildlife, the dose-based toxicity reference values, which are receptor, media, and chemical specific, shall be the applicable protective standards available in peer reviewed literature sources;

(B) the toxicity reference values selected shall be those based on no observed adverse effects levels for evaluation;

(C) the responsible party may use a literature search to determine availability of data for derivation of a toxicity reference value if detected constituents of potential ecological concern have no published toxicity reference values, and shall provide the following:

(I) the responsible party shall provide supporting data to the director for approval of the newly derived toxicity reference value; and

(II) if the responsible party cannot derive a toxicity reference value based on literature, the detected constituents of potential ecological concern shall be addressed qualitatively in the uncertainty analysis of the ecological risk assessment report;

(D) for plants and other invertebrate receptors, such as soil organisms, benthic organisms and aquatic organisms, concentration-based effects benchmarks shall be used:

(I) concentration levels identified in peer reviewed literature sources shall be used as measurement endpoints for evaluation of chemical effects on receptors;

(E) the effects concentration levels shall be the no observed effects concentrations; and

(F) the responsible party may use a literature search to determine availability of data for derivation of effects concentration levels if detected constituents of potential ecological concern have no published effects concentration levels:

(I) the responsible party shall provide supporting data to the director for approval of the newly derived effects concentration levels;

and

(II) if the responsible party cannot derive effects concentration levels based on literature, the detected constituents of potential ecological concern shall be addressed qualitatively in the uncertainty analysis of the ecological risk assessment report.

(v) The risk characterization of the Tier 1 ecological screening risk assessment.

(A) For plants and other invertebrate receptors, a screening hazard quotient, shall be calculated as the maximum detected exposure concentration of constituents of potential ecological concern divided by the no observed effects concentration.

(B) For wildlife, a screening hazard quotient shall be calculated as the estimated exposure dose or contaminant intake divided by the no observed adverse effects level-based toxicity reference value.

(C) Tier 1 screening results.

(I) If the calculated screening hazard quotient or hazard index is less than or equal to one, no further evaluation is required.

(II) If the calculated screening hazard quotient or hazard index is greater than one, then there may be the potential for adverse ecological risk from the detected constituents of potential ecological concern at the site. The responsible party shall either conduct corrective action or conduct further evaluation in a Tier 2 refined ecological risk assessment.

(vi) A Tier 2 refined ecological risk assessment shall:

## NOTICES OF PROPOSED RULES

(A) use constituents of potential ecological concern with screening hazard quotients or hazard indices greater than one for a refined problem formulation; and

(B) use site-specific exposure assumptions in Subsections R315-101-5(j)(10)(ii) and R315-101-5(j)(10)(iii) for the refined evaluation.

(vii) The exposure assessment in the Tier 2 refined ecological risk assessment shall include exposure dose calculated utilizing site-specific exposure assumptions as follows:

(A) exposure point concentration:

(I) calculate exposure point concentration as the 95% upper confidence limit if sufficient data are available in accordance with US EPA ProUCL software; and

(II) if sufficient data are not available to calculate the 95% upper confidence limit, an alternate value, as approved by the director, shall be used as the exposure point concentration;

(B) estimate the site-specific area use factor for each representative receptor by dividing the receptor's average home range by the area of contamination or area of the solid waste management units:

(I) this estimate shall have a value between zero and one;

(C) the bioavailability of constituents of potential ecological concern shall be assumed to be other than 100% based on available literature or other sources as approved by the director;

(D) the ingestion rate for each representative receptor shall be assumed to be the average reported ingestion rate in reported literature or estimated from average body weight using allometric equations;

(E) the dietary composition shall be based on receptor specific percentages of plant, animal, and soil matter:

(i) the non-dietary ingestion of soil shall be assumed to be in addition to the dietary intake rate to add up to 100%, soil and dietary items;

(F) the concentrations of constituents of potential ecological concern in receptor dietary elements, plant and animal matter, shall be predicted by using bio uptake and bioaccumulation models;

(G) each calculation shall be performed on a dry-weight basis;

(H) if a bioaccumulation model is not available, 100% uptake factor shall be assumed;

(I) each equation and variables used to estimate constituents of potential ecological concern in plants shall be listed;

(J) the methodologies for determination of bioaccumulation factors for the constituents of potential ecological concern shall be documented; and

(K) exposure doses for wildlife receptors shall be assessed using bio uptake and bioaccumulation modeling to predict the concentration of constituents of potential ecological concern in animal matter that may be ingested by wildlife receptors.

(viii) The toxicity assessment for a Tier 2 refined ecological risk assessment shall be based on:

(A) the lowest observed adverse effects levels for wildlife receptors and lowest observed effects concentrations for plants and invertebrate receptors; and

(B) the toxicity reference values shall be based on the lowest observed adverse effects levels for each wildlife receptor and shall be based on lowest observed effects concentrations for any other receptors including invertebrates, with the exception of endangered, threatened and sensitive species for which a no observed adverse effects level applies.

(ix) The risk characterization of the Tier 2 refined ecological risk assessment.

(A) For wildlife vertebrate receptors, a hazard quotient shall be calculated as the ratio of the estimated receptor-specific contaminant intake or dose to the lowest observed adverse effects level-based toxicity reference value.

(B) For plants and other invertebrate receptors, a qualitative discussion of the potential for adverse effects shall be provided in the assessment. The assessment shall be based on plant hazard quotients or hazard indices as well as site observations that were made during a habitat survey.

(C) Hazard quotients shall be summed for the constituents of potential ecological concern with similar receptor-specific modes of toxicity.

(D) Tier 2 assessment results.

(I) If the hazard quotient or the hazard index is less than or equal to one, adverse ecological effects are not expected and no further action is needed.

(II) If the hazard index is greater than one, there is potential for adverse ecological effects to occur at the site and the responsible party shall either conduct corrective action or conduct further evaluation in a Tier 3 refined ecological risk assessment as outlined in Subsection R315-101-5(j)(10)(x).

(x) A Tier 3 refined ecological risk assessment shall be conducted based on:

(A) a site-specific ecological evaluation;

(B) uptake factors, bioaccumulation factors, bioavailability factors, and plant uptake factors determined from the analysis of animal and plant tissue collected at the site;

(C) the evaluation of unique exposure pathways and effects of exposure to various life stages or other assessment endpoints as determined by the director;

(D) the evaluation of habitat suitability including habitat quality; and

(E) the calculation of refined hazard quotients and hazard indices for the constituents of potential ecological concern shall take into account information from Subsections R315-101-5(j)(10)(i) through R315-101-5(j)(10)(x).

(xi) Tier 3 refined ecological risk assessment results and possible outcomes.

(A) If the Tier 3 refined evaluation results in a hazard index greater than one, the responsible party, shall, in conjunction with the results of a Tier 2 refined evaluation, use several lines of evidence and a weight-of-evidence approach to facilitate a final determination regarding the need for corrective action.

(B) Site remediation shall be required if unacceptable or potential significant adverse ecological effects are documented by the risk assessment results.

(C) The director has the discretion to require corrective action at the site based on data and ecological significance as reported.

(11) Results presentation.

An ecological risk assessment report shall be prepared and submitted to the director in accordance with the requirements in Subsection R315-101-5(h).

**R315-101-6. Corrective Action.**

(a) Corrective action is required at a site when:

(1) the level of risk present at the site is greater than  $1 \times 10^{-4}$  for carcinogens or a hazard index greater than one for non-carcinogens for the risk assessment conducted assuming the land use exposure scenario defined in Subsection R315-101-5(g)(1) or R315-101-5(g)(2);

(2) the director determines that ecological effects are significant based on the approved assessment conducted in accordance with Subsection R315-101-5(j); or

(3)(i) groundwater contamination is exceeded, on-site or off-site, in accordance with Subsection R315-101-4(f)(15) or groundwater contaminant concentrations have been shown to be above a corrective action level using a statistical corrective action test in accordance with "Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities" US EPA Unified Guidance, as incorporated by reference in Section R315-101-12, or the "Groundwater Statistics and Monitoring Compliance Guidance Document," Interstate Technology Regulatory Council (ITRC), as incorporated by reference in Section R315-101-12; or

(ii) residual contamination present at the site poses a potential threat to groundwater in accordance with Subsection R315-101-5(f)(8) and "Supplemental Guidance for Developing Soil Screening Levels for Superfund Sites," US EPA, as incorporated by reference in Section R315-101-12, and "Soil Screening Guidance Technical Background Document," US EPA, as incorporated by reference in Section R315-101-12.

(b) The responsible party shall submit a corrective action work plan that includes the responsible party's proposed remedial option for cleanup of the site for review and approval before implementation of the corrective action activities at the site. Determination of appropriate corrective action measures shall be made in accordance with criteria identified in Subsection R315-101-1(c). Any proposed modifications to the approved plan shall be reviewed and approved by the director before implementation of the proposed modification.

(c) Any corrective action levels proposed shall be protective of the complete exposure pathways or potentially complete exposure pathways for all receptors.

(d) The responsible party shall submit a corrective action report after completion of corrective action activities at the site to the director for review and approval.

(e) The corrective action report shall include a request for a corrective action completeness determination from the director.

**R315-101-7. Risk Management: Site Management Plan and Closure Equivalency.**

(a) A determination of no further action or corrective action complete without controls or unrestricted land use or risk-based clean closure and no site management shall be approved when:

(1) the level of risk present at the site is less than or equal to  $1 \times 10^{-6}$  as the point of departure for carcinogens and the hazard index is less than or equal to one for non-carcinogens based on the approved risk assessment conducted assuming the land use exposure scenario defined in Subsection R315-101-5(g)(1);

(2) the director determines that ecological effects as the site are insignificant based on the approved assessment conducted in accordance with Subsection R315-101-5(j); and

(3) current impacts to groundwater are insignificant in accordance with Subsection R315-101-4(f)(15) and residual contamination present at the site possess no future threat to groundwater in accordance with Subsection R315-101-5(f)(8) and "Soil Screening Guidance Technical Background Document," US EPA, as incorporated by reference in Section R315-101-12, or groundwater contaminant concentrations have been shown to be below a corrective action level using statistical corrective action test in accordance with "Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities," US EPA Unified Guidance, as incorporated by reference in Section R315-101-12 or the "Groundwater Statistics and Monitoring Compliance Guidance Document," Interstate Technology Regulatory Council (ITRC) as incorporated by reference in Section R315-101-12, as applicable.

(b) ~~The director may make a [A-]determination of either corrective action complete with controls or restricted land use[~~, along with a site management plan shall be approved~~] when:~~

(1) the level of risk present as the site is greater than  $1 \times 10^{-6}$  but less than  $1 \times 10^{-4}$  for carcinogens and the hazard index is less than or equal to one for non-carcinogens based on the approved risk assessment conducted assuming the land use exposure scenario defined in Subsection R315-101-5(g)(1) or R315-101-5(g)(2); and

(2) clean closure is not supported by conclusions of either the site investigation or corrective action risk assessment.

(c) In making a determination of either corrective action complete with controls or restricted land use under Subsection R315-101-7(b), the director has the discretion to require a site management plan. If the director requires a site management plan, [The]the site management plan shall:

(1) be submitted within 60 days of approval of the risk assessment report and include a schedule for implementation;

(2) be supported by the findings in the approved risk assessment report and contain appropriate site management activities;

NOTICES OF PROPOSED RULES

(3) encompass any activities, controls and conditions necessary to manage the risk to human health and the environment so that acceptable risk levels are not exceeded under current or reasonably anticipated future land use conditions;

(4) ensure that the assumptions made in the estimation of risk and applicable target risk levels are being met; and

(5) ensure that adverse ecological effects are controlled and managed so that documented hazard quotients and indices are less than or equal to one.

(d) Appropriate site management activities shall be measures and controls taken to manage and reduce risks greater than  $1 \times 10^{-6}$  but less than  $1 \times 10^{-4}$  under both current and reasonably anticipated future land use conditions, through land use controls, such as institutional controls and engineering controls, groundwater monitoring, post-closure care, or corrective action as determined by the director on a case-by-case basis as defined in Subsection R315-101-13(f).

(e) The site management plan shall be reviewed and approved by the director before implementation of the plan. Before approval, the site management plan shall be subject to the public notice requirements of Section R315-101-10.

(f)(1) If the director finds that the site management plan is not adequate for protection of human health and the environment, the responsible party shall resubmit a revised site management plan addressing the comments of the director within an appropriate time frame as specified by the director. The director shall review and approve or reject the revised site management plan. The responsible party shall resubmit the site management plan addressing the deficiencies in a time frame specified by the director.

(2) The site management plan shall be implemented in accordance with the approved schedule.

(g)(1) Upon completion of the requirements in Subsection R315-101-7(a), corrective action shall be considered complete without controls and the land is acceptable for unrestricted use.

(2) The requirements of Subsections R315-270-1(c)(5) and (6) shall be deemed met if Subsection R315-101-7(a) is met.

(h) The site management plan shall include a land use control plan that specifies allowable and prohibited use of the site.

(i) Land use controls shall guarantee that pathways of exposure to contaminants of concern remain incomplete for as long as there are hazardous wastes or hazardous waste constituents remaining that could pose an unacceptable risk to human health and the environment.

(j) Land use controls shall be reliable, enforceable, and consistent with the risk posed by the contaminants of concern as documented in the approved risk assessment report. Land use controls may include engineering controls such as capping, paving, vapor barriers, fencing, signage, site security, and institutional controls, such as post-closure care and land use restrictions, as determined on a case-by-case basis and approved by the director.

(k) In instances where contamination, including groundwater, has migrated off-site, and the director determines that the contaminant concentration poses a potential risk exceeding the acceptable risk level for residential land use exposure scenario defined in Subsection R315-101-5(g)(1), the responsible party shall:

(1) Submit a proposed written notice of contamination to the director for approval before its distribution to the off-site property owners affected or potentially affected by the contamination.

(i) The written notice shall at a minimum, include the following:

(A) names of the contaminants detected above applicable screening levels;

(B) the corresponding screening levels;

(C) the respective detected contaminant concentrations; and

(D) adverse effects on human health and the environment.

(2) Notify the off-site property owners, in writing, within 30 days of director approval of written notice.

(3) Provide the director with a certified mail return receipt, or any other form of delivery that provides confirmation of receipt.

(4) With the property owner's consent, and with the director's approval, conduct corrective action in accordance with Section R315-101-6 to reduce concentrations of constituents of concern on the property to or below residential land use exposure scenario defined in Subsection R315-101-5(g)(1) or R315-101-4(f)(15) as applicable, if it is determined by the director that the action is necessary for protection of human health and the environment, or that groundwater use is designated as a drinking water source or is potentially a drinking water source;

or

(5) If groundwater contamination has migrated off-site but Subsections R315-101-7(k)(1) through R315-101-7(k)(4) are not applicable, the responsible party shall inform the off-site property owner in writing of the contamination, as required by Subsection R315-101-7(k)(1), and with the property owner's consent, and with the director's approval, conduct corrective action in accordance with Section R315-101-6 to reduce concentrations of contaminants of concern on the off-site property to non-residential land use exposure levels consistent with the requirements of Subsection R315-101-5(g)(2) and the designated groundwater use, and develop a site management plan in accordance with Section R315-101-7. The responsible party shall prepare and obtain the director's approval for an environmental covenant concerning the property. The responsible party shall request the property owner to record the environmental covenant and document to the director its efforts to have the environmental covenant recorded.

(l) If the responsible party cannot gain access to further characterize the off-site property, or to assess and manage risks, or to conduct corrective action on the off-site property, the responsible party shall:

(1) document each attempt to gain access to the off-site property, and obtain concurrence from the director that the attempts made were reasonable and that no further attempts need to be made;

(2) meet the applicable target risk levels or some approved groundwater protection standards at the boundary of the site; and

(3) with a site management plan approved by the director, take the necessary actions to prevent further migration of contaminants of concern beyond the site boundary.

(m) For impacts to off-site groundwater, surface water bodies and sediments, and other media, the corrective action levels shall be protective of each receptor, human and ecological, for each current and potential future exposure pathway.

(n) The site management plan in Subsections R315-101-7(k)(5) and R315-101-7(l)(3) addressing off-site and site groundwater contamination respectively, shall include the activities and conditions necessary to address current and potential future impacts to groundwater. The proposed controls and measures shall be consistent with Section R315-101-3 and prevent further ground water degradation at the site or off-site property so that risks are controlled, reduced or maintained at levels within the acceptable risk range as defined in Subsection R315-101-13(c).

(o) Once the site management plan as specified in Subsection R315-101-7(b), R315-101-7(k)(5) or R315-101-7(l)(3) as applicable has been approved by the director, the contamination level shall not be allowed to exceed the level of risk specified in the plan. The responsible party has the burden to demonstrate that future levels of contamination at either the site or off-site property or both are either below or within the range of risk levels specified in the site management plan.

(p) If the responsible party cannot demonstrate that the level of contamination at either the site or off-site property or both is either below or within the range of risk levels specified in the site management plan, then further corrective action may be required as determined by the director to bring the risk levels to within the acceptable risk range as specified in the site management plan. A revised site management plan may be required by the director.

(q) In instances where contaminated groundwater has been determined by the director as having no complete exposure pathways and there is no migration of the contaminated plume off-site, or when the director has approved a claim of technical impracticability for corrective action, then, instead of meeting specific cleanup levels, the acceptable management goals and remedy, shall be the following:

- (1) source control of releases of contaminants that may pose a threat to human health and the environment;
- (2) protection of human health and the environment from any potential exposure pathways to contaminated groundwater;
- (3) long-term plume containment system for protection of human health and the environment;
- (4) perpetual care obligation of the responsible party;
- (5) periodic groundwater monitoring, unless terminated by the director after an evaluation of the site-specific conditions and risk characteristics, to demonstrate that contaminant levels are not increasing and the groundwater plume is stationary; and
- (6) periodic re-evaluation of the technical impracticability decision as part of routine performance monitoring to ensure long-term protection of human health and the environment.

**R315-101-8. Contents of a Site Management Plan, Land Use Controls, Environmental Covenants, Restrictions, Controls and Conditions.**

(a) ~~If a site management plan is required, [The content of the site management plan. The] the site management plan [to be approved by the director]~~ shall contain at a minimum:

- (1) a legal description of the site including a legal plat map, a copy of the recorded deed showing ownership, and documents showing all liens;
- (2) a summary of the media investigations conducted at the site including the characterization, delineation and listing of identified constituents of potential concern and contaminants of concern;
- (3) a summary of the completed human health risk assessment and ecological risk assessment performed in accordance with Section R315-101-5;
- (4) an implementation schedule of the site management plan within the site;
- (5) a description of the groundwater conditions under the site and within the impacted aquifer, as defined in a site characterization report and including activity and use limitations for potable, culinary, domestic, process, irrigation or any other groundwater uses;
- (6) a complete list of the persons or entities that have rights of reasonable access to the site at any time after the effective date of the site management plan for activities such as monitoring and compliance with the site management plan, along with any other terms and conditions of the site management plan;
  - (i) the site management plan shall also indicate that persons with legal interest in land and those subject to the site management plan are required to allow compliance with the site management plan;
  - (7) provisions that the director, and the director's authorized officers, employees, or representatives may at any reasonable time and upon presentation of appropriate credentials, have access to the site to monitor, sample or determine compliance with the site management plan or environmental covenant;
  - (8) a list of the contact names and information for site management plan inquiries; and
  - (9) a general description of any site-specific groundwater monitoring including:
    - (i) a general overview of the proposal;
    - (ii) a summary of site groundwater conditions; and
    - (iii) the current and potential uses of groundwater and the contaminants of concern.

(b) Activities related to monitoring potential contamination of the groundwater at the site shall be conducted under an approved groundwater monitoring plan. The responsible party shall submit a draft plan to the director and shall not proceed with any portion of the plan until the director has given written approval.

(1) Based on the results of the groundwater monitoring, the potential need for additional site management activities shall be evaluated and implemented, if necessary, to protect human health and the environment. Groundwater monitoring shall be the responsibility of the property owner and its assignees.

(c) If an existing groundwater monitoring well is lost, abandoned, destroyed, or needs to be relocated for development purpose, the owner shall replace the wells in an area that provides the groundwater data required by the site management plan. Any proposal to replace groundwater monitoring wells requires review and approval by the director. If drinking water wells are proposed, the responsible party shall provide prior notice to the director after obtaining either any necessary permits approval or both for the installation of the proposed drinking water wells by the appropriate state, local or other regulatory agencies.

NOTICES OF PROPOSED RULES

(d) Site management plan modification and termination. The site management plan shall be subject to review and may be terminated or modified as follows.

(1) If groundwater sampling data within the site or off-site property indicates that approved groundwater corrective action levels found in Subsections R315-101-4(f)(15), R315-101-6(a)(3)(i), and R315-101-7(k)(4), as applicable, have been met for the site or impacted off-site property, the responsible party may request modification or termination of the groundwater monitoring program, as follows:

(i) groundwater data shall be evaluated using a statistical corrective action test in accordance with the "Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance," US EPA, or the "Groundwater Statistics and Monitoring Compliance Guidance Document," Interstate Technology Regulatory Council (ITRC), as incorporated by reference in Section R315-101-12;

(ii) a demonstration that future levels of contamination will not exceed the approved groundwater corrective action levels; and

(iii) land use controls, either engineering or institutional or both, shall be relied upon to ensure protection of human health and the environment if the approved corrective action levels are more than the drinking water standards, maximum contaminant levels.

(2) If soil sampling data, including soil vapor, within the site or off-site indicate corrective action levels as found in Section R315-101-6 have been met for the soil portion of the site, the owner may request a modification or termination of the section of the site management plan addressing soil management at the site or at an impacted off-site property.

(3) If the owner or responsible party satisfies Subsections R315-101-8(d)(1) and R315-101-8(d)(2) and, in addition, meets the requirements defined in Subsection R315-101-7(a), the owner may request a corrective action complete without controls determination or a no further action determination.

(4) If Subsection R315-101-8(d)(3) is satisfied, a request for termination of the site management plan and the environmental covenant may be submitted to the director for approval.

(5) The director may require public comment on any modifications or termination of the approved site management plan and environmental covenant in accordance with Section R315-101-10.

(6) The director may require a re-evaluation of the approved risk assessment, the site management plan and the environmental covenant upon receipt of new information or data that brings into question the protectiveness of the existing site management plan.

(e) Land use controls.

(1) The site management plan shall identify land use limitations for the site, such as residential, industrial, commercial, recreational, agricultural or any other comparable use with a similar level of human occupancy and exposure. The site management plan shall also identify the land use controls to be placed upon the site. Any subsequent plans for development of the site shall demonstrate to the director that the level of risk present for the proposed use shall not exceed the applicable risk levels specified in the site management plan.

(2) The site management plan shall contain as many land use controls, institutional and engineering, as is deemed necessary to protect human health and the environment. Controls may include maintaining pavement, capping, soil excavation restrictions, and groundwater use limitations. Each control shall be approved by the director.

(3) The proposed land use controls shall be developed and included in the site management plan.

(4) Land use controls shall be used at any site where cumulative carcinogenic risk exceeds a level of  $1 \times 10^{-6}$  but is less than  $1 \times 10^{-4}$  after cleanup or as indicated by the approved risk assessment report.

(5) Land use controls shall ensure that pathways of exposure to contaminants of concern remain incomplete for as long as there are contaminants of concern remaining that could pose an unacceptable risk to human health or the environment.

(6) Land use controls shall be enforceable pursuant to Section 57-25-111 and consistent with the risks posed by the contaminants of concern reported in the approved risk assessment report. The responsible party, or a subsequent landowner who assumes the responsibility of maintaining land use controls, shall be responsible for reimbursing the agency for any costs associated with periodic administrative oversight to ensure that land use controls are maintained and are in compliance with the site management plan. Costs shall not exceed the authorized statutory rate for technical oversight by the agency at the time of service.

(f) An environmental covenant. An environmental covenant pursuant to Sections 57-25-101 through 57-25-114 shall be required for each site unless it has been documented that any contaminants of interest at the site are at or below background levels or the following requirements have been met:

(1) the level of risk is less than or equal to  $1 \times 10^{-6}$  for carcinogens and the hazard index is less than or equal to one for non-carcinogens pursuant to the risk assessment conducted assuming the land use exposure scenario defined in Subsection R315-101-5(g)(1);

(2) the ecological effects have been determined to be insignificant; and

(3) there are no current or potential future impacts to groundwater.

(g) The content of the environmental covenant. The environmental covenant shall contain at a minimum:

(1) a brief narrative description of the contamination and remedy;

(2) a list of the constituents of potential concern and contaminants of concern;

(3) a list of the exposure pathways;

(4) the limits of exposure;

(5) the locations and extent of the contamination;

(6) a brief narrative description of land use limitations for the site;

(7) any groundwater use limitations;

(8) any ground surface use limitations; and

(9) any worker safety limitations.

(h) If a site management plan is required, and [For] for all legal interests in the subject property created after the recording of the environmental covenant and for all interests voluntarily subordinated to the environmental covenant, the environmental covenant shall indicate that persons with legal interest in land and those subject to the site management plan are required to maintain compliance with the site management plan.

(i) The environmental covenant shall include provisions that the director, and the director's authorized officers, employees, or representatives may at any reasonable time and upon presentation of appropriate credentials, have access to the site to monitor, sample or determine compliance with the site management plan or the environmental covenant.

(j) The terms and conditions of the land use controls established on the property shall be consistent with the environmental covenant recorded for the site.

(k) Within 30 days of the director signing the environmental covenant, the owner shall record the approved environmental covenant with the county recorder's office, and within 30 days of recording shall submit a copy of the recorded document to the director.

(l) Restrictions, controls and conditions. Restrictions, controls and conditions specified in the environmental covenant and the site management plan shall be enforceable by the director under Section 57-25-111 and Rule R315-101.

**R315-101-9. Owner Responsibilities.**

(a) The owner or responsible party shall ensure compliance with the environmental covenant and the land use restrictions such as groundwater use restrictions, soil removal restrictions, hazard notifications, implementation of the groundwater monitoring program, and any other restrictions or conditions cited in the environmental covenant, site management plan, or both. Documentation of compliance with the site management plan requirements shall be submitted to the director upon request.

(b) The owner or responsible party shall notify present and future workers at the site, including site workers and construction workers, of the residual risk at the site and the existence of controls outlined in the environmental covenant or the site management plan. ~~[This includes site workers present for a typical work week and construction workers who may be temporary. If the site management plan specifies controls to prevent workers from exposure, the]~~The owner or responsible party shall be responsible for implementing[provide] those controls, including any controls to prevent workers from exposure.

(c) Within 48 hours of becoming aware of a deviation from the land use controls and restrictions,[site management plan] the owner or responsible party shall notify the director of the deviation. The owner or responsible party shall submit to the director a written report within 30 days detailing the nature of the deviation and an evaluation of whether the situation and existing site management practices compromise the level of protection afforded by the environmental covenant or the[original] site management plan requirements and whether an alternate site management plan is needed to provide a comparable level of protection. Any proposed modification to the site management plan requirements shall require director approval.

(d) The environmental covenant shall run with the land and shall be binding on the current and all subsequent owners. If a site management plan is required, the[The] site management plan requirements shall be imposed and enforced on the current owner through an environmental covenant. Additionally, after the environmental covenant is recorded in the appropriate county recorder's office, each deed, title, or other instrument conveying an interest in the property executed by the owner or the owner's successors in title to the property shall include a notice stating that the property is subject to the [site management plan and] environmental covenant, and shall reference the recorded location of the [site management plan and] environmental covenant and the restrictions applicable to the property,[-in the site management plan.]

(e) In instances where groundwater contamination has migrated off-site, and the director determines that the contaminant concentration poses a potential risk, the responsible party shall notify the impacted off-site property owners in accordance with Subsections R315-101-7(k) and R315-101-7(l).

(f) The responsible party, with the approval of the director, shall comply with Subsection R315-101-7(k)(4), R315-101-7(k)(5) or R315-101-7(l) as applicable.

**R315-101-10. Public Participation.**

(a) The director may provide for public participation in each phase of the cleanup action process, as defined in Sections R315-101-4 through R315-101-7.

(b) Before approving the site management plan, the director shall provide public notice for public comment periods and public hearings for the site management plan in accordance with Sections R315-124-10 through R315-124-12 and R315-124-17.

**R315-101-11. Administrative Oversight.**

(a) The director or the director's representatives shall have access to the site as described in Section R315-260-5 and at any time when activity pursuant to Rule R315-101 is taking place. The director or the director's representatives may collect environmental samples or document any visit to the site by photographic, or videographic or some other reasonable means.

(b) The director shall send an invoice to the responsible party for review of plans, reports or other technical documents submitted, contractor costs, laboratory costs and time spent on correspondence, telephone calls, meetings, field work, and any associated activities to meet the requirements of Rule R315-101.

(c) The owner shall pay any invoices it receives from the director in accordance with the instructions on the invoice.

(d) The responsible party shall notify the director at least seven days before any field work such as a sampling event or remediation activity.

(e) Information submitted to the director shall be signed by the responsible party.

**R315-101-12. Documents Incorporated by Reference.**

For purposes of Rule R315-101 regarding cleanup action and Risk-Based Closure Standards, the following documents are incorporated by reference.

(a) Interstate Technology Regulatory Council (ITRC), December 2013, "Groundwater Statistics and Monitoring Compliance" Guidance Document.

(b) Los Alamos National Laboratory (LANL), 2011, "ECORisk Database."

## NOTICES OF PROPOSED RULES

- (c) Oakridge National Laboratory (ORNL), 1996, "Toxicological Benchmarks for Wildlife: 1996 Revision." ES/ER/TM-86/R3.
- (d) Oakridge National Laboratory (ORNL), May 1998, "A Guide to the ORNL Ecotoxicological Screening Benchmarks: Background, Development, and Application," ORNL/TM-13615.
- (e) United States Environmental Protection Agency (US EPA), 1986, "Guidelines for the Health Risk Assessment of Chemical Mixtures," Risk Assessment Forum, EPA/630/R-98/002.
- (f) United States Environmental Protection Agency (US EPA), 1989, "Risk Assessment Guidance for Super Fund Volume 1: Human Health Evaluation Manual (Part A)", Office of Emergency and Remedial Response EPA/504/1-89/002, Interim Final.
- (g) United States Environmental Protection Agency (US EPA), March 25, 1991, "Risk Assessment Guidance for Super Fund Volume 1: Human Health Evaluation Manual Supplemental Guidance Standard Default Exposure Factors." Interim Final. OSWER Directive 9285.6-03.
- (h) United States Environmental Protection Agency (US EPA), December 1991, "Risk Assessment Guidance for Super Fund Volume 1: Human Health Evaluation Manual (Part B, Development of Risk-based Preliminary Remediation Goals)," Office of Emergency and Remedial Response EPA/504/1-89/003, Interim Final.
- (i) United States Environmental Protection Agency (US EPA), December 1993, "Wildlife Exposure Factors Handbook, Volume I of II," EPA/600/R-93/187.
- (j) United States Environmental Protection Agency (US EPA), May 1992, "Supplemental Guidance to RAGS: Calculating the Concentration Term," Office of Solid Waste and Emergency Response, Washington, D.C. OSWER Directive 9285.7-081.
- (k) United States Environmental Protection Agency (US EPA), February 1992, "Framework for Ecological Risk Assessment," EPA/630/R-92/001.
- (l) United States Environmental Protection Agency (US EPA), December 1993, "Wildlife Exposure Factors Handbook, Appendix: Literature Review Database, Volume II of II" EPA/600/R-93/187.
- (m) United States Environmental Protection Agency (US EPA), May 1996, "Soil Screening Guidance Technical Background Document," EPA/540/R95/128.
- (n) United States Environmental Protection Agency (US EPA), June 1997, "Ecological Risk Assessment Guidance for Superfund: Process for Designing and Conducting Ecological Risk Assessments," Interim Final, EPA 540-R.97-006, OSWER 9285.7-25, PB97-963211.
- (o) United States Environmental Protection Agency (US EPA), April 1998, "Guidelines for Ecological Risk Assessment."
- (p) United States Environmental Protection Agency (US EPA), August 2000, "Supplementary Guidance for Conducting Health Risk Assessment of Chemical Mixtures," EPA/630/R-00/002, August Risk Assessment Forum Technical Panel.
- (q) United States Environmental Protection Agency (US EPA), December 2001, "Risk Assessment Guidance for Superfund: Volume 1 Human Health Evaluation Manual (Part D, Standardized Planning, Reporting, and Review of Superfund Risk Assessments)," Final, OSWER 9285.7-47.
- (r) United States Environmental Protection Agency (US EPA), March 2001, "EPA Requirements for Quality Management Plans," EPA QA/R-2, EPA/240/B-01/002.
- (s) United States Environmental Protection Agency (US EPA), December 2001, "Risk Assessment Guidance for Superfund: Volume III - Part A, Process for Conducting Probabilistic Risk Assessment," EPA 540-0R-02-002 OSWER 9285.7-45 PB 2002 963302.
- (t) United States Environmental Protection Agency (US EPA), December 2002, "Supplemental Guidance for Developing Soil Screening Levels for Superfund Sites," OSWER 9355.4-24.
- (u) United States Environmental Protection Agency (US EPA), December 2002, "Guidance for Quality Assurance Project Plans," EPA QA/G-5, EPA/240/R-02/009, OSWER 2002.
- (v) United States Environmental Protection Agency (US EPA), December 2002(a), "Calculating Upper Confidence Limits for Exposure Point Concentrations at Hazardous Waste Sites."
- (w) United States Environmental Protection Agency (US EPA), February 2005, "Guidance for Developing Ecological Soil Screening Levels," Office of Solid Waste and Emergency Response OSWER Directive 9285.7-55.
- (x) United States Environmental Protection Agency (US EPA), December 2003, "Human Health Toxicity Values in Superfund Risk Assessment," Office of Solid Waste and Emergency Response, OSWER Directive 9285.7-53.
- (y) United States Environmental Protection Agency (US EPA), February 2004, "User's Guide for Evaluating Subsurface Vapor Intrusion into Buildings."
- (z) United States Environmental Protection Agency (US EPA), July 2004, "Risk Assessment Guidance for Superfund Volume 1: Human Health Evaluation Manual (Part E, Supplemental Guidance for Dermal Risk Assessment)," EPA/540/R/99/005, Final.
- (aa) United States Environmental Protection Agency (US EPA), March 2005(b), "Guidelines for Carcinogen Risk Assessment," EPA/630/P-03/001F.
- (bb) United States Environmental Protection Agency (US EPA), March 2005(c), "Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens," EPA/630/R-03/003F.
- (cc) United States Environmental Protection Agency (US EPA), February 2006, "Guidance on Systematic Planning Using the Data Quality Objectives Process," EPA/240/B-06/001.
- (dd) United States Environmental Protection Agency (US EPA), January 2009, "Risk Assessment Guidance for Superfund Volume 1: Human Health Evaluation Manual (Part F, Supplemental Guidance for Inhalation Risk Assessment)," EPA/540/R/070/002, OSWER 9285.7-82.
- (ee) United States Environmental Protection Agency (US EPA), March 2009, "Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance," Final, EPA 530/R-09-007.

(ff) United States Environmental Protection Agency (US EPA), December 1991, "Risk Assessment Guidance for Super Fund Volume 1: Human Health Evaluation Manual (Part C, Risk Evaluation of Remedial Alternatives)," Office of Emergency and Remedial Response EPA/540/R-92/004, Interim.

(gg) United States Environmental Protection Agency (US EPA), September 2011, "Exposure Factors Handbook: 2011 Edition," Office of Research and Development, EPA/600/R-090/052F.

(hh) United States Environmental Protection Agency (US EPA), February 2012, "Superfund Vapor Intrusion FAQs."

(ii) United States Environmental Protection Agency (US EPA), October 2015, "ProUCL Version 5.1 Technical Guide Statistical Software for Environmental Applications for Data Sets with and without Nondetect Observations," EPA/600/R-07/041.

(jj) United States Environmental Protection Agency (US EPA), February 2014, "Human Health Evaluation Manual, Supplemental Guidance: Update of Standard Default Exposure Factors," OSWER Directive 9200.1-20.

(kk) United States Environmental Protection Agency (US EPA), May 2014, "Vapor Intrusion Screening Level (VISL) Calculator User's Guide."

(ll) United States Environmental Protection Agency (US EPA), June 2015, "OSWER Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air," OSWER 9200.2-154.

(mm) United States Environmental Protection Agency (US EPA), June 2015, "Technical Guide for Addressing Petroleum Vapor Intrusion at Leaking Underground Storage Tank Sites."

(nn) United States Environmental Protection Agency (US EPA), March 2005, "Update of Ecological Soil Screening Level (Eco-SSL) Guidance and Contaminant Specific Documents."

(oo) United States Environmental Protection Agency (US EPA), September 1986, "Guidelines for Mutagenicity Risk Assessment", EPA/630/R-98/003.

(pp) United States Environmental Protection Agency (US EPA), September 1995, "Establishing Background Levels," OSWER Directive 9285.7-19FS, EPA/540/F-94/030.

### **R315-101-13. Definitions.**

Terms used in Rule R315-101 regarding cleanup action and Risk-Based Closure Standards are defined as follows:

(a) "95% Upper Confidence Limit or 95% UCL" means an estimate of the arithmetic average concentration for a contaminant and it provides reasonable confidence that the true site average will not be underestimated.

(b) "95% Upper Tolerance Limit or 95% UTL" means a value not to be exceeded of possible background concentration values and so provides a reasonable upper limit on what is likely to be observed in the background with 95% confidence.

(c) "Acceptable Risk Range" means cancer risk greater than or equal to  $1 \times 10^{-6}$  but less than or equal to  $1 \times 10^{-4}$  or a hazard index less than or equal to one with justifiable, reasonable and practicable measures in place to reduce and control risk within the range.

(d) "Action Level" means the existence of a contaminant concentration in the environment that is high enough to warrant an action or trigger a response action under the National Oil and Hazardous Substances Contingency Plan.

(e) "Adverse Effect" means any effect that causes harm to the normal functioning of plants, animals, or humans due to exposure to any contaminants of concern.

(f) "Appropriate Site Management Activities" means measures that are reasonable and practical that will be taken to control and reduce risks greater than  $1 \times 10^{-6}$  and less than  $1 \times 10^{-4}$  for carcinogen and hazard index equal to or less than one for non-carcinogens under both current and reasonably anticipated future land use conditions, for example, institutional controls, engineering controls, groundwater monitoring, post-closure care, or corrective action and ensuring that assumptions made in the estimation of cancer risk and non-cancer hazard in the risk assessment report are not violated.

(g) "Area of Contamination" means a hazardous waste management unit or a solid waste management unit or an area where a release has occurred.

(h) "Assessment Endpoints" means an explicit expression of environmental value that is to be protected. It is the part of the ecosystem that should be protected at a superfund site and it is generally some characteristic of a species of plant or animal, for example, reproduction, growth, that may be described numerically.

(i) "Background" means substances or locations that are not influenced by releases from a site and are naturally occurring in the environment in forms that have not been influenced by human activity or are natural and human-made substances present in the environment as a result of anthropogenic activities and not related to the site.

(j) "The boundary" means the furthest extent where contamination from a defined source has migrated in any medium when the release is first identified.

(k) "Cancer Risk" means the probability that an individual will contract cancer after lifetime exposure to a carcinogen.

(l) "Cleanup" means the range of corrective action activities that occur in the context of addressing environmental contamination at RCRA sites to lower contaminant concentration or decrease chemical toxicity. Activities may include waste removal, contaminated media removal or source reduction, such as excavation or pumping, in-place treatment of waste or contaminated media, such as bioremediation, monitored natural attenuation, containment of waste or contaminated media, such as barrier walls, low permeability covers, liners or capping, or various combination of these approaches.

(m) "Concentration Term - 95% Upper Confidence Limit" means the intake variable and it is an estimate of the arithmetic average concentration for a contaminant based on a set of site sampling results. Because of the uncertainty associated with estimating the true average concentration at a site, the 95% Upper Confidence Limit of the arithmetic mean is used to represent this variable and provides reasonable confidence that the true site average will not be underestimated.

(n) "Complete Exposure Pathway" means how a contaminant may be traced or expected to travel from a source to a plant or animal that may be affected by that chemical and shall meet the following:

## NOTICES OF PROPOSED RULES

- (1) the presence of a source and transport;
- (2) exposure point or contact (receptor); and
- (3) exposure route. Otherwise exposure is incomplete.
- (o) "Conceptual Site Model" means a written, illustrative, or both, representation of a site that documents the physical, chemical and biological processes that control the transport, migration, actual or potential, or both impacts of contamination in soil, air, ground water, surface water, sediments, to human or ecological receptors, or both, exposure pathways, at a site or at a reasonably anticipated site under both current and potential future land use scenarios.
- (p) "Contaminate" means to make a medium polluted through the introduction of hazardous waste or hazardous constituents as identified in Section R315-261-1092, which incorporates by reference 40 CFR 261, Appendix VIII.
- (q) "Contaminants of Concern" means Constituents of Potential Concern that significantly contribute to a pathway in a land use scenario for a receptor that either exceeds a cumulative cancer risk of  $1 \times 10^{-4}$  or exceeds a non-cancer hazard index of one.
- (r) "Contaminants of Interest" means chemicals detected at the site during the site characterization process that may pose threat to human health or the environment.
- (s) "Constituents of Potential Concern" means constituents detected in a medium that are selected to be addressed in the risk assessment process because contact with humans may result in adverse effects.
- (t) "Constituents of Potential Ecological Concern" means any constituent that is shown to pose possible ecological risk at a site. It is generally a constituent that may or may not be causing risk or adverse effects to plants and animals at a site.
- (u) "Corrective Action" means the cleaning up of environmental problems caused by the mismanagement of wastes, or the cleanup process or program under RCRA and any activities related to the investigation, characterization, and cleanup of release of hazardous waste or hazardous constituents from solid waste management units or hazardous waste management units at a permitted or interim status treatment storage or disposal facilities or voluntary cleanup sites or brownfield sites.
- (v) "Corrective Action Complete With Controls" means a condition of a solid waste management unit, a hazardous waste management unit, an area of contamination or a contaminated site where site characterization or risk assessment indicate corrective action is required and completed and the results of the risk assessment meet the closure standards and requirements specified in Subsection R315-101-7(b), or a condition of a solid waste management unit, a hazardous waste management unit, area of contamination or a contaminated site where site characterization or risk assessment indicate corrective action is not required but also meets the closure standards and requirements specified in Subsection R315-101-7(b).
- (w) "Corrective Action Complete Without Controls" means a condition of a solid waste management unit, a hazardous waste management unit, area of contamination or a contaminated site where site characterization or risk assessment indicate corrective action is required and completed and the results of the risk assessment meet the closure standards and requirements equivalent to a no further action or meeting the requirements of Subsection R315-101-7(a) or a condition of a solid waste management unit, a hazardous waste management unit, area of contamination or a contaminated site when site characterization or risk assessment indicate corrective action is not required but also meets the closure standards and requirements equivalent to a no further action or meeting the requirements of Subsection R315-101-7(a).
- (x) "Corrective Action Level" means the concentration of a contaminant in a medium after cleanup of a site that is protective of human health and the environment.
- (y) "Data Quality Objectives" means qualitative and quantitative statements of the quality of data needed to support specific decisions or regulatory actions.
- (z) "Dilution Attenuation Factor" means the ratio of the contaminant concentration in soil leachate to the concentration in groundwater at the receptor point.
- (aa) "Environment" means the surroundings or conditions in which a person, animal, or plant lives or operates.
- (bb) "Exposure" means contact of an organism with a chemical or physical agent and it is the amount of the agent available at the exchange boundaries of the organism.
- (cc) "Exposure Pathway" means the course a chemical or physical agent takes from a source to an exposed organism.
- (dd) "Exposure Point Concentration" means either a statistical derivation of measured data or modeled data that represents an estimate of the chemical concentration available from a particular medium or route of exposure. The exposure point concentration value is used to quantify potential cancer risks and non-cancer hazards.
- (ee) "Groundwater Cleanup Levels" means site-specific groundwater chemical concentration levels based on groundwater use designation and exposure pathway established to ensure the protection of human health and the environment when defining groundwater cleanup objectives.
- (ff) "Groundwater Use" means the current or reasonably expected maximum beneficial use of groundwater that warrants the most stringent cleanup levels, including drinking or other uses.
- (gg) "Hazard Index" means the sum of hazard quotients.
- (hh) "Hazard Quotient" means the ratio of exposed dose to some reference dose or reference concentration.
- (ii) "Lowest Observed Adverse Effects Level or Lowest Observed Adverse Effects Concentration" means the lowest level of a chemical stressor evaluated in a toxicity test that shows harmful effects on a plant or animal. A Lowest Observed Adverse Effects Level is based on dose of a chemical ingested while Lowest Observed Adverse Effects Concentration refers to direct exposure to a chemical such as through the skin.
- (jj) "Maximum Contaminant Level" means the highest level of a contaminant that is allowed in drinking water and is set as close to the "Maximum Contaminant Level Goal" as feasible using the best available treatment technology and taking cost into consideration. Maximum Contaminant Levels are enforceable standards.
- (kk) "Maximum Contaminant Level Goal" means the level of a contaminant in drinking water below which there is no known or expected risk to health. Maximum Contaminant Level Goals allow for a margin of safety and are non-enforceable public health goals.

(ll) "Measures of Effects" means quantitative measurements of effects expressed as statistical or numerical assessment endpoint summaries of the observations that make up the measurement.

(mm) "Measurement End Point" means a measurable ecological characteristic that is related to the valued characteristic chosen as the assessment endpoint and it is a measure of biological effects such as death, reproduction, or growth, of a particular species.

(nn) "Natural Resources" means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other similar resources.

(oo) "No Further Action" means the state of a solid waste management unit, a hazardous waste management unit, or a contaminated site at closure meeting the requirements in Subsection R315-101-7(a) and it is equivalent to corrective action complete without controls if the site was under corrective action activities. No further action is equivalent to unrestricted land use.

(pp) "No Observed Adverse Effects Level or No Observed Adverse Effects Concentration" means the highest level of a chemical stressor in a toxicity test that did not cause a harmful effect in a plant or animal. A No Observed Adverse Effects Level refers to a dose of chemical that is ingested, while a No Observed Adverse Effects Concentration refers to direct exposure to a chemical such as through the skin.

(qq) "Point of Departure" means the target risk level that risk to an individual is considered insignificant.

(rr) "Potentially Complete Exposure Pathway" means a pathway that, due to current site conditions is incomplete, but could become complete at a future time because of changing site practices. For example, the ingestion pathway of groundwater from a residential well in a high total dissolved solids aquifer. This pathway could be complete if treatment technologies like reverse osmosis become economically feasible and are observed to be employed successfully in that aquifer.

(ss) "Reasonable Maximum Exposure" means the highest exposure that is reasonably expected to occur at a site. Reasonable Maximum Exposure combines upper-bound and mid-range exposure factors so that the result represents an exposure scenario that is both protective and reasonable; not the worst possible case.

(tt) "Regional Screening Levels" means risk-based chemical concentrations derived from standardized equations combining exposure assumptions with US EPA chemical-specific toxicity values and target risk levels that are used for site screening and initial cleanup goals.

(uu) "Release" means spill or discharge of hazardous waste, hazardous constituents, or material that becomes hazardous waste when released to the environment.

(vv) "Responsible Party" means the owner or operator of a site, or any other person responsible for the release of hazardous waste or hazardous constituents.

(ww) "Risk-Based Clean Closure" means closure of a site where hazardous waste was managed or any medium that has been contaminated by a release of hazardous waste or hazardous constituents, and where hazardous waste or hazardous constituents remain at the site in any medium at concentrations determined, in Rule R315-101, to cause minimal levels of risk to human health and the environment so as to require no further action or monitoring by the responsible party nor any notice of hazardous waste management on the record of title to the property.

(xx) "Risk-Based Concentration" means the concentration of a contaminant the values of which are derived from equations combining toxicity factors with standard exposure scenarios to calculate chemical concentrations corresponding to some fixed levels of risks in any medium, such as water, air, fish tissue, sediment, and soil.

(yy) "Robust Statistic" means a statistic that is resistant to errors in the results, produced by deviations from assumptions, such as, normality. This means that the limits are not susceptible to outliers, or distributional assumptions. For example, if the limits are centered on the median, instead of on the mean, or on a modified, "robust mean," and constructed with suitable weighting, or influence, or function, they could be considered "robust."

(zz) "Site" means the area of contamination and any other area that could be impacted by the released contaminants, or could influence the migration of those contaminants, regardless of whether the site is owned by the responsible party.

(aaa) "Site Specific Screening Value" means contaminant screening values derived for media, such as soil, sediment, water, at a site based on relevant site assumptions and factors.

(bbb) "Source Control" means a range of actions, for example, removal, treatment in place, and containment, designed to protect human health and the environment by eliminating or minimizing migration of or exposure to significant contamination.

(ccc) "Target Risk" means any acceptable specified risk level. The preferred target risk is  $1 \times 10^{-6}$  which is at the protective end of the acceptable risk range for screening of contaminants in risk assessment and considered to be the point of departure.

**KEY: hazardous waste**

**Date of Last Change: 2026[March 15, 2023]**

**Notice of Continuation: December 11, 2025**

**Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106**

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or section number:	R765-608a	Filing ID: 57790

**Agency Information**

1. Title catchline:	Higher Education (Utah Board of), Administration
Building:	Utah Board of Higher Education Building, The Gateway

NOTICES OF PROPOSED RULES

<b>Street address:</b>	60 S 400 W	
<b>City, state:</b>	Salt Lake City, UT 84101	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>	
R765-608a. First Credential Scholarship	
<b>3. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>If yes, any bill number and session:</b>	HB 260 (2025 General Session)
<b>4. Purpose of the new rule or reason for the change:</b>	
<p>This new administrative rule, Rule R765-608a, provides procedures for administering the First Credential Scholarship as allowed under HB 260 (2025 General Session) based on policy established by the Utah Board of Higher Education.</p> <p>Rule R765-608a complies with the requirements of HB 260 (2025) and Section 53E-10-310.</p>	
<b>5. Summary of the new rule or change:</b>	
<p>Rule R765-608a provides procedures for administering the First Credential Scholarship (the "Scholarship"), including requirements for the award of the Scholarship, the application process for the Scholarship, the amount of the Scholarship, a provision providing for a deferral of the Scholarship, and an appeals process.</p> <p>While Rule R765-608a explains the method by which the amount of the scholarship will be determined each year and how the Scholarship will be funded, it does not itself provide for the appropriation of funds for the Scholarship.</p>	

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
<p>This rule will not have any fiscal impact on the state budget.</p> <p>There is no fiscal impact on the state budget because this new rule regarding the administration of the First Credential Scholarship (the "Scholarship"), including the requirements of the Scholarship, the application process for the Scholarship, and the appeals process related to the award of the Scholarship, do not make any changes that would create either any cost to or any savings for the state budget.</p> <p>While this rule contains a provision which specifies that the amount of the Scholarship will be determined annually based on appropriations made by the Legislature, the provisions of this new rule effect no change to the state budget as those appropriations occur separately from the processes set forth in this rule.</p>
<b>B. Local governments:</b>
<p>This rule will not have any fiscal impact on local governments.</p> <p>There is no fiscal impact on local governments because this new rule regarding the administration of the First Credential Scholarship (the "Scholarship"), including the requirements of the Scholarship, the application process for the Scholarship, and the appeals process related to the award of the Scholarship, do not make any changes that would create either any cost to or any savings for the state budget.</p>

While this rule contains a provision which specifies that the amount of the Scholarship will be determined annually based on appropriations made by the Legislature, the provisions of this new rule effect no change to local governments as those appropriations occur separately from the processes set forth in this rule.

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

This rule will not have any fiscal impact on small businesses.

There is no fiscal impact on small businesses because this new rule regarding the administration of the First Credential Scholarship (the "Scholarship"), including the requirements of the Scholarship, the application process for the Scholarship, and the appeals process related to the award of the Scholarship, do not make any changes that would create either any cost to or any savings for the state budget.

While this rule contains a provision which specifies that the amount of the Scholarship will be determined annually based on appropriations made by the Legislature, the provisions of this new rule effect no change to small businesses as those appropriations occur separately from the processes set forth in this rule.

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

This rule will not have any fiscal impact on non-small businesses.

There is no fiscal impact on non-small businesses because this new rule regarding the administration of the First Credential Scholarship (the "Scholarship"), including the requirements of the Scholarship, the application process for the Scholarship, and the appeals process related to the award of the Scholarship, do not make any changes that would create either any cost to or any savings for the state budget.

While this rule contains a provision which specifies that the amount of the Scholarship will be determined annually based on appropriations made by the Legislature, the provisions of this new rule effect no change to non-small businesses as those appropriations occur separately from the processes set forth in this rule.

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

The rule will not have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

There is no fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because this new rule regarding the administration of the First Credential Scholarship (the "Scholarship"), including the requirements of the Scholarship, the application process for the Scholarship, and the appeals process related to the award of the Scholarship, do not make any changes that would create either any cost to or any savings for the state budget.

While this rule contains a provision which specifies that the amount of the Scholarship will be determined annually based on appropriations made by the Legislature, the provisions of this new rule effect no change to persons other than small businesses, non-small businesses, state, or local government entities as those appropriations occur separately from the processes set forth in this rule.

**F. Compliance costs for affected persons:**

The rule does not impose any compliance costs for affected persons.

There are no compliance costs for affected persons because this new rule regarding the administration of the First Credential Scholarship (the "Scholarship"), including the requirements of the Scholarship, the application process for the Scholarship, and the appeals process related to the award of the Scholarship, does not make any changes that would create any cost for compliance for any affected person.

While this rule specifies that the amount of the Scholarship will be determined annually based on appropriations made by the Legislature, the provisions of this rule impose no compliance costs on affected persons as those appropriations occur separately from the processes set forth in this rule.

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

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

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**  
 The Utah Commissioner of Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Section 53E-10-310		
--------------------	--	--

**Public Notice Information**

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

<b>A. Comments will be accepted until:</b>	03/31/2026
--	------------

<b>10. This rule change MAY become effective on:</b>	04/07/2026
--	------------

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**

<b>Agency head or designee and title:</b>	Alison Adams, Board Secretary and Designee	<b>Date:</b>	02/05/2026
---	--	--------------	------------

**R765. Higher Education (Utah Board of), Administration.**

**R765-608a. First Credential Scholarship.**

**R765-608a-1. Purpose.**

This rule outlines the requirements of and application process for the First Credential Scholarship, a grant for qualified applicants who earn a First Credential Certificate from the Utah State Board of Education .

**R765-608a-2. Authority.**

This rule is authorized by Section 53E-10-310.

**R765-608a-3. Definitions.**

(1) "Board" means the Utah Board of Higher Education described in Section 53H-1-203.

(2) "Eligible institution" means:

(a) a degree-granting institution of higher education or a technical college within the state system of higher education, as identified in Subsections 53H-1-102(1)(a) and (b); or

- (b) a private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities.
- (3) "Excusable neglect" means failure to take proper steps at the proper time, not in result of willful disregard of the scholarship application process, but in result of some unexpected or unavoidable circumstances.
- (4) "Good cause" means the applicant's failure to meet a scholarship application process requirement due to circumstances beyond the student's control or circumstances that are compelling and reasonable.
- (5) "OCHE" means the Office of the Commissioner of Higher Education.
- (6) "Scholarship staff" means staff in OCHE assigned to administer state scholarships on behalf of the Board.
- (7) "Substantial compliance" means the applicant, in good faith, demonstrated clear intent to comply with the scholarship application requirements and has demonstrated likely eligibility, but failed to precisely comply with the application specifics.
- (8) "USBE" means the Utah State Board of Education, as described in Title 53E, Chapter 1, Title Provisions.

**R765-608a-4. Private and Nonprofit College and University Eligibility.**

To participate in this program, a private or nonprofit college or university must enter into an agreement with OCHE.

**R765-608a-5. Award Requirements.**

To qualify for the First Credential Scholarship, an applicant shall:

- (1) Be awarded a First Credential Certificate by the USBE;
- (2) Complete the scholarship application provided by the Board;
- (3) Complete the FAFSA in accordance with Board Policy R623, Free Application for Federal Student Aid; and
- (4) Enroll at an eligible institution or obtain an approved deferral or leave of absence according to requirements under Section R765-608a-8. The eligible institution at which the student attends shall verify the student has met the enrollment requirements before disbursing payment.

**R765-608a-6. Application Process.**

(1) Applicants shall submit an official scholarship application no later than the deadline established by OCHE and listed on the official scholarship application of the year that they graduate from high school. Additional criteria to prioritize awarding may be established by the Board.

(2) Scholarship staff shall verify First Credential Certificate recipients with USBE before funds are awarded.

**R765-608a-7. Scholarship Amount.**

(1) The Board will award qualified applicants a one-time scholarship to be used at an eligible institution. The Board shall annually determine the First Credential Scholarship amount based on appropriations made by the Legislature and the number of eligible applicants.

(2) A student may use the First Credential Scholarship for tuition and fees; books and supplies; or other educational expenses determined by the Board.

(3) A student may earn the First Credential Scholarship in addition to any other state-sponsored scholarships for which the student may be eligible.

**R765-608a-8. Deferral or Leave of Absence.**

Awardees may obtain an approved deferral or leave of absence from an eligible institution of up to three years after the date of their high school graduation to keep use of their First Credential Scholarship.

**R765-608a-9. Appeals Process.**

(1) An applicant has the right to appeal a scholarship denial. Upon written request by the student, the scholarship staff shall provide an opportunity for the student to appeal a scholarship denial to a committee of at least three impartial persons.

(a) Each appeal request must be submitted by the student to OCHE in writing within 30 calendar days of the scholarship denial unless the student demonstrates excusable neglect.

(i) The appeal committee may not have jurisdiction to consider the merits of an appeal that is filed beyond the 30 day deadline unless the committee determines that the applicant established excusable neglect.

(b) An appeal filed before the applicant receives official notification from scholarship staff of its decision will not be considered.

(c) Any appeal submitted after 120 calendar days of the scholarship denial will not be considered and the initial scholarship denial decision is final.

(d) The appeal committee shall review the appeal to determine if the award decision was made in error and the student is eligible for an award under this rule. The appeal committee shall review whether the applicant demonstrated substantial compliance with the scholarship application requirements but failed to meet one or more requirements for good cause.

(e) The appeal committee will issue the student a written decision. The decision represents the final agency action. An applicant who disagrees with the decision may seek judicial review in accordance with Section 63G-4-402.

**R765-608a-10. Reporting.**

(1) As specified by OCHE, each eligible institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to one or more of applications, awards, program enrollments, utilization, funding, and other First Credential Scholarship information for the most recently completed fiscal year.

(2) OCHE may, at any time, request additional documentation or data related to the First Credential Scholarship and may review or formally audit an eligible institution's documentation and compliance with this rule.

**KEY: Utah Board of Higher Education, talent education and industry alignment, scholarships**

**Date of Last Change: 2026**

**Authorizing, and Implemented or Interpreted Law: 53E-10-310**

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or section number:</b>	<b>R765-615</b>	<b>Filing ID: 57793</b>

**Agency Information**

<b>1. Title catchline:</b>	Higher Education (Utah Board of), Administration	
<b>Building:</b>	Utah Board of Higher Education Building, The Gateway	
<b>Street address:</b>	60 S 400 W	
<b>City, state:</b>	Salt Lake City, UT 84101	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>	
R765-615. Talent Development Award Program	
<b>3. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>If yes, any bill number and session:</b>	SB 1001 (2025 Special Session)
<b>4. Purpose of the new rule or reason for the change:</b>	
<p>This filing amends Rule R765-615 based on revisions passed by the Utah Board of Higher Education.</p> <p>Those revisions require that applicants for a grant under Rule R765-615 complete a Free Application for Federal Student Aid and allow for the prioritization of awards to continuing students.</p> <p>The amendments to Rule R765-615 also include changes in definitions, numbering, and organization based on SB 1001 (2025 Special Session).</p>	
<b>5. Summary of the new rule or change:</b>	
<p>The amendments to Rule R765-615 update statutory citations based on SB 1001 (2025 Special Sessions) and make changes to the language of this rule, including to the purpose of the rule and the definitions.</p> <p>The amendments also update the process for administration of the Talent Development Award Program (the "Award"), including to the qualifications for the Award, application for the Award, which jobs and degrees qualify for the Award, how the Award is prioritized, and how the amount of the Award is determined.</p>	

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>	
<b>A. State budget:</b>	
The amendments to Rule R765-615 will not have any fiscal impact on the state budget.	

There is no fiscal impact on the state budget because this rule provides procedures for administering the Talent Development Award Program (the "Program") and the changes made to the provisions of this rule do not create any cost to or any savings for the state budget.

The appropriations that fund the Program occur separately from the processes set forth in this rule.

**B. Local governments:**

The amendments to Rule R765-615 will not have any fiscal impact on local governments.

There is no fiscal impact on local governments because this rule provides procedures for administering the Talent Development Award Program (the "Program") and the changes made to the provisions of this rule do not create any cost to or any savings for local governments.

The appropriations that fund the Program occur separately from the processes set forth in this rule.

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

The amendments to Rule R765-615 will not have any fiscal impact on small businesses.

There is no fiscal impact on small businesses because this rule provides procedures for administering the Talent Development Award Program (the "Program") and the changes made to the provisions of this rule do not create any cost to or any savings for small businesses.

The appropriations that fund the Program occur separately from the processes set forth in this rule.

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

The amendments to Rule R765-615 will not have any fiscal impact on non-small businesses.

There is no fiscal impact on non-small businesses because the rule provides procedures for administering the Talent Development Award Program (the "Program") and the changes made to the provisions of this rule do not create any cost to or any savings for non-small businesses.

The appropriations that fund the Program occur separately from the processes set forth in this rule.

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

The amendments to Rule R765-615 will not have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

There is no fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because this rule provides procedures for administering the Talent Development Award Program (the "Program") and the changes made to the provisions of this rule do not create any cost to or any savings for persons other than small businesses, non-small businesses, state, or local government entities.

The appropriations that fund the Program occur separately from the processes set forth in this rule.

**F. Compliance costs for affected persons:**

The amendments to Rule R765-615 will not impose any compliance costs on affected persons.

There are no compliance costs because this rule provides procedures for administering the Talent Development Award Program (the "Program") and the changes made to the provisions of this rule do not create any such compliance 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**  
 The Utah Commissioner of Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Section 53H-11-415		
--------------------	--	--

**Public Notice Information**

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

<b>A. Comments will be accepted until:</b>	03/31/2026
--	------------

<b>10. This rule change MAY become effective on:</b>	04/07/2026
--	------------

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**

<b>Agency head or designee and title:</b>	Alison Adams, Board of Secretary and Designee	<b>Date:</b>	02/05/2026
---	---	--------------	------------

**R765. Higher Education (Utah Board of), Administration.**  
**R765-615. Talent Development [~~Incentive Loan~~] Award Program.**  
**R765-615-1. Purpose.**

The Talent Development Award Program is intended to recruit and train individuals to work in certain jobs that have a high demand for new employees and offer high wages in Utah, ensuring students with the highest financial need are supported. To establish the criteria and process for awarding the Talent Development Award Program grant, [~~To establish the rules and procedures for awarding incentive loans from the Talent Development Incentive Loan Program under Title 53B, Chapter 10, Part 2, Talent Ready Incentive Loan Program.~~]

**R765-615-2. Authority.**  
 This rule is authorized by Section ~~53H-11-415~~[~~53B-10-205~~].

**R765-615-3. Definitions.**  
 (1) "Grant" means a monetary grant issued under this rule. [~~"Board" means Utah Board of Higher Education.~~]  
 (2) "Full-time student" means a student who is enrolled in a minimum of 12 credit hours.  
 (3) "GOEO[~~D~~]" means the Governor's Office of Economic Opportunity[~~Development~~] created in Section 63N-1-201.

~~\_\_\_\_\_ (4) "Incentive loan" means an incentive loan awarded by an institution to a full time student who has met the eligibility criteria as established by the Board.]~~

~~(4) [(5)] "Qualifying degree" means an associate[~~s~~] or a bachelor's degree that qualifies an individual to work in a qualifying job.~~

~~(5) [(6)] "Qualifying job" means a job described in Section [6-2]R765-617-7 for which an individual may receive a [n incentive loan] grant.~~

#### **R765-615-4. Appropriations.**

The program is funded by appropriations from the Legislature ~~[made in accordance with Section 53B-10-201].~~

#### **R765-615-5. Qualifications. [Application Procedures.**

~~\_\_\_\_\_ (1) The institutions shall develop an application that, at minimum, collects the following information:~~

~~\_\_\_\_\_ (a) The applicant's status as a full time or part time student.~~

~~\_\_\_\_\_ (b) The applicant's current enrollment or registered enrollment for and the upcoming semester if available.~~

~~\_\_\_\_\_ (c) A transcript demonstrating the applicant's completed course work.~~

~~\_\_\_\_\_ (d) A section for the applicant to formally declare his or her intent to pursue a qualifying degree and to work in a qualifying job, with a signature.~~

~~\_\_\_\_\_ (2) Institutions shall set application deadlines by which applicants must submit all required materials.~~

~~\_\_\_\_\_ (3) Institutions shall determine the most efficient method for issuing incentive loan funds and collect the necessary information for that purpose.]~~

~~\_\_\_\_\_ (1) To qualify for a grant, an applicant must:~~

~~\_\_\_\_\_ (a) Be enrolled as a student at a USHE institution.~~

~~\_\_\_\_\_ (b) Sign a declaration that they are pursuing, or will pursue, a qualifying degree.~~

~~\_\_\_\_\_ (c) Sign a declaration of their intent to work in a qualifying job in Utah following graduation.~~

~~\_\_\_\_\_ (d) Apply to the institution to receive a grant.~~

~~\_\_\_\_\_ (e) Complete and submit the Free Application for Federal Student Aid (FAFSA) as required by Board Policy 623.~~

~~\_\_\_\_\_ (2) Institutions shall annually revise and publish eligibility criteria in all publications referencing the grant.~~

#### **R765-615-6. Application Process. [Qualifying Criteria.**

~~\_\_\_\_\_ (1) Applicants must meet the following criteria to qualify for an incentive loan:~~

~~\_\_\_\_\_ (a) The applicant must have completed at least two semesters of full time equivalent course work if he or she is pursuing a bachelor's degree, or at least one semester of full time equivalent course work if he or she is pursuing an associate degree.~~

~~\_\_\_\_\_ (b) The applicant is enrolled full time.~~

~~\_\_\_\_\_ (c) The applicant signs a declaration stating he or she is pursuing or will pursue a qualifying degree.~~

~~\_\_\_\_\_ (d) The applicant signs a declaration stating his or her intent to work in a qualifying job in Utah following graduation.~~

~~\_\_\_\_\_ (e) The applicant must provide the institution verification of registration for classes within the qualifying degree program before the institution may release the funds.~~

~~\_\_\_\_\_ (2) Every other academic year, the Governor's Office of Economic Development (GOED) shall select five jobs that have the highest demand for new employees and offer high wages. Beginning the August of that year, those five positions are designated as qualifying jobs for the purposes of this incentive loan program. When selecting the qualifying jobs, GOED shall ensure the jobs meet the following criteria:~~

~~\_\_\_\_\_ (a) Rank in the top 40 percent of jobs based on an employment index that considers job growth rates and total openings.~~

~~\_\_\_\_\_ (b) Rank in the top 40 percent for wages.~~

~~\_\_\_\_\_ (c) Requires an associate degree or a bachelor's degree.~~

~~\_\_\_\_\_ (4) In conjunction with selecting the qualifying jobs, GOED will identify and designate the bachelor's or associate degrees required to qualify for the five qualifying jobs.]~~

~~\_\_\_\_\_ (1) Applicants may apply for a grant on an application provided by their institution. The application provided by the institution shall collect, at a minimum:~~

~~\_\_\_\_\_ (a) The applicant's current enrollment or registered enrollment for the upcoming semester if available.~~

~~\_\_\_\_\_ (b) A transcript demonstrating the applicant's completed course work.~~

~~\_\_\_\_\_ (c) The applicant's formal declaration of their intent to pursue a qualifying degree and to work in a qualifying job, including the applicant's signature.~~

~~\_\_\_\_\_ (2) The institution shall set deadlines by which applicants must submit all required materials.~~

~~\_\_\_\_\_ (3) The institution shall determine the most efficient method for issuing grant funds and shall collect the information necessary for that purpose.~~

#### **R765-615-7. Qualifying Jobs and Degrees. [Loan Amounts.**

~~\_\_\_\_\_ (1) Institutions may loan an amount up to the cost of resident tuition, books, and fees for their respective institutions.~~

~~\_\_\_\_\_ (2) Institutions may loan amounts up to the expected time for the recipient to complete the qualifying degree, as determined by the institution.]~~

~~\_\_\_\_\_ (1) Every other academic year, GOED shall select five jobs that have the highest demand for new employees and offer high wages. Beginning July 1 of that year, those five positions are designated as qualifying jobs for the purposes of this grant program. Qualifying jobs must, at a minimum:~~

~~\_\_\_\_\_ (a) Rank in the top 40 % of jobs based on an employment index that considers both job growth rates and total openings;~~

NOTICES OF PROPOSED RULES

- \_\_\_\_\_ (b) Rank in the top 40 % for wages; and
- \_\_\_\_\_ (c) Require an associate degree or a bachelor's degree.
- \_\_\_\_\_ (2) At the same time, GOEO will identify and designate the associate or bachelor's degrees required to qualify for the five qualifying jobs.

**R765-615-8. Award Prioritization.~~[Funding Distribution.~~**

- \_\_\_\_\_ (1) The Board will disburse appropriated funds to the institutions by calculating the three-year average of the qualifying degrees each institution awarded using the following assumptions:
  - \_\_\_\_\_ (a) Tuition and fees (not including books, differential, course, or program fees).
  - \_\_\_\_\_ (b) Full tuition and fee cost of associate degree students by institution for three semesters (requires 1 semester before applying).
  - \_\_\_\_\_ (c) Full tuition and fee cost of bachelor's degree students by institution for six semesters (requires 2 semesters before applying).
  - \_\_\_\_\_ (d) After year one, tuition and fees adjusted for inflation (five-year average of 3.5 percent).]
- \_\_\_\_\_ (1) Grant awards may be prioritized to:
  - \_\_\_\_\_ (a) Students who demonstrate financial need; and
  - \_\_\_\_\_ (b) Continuing students to allow those students to receive funding through the length of their academic program.
- \_\_\_\_\_ (2) The institution may reduce the grant amount based on other grants and scholarships.
- \_\_\_\_\_ (3) An institution shall establish criteria to assess an applicant's financial need. The criteria shall use quantifiable, need-based measures. For example, institutions may establish a range with a minimum and maximum need index based on the Free Application for Federal Student Aid or Board approved alternative financial form within which an eligible recipient's expected contribution must fall to be eligible for an award.

**R765-615-9. Grant Amounts.~~[Loan Cancellation, Repayment, and Waiver.~~**

- \_\_\_\_\_ (1) For each year that a recipient works in a qualifying job in Utah following completion of a qualifying degree, the institution that awarded the incentive loan shall waive repayment of the amount of one year of the recipient's incentive loan.
  - \_\_\_\_\_ (2) An institution shall require a recipient to repay to the institution the full amount of an incentive loan if the recipient fails to:
    - \_\_\_\_\_ (a) Graduate with a qualifying degree within six years of initially receiving the incentive loan;
    - \_\_\_\_\_ (b) Work in a qualifying job in Utah within one year of completing a qualifying degree, or
    - \_\_\_\_\_ (c) Work in a qualifying job for fewer years than the number of years required to waive repayment of the full incentive loan.
  - \_\_\_\_\_ (3) Institutions may cancel an incentive loan if the recipient changes the degree he or she selected in the declaration at any time prior to graduation.
  - \_\_\_\_\_ (4) Institutions may waive repayment if a recipient has graduated with a qualifying degree within six years of receiving the loan, works in a non-qualifying job that the institution determines is reasonably related to the degree, and resides in Utah.
  - \_\_\_\_\_ (5) Institutions may delay repayment for reasonable, unforeseen circumstances that inhibits the recipient's ability to meet the requirements for loan payment waivers as described above.
  - \_\_\_\_\_ (6) Institutions may waive repayment for circumstances of prolonged financial hardship.]
- Subject to funding and Section R765-615-8, an institution may grant an amount up to the cost of resident tuition, books, and fees for their institution up to the expected time for the recipient to complete the qualifying degree, as determined by the institution.

**R765-615-10. Distribution of Funds to Institutions.~~[General Administration.~~**

- \_\_\_\_\_ (1) Institutions may establish policies for administering this program that align with their existing practices and financial aid programs.]
- The Board will annually disburse available funds to eligible institutions proportionally equal to the total number of students who graduated from an eligible program the previous two years.

**R765-615-11. Release of Funds.**

- \_\_\_\_\_ The applicant must provide the institution verification of registration for classes within the qualifying degree program before the institution may release the funds.

**R765-615-12. Grant Transfers.**

- \_\_\_\_\_ A recipient may transfer to another institution and keep eligibility for the grant, if the recipient meets the qualifications defined in Section R765-615-5 at the institution to which the recipient is transferring. Recipients are responsible to inform the financial aid office at the institution to which they are transferring that they are receiving the Talent Development Grant at their current institution. The financial aid offices at the respective institutions shall coordinate the transfer of scholarship information. Upon transfer, the institution shall prioritize the award of any eligible recipient before all others awarded in accordance with Section R765-615-8.

**R765-615-13. Grant Deferrals.**

- \_\_\_\_\_ (1) A recipient shall apply for a deferral if they do not continuously enroll and wish to continue to receive the grant.
- \_\_\_\_\_ (2) Institutions shall develop a process for recipients to apply for deferrals.

**R765-615-14. Grant Cancellation.**

- \_\_\_\_\_ (1) An institution may cancel a grant if the recipient changes the degree they selected in the application at any time before graduation.

(2) If a recipient does not return to pursue their degree after a deferral, their grant will be canceled, and no remaining funds will be released.

**R765-615-15. Reporting.**

(1) As specified by the Office of the Commissioner, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to one or more of applications, awards, program enrollments, utilization, funding, and other Talent Development Award information for the most recently completed fiscal year.

(2) The Office of the Commissioner may, at any time, request additional documentation or data related to the Talent Development Award Program and may review or formally audit an institution's documentation and compliance with this rule.

**R765-615-16. General Administration.**

Institutions may establish policies for administering this program that align with their existing practices and financial aid programs

**KEY: higher education, [~~loans~~]grants, talent ready, incentives**

**Date of Last Change: [~~March 14, 2019~~]2026**

**Notice of Continuation: December 15, 2023**

**Authorizing, and Implemented or Interpreted Law: [~~53B-10-205~~]53H-11-415**

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or section number:**

**R765-617**

**Filing ID: 57800**

**Agency Information**

<b>1. Title catchline:</b>	Higher Education (Utah Board of), Administration	
<b>Building:</b>	Utah Board of Higher Education Building, The Gateway	
<b>Street address:</b>	60 S 400 W	
<b>City, state:</b>	Salt Lake City, UT 84101	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>	
R675-617. Karen Mayne Public Safety Officer Scholarship Program	
<b>3. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>If yes, any bill number and session:</b>	HB 341 (2025 General Session), SB 1001 (2025 Special Session)
<b>4. Purpose of the new rule or reason for the change:</b>	
This filing amends Rule R765-617 based on amendments passed by the Utah Board of Higher Education.	
The amendments include changes in definitions, numbering, and organization based on HB 341, passed in the 2025 General Session, and SB 1001, passed in the 2025 Special Session.	
<b>5. Summary of the new rule or change:</b>	
The amendments to Rule R765-617 update statutory citations based on SB 1001 (2025) and make other minor changes to the language of this rule, including to the definition of "eligible institution" based on changes in HB 341 (2025), as well as other nonsubstantive changes in the language related to the provisions regarding student leaves of absences, application deadlines, the grant amount, Board responsibilities, and the appeals process. These amendments are based on the requirements of HB 341 (2025) and amendments made by the Utah Board of Higher Education.	

**Fiscal Information**

<p><b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b></p>
<p><b>A. State budget:</b></p> <p>The amendments to Rule R765-617 will not have any fiscal impact on the state budget.</p> <p>There is no fiscal impact on the state budget because the procedures for administering the Karen Mayne Public Safety Officer Scholarship Program, which are established by this rule, are already in effect and the minor changes made to the definitions and certain other provisions do not create any new cost to or any savings for the state budget.</p>
<p><b>B. Local governments:</b></p> <p>The amendments to Rule R765-617 will not have any fiscal impact on local governments.</p> <p>There is no fiscal impact on local governments because the procedures for administering the Karen Mayne Public Safety Officer Scholarship Program, which are established by this rule, are already in effect and the minor changes made to the definitions and certain other provisions do not create any new cost to or any savings for local governments.</p>
<p><b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>The amendments to Rule R765-617 will not have any fiscal impact on small businesses as this rule does not apply to small businesses.</p> <p>Additionally, there would be no fiscal impact on small businesses even if this rule did apply because the procedures for administering the Karen Mayne Public Safety Officer Scholarship Program, which are established by this rule, are already in effect and the minor changes made to the definitions and certain other provisions do not create any new cost to or any savings for small businesses.</p>
<p><b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>The amendments to Rule R765-617 will not have any fiscal impact on small businesses as this rule does not apply to non-small businesses.</p> <p>Additionally, there would be no fiscal impact on non-small businesses even if this rule did apply because the procedures for administering the Karen Mayne Public Safety Officer Scholarship Program, which are established by this rule, are already in effect and the minor changes made to the definitions and certain other provisions do not create any new cost to or any savings for non-small businesses.</p>
<p><b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b>):</p> <p>The amendments to Rule R765-617 will not have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.</p> <p>There is no fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because the procedures for administering the Karen Mayne Public Safety Officer Scholarship Program, which are established by this rule, are already in effect and the minor changes made to the definitions and certain other provisions do not create any new cost to or any savings for persons other than small businesses, non-small businesses, state, or local government entities.</p>
<p><b>F. Compliance costs for affected persons:</b></p> <p>The amendments to Rule R765-617 will not impose any compliance costs on affected persons.</p> <p>There are no compliance costs on affected persons because the procedures for administering the Karen Mayne Public Safety Officer Scholarship Program, which are established by this rule, are already in effect and do not create any such compliance costs.</p>
<p><b>G. Regulatory Impact Summary Table</b> (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.)</p>

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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H. Department head comments on fiscal impact and approval of regulatory impact analysis:</b>					
The Utah Commissioner of Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.					

**Citation Information**

<b>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:</b>		
Section 53H-11-403		

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b>	
<b>A. Comments will be accepted until:</b>	03/31/2026

<b>10. This rule change MAY become effective on:</b>	04/07/2026
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**

<b>Agency head or designee and title:</b>	Alison Adams, Board Secretary and Designee	<b>Date:</b>	02/05/2026
---	--	--------------	------------

**R765. Higher Education (Utah Board of), Administration.**

**R765-617. Karen Mayne Public Safety Officer Scholarship Program.**

**R765-617-1. Purpose.**

This rule outlines requirements, awardee responsibilities, and application procedures for the Karen Mayne Public Safety Officer Scholarship Program.

**R765-617-2. Authority.**

This rule is authorized by ~~Subsection 53B-8-112.5(9)~~ Section 53H-11-403.

**R765-617-3. Definitions.**

- (1) "Academic Year" means the calendar year starting July 1 and ending June 30. For degree-granting institutions, this includes Fall, Summer, and Spring semesters.
- (2) "Board" means the Utah Board of Higher Education described in Section ~~[53B-1-402]~~ 53H-1-101.
- (3) "Eligible institution" means:
  - (a) a degree-granting institution of higher education or a technical college within the state system of higher education, as identified in ~~[Subsection 53B-2-101(1)]~~ Subsection 53H-3-102(1); or

NOTICES OF PROPOSED RULES

(b) a private, ~~[nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities that enter into agreement with OCHE]~~ post-secondary institution that enters into an agreement with the Office of the Commissioner of Higher Education to participate in this program.

(4) "OCHE" means the Office of the Commissioner of Higher Education.

(5) "Peace officer" means the same as that term is defined in Section ~~[53B-8-102]~~ 53H-11-306.

(6) "POST" means the Peace Officer Standards and Training Division created in Section 53-6-103.

(7) "Qualifying post-secondary program" means criminal justice, police administration, criminology, social sciences, or other program approved by the ~~[b]~~ Board.

(8) "Scholarship staff" means OCHE staff assigned to administer state scholarships on behalf of the ~~[b]~~ Board.

**R765-617-4. Award Requirements.**

(1) To qualify for the Karen Mayne Public Safety Officer Scholarship, an applicant shall:

(a) be a ~~[Utah]~~ high school graduate;

(b) complete a Karen Mayne Public Safety Officer Scholarship application, published by OCHE;

(c) when eligible, enroll in a basic training course at a state certified academy as defined in Section 53-6-202;

(d) enroll in a qualifying post-secondary program at an eligible institution ~~[starting the Fall semester after high school graduation];~~

and

(e) commit to working as a peace officer in Utah for no less than five years after the day on which POST certifies the scholarship recipient.

(2) ~~[A recipient who does not enroll immediately as a student]~~ A recipient who takes a leave of absence from their institution or defers their enrollment shall obtain an approved deferral from their institution and provide documentation to verify the approved deferral to OCHE.

(3) A student ~~[who]~~ receiv[es]ing the Public Safety Officer Career Advancement Grant, as described in Section ~~[53B-8-112]~~ 53H-11-410, is not eligible to participate in the Karen Mayne Public Safety Officer Scholarship Program.

**R765-617-5. Awardee Responsibilities.**

(1) A scholarship recipient shall:

(a) notify the ~~[b]~~ Board regarding POST certification within 15 days after the day on which POST certifies the scholarship recipient;

(b) submit verification of employment with a Utah law enforcement agency to the ~~[b]~~ Board within 15 days after the day on which the scholarship recipient is employed as a peace officer, including:

(i) the employer's name, address, and telephone number;

(ii) the date of the scholarship recipient's hiring; and

(iii) the scholarship recipient's job title; and

(c) notify the ~~[b]~~ Board of any employment changes within 15 days after the day on which the change is made.

**R765-617-6. Application Process.**

(1) ~~[An a]~~ Applicants shall submit an official scholarship application no later than ~~[June 30 before the fiscal year during which scholarship awards are made]~~ the deadline established in the scholarship application form.

(2) ~~[An a]~~ Applicants shall submit the following documents to be considered for the Karen Mayne Public Safety Officer Scholarship:

(a) the completed Karen Mayne Public Safety Officer Scholarship Program application published by OCHE;

(b) high school transcripts that verify graduation from a ~~[Utah]~~ high school or a high school diploma;

(c) a description of the applicant's public safety career objectives;

(d) a declaration of the applicant's admission to and intention to enroll in an eligible post-secondary program described in Section R765-617-8 at an eligible institution;

(e) proof of completion of the FAFSA in accordance with ~~[board's p]~~ Board Policy R623, Free Application for Federal Student Aid;

and

(f) other documentation as outlined on the annual scholarship application or requested by scholarship staff.

(3) Requirements in Subsections R765-617-6(2)(b) through (2)(f) may be included in the scholarship application described in Subsection R765-617-6(1).

(4) Students must reapply and meet the requirements for the scholarship each academic year. After an initial application is approved, a high school transcript is not required to be resubmitted.

**R765-617-7. Grant Amount.**

(1) Subject to available funding, ~~[a-]~~ qualified applicants ~~[shall]~~ will be awarded a scholarship that does not exceed the combined cost of tuition, fees, required textbooks, and POST training and certification.

(2) The ~~[b]~~ Board may establish a maximum scholarship amount annually.

(3) A student may participate in the Karen Mayne Public Safety Officer Scholarship for a maximum of four academic years.

(4) If the legislative appropriation is insufficient to cover the costs associated with the Karen Mayne Public Safety Officer Scholarship, the ~~[b]~~ Board may:

(a) reduce the amount of a grant; or

(b) distribute ~~[a-]~~ grants on a pro rata basis to each eligible applicant who submitted the required ~~[all]~~ application materials, as described in Section R765-617-6, before the application deadline~~[-];~~ or

(c) discontinue further awards.

(5) ~~[Each eligible i]~~Institutions shall combine state or federal loans or grants, internships, student employment, and family and individual contributions toward financing the cost of attendance.

**R765-617-8. Board Responsibilities.**

- (1) The ~~[b]~~Board shall:
  - (a) ~~[e]~~Collaborate with POST and other law enforcement and correction agencies to provide high school students with information on law enforcement careers;
  - (b) ~~[n]~~Notify POST when a student receives a scholarship under the program; and
  - (c) ~~[i]~~Include a disclosure on all applications and materials related to the program that the amount of the awarded scholarship may be subject to funding availability or reduction.
- (2) The Board may cancel an award and require a scholarship recipient to repay the full amount of the scholarship award that the scholarship recipient received under the program, including money paid for tuition, fees, and required textbooks, if the scholarship recipient fails to adhere to the responsibilities in Sections R765-617-4 through R765-617-6.~~[If the scholarship recipient fails to adhere to responsibilities in Sections R765-617-4 through R765-617-6, the board may cancel an award and require a scholarship recipient to repay the full amount of the scholarship award that the scholarship recipient received under the program, including money paid for:~~
  - ~~\_\_\_\_\_ (a) tuition;~~
  - ~~\_\_\_\_\_ (b) fees; and~~
  - ~~\_\_\_\_\_ (c) required textbooks;]~~

**R765-617-9. Appeals Process.**

- An applicant has the right to appeal an adverse decision. Upon request by the student, the scholarship staff shall provide an opportunity for the student to appeal an adverse decision to a committee of at least three impartial persons. Each appeal request must be submitted in writing within 30 days of the application notice.~~(1)(a) An applicant has the right to appeal an adverse decision.~~
- ~~\_\_\_\_\_ (b) Upon request by the student, the scholarship staff shall provide an opportunity for the student to appeal an adverse decision to a committee of at least three impartial persons.~~
  - ~~\_\_\_\_\_ (c) Each appeal request must be submitted in writing within 30 days of the application notice.]~~

**R765-617-10. Reporting.**

- (1) As specified by OCHE, each ~~[eligible-]~~institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to one or more of applications, awards, program enrollments, utilization, funding, and other scholarship information for the most recently completed fiscal year.
- (2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

**KEY: Utah Board of Higher Education, scholarship, Karen Mayne Public Safety Officer Scholarship Program**  
**Date of Last Change: ~~[October 30, 2023]~~2026**  
**Authorizing, and Implemented or Interpreted Law: ~~[53B-8-112.5(9)]53H-11-403~~**

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or section number:</b>	R765-620	<b>Filing ID:</b> 57791
Agency Information		
<b>1. Title catchline:</b>	Higher Education (Utah Board of), Administration	
<b>Building:</b>	Utah Board of Higher Education Building, The Gateway	
<b>Street address:</b>	60 S 400 W	
<b>City, state:</b>	Salt Lake City, UT 84101	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>	
R765-620. Utah Promise Program Grant	
<b>3. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>If yes, any bill number and session:</b>	HB 341 (2025 General Session), SB 1001 (2025 Special Session)
<b>4. Purpose of the new rule or reason for the change:</b>	
<p>This filing amends Rule R765-620 based on revisions passed by the Utah Board of Higher Education.</p> <p>The revisions include changes in Rule R765-620's definitions, citations, and organization based on both HB 341, passed in the 2025 General Session, and SB 1001, passed in the 2025 Special Session.</p> <p>Those revisions, as well as additional nonsubstantive edits made for clarity are reflected in amended Rule R765-620.</p>	
<b>5. Summary of the new rule or change:</b>	
<p>The amendments to Rule R765-620 update statutory citations based on SB 1001 (2025) and make other minor changes to the language of this rule, including to update the definition of institutions eligible to participate in the Utah Promise Program Grant (the "Program"), amending this rule such that the Board of Higher Education (the "Board") may use up to 2% of the money appropriated for the Program to align with statutory requirements, and specifying that eligible institutions may carry forward or carry back a limited portion of Program grant allocation from one award year to another, subject to specific guidelines and approval by the Board, consistent with HB 341 (2025).</p>	

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>	
<b>A. State budget:</b>	
<p>The amendments to Rule R765-620 will not have any fiscal impact on the state budget.</p> <p>There is no fiscal impact on the state budget because this rule provides procedures for administering the Program and the minor changes made to the definitions and certain other provisions of this rule do not create any cost to or any savings for the state budget.</p> <p>Although the amendments update provisions related to the use of appropriations for the Program, those appropriations occur separately from the processes set forth in this rule.</p>	
<b>B. Local governments:</b>	
<p>The amendments to Rule R765-620 will not have any fiscal impact on local governments.</p> <p>There is no fiscal impact on local governments because this rule provides procedures for administering Program and the minor changes made to the definitions and certain other provisions of this rule do not create any cost to or any savings for local governments.</p> <p>Although the amendments update provisions related to the use of appropriations for the Program, those appropriations occur separately from the processes set forth in this rule.</p>	
<b>C. Small businesses ("small business" means a business employing 1-49 persons):</b>	
<p>The amendments to Rule R765-620 will not have any fiscal impact on small businesses.</p> <p>There is no fiscal impact on small businesses because this rule provides procedures for administering the Program and the minor changes made to the definitions and certain other provisions of this rule do not create any cost to or any savings for small businesses.</p> <p>Although the amendments update provisions related to the use of appropriations for the Program, those appropriations occur separately from the processes set forth in this rule.</p>	

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

The amendments to Rule R765-620 will not have any fiscal impact on non-small businesses.

There is no fiscal impact on non-small businesses because this rule provides procedures for administering the Program and the minor changes made to the definitions and certain other provisions of this rule do not create any cost to or any savings for non-small businesses.

Although the amendments update provisions related to the use of appropriations for the Program, those appropriations occur separately from the processes set forth in this rule.

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

The amendments to Rule R765-620 will not have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

There is no fiscal impact on small businesses, non-small businesses, state, or local government entities because this rule provides procedures for administering the Program and the minor changes made to the definitions and certain other provisions of this rule do not create any cost to or any savings for small businesses, non-small businesses, state, or local government entities.

Although the amendments update provisions related to the use of appropriations for the Program, those appropriations occur separately from the processes set forth in this rule.

**F. Compliance costs for affected persons:**

The amendments to Rule R765-620 will not impose any compliance costs on affected persons.

There are no compliance costs because this rule provides procedures for administering the Program and the minor changes made to the definitions and certain other provisions of this rule do not create any such compliance 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**

<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Utah Commissioner of Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Section 53H-11-414		
--------------------	--	--

**Public Notice Information**

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

<b>A. Comments will be accepted until:</b>	03/31/2026
--	------------

<b>10. This rule change MAY become effective on:</b>	04/07/2026
--	------------

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**

<b>Agency head or designee and title:</b>	Alison Adams, Board Secretary and Designee	<b>Date:</b>	02/05/2026
---	--	--------------	------------

**R765. Higher Education (Utah Board of), Administration.**

**R765-620. Utah Promise Program Grant.**

**R765-620-1. Purpose.**

The purpose of this rule is to provide the rules and procedures for implementing the Utah Promise Program Grant.

**R765-620-2. Authority.**

[~~Title 53B, Chapter 13a, Utah Promise Program Act,~~Section 53H-11-414 authorizes this rule.

**R765-620-3. Definitions.**

- (1) "Board" means the Utah Board of Higher Education.
- (2) "Cost of attendance" means the estimated costs associated with attending an institution, including costs payable to the institution for tuition and fees, other direct educational expenses, transportation, and living expenses while attending the institution.
- (3) "FAFSA" means Free Application for Federal Student Aid.
- (4) "Institution" means: ~~an institution of higher education under Subsection 53B-2-101(1);~~
  - (a) an institution of higher education listed in Section 53H-1-102; or
  - (b) a Utah private, non-profit postsecondary educational institution that enters into an agreement with the Office of the Commissioner of Higher Education to participate in this program.
- ~~(4)(5)~~(5) "OCHE" means the Office of the Commissioner of Higher Education.
- ~~(5)(6)~~(6) "Promise grant" means a grant awarded under [~~Title 53B, Chapter 13a, Utah Promise Program Act,~~Section 53H-11-414 and administered under this rule.
- ~~(6)(7)~~(7) "Utah Promise Program" means the grant program established under Section 53H-11-414.~~[Title 53B, Chapter 13a, Utah Promise Program Act.]~~

**R765-620-4. Qualifications.**

- (1) To qualify for a promise grant, an applicant shall:
  - (a) be enrolled at an institution;
  - (b) ~~be~~either:
    - (i) ~~qualify for Utah resident student status under Section 53H-11-202 and Board Policy R512[a resident of Utah under Section 53B-8-102 and Board Policy R512];~~ or
    - (ii) qualify for resident tuition under Section 53H-11-202~~[53B-8-106];~~
  - (c) demonstrate financial need, in accordance with S~~ubs~~ection R765-620-6;
  - (d) accept all other grants, tuition and fee waivers, and scholarships offered to the applicant to attend the institution in which the applicant enrolls; and
  - (e) maintain academic good standing as defined by the institution the applicant attends.
- (2)(a) Each institution shall annually revise and publish eligibility criteria in all publications referencing the grant.
- (b) Each institution shall disclose in any publications about the promise grant that program funds are limited and subject to change.
- (3) Under Section 63G-12-402, verification of lawful presence in the United States may not required to be eligible for a grant under this rule~~[policy]~~.

**R765-620-5. Application Process.**

- (1)(a) Each institution shall establish an application process consistent with this rule~~[policy]~~ that applicants can easily access and complete.
- (b) The ~~b~~Board may require an institution to modify an application or process that is overly cumbersome or confusing.

- (2) The institution shall set deadlines by which each applicant [~~is required to~~] must submit all required materials.
- (3) The institution shall:
  - (a) determine the most efficient method for issuing grant funds[?]; and
  - (b) collect the information necessary for that purpose.
- (4)(a) Each applicant shall complete and submit:

- [~~either~~]
- (i) the FAFSA; or
  - (ii) the alternative financial form approved by the [b]Board;
  - (b) the grant application, if applicable; and
  - (c) any required documentation.

**R765-620-6. Prioritization.**

Each institution shall:

- (1) prioritize grants based primarily on financial need; and
- (2) establish criteria to assess an applicant's financial need, which shall use quantifiable, need-based measures. For example, an institution may establish a range with a minimum and maximum need index based on the FAFSA within which an eligible recipient's expected contribution must [~~fall~~] fall to be eligible for an award.

**R765-620-7. Grant Award and Calculation.**

- (1) An institution shall use other funding sources, tuition waivers, and fee waivers, when possible, to fully fund awards.
- (2) In determining awards, the institution shall consider all other loans, grants, employment, and family and individual contributions the applicant can put toward financing the cost of attendance.
- (3) Each institution shall prioritize the grant based primarily on financial need as outlined in Section R765-620-6.
- (4) The institution may award an amount to an eligible recipient up to the cost of attendance, after taking into account the total value of other financial aid the recipient receives toward the cost of attendance.

**R765-620-8. Grant Duration.**

Each eligible recipient may receive a promise grant until the recipient:

- ~~(1)~~ (1) earns a first bachelor's degree; or
- ~~(2)~~ (2) attempts 120 credit hours.

**R765-620-9. Competency-based Assessment.**

Each Institution shall evaluate a recipient's knowledge, skills, and competencies acquired through formal or informal education outside the traditional postsecondary academic environment, and award appropriate credit for the recipient's prior learning.

**R765-620-10. Grant Transfers.**

- (1) A recipient may transfer to another institution and [~~retain~~] keep eligibility for the grant, if the recipient meets the qualifications defined in Section R765-620-4 at the institution to which the recipient is transferring.
- (2) Each recipient shall be responsible to inform the financial aid office at the institution to which the recipient is transferring that the recipient is receiving the promise grant at the recipient's current institution.
- (3) The financial aid offices at each respective institution shall coordinate the transfer of scholarship information.
- (4) Upon transfer, the institution [~~shall~~] may prioritize the award of any eligible recipient before all others awarded in accordance with S[~~ubs~~] ection R765-620-6.
- (5) The institution to which the recipient is transferring shall make adjustments in a recipient's award in accordance with Section R765-620-7.

**R765-620-11. Distribution of Funds to Institutions.**

- (1) In determining how to allocate program funds to an institution, the [b]Board shall consider:
  - (a) the costs of attendance of programs offered by the institution; and
  - (b) the number of eligible students who attend each institution.
- (2) The [b]Board shall allocate program funds to eligible institutions in proportion to each eligible institution's percentage of the total Federal Pell Grant funds received for Utah resident students and students who qualified for resident tuition in the most recently completed award year by all participating institutions.

**R765-620-12. Grant Cancellation.**

If a recipient no longer meets the eligibility requirements, the institution shall cancel the recipient's grant, and no remaining funds shall be released.

**R765-620-13. Reporting.**

- (1) As specified by the Office of the Commissioner of Higher Education, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and other promise grant award information for the most recently completed fiscal year.

NOTICES OF PROPOSED RULES

(2) The Office of the Commissioner of Higher Education may, at any time, request additional documentation or data related to the program grant and may review or formally audit an institution's documentation and compliance with this rule.

(3) By March 1 of each year, any participating institution's financial aid directors shall report to the [b]Board the total dollar amount of Federal Pell Grant funds awarded to resident students and students who qualified for resident tuition under Section [~~53B-8-106~~53H-11-203] at the institution for the most recently completed academic year.

(4) An institution that fails to submit the required reports by the required deadlines may be ineligible to participate in the program for the next fiscal year.

**R765-620-14. Administrative Costs.**

The [b]Board may use up to [~~3~~2] % of the money appropriated for the Utah Promise Program to cover administrative costs.

**R765-620-15. Funding Sources.**

The [b]Board may supplement state appropriations for the program with private contributions and may name an award after the donor.

**R765-620-16. Institutional Participation Agreement.**

(1) Each participating institution shall enter into a written agreement with the [b]Board or assigned designee agreeing to abide by the program policies, accept and disburse funds per program rules, provide the required report each year, and [~~retain~~keep] documentation for the program to support the awards and actions taken.

(2) By accepting the funds, the participating institution agrees to the additional following terms and conditions:

(a) The institution may at its discretion use up to 3% of the funds it receives for the Utah Promise Program to cover administrative costs.

(b) The institution may [~~not~~] carry forward or carry back a limited portion of its promise grant allocation from one award year to another, subject to specific guidelines and approval by the Board[~~any of its promise grant allocation~~].

(c) The institution shall inform the [b]Board immediately if it determines it will not be able to utilize all program funds allotted to it for an award year.

(d) Absent approval by the Board for a carry forward amount[~~any exception for a carry forward amount~~], each institution shall return unused funds to the [b]Board.

(e) The [b]Board shall redistribute unused program funds to the other eligible institutions as supplemental promise grant allocations for disbursement during the same award year.

(f) Promise grant allocations budgeted for administrative expenses may not be part of any carryover.

(g) There shall be no exception to these terms and conditions unless approved in advance by the [b]Board.

**R765-620-17. Report to Higher Education Appropriations Subcommittee.**

The [b]Board shall submit an electronic report annually to the Higher Education Appropriations Subcommittee about the Utah Promise Program

**KEY: financial aid, higher education, scholarship**

**Date of Last Change:** [~~February 14, 2024~~2026]

**Notice of Continuation:** August 16, 2024

**Authorizing, and Implemented or Interpreted Law:** [~~Title 53B, Chapter 13a, Utah Promise Program Act~~53H-11-414]

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
<b>Rule or section number:</b>	R765-624	<b>Filing ID:</b> 57792
Agency Information		
<b>1. Title catchline:</b>	Higher Education (Utah Board of), Administration	
<b>Building:</b>	Utah Board of Higher Education Building, The Gateway	
<b>Street address:</b>	60 S 400 W	
<b>City, state:</b>	Salt Lake City, UT 84101	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>	
R765-624. Utah Promise Partner Program	
<b>3. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>If yes, any bill number and session:</b>	HB 341 (2025 General Session), SB 1001 (2025 Special Session)
<b>4. Purpose of the new rule or reason for the change:</b>	
This filing amends Rule 765-624 based on revisions passed by the Utah Board of Higher Education.	
The revisions include changes in Rule R765-624 definitions and statutory citations based on HB 341 passed in the 2025 General Session, and SB 1001, passed in the 2025 Special Session.	
Those revisions, as well as additional nonsubstantive edits made for clarity are reflected in amended Rule R765-620.	
<b>5. Summary of the new rule or change:</b>	
The amendments to Rule R765-624 update statutory citations based on SB 1001 (2025) and make other minor changes to the language of this rule, including to the definition of an "Institution" that participates in the Utah Promise Partner Program based on changes in HB 341 (2025).	

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>	
<b>A. State budget:</b>	
The amendments to Rule R765-624 will not have any fiscal impact on the state budget.	
There is no fiscal impact on the state budget because this rule provides procedures for administering the Utah Promise Partner Program and the changes made to the definition of "Institution," as well as the other minor nonsubstantive changes, do not create any cost to or savings for the state budget.	
<b>B. Local governments:</b>	
The amendments to Rule R765-624 will not have any fiscal impact on local governments.	
There is no fiscal impact on local governments because this rule provides procedures for administering the Utah Promise Partner Program and the changes made to the definition of "Institution," as well as the other minor nonsubstantive changes, do not create any cost to or savings for local governments.	
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):	
The amendments to Rule R765-624 will not have any fiscal impact on small businesses.	
There is no fiscal impact on small businesses because this rule provides procedures for administering the Utah Promise Partner Program and the changes made to the definition of "Institution," as well as the other minor nonsubstantive changes, do not create any cost to or savings for small businesses.	
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):	
The amendments to Rule R765-624 will not have any fiscal impact on non-small businesses.	
There is no fiscal impact on non-small businesses because this rule provides procedures for administering the Utah Promise Partner Program and the changes made to the definition of "Institution," as well as the other minor nonsubstantive changes, do not create any cost to or savings for non-small businesses.	
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):	

NOTICES OF PROPOSED RULES

The amendments to Rule R765-624 will not have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

There is no fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because this rule provides procedures for administering the Utah Promise Partner Program and the changes made to the definition of "Institution," as well as the other minor nonsubstantive changes, do not create any cost to or savings for persons other than small businesses, non-small businesses, state, or local government entities.

**F. Compliance costs for affected persons:**

The amendments to Rule R765-624 will not impose any compliance costs on affected persons.

There are no compliance costs on affected persons because this rule provides procedures for administering the Utah Promise Partner Program and the changes made to the definition of "Institution," as well as the other minor nonsubstantive changes, do not create any such compliance 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Utah Commissioner of Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Section 53H-11-414

**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:** 03/31/2026

**10. This rule change MAY become effective on:** 04/07/2026

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**

<b>Agency head or designee and title:</b>	Alison Adams, Board Secretary and Designee	<b>Date:</b>	02/05/2026
---	--	--------------	------------

**R765. Higher Education (Utah Board of), Administration.****R765-624. Utah Promise Partner Program.****R765-624-1. Purpose.**

This rule outlines the procedures for the Utah Promise Partner Program.

**R765-624-2. Authority.**

This rule is authorized by Section ~~[53B-13a-106]~~ 53H-11-414.

**R765-624-3. Definitions.**

- (1) "Board" means the Utah Board of Higher Education.
- (2) "Eligible program" means an academic program defined by the [b]Board and the promise partner.
- (3) "Institution" means an institution of higher education ~~[under Sub]~~ listed in Section 53~~[B-2-101(4)]~~ H-1-102 or a Utah private nonprofit postsecondary educational institution that enters into an agreement with the Office of the Commissioner of Higher Education to participate in this program, as defined by the Board and the promise partner.
- (4) "Promise partner award" means an award given to an eligible employee or dependent of a promise partner under this ~~[policy]~~ rule.
- (5) "Promise partner" means an employer that has applied to, and established a memorandum of understanding with, the [b]Board.
- (6) "Dependent" means a person who meets the Internal Revenue Service's qualifying child or qualifying relative test.

**R765-624-4. Utah Promise Partners.**

The [b]Board may select, as a promise partner, an employer who applies to the [b]Board and meets other requirements established by the [b]Board. The [b]Board may name a specific promise grant after the donating promise partner.

**R765-624-5. Employee Qualifications.**

- (1) An employee who works for a promise partner, or who is a dependent of an employee of a promise partner, shall be eligible to receive an award under this policy if the individual:
  - (a) completes the application process approved by the [b]Board;
  - (b) is admitted to, and enrolled in or intends to enroll in an [e] eligible program at an institution; and
  - (c) meets other requirements established by the Office of the Commissioner of Higher Education.
- (2) The student must meet the eligibility requirements outlined in Subsection R765-62~~[+]~~4-5(1) for the full-length of time the student receives the award.

**R765-624-6. Application Process.**

- (1) The promise partner shall establish an application process consistent with this rule that an applicant can easily access and complete.
- (2) The [b]Board, in consultation with the partner, shall set deadlines by which each applicant must submit all required materials.

**R765-624-7. Award.**

- (1) Subject to funding, the [b]Board may~~[-]~~ ~~(a-)~~ give a promise partner award for the portion of tuition and fees for a program at an institution that is not covered by the promise partner;
- (2) Prioritize awarding promise partner awards if an appropriation for promise partner awards is insufficient to provide a promise partner award to each eligible applicant.

**R765-624-8. Award Duration.**

The [b]Board may continue to award a promise partner award to an eligible recipient until the earlier of:

- (1) four years after the day on which the recipient receives a promise partner award;
- (2) the recipient's use of the promise partner award to attend an institution for eight semesters; or
- (3) the recipient's completion of an eligible program.

**KEY:** Utah Board of Higher Education, Utah Promise Partner Program, student financial aid

Date of Last Change: ~~[February 14, 2024]~~ 2026

Authorizing, and Implemented or Interpreted Law: ~~[53B-13a-106]~~ 53H-11-414

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> New		
<b>Rule or section number:</b>	<b>R765-905</b>	<b>Filing ID: 57785</b>

**Agency Information**

<b>1. Title catchline:</b>	Higher Education (Utah Board of), Administration	
<b>Building:</b>	Utah Board of Higher Education Building, The Gateway	
<b>Street address:</b>	60 S 400 W	
<b>City, state:</b>	Salt Lake City, UT 84101	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R765-905. Utah Engineering and Computer Science Initiative
<b>4. Purpose of the new rule or reason for the change:</b>
<p>This new administrative rule, R765-905, provides procedures for administering the Engineering and Computer Science Initiative (the "Initiative").</p> <p>This new rule replaces repealed Rule R765-608, which previously outlined requirements for administering the Initiative.</p> <p>Rule R765-608 was repealed to be replaced by Rule R765-905 to align with the Utah Board of Higher Education policy number and to update the policy requirements. This new Rule R765-905 replaces repealed Rule R765-608 and includes updates to numbering, as well as to the substance of this rule to comply with SB 1001, passed in the 2025 Special Session, and Section 53H-1-602.</p>
<b>5. Summary of the new rule or change:</b>
<p>This new administrative rule provides procedures for administering the Engineering and Computer Science Initiative, including how funds shall be distributed and used, as well as reporting requirements.</p> <p>New Rule R765-906 replaces repealed Rule R765-608 and is being enacted with necessary revisions and updates to meet the statutory requirements of Section 53H-1-602.</p> <p>This rule also complies with the renumbering and reorganization of Title 53B to Title 53H that was carried out by SB 1001 (2025). Though this new rule complies with these legislative actions, it is not required or necessitated by legislative action. Rather, this rule is enacted to meet the necessary statutory requirements that are already in place under Utah law.</p> <p>Rule R765-905 clarifies the purpose of the Initiative, explains the updated method by which funds from the Initiative will be distributed, and implements an updated annual reporting requirement for qualifying institutions.</p>

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
This rule will not have any fiscal impact on the state budget.

There is no fiscal impact on the state budget because this new rule regarding the administration of the Utah Engineering and Computer Science Initiative (the "Initiative"), the distribution of funds under the Initiative, and the annual reporting requirements placed on qualifying institutions does not make any changes that would create either any cost to or savings for the state budget.

While the Initiative is funded by appropriations from the state budget, the provisions of this new rule effect no change to the state budget as those appropriations occur separately from the processes set forth in this rule.

**B. Local governments:**

This rule will not have any fiscal impact on local governments.

There is no fiscal impact on local governments because this new rule regarding the administration of the Utah Engineering and Computer Science Initiative (the "Initiative"), the distribution of funds under the Initiative, and the annual reporting requirements placed on qualifying institutions does not make any changes that would create either any cost to or savings for local governments.

While the Initiative is funded by appropriations from the state budget, the provisions of this new rule effect no fiscal change to local governments as those appropriations occur separately from the processes set forth in this rule.

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

This rule will not have any fiscal impact on small businesses.

There is no fiscal impact on small businesses because this new rule regarding the administration of the Utah Engineering and Computer Science Initiative (the "Initiative"), the distribution of funds under the Initiative, and the annual reporting requirements placed on qualifying institutions does not make any changes that would create either any cost to or savings for small businesses.

While the Initiative is funded by appropriations from the state budget, the provisions of this new rule effect no fiscal change to small businesses as those appropriations occur separately from the processes set forth in this rule.

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

This rule will not have any fiscal impact on non-small businesses.

There is no fiscal impact on non-small businesses because this new rule regarding the administration of the Utah Engineering and Computer Science Initiative (the "Initiative"), the distribution of funds under the Initiative, and the annual reporting requirements placed on qualifying institutions does not make any changes that would create either any cost to or savings for non-small businesses.

While the Initiative is funded by appropriations from the state budget, the provisions of this new rule effect no fiscal change to non-small businesses as those appropriations occur separately from the processes set forth in this rule.

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

This rule will not have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

There is no fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because this new rule regarding the administration of the Utah Engineering and Computer Science Initiative (the "Initiative"), the distribution of funds under the Initiative, and the annual reporting requirements placed on qualifying institutions does not make any changes that would create either any cost to or savings for persons other than small businesses, non-small businesses, state, or local government entities.

While the Initiative is funded by appropriations from the state budget, the provisions of this new rule effect no fiscal change to persons other than small businesses, non-small businesses, state, or local government entities as those appropriations occur separately from the processes set forth in this rule.

**F. Compliance costs for affected persons:**

This rule does not impose any compliance costs for affected persons because this new rule regarding the administration of the Utah Engineering and Computer Science Initiative (the "Initiative"), the distribution of funds under the Initiative, and the annual reporting requirements placed on qualifying institutions does not make any changes that would create any cost for compliance for any affected person.

While the Initiative is funded by appropriations from the state budget, the provisions of this new rule create no compliance costs as those appropriations occur separately from the processes set forth in this rule.

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

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

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

The Utah Commissioner of Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Section 53H-1-602

**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:** 03/17/2026

**10. This rule change MAY become effective on:** 03/24/2026

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**

<b>Agency head or designee and title:</b>	Alison Adams, Board Secretary and Designee	<b>Date:</b>	01/28/2026
---	--	--------------	------------

**R765. Higher Education (Utah Board of), Administration.**  
**R765-905. Utah Engineering and Computer Science Initiative.**  
**R765-905-1. Purpose.**

The purpose of this rule is to provide policy and procedures for administering the Utah Engineering and Computer Science Initiative.

**R765-905-2. Authority.**

This rule is authorized by Section 53H-1-602.

**R765-905-3. Definitions.**

- (1) "Board" means Utah Board of Higher Education.
- (2) "Qualifying institution" means a college or university in the Utah System of Higher Education under Section 53-H-1-102 which offers one or more qualifying programs.
- (3) "Qualifying Program" means an accredited engineering, computer science, or related technology degree program. Related technology degree programs include associates, bachelors, masters, and doctorate degrees from the following CIP Code Families:
  - (a) CIP Code Family 11: Computer and Information Sciences and Support Services;
  - (b) CIP Code Family 14: Engineering;
  - (c) CIP Code Family 15: Engineering Technologies/Technicians.
- (4) "Engineering and computer science talent advisory council" means a talent advisory council created by the talent board to make recommendations to the Utah Board of Higher Education regarding the administration of an engineering and computer science talent initiative.
- (5) "UECSI" means the Utah Engineering and Computer Science Initiative.
- (6) "USHE" means the Utah System of higher Education.

**R765-905-4. Policy.**

- (1) The purpose of the Utah Engineering and Computer Science Initiative (UECSI) is to increase the number of graduates in engineering, computer science, and related technology.
- (2) UECSI improves the quality of instructional programs in engineering, computer science, and related technology by providing supplemental money for equipment purchases and providing incentives to qualifying institutions to hire and retain faculty. This includes funding for new and renovated capital facilities and funding for new engineering and computer science programs.
- (3) The UECSI funds shall be used for degree programs in the areas of engineering, computer science, and related technology programs. The distribution of funds to qualifying institutions shall be based on a formula developed by the Engineering and Computer Science Talent Advisory Council.
- (4) The Engineering and Computer Science Talent Advisory Council shall evaluate and rank each proposal submitted by a qualifying institution.
- (5) The funding amount shall be based on:
  - (a) The quality and completeness of the elements of the proposal; and
  - (b) The extent to which the proposed program would:
    - (i) Expand the capacity to meet state or regional workforce needs related to the talent initiative;
    - (ii) Integrate industry-relevant competencies with disciplinary expertise;
    - (iii) Incorporate internships or significant project experiences, including team-based experiences;
    - (iv) Identify how industry professionals would participate in elements described in the initiative;
    - (v) Is cost effective; and
    - (vi) Other relevant criteria determined by the Engineering and Computer Science Talent Advisory Council.
- (6) The Engineering and Computer Science Talent Advisory Council shall make recommendations to the Board on the allocation and distribution of UECSI funds to qualifying institutions.
- (7) The Board decides whether to approve the recommended distribution of UECSI funds.
- (8) The Office of the Commissioner of Higher Education, through Talent Ready Utah, will provide staff support to the Engineering and Computer Science Talent Advisory Council.

**R765-905-5. Funds.**

- (1) Qualifying institutions shall match the funds provided by UECSI on a one-to-one basis.
- (2) Funds shall only be used for the following purposes:
  - (a) Hiring, recruiting, and retaining outstanding faculty in engineering, computer science, and related technology fields;
  - (b) Supplemental money for equipment purchases; and
  - (c) Funding for new and renovated capital facilities and funding for new engineering and computer science programs.

**R765-905-6. Reporting.**

Each qualifying institution that receives funding shall annually provide a written report to the Board regarding the activities, successes, and challenges related to administering the program including:

- (1) The amount of funding provided to the qualifying institution that includes the one-to-one funding match;
- (2) The number of participating students in each program;
- (3) The number of graduates of the program;
- (4) The number of graduates of the program employed in jobs requiring skills related to the talent initiative; and
- (5) Progress and achievements relevant to the implementation timeline submitted in the proposal.

**KEY: Utah Board of Higher Education, talent education and industry alignment, engineering, computer science, program**

**Date of Last Change: 2026**

**Authorizing, and Implemented or Interpreted Law: 53H-1-602**

**End of the Notices of Proposed Rules Section**

## NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text (~~example~~). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (. . . . .) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or section Number:	R357-48	Filing ID: 57789
Effective date:	02/06/2026	

### Agency Information

1. Title catchline:	Governor, Economic Opportunity	
Building:	World Trade Center	
Street address:	60 E South Temple, Suite 300	
City, state	Salt Lake City, UT	
Mailing address:	60 E South Temple, Suite 300	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
Name:	Phone:	Email:
Greg Jeffs	801-368-1957	gjeffs@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

### General Information

2. Rule or section catchline:	
R357-48. Affordable Housing Infrastructure Grant Rule	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 502 (2025 General Session)

<b>4. Purpose of the new rule or reason for the change:</b>	
The Governor's Office of Economic Opportunity (GOEO) is required by Section 72-2-503 to make a rule that "shall develop a process for the prioritization of grant proposals."	
This rule will fulfill this requirement.	
<b>5. Summary of the new rule or change:</b>	
This rule states the required content for grant applications, methodology for selecting grants, grant reporting requirements, and methodology for awarding grants.	
(EDITOR'S NOTE: A corresponding proposed new Rule R357-48, ID 57788, was published in the February 15, 2026, issue of the Bulletin.)	
<b>6A. The agency finds that regular rulemaking would:</b>	
<input type="checkbox"/>	cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/>	cause an imminent budget reduction because of budget restraints or federal requirements; or
<input checked="" type="checkbox"/>	place the agency in violation of federal or state law.
<b>B. Specific reasons and justifications for this finding:</b>	
GOEO is required by Section 72-2-503 to make a rule that "shall develop a process for the prioritization of grant proposals."	
This law is already in effect, therefore, GOEO needs this emergency rule to be in effect as soon as possible in order to be in compliance.	
The proposed new rule is currently in the rulemaking process, and this emergency rule is intended to bridge the gap between now and when the proposed rule can be made effective.	

**Fiscal Information**

<b>7. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>	
<b>A. State budget:</b>	
None -- There are no anticipated costs or savings for this rule.	
This is because all costs associated with the Affordable Housing Infrastructure Grant were anticipated and covered by HB 502, passed in the 2025 General Session.	
The fiscal note for HB 502 (2025) stated, in relevant part: "The bill could also increase the Governor's Office of Economic Opportunity's expenditures from the Transportation Investment Fund by \$55,000 ongoing beginning in FY 2026 to provide staff support for the grant fund and \$15,000 one-time in FY 2026 for system development."	
<b>B. Local governments:</b>	
None -- There are no anticipated costs or savings for this rule because local governments are not required to apply for the grant.	
Additionally, for those who do choose to apply, this rule only requires submitting documents that are needed for completing the grant and proving eligibility.	
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):	
None -- There are no anticipated costs or savings for this rule because small businesses are not required to apply for the grant.	
<b>D. Persons other than small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):	
None -- There are no anticipated costs or savings for this rule because non-small businesses are not required to apply for the grant.	

<b>E. Compliance costs for affected persons:</b>
None -- There are no anticipated costs or savings for this rule because people are not required to apply for the grant.  Additionally, for those who do choose to apply, this rule only requires submitting documents that are needed for completing the grant and proving eligibility.
<b>F. Comments by the department head on the fiscal impact this rule may have on businesses</b> (Include the name and title of the department head):
None -- There are no anticipated fiscal impacts for this rule on businesses because businesses are not required to apply for the grant. Jefferson Moss, Executive Director

**Citation Information**

<b>8. 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:</b>
Subsection 72-2-503(4)

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Greg Jeffs, Designee	<b>Date:</b>	02/06/2026
---	----------------------	--------------	------------

**R357. Governor, Economic Opportunity.**

**R357-48. Affordable Housing Infrastructure Grant Rule.**

**R357-48-1. Authority.**

This rule is adopted under the authority of Subsection 72-2-503(4).

**R357-48-1. Definitions.**

- (1) "Board" means the Affordable Housing Infrastructure Grant Board defined under Section 72-2-503.
- (2) "The office" means the Governor's Office of Economic Opportunity.
- (3) "Grant applications" means:
  - (a) the Planning and Design application; and
  - (b) the Construction application.
- (4) "Public Entity" means county, municipality, public housing authority, special service or improvement district, or public transit district.
- (5) "UDOT" means the Utah Department of Transportation.

**R357-48-2. Content of Applications.**

- (1) The following may be required in each Planning and Design application:
  - (a) name of applying public entity;
  - (b) responsible contact's:
    - (i) name;
    - (ii) full mailing address;
    - (iii) telephone number; and
    - (iv) email address;
  - (c) amount of grant funding requested;
  - (d) a scope of work with descriptions of planning and designing for which funds will be used;
  - (e) a description of expected deliverables and outcomes;
  - (f) a timeline for completion;
  - (g) a budget narrative describing proposed fund usage; and
  - (i) if a grant proposal includes highway infrastructure, the budget must include a minimum matching contribution of the right-of-way needed for the highway improvements;
  - (h) a line-item budget describing proposed uses of grant funds;
  - (i) documentation supporting the valuation of the right-of-way contribution, if applicable;
  - (j) the entity's W9 form, or the public entity's state vendor number if the public entity is currently a state vendor;
  - (k) a letter of support from the public entity's governing board or commission; and
  - (l) any other information requested by the office.
- (2) The following may be required in each Construction application:
  - (a) the amount of grant funding requested;
  - (b) the entity's W9 form, or the public entity's state vendor number if the public entity is currently a state vendor;

NOTICES OF 120-DAY (EMERGENCY) RULES

- (c) a letter of support from the public entity's governing board or commission;
- (d) an official invoice from the public entity, invoicing the Governor's Office of Economic Opportunity for the contractually agreed upon amount;
- (e) the Affordable Housing Infrastructure Grant Board's letter of approval of the Planning and Design application;
- (f) the agreement or contract with UDOT for right-of-way matching contribution confirming acceptance of valuation and property exchange, if applicable;
- (g) a scope of work with descriptions of construction for which funds will be used;
- (h) letters of support from the public entity's governing board, council, or commission;
- (i) maps and visual displays of affected areas;
- (j) drafts and rendering of construction plans;
- (k) a description of expected deliverables and outcomes;
- (l) a timeline for completion;
- (m) a budget narrative describing proposed fund usage;
- (n) a line-item budget describing proposed uses of grant funds;
- (o) an assessment of anticipated risks and how they are to be mitigated;
- (p) cost estimates from third-party experts;
- (r) a description of expected deliverables and outcomes;
- (s) planning and design documents from the Planning and Design application;
- (t) the property valuation of matching contribution by property assessor;
- (u) any other information requested by the office.

**R357-48-3. Methodology for Selecting Grants.**

- (1) The application for the Affordable Housing Infrastructure Grant will become available to public entities at the discretion of the office.
- (2) Grant applications will be submitted in two parts:
  - (a) The Planning and Design application will be submitted first.
  - (i) The board will prioritize grant applications in accordance with Subsection 72-2-503(7)(c).
  - (b) The Construction application must be submitted after the Planning and Design application has been approved by the board.

**R357-48-4. Grant Reporting.**

Grant recipients shall submit an annual report for the previous year containing a description of the projects for which the grant funding was used or encumbered.

**R357-48-5. Methodology for Awarding Grants.**

- (1) Grant awards will be distributed in three parts:
  - (a) Upon approval of the Planning and Design application
  - (b) Upon approval of the Construction application
  - (c) Upon the office's receipt of the annual report.
- (2) The amount awarded in each part will be determined by the board.

**KEY: economic development**

**Date of Last Change: February 6, 2026**

**Authorizing, and Implemented or Interpreted Law: 63B-34-101; 72-2-501; 72-2-502; 72-2-503; 72-2-504**

**End of the Notices of 120-Day (Emergency) 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](http://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

<b>Rule number:</b>	<b>R58-2</b>	<b>Filing ID: 56611</b>
<b>Effective date:</b>	<b>02/09/2026</b>	

### Agency Information

<b>1. Title catchline:</b>	Agriculture and Food, Animal Industry	
<b>Building:</b>	Taylorsville State Office Building, South Bldg, Floor 2	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state:</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Camille Knudson	801-597-6010	Camillek@utah.gov
John Keller	385-321-0250	johnkeller@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

### General Information

<b>2. Rule catchline:</b>	
R58-2. Diseases, Inspections, and Quarantines	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Sections 4-31-109 and 4-31-118	These sections authorize this rule to control and eradicate infectious livestock diseases like brucellosis, trichomoniasis, and tuberculosis.
Subsection 4-2-103(1)(c)(ii)	Authorizes rulemaking to inquire into the cause of contagious, infectious, and communicable diseases among livestock and options to prevent the spread of disease among of livestock.

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:**

The Department of Agriculture and Food (department) has not received any comments regarding the continuation of this rule since the last five-year review.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule is necessary to protect Utah's livestock and public health by providing a structured response to infectious disease outbreaks. It establishes the mandatory reporting list for veterinarians and owners, defines the department's authority to issue hold orders and quarantines, and sets specific safety standards for high-risk events like animal exhibitions and terminal shows. Without this rule, the department would lack the clear enforcement protocols needed to prevent disease transmission, manage livestock traceability, and maintain the economic viability of Utah's animal industries. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	02/09/2026
---	-----------------------------	--------------	------------

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R58-4</b>	<b>Filing ID:</b>	<b>55284</b>
<b>Effective date:</b>	<b>02/09/2026</b>		

**Agency Information**

<b>1. Title catchline:</b>	Agriculture and Food, Animal Industry		
<b>Building:</b>	Taylorsville State Office Building, South Bldg, Floor 2		
<b>Street address:</b>	4315 S 2700 W		
<b>City, state:</b>	Taylorsville, UT		
<b>Mailing address:</b>	PO Box 146500		
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Amber Brown	385-245-5222	Ambermbrown@utah.gov	
Camille Knudson	801-597-6010	Camillek@utah.gov	
John Keller	385-321-0250	johnkeller@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b>	
R58-4. Use of Animal Drugs and Biologicals	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 4-31-109	Authorizes this rule to control and eradicate brucellosis, trichomoniasis, tuberculosis, and other infectious diseases in livestock.
<b>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:</b>	
The Department of Agriculture and Food has not received any public comments regarding this rule since the last five-year review.	

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule is necessary to maintain state-level oversight of high-risk animal drugs and biologicals that enter Utah. Federal law sets the manufacturing standards, and this rule provides the State Veterinarian the authority to permit or deny the use of specific biological products to prevent the improper use of infectious agents and ensure that disease-control efforts remain effective and traceable. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	02/09/2026
---	-----------------------------	--------------	------------

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R58-14</b>	<b>Filing ID:</b>	<b>55283</b>
<b>Effective date:</b>	<b>02/09/2026</b>		

**Agency Information**

<b>1. Title catchline:</b>	Agriculture and Food, Animal Industry		
<b>Building:</b>	Taylorsville State Office Building, South bldg, Floor 2		
<b>Street address:</b>	4315 S 2700 W		
<b>City, state:</b>	Taylorsville, UT		
<b>Mailing address:</b>	PO Box 146500		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Amber Brown	385-245-5222	Ambermbrown@utah.gov	
Camille Knudson	801-597-6010	Camillek@utah.gov	
John Keller	385-321-0250	johnkeller@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b>	
R58-14. Holding Live Racoons or Coyotes in Captivity	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 4-23-111	This section authorizes the Agriculture and Wildlife Damage Prevention Board to make rules regarding exemptions for possessing a racoon or coyote.
<b>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:</b>	
The Department of Agriculture and Food received no written comments supporting or opposing this rule during the current five-year review period.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
This rule is necessary to implement the statutory mandate of Section 4-23-111. It provides the framework for granting research and exhibition variances and establishes the necessary public health protocols for animal-to-human contact that are not detailed in the statute. Therefore, this rule should be continued.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	02/09/2026
---	-----------------------------	--------------	------------

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R307-210</b>	<b>Filing ID:</b>	<b>53313</b>
<b>Effective date:</b>	<b>02/04/2026</b>		

**Agency Information**

<b>1. Title catchline:</b>	Environmental Quality, Air Quality		
<b>Building:</b>	Multi-Agency State Office Building		
<b>Street address:</b>	195 N 1950 W		
<b>City, state:</b>	Salt Lake City, UT		
<b>Mailing address:</b>	PO Box 144820		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4820		

<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov	

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

**General Information**

<b>2. Rule catchline:</b>	R307-210. Standards of Performance for New Stationary Sources		
---------------------------	---	--	--

**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 the Air Quality Board to make rules.
42. U.S.C. 7411(c)	The Environmental Protection Agency (EPA) has delegated authority to "develop and submit" procedures for "implementing and enforcing standards of performance for new sources located in such State."

**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:**

The EPA has delegated authority to "develop and submit" procedures for "implementing and enforcing standards of performance for new sources located in such State," as per 42. U.S.C. 7411(c). Rule R307-210 is a part of those procedures. Rule R307-210 also incorporates certain provisions of 40 CFR 60 into state rules. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Bryce C. Bird, Director, DAQ	<b>Date:</b>	01/13/2026
---	------------------------------	--------------	------------

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R311-600</b>	<b>Filing ID:</b>	<b>50710</b>
<b>Effective date:</b>	<b>02/09/2026</b>		

**Agency Information**

<b>1. Title catchline:</b>	Environmental Quality, Environmental Response and Remediation	
<b>Building:</b>	Multi Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 144840	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4840	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Bill Rees	385-391-8120	brees@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	
R311-600. Hazardous Substances Mitigation Act: Enforceable Written Assurances	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Subsection 19-6-326(3)	<p>Rule R311-600 is enacted in accordance with Subsection 19-6-326(3).</p> <p>Section 19-6-326 states:</p> <p>1) based upon risk to human health or the environment from potential exposure to hazardous substances or materials, the Executive Director, or the Executive Director's designee, may issue enforceable written assurances to a bona fide prospective purchaser, contiguous property owner, or innocent landowner of real property that no enforcement action under this part may be initiated regarding that real property against the person to whom the assurances are issued;</p> <p>2) an assurance, granted under Subsection 19-6- 326(1), grants the person to whom the assurance is issued protection from imposition of any state law cost recovery and contribution actions under this part; and</p> <p>3) the Executive Director may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary for the administration of this section.</p>
<b>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:</b>	
The Department of Environmental Quality (Department) received no written comments from persons supporting or opposing this rule.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
<p>Amendments to the Hazardous Substances Mitigation Act to authorize the issuance of an Enforceable Written Assurance were initiated and subsequently supported by the private sector and the legal community to help quantify a prospective purchaser's pre-purchase liability. This can help foster economic development of Brownfields and other potentially impacted properties.</p> <p>In addition, the Department views that compliance with the conditions of the requirements for a bona fide prospective purchaser (e.g., all appropriate inquiries, notice, care/reasonable steps, cooperation, and compliance with institutional controls), which must be met to issue an Enforceable Written Assurance, will generally ensure there is no unacceptable risk to human health or the environment. Based on the above paragraph and the fact that the Department has received no written comments from persons opposing this rule, the Department has determined that this rule is necessary. Therefore, this rule should be continued.</p>	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Bill Rees, VCP/Brownfields Program Section Manager	<b>Date:</b>	02/09/2026
---	--	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R357-5	Filing ID: 57696
Effective date:	02/06/2026	

**Agency Information**

1. Title catchline:	Governor, Economic Opportunity	
Building:	World Trade Center	
Street address:	60 E South Temple, Suite 300	
City, state:	Salt Lake City, UT	
Mailing address:	60 E South Temple, Suite 300	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
Name:	Phone:	Email:
Greg Jeffs	801-368-1957	gjeffs@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

**General Information**

2. Rule catchline:	R357-5. Motion Picture Incentive Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	Section 63N-8-104 requires the Office of Economic Opportunity to make rules establishing the standards that a motion picture company and digital media company must meet to qualify for a motion picture incentive and the criteria for determining the amount of the motion picture incentive.	
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:	This rule is required by law. Therefore, this rule should be continued.  There have been no comments opposing this rule.	

**Agency Authorization Information**

Agency head or designee and title:	Greg Jeffs, Designee	Date:	02/02/2026
------------------------------------	----------------------	-------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R398-15	Filing ID: 55992
Effective date:	02/04/2026	

**Agency Information**

1. Title catchline:	Health and Human Services, Family Health, Children with Special Health Care Needs	
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

<b>Mailing address:</b>	PO Box 144610	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4610	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Colin Kingsbury	385-310-5238	ckingsbury@utah.gov
Alexis Weight	801-273-2956	abweight@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	
R398-15. Adult Autism Treatment Program	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 26B-4-602	Section 26B-4-602 authorizes the Department of Health and Human Services (department), as funding permits, to award a grant from the Adult Autism Treatment Program on behalf of an applicant in accordance with criteria established by the department, in collaboration with the advisory committee, by rule.
Section 26B-4-604	Section 26B-4-604 requires the department, in collaboration with the advisory committee, to make rules to specify assessment tools and outcomes that a qualified provider may use to determine the types of supports that a qualified individual needs, define evidence-based treatments that a qualified individual may pay for with grant funding, establish criteria for awarding a grant under Title 26B, Chapter 4, Part 6, Adult Autism Treatment Program, specify the information that an individual shall submit to demonstrate that the individual is a qualified individual, specify the information a provider shall submit to demonstrate that the provider is a qualified provider, and specify the content and timing of reports required from a qualified provider, including a report on actual and projected treatment outcomes for a qualified individual.
<b>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:</b>	
No comments have been received since the last five-year review of this rule.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
This rule is necessary for statutory compliance and oversight of appropriations from the fund for the Adult Autism Treatment Account. This rule is also necessary to continue outlining the process and criteria for determining eligibility for and awarding grants to qualified individuals to receive services.	
As there were no comments in opposition to this rule, the department did not respond to any such comments.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/03/2026
---	-------------------------------------	--------------	------------

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R444-1</b>	<b>Filing ID:</b>	<b>56119</b>
<b>Effective date:</b>	<b>02/17/2026</b>		

**Agency Information**

<b>1. Title catchline:</b>	Health and Human Services, Utah Public Health Laboratory, Lab Certification Program
----------------------------	---

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>Building:</b>	Utah Public Health Laboratory	
<b>Street address:</b>	4431 S 2700 W	
<b>City, state:</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 31431	
<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kristin Brown	801-538-4152	kristinbrown@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	
R444-1. Approval of Clinical Laboratories	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 26B-1-202	<p>Subsection 26B-1-202(2)(a) authorizes the Department of Health and Human Services (department) to adopt rules as the department may consider necessary or desirable for providing health and social services to the people of Utah.</p> <p>Additionally, Subsection 26B-1-202(2)(gg) authorizes the department to establish laboratory services necessary to support public health programs and medical services in Utah, and Subsection 26B-1-202(2)(hh) authorizes the department to establish and enforce standards for laboratory services which are provided by any laboratory in the state when the purpose of the services is to protect public health.</p>
<b>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:</b>	
No comments have been received since the last five-year review of this rule.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
<p>This rule is necessary because this rule provides procedures for how facilities may be authorized to operate as clinical laboratories within the state and procedures for maintaining approval. It also requires the department to publish lists of approved clinical laboratories. Without the provisions in this rule, the process for becoming a state-approved clinical laboratory would be less clear, there would be less oversight for these facilities, and there would be less transparency for the public as to which facilities have been approved as laboratories, leading to a risk to public health. Therefore, this rule should be continued.</p> <p>As there were no comments in opposition to this rule, the department did not respond to any such comments.</p>	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	02/17/2026
---	-------------------------------------	--------------	------------

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R590-144</b>	<b>Filing ID: 53987</b>
<b>Effective date:</b>	<b>02/06/2026</b>	

**Agency Information**

<b>1. Title catchline:</b>	Insurance, Administration
----------------------------	---------------------------

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state:</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-957-9322	sgooch@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	
R590-144. Commercial Aviation Insurance Exemption From Rate and Form Filing	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 31A-2-201	Authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
Section 31A-19a-103	Authorizes the insurance commissioner to exempt a market segment from the provisions of Title 31A, Chapter 19a, Rate Regulation.
Section 31A-21-101	Authorizes the insurance commissioner to exempt a class of insurance contract or class of insurer from the provisions of Title 31A, Chapter 21, Insurance Contracts in General, and Title 31A, Chapter 22, Contracts in Specific Lines.
<b>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:</b>	
No comments have been received since the last five-year review of this rule.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
<p>Because of the unique nature of commercial aviation risks, aviation insurance premiums rely on individual risk analysis, underwriting judgment, and the negotiation of a sophisticated business transaction between the insurer and an informed insured. These types of risks also require individually tailored manuscript-type policies.</p> <p>Because of the uniqueness of each risk, it is not reasonable to set general rates and forms for them. For this reason, it is important that this rule stays in force, exempting commercial aviation insurance from the requirement to file policy rates and forms with the Department of Insurance. Therefore, this rule should be continued.</p>	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	02/06/2026
---	---	--------------	------------

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R590-177</b>	<b>Filing ID:</b> 55109
<b>Effective date:</b>	<b>02/06/2026</b>	

**Agency Information**

<b>1. Title catchline:</b>	Insurance, Administration
<b>Building:</b>	Taylorsville State Office Building

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>Street address:</b>	4315 S 2700 W	
<b>City, state:</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-957-9322	sgooch@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	
R590-177. Life Insurance Illustrations Rule	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 31A-2-201	Authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
Section 31A-22-425	Authorizes the insurance commissioner to make rules to establish standards for illustrations that are used in connection with the solicitation or sale of a life insurance policy or contract.
Section 31A-23a-402	Prohibits a person from engaging in unfair methods of competition or deception in the business of insurance.  This rule describes filing requirements for life illustrations and standards for the format, use, delivery, and retention of life illustrations used in the sale of life policies.
<b>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:</b>	
No comments have been received since the last five-year review of this rule.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
This rule provides consumer protection by stating the requirements and restrictions on the values that can be shown in the projections contained in a life insurance illustration. Unregulated illustrations have been found to provide values that are unrealistic and could entice a consumer into purchasing a product that will never perform as the company has illustrated. Therefore, this rule should be continued.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	02/06/2026
---	---	--------------	------------

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R590-200</b>	<b>Filing ID:</b> 56415
<b>Effective date:</b>	<b>02/06/2026</b>	

**Agency Information**

<b>1. Title catchline:</b>	Insurance, Administration
<b>Building:</b>	Taylorsville State Office Building
<b>Street address:</b>	4315 S 2700 W
<b>City, state:</b>	Taylorsville, UT

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>Mailing address:</b>	PO Box 146901	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-957-9322	sgooch@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	
R590-200. Diabetes Treatment and Management	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 31A-2-201	Authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
Section 31A-22-626	Authorizes the insurance commissioner to establish by rule minimum standards of coverage for diabetes for accident and health policies that provide a health insurance benefit, and to write rules with limits, deductibles, coinsurance, and requirements regarding self-management training and management training that are equitable or identical to coverage provided for the treatment of other diseases or illnesses, as well as requiring coverage for equipment and supplies that are considered to be medically necessary for that care.
<b>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:</b>	
No comments have been received since the last five-year review of this rule.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
This rule details the minimum standards for diabetic care that must be covered under health insurance. It includes diabetes education, training, supplies, and prescriptions necessary for a person to manage their diabetes. Therefore, this rule should be continued.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	02/06/2026
---	---	--------------	------------

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R590-285</b>	<b>Filing ID:</b> 56750
<b>Effective date:</b>	<b>02/06/2026</b>	

**Agency Information**

<b>1. Title catchline:</b>	Insurance, Administration	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state:</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-957-9322	sgooch@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>	
R590-285. Limited Long-Term Care Insurance	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 31A-2-201	Authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
Section 31A-22-2006	Authorizes the insurance commissioner to write rules to implement Title 31A, Chapter 22, Part 20, Limited Long-term Care Insurance Act.
<b>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:</b>	
No comments have been received since the last five-year review of this rule.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
This rule is a significant consumer protection for Utahns who purchase limited long-term care insurance. The provisions of this rule prohibit the use of deceptive sales or enrollment practices, set minimum standards for coverage, and enact other benefits to the consumer. It also sets expectations for the insurer, while allowing flexibility and innovation in developing limited long-term care products. Therefore, this rule should be continued.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	02/06/2026
---	---	--------------	------------

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R592-17</b>	<b>Filing ID: 54040</b>
<b>Effective date:</b>	<b>02/09/2026</b>	

**Agency Information**

<b>1. Title catchline:</b>	Insurance, Title and Escrow Commission	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state:</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-957-9322	sgooch@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>
R592-17. Requirements for an Interest Bearing Account Used for Trust Fund Deposits

<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 31A-2-404	Requires the Title and Escrow Commission to write rules related to title insurance.
<b>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:</b>	
No comments have been received since the last five-year review of this rule.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
This rule specifies the characteristics of a trust account used by a title insurance agency to hold money for parties to a real estate transaction. This rule is necessary because it contains provisions that are critical for keeping a consumer's money safe during such a transaction. The Title and Escrow Commission voted to continue this rule by a vote of 4 to 0. Therefore, this rule should be continued.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	02/09/2026
---	---	--------------	------------

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R661-9</b>	<b>Filing ID:</b> 52701
<b>Effective date:</b>	<b>02/04/2026</b>	

**Agency Information**

<b>1. Title catchline:</b>	Navajo Trust Fund, Trustees	
<b>Building:</b>	Blanding Government Services Building	
<b>Street address:</b>	151 E 500 N	
<b>City, state:</b>	Blanding, UT 84511	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Maury Bergman	435-678-1462	mbergman@utah.gov
Tony Dayish	435-678-1468	tdayish@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	
R661-9. Utah Navajo Trust Fund Public Facility Projects	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Subsection 51-10-205(4)	The Trust Administrator shall make rules in accordance with Subsection (6) that establish policies and criteria for expenditures of fund money.
<b>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:</b>	
No comments have been received since the last five-year review of this rule from interested persons.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
This rule is necessary because it allows the Utah Navajo Trust Fund to provide monetary assistance for public facility projects on the Navajo Reservation such as: new construction, renovations or repairs. Therefore, this rule should be continued.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tony Dayish, Administrator	<b>Date:</b>	02/04/2026
---	----------------------------	--------------	------------

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R661-10</b>	<b>Filing ID:</b>	<b>52702</b>
<b>Effective date:</b>	<b>02/04/2026</b>		

**Agency Information**

<b>1. Title catchline:</b>	Navajo Trust Fund, Trustees		
<b>Building:</b>	Blanding Government Services Building		
<b>Street address:</b>	151 E 500 N		
<b>City, state:</b>	Blanding, UT 84511		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Maury Bergman	435-678-1462	mbergman@utah.gov	
Tony Dayish	435-678-1468	tdayish@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b>	R661-10. Utah Navajo Trust Fund Short-term Training Program		
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	Subsection 51-10-205(4) The Trust Administrator shall make rules in accordance with Subsection (6) that establish policies and criteria for expenditures of fund money.		
<b>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:</b>	No comments have been received since the last five-year review of this rule from interested persons.		
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	This rule is necessary because it allows the Utah Navajo Trust Fund to provide monetary assistance for adults requiring short-term specialized training for job skills and marketability. Therefore, this rule should be continued.		

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tony Dayish, Administrator	<b>Date:</b>	02/04/2026
---	----------------------------	--------------	------------

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R661-11</b>	<b>Filing ID:</b>	<b>51793</b>
<b>Effective date:</b>	<b>02/04/2026</b>		

**Agency Information**

<b>1. Title catchline:</b>	Navajo Trust Fund, Trustees		
<b>Building:</b>	Blanding Government Services Building		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>Street address:</b>	151 E 500 N	
<b>City, state:</b>	Blanding, UT 84511	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Maury Bergman	435-678-1462	mbergman@utah.gov
Tony Dayish	435-678-1468	tdayish@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	
R661-11. Utah Navajo Trust Fund Water Development Projects Culinary and Septic Systems	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Subsection 51-10-205(4)	The Trust Administrator shall make rules in accordance with Subsection (6) that establish policies and criteria for expenditures of fund money.
<b>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:</b>	
No comments have been received since the last five-year review of this rule from interested persons.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
This rule is necessary because it allows the Utah Navajo Trust Fund to provide financial assistance for individuals and entities for water development projects, including culinary and septic systems etc. Therefore, this rule should be continued.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tony Dayish, Administrator	<b>Date:</b>	02/04/2026
---	----------------------------	--------------	------------

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R661-12</b>	<b>Filing ID: 51802</b>
<b>Effective date:</b>	<b>02/04/2026</b>	

**Agency Information**

<b>1. Title catchline:</b>	Navajo Trust Fund, Trustees	
<b>Building:</b>	Blanding Government Services Building	
<b>Street address:</b>	151 E 500 N	
<b>City, state:</b>	Blanding, UT 84511	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Maury Bergman	435-678-1462	mbergman@utah.gov
Tony Dayish	435-678-1468	tdayish@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R661-12. Utah Navajo Trust Fund Homesite Lease Assistance Program

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Subsection 51-10-205(4)	The Trust Administrator shall make rules in accordance with Subsection (6) that establish policies and criteria for expenditures of fund money.
<b>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:</b>	
No comments have been received since the last five-year review of this rule from interested persons.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
This rule is necessary because it allows the Utah Navajo Trust Fund to provide financial assistance to pay for the costs associated with obtaining a homesite lease for constructing a new house. Therefore, this rule should be continued.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tony Dayish, Administrator	<b>Date:</b>	02/04/2026
---	----------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule number:</b>	R661-14	<b>Filing ID: 51798</b>
<b>Effective date:</b>	02/04/2026	

**Agency Information**

<b>1. Title catchline:</b>	Navajo Trust Fund, Trustees	
<b>Building:</b>	Blanding Government Services Building	
<b>Street address:</b>	151 E 500 N	
<b>City, state:</b>	Blanding, UT 84511	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Maury Bergman	435-678-1462	mbergman@utah.gov
Tony Dayish	435-678-1468	tdayish@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	
R661-14. Heavy Equipment Purchase and Repair Program	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Subsection 51-10-205(4)	The Trust Administrator shall make rules in accordance with Subsection (6) that establish policies and criteria for expenditures of fund money.
<b>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:</b>	
No comments have been received since the last five-year review of this rule from interested persons.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
This rule is necessary because it allows the Utah Navajo Trust Fund to fund the purchase or repair of heavy equipment. Therefore, this rule should be continued.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tony Dayish, Administrator	<b>Date:</b>	02/04/2026
---	----------------------------	--------------	------------

**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF FIVE-YEAR EXPIRATIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR EXTENSION (EXTENSION)** with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Office, the rule expires.

Upon expiration of the rule, the Office files a **NOTICE OF FIVE-YEAR EXPIRATION (EXPIRATION)** to document the action. The Office is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Office has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

NOTICE OF EXPIRED RULE		
<b>Rule Number:</b>	<b>R325-1</b>	<b>Filing ID: 50789</b>
<b>Effective Date:</b>	<b>02/24/2026</b>	

### Agency Information

<b>1. Title catchline:</b>	Fair Corporation (Utah State), Administration	
<b>Street address:</b>	155 N 1000 W	
<b>City, state, and zip:</b>	Salt Lake City, UT 84116	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Nancy L. Lancaster	801-657-1644	rulesonline@utah.gov

### General Information

<b>2. Title of rule (catchline):</b>	R325-1. Utah State Fair Competitive Exhibitor Rules
<b>3. Summary:</b>	The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE		
<b>Rule Number:</b>	<b>R325-2</b>	<b>Filing ID: 50793</b>
<b>Effective Date:</b>	<b>02/24/2026</b>	

### Agency Information

<b>1. Title catchline:</b>	Fair Corporation (Utah State), Administration	
----------------------------	---	--

<b>Street address:</b>	155 N 1000 W	
<b>City, state, and zip:</b>	Salt Lake City, UT 84116	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Nancy L. Lancaster	801-657-1644	rulesonline@utah.gov

**General Information**

<b>2. Title of rule (catchline):</b>
R325-2. Utah State Fair Commercial Exhibitor Rules
<b>3. Summary:</b>
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

**NOTICE OF EXPIRED RULE**

<b>Rule Number:</b>	<b>R325-3</b>	<b>Filing ID: 50790</b>
<b>Effective Date:</b>	<b>02/24/2026</b>	

**Agency Information**

<b>1. Title catchline:</b>	Fair Corporation (Utah State), Administration	
<b>Street address:</b>	155 N 1000 W	
<b>City, state, and zip:</b>	Salt Lake City, UT 84116	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Nancy L. Lancaster	801-657-1644	rulesonline@utah.gov

**General Information**

<b>2. Title of rule (catchline):</b>
R325-3. Utah State Fair Patron Rules
<b>3. Summary:</b>
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

**NOTICE OF EXPIRED RULE**

<b>Rule Number:</b>	<b>R325-4</b>	<b>Filing ID: 50799</b>
<b>Effective Date:</b>	<b>02/24/2026</b>	

**Agency Information**

<b>1. Title catchline:</b>	Fair Corporation (Utah State), Administration	
<b>Street address:</b>	155 N 1000 W	
<b>City, state, and zip:</b>	Salt Lake City, UT 84116	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Nancy L. Lancaster	801-657-1644	rulesonline@utah.gov

**General Information**

<b>2. Title of rule (catchline):</b>
R325-4. Interim Patrons Rules (Other Than Utah State Fair)
<b>3. Summary:</b>
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

**NOTICE OF EXPIRED RULE**

<b>Rule Number:</b>	<b>R325-5</b>	<b>Filing ID: 50803</b>
<b>Effective Date:</b>	<b>02/24/2026</b>	

**Agency Information**

<b>1. Title catchline:</b>	Fair Corporation (Utah State), Administration	
<b>Street address:</b>	155 N 1000 W	
<b>City, state, and zip:</b>	Salt Lake City, UT 84116	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Nancy L. Lancaster	801-657-1644	rulesonline@utah.gov

**General Information**

<b>2. Title of rule (catchline):</b>
R325-5. Interim Renters Rules (Other Than Utah State Fair)
<b>3. Summary:</b>
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

**End of the Notices of Notices of Five-Year Expirations 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. 57705 (Amendment) R51-5: Rural Rehabilitation Loans

Published: 01/01/2026

Effective: 02/11/2026

No. 57707 (Repeal) R51-6: Agricultural Advisory Board Electronic Meetings

Published: 01/01/2026

Effective: 02/11/2026

No. 57706 (Amendment) R51-7: Open and Public Meetings Act Electronic Meetings

Published: 01/01/2026

Effective: 02/11/2026

#### Marketing and Development

No. 57733 (Amendment) R65-1: Utah Apple Marketing Order

Published: 01/01/2026

Effective: 02/11/2026

No. 57734 (Amendment) R65-5: Utah Red Tart and Sour Cherry Marketing Order

Published: 01/01/2026

Effective: 02/11/2026

### Commerce

#### Professional Licensing

No. 57754 (Amendment) R156-47b: Massage Therapy Practice Act Rule

Published: 01/15/2026

Effective: 02/24/2026

### Cultural and Community Engagement

#### Historic Preservation

No. 57687 (New Rule) R453-4: Historic Preservation Tax Credit

Published: 12/15/2025

Effective: 02/13/2026

NOTICES OF RULE EFFECTIVE DATES

No. 57688 (New Rule) R453-5: Computerized Records for Cemeteries, Burial Locations and Plots, and Granting Matching Funds  
Published: 12/15/2025  
Effective: 02/13/2026

No. 57689 (New Rule) R453-6: Cultural Site Stewardship Program Volunteer Selection, Training, and Certification Procedures  
Published: 12/15/2025  
Effective: 02/13/2026

No. 57690 (New Rule) R453-7: Cultural Site Stewardship Program Vandalism Reporting Procedures  
Published: 12/15/2025  
Effective: 02/13/2026

History

No. 57564 (Repeal) R455-11: Historic Preservation Tax Credit  
Published: 11/15/2025  
Effective: 02/13/2026

No. 57565 (Repeal) R455-12: Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds  
Published: 11/15/2025  
Effective: 02/13/2026

No. 57566 (Repeal) R455-16: Cultural Site Stewardship Program Volunteer Selection, Training, and Certification Procedures  
Published: 11/15/2025  
Effective: 02/13/2026

No. 57567 (Repeal) R455-17: Cultural Site Stewardship Program Vandalism Reporting Procedures  
Published: 11/15/2025  
Effective: 02/13/2026

Education

Administration

No. 57719 (Repeal) R277-111: Board Oversight Framework  
Published: 01/01/2026  
Effective: 02/09/2026

No. 57720 (Repeal and Reenact) R277-114: Response to Compliance and Related Issues  
Published: 01/01/2026  
Effective: 02/09/2026

No. 57721 (Amendment) R277-212: UPPAC Hearing Procedures and Reports  
Published: 01/01/2026  
Effective: 02/09/2026

No. 57722 (Amendment) R277-213: Request for Licensure Reinstatement and Reinstatement Procedures  
Published: 01/01/2026  
Effective: 02/09/2026

No. 57723 (Amendment) R277-214: Criminal Background Review  
Published: 01/01/2026  
Effective: 02/09/2026

No. 57724 (Amendment) R277-216: Surrender of License with UPPAC Investigation Pending  
Published: 01/01/2026  
Effective: 02/09/2026

No. 57725 (Amendment) R277-477: Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program  
Published: 01/01/2026  
Effective: 02/09/2026

No. 57726 (Amendment) R277-484: Data Standards  
 Published: 01/01/2026  
 Effective: 02/09/2026

No. 57727 (Amendment) R277-491: School Community Councils  
 Published: 01/01/2026  
 Effective: 02/09/2026

No. 57728 (Amendment) R277-600: Student Transportation Standards and Procedures  
 Published: 01/01/2026  
 Effective: 02/09/2026

No. 57729 (Amendment) R277-700: The Elementary and Secondary School General Core  
 Published: 01/01/2026  
 Effective: 02/09/2026

No. 57730 (Amendment) R277-705: Secondary School Completion and Diplomas  
 Published: 01/01/2026  
 Effective: 02/09/2026

No. 57731 (Amendment) R277-716: Alternative Language Services for Utah Students  
 Published: 01/01/2026  
 Effective: 02/09/2026

#### Environmental Quality

##### Air Quality

No. 57666 (Amendment) R307-101: General Requirements  
 Published: 12/01/2025  
 Effective: 02/04/2026

#### Health and Human Services

##### Population Health, Health Promotion and Prevention

No. 57700 (Repeal and Reenact) R384-200: Cancer Control Program  
 Published: 12/15/2025  
 Effective: 02/17/2026

No. 57658 (New Rule) R384-900: Special Measures for the Operation of Syringe Exchange Programs  
 Published: 12/01/2025  
 Effective: 02/25/2026

##### Population Health, Environmental Epidemiology

No. 57659 (Repeal) R386-900: Special Measures for the Operation of Syringe Exchange Programs  
 Published: 12/01/2025  
 Effective: 02/25/2026

#### Data, Systems and Evaluation, Vital Records and Statistics

No. 57703 (Amendment) R436-3: Amendments and Corrections to Vital Records  
 Published: 01/01/2026  
 Effective: 02/17/2026

#### Disease Control and Prevention, Laboratory Services

No. 57618 (Amendment) R438-15: Newborn Screening  
 Published: 11/15/2025  
 Effective: 02/17/2026

#### Substance Use and Mental Health

No. 57698 (Amendment) R523-16: Certification of Essential Treatment Examiners and Case Managers  
 Published: 12/15/2025  
 Effective: 02/17/2026

NOTICES OF RULE EFFECTIVE DATES

Insurance

Administration

No. 57704 (Amendment) R590-238: Captive Insurance Companies

Published: 01/01/2026

Effective: 02/09/2026

No. 57607 (New Rule) R590-291: Use of Fire Hazard Data in Rating and Underwriting

Published: 11/15/2025

Effective: 02/18/2026

No. 57607 (Change in Proposed Rule) R590-291: Use of Fire Hazard Data in Rating and Underwriting

Published: 01/15/2026

Effective: 02/18/2026

Natural Resources

Forestry, Fire and State Lands

No. 57743 (New Rule) R652-126: Wildland Urban Interface Property

Published: 01/15/2026

Effective: 02/24/2026

Wildlife Resources

No. 57708 (Amendment) R657-42: Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents

Published: 01/01/2026

Effective: 02/10/2026

**End of the Notices of Rule Effective Dates Section**