UTAH STATE BULLETIN

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

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

Utah state bulletin.
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TABLE OF CONTENTS

EXECUTIVE DOCUMENTS

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

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

PROCLAMATION

WHEREAS, since the close of the 2026 General Session of the 66th Legislature of the state of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, Spencer J. Cox**,** governor of the state of Utah, by virtue of the authority vested in me by the Constitution and Laws of the state of Utah, do by this Proclamation call the Senate only of the 66th Legislature of the state of Utah into the 11th Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 17th day of June 2026, at 4:00 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the state of Utah since the close of the 2026 General Session of the Legislature of the state of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 16th day of June 2026.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2026-11E

EXECUTIVE ORDER
2026-04

Declaring a State of Emergency and Enabling the State Forester to Protect Municipalities from Fires Caused by Fireworks

WHEREAS, on May 21, 2026, I declared a state of emergency in our state due to drought conditions;

WHEREAS, 94% of the state remains in severe or extreme drought;

WHEREAS, 354 wildfires have started in our state, burning 141,743 acres;

WHEREAS, human activities caused at least 75% of the wildfires in Utah this fire season;

WHEREAS, wildfires, especially those caused by preventable human action, require every measure necessary to protect the lives, property, and wellbeing of Utahns;

WHEREAS, the state forester has implemented Stage 1 fire restrictions, which include prohibitions on fireworks, on state or unincorporated lands in all 29 Utah counties;

WHEREAS, Utah Code § 15A-5-202.5(1)(b) only authorizes the state forester to prohibit fireworks on state land and private unincorporated land in areas that are 1) mountainous, brush-covered, forest-covered, or dry grass-covered areas; 2) within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas; 3) in the wildland urban interface area; and 4) in a limited area outside these hazardous areas to facilitate a readily identifiable closed area;

WHEREAS, the same section, Utah Code § 15A-5-202.5(1)(b), authorizes municipalities to prohibit fireworks in these areas;

WHEREAS, Utah Code § 65A-8-212 authorizes the state forester to further prohibit fireworks on state land and private unincorporated land in areas broader than those recited above when conditions are extremely hazardous, but this section prevents the state forester from prohibiting fireworks within the municipal boundaries of a city or town;

WHEREAS, municipalities do not have authority similar to that of Utah Code § 65A-8-212 to prohibit fireworks in their boundaries in areas broader than those recited above, preventing municipalities from exercising full decision making authority to prohibit fireworks within their boundaries;

WHEREAS, this year's extremely hazardous conditions present an unusually high risk of devastating fire resulting from the discharge of fireworks;

WHEREAS, Utah Code § 53-7-225(3) authorizes the discharge of fireworks in the state of Utah beginning on July 2 and ending July 5, and beginning on July 22 and ending on July 25;

WHEREAS, the discharge of fireworks anywhere in our state, including within municipal boundaries, creates a significant and material risk of a fire disaster;

WHEREAS, Utah Code § 53-2a-206(1) authorizes the governor to declare an emergency when the occurrence or threat of a disaster is imminent;

WHEREAS, these conditions create a state of emergency under the Disaster Response and Recovery Act found in Title 53, Chapter 2a of the Utah Code;

WHEREAS, the Disaster Response and Recovery Act found in Title 53, Chapter 2a of the Utah Code provides the governor with certain powers to respond to an emergency;

WHEREAS, Utah Code § 53-2a-204(1)(a) authorizes the governor to utilize all available resources of state government as reasonably necessary to cope with a state of emergency;

WHEREAS, Utah Code § 53-2a-209(4) authorizes the governor to suspend the enforcement of a statute during a state of emergency if the statute is directly related to the emergency and suspension is necessary to address the state of emergency;

WHEREAS, the statute suspended below, Utah Code § 65A-8-212(5), is directly related to the threat of a fire disaster contemplated in this emergency declaration;

WHEREAS, the imminent occurrence or threat of a disaster from the discharge of fireworks during the July fireworks season necessitates the suspension of Utah Code § 65A-8-212(5), which prevents the state forester from prohibiting the discharge of fireworks within municipal boundaries;

WHEREAS, the declaration of emergency and suspension of the statute will give the state forester the ability to take every measure necessary to combat the spread of wildfire and to address the state of emergency; and

WHEREAS, law enforcement authorities are actively addressing potential risks of fire including unauthorized encampments or arson;

NOW, THEREFORE, I, Spencer J. Cox, Governor of the State of Utah, hereby do the following:

1. **Declaration of Emergency.** I hereby declare a state of emergency in the state of Utah due to the imminent threat of a fire disaster caused by the July fireworks season.

2. **Suspension of Statute.** To mitigate this risk, I order the suspension of the enforcement of Utah Code § 65A-8-212(5), which subsection when enforced prevents the state forester from prohibiting the discharge of fireworks within municipal boundaries. This suspension allows the state forester, under the provisions of Utah Code § 65A-8-212, to prohibit the discharge of fireworks within municipal boundaries when the conditions are extremely hazardous.

3. **Fireworks Restrictions for the Independence Day Period.** Using the full scope of her authority under Utah Code § 65A-8-212, with Subsection 5 of that provision suspended, the state forester shall issue an order or orders closing extremely hazardous areas in the state to the discharge of fireworks, including areas within municipal boundaries, on state lands, or on unincorporated land, for the Independence Day fireworks period of July 2 through July 5, 2026.

4. **Municipally Designated Areas.**

a. If the state forester closes a municipality or an area within a municipality to the discharge of fireworks under Utah Code § 65A-8-212, with Subsection 5 of that provision suspended, the state forester shall do the following:

i. In the order closing the municipality or area within the municipality to the discharge of fireworks, the state forester shall provide that, for "municipally designated areas," the closure is lifted.

ii. The state forester's order shall provide that "municipally designated areas" are those areas identified jointly by a municipality's mayor and fire chief, or other officials if specified by the state forester's order.

iii. The state forester shall provide a deadline by which a municipality may notify the state forester of a municipally designated area for the purposes of the July 2 through July 5 fireworks period. The state forester's orders shall provide that upon the state forester's receipt of a municipality's notice of a municipally designated area, the closure of the municipality designated area shall immediately and automatically lift.

iv. If a municipality does not specify a municipally designated area by the deadline provided, then the state forester's closure of a municipality or areas within a municipality shall remain in effect.

b. Additionally, the state forester shall provide in orders issued in relation to this executive order an exception for fireworks displays and related performances licensed by the Utah State Fire Marshal Division and permitted by a Utah municipality, county, or fire district.

5. **Clear Disclosures.** The state forester shall ensure that any order(s) closing an area to the discharge of fireworks within municipal boundaries clearly discloses the exact area covered by the order and other information required by § 65A-8-212(3). The Department of Public Safety and the state forester shall also encourage clear disclosure by retailers, municipalities, and counties of what areas are closed to fireworks.

6. **Further Evaluation of Fireworks Risks.** The state forester shall, in consultation with the Governor's Office and the Department of Public Safety, reevaluate fire conditions after the Independence Day fireworks season to determine whether to restrict the discharge of fireworks for the Pioneer Day fireworks season.

7. **Potential Fireworks Restrictions for Pioneer Day after Further Evaluation.** If, after further evaluation, the state forester determines that the extremely hazardous conditions continue to exist, the state forester shall, using the full scope of her authority under Utah Code § 65A-8-212, with Subsection 5 of that provision suspended, follow the same process outlined in this executive order for the Pioneer Day fireworks season running from July 22 through July 25, 2026.

8. **Enforcement of State Laws.** The Department of Public Safety shall diligently enforce state laws against unsanctioned camping, arson, and other offenses likely to cause or contribute to a fire disaster.

9. **Municipal Recommendations.** I recommend that municipalities take the following steps to prevent a fire disaster during the July fireworks season:

a. Implement fireworks restrictions under Utah Code § 15A-5-202.5(1)(b) to the full extent of municipal authority; and

b. Diligently enforce laws and ordinances against unsanctioned camping, arson, and other offenses likely to cause or contribute to a fire disaster.

THIS ORDER is effective immediately and shall remain in effect for 30 days, unless the Legislature extends the state of emergency.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 25th day of June, 2026.

(State Seal)

Spencer J. Cox
Governor, State of Utah

ATTEST:

Deidre M. Henderson
Lieutenant Governor, State of Utah

End of the Executive Documents Section

NOTICES OF
PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between June 02, 2026, 12:00 a.m., and June 16, 2026, 11:59 p.m. are included in this, the July 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 July 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 October 29, 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	**Filing ID: 58044**
Rule or section number:	**R66-3**

1. Agency Information

Title catchline:	Agriculture and Food, Specialized Products
Building:	TSOB, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT 84129
Mailing address:	PO Box 146500
City, state, and zip:	Salt Lake City, UT 84114-6500

2. Contact Persons

Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov

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

3. General Information

A. Rule or section catchline:

R66-3. Quality Assurance Testing on Cannabis

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

The Department of Agriculture and Food (department) is amending this rule to allow cannabis processors to test products before packaging.

This change responds to industry feedback seeking to simplify the packaging and labeling process.

C. Summary of the new rule or change:

This amendment updates this rule to clarify that a cannabis processor may test bulk batches of cannabis plant products or derivative products, provided post-testing processing is limited to packaging and labeling.

This addition necessitates the renumbering of subsequent subsections in Section R66-3-3.

Additionally, this amendment incorporates technical corrections throughout this rule to align terminology and formatting with the Rulewriting Manual for Utah.

5. Fiscal Information

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

A. State budget:

This amendment allows an optional testing procedure for cannabis processors, which results in no fiscal impact on the state's budget.

B. Local governments:

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

C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This amendment allows an optional testing procedure for cannabis processors, which results in no fiscal impact on small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This amendment allows an optional testing procedure for cannabis processors, which results in no fiscal impact on non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This amendment allows an optional testing procedure for cannabis processors, which results in no fiscal impact on other persons.
F. Compliance costs for affected persons:
The compliance costs are not changing.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	$0	$0	$0	$0	$0
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	$0	$0	$0	$0	$0
Net Fiscal Benefits	$0	$0	$0	$0	$0

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Section 4-41a-701		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	**Date:**	06/10/2026

R66. Agriculture and Food, Specialized Products.
R66-3. Quality Assurance Testing on Cannabis.
R66-3-1. Authority and Purpose.

(1) [~~Pursuant to~~]Section 4-41a-701[~~,~~] authorizes this rule.

(2) [~~t~~]This rule establishes the standards for cannabis and cannabis product potency testing. It sets limits for water activity, foreign matter, microbial life, pesticides, residual solvents, heavy metals, and mycotoxins.

R66-3-2. Definitions.

The terms defined in Section 4-41a-102 and the following shall apply to this rule:

(1) "Analyte" means a substance or chemical component that is undergoing analysis.

(2) "Cannabinoid" means any:

(a) naturally occurring derivative of cannabigerolic acid (CAS 25555-57-1); or

(b) any chemical compound that is both structurally and chemically similar to a derivative of cannabigerolic acid.

(3) "Cannabinoid concentrate" means:

(a) the product of any chemical or physical process applied to naturally occurring biomass that concentrates or isolates the cannabinoids contained in the biomass; or

(b) any amount of [~~a~~]natural or artificially derived cannabinoid.

(4) "Cannabinoid isolate" means a concentrated form of cannabinoid with less than a 0.3% combined concentration of THC or any THC analog that is intended for use as an ingredient in a cannabinoid product but is not grown by a Utah licensed cannabis cultivation facility.

(5) "CBD" means cannabidiol (CAS 13956-29-1).

(6) "CBDA" means cannabidiolic acid, (CAS 1244-58-2).

(7) "Certificate of analysis" (COA) means a document produced by a testing laboratory listing the quantities of the various analytes for the performed testing.

(8) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means the cannabinoid identified as CAS #1972-08-03, the primary psychotropic cannabinoid in cannabis.

(9) "Final product" means a reasonably homogenous cannabis product created using the same standard operating procedures and the same formulation:

(a) in its final packaged form; or

(b) for vapes, in the sealed vape cartridge.

(10) "Foreign matter" means:

(a) any matter that is present in a cannabis lot that is not a part of the cannabis plant; or

(b) any matter that is present in a cannabis or cannabinoid product that is not listed as an ingredient, including seeds.

(11) "Industrial hemp" means a cannabis plant that contains less than 0.3% total THC by dry weight.

(12) "Lot" means the quantity of:

(a) flower from a single strain of cannabis and growing cycle produced on a particular date and time, following clean up until the next clean up during which the same materials are used; or

(b) trim, leaves, or other plant matter from cannabis plants produced on a particular date and time, following clean up until the next clean up.

(13) "Pesticide" means any:

(a) substance or mixture of substances, including a living organism, that is intended to prevent, destroy, control, repel, attract, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed, or other forms of plant or animal life that are normally considered to be a pest or that the commissioner declares to be a pest;

(b) any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and

(c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, or emulsifying agent with deflocculating properties of its own, used with a pesticide to aid in the application or effect of a pesticide.

(14) "Sampling technician" means a person tasked with collecting a representative sample of a cannabis plant product, cannabis concentrate, or cannabis product from a cannabis production establishment who is:

(a) an employee of the department;

(b) an employee of an independent cannabis laboratory that is licensed by the department to perform sampling; or

(c) a person authorized by the department to perform sampling.

(15) "Standard operating procedure" (SOP) means a document providing detailed instructions for the performance of a task.

(16) "THCA" means delta-9-tetrahydrocannabinolic acid (CAS 23978-85-0).

(17) "Total CBD" means the sum of the determined amounts of CBD and CBDA.

(18) "Unit" means each individual portion of an individually packaged product.

(19) "Unknown Cannabinoid" means any component of a cannabis plant product, cannabis concentrate, or cannabis product that a laboratory determines is likely to be a cannabinoid by comparison of physical properties, including molecular weight, retention time, and absorption spectra but is not included in Table 2 or Table 3.

(20) "Water activity" is a dimensionless measure of the water present in a substance that is available to microorganisms; calculated as the partial vapor pressure of water in the substance divided by the standard state partial vapor pressure of pure water at the same temperature.

R66-3-3. Required Cannabis, Cannabis Product, and Cannabinoid Isolate Tests.

(1) Before the transfer of cannabis biomass from a cannabis cultivation facility to a cannabis processing facility, the cultivation facility shall make a declaration to the department that the biomass to be transferred is either a cannabis plant product or a cannabis cultivation byproduct.

(2) A representative sample of each batch or lot of cannabis plant product shall be tested by an independent cannabis testing laboratory to determine:

(a) the water activity of the sample;

(b) the amount of total THC, total CBD, and any THC analog known to be present in the sample; and

(c) the presence of adulterants in the sample, as specified in Table 1.

(3) Required testing shall be performed either:

(a) before the transfer of the cannabis plant product to a cannabis processing facility; or

(b) following the transfer of the cannabis plant product to a cannabis processing facility.

(4) If a cannabis plant product is tested before being transferred to a cannabis processing facility, the cannabis plant product shall be tested for microbial contaminants and foreign matter a second time following the transfer.

(5) A cannabis processor may test a cannabis plant product bulk batch for cannabinoids[~~, but a~~]. After testing, the processor shall limit processing [~~is limited~~]to[~~:~~

~~(a)~~] packaging and labeling, unless the processor:

([~~i~~]a) declares[~~ing~~] the plant product as a byproduct within ten business days after testing; and

([~~ii~~]b) notifies[~~ying~~] the department.

(6) A cannabis processor may test a cannabis derivative product bulk batch for cannabinoids if post-testing processing is limited to packaging and labeling.

(7) A cannabis processor shall perform any other final product adulterant testing after packaging.

([~~7~~]8) Cannabis cultivation byproduct shall either be:

(a) chemically or physically processed to produce a cannabis concentrate for incorporation into a cannabis derivative product; or

(b) destroyed pursuant to Section 4-41a-405.

([~~8~~]9) An independent cannabis testing laboratory shall test cannabis concentrate before incorporating it into a cannabis derivative product to determine:

(a) the cannabinoid profile; and

(b) the presence of adulterants in the sample, as specified in Table 1.

([~~9~~]10) A medical cannabis processor shall isolate any artificially derived cannabinoids present in the cannabis concentrate to a purity of greater than 95%, with a 5% margin of error, as determined by an independent cannabis testing laboratory using liquid chromatography-mass spectroscopy or an equivalent method.

(11[~~0~~]) Before the transfer of a cannabis product to a medical cannabis pharmacy, an independent cannabis testing laboratory shall test a representative sample of the product to determine:

(a) the water activity of the sample, as determined applicable by the department;

(b) the quantity of any cannabinoid or terpene to be listed on the product label; and

(c) the presence of adulterants in the sample, as specified in Table 1.

(12[~~1~~]) Testing results for cannabis concentrate may be applied to cannabis product derived therefrom, provided that the processing steps used to produce the product are unlikely to change the results of the test, as determined by the department.

(13[~~2~~]) The department may require mycotoxin testing of a cannabis plant product or cannabis product if they have reason to believe that mycotoxins may be present.

(14[~~3~~]) The department shall require mycotoxin testing for cannabis concentrate.

(15[~~4~~]) A cannabis production facility may remediate a cannabis plant product, cannabis concentrate, or cannabis product that fails microbial testing standards by irradiation, after submitting and gaining approval for a remediation plan from the department.

(16[~~5~~]) A cannabis processing facility may remediate a cannabis concentrate or cannabis product that fails a[~~ny of the~~] required adulterant testing standards, after the facility submits[~~ting and gaining approval for~~] a remediation plan, and [~~from~~]the department approves the plan.

(17[~~6~~])(a) A cannabis processing facility shall submit a remediation plan to the department within 15 days of the receipt of a failed testing result.

(b) The facility shall carry out the [~~A~~]remediation plan [~~shall be carried out~~]and prepare the cannabis [~~plant~~]product or cannabis concentrate [~~shall be prepared~~]for resampling within 60 days of department approval of the remediation plan.

(18[~~7~~]) Resampling or retesting of a cannabis concentrate batch that fails any of the required testing standards is not allowed until the batch has been remediated.

(19[~~8~~]) A cannabis lot or cannabis product batch that is not or cannot be remediated in the specified time shall be destroyed pursuant to Section 4-41a-405.

(20[~~19~~]) If test results cannot be retained in the Inventory Control System, the laboratory shall:

(a) keep a record of test results;

(b) issue a COA for required tests; and

(c) keep a copy of the COA on the laboratory premises.

(21[~~0~~]) Cannabinoid isolate shall be tested for:

(a) solvents;

(b) pesticides;

(c) microbials;

(d) heavy metals; and

(e) mycotoxins.

(22[~~1~~]) Cannabinoid isolate shall be accompanied by a COA that complies with the standards included in Section R66-3-5 through Section R66-3-12.

(23[~~2~~]) Cannabinoid isolate shall receive cannabinoid testing from an independent cannabis testing laboratory before being used to create a cannabis derivative product.

TABLE 1
Required Test by Sample Type

Test	Cannabis Plant Product	Cannabis Concentrate	Cannabis Product
Moisture Content	Required	X	X
Water Activity	Required	X	X
Foreign Matter	Required	Required	Required
Potency	Required	Required	Required
Microbial	Required	Required	Required
Pesticides	Required	Required	Required
Residual Solvents	X	Required	Required
Heavy Metals	Required	Required	Required
Terpenes	Required	Required	X

R66-3-4. Sampling Cannabis and Cannabis Products.

(1) The entity that requests testing of a cannabis plant product lot, cannabis concentrate batch, or cannabis product batch shall make the entirety of the lot or batch available to the sampling technician.

(2) The lot or batch being sampled shall be contained in a single location and physically separated from other lots or batches.

(3) The sample shall be collected by a sampling technician who is unaffiliated with the entity that requested testing of the cannabis lot or cannabis product batch unless the department grants an exception.

(4) The owner of the cannabis lot or cannabis product batch and any of their employees may not assist in the selection of the sample.

(5) The sampling technician shall collect the representative sample outlined in a SOP that is ISO 17025 compliant, maintained by the laboratory that will perform the testing.

(6) When collecting the representative sample, the sampling technician shall:

(a) use sterile gloves, instruments, and a glass or plastic container to collect the sample;

(b) place tamper proof tape on the container; and

(c) appropriately label the sample pursuant to Section R66-4-6.

(7) For cannabis plant product lots, the sampling technician shall take a minimum representative sample according to the following schedule:

(a) 10 subunits with an average weight of one gram each for lots weighing 5 kilograms or less;

(b) 16 subunits with an average weight of one gram each for lots weighing 5.01-9 kilograms;

(c) 22 subunits with an average weight of one gram each for lots weighing 9.01-14 kilograms;

(d) 28 subunits with an average weight of one gram each for lots weighing 14.01-18 kilograms;

(e) 32 subunits with an average weight of one gram each for lots weighing 18.01-23 kilograms.

(8) For cannabis concentrate, the sampling technician shall take a minimum representative sample according to the following schedule:

(a) 10 mL or grams for batches of one liter or kilogram or less; or

(b) 20 mL or grams for batches of four liters or kilograms or less.

(9) For cannabis products in their final product form, the sampling technician shall take the following minimum number of sample units, the combined total weight of which must be at least 10 grams, not including packaging materials:

(a) four units for a sample product batch with 5-500 products;

(b) six units for a sample product batch with 501-1000 products;

(c) eight units for a sample product batch with 1,001-5,000 products; and

(d) ten units for a sample product batch with 5,001-10,000 products.

(10) The representative sample may include additional material if the material is necessary to perform the required testing.

R66-3-5. Moisture Content Testing and Water Activity Standards.

(1) The COA shall report the moisture content of a sample and the related lot of cannabis as a mass over mass percentage.

(2) A sample and related lot of cannabis fail quality assurance testing if the water activity of the representative sample is found to be greater than 0.65.

(3) A sample and related cannabis or cannabinoid product batch intended for human consumption fail quality assurance testing if the water activity of the representative sample is greater than 0.65, unless water is a component of the product formulation and is listed as an ingredient.

R66-3-6. Foreign Matter Standards.

A sample and related lot or batch of cannabis, cannabis product, or cannabinoid product fail quality assurance testing if:

(1) the sample contains foreign matter visible to the unaided human eye;

(2) the sample is found to contain microscopic foreign matter considered to be harmful or estimated to comprise greater than 3% of the mass of the representative sample as determined by the testing laboratory; or

(3) foreign matter is found that is suspected of having been intentionally added to the sample to increase its visual appeal or market value; or

(4) for a cannabis plant product, the total number of seeds found is greater than the net weight of the sample collected divided by 1.75.

R66-3-7. Potency Testing.

(1) A lot or batch of cannabis plant product, cannabis concentrate, or cannabis product shall have its cannabinoid profile determined and listed on a COA as total THC, total CBD, and the total concentration of any THC analog known to be present.

(2) A lot or batch of cannabis plant product, cannabis concentrate, or cannabis product fail quality assurance testing for cannabinoid content if:

(a) it is not analyzed for each of the analytes listed in Table 2;

(b) the determined amount of any analyte exceeds its action level given in Table 2;

(c) any tetrahydrocannabinol acetate (THC-OAc) is found in a cannabis concentrate with a relative peak area greater than 1% of the total cannabinoid peak area or in a cannabis product with a relative peak area greater than 0.5% of the total cannabinoid peak area as determined by high-performance liquid chromatography with a diode array detector;

(d) any of the artificially derived cannabinoids listed in Table 3 are found to have a peak area greater than 1% of total cannabinoid peak area as determined by high-performance liquid chromatography with a diode array detector (HPLC-DAD); or

(e) greater than 10% of the total cannabinoid peak area is comprised of unknown cannabinoids after peaks smaller than 1% of the total peak area have been excluded as determined by high-performance liquid chromatography with a diode array detector (HPLC-DAD).

TABLE 2
Cannabinoid Components and Action Levels

Analyte	Chemical Abstract Service	Action Level
Δ9-Tetrahydrocannabidiol (Δ9-THC)	1972-08-03	No Limit
Δ8-Tetrahydrocannabidiol (Δ8-THC)	5957-75-5	No Limit
Δ9-Tetrahydrocannabinolic acid (THCA)	23978-85-0	No Limit
Δ9-Tetrahydrocannabivarin (THCV)	31262-37-0	No Limit

Cannabidiol (CBD)	13956-29-1	No Limit
Cannabidiolic acid (CBDA)	1244-58-2	No Limit
Cannabidivarin (CBDV)	24274-48-4	No Limit
Cannabinol (CBN)	521-35-7	No Limit
Cannabigerol (CBG)	25654-31-3	No Limit
Cannabichromene (CBC)	20675-51-8	No Limit
Cannabigerolic acid (CBGA)	25555-57-1	No Limit
Cannabichromenic acid (CBCA)	20408-52-0	No Limit
9R-Δ6a,10a-Tetrahydrocannabidiol (Δ3-THC)	95720-01-7	1%[1]
9S-Δ6a,10a-Tetrahydrocannabidiol (Δ3-THC)	95720-02-8	1%[1]
(6aR,9R)-Δ10-Tetrahydrocannabidiol	95543-62-7	1%[1]
(6aR,9S)-Δ10-Tetrahydrocannabidiol	95588-87-7	1%[1]
Cannabicitran (CBTC)	31508-71-1	2%

[1]If the laboratory performing the testing cannot chromatographically separate 9(R+S)-Δ6a,10a-Tetrahydrocannabidiol or (6aR,9(R+S))-Δ10-Tetrahydrocannabidiol, then the action level for the combined isomers will be 1.5%.

TABLE 3 Artificially Derived Cannabinoids	
Analyte	Chemical Abstract Service
Hexahydrocannabinol (HHC)	36403-90-4, 36403-91-5
3-Heptyl-delta(1)-tetrahydrocannabinol (THCP)	54763-99-4, 51768-60-6

R66-3-8. Microbial Standards.

(1) A sample and related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product fail quality assurance testing for microbiological contaminants if the results exceed the limits in Table 4.

(2) Each sample and related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product shall be tested for total aerobic microbial count and total combined yeast and mold. The specific pathogens listed in Table 4 may be tested for at the discretion of the department.

TABLE 4 Microbial Analytes and Action Levels	
Material	Microbial Limit Requirement
Cannabis Plant Product	Total Aerobic Microbial Count ≤100,000 cfu/g Not detected in 1g: Salmonella spp., STEC, *Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger, and Aspergillus terreus*

Cannabinoid Concentrate	Total Aerobic Microbial Count ≤10,000 cfu/g Total Combined Yeast and Mold Count ≤1,000 cfu/g Not detectable in 1g: STEC, Salmonella spp., *Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger, and Aspergillus terreus*
Infused Edible Products	Total Aerobic Microbial Count ≤10,000 cfu/g Total Combined Yeast and Mold Count ≤1,000 cfu/g Not detectable in 1g: STEC, *Salmonella* spp.
Infused Non-edible Products	Total Aerobic Microbial Count ≤250 cfu/g Total Yeast and Mold Count ≤250 cfu/g Not detectable in 1g: *Pseudomonas aeruginosa, Staphylococcus aureus*
Infused Suppository Products	Total Aerobic Microbial Count ≤10,000 cfu/g Total Combined Yeast and Mold Count ≤1,000 cfu/g Not detectable in 1 g: STEC, *Salmonella* spp., *Pseudomonas, Staphylococcus aureus*

R66-3-9. Pesticide Standards.

(1) Only pesticides allowed by the department may be used in the cultivation of cannabis.

(2) If an independent cannabis laboratory identifies a pesticide that is not allowed under Subsection R66-3-9(1) and is above the action levels provided in Subsection R66-3-9(3), that lot or batch from which the sample was taken has failed quality assurance testing.

(3) A sample and related lot or batch of cannabis, cannabis product, or cannabinoid product fail quality assurance testing for pesticides if the results exceed the limits in Table 5.

TABLE 5
Pesticide Analytes and Action Levels

Analyte	Chemical Abstract Service (CAS) Registry number	Action Level ppm
Abamectin	71751-41-2	0.5
Acephate	30560-19-1	0.4
Acequinocyl	57960-19-7	2
Acetamiprid	135410-20-7	0.2
Aldicarb	116-06-3	0.4
Azoxystrobin	131860-33-8	0.2
Bifenazate	149877-41-8	0.2
Bifenthrin	82657-04-3	0.2
Boscalid	188425-85-6	0.4
Carbaryl	63-25-2	0.2
Carbofuran	1563-66-2	0.2
Chlorantraniliprole	500008-45-7	0.2
Chlorfenapyr	122453-73-0	1

Chlorpyrifos	2921-88-2	0.2
Clofentezine	74115-24-5	0.2
Cyfluthrin	68359-37-5	1
Cypermethrin	52315-07-8	1
Daminozide	1596-84-5	1
DDVP (Dichlorvos)	62-73-7	0.1
Diazinon	333-41-5	0.2
Dimethoate	60-51-5	0.2
Ethoprophos	13194-48-4	0.2
Etofenprox	80844-07-1	0.4
Etoxazole	153233-91-1	0.2
Fenoxycarb	72490-01-8	0.2
Fenpyroximate	134098-61-6	0.4
Fipronil	120068-37-3	0.4
Flonicamid	158062-67-0	1
Fludioxonil	131341-86-1	0.4
Hexythiazox	78587-05-0	1
Imazalil	35554-44-0	0.2
Imidacloprid	138261-41-3	0.4
Kresoxim-methyl	143390-89-0	0.4
Malathion	143390-89-0	0.2
Metalaxyl	57837-19-1	0.2
Methiocarb	2032-65-7	0.2
Methomyl	16752-77-5	0.4
Methyl parathion	298-00-0	0.2
MGK-264	113-48-4	0.2
Myclobutanil	88671-89-0	0.2
Naled	300-76-5	0.5
Oxamyl	23135-22-0	1
Paclobutrazol	76738-62-0	0.4
Permethrins	52645-53-1	0.2

Phosmet	732-11-6	0.2
Piperonyl_butoxide	51-03-6	2
Prallethrin	23031-36-9	0.2
Propiconazole	60207-90-1	0.4
Propoxur	114-26-1	0.2
Pyrethrins	8003-34-7	1
Pyridaben	96489-71-3	0.2
Spinosad	168316-95-8	0.2
Spiromesifen	283594-90-1	0.2
Spirotetramat	203313-25-1	0.2
Spiroxamine	118134-30-8	0.4
Tebuconazole	80443-41-0	0.4
Thiacloprid	111988-49-9	0.2
Thiamethoxam	153719-23-4	0.2
Trifloxystrobin	141517-21-7	0.2

(4) Permethrins should be measured as the cumulative residue of cis- and trans-permethrin isomers (CAS numbers 54774-45-7 and 51877-74-8).

(5) Pyrethrins should be measured as the cumulative residues of pyrethrin I (CAS 121-21-1), pyrethrin II (CAS 121-29-9), cinerin 1 (CAS 25402-06-6), and jasmolin 1 (CAS 4466-14-2).

(6) Abamectin is a composite of the amounts of avermectin B1a and avermectin B1b.

R66-3-10. Residual Solvent Standards.

(1) A sample and related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product fails quality assurance testing for residual solvents if the results exceed the limits provided in Table 6, unless the solvent is:

(a) a component of the product formulation;

(b) listed as an ingredient; and

(c) generally considered to be safe for the intended form of use.

TABLE 6 List of Solvents and Action Levels		
Solvent	Chemical Abstract Service (CAS) Registry number	Action level ppm
1,2 Dimethoxyethane	110-71-4	100
1,4 Dioxane	123-9	380
1-Butanol	71-36-3	5,000
1-Pentanol	71-41-0	5,000
1-Propanol	71-23-8	5,000
2-Butanol	78-92-2	5,000

2-Butanone	78-93-3	5,000
2-Ethoxyethanol	110-80-5	160
2-methylbutane	78-78-4	5,000
2-Propanol (IPA)	67-63-0	5,000
Acetone	67-64-1	5,000
Acetonitrile	75-05-8	410
Benzene	71-43-2	2
Butane	106-97-8	5,000
Cumene	98-82-8	70
Cyclohexane	110-82-7	3,880
Dichloromethane	75-09-2	600
2,2-dimethylbutane	75-83-2	290
2,3-dimethylbutane	79-29-8	290
1,2-dimethylbenzene	95-47-6	See Xylenes
1,3-dimethylbenzene	108-38-3	See Xylenes
1,4-dimethylbenzene	106-42-3	See Xylenes
Dimethyl sulfoxide	67-68-5	5,000
Ethanol	64-17-5	5,000
Ethyl acetate	141-78-6	5,000
Ethylbenzene	100-41-4	See Xylenes
Ethyl ether	60-29-7	5,000
Ethylene glycol	107-21-1	620
Ethylene Oxide	75-21-8	50
Heptane	142-82-5	5,000
n-Hexane	110-54-3	290
Isopropyl acetate	290	5,000
Methanol	67-56-1	3,000
Methylpropane	75-28-5	5,000
2-Methylpentane	107-83-5	290
3-Methylpentane	96-14-0	290
N,N-dimethylacetamide	127-19-5	1,090
N,N-dimethylformamide	68-12-2	880

Pentane	109-66-0	5,000
Propane	74-98-6	5,000
Pyridine	110-86-1	100
Sulfolane	126-33-0	160
Tetrahydrofuran	109-99-9	720
Toluene	108-88-3	890
Xylenes	1330-20-7	2,170

(2) Xylenes [~~is~~]are a combination of the following:
(a) 1,2-dimethylbenzene;
(b) 1,3-dimethylbenzene;
(c) 1,4-dimethylbenzene; and
(d) ethyl benzene.

R66-3-11. Heavy Metal Standards.

A sample and related lot or batch of cannabis plant product, cannabis concentrate, cannabis product, or vaporizer cartridges fail quality assurance testing for heavy metals if the results exceed the limits provided in Table 7.

TABLE 7 Heavy Metals	
Metals	Natural Health Products: Acceptable limits in parts per million (ppm)
Arsenic	<2
Cadmium	<0.82
Lead	<1.2
Mercury	<0.4

R66-3-12. Mycotoxin Standards.

A sample and related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product fails quality assurance testing for mycotoxin if the results exceed the limits provided in Table 8.

TABLE 8 Mycotoxin	
Test	Specification
[~~The~~]Total [~~of~~]Aflatoxins: B1, B2; G1, and G2.	<20 parts per billion (ppb) of substance
[~~Aflatoxin B1,~~]	
[~~Aflatoxin B2,~~]	
[~~Aflatoxin G1, and~~]	
[~~Aflatoxin G2~~]	[~~<20 parts per billion (ppb) of substance~~]
Ochratoxin A.	<20 ppb of substance

R66-3-13. Terpene Standards.

An independent cannabis testing laboratory shall test each sample and the related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product for terpenes.

KEY: cannabis testing, quality assurance, cannabis laboratory, water activity standards, foreign matter standards, microbial life, pesticide standards, residual solvents standards, heavy metal standards, mycotoxin standards, terpene standards
Date of Last Change: 2026[~~August 21, 2025~~]
Authorizing, and Implemented or Interpreted Law: 4-41a-701

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58045**
Rule or section number:	**R66-6**

1. Agency Information

Title catchline:	Agriculture and Food, Specialized Products
Building:	TSOB, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT 84129
Mailing address:	PO Box 146500
City, state, and zip:	Salt Lake City, UT 84114-6500

2. Contact Persons

Name:	Phone:	Email:
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Camille Knudson	801-597-6010	camillek@utah.gov

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

3. General Information

A. Rule or section catchline:
R66-6. Home Delivery and Courier
B. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food (department) is amending this rule to align with requirements enacted in SB 121 from the 2026 General Session. The amendment clarifies medical cannabis home delivery and courier operating standards to ensure compliance with updated statute and removes redundant provisions within this rule text.
C. Summary of the new rule or change:
This filing extends the medical cannabis courier storage period from ten business days to 14 days, removes redundant requirements regarding product temperature storage in operating plans, and renumbers Section R66-6-5 to R66-6-6 for organizational consistency. Other technical changes throughout this rule are to align with the standards in the Rulewriting Manual for Utah.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 121 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Legislature addressed the fiscal impact of these amendments during the 2026 General Session with the passage of SB 121. This amendment implements statutory requirements and results in no additional cost or revenue to the state budget.
B. Local governments:
Local governments do not regulate medical cannabis courier operations. Consequently, this amendment imposes no fiscal impact on local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This amendment reduces the regulatory burden on medical cannabis couriers by extending the allowable storage time and removing redundant operating plan requirements. These changes may result in a positive operational impact rather than a new cost to small businesses, which the department anticipates will be absorbed and create a neutral fiscal impact.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This amendment reduces the regulatory burden on medical cannabis couriers by extending the allowable storage time and removing redundant operating plan requirements. These changes may result in a positive operational impact rather than a new cost to non-small businesses, which the department anticipates will be absorbed, resulting in a neutral fiscal impact.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This amendment reduces the regulatory burden on medical cannabis couriers by extending the allowable storage time and removing redundant operating plan requirements. These changes may result in a positive operational impact rather than a new cost to other persons, which the department anticipates will be absorbed and create a neutral fiscal impact.
F. Compliance costs for affected persons:
The compliance costs are not changing.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	$0	$0	$0	$0	$0
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0

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

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Subsection 4-41a-1202(1)		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	**Date:**	06/10/2026

R66. Agriculture and Food, Specialized Products.
R66-6. Home Delivery and Courier.
R66-6-1. Authority and Purpose.

(1) Subsection 4-41a-1202(1) authorizes this rule.

(2) This rule establishes medical cannabis home delivery operating standards, home delivery agent operating standards, courier agent application procedures, courier agent renewal application procedures, and courier agent certification standards.

R66-6-2. Definitions.

The terms defined in Section 4-41a-102 apply to this rule. In addition,

[~~(1) "DHHS" means the Utah Department of Health and Human Services.~~

~~(2)~~] "Manifest" means the document required under Subsection 4-41a-404(2) to be in the possession of any individual transporting medical cannabis that does not have a valid medical cannabis card.

R66-6-3. Home Delivery Service.

(1) A medical cannabis pharmacy may offer home delivery if it maintains an updated written operating plan for home delivery service that includes procedures to:

([~~1~~]a) ensure accurate record keeping of delivery information in the ICS;

([~~2~~]b) transport medical cannabis in a fully enclosed box, container, or cage, that is secured inside a delivery vehicle[~~, and is held at an appropriate storage temperature throughout the delivery process to maintain the integrity of the product~~]; and

([~~3~~]c) provide the department with information regarding any vehicle used for the delivery service, including the vehicle's make, model, color, vehicle identification number, and license plate number.

(2) A medical cannabis pharmacy may offer home delivery if the department issues a home delivery pharmacy designation authorizing the pharmacy to deliver medical cannabis directly or through a medical cannabis courier.

R66-6-4. Home Delivery Operating Standards.

(1) A medical cannabis delivery pharmacy or courier's operating plan shall meet the requirements described in Sections R66-6-3 and 4-41a-12 and include security measures containing the following information:

(a) a communication plan detailing the ability of couriers to communicate with a central dispatch or security team during delivery routes;

(b) emergency procedures with clear protocols for handling emergencies, including accidents, attempted theft, or security breaches;

(c) storage and security procedures for products that are unable to be delivered due to time constraints, weather, or emergencies;

([~~c~~]d) an inventory management system that tracks medical cannabis from pharmacy to patient, ensuring accountability for all products; and

([~~d~~]e) policies for verifying the identity of the individual receiving the medical cannabis to ensure the product is delivered to the correct medical cannabis cardholder or caregiver facility employee.

(2) Each home delivery pharmacy or courier shall:

(a) utilize a system for real time tracking of deliveries;

(b) verify the identity of the medical cannabis cardholder or caregiver facility employee at time of delivery;

(c) keep accurate records of delivery information for documentation in the inventory control system;

(d) lock medical cannabis in a fully enclosed box, container, or cage when transporting and maintain appropriate storage temperature throughout the delivery process;

(e) ensure that the manifest is not modified in any way after they depart from a home delivery medical cannabis pharmacy facility with the shipment appearing on the manifest; and

(f) ensure that no person other than a pharmacy agent or courier agent is in a delivery vehicle during delivery or during the time medical cannabis is in the vehicle.

(3) When delivering medical cannabis to a cardholder's home, a pharmacy agent or courier agent may not:

(a) deliver medical cannabis to anyone other than a medical cannabis cardholder or a caregiver facility employee;

(b) perform a home delivery before 6 a.m. or after 10 p.m.;

(c) leave medical cannabis unattended in a delivery vehicle for more than 60 minutes unless the courier agent or pharmacy agent is staying overnight in the process of conducting a delivery;

(d) make a change in dosage or quantity at the request of the cardholder during delivery;

(e) consume medical cannabis while delivering medical cannabis; or

(f) transport medical cannabis beyond the locations that appear on the manifest.

(4) When delivering medical cannabis, a pharmacy agent or courier agent shall:

(a) wear an identification tag or similar form of identification that clearly identifies them to a cardholder and includes their position; and

(b) provide each cardholder or facility caregiver with printed material that includes a home delivery medical cannabis pharmacy's contact information and hours for counseling over the phone with a Pharmacy Medical Provider (PMP).

(5) If medical cannabis goes missing during a home delivery route, the pharmacy agent or courier agent shall:

(a) notify the home delivery medical cannabis pharmacy's supervising PMP within 24 hours of when the medical cannabis pharmacy agent first became aware of the missing product;

(b) provide details about the missing product to both the department and local law enforcement; and

(c) log the missing products into the inventory control system.

(6) The department may inspect any vehicle used for home delivery at any time.

(7) A courier may store medical cannabis at its approved facility for up to [~~ten~~]14 business days if the courier:

(a) has an approved operating plan for the facility that meets the requirements of Subsection 4-41a-1205(3);

(b) has a record documenting a failed delivery attempt because the intended recipient was unavailable or could not verify their identity; and

(c) tracks the product while it is in their possession.

R66-6-5. Change in Operating Plans.

A medical cannabis courier shall submit a notice, on a form provided by the department, before making any changes to the courier's operating plans.

R66-6-5. Violation Categories.

(1) Public safety Violations: $3,000-$5,000 per violation. This category is for violations that present a direct threat to public health or safety, including:

(a) cannabis sold to an unlicensed source;

(b) cannabis purchased from an unlicensed source;

(c) refusal to allow inspection; or

(d) failure to maintain home delivery standards.

(2) Regulatory Violations: $1,000 - $5,000 per violation. This category is for violations involving this rule and other applicable state rules:

(a) failure to maintain security systems;

(b) failure to keep and maintain records for at least five years;

(c) failure to maintain traceability;

(d) failure to follow transportation requirements.
(3) Licensing Violations: $500- $5,000 per violation. This category is for violations involving licensing requirements, including:
(a) an unauthorized change to the operating plan;
(b) failure to notify the department of changes to the operating plan;
(c) failure to notify the department of changes to financial or voting interests of greater than 10%;
(d) failure to follow the operating plan as approved by the department;
(e) failure to respond to violations.
(4) The department shall calculate penalties based on the level of violation and the adverse effect or potential adverse effect at the time of the incidents giving rise to the violation.
(5) The department may enhance or reduce the penalty based on the seriousness of the violation.

KEY: medical cannabis, medical cannabis courier agent, medical cannabis home delivery, changes in operating plans, violation categories
Date of Last Change: 2026[~~December 22, 2025~~]
Authorizing, and Implemented or Interpreted Law: 4-41a-1202

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58032**
Rule or section number:	**R156-61**

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	**Phone:**	**Email:**
Brian Pedersen	801-530-6651	bpedersen@utah.gov

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

3. General Information

A. Rule or section catchline:
R156-61. Psychologist Licensing Act Rule
B. Purpose of the new rule or reason for the change:
The Division of Professional Licensing (Division) in collaboration with the Behavioral Health Board (Board) is filing these proposed amendments based on statutory changes made by SB 47 from the 2026 General Session. SB 47 (2026) removed Subsections R156-61-302b(1)(b) and (c), and Section R156-61-302d that limit how quickly an individual may attain competency. The Division previously filed an emergency rule to temporarily restore the requirements of Subsections R156-61-302b(1)(b) and (c), and Section R156-61-302d that are not related to how quickly an individual may attain competency. This rule filing will permanently restore Subsections R156-61-302b(1)(b) and (c), and Section R156-61-302d. Additionally, this rule filing includes proposed amendments to when an individual may complete the 4,000 hours of psychology training, updates and adds definitions, clarifies the requirements for a doctoral internship, reduces the number of hours required for a doctoral internship from 2,000 hours to 1,500 hours to better align with national norms. The Division in collaboration with the Board is also filing proposed amendments to the definitions in Section R156-61-102 to update expectations for Doctoral internship that aligns with current APA-CoA language. The Division in collaboration with the Board is also proposing changes to Subsection R156-61-302a(1)(h) to correct the options for doctoral internships and align experience hours with APA-COA and CPAAP standards.

The experience standards in Subsection R156-61-302b(b) are also being updated to comply with the previous changes.

C. Summary of the new rule or change:

The proposed amendments permanently restore requirements that were removed by SB 47 (2026) and updates those requirements as follows:

1. Subsection R156-61-302b(1)(b) clarifies that an individual shall complete the 4,000 hours of psychology training to qualify for licensure:
a) under supervision of an approved psychologist supervisor;
b) while the individual is enrolled in an approved doctoral program, is in a doctoral internship, is in postdoctoral psychology training, or is licensed as a certified psychology resident; and
c) as part of a supervised psychology training program while the applicant is under a minimum of one hour of supervisor for every 20 hours of doctoral training experience.

2. Section R156-61-302d clarifies that to qualify as a Division-approved supervisor of psychology training or mental health therapy training, the individual shall:
a) be currently licensed and in good standing as a psychologist in the jurisdiction where the supervision will be performed; and b) have practiced as a licensed psychologist for at least 4,000 hours.

Additionally, the proposed amendments include the following changes:

1. Subsection R156-61-102(8) defines "Doctoral Internship" as a formal training program that meets APA-CoA requirements and culminates in a doctoral degree in clinical psychology, school psychology, or counseling psychology.

2. Subsection R156-61-102(11)(i) revises the definition "Psychology training" as providing direct services in the practice of mental health therapy and psychology under supervision and includes an APA internship or an internship substantially equivalent.

3. Subsection R156-61-102(12) defines "Psychology training supervisor" as meeting the requirements of Section R156-61-302d. Qualifications for Designation as an Approved Psychologist Supervisor.

4. Subsection R156-61-302a(3)(h) clarifies that an applicant must demonstrate satisfactory evidence that their education included in a doctoral internship as defined in Subsection R156-61-102(10) or a supervised internship in clinical psychology, school psychology, or counseling psychology.

The proposed amendment also changes the number of hours for the supervised internship from 2,000 hours to 1,500 hours and clarifies that the internship must be through a program that is APA-CoA or CPAAP or the equivalent as the Division determines.

5. Subsection R156-61-302b(1)(b) clarifies that under Subsection 58-61-304(1)(d), an applicant shall obtain the 4,000 hours of psychology training in Subsection R156-61-302b(1)(a) while the applicant is supervised by an approved psychologist supervisor and while:
a) enrolled in an approved doctoral program with at least one supervision hour for every 20 hours of doctoral training experience; or
b) completing postdoctoral training experience with at least hour of supervision each week for an individual working full time; or at least two hours of supervision each month.

6. Subsection R156-61-302b(1)(c) clarifies that a supervised individual may accrue any portion of the 4,000 hours of psychology training obtained through a psychology training experience while enrolled in a doctoral program; a doctoral internship; as a licensed psychology resident, or as a licensed psychology resident.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 47 (2026 General Session)

5. Fiscal Information

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

A. State budget:
There are no anticipated costs or savings to the state budget because the proposed changes are not expected to impact state practices or procedures. The proposed amendments restore requirements that were already established prior to SB 47 (2026), clarify the doctoral internship requirements, and clarify requirements for accruing the 4,000 hours.
B. Local governments:
There are no anticipated costs or savings to local governments because the proposed changes are not expected to impact local government practices or procedures. The proposed amendments restore requirements that were already established prior to SB 47 (2026), clarify the doctoral internship requirements, and clarify requirements for accruing the 4,000 hours.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
There are no anticipated costs or savings to small businesses because the proposed amendments restore requirements that were already established prior to SB 47 (2026), clarify the doctoral internship requirements, and clarify requirements for accruing the 4,000 hours. There are no anticipated costs or savings from the proposed revision to reduce the internship hour requirement from 2,000 hours to 1,500 hours since an individual's internship hours are accrued towards the 4,000-hour statutory requirement.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no anticipated costs or savings to non-small businesses because the proposed amendments restore requirements that were already established prior to SB 47 (2026), clarify the doctoral internship requirements, and clarify requirements for accruing the 4,000 hours. There are no anticipated costs or savings from the proposed revision to reduce the internship hour requirement from 2,000 hours to 1,500 hours since an individual's internship hours are accrued towards the 4,000-hour statutory requirement.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
There are no anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities because the proposed amendments restore requirements that were already established prior to SB 47 (2026), clarify the doctoral internship requirements, and clarify requirements for accruing the 4,000 hours. There are no anticipated costs or savings from the proposed revision to reduce the internship hour requirement from 2,000 hours to 1,500 hours since an individual's internship hours are accrued towards the 4,000-hour statutory requirement.
F. Compliance costs for affected persons:
There are no anticipated compliance costs for affected persons because the proposed amendments restore requirements that were already established prior to SB 47 (2026), clarify the doctoral internship requirements, and clarify requirements for accruing the 4,000 hours. There are no anticipated costs or savings from the proposed revision to reduce the internship hour requirement from 2,000 hours to 1,500 hours since an individual's internship hours are accrued towards the 4,000-hour statutory requirement.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0

Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-61-101

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

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

Date:	**Time:**	**Place** (physical address or URL)**:**
07/20/2026	11:00 AM	Anchor Meeting Location: Heber M Wells Building Room 474 160 E 300 S Salt Lake City, UT Video call link: https://meet.google.com/cdq-tedn-bxw Or dial: (US) +1 317-947-5207 PIN: 304 384 259# More phone numbers: https://tel.meet/cdq-tedn-bxw?pin=1547784186761

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	**Date:**	05/27/2026

R156. Commerce, Professional Licensing.
R156-61. Psychologist Licensing Act Rule.
R156-61-101. Title -- Authority -- Relationship to Rule R156-1.

(1) This rule is known as the "Psychologist Licensing Act Rule."

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 61, Psychologist Licensing Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-101.

R156-61-102. Definitions.

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 61, Psychologist Licensing Act. In addition:

(1) "Accredited by the APA-CoA or CPAAP" as used in Section R156-61-302a means that as of the date the student received the earned degree, the program:

(a) has obtained accreditation from the APA-CoA or CPAAP; or

(b)(i) has applied to the APA-CoA or CPAAP for accreditation;

(ii) has been approved by the APA-CoA for a site visit, which is to occur within the ensuing six years; and

(iii) has not previously been denied accreditation by the APA-CoA or CPAAP.

(2) "APA" means the American Psychological Association.

(3) "APA-CoA" means the American Psychological Association Committee on Accreditation.

(4) "Approved diagnostic and statistical manual for mental disorders" as used in Subsection 58-61-102(7) means:

(a) the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision, (DSM-5-TR) published by the American Psychiatric Association; or

(b) the International Classification of Diseases, Tenth Revision, Clinical Modifications (ICD-10-CM), published as the ICD-10-CM: The Complete Official Codebook by the American Medical Association.

(5) "ASPPB" means the Association of State and Provincial Psychology Boards.

(6) "CPAAP" means the Canadian Psychological Association Accreditation Panel.

(7) "Direct supervision" as used in Subsection 58-61-304(1)(e) means the supervisor meets with the supervised individual:

(a) when both are physically present in the same room at the same time; or

(b) remotely using real-time electronic methods that allow for visual and audio interaction between the supervisor and the supervised individual, pursuant to a remote supervision agreement that meets the requirements of Section R156-61-302b.

(8) "Doctoral internship" means a formal training program that:

(a) meets the minimum requirements of the APA-CoA; and

(b) culminates in a doctoral degree in:

(i) clinical psychology;

(ii) school psychology; or

(iii) counseling psychology.

([~~8~~]9) "EPPP" means the Examination for the Professional Practice of Psychology developed by the ASPPB.

([~~9~~]10) "On-the-job training program approved by the Division" as used in Subsection 58-1-307(1)(c) referenced by Subsection 58-61-301(1)(b) means a program that meets the standards established in Section R156-61-302b.

[~~(10) "Predoctoral internship" means a formal training program that:~~

~~(a) meets the minimum requirements of the Association of Psychology Postdoctoral and Internship Centers (APPIC) to culminate a doctoral degree in clinical, counseling, or school psychology; and~~

~~(b) is a full-time one-year program or a half-time two-year program.~~]

(11)(a) "Psychology training" as used in Subsections 58-61-304(1)(d), R156-61-302b(1), R156-61-302e(8), and R156-61-402(3)(b), and Section R156-61-302d means practical training experience:[~~ providing direct services in the practice of mental health therapy and psychology under supervision, and includes an activity in a full-time internship or a full-time postdoctoral position devoted solely to mental health delivery.~~]

(i) providing direct services in the practice of mental health therapy and psychology under supervision; and

(ii) that includes:

(A) an APA-accredited internship; or

(B) a doctoral internship that is substantially equivalent to an APA-accredited internship under Subsection (11)(a)(ii)(A) as determined by the Division in collaboration with the Board.

(b) "Psychology training" does not include an activity that is not directly related to the practice of psychology, even if the activity is commonly performed by psychologists, such as:

(i) psychology coursework;

(ii) analog clinical activities, such as role plays;

(iii) activities required for business purposes, such as billing;

(iv) supervision of others engaged in activities when the supervision does not constitute the practice of psychology, such as supervising adolescents in wilderness settings; or

(v) activities commonly performed by non-psychologists, such as teaching psychology on topics not of a professional nature.

(12) "Qualified faculty" as used in Subsection 58-1-307(1)(b), means a university faculty member who:

(a) is licensed in Utah as a psychologist;

(b) provides [~~predoctoral~~]doctoral supervision of clinical or counseling experience in a university setting; and

(c) is training students in the context of a doctoral program leading to licensure.

(13) "Residency program" as used in Subsection 58-61-301(1)(b), means a program of postdoctoral supervised clinical training necessary to meet licensing requirements as a psychologist.

R156-61-302a. Qualifications for Licensure - Education Requirements.

(1)(a) Under Section 58-61-304, an institution or program of higher education awarding a doctoral degree in psychology shall meet approval criteria in this section to qualify an applicant for:

(i) licensure as a psychologist under Subsection 58-61-304(1)(c);

(ii) certification in the classification of certified prescribing psychologist under Subsection 58-61-304(4)(c)(i); or

(iii) certification in the classification of provisional prescribing psychologist under Subsection 58-61-304(6)(c)(i).

(b) The institution or program of higher education shall meet the approval criteria on or before the date the applicant received the earned degree.

(c) An applicant's date of completion or receipt of the applicant's earned degree is the graduation date on the applicant's official transcript.

(d) If the course titles on an applicant's transcript do not clearly reflect the specific core course work required by this section, the applicant shall document for the Division the course or combination of courses in which the material was covered.

(e) An applicant shall have graduated from the qualifying accredited or chartered degree program. Another program within the department or institution does not meet approval criteria unless that program is separately accredited or chartered.

(f) If a transcript does not uniquely identify the qualifying accredited or chartered degree program, the applicant shall provide signed, written documentation from the program director or department chair that the applicant graduated from the qualifying accredited or chartered degree program.

(2) An applicant may demonstrate approval criteria by providing satisfactory evidence that [~~their~~]the individual's institution or program of higher education was accredited by the APA-CoA or CPAAP, as defined in Section R156-61-102.

(3) An applicant may demonstrate approval criteria by providing satisfactory evidence that [~~their~~]the individual's institution or program of higher education was regionally accredited in a state, district, or territory of the United States, or provincially or territorially chartered in Canada, and met the following criteria:

(a) the program is a psychology program that:

(i) is a distinct, recognizable entity within the institution;

(ii) offers an integrated and organized sequence of study planned to provide appropriate training for the practice of psychology; and

(iii) consists of only graduate-level courses, with no coursework counted or credited toward an undergraduate degree;

(b) has identifiable full-time faculty;

(c) has a designated full-time faculty member responsible for the program, who at the faculty member's time of service would:

(i) qualify as a supervisor under Section R156-61-[~~302e~~]302d; or

(ii) as determined by the Division in collaboration with the Board, possess substantially equivalent education, experience, and training to qualify for licensure under Title 58, Chapter 61, Psychologist Licensing Act;

(d) has an identifiable body of students who are matriculated in the program for a degree;

(e) has examination and grading procedures designed to evaluate the degree of mastery of the subject matter;

(f) has a curriculum that encompasses at least three academic years of full-time graduate study, including the following specific core course work:

(i) professional ethics and standards;

(ii) research design and methodology, such as techniques of data analysis, inferential statistics, descriptive statistics, research implementation, program evaluation, or assessment;

(iii) theories and methods of effective intervention, such as consultation, supervision, or evaluation of treatment efficacy;

(iv) theories and methods of assessment and diagnosis;

(v) biological bases of behavior, such as physiological psychology, neuropsychology, sensation and perception, comparative psychology, or psychopharmacology;

(vi) cognitive-affective bases of behavior, such as learning, thinking, motivation, or emotion;

(vii) social bases of behavior, such as social psychology, group processes, or organizational and systems theory;

(viii) individual differences, such as personality theory, human development, or abnormal psychology; and

(ix) issues of cultural and individual diversity;

(g) has a supervised practicum experience of at least 400 hours that is appropriate to the practice of psychology, and which includes at least:

(i) 150 hours [~~in~~]of direct service experience; and

(ii) 20 hours in formally scheduled supervision;

[~~(h) has at least the following supervised internships appropriate to the practice of psychology that are accredited by the APA-CoA or CPAAP, or that the Division determines is substantially equivalent to the APA-CoA or CPAAP published guidelines and principles for accreditation of internships:~~

~~(i) an internship in clinical psychology that includes at least one full-time experience encompassing:~~

~~(A) one full-time calendar year, or two half-time calendar years; and~~

~~(B) at least 2,000 experience hours; and~~

~~(ii) an internship in school psychology or counseling psychology that includes at least one full-time experience encompassing:~~

~~(A) one academic or calendar year, or two half-time academic or calendar years; and~~

~~(B) at least 2,000 experience hours.~~]

(h) included:

(i) a doctoral internship as defined in Subsection R156-61-102(8); or

(ii) a supervised internship:

(A) in:

(I) clinical psychology;

(II) school psychology; or

(III) counseling psychology;

(B) with at least 1,500 experience hours; and

(C) from a program that:

(I) is accredited by the APA-CoA or CPAAP; or

(II) the Division determines is substantially equivalent to the APA-CoA or CPAAP published guidelines and principles for accreditation of internships.

(4) An applicant may demonstrate approval criteria by providing satisfactory evidence that when the applicant earned the degree, the applicant's institution or program was:

(a) located in a state, district, or territory of the United States or Canada, and had "designated" status from the ASPPB National Register Joint Designation Committee; or

(b) located outside of the United States or Canada and met the ASPPB National Register Designation Guidelines for defining a doctoral degree in psychology.

(5) If an applicant's training for [~~their~~]the applicant's doctoral degree in psychology was not designed to lead to clinical practice, or if the applicant wishes to practice in a substantially different area than [~~their~~]the applicant's training, then the applicant shall complete a program of respecialization that:

(a) is designed to prepare an individual with a degree in psychology with the necessary skills to practice psychology;

(b) has respecialization activities that include substantial requirements formally offered as an organized sequence of course work and supervised practicum;

(c) leads to a certificate or similar recognition by an educational body that offers a doctoral degree qualifying for licensure in the same area of practice as the certificate; and

(d) meets approval criteria in this section.

R156-61-302b. Qualifications for Licensure - Experience Requirements.

(1)(a) To qualify for licensure as a psychologist under Subsection 58-61-304(1)(d) or as a psychologist also qualified to engage in mental health therapy under Subsections 58-61-304(1)(d) and (e), an applicant shall complete at least 4,000 hours of psychology training approved by the Division in collaboration with the Board.

(b) Under Subsection 58-61-304(1)(d), an applicant shall obtain the 4,000 hours of psychology training in Subsection (1)(a) while the applicant is:

(i) under the supervision of an approved psychologist supervisor under Section R156-61-302d; and

(ii)(A) enrolled in an approved doctoral program, with at least one hour of supervision for every 20 hours of doctoral training experience; or

(B) completing postdoctoral training experience, with at least:

(I) one hour of supervision each week, if the individual is working full time; or

(II) two hours of supervision each month.

(c) Under Subsection 58-61-304(1)(d), a supervised individual may accrue any portion of the 4,000 hours of psychology training obtained through:

(i) a psychology training experience while enrolled in an approved doctoral program;

(ii) a doctoral internship;

(iii) postdoctoral psychology training; or

(iv) licensed as a certified psychology resident.

([~~2~~]d) A supervised individual may not count any hour toward the 4,000 hours of psychology doctoral clinical training under Subsection (1)(a) [~~any~~]if the individual completed the hour [~~completed~~]under the supervision of an individual who is not an approved psychologist supervisor under Section R156-61-302d.

([~~3~~]2)(a) Under Subsection 58-61-301(1)(b), an individual engaged in a postdoctoral residency program of supervised clinical training shall be certified as a psychology resident.

(b) Under Subsections 58-1-307(1)(c), [~~as referenced by Subsection~~]58-61-301(1)(b), and [~~Subsection~~]R156-61-102([~~9~~]10), an on-the-job training program [~~is one that~~]approved by the Division:

(i) shall:

([~~i~~]A) include[~~s~~] only individuals who have completed all courses required for graduation in a doctoral degree that satisfies the licensure requirements under Title 58, Chapter 61, Psychologist Licensing Act and this rule;

([~~ii~~]B) start[~~s~~] immediately upon completion of all courses required for graduation;

([~~iii~~]C) end[~~s~~] no later than 60 days from the date it begins, or upon licensure, whichever is earlier;

[~~(iv) may not be extended or used a second time;~~]

([~~v~~]D) [~~is~~]be completed while the individual is an employee of a public or private agency engaged in the practice of psychology; and

([~~vi~~]E) [~~is~~]be supervised by an individual who:

([~~A~~]I) is licensed under Title 58, Chapter 61, Psychologist Licensing Act; and

([~~B~~]II) conducts supervision at least weekly in circumstances where the supervisor and the supervised individual are physically present in the same room at the same time[~~.~~]; and

(ii) may not be:

(A) extended; or

(B) used a second time.

[~~(4) An applicant may accrue any portion of the 4,000 hours of psychology doctoral degree training and experience required in Subsection 58-61-304(1)(d) in a predoctoral program.~~]

([~~5~~]3) An applicant for licensure as a psychologist who has started and completed all or part of the psychology or mental health therapy training requirements under Subsection (1)(a) outside the state, may receive credit for that training if the applicant provides satisfactory evidence to the Division that the training is equivalent to the requirements for training under Subsections 58-61-304(1)(d) and (e), and Subsection (1).

([~~6~~]4)(a) Under Subsection 58-61-304(1)(e), an applicant training under remote direct supervision shall have a signed, written remote supervision agreement with the approved psychologist supervisor that meets the requirements of [~~this subsection~~]Subsection (4).

(b) A remote supervision agreement shall require the supervisor to conduct remote direct supervision only through real-time electronic methods that allow both visual and audio interaction between the supervisor and the supervised individual, and shall contain at least the following:

(i) provisions establishing the frequency, duration, reason for, and objectives of electronic meetings;

(ii) a plan to ensure the supervisor has access to the supervised individual despite the physical distance between [~~their offices~~]the supervisor's office and the individual's office;

(iii) a plan to address potential conflicts between clinical recommendations of the supervisor and the representatives of the agency employing the supervised individual;

(iv) a plan to inform the supervised individual's employer and clients or patients about the supervised individual's use of remote supervision;

(v) a plan to comply with the supervisor's duties and responsibilities under Section R156-61-302e; and

(vi) a plan for the supervisor to physically visit the location where the supervised individual practices on at least a quarterly basis, or at a lesser frequency as approved by the Division in collaboration with the Board.

(c)(i) Before training under remote direct supervision, the supervised individual shall:

(A) submit the remote supervision agreement to the Division to evaluate if the remote supervision agreement adequately protects the health, safety, and welfare of the public; and

(B) receive written approval of the remote supervision agreement from the Division.

(ii) A supervised individual may not count toward the real-time live direct supervision requirement under Subsection 58-61-304(1)(e) any hour of remote supervision completed before the Division grants written approval of the supervised individual's remote supervision agreement.

R156-61-302c. Qualifications for Licensure - Examination Requirements.

(1) The examination requirements for licensure as a psychologist under Subsection 58-61-304(1)(f) are:

(a) the Professional Practice of Psychology (EPPP) developed by the ASPPB, with a passing score as recommended by the ASPPB; and

(b) the Utah Psychologist Law and Ethics Examination, with a passing score of at least 75%.

(2) An applicant may be admitted to the EPPP and Utah Psychologist Law and Ethics examinations in Utah only after meeting the requirements of Section 58-61-305.

(3)(a) If an applicant is admitted to an EPPP examination based upon substantive information that is incorrect and furnished knowingly by the applicant, the applicant shall receive a failing score and may not retake the examination until the applicant submits fees and a correct application demonstrating the applicant is qualified for the examination and explains to the satisfaction of the Division why the applicant knowingly furnished incorrect information.

(b) If an applicant is incorrectly admitted to the EPPP because of a Division or Board error and the applicant receives a passing score, the applicant may use the passing score for licensure only after the applicant corrects the deficiency that should have barred the applicant from EPPP admission.

(4) An applicant who has failed the EPPP three times may not receive subsequent admission to the EPPP until the applicant has:

(a) submitted to the Board a written statement outlining the applicant's:

(i) core barriers to successful completion of the EPPP;

(ii) plan for overcoming the core barriers, with goals in a specific, measurable, achievable, relevant, and time-bound (SMART) format; and

(iii) timeline for achieving the plan;

(b) appeared before the Board and developed with the Board a plan of study in appropriate subject matter; and

(c) completed the plan of study to the satisfaction of the Board.

(5) An applicant who is found to be cheating on the EPPP or the Utah Psychologist Law and Ethics Examination or in any way invalidating the integrity of the examination shall automatically be given a failing score and may not retake the examination for at least three years or as determined by the Division in collaboration with the Board.

(6) Under Section 58-1-302 and consistent with Subsection 58-61-304(2)(d), an applicant for psychologist licensure by endorsement that is not based upon licensure in another jurisdiction shall pass the Utah Psychologist Law and Ethics Examination.

R156-61-302d. Qualifications for Designation as an Approved Psychologist Supervisor.

Under Subsection 58-61-304(1)(d) or (e), to be approved by the Division in collaboration with the Board as an approved psychologist supervisor of psychology training or mental health therapy training, an individual shall:

(1) be currently licensed in good standing as a psychologist in the jurisdiction in which the supervised training is being performed; and

(2) have practiced as a licensed psychologist for at least 4,000 hours.

R156-61-302e. Duties and Responsibilities of an Approved Psychologist Supervisor.

The duties and responsibilities of an approved psychologist supervisor under Subsection 58-61-304(1)(d) or (e) are further defined, clarified or established as follows. The approved psychologist supervisor shall:

(1) be professionally responsible for the acts and practices of the supervised individual that are a part of the required supervised training, including supervision of the activities requiring a mental health therapy license;

(2) engage in a relationship with the supervised individual in which the supervisor is independent from control by the supervised individual, and in which the ability of the supervisor to supervise and direct the practice of the supervised individual is not compromised;

(3) supervise not more than three full-time equivalent supervised individuals, unless otherwise approved by the Division in collaboration with the Board;

(4) be available for advice, consultation, and direction consistent with the standards and ethics of the profession and the requirements suggested by the total circumstances, including the supervised individual's level of training, ability to diagnose patients, and other factors determined by the supervisor;

(5) ensure compliance with the confidentiality requirements of Section 58-61-602;

(6) provide timely and periodic review of the client records assigned to the supervised individual;

(7) monitor the performance of the supervised individual for compliance with laws, standards, and ethics applicable to the practice of psychology;

(8) submit appropriate documentation to the Division with respect to work completed by the supervised individual, evidencing the performance of the supervised individual during the period of supervised psychology training and mental health therapist training, including the supervisor's evaluation of the supervised individual's competence in the practice of psychology and mental health therapy;

(9) ensure that the supervised individual is certified by the Division as a psychology resident, or is enrolled in a psychology doctoral program and engaged in a training experience authorized by the educational program; and

(10) ensure the approved psychologist supervisor is legally able to personally provide the services that the approved psychologist supervisor is supervising.

R156-61-402. Term, Expiration, Renewal, and Reinstatement of License.

(1) Under Subsection 58-1-308(1) and Section 58-61-302, the renewal date for the two-year renewal cycle for licenses and certifications under Title 58, Chapter 61, Psychologist Licensing Act is established in Section R156-1-308a.

(2) Renewal and reinstatement procedures shall be in accordance with Sections R156-1-308a through R156-1-308l.

(3) Under Subsection 58-1-308(5)(a)(ii)(B) and subject to Subsection 58-1-308(6)(b), an applicant whose license was active and in good standing at expiration may apply for reinstatement of licensure between two years and five years after the date of expiration, by completing the following practice reentry requirements:

(a) upon request, meet with the Board for an evaluation of the applicant's current ability to safely and competently engage in practice and to determine what education, experience, or examination requirements the applicant shall complete before or after reinstatement;

(b) if recommended by the Board, establish a plan of supervision under an approved psychologist supervisor, that may include up to 4,000 hours of psychology training or mental health therapy training, or both;

(c) if the Board determines it is necessary to demonstrate the applicant's ability to engage safely or competently in practice, take or retake and pass the Utah Psychologist Law and Ethics Examination, or the EPPP, or both; and

(d) complete at least 48 hours of professional education in subjects determined necessary by the Board to ensure the applicant's ability to engage safely and competently in practice.

R156-61-403. Continuing Education.

(1) Under Section 58-61-306, continuing education (CE) requirements for renewal or reinstatement of individuals licensed or certified under Title 58, Chapter 61, Psychologist Licensing Act are established in this section.

(2) During each two-year renewal cycle commencing on October 1 of each even-numbered year:

(a) a psychologist, including a certified prescribing psychologist or a certified provisional prescribing psychologist, shall complete at least 48 hours of continuing education;

(b) a certified psychology resident shall complete at least 24 hours of continuing education; and

(c) a licensed school psychological practitioner shall complete at least 48 hours of continuing education.

(3)(a) If an individual first becomes licensed during the two-year renewal cycle, the individual's required number of continuing education hours shall be increased or decreased proportionately according to the date of licensure.

(b) The Division may defer or waive continuing education requirements as provided in Section R156-1-308d.

(4) Continuing education under this section shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program that is directly related to the practice of a psychologist;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well-organized, and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training, and experience; and

(e) have records of registration and completion available for review.

(5) Credit for continuing education during each two-year renewal cycle shall be recognized as follows:

(a) unlimited hours for continuing education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences;

(b) ten hours for teaching in a college or university, teaching continuing education courses in the field of psychology, or supervising an individual completing the experience requirement for licensure as a psychologist;

(c) at least six hours in ethics and law;

(d) A maximum of six hours for clinical readings directly related to practice as a psychologist;

(e) A maximum of 18 hours for internet or distance learning courses that include an examination and a completion certificate, and are recognized by the APA or a state or province psychological association; and

(f) A maximum of six hours for regular peer consultation, review, or meetings if the licensee has properly documented that the peer consultation, review, or meetings meet the requirements of Subsection (4).

(6) A licensee shall maintain documentation sufficient to prove compliance with this section, for a period of two years after the end of the renewal cycle for which the continuing education is due.

R156-61-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) violation of any provision of the APA's Ethical Principles of Psychologists and Code of Conduct, January 1, 2017 edition, which is incorporated by reference;

(2) violation of any provision of the ASPPB Code of Conduct as adopted by the ASPPB, January 1, 2018 edition, which is incorporated by reference;

(3) acting as an approved psychologist supervisor, or accepting supervision, without complying with or ensuring compliance with the requirements of Sections R156-61-302d and R156-61-302e;

(4) engaging in, aiding, or abetting conduct or practices that are dishonest, deceptive or fraudulent;

(5) engaging in, aiding, or abetting deceptive or fraudulent billing practices;

(6) failing to establish and maintain appropriate professional boundaries with a client or former client;

(7) engaging in dual or multiple relationships with a client or former client in which there is a risk of exploitation or potential harm to the client;

(8) engaging in a sexual activity or sexual contact with a client with or without client consent;

(9) engaging in a sexual activity or sexual contact with a former client within two years of documented termination of services;

(10) engaging in sexual activity or sexual contact at any time with a former client who is especially vulnerable or susceptible to being disadvantaged because of the client's personal history, current mental status, or any condition that could reasonably be expected to place the client at a disadvantage recognizing the power imbalance that exists or may exist between the psychologist and the client;

(11) engaging in a sexual activity or sexual contact with a client's relative or other individual with whom the client maintains a relationship, when that individual is especially vulnerable or susceptible to being disadvantaged because of the individual's personal history, current mental status, or any condition that could reasonably be expected to place that individual at a disadvantage recognizing the power imbalance that exists or may exist between the psychologist and that individual;

(12) physical contact with a client when there is a risk of exploitation or potential harm to the client resulting from the contact;

(13) engaging in, aiding, or abetting sexual harassment or any conduct that is exploitive or abusive with respect to a student, trainee, employee, or colleague over whom the licensee has supervisory or management responsibility;

(14) failing to render impartial, objective, and informed services, recommendations or opinions with respect to custodial or parental rights, divorce, domestic relationships, adoptions, sanity, competency, mental health, or any other determination concerning an individual's civil or legal rights;

(15) exploiting a client for personal gain;

(16) using a professional client relationship to exploit a client or other person for personal gain;

(17) failing to maintain appropriate client records for a period of at least ten years from the documented termination of services to the client;

(18) failing to obtain informed consent from the client or legal guardian before taping, recording, or permitting third-party observations of client care or records;

(19) failing to cooperate with the Division during an investigation

(20) participating in a residency program or other post-degree experience without being certified as a psychology resident for postdoctoral training and experience;

(21) supervising a residency program of an individual who is not certified as a psychology resident; or

(22) when providing services remotely, failing to:

(a) practice according to professional standards of care in the delivery of services remotely;

(b) protect the security of confidential data and information; or

(c) appropriately store and dispose of confidential data and information.

KEY: licensing, psychologists
Date of Last Change: [~~May 1,~~] 2026
Notice of Continuation: September 7, 2023
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-61-101

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58036**
Rule or section number:	**R156-72**

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Lisa Martin	801-530-7632	lmartin@utah.gov

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

3. General Information

A. Rule or section catchline:

R156-72. Acupuncture Licensing Act Rule

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

The Division of Professional Licensing (Division) in collaboration with the Utah Massage Therapy and Acupuncture Licensing Board is filing these proposed amendments in accordance with statutory changes made by SB 31 that passed in the 2026 General Session and become effective 05/06/2026.

SB 31 (2026) created the role of acupuncture aide and outlined the requirements for injection therapy.

The proposed amendments also update the name of the national organization for the profession and aligns the rule with the Office of Administrative Rules (OAR) drafting requirements and Division standards.

C. Summary of the new rule or change:

Section R156-72-102 is amended to match the terms used in statute and to update the name of the national certification organization for the profession.

Section R156-72-302a is amended to update the name of the national certification organization for the profession.

Section R156-72-302c is amended to change the amount of time that a licensed acupuncturist must maintain patient records from seven years to five years.

Section R156-72-303 is amended to match Division standards for licensing term provisions and to update the name of the national certification organization for the profession. Section R156-72-304 is added to further establish the required qualifications for acupuncture aides. Section R156-72-503 is amended to update the name of the national certification organization for the profession and to reflect the recordkeeping requirement change in Section R156-72-302c. Section R156-72-701 is added to further establish the training required for a licensed acupuncturist to perform injection therapy. Section R156-72-702 is added to further establish the substances a licensed acupuncturist qualified to perform injection therapy may inject. Additional substances approved by the Division in collaboration with the Board in the future will also be listed in this section.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	H.B. 31 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Division does not anticipate any fiscal impact to the state budget beyond that determined by the fiscal note for SB 31 (2026) at: https://le.utah.gov/~2026/bills/static/SB0031.html, because the proposed amendments clarify and update this rule to be current and accurate for licensees.
B. Local governments:
The Division does not anticipate any cost or savings to local governments from the proposed amendments because the proposed amendments do not apply to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
There are approximately 551 small businesses in Utah with acupuncturists (NAICS 621399) and other similar licensees and who may employ those engaged in acupuncture (this NAICS code covers professions beyond acupuncturists as well). However, the proposed amendments are not expected to have any measurable impact on small business revenues or expenditures beyond the fiscal note for SB 31 (2026) because the amendments merely implement the new training requirements for injection therapy and statutory changes enacted by SB 31 (2026) and reorganize, streamline, and update this rule to provide more utility to licensees and to comply with OAR drafting requirements and Division standards.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There is approximately one non-small business in Utah with acupuncturists (NAICS 621399) and other similar licensees and who may employ those engaged in acupuncture (this NAICS code overs professions beyond acupuncturists as well). However, the proposed amendments are not expected to have any measurable impact on non-small business revenues or expenditures beyond the fiscal note for SB 31 (2026) because the amendments merely implement the new training requirements for injection therapy and statutory changes enacted by SB 31 (2026) and reorganize, streamline, and update this rule to provide more utility to licensees and to comply with OAR drafting requirements and Division standards.
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***)**:**
In Utah, there are approximately 228 licensed acupuncturists. The Division does not anticipate any cost or savings from these proposed amendments to these persons or to additional persons other than small businesses, non-small businesses, the state,

or local government entities, because the amendments merely implement the new training requirements for injection therapy and statutory changes enacted by SB 31 (2026) and reorganize, streamline, and update this rule to provide more utility to licensees and to comply with OAR drafting requirements and Division standards.

The proposed rule amendments will not create new obligations for other persons or increase the costs associated with any existing obligations for other persons.

F. Compliance costs for affected persons:

As described in Box 5E for other persons, no compliance costs are expected for affected persons.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-72-101

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

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

Date:	**Time:**	**Place** (physical address or URL)**:**
07/02/2026	10:00 AM	Anchor Meeting Location: Heber M Wells Building Room 402 160 E 300 S Salt Lake City, UT Google Meet joining info: Video call link: https://meet.google.com/woq-gbos-xfv Or dial: (US) +1 315-752-6029 PIN: 272 260 983# More phone numbers: https://tel.meet/woq-gbos-xfv? pin=5651257823873

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	**Date:**	05/18/2026

R156. Commerce, Professional Licensing.
R156-72. Acupuncture Licensing Act Rule.
R156-72-101. Title - Authority - Relationship to Rule R156-1.

(1) This rule is known as the "Acupuncture Licensing Act Rule."[~~.~~]

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 72, Acupuncture Licensing Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-101.

R156-72-102. Definitions.

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act[~~,~~] and in Title 58, Chapter 72, Acupuncture Licensing Act. In addition:

(1) "ACAHM" means the Accreditation Commission for Acupuncture and Herbal Medicine.

(2) "According to practitioner training" in Subsection 58-72-102(5)(b)(ii) means that the licensee has completed education and training from an educational program accredited or recognized by ACAHM regarding the recommendation, administration, or provision of dietary guidelines, herbs, supplements, homeopathics, and therapeutic exercise.

(3) "Administering[~~ration~~]" in Subsection 58-72-102(5)(b)(ii) means the direct application of an herb, homeopathic, or supplement to the body of a patient by:

(a) ingestion;
(b) topical application;
(c) inhalation; or
(d) point injection therapy.

(4) "BLS-CPR Certification" means Basic Life Support and Cardiopulmonary Resuscitation Certification.

(5) "Herbs" and "homeopathics" in Subsection 58-72-102(5)(b)(ii) may include:

(a) vitamins;
(b) minerals;
(c) amino acids;
(d) proteins; or
(e) enzymes.

(6) "Insertion of acupuncture needles" in Subsection 58-72-102(5)(a) means a procedure of acupuncture and oriental medicine including myofascial trigger point therapy, intramuscular therapy, perineural injection therapy, prolotherapy, proprioceptive stimulation, Ashi points, or dry needling techniques.

(7) "Modern research" in Subsection 58-72-102(5)(b)(ii) means practicing according to acupuncture and oriental medicine education and training as recognized through [~~NCCAOM~~]NCBAHM.

(8) "[~~NCCAOM~~]NCBAHM" means the National Certification [~~Commission~~]Board for Acupuncture and [~~Oriental~~]Herbal Medicine, formerly known as the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) and the National Commission for the Certification of Acupuncturists (NCCA).

R156-72-302a. Qualifications for Licensure - Certification and Exam Requirements.

Under Subsections 58-72-302(3) and (4), to meet the requirements for current active certification in acupuncture under guidelines established by [~~NCCAOM~~]NCBAHM and the requirements for passing the examination required by the Division, an applicant for licensure as a licensed acupuncturist shall submit documentation of:

(1) current and active [~~NCCAOM~~]NCBAHM certification; or

(2) pursuant to Subsection 58-1-302(2) or (3), licensure in good standing as an acupuncturist in any jurisdiction, for at least one year immediately preceding the application.

R156-72-302c. Informed Consent.

(1) Under Subsection 58-72-302(5), to enable patients to give informed consent to treatment, a licensed acupuncturist shall have a patient chart for each patient that includes:

(a) a written review of symptoms;

(b) a statement signed by the patient consenting to acupuncture treatment; and

(c) if the patient is receiving an adjunctive therapy as defined in Subsection 58-72-102(5)(b), a written disclosure signed by the patient regarding the licensed acupuncturist's education and training to perform that therapy.

(2) Under Section 58-72-503, an acupuncturist shall maintain patient records, including records documenting informed consent, [~~shall be maintained~~]for [~~seven~~]five years.

R156-72-303. [~~Renewal Cycle~~]Licensing Term - Renewal and Reinstatement Procedures.

(1) Under Subsections 58-1-308(1) and 58-72-303(1), the renewal date for the two-year renewal cycle for licensees under Title 58, Chapter 72, Acupuncture Licensing Act[~~,~~] is established in Section R156-1-308a.

(2) Renewal and reinstatement procedures shall be in accordance with Sections R156-1-308b through R156-1-308l.

(3) Under Subsections 58-1-308(3)(b) and 58-72-303(3), a licensee who does not maintain current and active [~~NCCAOM~~]NCBAHM certification shall:

(a) complete at least 30 continuing education units (CEU) or 30 professional development activity (PDA) points within the two-year renewal period; and

(b) maintain current BLS-CPR certification.

R156-72-304. Acupuncture Aide Qualifications - Use of Acupuncture Aides and Supportive Services.

(1) An acupuncture aide shall meet the qualifications in Subsection 58-72-102(1).

(2) Under Subsection 58-72-102(6)(a), the supportive services in which an acupuncture aide may engage include the following:

(a) removing acupuncture needles;

(b) monitoring acupuncture procedures, including the application of heat or moxibustion;

(c) gathering basic patient information;

(d) taking a patient's blood pressure;

(e) attending to patient treatment rooms; or

(f) a basic administrative task performed in accordance with training provided by the supervising acupuncturist.

R156-72-503. Unprofessional Conduct.

Under Subsection 58-72-102([~~6~~]7), "unprofessional conduct" includes:

(1) failing to maintain office, instruments, equipment, appliances, or supplies in a safe and sanitary condition;

(2) violating Subsection 58-72-303(3) regarding renewal qualifications by:

(a) failing to maintain current and active [~~NCCAOM~~]NCBAHM certification;

(b) failing to complete all continuing education units (CEUs) required under Subsection R156-72-303(3); or

(c) failing to maintain current BLS-CPR certification;

(3) failing to abide by the [~~NCCAOM~~]NCBAHM Code of Ethics revised November 2023, that is incorporated by reference;

(4) failing to maintain patient records for a [~~seven~~]five-year period;

(5) recommending, administering, or providing dietary guidelines, herbs, supplements, homeopathics, or therapeutic exercise without having completed the required practitioner training [~~pursuant to~~]under Subsections 58-72-102(5)(b)(ii) and R156-72-102(2); or

(6) administering venous injections, immunizations, or controlled substances.

R156-72-701. Injection Therapy - Training Requirements.

(1) Under Subsection 58-72-102(3) and Section 58-72-701, the education and training curriculum for an acupuncturist to provide injection therapy shall:

(a) be approved by NCBAHM or ACAHM;

(b) be at least 24 clock hours which shall include at least 16 hours of in-person, hands-on, clinical experience;

(c) include the following areas:

(i) contraindications, indications, and universal precautions;

(ii) administration of substances authorized for point injection;
(iii) aseptic technique;
(iv) recordkeeping;
(v) storage; and
(vi) emergency procedures, including:
(A) responding to adverse reactions;
(B) administration of oxygen; and
(C) use of intramuscular epinephrine.
(2) An acupuncturist shall document completion of the education and training curriculum by obtaining a certification of completion from the course provider.

R156-72-702. Injection Therapy - Substances.

Under Subsection 58-72-102(3), a licensed acupuncturist who meets the qualifications to perform injection therapy required under Sections 58-72-701 and R156-72-701 may inject any of the following sterile substances in liquid form into acupuncture points on the body:
(1) an herb;
(2) a supplement;
(3) a vitamin; or
(4) a homeopathic product.

KEY: acupuncture, licensing
Date of Last Change: [~~December 24, 2024~~]2026
Notice of Continuation: September 7, 2021
Authorizing, and Implemented or Interpreted Law: 58-72-101; 58-1-106(1)(a); 58-1-202(1)(a)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58054**
Rule or section number:	**R277-100**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-100. Definitions for Utah State Board of Education (Board) Rules
B. Purpose of the new rule or reason for the change:
The amendments are a result of the passage of SB 58 during the 2026 General Session.
C. Summary of the new rule or change:
The amendments promote uniform interpretation and implementation across all the Utah State Board of Education (USBE) rules. The amendments also remove an oversight categorization of "exempt".

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 58 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The proposed amendments strike an outdated oversight category provision (Subsection R277-100-1(3)) and establish new or updated definitions for educational tracking terms, including "Absence," "Attendance Validated Program," "Instructional Day," "Instructional hours," and "Learner Validated Program." These changes are due to SB 58 (2026) and the USBE believes that any fiscal impacts were captured in the fiscal note to SB 58 (2026).
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. These changes are due to SB 58 (2026) and the USBE believes that any fiscal impacts were captured in the fiscal note to SB 58 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the USBE and Local Education Agencies (LEAs).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The updated definitions clarify student tracking metrics (such as what constitutes an instructional day or an absence) within public schools. These wording updates do not result in any direct financial obligations, tax alterations, fees, or savings for parents, students, educators, or individual taxpayers as an aggregate class. The USBE believes that any fiscal impacts were captured in the fiscal note to SB 58 (2026).
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. The USBE believes that any fiscal impacts were captured in the fiscal note to SB 58 (2026).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.

R277-100. Definitions for Utah State Board of Education (Board) Rules.

R277-100-1. 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; 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 provide definitions that are used in the Board rules beginning with Title R277.

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

R277-100-2. Definitions.

(1) "Absence" means, for a student enrolled in an attendance validated program, the failure of a school-age child assigned to a class or class period to attend the class or class period for a given day or class period; or

(a) for a student enrolled in a learner validated program, the failure of a school-age child to meet the LEA's continuing enrollment measurement requirements as established in the LEA's written policy.

[~~(1)~~](2)(a) "Accountability practice" means any evidence-based practice that increases academic outcomes, decreases behavior that disrupts the learning environment and holds students accountable for their actions by requiring them to take responsibility to repair harm and provide restitution when appropriate.

(b) Practices may include behavior plans, restorative practices, and strategies to increase engagement.

[~~(2)~~](3) "Accreditation" means the formal process for internal and external review and approval under the standards of an accrediting entity adopted by the Board.

[~~(3)~~](4) "Agency" means:

(a) an entity governed by the Board;

(b) an LEA; or

(c) a grant sub-recipient.

(5) "Attendance Validated Program" means an educational program where:

(a) student participation is measured by physical or virtual attendance at scheduled instructional periods; and

(b) a student receives direct teacher interaction and instruction for the course or program.

[~~(4)~~](6) "Board" means the 15 elected members of the State Board of Education.

[~~(5)~~](7) "Charter school" means a school established as a charter school by a charter school authorizer under Title 53G, Chapter 5, Charter Schools, and Board rule.

[~~(6)~~](8) "Comprehensive dropout intervention and prevention program" means a program that:

(a) addresses needs of students who are not succeeding in a traditional school environment;

(b) provides targeted instruction that increases student credit-earning rates toward graduation; and

(c) partners with community entities to provide a continuum of services with the focus of preparing students for life after high school.

[~~(7)~~](9)(a) "Cumulative file" or "cumulative folder" means a physical or digital record maintained by an LEA for each student containing, at a minimum, the following information:

(i) evidence of the student's legal name and date of birth;

(ii) student demographic data, including race, ethnicity, and gender;

(iii) name and contact information for the student's parents;

(iv) a record of the student's courses, teachers, and grades or progress;

(v) a record of the student's performance on statewide assessments;

(vi) documentation concerning a student's eligibility for IDEA or 504 services;

(vii) a record of suspensions and expulsions, in accordance with Subsection 53G-8-208(4)(a);

(viii) known allergies;

(ix) a record of vision and health screening results; and

(x) a record of required student immunizations, and medical or personal exemptions; and

(xi) pertinent legal documents, including protective orders, custody orders, and parenting or education plans.

(b) "Cumulative file" may include additional student information in accordance with an LEA's policies.

[~~(8)~~](10) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

[~~(9)~~](11) "Dual enrollment student" means a student who:

(a) is enrolled simultaneously in:

(i) a private school or home school; and

(ii) a public school; and

(b) is counted by an LEA in membership for purposes of generating state or federal funding for only those courses or subjects for which the LEA provides instruction.

[~~(10)~~](12) "Educator" means an individual licensed under Section 53E-6-201 and who meets the requirements of Board rule.

[~~(11)~~](13) "ESSA" or the "Every Student Succeeds Act" means the congressional act, which reauthorized the Elementary and Secondary Education Act of 1965, which is found at 20 U.S.C. 6301, et seq.

[~~(12)~~](14)(a) "Evaluate" or "review" means to observe and assess a program or set of requirements with an objective of making recommendations, if appropriate, for necessary changes or improvement.

(b) An "evaluation" or "review" may include providing training and technical assistance on program-related matters and performing on-site reviews of program operations.

[~~(13)~~](15)(a) "External audit" means an appraisal activity established under the direction of an individual or entity outside of the subject agency to examine and evaluate the adequacy and effectiveness of:

(i) agency control systems;

(ii) compliance;

(iii) performance; and

(iv) financial position.

(b) An external audit is conducted in accordance with current professional and industry technical standards, as applicable, for external audits.

[~~(14)~~](16)(a) "Home school student" means a student who:

(a) attends a home school pursuant to Section 53G-6-204; and

(b) is not counted by an LEA in membership for purposes of generating state or federal funding.

[~~(15)~~](17) "Individualized education program" or "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Part B of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 (2004), and rule.

[~~(16)~~](18) "Individuals with Disabilities Education Act" or "IDEA," 20 U.S.C. Section 1400 et seq. (2004), is a four part (A-D) piece of federal legislation that ensures a student with a disability is provided with a Free Appropriate Public Education (FAPE) that is tailored to the student's individual needs.

(19) "Instructional Day" means:

(a) for attendance validated programs, a day with scheduled instructional periods and direct teacher interaction; or

(b) for learner validated programs, any day during which educational services are actively provided through the LEA's structured learning system.

(c) "Instructional day" does not include:

(i) days where educational services are not actively provided to students; or

(ii) any day in a program that an LEA designated as learner validated solely to avoid providing direct educational services that would otherwise be required for an attendance validated program.

(20) "Instructional hours" means:

(a) for attendance validated programs, hours of scheduled instruction; or

(b) for learner validated programs, equivalent hours of educational services as defined by LEA policy.

[~~(17)~~](21)(a) "Internal audit" means an independent appraisal activity established within an agency as a control system to examine and objectively evaluate the adequacy and effectiveness of other internal control systems within the agency or the public education system.

(b) An "internal audit" is conducted in accordance with the current:

(i) International Standards for the Professional Practice of Internal Auditing; or

(ii) Government Auditing Standards, issued by the Comptroller General of the United States.

[~~(18)~~](22)(a) "LEA" or "local education agency" means a school district or charter school.

(b) For purposes of certain rules, "LEA" or "local education agency" may include the Utah Schools for the Deaf and the Blind (USDB) if indicated in the specific rule.

[~~(19)~~](23)(a) "LEA governing board" or "local board" means:

(i) for a school district, a local school board; and

(ii) for a charter school, a charter school governing board.

(b) For purposes of certain rules, "LEA governing board" or "local board" may include the State Board of Education as the governing board for the Utah Schools for the Deaf and the Blind if indicated in the specific rule.

(24) "Learner Validated Program" means an educational program specifically designed for competency-based or self-paced learning where:

(a) student participation is measured by demonstrated academic progress and completion of learning objectives rather than attendance during a scheduled class or instructional period; and

(b) the LEA has established a written policy that defines:

(i) continuing enrollment measurement requirements;

(ii) standards for demonstrating academic progress;

(iii) methods for calculating equivalent instructional hours; and

(iv) procedures for ensuring equivalent educational rigor and support.

[~~(20)~~](25)(a) "Monitor" means to formally supervise, inspect, or examine the compliance, performance, or finances of a program or set of requirements.

(b) A monitoring program may include:

(i) review of financial and performance reports required of the subject program;

(ii) follow-up to ensure the subject program takes timely and appropriate actions to correct identified deficiencies;

(iii) supervising remedial action recommended by audit or monitoring findings or required by Board rule; and

(iv) any function performed in an evaluation or review.

[~~(21)~~](26)(a) "Multidisciplinary team" means a group of individuals from multiple disciplines who meet to:

(i) pursue the common goal of evaluating and triaging the academic, social, emotional, physical, and behavioral needs of a student or group of students; and

(ii) create individualized strategies and interventions to address identified needs.

(b) An LEA's multidisciplinary school team as described in Subsection (20)(a) may include:

(i) administrative personnel;

(ii) a local law enforcement officer or school resource officer;

(iii) a mental health professional;

(iv) a general education or special education teacher; and

(v) other community members as determined by the LEA.

[~~(22)~~](27) "Parent" means a parent or guardian who has established residency of a child under Section 53G-6-302, 53G-6-303, or 53G-6-402, or another applicable Utah guardianship provision.

[~~(23)~~](28) "Plan for College and Career Readiness" or "SEOP" means a student education occupation plan for college and career readiness that is a developmentally organized intervention process that includes:

(a) a written plan, updated annually, for a secondary student's (grades 7-12) education and occupational preparation;

(b) all Board, local board and local charter board graduation requirements;

(c) evidence of parent or guardian, student, and school representative involvement annually;

(d) attainment of approved workplace skill competencies, including job placement when appropriate; and

(e) identification of post secondary goals and approved sequence of courses.

(24) "Preschool" means a school in which all the students enrolled are pre-kindergarten.

[~~(25)~~](29)(a) "Private school student" means a student who:

(a) attends a private school; and

(b) is not counted by an LEA in membership for purposes of generating state or federal funding.

[~~(26)~~](30) "Program" means an instructional environment that does not meet the criteria to be classified as a school, as described in Subsection (27).

[~~(27)~~](31) "Public school student" means a student who:

(a) attends an LEA governed public school; and

(b) is counted by an LEA in membership for purposes of generating state or federal funding.

[~~(28)~~](32) "School" means an instructional environment that:

(a) is governed by an LEA board;

(b) has an assigned administrator;

(c) has enrolled students that generate average daily membership hours during the school year;

(d) has assigned instructional staff;

(e) provides instruction in the Utah core standards;

(f) has one or more grade groups in the range from kindergarten through grade 12; and

(g) is not a program for students enrolled in another public school.

[~~(29)~~](33) "Split enrollment student" means a student who is:

(a) regularly enrolled at two schools within two LEAs at the same time;

(b) eligible for graduation and other services at both schools; and

(c) subject to the split enrollment requirements in Rule R277-419, counted by each LEA in membership for purposes of generating state or federal funding for only those courses or subjects for which each LEA provides instruction.

[~~(30)~~](34) "State Charter School Board" or "SCSB" means the State Charter School Board created in Section 53G-5-201.

[~~(31)~~](35) "Student Threat assessment" means a prevention strategy that involves:

(a) identifying student threats including to commit a violent act;

(b) determining the seriousness of the threat;

(c) developing intervention plans that prioritize protecting potential victims and address threatening behavior; and

(d) address underlying behavior contributing to the risk.

[~~(32)~~](36) "Success sequence" means a three-prong framework for youth and young adults that encourages:

(a) completing at least a high school education and pursuing further educational opportunities;

(b) obtaining full-time employment; and

(c) having children within a health and stable family and marriage.

[~~(33)~~](37) "Superintendent" means the State Superintendent of Public Instruction or the Superintendent's designee.

[~~(34)~~](38) "Suspension" means, except for purposes of Rules R277-210 through R277-217:

(a) an in-school suspension that is a temporary removal of a student from the student's regular classroom for disciplinary reasons for at least half a school day but remains under the direct supervision of school personnel; or

(b) an out-of-school suspension that is the removal of a student from school grounds for disciplinary reasons unless the student removed is:

(i) served solely under a Section 504 plan, where an out-of-school suspension is the excluding of the student from school for disciplinary purposes for one day or longer; or

(ii) a student with disabilities under IDEA, where an out-of-school suspension is the temporary removal of the student from the student's regular school for disciplinary reasons to another setting.

[~~(35)~~](39) "Threat" means an expression of intent to harm someone that is direct, indirect, or implied and may be spoken, written, or expressed in some other way.

[~~(36)~~](40) "USDB" means the Utah Schools for the Deaf and the Blind.

[~~(37)~~](41) "USIMS" or "Utah Schools Information Management System" means a software system maintained by the Superintendent for collecting, processing, providing oversight, and reporting on education data for the state as required by Section 53E-3-518.

KEY: Board of Education, rules, definitions
Date of Last Change: [~~January 7,~~] 2026
Notice of Continuation: June 10, 2025
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58055**
Rule or section number:	**R277-317**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:

R277-317. Incentives for National Board Certification

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

The amendments add a sunset date and remove an oversight category.

C. Summary of the new rule or change:

The sunset date added is 06/30/2027.

The Utah State Board is currently exhausting remaining funds for this program and the legislature has not allocated additional funds at this time.

In addition, the rule oversight categorization as "exempt" is removed.

5. Fiscal Information

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

A. State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. The proposed amendment strikes Subsection R277-317-1(3), which previously specified that this rule was categorized as exempt from the framework outlined in Rule R277-111. Removing this internal organizational oversight designation is purely a technical, text-cleaning measure.

The addition of the sunset date does not have a direct fiscal impact to the state, Local Education Agencies (LEAs), or other persons, as the Legislature has decided to discontinue funding for the program.

B. Local governments:

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

The proposed amendment strikes Subsection R277-317-1(3), which previously specified that this rule was categorized as exempt from the framework outlined in Rule R277-111. Removing this internal organizational oversight designation is purely a technical, text-cleaning measure.

The addition of the sunset date does not have a direct fiscal impact to the state, LEAs, or other persons, as the Legislature has decided to discontinue funding for the program.

C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the Utah State Board of Education (USBE) and LEAs.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The proposed amendment strikes Subsection R277-317-1(3), which previously specified that this rule was categorized as exempt from the framework outlined in Rule R277-111. Removing this internal organizational oversight designation is purely a technical, text-cleaning measure. The addition of the sunset date does not have a direct fiscal impact to the state, LEAs, or other persons, as the Legislature has decided to discontinue funding for the program.
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. The proposed amendment strikes Subsection R277-317-1(3), which previously specified that this rule was categorized as exempt from the framework outlined in Rule R277-111. Removing this internal organizational oversight designation is purely a technical, text-cleaning measure. The addition of the sunset date does not have a direct fiscal impact to the state, LEAs, or other persons, as the Legislature has decided to discontinue funding for the program.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0

Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-5-202
Section 53F-2-523		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.

R277-317. Incentives for National Board Certification.

R277-317-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].

(1) This rule is authorized by:

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

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

(c) Section 53F-5-202, which requires the Board to make rules to specify procedures and timelines for reimbursing educators for the cost to attain or renew a National Board certification; and

(d) Section 53F-2-523, which requires the Board to implement a salary supplement for eligible educators.

(2) The purpose of this rule is to specify procedures and timelines for:

(a) reimbursements to educators under Section 53F-5-202; and

(b) applications for the salary supplement under Section 53F-2-523.

[~~(3) This Rule R277-317 is categorized as exempt from the framework outlined in Rule R277-111 because the rule's requirements apply to the Superintendent and not LEAs.~~]

R277-317-2. Definitions.

(1) "Eligible educator" means an educator who holds a current professional license and current National Board certification attained or renewed:

(a) after July 1, 2016; and

(b) while employed as an educator by an LEA in Utah.

(2) "Local education agency" or "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(3) "National Board certification" means the same as that term is defined in Section 53E-6-102.

R277-317-3. Salary Supplement for Eligible Educators.

(1) The Superintendent shall allocate funds for salary supplements to eligible educators in accordance with Subsection 53F-2-523(3).

(2) The Superintendent shall maintain an online application system for eligible educators and make it available to educators no later than October 1 each school year.

(3) An applicant for the Board-certified salary supplement shall apply to the Superintendent by March 31.

(4)(a) If an applicant is denied funds under this rule, the applicant may submit a written appeal to the Superintendent prior to April 30.

(b) An appeal under Subsection (4)(a) is limited to the following issues:

(i) whether the applicant is an eligible educator;

(ii) whether the applicant was assigned to teach at a Title I school during the school year at issue;

(iii) whether the Superintendent's initial denial was inconsistent with Section 53F-2-523 or this Rule R277-317; or

(iv) whether the Superintendent's initial denial was based on inaccurate or missing information.

(c) The Superintendent may designate a panel of at least two Board staff members to review an appeal made under Subsection (4)(a) and make a recommendation to the Superintendent within 30 days of receipt of the written appeal.

(5) The Superintendent shall issue a ruling on an appeal within 15 days of receipt of the panel's recommendation.

(6) The decision of the Superintendent on an appeal is the final Board administrative action.

R277-317-4. Grants for National Board Certification.

(1) The Superintendent shall establish and maintain an online application system through which an educator may apply for a grant to pay for fees and costs to pursue or renew a National Board certification.

(2) An applicant for a grant under Subsection (1) shall pay a registration fee to the National Board for Professional Teaching Standards or "NBPTS" prior to submitting the application.

(3) The Superintendent shall pay a grant under Subsection (1) directly to NBPTS.

(4)(a) To receive a grant under Subsection (1), an educator shall submit an application through the application system, including all information required by Section 53F-5-202.

(b) The Superintendent shall accept applications from July 1 through January 31 annually.

(5) The Superintendent may not award a grant under this section to an educator with a currently suspended license.

(6)(a) The Superintendent shall annually determine the number of new grant awards available based on:

(i) legislative appropriations;

(ii) estimated costs under Section R277-317-3;

(iii) encumbered costs for grants previously awarded under this section; and

(iv) costs associated with obtaining National Board Certification.

(b) The Superintendent shall publish the number of new grants available by October 15 annually.

(c) If the number of applicants exceeds the number of available grant awards, the Superintendent shall randomly choose grant recipients from all complete applications.

(7) In order for an educator to receive a grant under this section, the Superintendent shall require the educator to attest that the educator will not accept payment of National Board certification costs covered under the grant from any other party.

(8) A grant recipient shall notify the Superintendent as soon as possible if:

(a) the individual discontinues pursuit of National Board Certification;

(b) the individual becomes ineligible to receive a grant under this section;

(c) the individual becomes ineligible to pursue National Board Certification under rules established by the National Board for Professional Teaching Standards; or

(d) the individual requests approval for an amendment to the individual's application plan.

R277-317-5. Sunset Date.

This rule will sunset on June 30, 2027.

KEY: national board certification, grants, salary supplements
Date of Last Change: 2026[~~June 9, 2025~~]
Notice of Continuation: June 16, 2026
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-5-202; 53F-2-523

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58056**
Rule or section number:	**R277-326**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S

City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-326. Early Literacy Coaches
B. Purpose of the new rule or reason for the change:
The amendments are a result of the passage of SB 241 and HB 312 during the 2026 General Session.
C. Summary of the new rule or change:
The amendments restructure the delivery of early literacy coaching statewide. The amendments shift responsibility for providing, training, and assigning literacy coaches from the Superintendent to regional education service agencies and school districts, remove provisions related to centralized assignment and prioritization of coaches, update definitions and responsibilities to reflect the new locally administered model, align this rule with statutory requirements related to science of reading instruction and professional learning, and incorporate a future requirement for literacy coaches to support integration of social studies content into literacy instruction beginning in the 2028–2029 school year, as required by HB 312 (School Curriculum and Standards Modifications). The amendments also remove the oversight categorization of "exempt".

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 241 and HB 312 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other rule changes are due to the passage of SB 241 and HB 312 (2026). The Utah State Board of Education (USBE) believes that all fiscal impacts were captured in the fiscal note to HB 312 and SB 241 (2026) and this rule does not create any other fiscal impacts for the state, Local Education Agencies (LEAs), or other persons or entities.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other rule changes are due to the passage of SB 241 and HB 312 (2026). The USBE believes that all fiscal impacts were captured in the fiscal note to HB 312 and SB 241 (2026) and this rule does not create any other fiscal impacts for the state, LEAs, or other persons or entities.

C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the USBE and LEAs.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other rule changes are due to the passage of SB 241 and HB 312 (2026). The USBE believes that all fiscal impacts were captured in the fiscal note to HB 312 and SB 241 (2026) and this rule does not create any other fiscal impacts for the state, LEAs, or other persons or entities.
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other rule changes are due to the passage of SB 241 and HB 312 (2026). The USBE believes that all fiscal impacts were captured in the fiscal note to HB 312 and SB 241 (2026) and this rule does not create any other fiscal impacts for the state, LEAs, or other persons or entities.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-5-214

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-326. Early Literacy Coaches.
R277-326-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].

(1) This rule is authorized by:

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

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

(c) [~~Subsection 53E-3-1002(2), which directs the Board to make rules to allocate~~]Section 53F-2-424, which establishes funding for early literacy coaches, and Subsection 53E-3-401(4), which authorizes the Board to make rules to administer and allocate funding for early literacy coaches.

(2) The purpose of this rule is to establish criteria [~~for assignment~~]and minimum requirements of early literacy coaches in accordance with Section [~~53E-3-1002~~]53G-10-804.

[~~(3) This Rule R277-326 is categorized as exempt as described in Rule R277-111.~~]

R277-326-2. Definitions.

"Early literacy coach" means [~~a coach provided by the Board to assist LEAs with early literacy in accordance with Section 53E-3-1002~~]an individual who provides early literacy coaching to educators in kindergarten through grade 3 in accordance with Section 53G-10-804.

R277-326-3. Early Literacy Coaches.

(1)(a) [~~The Superintendent shall provide, train, and assign early literacy coaches in accordance with Section 53E-3-1002~~]Each regional education service agency and each school district that is not within a regional education service agency shall provide, train, and assign early literacy coaches in accordance with Section 53G-10-804.

(b) An early literacy coach shall meet minimum qualifications established by the [~~Superintendent.~~]Board including:

(i) training in the science of reading;

(ii) training in adult learning theory;

(iii) data analysis training and experience, including in the benchmark reading assessment;

(iv) experience providing professional learning to adults;

(v) a master's degree in education is preferred; and

(vi) a minimum of five years of elementary teaching experience is preferred.

(c) An early literacy coach [~~may~~]shall perform responsibilities [~~as directed by the Superintendent~~]consistent with Section 53G-10-804 and as directed by the employing regional education service agency or school district including those identified in [~~Subsections 53E-3-1002(2)(c)(i) through (viii).~~]Subsections 53G-10-804(2)(b)(i) through (viii), and beginning in the 2028-2029 school year, support the integration of social studies content into literacy instruction to enhance reading comprehension and content knowledge, in alignment with Section 53E-4-205.

(d) An early literacy coach may not undertake duties unrelated to literacy coaches, as outlined in [~~Subsection 53E-3-1002(2)(d)~~]Section 53G-10-804.

(2) An LEA receiving funds for early literacy coaches may not charge indirect costs.

[~~(3)(a) The Superintendent will determine which schools qualify for assistance from early literacy coaches taking into account the previous year's end-of-year assessment data from:~~

~~(i) Acadience Reading, benchmark, and growth; and~~

~~(ii) RISE, English Language Arts proficiency.~~

~~(b) The Superintendent shall exclude data:~~

~~(i) for students who were not enrolled a full academic year; and~~

~~(ii) for schools scheduled to close the following year.~~

~~(4)(a) The Superintendent shall prioritize services under this program for schools identified in Subsections 53E-3-1002(a)(i) and (ii).~~]

(3) A regional education service agency or school district shall ensure that early literacy coaching supports:

(a) professional learning in the science of reading for:

(i) educators in kindergarten through grade 3; and

(ii) elementary principals and vice principals;

(b) coaching of educators in kindergarten through grade 3; and

(c) training of paraprofessionals consistent with Section 53G-10-804.

KEY: professional learning, prek-3, early learning, teacher development
Date of Last Change: 2026[~~August 7, 2025~~]
Notice of Continuation: June 10, 2025
Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-5-214

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58057**
Rule or section number:	**R277-328**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-328. Equal Opportunity in Education
B. Purpose of the new rule or reason for the change:
The amendment updates the requirements related to professional learning regarding equal opportunities in education.
C. Summary of the new rule or change:
The amendment specifically removes a requirement that the learning must include "recognizing the constitutionally protect rights of all students".

The amendments to Rule R277-328 update this rule's statutory authority, refine core definitions, and restructure professional learning requirements.

In Section R277-328-1, the statutory references are expanded to include Sections 53G-10-205, 53G-10-202, and 53E-7-204, which encompass religious liberties, constitutional freedoms, and full educational opportunities for students with disabilities.

Additionally, Subsection (1)(e) is updated to reference "principles of individual freedom and unalienable rights," while the word "equal" is struck from the phrase "equal opportunities in education" in Subsection (2), as well as from this rule's final keyword section.

In Section R277-328-2, the previous definition for "Inclusion" is entirely deleted. This deletion prompts the sequential renumbering of the remaining definitions for "Important governmental interest," "Personal identity characteristic," and "Prohibited discriminatory practice".

Section R277-328-3 undergoes a major rewrite, completely replacing the original provisions of Subsections (1) and (2) with a new professional learning framework heavily focused on protecting students' constitutional rights. This updated mandate requires Local Education Agencies (LEAs) to instruct educators on students' unalienable rights to religious expression, federal and state judicial decisions regarding religious liberty, and the public school's obligation to remain neutral toward religion while offering lawful accommodations.

The section also incorporates reworked, Individuals with Disabilities Education Act (IDEA)-compliant inclusive teaching applications to ensure students with disabilities are educated within the least restrictive environment.

Finally, Subsection (6) is broadened to ensure that professional learning materials are made freely available to any individual upon request by striking the restrictive phrase limiting access only to parents with students enrolled in the LEA.

5. Fiscal Information

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

A. State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures.

The proposed amendments to this rule are entirely technical and clerical. Specifically, the change strikes a duplicate typographical entry under Subsection R277-328-3(2)(e) (recognizing the constitutionally protected rights of all students; and) and subsequently renumbers the following Subsection from (f) to (e).

Because this modification corrects a formatting error and introduces no new regulatory mechanisms, reporting programs, or agency oversight requirements, it will result in no incremental costs 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.

The amendment merely resolves a duplicate phrase within the professional learning standards list and handles the corresponding list renumbering. It does not alter the actual training topics, operational guidelines, reporting mandates, or compliance structures required of local school districts or charter schools.

Because no professional development curricula need to be modified or rewritten due to this text clean-up, LEAs will experience no incremental operational costs or fiscal savings.

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 internal public education standards and professional learning guidelines within Utah public schools. It applies strictly to public education entities and carries no statutory authority or regulatory oversight over private commercial operations.

Correcting a typographical error within this text has no aggregate economic 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. Resolving a duplicated line of text in this rule's professional learning list does not change the core programmatic offerings, legal rights, or curriculum delivery for educators, parents, or students. As a result, no aggregate financial burdens, fee shifts, or cost savings will be experienced by any outside individuals or classes of persons.
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. Since individual educators and school personnel are not required to alter their implementation behaviors or complete any additional tasks to adjust for this list cleanup, the incremental individual compliance cost is $0.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-328. Equal Opportunity in Education.
R277-328-1. Authority and Purpose.

(1) This rule is authorized by:

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

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

(c) Subsection 53E-3-501(1)(c)(iv) which states the board shall establish rules and minimum standards governing curriculum and instruction requirements;

(d) Subsection 53E-3-502(8) which requests the Board help school districts develop and implement guidelines, strategies, and professional development programs for administrators and teachers consistent with Subsections 53E-2-302(7) and 53E-6-103(1)(b), (2)(a) and (b) focused on improving interaction with parents and promoting greater parental involvement in the public schools; and

(e) Section 53G-10-206, which requires the Board, LEAs, and the Superintendent to ensure that instructional materials and classroom instruction are consistent with [~~certain principles of educational freedom.~~]principles of individual freedom and unalienable rights;

(f) Section 53G-10-205, which prohibits a school from penalizing or discriminating against a student based on the student's or the student's parents' religious belief or right of conscience;

(g) Section 53G-10-202, which requires maintaining constitutional freedoms in the public schools; and

(h) Section 53E-7-204 Full educational opportunity for students with disabilities as outlined in 34 CFR 300.109.

(2) The purpose of this rule is to provide LEAs with the standards for educators and LEAs for professional learning regarding [~~equal~~]opportunities in education and prohibited discriminatory practices.

R277-328-2. Definitions.

(1) "Equal Opportunity in Education" means acknowledging that all students are capable of learning and may need additional guidance, resources, and support based on their academic needs.

[~~(2) "Inclusion" means ensuring that students are accepted and valued as members of the school community with equal opportunities to contribute by creating conditions for meaningful participation, including students with a disability as described in Rule R277-750.~~]

[~~(3)~~](2) "Important governmental interest" means the same as defined in Section 53B-1-118.

[~~(4)~~](3) "Personal identity characteristic" means the same as defined in Section 53B-1-118.

[~~(5)~~](4) "Prohibited discriminatory practice" means the same as defined in Section 53B-1-118.

R277-328-3. Professional Learning Regarding Equal Opportunities in Education and Prohibited Discriminatory Practices.

[~~(1) An LEA shall provide professional learning to educators concerning equal opportunity in education.~~

~~(2) The professional learning described in Subsection (1) shall include instruction in:~~

~~(a) fostering a learning environment which is safe, conducive to the learning process, and free from unnecessary disruption as consistent with Section 53G-8-202;~~

~~(b) identifying students in need of additional academic supports;~~

~~(c) implementing principles and strategies of inclusion so that:~~

~~(i) a student with a disability is educated with peers without a disability to the maximum extent appropriate, consistent with IDEA; and~~

~~(ii) specially designed instruction is provided in addition to, not instead of, high-quality core instruction as consistent with IDEA;~~

~~(d) recognizing the constitutionally protected rights of all students; and~~

~~(e) recognizing the constitutionally protected rights of all students; and~~

~~(f) developing strategies to promote the examination of various viewpoints on a topic in an impartial and politically neutral manner.~~]

(1) An LEA shall provide professional learning to educators and relevant staff regarding students' constitutionally protected rights in public schools, including:

(a) recognizing that students do not forfeit constitutionally protected and unalienable rights to religious expression or religious exercise while attending public schools;

(b) including instruction regarding applicable federal and state constitutional protections, including protections recognized under Section 53G-10-205 and recent federal and state judicial decisions interpreting religious liberty protections in public education;

(c) emphasizing the obligation of public schools to remain neutral toward religion, neither promoting nor inhibiting religious expression protected by law; and

(d) providing educators with guidance regarding lawful accommodation of religious beliefs and religious expression consistent with constitutional requirements and maintaining an orderly educational environment; and

(e) promoting effective instructional practices and inclusive teaching applications that include intentionally and purposely creating, designing, and developing learning opportunities that ensure all students, regardless of their background, skill, or developmental level, can benefit from the least restrictive learning environment, including:

(i) that a student with a disability is educated with peers without a disability to the maximum extent appropriate, consistent with IDEA; and

(ii) that specially designed instruction is provided in addition to, not instead of, high-quality core instruction as consistent with IDEA.

(3) The professional learning provided by an LEA shall include instruction that educators may not promote prohibited discriminatory practices as described in Section 53B-1-118:

(a) one personal identity characteristic is inherently superior or inferior to another personal identity characteristic;

(b) an individual, by virtue of the individual's personal identity characteristics, is inherently privileged, oppressed, racist, sexist, oppressive, or a victim, whether consciously or unconsciously;

(c) an individual should be discriminated against in violation of Titles VI & VII of the Civil Rights Act of 1964, IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, receive adverse treatment, be advanced, or receive beneficial treatment because of the individual's personal identity characteristics;

(d) an individual's moral character is determined by the individual's personal identity characteristics;

(e) an individual, by virtue of the individual's personal identity characteristics, bears responsibility for actions committed in the past by other individuals with the same personal identity characteristics;

(f) an individual should feel discomfort, guilt, anguish, or other psychological distress solely because of the individual's personal identity characteristics;

(g) asserts that meritocracy is inherently racist or sexist;

(h) asserts that socio-political structures are inherently a series of power relationships and struggles among racial groups;

(i) promotes resentment between, or resentment of, individuals by virtue of their personal identity characteristics;

(j) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual because of the individual's race, color, ethnicity, sex, sexual orientation, national origin, or gender identity;

(k) is referred to or named diversity, equity, and inclusion, used in conjunction; or

(l) includes or relates to, a prohibited submission as outlined in Section 67-27-105.

(4) Prohibited instruction does not include a training on policies or procedures required by board rule, state, or federal law, including laws relating to prohibited discrimination or harassment.

(5) The professional learning provided by an LEA shall be done in accordance with all state and federal laws.

(6) The content of professional learning provided by an LEA shall be made freely available by the LEA [~~to parents with a student in the LEA~~]within a reasonable amount of time from when the training is offered upon request and include a copy of this rule.

(7) If an alleged violation of this section is reported to the Board as described in Rule R277-123, the Board may investigate the alleged violation as described in Rule R277-114, including taking action as described in Subsection R277-114-3(3).

(8) An LEA shall ensure a formal complaint process is in place pursuant to Rule R277-113.

(9) The professional learning referred to in Subsection (6) does not include remediation sessions for a specific educator.

R277-328-4. Educational Opportunities Within an LEA.

(1) An LEA may establish or maintain an office, division, employment position, or other unit of an LEA that provides support, guidance, and resources that equip all students, including all students in public schools at higher risk of not completing high school, with experiences and opportunities for success in each student's academic and career goals, and without excluding individuals on the basis of an individual's personal identity characteristics consistent with Section 53G-2-105.

(2) No part of this rule shall be construed by an LEA or educator to:

(a) prohibit or ban discussions of events, ideas, attitudes, beliefs, or concepts in the marketplace of ideas if consistent with Sections 53G-10-202, 53G-10-206, and 53G-2-104;

(b) prohibit disaggregation of data based on personal identity characteristics to meet state and federal requirements, including those in Section 53E-3-501 or 53E-5-302; or

(c) allow for discriminatory treatment of individual students based disaggregated group data.

(3) An LEA may not promote differential treatment of an individual based on the individual's personal identity characteristics unless the LEA:

(a) has an important governmental interest; or

(b) is complying with state or federal law.

(4) An LEA may not exclude any student from participating in Curricular, co-curricular, and extra-curricular activities designated specifically for students based on a different personal identity characteristic.

(5) An LEA shall submit an annual assurance to the Board that the LEA's professional learning is consistent with this rule and Section 53G-10-206.

(6) An individual may bring a violation of this section to the Board in accordance with the process described in Rule R277-123.

(7) If the Board identifies a reported violation of this section, the state board shall provide an update to the Education Interim Committee as described in Section 53G-2-103.

KEY: [~~equal~~]opportunities, professional learning, instruction
Date of Last Change: 2026[~~April 9, 2024~~]
Notice of Continuation: June 16, 2026
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58058**
Rule or section number:	**R277-404**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-404. Requirements for Assessments of Student Achievement
B. Purpose of the new rule or reason for the change:
The amendments are the result of the passage of HB 502 during the 2026 General Session.
C. Summary of the new rule or change:
The amendments establish statewide test-out options for core classes. The amendments clarify the administration of assessments associated with test-out options, align procedures, timelines, and security requirements with existing statewide assessment practices, and ensure consistency between test-out assessments and current assessment administration policies. The amendments also remove the oversight "Category 3".

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 502 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other changes to this rule are solely due to the passage of HB 502 (2026) and the Utah State Board of Education (USBE) believes that all fiscal impacts were captured in the fiscal note to HB 502 (2026).
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other changes to this rule are solely due to the passage of HB 502 (2026) and the USBE believes that all fiscal impacts were captured in the fiscal note to HB 502 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the USBE and Local Education Agencies (LEAs).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other changes to this rule are solely due to the passage of HB 502 (2026) and the USBE believes that all fiscal impacts were captured in the fiscal note to HB 502 (2026).
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other changes to this rule are solely due to the passage of HB 502 (2026) and the USBE believes that all fiscal impacts were captured in the fiscal note to HB 502 (2026).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Section 53E-4-302	Subsection 53E-3-401(4)
Subsection 53G-6-803(9)(b)		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-404. Requirements for Assessments of Student Achievement.
R277-404-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].

(1) This rule is authorized by:

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

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

(c) Section 53E-4-302, which directs the Board to adopt rules for the administration of statewide assessments; and

(d) Subsection 53G-6-803(9)(b), which requires the Board to adopt rules to establish a statewide procedure for exempting a student from taking certain assessments.

(2) The purpose of this rule is to:

(a) provide consistent definitions; and

(b) assign responsibilities and procedures for the administration of statewide assessments, as required by state and federal law.

[~~(3) This Rule R277-404 is categorized as Category 3 as described in Rule R277-111.~~]

R277-404-2. Definitions.

(1) "Benchmark reading assessment" means the same as the term is defined in Section R277-406-2.

(2) "Benchmark mathematics assessment" means the same as the term is defined in Section R277-406-2.

(3) "College readiness assessment" means the:

(a) same as that term is described in Section 53E-4-305; and

(b) the ACT.

(4) "Core Classes" means a course in English language arts, mathematics, science, or social studies, or another course required for high school graduation as described in Section 53E-4-204.

[~~(4)~~](5) "English Learner" or "EL student" means a student who is learning [~~in~~]English as a second language.

[~~(5)~~](6) "English language proficiency assessment" means the WIDA Assessing Comprehension in English State-to-State (ACCESS), which is designed to measure the acquisition of the academic English language for an English Learner student.

[~~(6)~~](7) "Family Educational Rights and Privacy Act of 1974" or "FERPA," 20 U.S.C. 1232g, means a federal law designed to protect the privacy of students' education records.

[~~(7) "High school assessment":~~

~~(a) means the same as that term is described in Section 53E-4-304;~~

~~(b) means the "Utah Aspire Plus"; and~~

~~(c) includes the Utah Aspire Plus assessment of proficiency in:~~

~~(i) math;~~

~~(ii) science; and~~

~~(iii) reading.~~]

(8) "National Assessment of Education Progress" or "NAEP" means the national achievement assessment administered by the United States Department of Education to measure and track student academic progress.

(9) "Statewide assessment" means an assessment described in Subsection 53G-6-803(9)(a).

(10) "Standards Assessment":

(a) means the same as that term is described in Subsection 53E-4-303(2)(a);

(b) means the "Readiness Improvement Success Empowerment" or "RISE"; and

(c) for each school year, includes one writing prompt from the writing portion of the RISE English language arts assessment for grades 5 and 8.

(11) "Statewide assessment" means the:

(a) the same as that term is defined in Subsection 53E-4-301(2);

(b) Utah alternate assessment; and

(c) English language proficiency assessment.

(12) "Section 504 accommodation plan" means a plan:

(a) required by Section 504 of the Rehabilitation Act of 1973; and

(b) designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

(13)(a) "Utah alternate assessment" means an assessment instrument:

(i) for a student in special education with a disability so severe the student is not able to participate in a statewide assessment even with an assessment accommodation or modification; and

(ii) that measures progress on the Utah core instructional goals and objectives in the student's IEP.

(b) "Utah alternate assessment" means, for English language arts, science and mathematics, the Dynamic Learning Maps (DLM).

(14) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows:

(a) an LEA and the Superintendent to electronically exchange an individual detailed student record; and

(b) electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

R277-404-3. Incorporation of Standard Test Administration and Testing Ethics Policy by Reference.

(1) This rule incorporates by reference the Standard Test Administration and Testing Ethics Policy, dated May 2024, which establishes:

(a) the purpose of testing;

(b) the statewide assessments to which the policy applies;

(c) direction to reference the formative tools' guidance documentation;

(d) teaching practices before assessment occurs;
(e) required procedures for after an assessment is complete and for providing assessment results;
(f) unethical practices;
(g) accountability for ethical test administration;
(h) procedures related to testing ethics violations; and
(i) additional resources.
(2) A copy of the Standard Test Administration and Testing Ethics Policy is located[~~ at~~]:
(a) [~~https://schools.utah.gov/administrativerules/documentsincorporated~~]on the Utah State Board of Education Website; and
(b) at the Utah State Board of Education offices - 250 East 500 South, Salt Lake City, Utah 84111.

R277-404-4. Superintendent Responsibilities.
(1) The Superintendent shall facilitate:
(a) administration of statewide assessments; and
(b) participation in NAEP, in accordance with Subsection 53E-4-302(1)(b).
(2) The Superintendent shall provide guidelines, timelines, procedures, and assessment ethics training and requirements for all statewide assessments.
(3) The Superintendent shall designate a testing schedule for each statewide assessment and publish the testing window dates on the Board's website before the beginning of the school year.

R277-404-5. LEA Responsibilities - Time Periods for Assessment Administration.
(1)(a) Except as provided in Subsection (1)(b) and Section R277-404-7 an LEA shall administer statewide assessments to all students enrolled in the grade level or course to which the assessment applies.
(b) A student's IEP team, English Learner team, or Section 504 accommodation plan team shall determine an individual student's participation in statewide assessments consistent with the Utah Participation and Accommodations Policy.
(2) An LEA shall develop a plan to administer statewide assessments.
(3) The plan shall include:
(a) the dates that the LEA will administer each statewide assessment;
(b) professional development for an educator to fully implement the assessment system;
(c) training for an educator, appropriate paraprofessional, or third party proctor in the requirements of assessment administration ethics; and
(d) training for an educator and an appropriate paraprofessional to use statewide assessment results effectively to inform instruction.
(4) An LEA shall provide assurance that the LEA has met the requirements of the LEA's plan to the Superintendent by August 15 annually.
(5) At least once each school year, an LEA shall provide professional development for all educators, administrators, and assessment administrators, including third party proctors, concerning guidelines and procedures for statewide assessment administration, including educator responsibility for assessment security and proper professional practices.
(6) LEA assessment staff or third party proctor staff shall use the Standard Test Administration and Testing Ethics Policy in providing training for all assessment administrators and proctors.
(7) An LEA may not release statewide assessment data publicly until authorized to do so by the Superintendent.
(8) An LEA educator, third party proctor, or trained employee shall administer statewide assessments consistent with the testing schedule published on the Board's website.
(9) An LEA educator, third party proctor, or trained employee shall complete all required assessment procedures before the end of the assessment window defined by the Superintendent.
(10)(a) If an LEA requires an alternative schedule with assessment dates outside of the Superintendent's published schedule, the LEA shall submit the alternative testing plan to the Superintendent by September 15 annually.
(b) The alternative testing plan shall set dates for assessment administration for courses taught face-to-face or online.

R277-404-6. School Responsibilities.
(1) An LEA may not prohibit a student from enrolling in an honors, advanced placement, or International Baccalaureate course:
(a) based solely on a student's score on a statewide assessment; or
(b) because the student was exempted from taking a statewide assessment.
(2) An LEA and school shall require an educator, assessment administrator, and proctor, including a third party proctor, to individually sign a document provided by the Superintendent acknowledging or assuring that the educator administers statewide assessments consistent with ethics and protocol requirements.
(3) An educator and assessment administrator shall conduct assessment preparation, supervise assessment administration, and certify assessment results before providing results to the Superintendent.
(4) An educator, assessment administrator, and proctor shall securely handle and return all protected assessment materials, where instructed, in strict accordance with the procedures and directions specified in assessment administration manuals, LEA rules and policies, and the Standard Test Administration and Testing Ethics Policy.

R277-404-7. Student and Parent Participation in Student Assessments in Public Schools; Parental Exclusion from Testing and Safe Harbor Provisions.

(1) As used in this section, "penalize" means to put in an unfavorable position or at an unfair disadvantage.

(2)(a) A parent is primarily responsible for a child's education and has the constitutional right to determine which aspects of public education the child participates in, including assessment systems.

(b) Parents may further exercise their inherent rights to exempt their children from a statewide assessment without further consequence by an LEA.

(3)(a) A parent may exercise the right to exempt their child from a statewide assessment.

(b) Except as provided in Subsection (3)(c), an LEA may not penalize a student who is exempted from a statewide assessment under this section.

[~~(c) If a parent exempts the parent's child from the basic civics test required in Sections 53E-4-205 and R277-700-8, the parent's child is not exempt from the graduation requirement in Subsection 53E-4-205(2), and may not graduate without successfully completing the requirements of Sections 53E-4-205 and R277-700-8.~~]

(4)(a) To exercise the right to exempt a child from a statewide assessment under this provision and ensure the protections of this provision, a parent shall:

(i) fill out:

(A) the Parental Exclusion from State Assessment Form provided on the Board's website; or

(B) an LEA specific form as described in Subsection (4)(b); and

(ii) submit the form:

(A) to the principal or LEA either by email, mail, or in person; and

(B) on an annual basis; and

(C) except as provided in Subsection (4)(b), at least one day before the beginning of the assessment.

(b) An LEA may allow a parent to exempt a student from taking a statewide assessment less than one day before the beginning of the assessment upon parental request.

(c) An LEA may create an LEA specific form for a parent to fill out as described in Subsection (4)(a)(i)(B) if:

(i) the LEA includes a list of local LEA assessments that a parent may exempt the parent's student from as part of the LEA specific form; and

(ii) the LEA specific form includes information described in the Parental Exclusion from State Assessment Form provided on the Board's website as described in Subsection (4)(a)(i)(A).

(5)(a) A teacher, principal, or other LEA administrator may contact a parent to verify that the parent submitted a parental exclusion form described in Subsection (4)(a)(i).

(b) An LEA may request, but may not require, a parent to meet with a teacher, principal, or other LEA administrator regarding the parent's request to exclude the parent's student from taking a statewide assessment.

(6) The administration of any assessment that is not a statewide assessment, including consequences associated with taking or failing to take the assessment, is governed by policy adopted by each LEA.

(7) An LEA shall provide a student's individual test results and scores to the student's parent or guardian [~~upon request and~~]consistent with the protection of student privacy.

(8) An LEA may not provide a nonacademic reward to a student for a student's participation in or performance on a statewide assessment.

(9) An LEA shall allow an educator to provide an academic incentive for a student's performance on a statewide assessment in accordance with Subsections 53E-4-303(4)(b), 53E-4-304(3), and 53E-4-305(4).

(10) An LEA shall ensure that a student who has been exempted from participating in a statewide assessment under this section is provided with an alternative learning experience if the student is in attendance during test administration.

(11) An LEA may allow a student who has been exempted from participating in a statewide assessment under this section to be physically present in the room during test administration.

R277-404-8. Public Education Employee Compliance with Assessment Requirements, Protocols, and Security.

(1) An educator, test administrator or proctor, administrator, or school employee may not:

(a) violate any specific assessment administrative procedure specified in the assessment administration manual, violate any state or LEA statewide assessment policy or procedure, or violate any procedure specified in the Standard Test Administration and Testing Ethics Policy;

(b) fail to administer a statewide assessment;

(c) fail to administer a statewide assessment within the designated assessment window;

(d) submit falsified data;

(e) allow a student to copy, reproduce, or photograph an assessment item or component; or

(f) knowingly do anything that would affect the security, validity, or reliability of statewide assessment scores of any individual student, class, or school.

(2) A school employee or third party proctor shall promptly report an assessment violation or irregularity to a building administrator, an LEA superintendent or director, or the Superintendent.

(3) An educator who violates this rule or an assessment protocol is subject to Utah Professional Practices Advisory Commission or Board disciplinary action consistent with Rule R277-215.

(4) All assessment material, questions, and student responses for required assessments is designated protected, consistent with Subsection 63G-2-305(5), until released by the Superintendent.

(5)(a) Each LEA shall ensure that all assessment content is secured so that only authorized personnel have access and that assessment materials are returned to Superintendent following testing, as required by the Superintendent.

(b) An individual educator, third party proctor, or school employee may not retain or distribute test materials, in either paper or electronic form, for purposes inconsistent with ethical test administration or beyond the time period allowed for test administration.

R277-404-9. Data Exchanges.

(1) The Board's IT Section shall communicate regularly with an LEA regarding the required format for electronic submission of required data.

(2) An LEA shall update UTREx data using the processes and according to schedules determined by the Superintendent.

(3) An LEA shall ensure that any computer software for maintaining or submitting LEA data is compatible with data reporting requirements established in Rule R277-484.

(4) The Superintendent shall provide direction to an LEA detailing the data exchange requirements for each statewide assessment.

(5) An LEA shall ensure that all statewide assessment data have been collected and certify that the data are ready for accountability purposes no later than July 12.

(6) An LEA shall verify that it has satisfied all the requirements of the Superintendent's directions described in this section.

(7) Beginning with the 2022-2023 school year and consistent with Utah law, the Superintendent shall return assessment results from all statewide assessments to the school before the end of the school year.

R277-404-10. Test-Out Options for Core Classes.

(1) Beginning with the 2027--2028 school year, and in accordance with Section 53E-4-209, the Superintendent shall:

(a) develop and provide all assessments and portfolio-based demonstrations of mastery used in statewide test-out options for core classes;

(b) establish uniform procedures, timelines, scoring criteria, and security requirements for administration of test-out assessments and portfolio-based demonstrations of mastery;

(c) establish academic proficiency standards aligned with the state core standards for each statewide test-out option; and

(d) ensure that test-out assessments and portfolio-based demonstrations of mastery are applied consistently across all local education agencies.

(2) Test-out assessments and portfolio-based demonstrations of mastery developed by the Superintendent under Subsection (1) shall be the exclusive methods used for a student to demonstrate proficiency for purposes of earning credit without course enrollment in a core class.

(3) An LEA shall:

(a) offer students the statewide test-out options established by the Superintendent;

(b) administer the statewide test-out assessments and portfolio-based demonstrations of mastery provided by the Superintendent;

(c) comply with all procedures, timelines, scoring criteria, and security requirements established by the Superintendent; and

(d) ensure that administration of test-out assessments and portfolio-based demonstrations of mastery does not create barriers to student participation.

(4) An LEA may not:

(a) develop, modify, substitute, or independently score any assessment or portfolio-based demonstration of mastery for a statewide test-out option for a core class; or

(b) impose additional requirements that restrict or limit a student's ability to participate in a statewide test-out option.

(5) An LEA shall administer test-out assessments and portfolio-based demonstrations of mastery in a manner that maintains the validity, reliability, fairness, and security of the assessment process, consistent with:

(a) this rule; and

(b) the Standard Test Administration and Testing Ethics Policy incorporated by reference in Section R277-404-3.

(6) An LEA shall notify students and parents annually of:

(a) available statewide test-out options;

(b) applicable timelines and deadlines; and

(c) procedures for participation.

KEY: assessments, student achievements
Date of Last Change: 2026[~~March 10, 2025~~]
Notice of Continuation: June 16, 2026
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-4-302; 53E-3-401(4); 53G-6-803(9)(b)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58059**
Rule or section number:	**R277-407**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-407. School Fees
B. Purpose of the new rule or reason for the change:
The amendments are a result of the passage of SB 54 and HB 142 during the 2026 General Session.
C. Summary of the new rule or change:
The amendments specifically update Section R277-407-7, which governs the fee structure for scholarship student expenses, requiring that all tuition, fees, and refund policies for scholarship students be identical to those applied to regularly enrolled students. Section R277-407-9 now includes a directive requiring compliance with Section 53G-7-504. In addition, the amendments remove the oversight "Category 3".

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 54 and HB 142 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other changes to this rule are solely due to the passage of SB 54 and HB 142 (2026) and the Utah State Board of Education (USBE) believes that all fiscal impact were captured in the fiscal note to HB 142 and SB 54 (2026).
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other changes to this rule are solely due to the passage of SB 54 and HB 142 (2026) and the USBE believes that all fiscal impacts were captured in the fiscal note to HB 142 and SB 54 (2026).

C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the USBE and Local Education Agencies (LEAs).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other changes to this rule are solely due to the passage of SB 54 and HB 142 (2026) and the USBE believes that all fiscal impacts were captured in the fiscal note to HB 142 and SB 54 (2026).
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other changes to this rule are solely due to the passage of SB 54 and HB 142 (2026) and the USBE believes that all fiscal impacts were captured in the fiscal note to HB 142 and SB 54 (2026).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

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

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-407. School Fees.
R277-407-1. Authority and Purpose.

(1) This rule is authorized under:

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

(b) Utah Constitution Article X, Section 2, which provides that:

(i) public elementary schools shall be free; and

(ii) secondary schools shall be free, unless the Legislature authorizes the imposition of fees;

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

(d) Subsection 53G-7-503(4), which requires the Board to adopt rules regarding student fees; and

(e) Section 53G-7-504 which authorizes waiver of fees for eligible students with appropriate documentation.

(2) The purpose of this rule is to:

(a) permit the orderly establishment of a system of reasonable fees;

(b) provide adequate notice to students and families of fees and fee waiver requirements; and

(c) prohibit practices that would:

(i) exclude those unable to pay from participation in school-sponsored activities; or

(ii) create a burden on a student or family as to have a detrimental impact on participation.

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

R277-407-2. Definitions.

(1) "Common education expense" means the same as that term is defined in Section 53G-7-501.

(2) "Course" means the same as that term is defined in Section 53G-7-501.

(3) "Discretionary Project" means the same as that term is defined in Section 53G-7-501.

(4) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.

(5) "Fee" means the same as that term is defined in Section 53G-7-501.

(6) "Fee course" means the same as that term is defined in Section 53G-7-501.

(7) "Fundraiser," "fundraising," or "fundraising activity" means the same as that term is defined in Rule R277-408.

(8) "Individual fundraiser" or "individual fundraising" means the same as that term is defined in Rule R277-408.

(9) "Instructional equipment" means the same as that term is defined in Section 53G-7-501.

(10) "Instructional supply" means the same as that term is defined in Section 53G-7-501.

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

(12) "Noncurricular club" has the same meaning as that term is defined in Section 53G-7-701.

(13) "Non-fee course" means the same as that term is defined in Section 53G-7-501.

(14) "Non-waivable charge" means a cost, payment, or expenditure that:

(a) is a personal discretionary charge or purchase, including:

(i) a charge for insurance, unless the insurance is required for a student to participate in an activity, class, or program;

(ii) a charge for college credit:

(A) from an institution of higher education; or

(B) post-secondary related courses; or

(iii) except when requested or required by an LEA, a charge for a personal consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar item;

(b) is subject to sales tax as described in Utah State Tax Commission Publication 35, Sales Tax Information for Public and Private Elementary and Secondary Schools; or

(c) by Utah Code, federal law, or Board rule is designated not to be a fee, including:

(i) a school uniform as provided in Section 53G-7-801;

(ii) a school lunch; or

(iii) a charge for a replacement for damaged or lost school equipment or supplies.

(15)(a) "Personal student supplies" means items which are the personal property of a student which, although used in the instructional process, are also commonly purchased and used by persons not enrolled in the class or activity in question and have a high probability of regular use in other than school-sponsored activities.

(b) "Personal student supplies" include:

(i) pencils;

(ii) paper;

(iii) notebooks;

(iv) crayons;

(v) scissors;

(vi) basic clothing for healthy lifestyle classes; and

(vii) similar personal or consumable items over which a student retains ownership.

(c) "Personal student supplies" does not include items listed in Subsection (1[~~5~~])[~~(b)~~] if the requirement from the school for the student supply includes specific requirements such as brand, color, or a special imprint to create a uniform appearance not related to basic function.

(16)(a) "Provided, sponsored, or supported by a school" means an activity, class, program, club, camp, clinic, or other event that:

(i) is authorized by an LEA or school, according to local education board policy; or

(ii) satisfies at least one of the following conditions:

(A) the activity, class, program, club, camp, clinic, or other event is managed or supervised by an LEA or school, or an LEA or school employee in the employee's school employment capacity;

(B) the activity, class, program, club, camp, clinic, or other event uses, more than inconsequentially, the LEA or school's facilities, equipment, or other school resources; or

(C) the activity, class, program, club, camp, clinic, or other event is supported or subsidized, more than inconsequentially, by public funds, including the school's activity funds or minimum school program dollars.

(b) "Provided, sponsored, or supported by a school" does not include an activity, class, or program that meets the criteria of a noncurricular club as described in Title 53G, Chapter 7, Part 7, Student Clubs.

(17)(a) "Provision in lieu of fee" means an alternative to fee payment.

(b) "Provision in lieu of fee" may include a plan under which fees are paid in installments or under some other delayed payment arrangement or a service in lieu of fee payment agreement.

(18) "Regular school day" has the same meaning as the term "school day" described in Section R277-419-2.

(19) "Requested or required by an LEA as a condition to a student's participation" means something of monetary value that is impliedly or explicitly mandated or necessary for a student, parent, or family to provide so that a student may:

(a) fully participate in school or in a school activity, class, or program;

(b) successfully complete a school class for the highest grade; or

(c) avoid a direct or indirect limitation on full participation in a school activity, class, or program, including limitations created by:

(i) peer pressure, shaming, stigmatizing, bullying, or the like; or

(ii) withholding or curtailing any privilege that is otherwise provided to any other student.

(20) "Scholarship expense" means the same as that term is defined in Section 53F-6-401.

(21) "Scholarship student" means the same as that term is defined in Section 53F-6-401.

(22) "School activity clothing" means the same as that term is defined in Section 53G-7-501.

(23)(a) "School equipment" means the same as that term is defined in Section 53G-7-501.

(b) "School equipment" includes a saw or 3D printer.

(24)(a) "Something of monetary value" means a charge, expense, deposit, rental, fine, or payment, regardless of how the payment is termed, described, requested or required directly or indirectly, in the form of money, goods or services.

(b) "Something of monetary value" includes:

(i) charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges;

(ii) payments made to a third party that provide a part of a school activity, class, or program;

(iii) classroom supplies or materials; and

(iv) a fine, except for a student fine specifically approved by an LEA for:

(A) failing to return school property;

(B) losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior; or

(C) improper use of school property, including a parking violation.

(c) "Something of monetary value" does not include a payment or charge for damages, which may reasonably be attributed to normal wear and tear.

(25) "Supplemental Nutrition Assistance Program" or "SNAP" means a program, formerly known as food stamps, which provides nutrition benefits to supplement the food budget of low income families through the Utah Department of Workforce Services.

(26) "Supplemental Security Income for children with disabilities" or "SSI" means a benefit administered through the Social Security Administration that provides payments for qualified children with disabilities in low income families.

(27) "Temporary Assistance for Needy Families" or "TANF," means a program, formerly known as AFDC, which provides monthly cash assistance and food stamps to low income families with children under age 18 through the Utah Department of Workforce Services.

(28) "Textbook" means the same as that term is defined in Section 53G-7-501.

(29)(a) "Trip" means a school-sponsored travel activity of two or more nights that requires a student to pay a fee for participation in the activity.

(30)(b) "Trip" does not include a travel activity of two or more nights related to an in-state activity sponsored by an association as that term is defined in Section 53G-7-801.

[~~(29)~~](31) "Waiver" means the same as that term is defined in Section 53G-7-501.

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

(1) An LEA may not charge a fee in kindergarten through grade six for:

(a) materials;

(b) textbooks;

(c) supplies, except for student supplies described in Subsection (6); or

(d) any class or regular school day activity, including assemblies and field trips.

(2)(a) An LEA may charge a fee related to an activity, class, or program provided, sponsored, or supported by a school for a student in a secondary school that takes place during the regular school day if:

(i) the fee is allowed to be charged under Title 53G, Chapter 7, Student Fees; and

(ii) the fee is noticed and approved as provided in this rule.

(b) All fees are subject to the fee waiver requirements of Section R277-407-8.

(3)(a) Notwithstanding, Subsection (1) and except as provided in Subsection (3)(b), a school may charge a fee to a student in grade six if the student attends a school that includes any of grades seven through twelve.

(b) A school that provides instruction to students in grades other than grades six through twelve may not charge fees for grade six unless the school follows a secondary model of delivering instruction to the school's grade six students.

(c) If a school charges fees in accordance with Subsection (3)(a), the school shall annually provide notice to parents that the school will collect fees from grade six students and that the fees are subject to waiver.

(4) If a class is established or approved, which requires payment of fees or purchase of items in order for students to participate fully and to have the opportunity to acquire skills and knowledge required for full credit and highest grades, the fees or costs for the class shall be subject to the fee waiver requirements of Section R277-407-8.

(5)(a) In project related courses, projects required for course completion shall be included in the course fee.

(b) A school may require a student at any grade level to provide materials or pay for an additional discretionary project if the student chooses a project in lieu of, or in addition to a required classroom project.

(c) A school shall avoid allowing high cost additional projects, particularly if authorization of an additional discretionary project results in pressure on a student by teachers or peers to also complete a similar high cost project.

(d) A school may not require a student to select an additional project as a condition to enrolling, completing, or receiving the highest possible grade for a course.

(6) An elementary school or elementary school teacher may provide to a student's parent or guardian, a suggested list of student supplies for use during the regular school day so that a parent or guardian may furnish, on a voluntary basis, student supplies for student use, provided that, in accordance with Section 53G-7-503, the following notice is provided with the list:

"NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS, OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

(7) A school may require a secondary student to provide student supplies, subject to the requirements of Section 53G-7-503 and Section R277-407-8.

(8)(a) A school may require a secondary student to provide school activity clothing.

(b) School activity clothing is considered a fee and is subject to fee waiver.

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

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

(1) A school may charge a fee, subject to the requirements of Section R277-407-8, related to any school-sponsored activity, that does not take place during the regular school day, regardless of the age or grade level of the student, if participation in the activity is voluntary and does not affect a student's grade or ability to participate fully in any course taught during the regular school day.

(2) A fee related to a fee course may not exceed the maximum fee amounts for the fee course adopted by the LEA governing board as described in Subsection R277-407-6(2).

(3) A school may only collect a fee for an activity, class, or program provided, sponsored, or supported by a school consistent with LEA policies and state law.

(4) An LEA that provides, sponsors, or supports an activity, class, or program outside of the regular school day or school calendar is subject to the requirements of this rule regardless of the time or season of the activity, class, or program.

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

Fees for the following are waivable:

(1) an activity, class, or program that is:

(a) primarily intended to serve school-age children, including a student participating in an activity, class, or program through dual enrollment as described in Rule R277-438 or as described in Rule R277-494; and

(b) taught or administered, more than inconsequentially, by a school employee as part of the employee's assignment;

(2) an activity, class, or program that is explicitly or implicitly required:

(a) as a condition to receive a higher grade, or for successful completion of a school class or to receive credit, including a requirement for a student to attend a concert or museum as part of a music or art class for extra credit; or

(b) as a condition to participate in a school activity, class, program, or team, including, a requirement for a student to participate in a summer camp or clinic for students who seek to participate on a school team, such as cheerleading, football, soccer, dance, or another team;

(3) an activity or program that is promoted by a school employee, such as a coach, advisor, teacher, school-recognized volunteer, or similar person, during school hours where it could be reasonably understood that the school employee is acting in the employee's official capacity;

(4) an activity or program where full participation in the activity or program includes:

(a) travel for state or national educational experiences or competitions;

(b) debate camps or competitions; or

(c) music camps or competitions; and

(5) the cost to access software, digital content, or other instructional materials required as part of an activity, course, or program.

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

(1) An LEA, school, school official, or employee may not charge or assess a fee or request or require something of monetary value related to an activity, class, or program provided, sponsored, or supported by, and including for a fee course, unless the fee:

(a) has been set and approved by the LEA's governing board;

(b) is equal to or less than the maximum fee amount established by the LEA governing board as described in Subsection (4); and

(c) is included in an approved fee schedule.

(2)(a) If an LEA charges a fee, on or before June 1 and in consultation with stakeholders, the LEA governing board shall annually adopt a fee schedule and fee policies for the LEA in a regularly scheduled public meeting.

(b) Before approving the LEA's fee schedule described in this section, an LEA shall provide an opportunity for the public to comment on the proposed fee schedule during a minimum of two public LEA governing board meetings.

(c) An LEA shall:

(i) provide public notice of the meetings described in Subsections (2)(a) and (b) in accordance with Title 52, Chapter 4, Open and Public Meetings Act; and

(ii) encourage public participation in the development of fee schedules and waiver policies.

(d) In addition to the notice requirements of Subsection (2)(c), an LEA shall provide notice to parents and students of the meetings described in Subsections (2)(a) and (b) using the same form of communication regularly used by the LEA to communicate with parents, including notice by email, text, flyer, or phone call.

(e) An LEA shall keep minutes of meetings during which fee and waiver policies are developed or adopted, together with copies of approved policies, in accordance with Section 52-4-203.

(3) After the fee schedule described in Subsection (2)(a) is adopted, an LEA may amend the LEA's fee schedule if the LEA follows the process described in Subsection (2) before approving the amended fee schedule.

(4)(a) As part of an LEA's fee setting process, an LEA shall establish:

(i) a maximum fee amount per student for each activity; and

(ii) a maximum total aggregate fee amount per student per school year.

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

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

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

(b) the school's student enrollment;

(c) the median income of families:

(i) within the school's boundary; or

(ii) enrolled in the school;

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

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

(f) the prior year fee schedule;

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

(h) fundraising capacity;

(i) prior year community donors; and

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

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

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

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

(B) the LEA's fee waiver application;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) fulfills the graduation requirement; and

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

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

(i) an Advanced Placement course;

(ii) an International Baccalaureate course; or

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

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

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

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

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

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

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

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

(a) be based on actual costs of providing the services or items covered by the scholarship;

(b) [~~be consistent with fees charged to enrolled students for the same services or items, if applicable~~]ensure all tuition, fees, and refund policies for scholarship students are identical to those applied to regularly enrolled students;

(c) itemize all charges and fees;

(d) explain the basis for each fee; and
(e) be updated annually.

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

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

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

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

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

(a) shall solicit and handle donations in accordance with policies established by the LEA; and

(b) may not place any undue burden on a student or family in relation to a donation.

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

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

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

R277-407-9. Fee Waivers.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) provides parents the opportunity to review proposed alternatives to fee waivers;

(b) establishes a timely appeal process, which shall include the opportunity to appeal to the LEA or its designee; and

(c) suspends any requirement that a given student pay a fee during any period for which the student's eligibility for waiver is under consideration or during which an appeal of denial of a fee waiver is in process.

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

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

(b) refuse to issue a course grade; or

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

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

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

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

(13) LEA fee waiver policies shall comply with Section 53G-7-504.

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

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

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

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

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

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

(a) another school within the LEA; or

(b) another LEA upon request of the student.

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

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

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

R277-407-11. Fee Waiver Eligibility.

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

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

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

(c) the family receives TANF or SNAP funding;

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

(e) the student is in state care; or

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

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

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

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

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

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

(d) If a student qualifies for McKenny-Vento, verification is obtained through the LEAs McKinney-Vento liaison.

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

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

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

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

R277-407-12. Fees for Textbooks.

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

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

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

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

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

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

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

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

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

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

R277-407-14. Fee Waiver Reporting Requirements.

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

(a) a summary of:

(i) the number of students in the LEA given fee waivers;

(ii) the number of students who worked in lieu of a waiver;
(iii) the number of students denied fee waivers; and
(iv) the total dollar value of student fees waived by the LEA; and
(b) the total dollar amount of all fees charged to students within all schools within the LEA.
(2) An LEA shall submit school fee revenue information in the Utah Public Education Financial System as provided in Rule R277-113.

R277-407-15. LEA Required Policies -- Superintendent and LEA Policy and Training Requirements.
(1) An LEA that charges fees shall adopt policies that include at least the following:
(a) a process for obtaining waivers or pursuing alternatives that is administered fairly, objectively, and without delay, and avoids stigma and unreasonable burdens on students and families;
(b) a process with no visible indicators that could lead to identification of fee waiver applicants;
(c) a process that complies with the privacy requirements of The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA);
(d) a student may not collect fees or assist in the fee waiver approval process;
(e) a standard written decision and appeal form is provided to every applicant; and
(f) during an appeal the requirement that the fee be paid is suspended.
(2) An LEA may allow a student to perform service in lieu of a fee as described in Section R277-407-10 if:
(a) the LEA establishes a service policy that ensures that a service assignment is appropriate to the:
(i) age of the student;
(ii) physical condition of the student; and
(iii) maturity of the student;
(b) the LEA's service policy is consistent with state and federal laws, including:
(i) Section 53G-7-504; and
(ii) the Federal Fair Labor Standards Act, 29 U.S.C. 201;
(c) the service can be performed within a reasonable period; and
(d) the service is at least equal to the minimum wage for each hour of service.
(3) The Superintendent shall provide ongoing training, informational materials, and model policies, as available, for use by LEAs.
(4) The Superintendent shall provide online training and resources for LEAs regarding:
(a) an LEA's fee approval process;
(b) LEA notification requirements;
(c) LEA requirements to establish maximum fees; and
(d) fee waiver eligibility requirements, including requirements to maintain student and family confidentiality.
(5) An LEA governing board shall annually review the LEA's policies on school fees and fee waivers.
(6) An LEA shall develop a plan for, at a minimum, annual training of LEA and school employees on fee related policies enacted by the LEA specific to each employee's job function.

R277-407-16. Enforcement.
(1) The Superintendent shall monitor LEA compliance with this rule.
(2) If an LEA fails to comply with the terms of this rule or request of the Superintendent, the Superintendent shall send the LEA a first written notice of non-compliance, which shall include a proposed corrective action plan.
(3) Within 45 days of the LEA's receipt of a notice of non-compliance, the LEA shall:
(a) respond to the allegations of non-compliance described in Subsection (2); and
(b) work with the Superintendent on the Superintendent's proposed corrective action plan to remedy the LEA's non-compliance.
(4)(a) Within 15 days after receipt of a proposed corrective action plan described in Subsection (3)(b), an LEA may request an informal hearing with the Superintendent to respond to allegations of non-compliance or to address the appropriateness of the proposed corrective action plan.
(b) The form of an informal hearing described in Subsection (4)(a) shall be as directed by the Superintendent.
(5) The Superintendent shall send an LEA a second written notice of non-compliance and request for the LEA to appear before a Board standing committee if:
(a) the LEA fails to respond to the first notice of non-compliance within 60 days; or
(b) the LEA fails to comply with a corrective action plan described in Subsection (3)(b) within the time period established in the LEA's corrective action plan.
(6) If an LEA receives a second written notice of non-compliance, the LEA may:
(a)(i) respond to the notice of non-compliance described in Subsection (5); and
(ii) work with the Superintendent on a corrective action plan within 30 days of receiving the second written notice of non-compliance; or
(b) within 15 days after receipt of the second notice seek an appeal before a Board standing committee.
(7) If an LEA that fails to respond to a first notice of non-compliance, and fails to respond to a second notice of non-compliance, nor seeks an appeal as described in Subsection (6)(b), the Superintendent shall impose one of the financial consequences described in Subsection (10).

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

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

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

(10) A financial consequence may include:

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

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

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

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

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

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

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

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

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

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

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

KEY: education, school fees, policies, training
Date of Last Change: 2026[~~December 8, 2025~~]
Notice of Continuation: June 16, 2026
Authorizing, and Implemented or Interpreted Law: Art X Sec 2; Art X Sec 3; 53E-3-401(4); 53G-7-503

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58060**
Rule or section number:	**R277-419**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-419. Pupil Accounting
B. Purpose of the new rule or reason for the change:
The amendments are due to the passage of SB 58 and HB 358 during the 2026 General Session.

C. Summary of the new rule or change:
The amendments specifically align with SB 58 and HB 358 (2026), updating pupil accounting to reflect new statutory definitions and requirements related to student participation. The changes incorporate attendance-based, learner-based, and credit-based measurement models, and clarify how membership and Weighted Pupil Units (WPUs) are calculated across program types. This rule also updates data collection and reporting expectations to improve accuracy and align with new data quality and accountability requirements.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 58 and HB 358 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The amendments to this rule are solely due to the passage of SB 58 and HB 358 (2026) and the Utah State Board of Education (USBE) believes that all fiscal impacts were captured in the fiscal note to HB 358 and SB 58 (2026).
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The amendments to this rule are solely due to the passage of SB 58 and HB 358 (2026) and the USBE believes that all fiscal impacts were captured in the fiscal note to HB 358 and SB 58 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the USBE and Local Education Agencies (LEAs).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments to this rule are solely due to the passage of SB 58 and HB 358 (2026) and the USBE believes that all fiscal impacts were captured in the fiscal note to HB 358 and SB 58.

F. Compliance costs for affected persons:
There are no compliance costs for affected persons. The amendments to the rule are solely due to the passage of SB 58 and HB 358 (2026) and the USBE believes that all fiscal impacts were captured in the fiscal note to HB 358 and SB 58 (2026).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

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

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-419. Pupil Accounting.
R277-419-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].

(1) This rule is authorized by:

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

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

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

(i) cost-effectiveness;

(ii) school budget formats; and

(iii) financial, statistical, and student accounting requirements;

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

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

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

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

(h) Section 53G-6-213, which requires data quality standards and monitoring of attendance and participation data;

(i) Section 53G-6-214, which requires LEA accountability measures for attendance tracking and intervention.

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

[~~(3) This rule is categorized as Category 4 as described in Rule R277-111.~~]

R277-419-2. Definitions.

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

(2) "Approved CTE course" means a course approved by the Board within the Career and Technical Education (CTE) Pathways.

(3) "Attendance validated program" means [~~a program within an LEA that consists of eligible, enrolled public school students who physically attend school in a brick and mortar school~~]the same as defined in Rule R277-100.

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

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

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

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

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

[~~(6)~~](7) "Data Clearinghouse" means the electronic data collection system used by the Superintendent to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.

[~~(7)~~](8) "Educational services" means providing learning opportunities and services designed to support a student to be prepared to succeed and lead by having the knowledge and skills to learn, engage civically, and lead meaningful lives, including by providing:

(a) high quality instruction for each student;

(b) personalized learning supports for each student; and

(c) implementation of evidence-based student health and wellness practices.

[~~(8)~~](9) "Eligible student" means a student who satisfies the criteria for enrollment in an LEA, set forth in Section R277-419-5.

[~~(9)~~](10) "Enrollment verification data" includes:

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

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

(c) proof of Utah public school residency;

(d) family income verification; or

(e) special education program information, including:

(i) an individualized education program;

(ii) a Section 504 accommodation plan; or

(iii) an English learner plan.

[~~(10)~~](11)(a) "Home school" means the formal instruction of children in their homes instead of in an LEA.

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

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

(ii) an online student is:

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

(B) included in accountability measures; or

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

(iv) instruction is received by a home-based scholarship student consistent with Section 53F-6-401.

[~~(11)~~](12) "Home school course" means instruction:

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

(b) not supervised or directed by an LEA.

[~~(12)~~](13)(a) "Influenza pandemic" or "pandemic" means a global outbreak of serious illness in people.

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

[~~(13)~~](14) "ISI-1" means a student who receives 1 to 59 minutes of YIC related services during a typical school day.

[~~(14)~~](15) "ISI-2" means a student who receives 60 to 179 minutes of YIC related services during a typical school day.

(16) "Instructional day" means the same as defined in Rule R277-100.

(17) "Instructional hours" means the same as defined in Rule R277-100.

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

[~~(16)~~](18) "Learner validated program" means [~~a program within an LEA that consists of eligible, enrolled public school students where the student receives instruction through:~~

~~(a) an online learning program;~~

~~(b) a blended learning program; or~~

~~(c) a personalized, competency-based learning program~~]the same as defined in Rule R277-100.

[~~(17)~~](19)(a) "Membership" means a public school student is on the current roll of a public school class or public school as of a given date.

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

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

[~~(18)~~](20) "Minimum School Program" means the same as that term is defined in Section 53F-2-102.

[~~(19)~~](21) "Online learning program" means a program:

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

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

[~~(20)~~](22) "Personalized, Competency-based Learning Grants Program" means an education program that provides instruction through personalized, competency-based learning as defined in Section 53F-5-501.

[~~(21)~~](23) "Private school" means an educational institution that:

(a) is not an LEA;

(b) is owned or operated by a private person, firm, association, organization, or corporation; and

(c) is not subject to governance by the Board consistent with the Utah Constitution.

[~~(22)~~](24) "Program" means a course of instruction within a school that is designed to accomplish a predetermined curricular objective or set of objectives.

[~~(23)~~](25) "Qualifying school age" means:

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

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

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

[~~(24)~~](26) "Resource" means a student who receives 1 to 179 minutes of special education services during a typical school day consistent with the student's IEP provided for under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et seq., amended in 2004.

[~~(25)~~](27) "Retained senior" means a student beyond the general compulsory school age who is authorized at the discretion of an LEA to remain in enrollment as a high school senior in the years after the student's cohort has graduated due to:

(a) sickness;

(b) hospitalization;

(c) pending court investigation or action; or

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

[~~(26)~~](28) "S1" means the record maintained by the Superintendent containing individual student demographic and school membership data in a Data Clearinghouse file.

[~~(27)~~](29) "S2" means the record maintained by the Superintendent containing individual student data related to participation in a special education program in a Data Clearinghouse file.

[~~(28)~~](30) "S3" means the record maintained by the Superintendent containing individual student data related to participation in a YIC program in a Data Clearinghouse file.

[~~(29)~~](31) "School" means an educational entity governed by an LEA that:

(a) is supported with public funds;

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

(c) employs licensed educators as instructors that provide instruction consistent with Rule R277-301;
(d) has one or more assigned administrators;
(e) is accredited consistent with Section R277-410-3; and
(f) administers required statewide assessments to the school's students.

[~~(30)~~](32) "School day" means a day where an LEA provides educational services to students subject to the requirements described in Section R277-419-4.

[~~(31)~~](33) "School membership" means membership other than in a special education or YIC program in the context of the Data Clearinghouse.

[~~(32)~~](34) "School of enrollment" means:
(a) a student's school of record; and
(b) the school that maintains the student's cumulative file, enrollment information, and transcript for purposes of high school graduation.

[~~(33)~~](35) "School year" means the 12 month period from July 1 through June 30.

[~~(34)~~](36) "Self-contained" means a public school student with an IEP or YIC, who receives 180 minutes or more of special education or YIC related services during a typical school day.

[~~(35)~~](37) "Self-Contained Resource Attendance Management (SCRAM)" means a record that tracks the aggregate membership of public school special education students for state funding purposes.

[~~(36)~~](38) "SSID" means Statewide Student Identifier.

[~~(37)~~](39) "Student with a disability" means a student who:
(a)(i)(A) is of an age during which it is mandatory under state law to provide educational services to persons with disabilities as described in Subsection 53E-3-503(1)(a); or
(B) is of an age during which a student without a disability is provided educational services; and
(ii) is entitled to receive a free appropriate public education under the Individuals with Disabilities Education Act or Board rules related to special education, including Rule R277-750; or
(b) is entitled to receive a free appropriate public education under Section 504 of the Rehabilitation Act of 1973 because the student:
(i) has a physical or mental impairment which substantially limits one or more major life activities;
(ii) has a record of an impairment described in Subsection (37)(b)(i); or
(iii) is regarded as having an impairment described in Subsection (37)(b)(i).

[~~(38)~~](40) "Unexcused absence" means an absence charged to a student when:
(a) the student was not physically present at school at any of the times attendance checks were made in accordance with Subsection R277-419-8(5); and
(b) the student's absence could not be accounted for by evidence of a legitimate or valid excuse in accordance with local board policy on truancy as defined in Section 53G-6-201 or 53G-10-205.
(c) For a student in a learner validated program, an unexcused absence includes failure to meet the LEA's continuing enrollment measurement requirements.

[~~(39)~~](41) "Weighted pupil unit" or "WPU" means the same as that term is defined in Section 53F-2-102.

[~~(40)~~](42) "Year end upload" means the Data Clearinghouse file due annually by July 15 from LEAs to the Superintendent for the prior school year.

[~~(41)~~](43) "Youth in care or YIC" means a person under the age of 21 who is:
(a) in the custody of the Department of Health and Human Services;
(b) in the custody of an equivalent agency of a Native American tribe recognized by the United States Bureau of Indian Affairs and whose custodial parent or legal guardian resides within the state; or
(c) being held in a juvenile detention facility.

R277-419-3. Schools and Programs.

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

R277-419-4. Minimum School Days.

(1)(a) Except as provided in Subsection (1) and Subsection 53F-2-102(4), [~~an LEA shall provide educational services over a minimum of 180 school days each school year~~]an LEA shall provide educational services over a minimum of 180 instructional days or equivalent instructional hours and prioritize academic excellence in its decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7)(a) An LEA may designate no more than a total of five educational service days at the beginning of the school year for the assessment of students entering kindergarten.

(b) If an LEA designates educational services days for kindergarten assessment:

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

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

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

(8) An LEA shall approve total instructional time and school calendars in an open meeting.

(9) For a learner validated program, an LEA may satisfy instructional requirements through equivalent instructional hours and demonstrated academic progress rather than minimum school days.

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) injury;

(II) illness;

(III) surgery;

(IV) suspension;

(V) pregnancy;

(VI) pending court investigation or action; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) required periodic contact with a licensed educator;

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

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

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

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

(8)(a) An LEA desiring to generate membership for student enrollment in courses outlined in Subsection (3)(f)(iii), or to seek a waiver from a requirement in Subsection (3)(f)(iii), shall submit an application for course approval by April 1 of the year before which the membership will be counted.

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

R277-419-6. Student Membership Calculations.

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

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

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

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

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

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

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

(i) 170 days; plus

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

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

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

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

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

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

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

(c) This calculation does not apply to students enrolled in learner validated programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) For a student enrolled in a learner validated program, an LEA shall determine membership based on:

(a) the LEA's continuing enrollment measurement as defined in LEA policy;

(b) demonstrated academic progress; and

(c) equivalent instructional hours as defined in the LEA's written policy.

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

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

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

R277-419-8. Reporting Requirements and LEA Records.

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

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

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

(a) entry date;

(b) exit date;

(c) exit or high school completion status;

(d) whether or not an absence was excused;

(e) disability status, resource or self-contained, if applicable; and

(f) YIC status, ISI-1, ISI-2 or self-contained, if applicable.

(4) An LEA shall ensure that:

(a) computerized or manually produced records for CTE programs are kept by teacher, class, and core code; and

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

(i) entry date;

(ii) exit date; and

(iii) excused or unexcused status of absence.

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

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

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

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

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

(7) The Superintendent:

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

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

R277-419-9. High School Completion Status.

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

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

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

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

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

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

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

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

(c) continuing students are students who:

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

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

(iii) age out of special education;

(d) dropouts are students who:

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

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

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

(iv) transfer to adult education;

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

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

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

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

(iv) dies; or

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) school with an attached graduation status for the final cohort year;
(ii) school with the latest exit date;
(iii) school with the earliest entry date;
(iv) school with the highest total membership;
(v) school of choice;
(vi) school with highest attendance; or
(vii) school with highest cumulative GPA.
(g) The Superintendent shall report the four-year cohort rate on the annual state reports.

R277-419-10. Student Identification and Tracking.

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

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

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

(b) The unique student identifier:

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

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

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

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

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

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

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

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

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

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

R277-419-11. Exceptions.

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

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

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

R277-419-12. Attendance Data Quality and Monitoring.

(1) An LEA shall:

(a) ensure that student information system data accurately reflects student enrollment, attendance, and participation;

(b) maintain data quality consistent with Section 53G-6-213; and

(c) conduct internal reviews of attendance and participation data.

(2) The Superintendent may:

(a) establish minimum data quality standards;

(b) conduct audits of LEA data submissions; and

(c) require corrective action for failure to meet data quality standards.

R277-419-13. LEA Internal Audit Requirements.

(1) An LEA shall conduct an annual internal audit of attendance data accuracy.

(2) The audit shall include, at a minimum:

(a) verification of student enrollment and attendance records;

(b) reconciliation of SIS data with submitted reports; and

(c) identification of data quality deficiencies.

(3) An LEA shall maintain documentation of the audit and provide the documentation to the Superintendent upon request.

R277-419-14. Audit, Oversight, and Corrective Action.

(1) The Superintendent may conduct periodic audits of LEA student enrollment, attendance, and related data.

(2) The Superintendent may:
(a) provide technical assistance to LEAs with identified data deficiencies;
(b) publish reports on statewide data trends; and
(c) identify LEAs that fail to meet data quality standards.
(3) If an LEA fails to meet data quality standards, the Superintendent may require the LEA to:
(a) develop and submit a corrective action plan within 60 days; and
(b) submit progress reports until compliance is achieved.
(4) The Superintendent may recommend corrective action in accordance with Rule R277-114.
(5) An LEA may be subject to additional action, including potential impacts to funding, as determined by the Board and consistent with state law.
(6) An LEA may not be subject to corrective action solely for deficiencies related to the tracking or reporting of excused absences, consistent with Section 53G-6-213.

KEY: education finance, school enrollment, pupil accounting
Date of Last Change: 2026[~~February 7, 2025~~]
Notice of Continuation: June 16, 2026
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-102(7); 53E-3-501(1)(e); 53E-3-602(2); 53E-3-301(3)(d); 53G-4-404

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58061**
Rule or section number:	**R277-477**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program
B. Purpose of the new rule or reason for the change:
The amendments make necessary updates to Section R277-477-6 related to the distribution of funds.
C. Summary of the new rule or change:
The amendments specifically remove the allowance for a school within a Local Education Agency (LEA), under certain circumstances, to receive a small advance from a school's allocation for the next fiscal year. The amendments also remove an oversight "Category 4".

5. Fiscal Information

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

A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The amendments to this rule perform two actions: they eliminate a technical reference to an internal organizational oversight category (Subsection R277-477-1(5)) and remove a provision that allowed individual public schools to receive a temporary cash advance from their next fiscal year's allocation under unanticipated circumstances (Subsection R277-477-6(3)). The total state funding distributed to LEAs from the Trust Distribution Account is determined by statutory formulas based on student enrollment and investment yields, which remain completely unaffected by these changes. Because the removal of the cash advance option simply alters internal local accounting procedures without changing state-level appropriations, disbursements, or administrative staffing requirements, there are no incremental costs 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. Striking the cash advance provision in Section R277-477-6 means that individual schools can no longer borrow against their next fiscal year's School LAND Trust allocation using a LEA's current unspent pool of trust funds. While this eliminates a cash-flow flexibility tool for individual school community councils managing unexpected timeline issues for academic projects, it does not change the net funding an LEA receives or is permitted to spend. Total funding continues to be dictated by the school's actual student count. Furthermore, removing this provision creates a minor administrative simplification for LEA business administrators and budget officers, who will no longer need to manually calculate, process, track, and reconcile year-to-year internal school-level loan balances. Because this change shifts local program logistics rather than generating a net cost or revenue variance, the incremental fiscal impact to local governments is none.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the Utah State Board of Education (USBE) and LEAs.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The eliminated language affects internal school accounting procedures and cross-referencing mechanics. It places no personal financial requirements, tax alterations, or out-of-pocket fee changes upon parents, school community council members, educators, or students as an aggregate class.

F. Compliance costs for affected persons:
There are no compliance costs for affected persons. No individual person or single entity within an affected class will be required to spend personal funds, purchase hardware, or pay compliance fees due to the removal of the internal cash advance option. Consequently, the individual compliance cost is $0.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Section 53E-3-401	Section 53F-2-404

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program.
R277-477-1. Authority[~~,~~] 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 53F-2-404(2)(d), which allows the Board to adopt rules regarding the time and manner in which a student count shall be made for allocation of funds; and
(c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
(2) In accordance with Section 53D-2-202, through representation on the Land Trusts Protection and Advocacy Committee, the Board exercises trust oversight of:
(a) the Common School Trust;
(b) the School for the Deaf Trust; and
(c) the School for the Blind Trust.
(3) The Board implements the School LAND Trust program and provides oversight, support, and training for school community councils and Charter Trust Land Councils consistent with Sections 53G-7-1205, 53G-7-1206, Rule R277-491, and this Rule R277-477.
(4) The purpose of this rule is to:
(a) provide financial resources to a public school to implement a component of a school's Teacher and Student Success Plan to enhance and improve student academic achievement;
(b) provide a means to involve a parent of a school's student in decision-making regarding the expenditure of School LAND Trust program funds allocated to the school;
(c) provide direction in the distribution of funds from the Trust Distribution Account, as funded in Section 53F-2-404;
(d) provide for appropriate and adequate oversight of the expenditure and use of funds by an approving entity, school administration, and the Board;
(e) provide for proper allocation of funds as stated in Section 53F-2-404, and the appropriate and timely distribution of the funds;
(f) enforce compliance with statutory and rule requirements, including the responsibility for a school community council to notify school community members regarding the use of funds; and
(g) define the roles, duties, and responsibilities of the Superintendent with regards to the School Children's Trust.
[~~(5) This Rule R277-477 is categorized as Category 4 as described in Rule R277-111.~~]

R277-477-2. Definitions.

(1) "Academic" means an area listed or defined within the official Utah core standards for k-12 education, including:
(a) a learning objective;
(b) a skill;
(c) a concept; or
(d) a subject area.
(2) "Board plan approval meeting" means the meeting when the LEA governing board approves a school plan for the upcoming school year.
(3) "Board council" means a charter school governing board serving as the charter council wherein the parents or grandparents of students attending the school constitute a majority exceeding all other board members by at least two as defined in Section 53G-7-1205.
(4) "Budget officer" means an individual appointed by a charter school governing board in accordance with Section 53G-7-1206.
(5) "Carry-over limit" means any unexpended funds at the end of a school year, which exceed 10% of a school's current year distribution or $5,000, whichever is greater.
(6) "Charter council" means an elected council for a charter school, serving as its school community council, where its parent members are elected by parents of students attending the charter school, and at least two more members are parents of students attending the charter school than all other members combined.
(7) "Council" means a school community council, a charter council, or a board council.
(8) "Council plan approval meeting" means the meeting where a council approves the school plan for the upcoming school year.
(9)(a) "District liaison: means an individual authorized by an LEA governing board to fulfill program-related responsibilities under the board's supervision.
(b) A "district liaison" may not approve school plans in place of an LEA governing board.
(10) "Fall enrollment report" means the audited census of students registered in Utah public schools as reported in the audited October 1 Fall Enrollment Report of the previous year.
(11) "Funds" means School LAND Trust program funding as defined in Section 53F-2-404.
(12) "Most critical academic need" means an academic need, consistent with the core standards in Rule R277-700, identified by a council through the annual review of school-wide assessment data and other relevant indicators.
(13) "Newly opened charter school" means a charter school in its first two years of operation.
(14) "Newly opened satellite school" means a satellite school in its first two years of operation.

(15) "Non-academic activity" means an activity, item, or use of funds that does not have a direct impact on a learning objective, skill, concept, or subject area within the official Utah core standards for k-12 education.

(16) "Parent," for a charter school, includes a grandparent of a student currently enrolled at the school.

(17) "Principal" means:

(a) a licensed educator with a school leadership license area of concentration employed at a school; or

(b) The director or principal of a charter school who serves as the administrator of the school.

(18) "Satellite charter school" has the same meaning as that term is defined in Section R277-550-2.

(19) "SLT reporting website" means the School LAND Trust reporting website.

(20) "Student" means a child in public school grades kindergarten through 12 counted on the fall enrollment report of an LEA.

(21) "Teacher and Student Success Plan" or "TSSP" means the plan required of each school under Section 53G-7-1305.

(22) "Trust Distribution Account" means the restricted account within the Uniform School Fund created under Subsection 53F-9-201(2).

(23) "UPEFS" means the Utah Public Education Finance System.

R277-477-3. Program Requirements for Charter Schools.

(1) A charter school that elects to receive School LAND Trust funds shall have a charter council or board council consistent with Section 53G-7-1205.

(2) A charter school governing board and a charter council shall receive training about Section 53G-7-1206 and this rule.

(3) A charter governing board shall establish a process for the election of the charter council that includes:

(a) the number of parent or grandparent members, the number of 'other members', and the definition of each 'other member' to be elected to serve on the council;

(b) the terms of each position;

(c) a timeframe for the election;

(d) a process for noticing and conducting the election of council members elected by parents of students enrolled at the charter school consistent with Section R277-477-2; and

(e) the process for filling unfilled seats following an election or when a member resigns.

(4) In the election process, if the number of candidates who file for a position on a charter trust land council is less than or equal to the number of open positions, an election is not required.

(5) A charter council shall:

(a) be subject to Section 53G-7-1203; and

(b) post the following items on the school's website by October 20 annually:

(i) an invitation to parents to serve on the charter council;

(ii) the election process to establish a charter council consistent with this section;

(iii) the dollar amount the school receives each year from the School LAND Trust program;

(iv) a copy or link to the current Teacher and Student Success Plan;

(v) approved minutes of charter council meetings for at least a year;

(vi) the proposed council meetings scheduled for the school year;

(vii) a means to contact the members of the school's charter council directly;

(viii) a link or copy of the final reports of the school for the last two years, as required by Subsection 53G-7-1206(5); and

(ix) a link or copy of the school plan for the current year.

(6) The principal of a charter school shall submit a plan, approved by the school's governing board and the charter school budget officer on the School LAND Trust website:

(a) no later than May 1; or

(b) for a newly opening charter school, no later than November 1 in the school's first year to receive funding in the year the newly opening charter school opens.

(7)(a) The director of a charter school shall provide an annual report to the charter council or board council that summarizes the current safety principles and practices used by the LEA and school to facilitate the charter council's responsibilities under Subsection 53G-7-1205(7).

(b) The report described in Subsection (7)(a) shall include:

(i) information concerning internet filtering protocols for school and district devices that access the internet;

(ii) local instructional practices, monitoring, and reporting procedures; and

(iii) internet safety training provided to students and parents.

R277-477-4. School LAND Trust Funding Requirements.

(1) A public school receiving School LAND Trust program funds shall have:

(a) a school community council as required by Section 53G-7-1202 and Rule R277-491;

(b) a charter council as required by Section 53G-7-1205; or

(c) a charter board council as required by Section 53G-7-1205.

(2) Notwithstanding Subsection (1), the USDB Advisory Council may fill the responsibilities of a school community council for USDB.

(3) To qualify to receive funds for an upcoming school year, a school's principal shall:

(a) submit a Council Membership Form on the SLT reporting website demonstrating compliance with the required membership in Subsection (1) by October 20 annually;

(b) submit a Principal Assurance Form on the SLT reporting website consistent with Subsection 53G-7-1206(3)(c) by October 20 annually;

(c) complete all school website requirements consistent with Subsection R277-477-3(5)(c) for charter schools or Subsection R277-491-4(2) for district schools by October 20 annually;

(d) submit a final report for the prior school year, approved by the budget officer or district liaison on the form provided through the SLT reporting website;

(e) submit a School LAND Trust plan for the upcoming school year through the SLT reporting website consistent with Subsection 53G-7-1205(4); and

(f) ensure all council members have an opportunity to provide a signature verifying their involvement consistent with Subsection (4).

(4)(a) The principal of a school shall ensure that a council member has an opportunity to provide a signature indicating the member's involvement in implementing the current School LAND Trust plan and developing the school plan for the upcoming year.

(b) The principal shall collect a council member's signature at the Council plan approval meeting or at a later time consistent with LEA policies.

(c) A school shall retain signatures collected under Subsection (4)(b) for no less than three years.

(d) A school shall provide copies of signatures collected under Subsection (4)(b) to the LEA governing board before the Board plan approval meeting.

(e) A governing board or designee may design the LEA's own form to collect the information required by this Subsection (4).

(f) A board council is exempt from the requirement of collecting signatures as outlined in this Subsection (4)(b).

(5)(a) A district liaison or a budget officer shall collaborate with the LEA governing board to establish a timeline, including a deadline, for a school to submit a school's School LAND Trust plan on the SLT reporting website.

(b) A timeline described in Subsection (5)(a) shall require a School LAND Trust plan to be ready for review by the Superintendent no later than May 15 for a district school or May 1 for a charter school, allowing sufficient time for the LEA governing board, through the district liaison, and budget officer to approve the plan or return the plan to the school's council for any necessary edits before resubmission and approval.

(6)(a) An LEA governing board and budget officer:

(i) shall consider a plan annually; and

(ii) may approve or disapprove a school plan.

(b) If an LEA governing board and budget officer do not approve a plan, they shall:

(i) provide a written explanation for the disapproval; and

(ii) request that the school revise the plan, consistent with Subsection 53G-7-1206(4)(d).

(7)(a) After an LEA governing board has completed the plan review, the budget officer or district liaison shall enter the date of the governing board approval in the SLT reporting website before approving the plan on the SLT reporting website on behalf of the governing board.

(b) Subsequently, the budget officer shall perform an additional review in accordance with Subsections (6)(a)(i) through (ii).

(c) Upon completion of Subsection (7)(b), the budget officer or district liaison shall notify the Superintendent that the LEA's reviews are complete and the plan is ready for the Superintendent's review.

(8) For a school to receive its full distribution in July, the school's plan shall be ready for Superintendent review no later than May 15 for a district school and May 1 for a charter school.

(9)(a) Before approving a plan, an LEA governing board and budget officer shall review a School LAND Trust plan to confirm that a School LAND Trust plan contains:

(i) priority academic areas listed in Subsection R277-477-5(3) or LEA-approved academic areas of greatest need for improvement;

(ii) academic goal statements that align with the areas identified in Subsection (i) and have direct impact on student learning;

(iii) measurement tools and baseline data for each academic area to assess progress and improvement toward the goals;

(iv) specific action steps designed to achieve the academic goals;

(v) detailed and specific expenditures to carry out the action steps and support academic improvement in the plan goals;

(vi) an explanation for any planned carry-over that exceeds the school's applicable carry-over limit; and

(vii) the date the council approved the plan, verified by the council vote that corresponds with the council membership in the Council Membership Form.

(b) The LEA governing board shall determine whether a School LAND Trust plan is evidence-based and consistent with the approving entity's pedagogy, programs, and curriculum.

(c) The president or chair of the LEA governing board shall provide training annually on the requirements of Section 53G-7-1206 and this rule to the members of the LEA governing board, district business administrator, district liaison, and the budget officer.

(10) By approving a plan, the LEA governing board, budget officer, and district liaison affirm that:

(a) the plan has been through all LEA-level reviews; and

(b) the plan meets the requirements of statute and rule.

(11)(a) After receiving the notice described in Subsection (7)(c), the Superintendent shall review each School LAND Trust plan for compliance with the law governing School LAND Trust plans.

(b) The Superintendent shall report back to the budget officer, district liaison or charter principal when School LAND Trust plans are found to be out of compliance with the law.

(c) An LEA governing board or the principal and budget officer for a charter school shall ensure that a School LAND Trust plan that is found to be out of compliance with the law by the Superintendent is amended or revised by the council to bring the school's School LAND Trust plan into compliance with the law.

(12) A school shall implement a plan as approved.

(13) If an LEA fails to comply with Subsection (11)(c), corrective action may be implemented consistent with Rule R277-114.

R277-477-5. Appropriate Use of School LAND Trust Program Funds.

(1) A council shall annually review school-wide assessment data to prepare and approve a School LAND Trust plan, including:

(a) identifying academic priority areas of greatest need consistent with LEA priorities;

(b) establishing student centered academic goal statements;

(c) selecting measurement tools and baselines for each academic priority area; and

(d) developing action steps and identifying School LAND Trust fund expenditures for data-driven and evidence-based ways to improve educational outcomes.

(2) A school plan shall support academic components of the teacher and student success plan under Section 53G-7-1304 and the LEA's governing board priorities.

(3) A school's School LAND Trust program expenditures shall have a direct impact on the instruction of students in the particular school's areas of most critical academic need and consistent with the academic priorities of the LEA's governing board:

(a) to increase achievement in:

(i) English;

(ii) language arts;

(iii) mathematics; and

(iv) science; and

(b) for secondary schools to:

(i) increase graduation rates; and

(ii) promote college and career readiness.

(4) A school's LAND Trust plan:

(a) may include counselors and educators working with students and families on academic and behavioral issues when a direct impact on academic achievement can be measured; and

(b) may include addressing absenteeism when a direct impact on academic achievement can be measured.

(5) A school may not use School LAND Trust program funds for the following:

(a) costs related to district or school administration, including accreditation;

(b) expenses for:

(i) construction;

(ii) maintenance;

(iii) facilities;

(iv) overhead;

(v) furniture;

(vi) storage of personal student property;

(vii) security; or

(viii) athletics; or

(c) expenses for non-academic activities.

(6) A school that demonstrates appropriate progress and achievement consistent with the academic priorities of the LEA governing board outlined in Subsection (2) may request local board approval of a plan to address other academic goals if the plan includes:

(a) how the goal is in accordance with the core standards established in Rule R277-700;

(b) how the action steps for the goal are:

(i) data-driven;

(ii) evidence-based; and

(iii) have a direct impact on the instruction of students consistent with this Section R277-477-5;

(c) the data driving the decision to spend School LAND Trust funds for academic needs outlined in this Subsection (4); and

(d) the anticipated data source the school will use to measure progress.

(7) An LEA governing board may not require a council or school to spend the school's School LAND Trust program funds on a specific use or set of uses.

(8)(a) Student incentives implemented as part of an academic goal in the School LAND Trust program may not exceed $4 per student per plan in an academic school year.

(b) The limit set forth in Subsection (8)(a) does not apply to expenditures for academic instructional materials for students.

R277-477-6. Distribution of Funds - Determination of Proportionate Share.

(1) An LEA shall report the prior year expenditure of distributions for each school.

(2) The total expenditures each year described in Subsection (1) may not be greater than the total available funds for an LEA.

[~~(3)(a) In an unanticipated circumstance, a school within an LEA may be allowed a small advance from a school's allocation for the next fiscal year when:~~

~~(i) the LEA has unspent School LAND Trust funds to cover the advance; and~~

~~(ii) the LEA governing board approves the advance.~~
~~(b) If a school receives an advance under Subsection (3)(a):~~
~~(i) the LEA shall decrease the beginning allocation to the school for the next fiscal year in the same amount as the advance; and~~
~~(ii) restore the same advance amount to the unspent School LAND Trust funds of the LEA.~~
~~(c) A school's beginning School LAND Trust funds balance for a new school year shall be:~~
~~(i) the school's allocation for the new school year;~~
~~(ii) minus any advance approved under Subsection (3)(a);~~
~~(iii) plus any carry-over from the prior year.~~]

([~~4~~]3) Before October 1, a school district shall adjust the current year distribution of funds received from the School LAND Trust program as described in Section 53F-2-404, as necessary to maintain an equal per student distribution within a school district based on:

(a) school openings and closings;

(b) boundary changes; and

(c) other enrollment changes occurring after the fall enrollment report.

([~~5~~]4) For any reallocations made after October 1, a district liaison shall provide written notification to the impacted principals and school community councils and shall copy the Superintendent on the correspondence.

([~~6~~]5) An LEA shall provide the current year distribution and carry-over amount from the prior school year to the principal by October 1 annually.

([~~7~~]6) A charter school and each of the charter school's satellite charter schools are a single LEA for purposes of public school funding.

([~~8~~]7)(a) For purposes of this section, "qualifying charter school" means a charter school that:

(i) would receive more funds from a per pupil distribution than the charter school receives from the base payment described in Subsection ([~~10~~]9); and

(ii) is not a newly opening charter school as described in Subsection ([~~12~~]11)(a).

(b) The Superintendent shall distribute the funds allocated to charter schools:

(i) as described in this Subsection ([~~10~~]9); and

(ii) is consistent with the March 1 calculation for existing and new charter schools.

([~~9~~]8) The Superintendent shall add any unused balance to the total charter school distribution amount for the following fiscal year for charter schools if a charter school:

(a) chooses not to apply for funds;

(b) does not meet the requirements for receiving funds;

(c) does not open as scheduled;

(d) closes; or

(e) has other unforeseen circumstances.

([~~10~~]9) The Superintendent shall first distribute a base payment to each charter school that is equal to the product of:

(a) an amount equal to the total funds available for all charter schools; and

(b) at least 0.4%.

([~~11~~]10) After the Superintendent distributes the amount described in Subsection ([~~7~~]6)(c), the Superintendent shall distribute the remaining funds to qualifying charter schools on a per pupil basis.

([~~12~~]11)(a) The Superintendent shall distribute an amount of funds to a newly opening charter school that is either:

(i) the base payment described in Subsection ([~~9~~]8); or

(ii) a per pupil amount based on the newly opened charter school's projected October 1 enrollment count.

(b)(i) The governing board of a newly opening charter school shall notify the Superintendent by March 1 preceding the school's first year of operation, which option under Subsection (8)(a) the school elects to receive.

(ii) If a school fails to notify the Superintendent as required under Subsection (b)(i), the school shall receive the base payment described in Subsection ([~~6~~]5)(c) in the school's first year of operation.

(c) The Superintendent shall increase or decrease a newly opening charter school's first year distribution of funds in the school's second year to reflect the newly opening charter school's actual first year October 1 enrollment.

([~~13~~]12)(a) The Superintendent shall distribute an amount of funds to a newly opening satellite school equal to the base payment described in Subsection ([~~6~~]5)(c).

(b) The Superintendent shall increase or decrease a newly opening satellite school's first year distribution of funds in the school's second year to reflect the newly opening satellite school's actual first year October 1 enrollment.

R277-477-7. School LAND Trust Program - Plan Amendments.

(1)(a) A principal shall submit a plan amendment authorized by Subsection 53G-7-1206(4)(d)(iii) through the School LAND Trust website for approval, including the date the council approved the amendment and the number of votes for, against, and absent.

(b) An LEA governing board and budget officer shall:

(i) consider the amendment for approval;

(ii) approve or deny an amendment; and

(iii) notify the Superintendent when an amendment is ready for review.

(c) The Superintendent shall review an amendment for compliance with statute and rule before the school uses funds according to the amendment.

R277-477-8. School LAND Trust Program Final Reports.

(1) A principal shall submit a final report on the School LAND Trust website annually before a School LAND Trust plan for the coming school year is submitted.

(2) Audited expenditure data from the state's financial system shall appear in the final report submitted on the SLT reporting website by a principal, as required by Subsection 53G-7-1206(5)(b).

(3) A school shall provide an explanation for any carry-over that exceeds the school's applicable carry-over limit in a given year in the School LAND Trust final report.

(4) A district liaison or budget officer shall ensure that a final report includes:

(a) clear explanations of plan implementations and expenditures, substantiated by a comparison to the LEA's detailed expenditure records for the school; and

(b) meets the confidentiality requirements of Rule R277-487 before March 1 to allow the review required by Section R277-477-7.

(5)(a) The Superintendent shall recommend a district or school with a consistently large carry-over balance over multiple years for corrective action for not making adequate and appropriate progress on an approved plan.

(b) The Superintendent may take corrective action to remedy excessive carry-over balances consistent with Rule R277-114.

(6) A district liaison or budget official shall provide a final report or a summary of the final report to the LEA governing board and parents of the school on the implementation of each school's prior year School LAND Trust plans by March 1.

R277-477-9. Compliance Review.

(1) The Superintendent may visit a school receiving funds from the School LAND Trust program to discuss the program, receive information and suggestions, provide training, and answer questions.

(2)(a) The Superintendent shall supervise annual compliance reviews to review expenditure of funds consistent with the approved plan, final report, applicable amendments, allowable expenses, and the law.

(b) The Superintendent shall require an LEA to reimburse the school's School LAND Trust budget for any funds found to be spent inconsistent with the school's approved plan or this rule.

(c) The Superintendent shall annually provide a report to the Board Finance Committee on compliance review findings and other compliance issues.

R277-477-10. Superintendent Responsibilities.

The Superintendent shall:

(1) represent the Board on the Land Trusts Protection and Advocacy Committee in accordance with Section 53D-2-202;

(2) review and approve a plan submitted by the USDB Advisory Council as necessary;

(3) prepare the annual distribution of funds to implement the School LAND Trust program pursuant to Section 53F-2-404;

(4) provide training to entities involved with the School LAND Trust program consistent with Subsection 53G-7-1206(8); and

(5) implement corrective action, if appropriate, consistent with Rule R277-114 if an LEA or its council fails to comply with this rule.

KEY: schools, trust lands funds, school community councils
Date of Last Change: [~~February 9,~~] 2026
Notice of Continuation: June 16, 2026
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53F-2-404

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58062**
Rule or section number:	**R277-484**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-484. Data Standards
B. Purpose of the new rule or reason for the change:
The amendments are due to the passage of SB 58 during the 2026 General Session.
C. Summary of the new rule or change:
The amendments establish new requirements for student attendance monitoring and data quality. The amendments add definitions related to attendance validated and learner validated programs, update data submission requirements to reflect program type, incorporate new data quality and monitoring requirements, add provisions for attendance data audits and corrective action, and align data reporting with new statutory attendance tracking requirements.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 58 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The rule change is due to the passage of SB 58 in the 2026 General Session, and the Utah State Board of Education (USBE) believes that any fiscal impacts were captured in the fiscal note to SB 58 (2026).
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The rule change is due to the passage of SB 58 (2026) and the USBE believes that any fiscal impacts were captured in the fiscal note to SB 58 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the USBE and Local Education Agencies (LEAs).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

The rule change is due to the passage of SB 58 (2026) and the USBE believes that any fiscal impacts were captured in the fiscal note to SB 58 (2026).
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. The rule change is due to the passage of SB 58 (2026) and the USBE believes that any fiscal impacts were captured in the fiscal note to SB 58 (2026).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsections 53E-3-301(d) and (e)	Section 53E-3-401
Subsection 53E-3-401(8)(a)	Subsection 53E-3-511(8)	

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-484. Data Standards.
R277-484-1. Authority and Purpose.

(1) This rule is authorized by:

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

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

(c) Subsection 53E-3-401(8)(a), which allows the Board to take corrective action against an education entity that fails to comply with Board rules; and

(d) Subsection 53E-3-511(8), which requires the Board to ensure LEA inclusion of data in an LEA's Student Information System.

(2) The Superintendent shall perform certain data collection related duties essential to the operation of statewide educational accountability and financial systems as mandated in state and federal law.

(3) The purpose of this rule is to:

(a) support the operation of required educational accountability and financial systems by ensuring accurate, timely, and complete submission and validation of data by LEAs including student enrollment and attendance data;

(b) support the provision of equal opportunity for students;

(c) support accuracy, efficiency, [~~and~~]consistency, and quality of data; and

(d) ensure maintenance of basic contact and demographic information for each LEA and school[~~.~~]; and

(e) establish data quality, audit, and corrective action requirements for LEA data systems.

R277-484-2. Definitions.

As used in this rule and the Board Reporting Deadline Table incorporated by reference in this rule:

(1) "Annual Financial Report" means an account of LEA revenue and expenditures by source and fund sufficient to meet the reporting requirements specified in Subsections 53E-3-301(3)(d) and (e).

(2) "Annual Program Report" means an account of LEA revenue and expenditures by source and program sufficient to meet the reporting requirements specified in Subsections 53E-3-301(3)(d) and (e).

(3) "Attendance Validated Program" means the same as defined in Rule R277-100.

[~~(3)~~](4) "Comprehensive Administration of Credentials for Teachers in Utah Schools" or "CACTUS" means the online licensing database maintained by the Superintendent, which will be phased out and replaced by USIMS.

[~~(4)~~](5) "Contact information" means the name, title, email address, and phone number for a designated individual.

[~~(5)~~](6) "Data Warehouse" means the database of demographic information, course taking, and test results maintained by the Superintendent on all students enrolled in Utah schools.

[~~(6)~~](7) "Designated individual" means:

(a) an LEA governing board chair;

(b) a local administrator;

(c) a business administrator; or

(d) a school principal.

(8) "Educational services" means providing:

(a) high quality instruction for each student that includes direct interaction between a teacher and students;

(b) personalized learning supports for each student; and

(c) appropriate instructional delivery methods based on student's enrollment type as defined in Section 53F-2-102.

[~~(7)~~](9) "Governing board chair" means the chair or president of an LEA governing board.

[~~(8)~~](10) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

[~~(9)~~](11) "LEA demographic information" means:

(a) the LEA name;

(b) the LEA number;

(c) the physical address;

(d) the website;

(e) a phone number; and

(f) the LEA's grade range.

(12) "Learner validated program" means the same as defined in Rule R277-100.

[~~(10)~~](13) "Local administrator" means a district superintendent or charter school director.

[~~(11)~~](14) "MSP" means Minimum School Program, the set of state supported K-12 public school funding programs.

[~~(12)~~](15) "New School" for purposes of Rule R277-484 means any school that receives a unique institutional identifier, including:

(a) a newly created school;

(b) a reopened school;

(c) schools that have changes in:

(i) charter authorizers; or

(ii) a change in a school's LEA's affiliation;
(d) the creation of a satellite school as defined in Subsection 53G-5-303(1)(b); or
(e) a split in an LEA or a split in a school to accommodate additional grade ranges;
[~~(13)~~](16) "Private School Entity" means an educational entity that:
(a) maintains a physical presence within Utah;
(i) if the school only provides online instruction, the school's primary headquarters shall be located in Utah; and
(b) possesses a valid business license issued by the Utah Department of Commerce.
[~~(14)~~](17) School for [~~the purpose of~~]this rule means an entity with a unique institutional identifier.
[~~(13)~~](18) "School demographic information" means:
(a) the school name;
(b) the school number;
(c) the physical and mailing address;
(d) the website;
(e) a phone number;
(f) the school type; and
(g) the school grade range.
[~~(14)~~](19) "Schools interoperability framework" or "SIF" means an open global standard for seamless, real time data transfer and usage for Utah public schools.
[~~(15)~~](20) "Student achievement backpack" has the same meaning as that term is defined in Subsection 53E-3-511(1)(d).
[~~(16)~~](21) "Student information system" or "SIS" means a student data collection system used for Utah public schools.
[~~(17)~~](22) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows individual detailed student records to be exchanged electronically between public education LEAs and the Board, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the etranscript service.
[~~(18)~~](23) "Utah Schools Information Management System or USIMS" has the same meaning as that term is defined in Subsection R277-312-2(6).
[~~(19)~~](24) "Utah Student Record Store" has the same meaning as that term is defined in Subsection 53E-3-511(1)(d).
[~~(20)~~](25) "Year" means both the school year and the fiscal year for a Utah LEA, which runs from July 1 through June 30.

R277-484-3. Inclusion of Private School Entities in CACTUS or USIMS.
(1) For data collection and management, the USBE shall include private school entities in CACTUS or USIMS that meet the criteria outlined in this section.
(2) To be included in CACTUS or USIMS, a private school entity shall demonstrate a connection to USBE oversight or Educator Licensing through one or more of the following:
(a) participation in the Carson Smith Scholarship Program;
(b) the submission of Preschool Early Education Program (PEEP) scores;
(c) accreditation and the provision of special education services;
(d) accreditation and the operation of an Alternate Pathway to Professional Educator License (APPEL) program;
(e) seeking USBE oversight due to the receipt of Individuals with Disabilities Education Act (IDEA) funds;
(f) accredited private schools employing educators holding a valid Utah educator license and seeking to record educator assignments within CACTUS or USIMS; or
(g) participation in any program with the USBE that requires inclusion in CACTUS or USIMS.

R277-484-4. Incorporation by Reference of Board Reporting Deadline Table.
(1) This rule incorporates by reference the Board Reporting Deadline Table dated June 6, 2024.
(2) A copy of the Board Reporting Deadline Table is located[~~ at~~]:
(a) [~~http://schools.utah.gov/administrativerules/documentsincorporated~~]on the Utah State Board of Education website; and
(b) at the Utah State Board of Education offices - 250 East 500 South, Salt Lake City, Utah - 84111.

R277-484-5. Deadlines for Data Submission.
(1) An LEA shall submit student level data to the Board through UTREx.
(2) An LEA shall submit teacher assignment and salary data to the Board through CACTUS or USIMS.
(3) An LEA shall, by 5 p.m. Mountain Standard Time on the date specified in the Board Reporting Deadline Table, submit reports in the format specified by the Superintendent.
(4) If a deadline in the Board Reporting Deadline Table falls on a weekend or state holiday in a given year, an LEA shall submit the report on the next business day following the date specified in the Board Reporting Deadline Table.
(5) An LEA shall assign an individual to oversee compliance with this rule.
(6) A new school as defined in Subsection R277-484-2(12) shall meet the deadline submission requirements required of LEAs, as outlined in the Board Reporting Deadline Table, Notice of School Opening, in Subsection R277-484-4(2)(a).

R277-484-6. Adjustments to Deadlines.

(1) An LEA may seek an extension of a deadline to ensure continuation of funding and provide more accurate information to allocation formulas by submitting a written request to the Superintendent no later than 24 hours before the specified deadline in Board Reporting Deadline Table.

(2) An extension request shall include:

(a) The reasons for the extension request;

(b) The signatures of the LEA business administrator and local administrator; and

(c) The date by which the LEA proposes to submit the report.

(3) If an LEA requests an extension under Subsection (1), the Superintendent may do any of the following after taking into consideration the pattern of LEA compliance with reporting deadlines and the urgency of the need for the data to be submitted:

(a) Approve the request and allow the MSP fund transfer process to continue; or

(b) Deny the request and stop the MSP fund transfer process; or

(c) Recommend corrective action to the Board in accordance with Rule R277-114.

(4) If, after receiving an extension, an LEA fails to submit the report by the designated date, the MSP fund transfer process shall be stopped and the procedures described in Section R277-484-7 shall apply.

(5) An extension shall apply only to the specific reports and dates for which an extension was requested.

(6) The Superintendent may not extend deadlines for the following reports:

(a) AFR;

(b) APR;

(c) Mid-year or Final CACTUS or USIMS updates;

(d) a Financial Audit Report; or

(e) any UTREx updates.

(7) Notwithstanding Subsection (6)(e), if an LEA identifies significant errors in a UTREx update, the Superintendent may grant the LEA an extension of no more than eight calendar days to file a new update.

R277-484-7. Official Data Source and Required LEA Compatibility.

(1) The Superintendent shall load operational data collections into the Data Warehouse as of the submission deadlines specified.

(2) The Data Warehouse shall be the sole official source of data for annual:

(a) school performance reports required under Section 53E-5-204;

(b) determination of state and federal accountability reports; and

(c) submission of data files to the U.S. Department of Education.

(3) The Superintendent shall maintain a database of LEA and school:

(a) demographic information;

(b) openings;

(c) closures; and

(d) contact information for designated individuals.

(4)(a) An LEA shall use an SIS approved by the Superintendent to ensure compatibility with Board data collection systems.

(b) The Superintendent shall maintain a list of approved student information systems.

(5) Before the Superintendent granting approval for an LEA to initiate or replace a student information system that was not previously approved, the LEA shall:

(a) send written request for approval to the Superintendent no later than November 15 of the year before the year the LEA proposes to use the SIS for production software;

(b) submit documentation to the Superintendent that the new or modified student information system is SIF certified;

(c) submit documentation to the Superintendent that an SIF agent can meet the UTREx specifications profile for Vertical Reporting Framework (VRF) and eTranscripts;

(d) ensure that a new student information system can generate valid data collection by submitting a file to the Superintendent for review;

(e) ensure that the new student information system can generate the Statewide Student Identifier (SSID) request file by submitting a file to the Superintendent for review.

(6)(a) The Superintendent shall review documentation and grant or deny an LEA submission under Subsection (4) within 30 calendar days.

(b) [~~The Superintendent may require an~~]<u>An</u> approved replacement system [~~to~~]<u>shall</u> run in parallel to a state-approved system for a period of at least three months and be able to generate duplicate reports to previously generated information.

(7) An LEA shall submit daily updates to the Board Clearinghouse using School Interoperability Framework (SIF) objects defined in the UTREx Clearinghouse specification.

(8) An LEA shall electronically submit all public high school transcripts requested by a public education post-secondary school if the post-secondary school is capable of receiving transcripts through the electronic transcript service designated by the Superintendent.

(9) [~~No later than June 30, 2017, a~~]<u>A</u>n LEA shall ensure that data collected in the Utah Student Record Store for a Student Achievement Backpack is integrated into the LEA's SIS and is made available to a student's parent or guardian and an authorized LEA user in an easily accessible viewing format.

(10) Failure to comply with any of the requirements of this Section R277-484-5 may result in a recommendation for corrective action in accordance with Rule R277-114.

R277-484-8. Adjustments to Summary Statistics Based on Compliance Audits.

(1) To allocate MSP funds and projecting enrollment, the Superintendent may modify LEA level aggregate membership and fall enrollment counts on the basis of the values in the Membership and Enrollment audit reports, respectively, when an audit report review team agrees that an adjustment is warranted by the evidence of an audit.

(2) An audit report review team shall make a determination under Subsection (1) within 60 working days of the authorized audit report deadline.

(3) The Superintendent may only adjust values downward if an audit report is received after an authorized deadline.

R277-484-9. Financial Consequences of Failure to Submit Reports on Time.

(1) If an LEA fails to submit a report by its deadline as specified in Board Reporting Deadline Table, consistent with procedures outlined in Rule R277-114, the Superintendent may recommend corrective action, including stopping the LEA's MSP funds transfer process, unless the LEA has obtained an extension of the deadline in accordance with the procedure described in Section R277-484-4.

(2) The Superintendent may recommend loss of up to 1.0 WPU from Kindergarten or Grades 1-12 programs, depending on the grade level and aggregate membership of the student, in the current year Mid-Year Update for each student whose prior year immunization status was not accounted for in accordance with Section 53G-9-302 as of June 15.

(3) An LEA that fails to meet data quality standards may be required to submit a corrective action plan and comply with additional reporting requirements consistent with Section 53G-6-213 and Rule R277-114.

KEY: data standards, reports, deadlines
Date of Last Change: [~~May 8,~~] 2026
Notice of Continuation: June 16, 2026
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-301(d) and (e); 53E-3-401; 53E-3-401(8)(a); 53E-3-511(8)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58063**
Rule or section number:	**R277-605**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-605. Coaching Standards and Athletic Clinics
B. Purpose of the new rule or reason for the change:
The amendments are necessary primarily to emphasize compliance with code moratoriums for extracurricular activities.
C. Summary of the new rule or change:
The amendments add language specific to compliance with code moratoriums and also clarify the requirements for coaches and school activity leaders as supervisors and role models.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The proposed amendments reorganize and clarify the behavioral expectations for coaches and activity leaders in Section R277-605-4. Specifically, the language prohibiting the use, possession, or distribution of controlled substances, tobacco, and alcohol is shifted from Subsection (3) to Subsection (4). Additionally, the text updates terminology to align with statutory definitions under Section 76-9-1101, explicitly enumerating "an electronic cigarette product, or a nicotine product." This change represents a technical synchronization with existing criminal and tobacco statutes. It does not introduce any state-level enforcement programs, alter agency oversight costs, or require new funding allocations from the state budget.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. Local Education Agencies (LEAs) are already required by state law (Title 53G and Title 76) to maintain drug, alcohol, and tobacco-free school environments, which extends to personnel supervising students during school-related activities. Incorporating explicit references to electronic cigarettes and nicotine products within this rule simply aligns the coaching standard with operational policies and training protocols that districts and charter schools already have in place. Because these changes do not necessitate the creation of new reporting pipelines, additional physical signage, or distinct employee tracking systems, local governments will experience no incremental operational costs or fiscal savings.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the Utah State Board of Education (USBE) and LEAs.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The updated language clarifies prohibited substances (such as vaping and nicotine products) for school coaches and athletic leaders while engaged in school-related functions. Because these individual behavior restrictions align with existing statutory requirements for public school employees, the amendment does not create any new financial liabilities, fines, out-of-pocket expenses, or cost savings for educators, coaches, parents, or students as an aggregate class.

F. Compliance costs for affected persons:
There are no compliance costs for affected persons. Individual coaches, assistants, and advisors are not required to complete any new paid courses, buy hardware, or pay filing fees to adhere to this revised conduct language. As a result, the incremental individual compliance cost is $0.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-501(1)(b)

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-605. Coaching Standards and Athletic Clinics.
R277-605-1. Authority and Purpose.

(1) This rule is authorized by:

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

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

(c) Subsection 53E-3-501(1)(b), which directs the Board to adopt rules regarding access to programs.

(2) The purpose of this rule is to specify standards for coaches and standards for extracurricular clinics and workshops.

R277-605-2. Definitions.

(1) "Approved provider" means:

(a) the American Heart Association;

(b) the American Red Cross;

(c) the American Safety and Health Institute;

(d) the National Safety Council; or

(e) another provider approved by the Superintendent.

(2) "Coach" means an individual who independently supervises students participating in an extracurricular activity on behalf of an LEA.

R277-605-3. Extracurricular Programs and the Core Curriculum.

(1) High school competitive extracurricular programs shall be supplementary to the high school curriculum.

(2) An LEA shall comply with the moratoriums established in Section 53G-7-1102 in its extracurricular programs and competitions.

R277-605-4. Coaches and School Activity Leaders as Supervisors and Role Models.

(1) Coaches and other designated school leaders shall diligently supervise students at all times while on school-sponsored activities, including supervising students:

(a) on the field, court, or other competition or performance sites;

(b) in locker rooms, in seating areas, in eating establishments, and in lodging facilities; and

(c) while traveling.

(2) Coaches and designated school leaders are responsible for a student as long as a student remains on school grounds following a school-sponsored activity, subject to LEA policy, consistent with this rule.

(3) A coach or other designated school leader shall be an exemplary role model and may not [~~use alcoholic beverages, tobacco, controlled substances, or~~]participate in promiscuous sexual relationships while on school-sponsored activities.

(4) Coaches, assistants and advisors shall act [~~in a manner~~]consistent with Section 53G-8-209 and may not, while engaged in school-related activities:

(a) use foul, abusive, or profane language[~~ while engaged in school related activities; or~~];

(b) use, possess, or distribute:

(i) a controlled substance;

(ii) a tobacco product, an electronic cigarette product, or a nicotine product as those terms are defined in Section 76-9-1101; or

(iii) an alcoholic beverage; or

([~~b~~]c) engage in or permit hazing, demeaning, or assaultive behavior, whether consensual or not, including language or behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

R277-605-5. Athletic and Activity Clinics.

(1) School personnel, activity leaders, coaches, advisors, and other personnel may not require students to attend out-of-school camps, clinics, activities, or workshops for which the personnel, activity leaders, coaches, or advisors receive remuneration from a source other than the school or district in which they are employed.

(2) Required or voluntary participation in summer or other off-season clinics, workshops, and leagues may not be used as eligibility criteria for team membership, participation in extracurricular activities, or for the opportunity to try out for school-sponsored programs.

R277-605-6. Training Requirements.

(1) An athletic coach shall maintain high-quality hands-on cardiopulminary resuscitation and first aid certification through an approved provider.

(2) An athletic coach shall annually receive training in responding to concussions and head injuries consistent with Subsection R277-614-4(3)(d).

(3) A coach shall complete child sexual abuse prevention training as described in Section 53G-9-207.

(4) A coach shall complete training on bullying, cyber-bullying, hazing, and retaliation consistent with Subsection R277-613-4(5).
(5) Each LEA shall maintain verification of its coaches' compliance with this section.

KEY: extracurricular activities
Date of Last Change: 2026[~~July 22, 2022~~]
Notice of Continuation: June 16, 2026
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-501(1)(b)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58064**
Rule or section number:	**R277-607**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:

R277-607. Absenteeism and Truancy Prevention

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

The amendments are needed due to the passage of SB 58 and HB 502 during the 2026 General Session.

C. Summary of the new rule or change:

The amendments revise attendance-related definitions, expectations, and processes. The changes clarify how student participation and absences are measured across different instructional models, and update local education agency responsibilities for attendance policies, communication, and reporting.

The amendments also incorporate provisions related to implementation and oversight to support consistent and effective attendance practices statewide.

In addition, the amendments remove an oversight "Category 2" from this rule.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 58 and HB 502 (2026 General Session)

5. Fiscal Information

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

A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The rule change is due to the passage of SB 58 and HB 502 (2026). The Utah State Board of Education (USBE) believes that all fiscal impacts were captured in the fiscal note to SB 58 and HB 502 (2026).
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The rule change is due to the passage of SB 58 and HB 502 (2026). The USBE believes that all fiscal impacts were captured in the fiscal note to SB 58 and HB 502 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the USBE and Local Education Agencies (LEAs).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The rule change is due to the passage of SB 58 and HB 502 (2026). The USBE believes that all fiscal impacts were captured in the fiscal note to SB 58 and HB 502 (2026).
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. The rule change is due to the passage of SB 58 and HB 502 (2026). The USBE believes that all fiscal impacts were captured in the fiscal note to SB 58 and HB 502 (2026).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0

Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Section 53G-6-206
Section 53G-9-804		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-607. Absenteeism and Truancy Prevention.
R277-607-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].

(1) This rule is authorized by:
(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state; and
(c) Section 53G-6-206, which:
(i) describes the duties of an LEA governing board in making efforts in promoting regular attendance and resolving school absenteeism and truancy issues for each school-age child who is, or should be, enrolled in the LEA;
(ii) does not impose civil liability on the Board and LEA governing board or their employees; and
(iii) requires each LEA to annually report data on absences with or without a valid excuse to the state board.
(d) Section 53G-9-804, which requires the Board to make rules requiring LEAs to enact chronic absenteeism prevention and intervention policies.
(2) The purpose of this rule is to direct an LEA to create a policy, which:
(a) defines attendance expectations;
(b) provides interventions and resources;
(c) delineates consequences consistent with state law; and
(d) provides an appeals process.
(3) An LEA described in Subsection 53G-9-802(5) is exempt from providing dropout recovery services as described in Subsection 53G-9-802(3).
[~~(4) This Rule R277-607 is categorized as Category 2 as described in Rule R277-111.~~]

R277-607-2. Definitions.

(1)[~~(a)~~] "Absence" or "absent" means [~~the failure of a school-age child assigned to a class or class period to attend at least half of the class or class period as defined by the LEA.~~

~~(b) "Absence or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy~~]the same as defined in Rule R277-100.

(2) "Attendance Validated Program" means the same as defined in Rule R277-100.

[~~(2)~~](3) "Chronic absenteeism" means [~~a student misses 10% or more of days enrolled, for any reason, and makes a school aware that a beginning of tiered supports may be needed~~]a student who:

(a) was enrolled in an LEA for at least 60 calendar days; and

(b) has been absent for at least 10% of days of instruction, whether the absence was excused or not excused.

[~~(3)~~](4) "Habitual truancy" means the same as defined in Section 53G-8-211, a school-age child who:

(i) is in grade 7 or above, unless the school-age child is less than 12 years old;

(ii) is subject to the requirements of Section 53G-6-202; and

(iii)(A) is truant at least 20 days during one school year; or

(B) fails to cooperate with efforts [~~on the part of~~]by school authorities to resolve the school-age child's attendance problem as required under Section 53G-6-206.

[~~(4)~~](5) "Intervention" means the same as the term is defined in Subsection 53G-6-206(1).

(6) "Learner Validated Program" means the same as defined in Rule R277-100.

[~~(5)~~](7) "Notice of compulsory education" is a notice of violation to the parents of students in grades 1-6 consistent with Section 53G-6-202.

[~~(6)~~](8) "Notice of truancy" is a citation issued to students and parents of students in grades 7-12 consistent with Section 53G-6-203.

(9) "Tardy" means a student's arrival after the designated start time for a class period or instructional day, as defined by the LEA's written policy.

[~~(7)~~](10) "Truancy means a condition in which a school-age child is absent without a valid excuse, for at least:

(a) half of the school day; or

(b) if the school-age child is enrolled in a learner [~~verified~~]validated program, [~~as that term is defined by the Board,~~]the relevant amount of time under the LEA's policy regarding the LEA's continuing enrollment measure as it relates to truancy.

(c) a school-age child may not be considered truant under this part more than one time during the same day.

[~~(8)~~](11)(a) "Valid excuse" means:

(i) Any reason made pursuant to Section 53G-10-205, Section 53G-6-201, Section 53G-6-205, and Subsection 53G-6-803(5).

(ii) an illness, which may be either mental or physical, regardless of whether the school-age child or parent provides documentation from a medical professional;

(iii) behavioral health of the school-age child;

(iv) a family death;

(v) an approved school activity or suspension;

(vi) an absence permitted by a school-age child's:

(A) individualized education plan; or

(B) section 504 accommodation plan;

[~~(vii) an absence permitted in accordance with Subsection 53G-6-803(5); or~~]

[~~(viii)~~](vii) any other excuse established as valid by a local school, charter school governing board, or school district.

(b) "Valid excuse" does not mean a parent acknowledgement of an absence for a reason other than a reason described in Subsections (8)(a)(i) through (vii), unless specifically permitted by the local school board, charter school governing board, or school district under Subsection (13)(a)(vii), or Section 53G-10-205.

R277-607-3. Promotion of Regular Attendance.

(1) An LEA governing board:

(a) shall create [~~and review~~]an LEA attendance policy that:

(i) outlines attendance expectations with language and definitions consistent with Title 53G, Chapter 6, Part 2, Compulsory Education;

(ii) establishes a clear process, timeline, and standard for converting an unexcused absence into a truancy consistent with Subsection 53G-6-201(17);

(iii) outlines the procedures and timelines for issuing a notice of compulsory education for students in grades 1 through 6 consistent with Section 53G-6-202;

(iv) outlines the procedures and timelines for issuing a notice of truancy for students in grades 7 through 12 consistent with Section 53G-6-203; and

(v) establishes that for students in grades 7 through 12, an LEA may enter an incident report of habitual truancy into the Utah Transcript and Record Exchange (UTREx) system after a student accumulates 20 truancies, provided the LEA has issued a notice of truancy in alignment with state law and LEA policy; and

[~~(ii)~~](vi) provides for school level procedure making; and

[~~(iii)~~](vii) provides an appeals process to contest:

(A) a notice of truancy;

(B) a notice of compulsory education; or

(C) any disciplinary actions taken against a student pursuant to an LEA's attendance policy;
(viii) shall review the attendance policy in an open and public meeting at least every five years.
(b) shall annually publicize the LEA's attendance policy and appeals process through:
(i) LEA and school websites;
(ii) handbooks;
(iii) letters to parents; and
(iv) other reasonable means of communication;
(c) shall support institutional efforts to promote regular attendance and address chronic absenteeism and truancy issues for school-age children enrolled in the LEA, in accordance with Subsection 53G-6-206(3) and Section 53G-9-804; and
(d) may enlist the assistance of community agencies and organizations for early intervention and habitual truancy services, in accordance with Section 53G-8-211.
(e) if an LEA adopts a policy for attendance-based grading, the LEA shall ensure their policy shall follow Section 53G-6-213.
(2) An LEA shall annually report the following data separately to the Superintendent:
(a) absences with a valid excuse; and
(b) absences without a valid excuse.

R277-607-4. LEA Accountability Measures.
(1) An LEA shall ensure effective implementation of attendance practices consistent with Section R277-607-3 and Title 53G, Chapter 6, Part 2, Compulsory Education, including:
(a) providing annual training to relevant staff;
(b) maintaining consistent implementation of attendance policies across schools; and
(c) communicating attendance expectations and consequences to students and parents in a clear and timely manner.
(2) An LEA governing board shall provide oversight of attendance practices in accordance with Section 53G-6-214, including reviewing attendance data, evaluating intervention effectiveness, ensuring adequate resources, and approving policy changes in a public meeting.

KEY: compulsory education, truancy, absenteeism, chronic absenteeism
Date of Last Change: 2026[~~March 10, 2025~~]
Notice of Continuation: May 13, 2026
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-6-206; 53G-9-804

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58065**
Rule or section number:	**R277-625**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-625. Mental Health Screeners
B. Purpose of the new rule or reason for the change:
The amendments are needed as a result of SB 2 during the 2026 General Session.

C. Summary of the new rule or change:
The amendments make updates to the requirements for the distribution of Mental Health Screener funds, specifically related to the procedures and criteria for awarding grants. The amendments also remove an oversight "Category 2".

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 2 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other rule changes are due to the passage of SB 2 in the 2026 General Session. The Utah State Board of Education (USBE) believes that any fiscal impacts were captured in the fiscal note to SB 2 (2026).
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other rule changes are due to the passage of SB 2 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note to SB 2 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the USBE and Local Education Agencies (LEAs).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency*)**:**
This rule change is not expected to have fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other rule changes are due to the passage of SB 2 (2026).

The USBE believes that any fiscal impacts were captured in the fiscal note to SB 2 (2026).
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. Removing the internal organizational oversight designation is purely a technical, text-cleaning measure. The other rule changes are due to the passage of SB 2 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note to SB 2 (2026).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-2-522

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-625. Mental Health Screeners.
R277-625-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].

(1) This rule is authorized by:

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

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

(c) Section 53F-2-522 which directs the board to make rules regarding the selection of a mental health screener and financial aid for qualifying parents.

(2) The purpose of this rule is to:

(a) provide the approval process for a mental health screener chosen by an LEA; and

(b) establish the approval and distribution of funds for a qualifying parent to receive financial assistance for related mental health services.

[~~(3) This Rule R277-625 is categorized as Category 2 as described in Rule R277-111.~~]

R277-625-2. Definitions.

(1) "Division" means the same as the term is defined in Section 53F-2-522.

(2) "Mental health" means a person's emotional, psychological, and social well-being, which can affect how a person thinks, feels, and acts, including how a person handles stress, relates to others, and makes healthy choices.

(3) "Mental health screener" or "screener" means a systematic tool that:

(a) identifies if a student is experiencing, or is at risk of experiencing, issues related to the student's mental health;

(b) is used for early identification of the onset of mental health conditions, enabling the mental health conditions to be potentially addressed; and

(c) is not:

(i) a diagnostic tool; or

(ii) a system or process used by a student's teacher to observe behavior for targeted learning interventions.

(4) "Mental health services" means the same as the term is defined in Subsection R523-1-3(3).

(5) "Qualifies for financial assistance" means a qualifying parent that has a student receiving educational services through an LEA who:

(a) receives free or reduced lunch; or

(b) as recommended by the local mental health authority, demonstrates need including being:

(i) uninsured;

(ii) underinsured;

(iii) ineligible for Medicaid to cover part or all of any recommended mental health treatments; or

(iv) demonstrates a high need for interventions based upon results of the LEA's mental health screener.

(6) "Qualifying parent" means the same as the term is defined in Subsection 53F-2-522(1)(d).

(7) "Relevant services" means mental health services provided to a student that are directly related to mental health needs identified by a student's mental health screening.

R277-625-3. Approval of Mental Health Screeners.

(1)(a) The Superintendent, in consultation with the Division, shall publish annually a list of pre-approved mental health screeners to the Board's website.

(b) the published pre-approved list shall include:

(i) the name or brand of the mental health screener including a link to the screener's website;

(ii) the recommended ages for the mental health screener;

(iii) any limitations of the mental health screener including the typical level of false positives;

(iv) the mental health conditions the mental health screener can detect; and

(v) the scientific data or research used to verify a screener is evidence based.

(2) The Board shall approve:

(a) the pre-approved mental health screener list; and

(b) the mental health conditions for which a screener can be used.

(3) All pre-approved mental health screeners shall comply with the requirements as described in Title 53E, Chapter 9, Student Privacy and Data Protection, and the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

(4) An LEA governing board shall notify the Superintendent by August 1 of each year, whether the LEA will be a participating LEA or non-participating LEA, on a form provided by the Superintendent, in compliance with the requirements in Section 53F-2-522.

(5) If the LEA chooses to apply for use of a mental health screener that is not on the pre-approved list, the LEA shall submit an application in a form prescribed by the Superintendent specifying:

(a) the mental health screener proposed for use by the LEA;

(b) the reason for choosing the mental health screener over a screener from the pre-approved list;
(c) the approved mental health conditions the mental health screener measures;
(d) how the mental health screener complies with all state and federal data privacy laws; and
(e) the scientific data or research demonstrating the mental health screener is evidence based and meets industry standards;
(f) why the mental health screener is age appropriate for each grade the screener is administered; and
(g) why the mental health screener is an effective tool for identifying whether a student has a mental health condition that requires intervention.

(6) The Superintendent shall review the application in consultation with the Division and approve or deny the application within 30 days of receipt.

(7) If the application is approved, the Superintendent shall submit the approved application to the Board for final approval.

(8) Subject to legislative appropriation, the Superintendent shall annually determine a maximum reimbursement amount an LEA may receive for use of a mental health screener.

(9) An LEA may request a reimbursement from the Superintendent in writing in an amount not to exceed the amount described in Subsection (8).

(10)(a) An LEA shall require one or more relevant staff, who will be administering a mental health [~~screener~~]screening program, to attend an annual mental health screener training provided by the Superintendent in collaboration with the Division;

(b) the training described in Subsection (10)(a) shall provide an LEA with information needed for appropriate parental consent including:
(i) consent shall be obtained:
(A) not more than eight weeks before administration of the mental health screener; and
(B) in accordance with Subsection 53E-9-203(4);
(ii) the consent form shall be provided separately from other consent forms given to a parent pursuant to other state or federal laws;
(iii) additional variables that might influence a screener's results; and
(iv) a statement that:
(A) the mental health screener is optional;
(B) a screener is not a diagnostic tool;
(C) a parent has the right to seek outside resources or opinions; and
(D) specifies which board approved mental health conditions the mental health screener measures.

(11) An LEA may not administer a mental health screener if the LEA has not attended the annual mental health screener training described in Subsection (10).

(12) An LEA shall report annually to the Superintendent aggregate data regarding the types of LEA provided mental health interventions, referrals, or other actions taken based on screener results.

R277-625-4. Data Privacy.

(1)(a) An LEA shall ensure all data collected or stored by a mental health screener complies with all state and federal data privacy laws and requirements, including those described in Subsection R277-625-3(3).

(b) notwithstanding Subsection (1)(a), an LEA shall provide a parent with a list of all parties that may receive any data related to a student's mental health screener before the parent providing consent.

(2) An LEA shall provide a parent with a list of all data potentially collected by the mental health screener before consenting to a student's mental health screening.

(3) An LEA shall provide the parent of a screened student with:
(a) results as described in Subsection 53F-2-522(4)(d);
(b) applicable available resources; and
(c) who has access to the screener data.

(4) If an LEA has received parental consent, an LEA may share data collected from the mental health screener with a school's multidisciplinary team.

(5) An LEA shall retain and dispose of all data related to a student's mental health screener in accordance with an approved retention schedule not to exceed three years.

R277-625-5. Procedures and Criteria for Awarding Grants.

[~~(1)~~]The Superintendent shall[~~:~~] distribute the funds on an as-needed basis to a participating LEA.

[~~(a) distribute 90% of the available annual funds to all participating LEAs based on the most recent average daily membership count available; and~~

~~(b) distribute the remaining 10% of available annual funds on an as-needed basis to participating LEAs to meet the LEA needs as described in Subsection 53F-2-522(5)(a).~~]

R277-625-6. Financial Assistance for a Qualifying Parent.

(1) An LEA that has elected to participate as described in Subsection R277-625-3(4)(b), may receive reimbursement for relevant services obtained by a qualifying parent who receives financial assistance.

(2) An LEA may not receive reimbursement for a qualifying parent if:
(a) the qualifying parent's student has begun to receive relevant services outside of the school setting before seeking reimbursement;
(b) the LEA can provide the relevant services, including relevant services provided by a third party through a contract with the LEA;

(c) except for as provided in Subsection (d), the qualifying parent has received reimbursement for the same relevant services within one year from the date the relevant services began for the student; or

(d) an LEA may provide reimbursement to a qualifying parent for the same relevant services within one year from the date relevant services began for the student if:

(i) the LEA has no other qualifying parents seeking reimbursement by April 1 and;

(ii) has reimbursement funds remaining.

(3) An LEA may not receive reimbursements that exceed the LEA's award amount as described in Subsection (4).

(4) An LEA that has elected to participate as described in Subsection R277-625-3(4)(b), shall receive a total award amount based on need as determined by the Superintendent.

(5) The Superintendent shall determine a participating LEA's need by considering the LEA's ability to support and provide mental health services for a student including:

(a) the availability of mental health services within the LEA;

(b) the availability of mental health services within the LEA's surrounding community;

(c) the overall accessibility of mental health services for students within the LEA;

(d) the current student demand for mental health services within an LEA; and

(e) capacity of the LEA to meet existing and future student demands for mental health services.

KEY: mental health screener, mental health, prevention
Date of Last Change: 2026[~~October 8, 2024~~]
Notice of Continuation: June 10, 2025
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-522

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58066**
Rule or section number:	**R277-632**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-632. Funding for At-Risk Students and Students Learning English
B. Purpose of the new rule or reason for the change:
The amendments are a result of the passage of HB 1 during the 2026 General Session.
C. Summary of the new rule or change:
The amendments update the emergency funding provisions for students learning English. Specifically, the amendments remove the current assessment-based identification of qualifying students (which relies on World-Class Instructional Design and Assessment (WIDA) scores) and replace it with the new statutory definition based on "interrupted formal education." Additionally, this rule is being updated to reflect the lowered statutory eligibility thresholds of a 40% enrollment increase and 10 or more students.

The amendments will also establish a new discretionary pathway for the USBE to approve emergency funding for Local Education Agencies (LEAs) that experience a significant enrollment increase but fall short of the new numerical thresholds. Finally, the criteria for demonstrating "substantial need" is being revised to align with the new statutory requirement of showing "insufficient existing funds," which will require modifying this rule's current restriction regarding carry-forward at-risk funds.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 1 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The rule changes are due to the passage of HB 1 in the 2026 General Session. The Utah State Board of Education (USBE) believes that any fiscal impacts were captured in the fiscal note to HB 1 (2026).
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The rule changes are due to the passage of HB 1 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note to HB 1 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the USBE and Local Education Agencies (LEAs).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The rule changes are due to the passage of HB 1 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note to HB 1 (2026).
F. Compliance costs for affected persons:
There are no compliance costs for affected persons.

The rule changes are due to the passage of HB 1 (2026).

The USBE believes that any fiscal impacts were captured in the fiscal note to HB (2026)1.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Section 53F-2-314	

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-632. Funding for At-Risk Students and Students Learning English.
R277-632-1. 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 53F-2-314(4), which requires:
(i) an LEA to report information on the use of the at-risk add-on to the WPU to the Board; and
(ii) the Board to monitor the learning outcomes resulting from an LEA's use of the at-risk add-on to the WPU; and
(c) Section 53F-2-316, which requires the Board to make rules regarding distribution of emergency funds for students learning English.
(2) The purpose of this rule is to:
(a) clarify reporting requirements for the At-Risk Add-On Funding Report; and
(b) establish requirements for distribution of emergency funding to schools under Section 53F-2-316.
[~~(3)(a) Section R277-632-3 is categorized as Category 2 as described in Rule R277-111.~~
~~(b) Section R277-632-4 is categorized as Category 4 as described in Rule R277-111.~~]

R277-632-2. Definitions.

(1) "At risk" has the same meaning as described in Section 53F-2-314.
(2) "At-Risk Add-On Funding Report" means the reporting required of each LEA consistent with Subsection 53F-2-314(4)(a).
(3) "Student learning English" has the same meaning as described in Section 53F-2-316.
(4) "UPEFS" means the Utah Public Education Financial System.
(5) "Weighted Pupil Unit" or "WPU" has the same meaning as described in Section 53F-2-102.

R277-632-3. LEA Reporting.

(1) An LEA shall submit the At-Risk Add-On Funding Report by October 1 for the previous fiscal year.
(2) An LEA shall submit financial data through UPEFS.
(3) An LEA shall submit the following through a separate data collection form provided by the Superintendent:
(a) the definition the LEA's local Board has approved for the term "at-risk student" in the LEA consistent with Subsection 53F-2-314(1)(a)(ii);
(b) LEA outcome data specific to the defined at-risk subpopulation;
(c) a report of intervention effectiveness related to the LEA's use of funds;
(d) the number of students served that meet the LEA's definition of at-risk; and
(e) other data as requested by the Superintendent.

R277-632-4. Emergency Funding for Schools With Increased Enrollment of Students Learning English.

(1) The Superintendent shall annually identify schools qualifying for funding under Section 53F-2-316[~~ using the results of the WIDA ACCESS Assessment or the WIDA Screener Assessment~~].
(2) The Superintendent shall notify each school identified in accordance with Subsection (1) of the opportunity to apply for available funding.
(3) The Superintendent shall establish an application process and distribution formula for funds allocated by the Legislature, which prioritizes schools with:
(a) the greatest percentage increase in enrollment of students learning English; and
(b) the most severe financial need.
(4)(a) An LEA shall provide all information required in Subsection 53F-2-316(3).
(b) An LEA may demonstrate a school has substantial need by showing:
(i) a plan for spending the funds for a qualifying school consistent with the purposes allowed in Section 53F-2-316; and
(ii) that the LEA has [~~no~~]less than 5% carry forward from the LEA's at-risk add-on funding[~~ for the three preceding years~~].
(5) An LEA receiving funds under this rule may only use funds as set forth in Section 53F-2-316.

KEY: at risk add-on report, emergency funding, students learning english
Date of Last Change: 2026[~~August 7, 2025~~]
Authorizing, and Implemented or Interpreted Law: Article X, Section 3; 53F-2-314

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: New	**Filing ID: 58051**
Rule or section number:	**R277-634**

1. Agency Information

Title catchline:	Education, Administration

Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-634. Grants and Scholarships
B. Purpose of the new rule or reason for the change:
This new rule is created as a result of SB 244 during the 2026 General Session.
C. Summary of the new rule or change:
This rule establishes the authority, definitions, and administrative procedures necessary to oversee two newly mandated programs. Key provisions include: 1) General Administration Framework: Outlines the Superintendent's responsibilities to establish application timelines, determine eligibility, monitor compliance, and require corrective action when necessary. It also tasks the Board with setting minimum eligibility thresholds, including standards for citizenship grades and attendance. 2) Cardiac Emergency Response Plan (CERP) Grant Program: Establishes a prioritization structure that distributes funds first to high-needs schools (designated as Title I) and second to rural schools. 3) Citizenship Scholarship Program: Directs the Superintendent to establish eligibility criteria focused on demonstrated exemplary citizenship grades (consistent with Section 53E-4-208) and student attendance records.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 244 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The rule changes are due to the passage of SB 244 in the 2026 General Session. The Utah State Board of Education (USBE) believes that any fiscal impacts were captured in the fiscal note to SB 244 (2026).
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The rule changes are due to the passage of SB 244 (2026).

The USBE believes that any fiscal impacts were captured in the fiscal note to SB 244 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the USBE and Local Education Agencies (LEAs).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The rule changes are due to the passage of SB 244 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note to SB 244 (2026).
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. The rule changes are due to the passage of SB 244 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note to SB 244 (2026).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Section 53H-11-416
Section 53G-9-216		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.

R277-634. Grants and Scholarships.

R277-634-1. 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 53H-11-416, which requires the Board to administer a citizenship scholarship program; and

(d) Section 53G-9-216, which requires the Board to administer a cardiac emergency response plan grant program.

(2) The purpose of this rule is to:

(a) establish procedures for administering Board-authorized grant and scholarship programs;

(b) implement the Cardiac Emergency Response Plan grant program as defined in ; and

(c) implement the Citizenship Scholarship Program as defined in.

R277-634-2. Definitions.

(1) "AED" means the same as that term is defined in Section 53G-9-216.

(2) "Cardiac emergency response plan" or "CERP" means the same as that term is defined in Section 53G-9-216.

(3) "Citizenship grade" means a grade or evaluation that reflects a student's demonstration of college and career readiness as defined in Section 53E-4-208.

(4) "Cardiac emergency response plan" or "CERP" means a plan developed by a school that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while on school grounds as defined in Section 53G-9-216.

(5) "Emergency cardiovascular care" means the same as defined in Section 53G-9-216.

(6) "Evidence-based core elements" means the same as defined in Section 53G-9-216.

(7) "High needs school" means the same as defined in Section 53G-9-216.

(i) designated as a Title I school under 20 U.S.C. Sec. 6301 et seq.; or

(8) "Rural School" means a public school within a school district:

(a) located in a county of the fourth, fifth, or sixth class, as defined in Section 17-50-501; or

(b) with fewer than 3,000 students enrolled in the school district.

R277-634-3. General Grant and Scholarship Administration.

(1) The Board shall administer grant and scholarship programs in accordance with state law and this rule.

(2) The Superintendent shall:

(a) establish application procedures and timelines;

(b) require applicants to submit information and documentation necessary to determine eligibility;

(c) establish reporting requirements for recipients;

(d) monitor compliance with program requirements; and

(e) take corrective action in accordance with Rule R277-114 if an applicant or recipient fails to comply with program requirements.

(3) The Board may establish additional requirements necessary to administer a grant or scholarship program consistent with state law.

(4) The Board shall establish minimum eligibility thresholds for applicants, including minimum standards for citizenship grades and attendance.

(5) Scholarship award amounts shall be determined based on available funds and applicant eligibility, as established by the Board.

R277-633-4. Cardiac Emergency Response Plan Grant Program.

(1) The Board shall administer the grant program to assist LEAs in implementing cardiac emergency response plans (CERP) in accordance with Section 53G-9-216 subject to legislative appropriations.

(2) An LEA may apply for a grant by submitting an application in a manner prescribed by the Superintendent.

(3) The Superintendent shall:

(a) prepare and make available a grant application;

(b) review applications starting on July 1, 2026;

(c) prioritize the grant distribution first to high needs schools and second to rural schools; and

(d) allocate grant funds on a first-come, first-served basis for LEAs with a demonstrated need.

(4) An LEA that applies for the grant shall include in their application:

(a) a copy of their CERP plans for each school in their LEA that contain the evidence-based core elements and meet the requirements of Subsection 53G-9-216(3);

(b) the intended use of funds;

(c) if applying as a high needs school, provide data and evidence of high need qualifications;

(d) evidence of compliance with Subsection 53G-9-216(4); and

(e) any additional information required by the Superintendent.

(5) In awarding grants, the Superintendent shall give priority to applicants that demonstrate need.

(a) For purposes of this rule, demonstrated need is considered to be LEAs seeking to use the funds for the following items in this order:

(i) the purchase of an AED;

(ii) AED maintenance, including pads and battery replacement;

(iii) the purchase of CPR training kits or CPR training for faculty and staff;

(iv) basic first aid training; and

(v) educational materials.

(6) The Superintendent shall allocate and encumber funds for an LEA that qualify and are selected for this grant.

(7) An LEA may be reimbursed from their allocation of grant money for activities and equipment that further promote CERP preparedness, including:

(a) the purchase of an AED;

(b) AED maintenance, including pads and battery replacement;

(c) the purchase of CPR training kits or CPR training for faculty and staff;

(d) basic first aid training; and

(e) educational materials.

(8) An LEA shall provide itemized receipts of expenses incurred between July 1, 2026 and June 30, 2027 to receive a reimbursement from awarded funding.

(9) An LEA that receives an allocation of CERP grant funds shall report all expenditures to the USBE and provide itemized receipts by September 1, 2027.

(10) Funds that have not been used shall be reallocated to other grant applicants in accordance with Section 53G-9-216 and Rule R277-633.

R277-634-5. Citizenship Scholarship Program.

(1) The Superintendent shall administer the program under the direction of the Board and shall implement this rule and Board policies governing the program.

(2) The Superintendent shall establish and implement application procedures and deadlines, including:

(a) application submission requirements;

(b) required documentation, including citizenship grades and attendance records; and

(c) procedures to verify applicant information with LEAs.

(3) The Superintendent shall establish scholarship eligibility criteria that:

(a) require demonstrated exemplary citizenship as reflected in citizenship grades described in Section 53E-4-208;

(b) include student attendance as a component of eligibility; and
(c) give priority to students who demonstrate sustained exemplary citizenship throughout high school.
(4) The Superintendent shall administer the selection process using criteria and weighting adopted by the Board.
(5) The Superintendent shall:
(a) verify applicant eligibility using data collected from LEAs; and
(b) coordinate with LEAs to resolve discrepancies in citizenship grade or attendance data.
(6) The Superintendent shall administer scholarship awards, including:
(a) notifying students of award decisions; and
(b) coordinating with institutions within the state system of higher education.
(7) The Superintendent shall distribute scholarship funds to eligible students attending an institution within the state system of higher education as provided in Section 53H-11-416 and Title 53H, Higher Education.
(8) The Superintendent shall establish procedures for applicant appeals and record retention.
(9) The Board may report to the Legislature on program administration and outcomes as required by Section 53H-11-416.

KEY: grants, scholarships, cardiac emergency response, citizenship
Date of Last Change: 2026
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53H-11-416; 53G-9-216

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58067**
Rule or section number:	**R277-705**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:

R277-705. Secondary School Completion and Diplomas

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

The amendments are due to the passage of HB 502 during the 2026 General Session.

C. Summary of the new rule or change:

The amendments establish statewide test-out options for core classes.

The amendments recognize test-out as a required statewide pathway for earning credit, require Local Education Agencies (LEAs) to award credit based on successful completion of a test-out option, clarify the relationship between test-out options and locally determined demonstrated competency, and align transcript and grading provisions with statutory requirements.

In addition, the amendments remove the oversight "Category 3".

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 502 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The rule changes are due to the passage of HB 502 (2026). The Utah State Board of Education (USBE) believes that any fiscal impacts were captured in the fiscal note to HB 502 (2026).
B. Local governments:
This rule change is not expected to have fiscal impacts on local governments' revenues or expenditures. The rule changes are due to the passage of HB 502 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note to HB 502 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the USBE and LEAs.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The rule changes are due to the passage of HB502 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note to HB 502 (2026).
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. The rule changes are due to the passage of HB 502 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note to HB 502 (2026).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-501(1)(b)	Subsection 53E-3-401(4)

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-705. Secondary School Completion and Diplomas.
R277-705-1. 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) Subsections 53E-3-501(1)(b) and (c), which direct the Board to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements; and

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

(2) The purpose of this rule is to:

(a) provide consistent definitions;

(b) provide alternative methods for a student to earn credit and alternate methods for schools to award credit;

(c) provide rules and procedures for the assessment of all students as required by law; and

(d) provide rules for a student to receive an alternative to a traditional diploma if appropriate criteria are met.

[~~(3) This Rule R277-705 is categorized as Category 3 as described in Section 53E-3-501.~~]

R277-705-2. Definitions.

(1) "Alternate Diploma" means a diploma issued in accordance with Section R277-705-5.

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

(b) "Comparable course" does not include a course a student completes through the packet method.

(3) "Core class" means a course in English language arts, mathematics, science, or social studies, or another course required for high school graduation as described in Section 53E-4-204.

[~~(3)~~](4) Credit recovery" means the same as "replacement credit."

[~~(4)~~](5) "Demonstrated competence" means subject mastery as determined by LEA standards and review. LEA review may include such methods and documentation as: tests, interviews, peer evaluations, writing samples, reports, or portfolios.

[~~(5)~~](6) "Diploma" means an official document awarded by an LEA consistent with state and LEA graduation requirements and the provisions of this rule.

[~~(6)~~](7) "FAPE" means a free appropriate public education, which includes special education and related services that are provided at public expense, under public supervision and direction, and without charge in accordance with Board rule and the IDEA and Section 504 of the Rehabilitation Act of 1973.

[~~(7)~~](8) "Grade replacement" means credit a student earns by retaking a teacher-led course for a letter grade to improve a previous grade, which:

(a) may raise the student's grade point average if the new grade is higher; and

(b) replaces the lower grade on the student's transcript.

[~~(8)~~](9) "Original credit" means credit a student earns through the successful completion of a course for the first time.

[~~(9)~~](10) "Packet" means a collection of instructional materials and assessments used to receive credit through the packet method.

[~~(10)~~](11) "Packet method" means an educational approach where:

(a) a high school student receives a collection of instructional materials from an institution, organization, or LEA;

(b) the high school student works through the materials independently with minimal or no direct instruction from a teacher; and

(c) assessment is primarily based on completion of assignments within the instructional materials.

[~~(11)~~](12) "Replacement credit" means a pass-fail credit a student earns for a course the student did not pass or complete, which:

(a) does not affect the student's grade point average; and

(b) allows the student to fulfill high school graduation requirements.

[~~(12)~~](13)(a) "Secondary school" means grades 7-12 in whatever kind of school the grade levels exist.

(b) Grade 6 may be considered a secondary grade for some purposes.

[~~(13)~~](14) "Section 504 plan" means a written statement of related aids and services for a student with a qualifying disability that is developed, reviewed, and revised in accordance with Section 504 of the Rehabilitation Act of 1973.

[~~(14)~~](15)(a) "Special purpose school" means a school designated by a regional accrediting agency, adopted by the Board.

(b) "Special purpose school" includes a school:

(i) that serves a specific population such as a student with a disability, youth in care, or a school with a specific curricular emphasis; and

(ii) with curricula designed to serve specific populations that may be modified from a traditional program.

[~~(15)~~](16) "Student with the most significant cognitive disability" or "SWMSCD" is determined by a comprehensive understanding of a whole student, including review of educational considerations and data obtained through the IEP process, including whether a student:

(a) requires intensive, repeated, modified, and direct individualized instruction and requires substantial supports to learn, maintain, and generalize skills in the student's grade and age-appropriate curriculum;

(b) has special education eligibility documentation indicating the disability significantly impacts intellectual functioning and adaptive behavior which means typically functioning at least two and a half or more standard deviations below the mean;

(c) demonstrates cognitive functioning and adaptive behavior in home, school, and community environments, which are significantly below age expectations, even with program modifications, adaptations, and accommodations;

(d) has a severe and complex cognitive disability, which limits the student from meaningful participation in the standard academic core curriculum or achievement of the academic content standards established at grade level, without substantial support, modifications, adaptations, and accommodations;

(e) has a course of study that addresses the significant impact in adaptive behavior skills;

(f) may be eligible to participate in alternate assessments; and

(g) has a disability, which increases the need for dependence on others for many, if not all, daily living needs, and is expected to require extensive ongoing support through adulthood.

[~~(16)~~](17) "Supplemental education provider" means a private school or educational service provider:

(a) that may or may not be accredited; and
(b) that provides courses or services similar to public school courses or classes.
[~~(17)~~](18)(a) "Transcript" means an official document or record generated by one or several schools which includes:
(i) the courses in which a secondary student was enrolled;
(ii) grades and units of credit earned; and
(iii) citizenship and attendance records.
(b) A transcript is one part of a student's permanent record or cumulative file that may include:
(i) birth certificate
(ii) immunization records; and
(iii) other information as determined by the school in possession of the record.
[~~(18)~~](19) "Unit of credit" means credit awarded for a course taken:
(a) consistent with this rule;
(b) upon LEA authorization; or
(c) for mastery demonstrated by approved methods.
(d) For grades 9 through 12, one unit of credit is at least 83 class hours in an attendance-validated program in lieu of a requirement of days, consistent with Subsection 53F-2-102(5)(c)(i)(B). Special Purpose Schools may implement alternative instructional delivery models to meet state requirements for credit issuance.

R277-705-3. Required LEA Policy Explaining Student Credit.

(1)(a) An LEA governing board shall establish a policy, in an open meeting, explaining the process and standards for acceptance and reciprocity of credits earned by a student in accordance with state law.
(b) An LEA policy described in Subsection (1)(a) shall include specific and adequate notice to a student and a parent of all policy requirements and limitations.
(2)(a) An LEA shall accept credits and grades awarded to a student from a school or a provider accredited by an accrediting entity adopted by the Board.
(b) An LEA policy may establish reasonable timelines and may require adequate and timely documentation of authenticity for credits and grades submitted.
(3) An LEA policy shall provide various methods for a student to earn credit from a non-accredited source, course work, or education provider including:
(a) satisfaction of coursework by demonstrated competency, as evaluated at the LEA level;
(b) assessment as proctored and determined at the school or school level;
(c) review of student work or projects by an LEA administrator; and
(d) satisfaction of electronic or correspondence coursework, as approved at the LEA level.
(4) An LEA may require documentation of compliance with Section 53G-6-204 before reviewing a student's home school or competency work, assessment, or materials.
(5) An LEA policy for participation in extracurricular activities, awards, recognitions, and enhanced diplomas may be determined locally consistent with the law and this rule.
(6) An LEA has the final decision-making authority for the awarding of credit and grades from a non-accredited source consistent with state law, due process, and this rule.
(7) An LEA may award a grade for original credit through the packet method if:
(a) the packet adheres to the following criteria:
(i) it fully covers the course standards;
(ii) it includes adequate opportunities for practice and application;
(iii) it includes a variety of assessments; and
(iv) it is consistent with Section 53E-3-501; and
(b) the LEA approves the packet for use as an instructional material in accordance with:
(i) Subsection 53G-4-402(27) for a district school; or
(ii) Section 53G-5-404 for a charter school; or
(c) the Board recommends the packet after going through the state instructional materials process described in Title 53E, Chapter 4, Part 4, State Instructional Materials.
(8) Packets for original credit are not "Demonstrated Competence" as defined in Subsection R277-705-2(2).
(9) An LEA may not use the packet method, or classify a packet as original credit, to improve a previous course grade of a high school student as described in Subsection (9).
(10) A high school student may improve a grade through grade replacement by:
(a) repeating a course one or more times; or
(b) enrolling in and completing a comparable course that is teacher-led.
(11) The Board shall:
(a) ensure that packets that come to the Board for review adhere to the following criteria:
(i) the packet fully covers the course standards;
(ii) the packet contains adequate opportunities for practice and application;
(iii) the packet includes a variety of assessments; and
(iv) is consistent with Section 53E-3-501; and

(b) maintain a comprehensive list of Board approved packets in the Board 's Recommended Instructional Materials System on the Board's website; and

(c) report annually to the Education Interim Committee the number of students in each LEA who receive academic credit through the packet method.

(12) An LEA shall:

(a) assign a distinct course name and number for credit earned through the packet method to easily identify the use of the packet method on a student transcript; and

(b) track and record the number of packets an LEA uses to award original credit or replacement credit each school year.

(13) Subsection R277-705-3(11)(b), regarding a report on the packet method, is repealed July 1, 2028.

(14) Beginning in the 2027-2028 school year, in accordance with Section 53E-4-209, an LEA shall offer and administer statewide test-out options for core classes.

(15) An LEA shall award credit to a student who demonstrates proficiency through a statewide test-out option for a core class established under Section 53E-4-209.

(16) An LEA shall record credit earned through a statewide test-out option for a core class on a student's transcript in accordance with Board rules.

(17) A statewide test-out option for a core class established under Section 53E-4-209 is distinct from locally determined demonstrated competence under Subsection R277-705-2(4).

(18) An LEA may not substitute a locally developed assessment for a statewide test-out option required under Section 53E-4-209.

R277-705-4. Diplomas and Certificates of Completion.

(1) An LEA shall award diplomas and certificates of completion.

(2) An LEA shall establish criteria for a student to earn a certificate of completion that may be awarded to a student who:

(a) has completed the student's senior year;

(b) is exiting or aging out of the school system; and

(c) has not met all state or LEA requirements for a diploma.

(3) A student with a disability served by a special education program shall satisfy high school completion or graduation criteria, consistent with state and federal law and the student's IEP.

(4) An LEA may award a student a certificate of completion consistent with state and federal law and the student's IEP or Section 504 plan.

(5) An LEA may not enroll a student with the intent to award a diploma or a certificate of completion once the student has earned a high school equivalence.

R277-705-5. Alternate Diploma.

(1) An LEA may award an alternate diploma to a student with the most significant cognitive disability if:

(a) the student accesses grade-level Core standards through the Essential Elements;

(b) the student's IEP team makes graduation substitutions in the same content area, from a list of alternative courses approved by the Superintendent; and

(c) the student meets all graduation requirements before exiting school at or before age 22.

(2) An alternate diploma issued in accordance with Subsection (1) may not indicate that the recipient is a student with a disability.

(3) Notwithstanding the award of an alternate diploma, an LEA may still be obligated to provide FAPE to an eligible student in accordance with the IDEA.

(4)(a) The Superintendent shall provide a list of alternative courses that may be considered for student with cognitive disabilities working to receive an alternate diploma.

(b) An LEA may submit courses to the Superintendent to be considered for possible inclusion on the list required by Subsection (4)(a).

(c) The Superintendent shall annually update the list of alternative courses required under Subsection (4)(a) following review of LEA recommendations made under Subsection (4)(b).

R277-705-6. Career Development Credentials.

(1) An LEA may award a career development credential to a student with an IEP or Section 504 plan:

(a) who meets the requirements of a career focused work experience before leaving school; and

(b) consistent with:

(i) state and federal law; and

(ii) the student's IEP or Section 504 plan.

(2) Before receiving a career development credential, a student shall:

(a) earn the following credits in core content:

(i) English Language Arts (3.0);

(ii) Mathematics (2.0);

(iii) Science (1.0); and

(iv) Social Studies (1.0);

(b) complete 120 hours of community based work experience, to include:

(i) 40 hours of paid employment; or

(ii) documentation of completion of intake with a vocal rehabilitation counselor or the Department of Workforce Services;
(c) complete an LEA approved transition curriculum class or coursework that includes:
(i) disability awareness;
(ii) accommodations;
(iii) self-advocacy training;
(iv) career exploration; and
(v) workplace soft skills;
(d) receive .5 credits in a CTE Work Based Learning internship, including accommodations or modifications as appropriate and allowed by industry standards; and
(e) verify concentration in a CTE pathway in the student's area of interest.

R277-705-7. Adult Education Students.
(1) An adult education student is eligible only for an adult education secondary diploma.
(2) An adult education diploma may not be upgraded or changed to a traditional, high school-specific diploma.
(3) A school district shall establish a policy:
(a) allowing or disallowing adult education student participation in graduation activities or ceremonies; and
(b) establishing timelines and criteria for satisfying adult education graduation and diploma requirements.

R277-705-8. Student Rights and Responsibilities Related to Graduation, Transcripts, and Receipt of Diplomas.
(1) An LEA shall supervise the granting of credit and awarding of diplomas, but may delegate the responsibility to schools within the LEA.
(2) An LEA may determine criteria for a student's participation in graduation activities, honors, and exercises, independent of a student's receipt of a diploma or certificate of completion.
(3) A diploma, a certificate, credits, or an unofficial transcript may not be withheld from a student for nonpayment of school fees.
(4)(a) An LEA shall establish a consistent timeline for all students for completion of graduation requirements.
(b) A timeline described in Subsection (4)(a) shall be consistent with state law and this rule.
(5) An LEA's graduation requirements may not apply retroactively.

KEY: adult education, high school credits, graduation requirements
Date of Last Change: [~~March 1,~~] 2026
Notice of Continuation: November 15, 2022
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(b); 53E-3-401(4)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58068**
Rule or section number:	**R277-726**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-726. Statewide Online Education Program

B. Purpose of the new rule or reason for the change:
The amendments are needed as a result of public comment that the rule requirements were unclear and repetitive.

C. Summary of the new rule or change:
The amendments specifically revise definitions and eliminate language that is duplicative of existing code requirements. This rule also removes the oversight "Category 4".

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The rule changes revise definitions and eliminate duplicative language from existing code requirements but do not add any duties or responsibilities for the Utah State Board of Education (USBE) or any other state entity, and do not have any fiscal impact on the USBE.
B. Local governments:
This rule change is not expected to have fiscal impacts on local governments' revenues or expenditures. The structural funding allocations for the Statewide Online Education Program (SOEP) continue to operate on a per-credit basis where funds follow the student, meaning these textual changes generate no direct net dollar gains or losses for local school districts or charter schools. However, the amendments introduce two key operational alterations that yield qualitative administrative efficiencies: First, extending the required response window for a Course Credit Acknowledgment (CCA) in the SEATS system to three business days (new Subsection R277-726-5(5)) from the previous rigid 24-business-hour standard, and Second, striking the highly prescriptive, multi-agency joint committee workflows and timelines for Section 504 and IEP management (old Section R277-726-8). While Local Education Agencies (LEAs) must still comply with overarching federal Individuals with Disabilities Education Act (IDEA) and Section 504 regulations, removing these redundant state-rule-specific logistical mandates eliminates prescriptive local administrative steps. Because these adjustments change local tracking workflows rather than changing net public education funding distribution, the incremental fiscal impact is none.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the USBE and LEAs.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**

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

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures, SOEP providers, or the USBE, or any other persons.

The structural funding allocations for the SOEP continue to operate on a per-credit basis where funds follow the student, meaning these textual changes generate no direct net dollar gains or losses for local school districts or charter schools.

However, the amendments introduce two key operational alterations that yield qualitative administrative efficiencies:
First, extending the required response window for a CCA in SEATS to three business days (new Subsection R277-726-5(5)) from the previous rigid 24-business-hour standard, and
Second, striking the highly prescriptive, multi-agency joint committee workflows and timelines for Section 504 and IEP management (old Section R277-726-8).

While LEAs must still comply with overarching federal IDEA and Section 504 regulations, removing these redundant state-rule-specific logistical mandates eliminates prescriptive local administrative steps.

Because these adjustments change local tracking workflows rather than changing net public education funding distribution, the incremental fiscal impact is none.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

This rule change is not expected to have fiscal impacts on local governments' revenues or expenditures, SOEP providers, or the USBE, or any other persons.

The structural funding allocations for the SOEP continue to operate on a per-credit basis where funds follow the student, meaning these textual changes generate no direct net dollar gains or losses for local school districts or charter schools.

However, the amendments introduce two key operational alterations that yield qualitative administrative efficiencies:
First, extending the required response window for a CCA in SEATS to three business days (new Subsection R277-726-5(5)) from the previous rigid 24-business-hour standard, and
Second, striking the highly prescriptive, multi-agency joint committee workflows and timelines for Section 504 and IEP management (old Section R277-726-8).

While LEAs must still comply with overarching federal IDEA and Section 504 regulations, removing these redundant state-rule-specific logistical mandates eliminates prescriptive local administrative steps.

Because these adjustments change local tracking workflows rather than changing net public education funding distribution, the incremental fiscal impact is none.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0

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

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Section 53F-4-510	Section 53F-4-514
Section 53E-3-401		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-726. Statewide Online Education Program.
R277-726-1. 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) Section 53F-4-502, which created the program to enable eligible students, through publicly funded online courses, to:

(i) earn college credit by July 1, 2025;

(ii) earn high school graduation credit; and

(iii) earn middle school credit;

(c) Section 53F-4-514, which requires the Board to make rules:

(i) providing for the administration of the applicable statewide assessments to students enrolled in online courses;

(ii) [~~that establish~~]establishing a course credit acknowledgment form and procedures for completing and submitting the form to the Board; and

(iii) [~~that establish~~]establishing protocols for an online course provider to obtain approval to become an authorized or certified online course provider; and

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

(2) The purpose of this rule is to:

(a) define necessary terms;

(b) provide and describe a program registration agreement; and

(c) provide other requirements for an LEA, the Superintendent, a parent and a student, and an authorized online course provider for program implementation and accountability.

[~~(3) This Rule R277-726 is categorized as Category 4 as described in Rule R277-111.~~]

R277-726-2. Definitions.

(1) "Active participation" means, for purposes of an initial funding distribution described in Section 53F-4-505, that during the 20 day period allowed for withdrawal at the beginning of a [~~semester-length~~]course[~~, or a quarter length course when taken in isolation~~], a student has:

(a) logged into the course one or more times;

(b) submitted one or more graded assignments; and

(c) not requested to withdraw.

(2) "Administrative withdrawal" means a student was withdrawn due to a violation of an online provider's standard of active participation.

[~~(2) "Applicable statewide assessments" means:~~

~~(a) the high school assessment described in Section 53E-4-304 and Subsection R277-404-2(7);~~

~~(b) a standards assessment as defined in Section 53E-4-303; and~~

~~(c) a Utah alternative assessment as defined in Rule R277-404.~~

~~(3) "Approved absence" means an absence permitted in accordance with Subsection 53G-6-803(5).~~

~~(4) "Authorized online provider" or "provider" means the same as the term is defined in Section 53F-4-501.~~]

([~~5~~]3)(a) "Certified online course provider" or "certified online provider" means the same as the term is defined in Section 53F-4-501.

(b) After approval, a "certified online provider" shall hereinafter be referred to as an "online provider."

([~~6~~]4) "Confirm" means that a provider certifies[~~:~~

~~(a)~~] that a student has met the criteria outlined in Subsection (1) for active participation[~~; and~~

~~(b) that the provider acknowledges an obligation to the Board or a primary LEA for related accountability mandates associated with the student and the student's course of instruction~~].

(5) "Core code" means a USIMS identifier used to identify each subject and grade level.

(6) "Constructive approval" means approval by the Superintendent of a student in accordance with Section 53F-4-508 where a primary LEA fails to respond to enrollment request within 24 business hours.

(7) "Course completion" means that a student has completed a course with a passing grade and the online provider has transmitted the course title, course code, grade, and credit to the primary LEA and the Superintendent.

(8) "Course Credit Acknowledgment" or "CCA" means [~~an agreement and registration record that:~~

~~(a) uses the Statewide Online Education Program application provided by the Superintendent; and~~

~~(b) except as provided in Section 53F-4-508, is signed by the designee of the primary school, and the qualified provider.~~]a contract between an online provider and a primary LEA, which formalizes the outsourcing of instructional services for a student.

(9) "Day of census" means the school day immediately following the expiration of the 20 school days allowed for a student to withdraw from an SOEP course.

(10) "Disciplinary withdrawal" means [~~that:~~

~~(a) a student was administratively withdrawn from an online course for disciplinary reasons; and~~

~~(b) the student, counselor, and parents were notified.~~]withdrawal of a student by an online provider as a result of a violation of the online provider's code of conduct.

[~~(11) "Effective Date" means that, notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a delayed effective date that the Board is required to provide after the school year has ended for changes in administrative rule related to the Statewide Online Education Program, as described in Subsection 53F-4-514(1).~~]

([~~12~~]11)(a) "Eligible student" means the same as the term is defined in Section 53F-4-501[~~.~~]; and

(b) [~~A~~]a student up to the age of 19 [~~in an adult education program may be an "eligible student" if the student re-enrolls in a public or private secondary school before the student's cohort's date of graduation~~]whose high school cohort has not graduated, including students residing in temporary care through a state-licensed group care facility, and enrolling through a district of residence.

[~~(c) "Eligible student" does not include:~~

~~(i) a student receiving a scholarship under Title 53F, Chapter 6, Part 4, Utah Fits All Scholarship Program;~~

~~(ii) a student attending a private school; or~~

~~(iii) a student participating in the Utah Private Course Choice Empowerment program under Section 53F-5-501.~~

~~(13) "Executed CCA" means a CCA that has been executed pursuant to Subsection 53F-4-508(3) resulting in the issuance of a notice of enrollment.~~]

([~~14~~]12) "Fee" means the same as the term is defined in Rule R277-407.

([~~15~~]13) "High school" means the same as the term is defined in Section 53F-4-501.

([~~16~~]14) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

([~~17~~]15) "Learner validated enrollment measures" means measures for establishing attendance and participation in online coursework every ten days, which shall include:

[~~(a) required periodic contact with a teacher of record through means applicable to an online environment, such as:~~

~~(i) asynchronous discussion boards;~~

~~(ii) emails; or~~

~~(iii) scheduled synchronous meetings;~~

~~(b) one or more mandatory measures chosen by a provider from the following:~~

~~(i) a minimum frequency of student logins every five or ten days;~~

~~(ii) student work submitted within required timeline for the student to provide completed assignments, coursework, or to have made progress toward academic goals;~~

~~(iii) routinely completed student assignments demonstrating acceptable progress toward timely completion; or otherwise meeting established pacing guidelines; or~~

~~(iv) additional measures selected for display in a dashboard communicating student progress to a counselor.~~]

(a) logging into a course one or more times; and

(b) submitting one or more graded assignments.

([~~18~~]16) "Loss of eligibility" means that a change in circumstances caused a student to lose program eligibility[~~, resulting in the student being administratively withdrawn from a course~~].

([~~19~~]17) "Middle school" means the same as the term is defined in Section 53F-4-501.

([~~20)(a~~]18) "Notice of enrollment" means a certification [~~issued~~]by the Superintendent allowing an online provider to begin instruction, [~~indicating that a student~~]which indicates that:

([~~i~~]a) a student completed registration procedures;

([~~ii~~]b) [~~was accepted to participate by a provider~~]an online provider accepted the course request, and acknowledged accountability to the Board and the student's primary LEA for the student's course instruction; and

[~~(iii) received actual or statutory approval from a primary LEA, or the Superintendent, for a home school student.~~]

(c) a student's primary LEA or the Superintendent accepted the course request, acknowledging financial responsibility.

[~~(b) A "notice of enrollment" enables a provider to initiate instruction based on:~~

~~(i) for a public school student, the primary LEA's acknowledgment of financial responsibility; or~~

~~(ii) for a home school student, the Superintendent's acknowledgment of financial responsibility.~~]

([~~21~~]19) "Online course" means the same as the term is defined in Section 53F-4-501[~~ regardless of whether the student participates in the online course at home, at a school, at another location, or in any combination of these settings~~].

[~~(22) "Online course payment" means the amount of funds withheld from a student's primary LEA and disbursed, or otherwise paid to the designated provider following satisfaction of the requirements of the law, and as directed in Subsection 53F-4-507(2) and Section 53F-4-518.~~]

(20) "Online provider" means the same as the term is defined in Section 53F-4-501.

[~~(23) "Participation" means that a student continues to satisfy learner validated enrollment measures following confirmation.~~]

([~~24~~]21) "Primary LEA" means[~~:~~

~~(a) the LEA reporting the student to be in regular membership, and special education membership, if applicable; and~~

~~(b) the LEA in which an eligible student is enrolled.~~] the LEA in which an eligible student is enrolled and receives membership-based funding.

([~~25~~]22) "Primary school[~~ of enrollment" or "primary school~~]" means:

(a) a student's school of record within a primary LEA;

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

(c) the school responsible for providing a student access to facilities, technology, internet, and other non-instructional amenities required by membership-related funding derived from the minimum school program, and other local, state, and federal funding streams.[~~; and~~

~~(d) the school responsible for oversight and implementation of the student's educational requirements under the Individuals with Disabilities Education Act.~~

~~(26) "Resident school" means the district school within whose attendance boundaries the student's custodial parent or legal guardian resides.~~]

([~~27~~]23) "School" means the same as the term is defined in Rule R277-100.

([~~28~~]24) "Section 504" means Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794.

(25) "Small school" means a public school with a student population of less than 1,000 students and at least one student enrolled in grades 9-12.

([~~29~~]26) "Standard of active participation" means[~~:~~

~~(a) the established measures of student engagement, selected from a menu of Board-approved learner validated enrollment measures, used by an authorized online course provider to count a student in attendance and participation at least once every ten school days for a course consistent with Section R277-419-5;~~

~~(b) a written policy:~~

~~(i) articulating evidence of student participation contained in a learning management system and used by an authorized online course provider to qualify to receive payment as provided in Subsection 53F-4-505(4); and~~

~~(ii) used to monitor program outcomes and program financial compliance in accordance with Rule R277-114.~~] a written policy that includes the learner validated enrollment measures used to monitor program outcomes and program financial compliance in accordance with Rule R277-114.

([~~24~~]27) "Statewide Online Education Program" [~~or "SOEP"~~]or "program" means the [~~Statewide Online Education Program~~] program created in Section 53F-4-502.

(28) "Student withdrawal" means that a student has requested to withdraw from an online course.

([~~31~~]29) "Teacher of record" means the [~~teacher who is assigned by a provider and to whom students are assigned for purposes of reporting and data submissions to the Superintendent in accordance with Section R277-484-3 and this rule~~]educator assigned by an online provider for instruction, assessment, and oversight of learner activity, progression, interaction with course materials and peers, reporting, and data submissions.

([~~32~~]30) "Underenrolled student" means a student with less than a full course load, as defined by the LEA, during the regular school day at the student's primary school.

([~~33~~]31) "Unexcused absence" means an absence [~~charged to a student when the student, without prior authorization, does not meet required participation criteria and fails to respond to outreach, resulting in administrative withdrawal from a course~~]recorded when a student fails to meet participation requirements and the parent or student does not respond to outreach, resulting in an administrative withdrawal.

[~~(34) "USBE course code" means a code for a designated subject matter course assigned by the Superintendent.~~

~~(35) "Withdrawal from online course" means that a student requests to withdraw from an online course as follows:~~

~~(a) within 20 school calendar days of the start date for a semester-length course, if the student enrolls on or before the start date;~~

~~(b) within 20 school calendar days of enrolling in a semester-length course, if the student enrolls after the start date; or~~

~~(c) within ten school calendar days after the start date or enrollment in a quarter-length course.~~]

[~~R277-726-3. Course Credit Acknowledgment (CCA) Process.~~

~~(1) A student, a student's parent, a counselor, or a provider may initiate a CCA.~~

~~(2)(a) A counselor designated by a student's primary school shall review the student's CCA to ensure consistency with:~~

~~(i) graduation requirements;~~

~~(ii) the student's plan for college and career readiness;~~

~~(iii) scheduling; and~~

~~(iv) requirements for course replacement under Rule R277-717.~~

~~(b) The primary school, the primary LEA and an online course provider shall respond to the CCA using forms and processes provided by the Superintendent within 24 business hours.~~

~~(3)(a) The primary school is not required to meet with the student or parent for approval of a course request.~~

~~(b) The primary school shall consider an online request to constitute a simultaneous request to drop a duplicated physical course in favor of the online course.~~

~~(4) Following the issuance of a notice of enrollment, the primary school may work with a student to request that an online course be dropped within the times outlined for withdrawal from a course in Subsection R277-726-2(35).~~

~~(5) If an eligible student has an IEP or Section 504 plan, the eligible student's primary LEA shall provide or facilitate enrollment by:~~

~~(a) forwarding a copy of the relevant portions of the eligible student's existing IEP or Section 504 accommodation plan to the authorized online course provider in accordance with federal law and regulations;~~

~~(b) ensuring the eligible student's IEP team and the authorized online course provider review a course enrollment for compliance with Subsection (1);~~

~~(c) coordinating additional IEP team reviews, as necessary, with the authorized online course provider to ensure appropriate services, supports and accommodations are in place for the eligible student; and~~

~~(d) considering the authorized online course provider in an eligible student's IEP revisions.~~

~~(6) Once a student's enrollment and active participation are confirmed, the Superintendent shall direct funds to the provider, consistent with Sections 53F-4-505 through 53F-4-507, and Section 53F-4-518.~~

~~R277-726-4. Eligible Student and Parent Rights and Responsibilities.~~

~~(1)(a) An eligible student may register for program credits consistent with Section 53F-4-503 and this rule.~~

~~(b) Notwithstanding Subsection (1)(a), an eligible student in grades 6 through 8 may not register for Health I or Health II without written approval from a counselor at the student's primary school transmitted to an online provider before acceptance of a request for enrollment.~~

~~(2) An eligible student may exceed a full course load during a regular school year if:~~

~~(a) the student's plan for college and career readiness indicates that the student intends to complete high school graduation requirements and exit high school before the rest of the student's high school cohort; or~~

~~(b) the student's local school board or charter school governing board has a policy that allows students to enroll in additional courses.~~

~~(3) Only original credit may be funded through the program.~~

~~(4)(a) An eligible student is expected to complete courses in which the student enrolls in a timely manner consistent with Section 53F-4-505 and requirements for attendance and participation in accordance with Subsection R277-726-7(15) and Subsection R277-726-2(17).~~

~~(b) If a student changes the student's enrollment in the student's primary LEA or withdraws from an online course for any reason, it is the student's or student's parent's responsibility to notify the online course provider immediately.~~

~~(5) A student shall enroll in online courses, or declare an intention to enroll, during the school course registration period designated by the primary LEA or primary school for regular course registration, provided the student's LEA notifies students of the opportunity to enroll in the program as described in Section 53F-4-513.~~

~~(6)(a) A student may alter a course schedule by dropping a physical course and adding an online course in accordance with the primary school's same established deadline for dropping and adding physical courses.~~

~~(b) A student may enroll in a course outside of the primary school's established deadline for dropping and adding physical courses if the student is not seeking to alter a course schedule by dropping a physical course and adding an online course but is instead seeking to add courses above full-time enrollment consistent with an approved plan for early graduation.~~

~~(7) Notwithstanding Subsection (5), an underenrolled student may enroll in an online course at any time during a calendar year.~~

~~(8)(a) An authorized online course provider shall reasonably accommodate a request of a student's parent to visit and observe any class the student attends, including allowing appropriate access to digital systems of course delivery, as required in Section 53G-6-803.~~

~~(b) An authorized online course provider shall reasonably accommodate and record an excused absence at the request of a student's parent as an "approved absence" as described in Subsection 53G-6-803(5) if:~~

~~(i) the parent submits a written statement at least one school day before the scheduled absence; and~~

~~(ii) the student agrees to make up coursework for school days missed for the scheduled absence in accordance with LEA policy.~~

~~R277-726-5. LEA Requirements and Responsibilities.~~

~~(1) A primary school shall facilitate student enrollment with any eligible online provider selected by an eligible student consistent with course credit limits.~~

~~(2) An eligible student may only take six online credits per academic year unless:~~

~~(a) the primary school agrees that more credits better meets the academic needs of the student in accordance with Section 53F-4-502; or~~

~~(b) the Superintendent approves additional credits for the student.~~

~~(3) The sum of program and physical credits may not exceed full-time enrollment unless a plan for early graduation is reflected in a student's records.~~

~~(4) A primary school and a primary LEA shall use the CCA application, records, and processes provided by the Superintendent.~~

~~(5) In accordance with Subsection 53F-4-509(5), if a student enrolled in a program course intends to graduate early and exceeds a full course load during a regular school year, the student's primary LEA may mark the student as an early graduate and increase membership in accordance with Section R277-419-6, Section R277-700-6 and Rule R277-484 to account for credits in excess of full-time enrollment in the LEA's student information system.~~

~~(6) A primary school or primary LEA shall provide information about available online courses and programs:~~

~~(a) in registration materials;~~

~~(b) on the LEA's website; and~~

~~(c) on the school's website.~~

~~(7) A primary LEA may not require a student to participate in onsite or in-person courses to:~~

~~(a) access sports, facilities, or student honors; or~~

~~(b) meet special education service needs.~~

~~(8) To facilitate enrollment as required by Section 53F-4-513, a primary school or primary LEA shall provide the information required under Subsection (6) concurrent with the high school course registration period designated by the primary LEA for the upcoming school year.~~

~~(9) A primary school:~~

~~(a) shall include a student's online courses in the student's schedule and enrollment records;~~

~~(b) may increase membership to account for SOEP credits for students with documented early graduation plans; and~~

~~(c) upon course completion, shall include online course grades and credits on the student's transcript, including high school coursework completed before grade 9 using course title and core codes for purposes of high school graduation.~~

~~(10) A primary school shall determine fee waiver eligibility for participating public school students pursuant to Rule R277-407.~~

~~(11)(a) If a participating student qualifies for a fee waiver, the student's primary LEA or primary school shall provide the participating student access to an online course by:~~

~~(i) allowing a student access to necessary technology within the school building during the regular school day for the student to participate in an online course; or~~

~~(ii) providing a participating student with the technology and Wi-Fi needed for the student to participate outside of the school building.~~

~~(b) If a participating student who qualifies for a fee waiver is a home school student, the online course provider shall provide the participating home school student access to the online course.~~

~~(13) Where participating students access program courses using LEA-owned and managed devices, the primary LEA shall configure devices so the participating students may form a separate user account or otherwise allow access to online course provider materials using credentials supplied by an online course provider.~~

~~(14)(a) During the regular school day, a primary school shall provide participating students access to facilities for the student to participate in an online course;~~

~~(b) A primary school may not restrict a participating student from leadership opportunities, sports, extracurricular and co-curricular activities, counseling, graduation, honors, activities, amenities, and other non-instructional services offered to students generally on the basis of the student's participation in SOEP courses or on the basis of relative levels of participation in physical courses versus program courses.~~

~~(15)(a) A primary LEA shall record course completions conferring high school credit in a student's record of credit and course completion for grade 9 to allow recognition toward grades 9-12, and high school graduation requirements.~~

~~(b) A primary LEA accepting credit toward high school requirements is not required to independently verify:~~

~~(i) early graduation status; or~~

~~(ii) that high school courses taken through the program did not replace middle school courses for a student.~~

~~(16) When a student satisfactorily completes an online semester or quarter course:~~

~~(a) for high school credit, in accordance with the LEA's procedures, a designated counselor or registrar at the primary school shall forward records of grades and high school graduation credit, listing core codes for each completed course; or~~

~~(b) for a student participating in the program in grades 6 through 8, the primary LEA for grade 9 shall record grades and credit per Subsection (15) once the student completes grade 8.~~

~~(17) For participating high school seniors, a primary school shall inform students requiring SOEP credit for graduation of the course completion deadlines necessary to facilitate official transcript receipt before verification for graduation.~~

~~R277-726-6. Superintendent Requirements and Responsibilities.~~

~~(1) The Superintendent shall provide a website for the program, including information required under Section 53F-4-512 and other information as determined by the Superintendent.~~

~~(2) On or before January 31, 2026, the Superintendent shall create a centralized option, which shares the following information from the primary LEA's SIS with a selected provider for an enrolled student:~~

~~(a) transcripts;~~

~~(b) current IEP or Section 504 accommodation plan; and~~

~~(c) other necessary accommodations and services.~~

~~(3) The Superintendent shall direct a provider to administer the Utah standards and high school assessments, as applicable, consistent with Section 53F-4-514 and Rule R277-404.~~

~~(4)(a) The Superintendent shall prepare and make available applications and program agreements for authorized online course providers.~~

~~(b) The Superintendent shall review each application within a reasonable amount of time and may invite prospective providers for interviews or further discussions of qualifications to clarify outstanding issues.~~

~~(c) A provider authorized by the Superintendent by June 30 will begin service July 1 of the following year to allow preparation of fall or summer enrollment in the subsequent academic year.~~

~~(5)(a) With the exception of the requirements of Subsection 53F-5-514(2), the Superintendent may determine space availability standards and appropriate course load standards for online courses consistent with Subsection 53F-4-512(3)(g).~~

~~(b) Course load standards may differ based on subject matter.~~

~~(6) Before approving a provider, consistent with Section 53F-4-504, the Superintendent shall:~~

~~(a) review Annual Financial Reports and state-administered test data to establish capacity of a program to serve an increased range of students while still meeting program requirements;~~

~~(b) disclose problematic findings to the applicant and the Board; and~~

~~(c) verify that a non-LEA prospective provider:~~

~~(i) has a student information system that is compatible with UTREx and USIMS;~~

~~(ii) is a 501(c)(3) non-profit entity;~~

~~(iii) demonstrates data security and privacy compliance capacity, consistent with FERPA, through submission of a report selected by the Superintendent or developed by the American International Society of Certified Public Accountants to evaluate data security controls and assess organizational safeguards in place to protect sensitive data;~~

~~(iv) provides a description of the applicant's academic service experience offering general insight into the entity's:~~

~~(A) familiarity with education broadly;~~

~~(B) competency in instruction;~~

~~(C) academic philosophy; and~~

~~(v) meets other requirements identified by the Superintendent to establish the capacity of the provider to act as an LEA for purposes of program participation.~~

~~(7) The Superintendent may restrict a provider from offering coursework if the Superintendent determines that the provider demonstrates repeated low performance on statewide assessments in English Language Arts, math, or science.~~

~~(8) The Superintendent shall withhold funds from a primary LEA and pay an online course provider consistent with Sections 53F-4-505 through 53F-4-507, and Section 53F-4-518.~~

~~(9) The Superintendent may refuse to provide funds if the Superintendent finds that information has been submitted fraudulently or in violation of the law or Board rule by any of the parties to a CCA.~~

~~(10) The Superintendent shall receive and investigate complaints, and impose sanctions, if appropriate, regarding course integrity, financial mismanagement, enrollment fraud or inaccuracy, or violations of the law or this rule specific to the requirements and provisions of the program.~~

~~(11) If a Superintendent or federal entity's investigation finds that a provider has violated the IDEA or Section 504 provisions for a student taking online courses, the provider shall compensate the student's primary LEA for costs related to compliance.~~

~~(12) The Superintendent may monitor an LEA or online course provider for compliance with any requirement of state or federal law or Board rule under the program.~~

~~(13) The Superintendent may withhold funds from a program provider for failure to comply with a reasonable request for records or information.~~

~~(14) The Superintendent shall withhold online course payment from a primary LEA and payments to a provider at the nearest monthly transfer of funds, subject to verification of information, in an amount consistent with, and when a provider qualifies to receive payment, under Subsections 53F-4-505(4), 53F-4-507(3)(b) and 53F-4-508(2)(b).~~

~~(15) The Superintendent shall pay a provider consistent with Minimum School Program funding transfer schedules.~~

~~(16) Upon request from a primary LEA, the Superintendent shall provide an itemized report, by student and course enrolled, showing deductions described in Subsection 53F-4-508(2).~~

~~(17)(a) The Superintendent may make decisions on questions or issues unresolved by Title 53F, Chapter 4, Part 5, Statewide Online Education Program or this rule on a case-by-case basis.~~

~~(b) The Superintendent shall report decisions described in Subsection (a) to the Board consistent with the purposes of the law and this rule.~~

~~(18) In accordance with Title 53E, Chapter 4, Academic Standards, Assessments, and Materials, the Superintendent shall establish criteria for an authorized online course provider to submit for approval of an online course that does not have an existing Board course code.~~

~~(19) The Superintendent may advise an eligible student regarding how an online course meets state graduation requirements.~~

~~(20) The Superintendent shall direct an eligible student to a counselor at the student's primary school for advice regarding:~~

~~(a) whether an online course meets LEA or school-specific graduation requirements; and~~

~~(b) all other counseling services.~~

~~(21) The Superintendent shall create a model cooperative agreement between a primary LEA and an authorized online course provider to be used when the primary LEA determines IEP services with costs are best provided by an authorized online course provider.~~

~~(22) The Superintendent shall organize and conduct annual mandatory training for relevant staff at a primary LEA that addresses program requirements, including:~~

~~(a) reporting requirements and methods;~~

~~(b) uses of resources and tools to ensure adequate monitoring of an eligible student's progress;~~

~~(c) federal and state requirements for accommodating enrollments that involve special education;~~

~~(d) appropriate circumstances and methodologies for reducing an eligible student's schedule; and~~

~~(e) other necessary components as determined by the Superintendent.~~

~~(23) The Superintendent shall create a communication dashboard for the program that includes:~~

~~(a) a counselor contact list that is accessible to an authorized online course provider; and~~

~~(b) progress monitoring fields containing:~~

~~(i) grades and progress;~~

~~(ii) flags for a student that is at risk of failing an online course; and~~

~~(iii) other information as determined by the Superintendent.~~

~~(24) The dashboard described in Subsection (23) shall be accessible to an eligible student's:~~

~~(a) primary LEA;~~

~~(b) school counselor;~~

~~(c) authorized online course provider; and~~

~~(d) parent.~~

~~R277-726-7. Provider Requirements and Responsibilities.~~

~~(1)(a) A provider shall administer the applicable statewide assessments to a participating home school student as directed by the Superintendent, including proctoring the applicable statewide assessments, consistent with Section 53F-4-510 and Rule R277-404.~~

~~(b) A provider is responsible for administrative and proctoring costs and planning for the applicable statewide assessments described in Subsection (1)(a).~~

~~(2) A provider shall:~~

~~(a) establish a procedure that a student or parent may complete online to excuse the student from statewide assessments as described in Subsection 53G-6-803(9); and~~

~~(b) record and maintain a choice to opt a student out of a statewide assessment in a manner prescribed by the Superintendent.~~

~~(3) A provider shall provide a parent or a student with email and telephone contacts for the provider during regular business hours to facilitate parent contact.~~

~~(4) A provider and any third party working with a provider shall satisfy Board requirements for:~~

~~(a) consistency with core standards as described in Sections 53F-4-514 and 53E-6-201;~~

~~(b) criminal background checks for employees consistent with Title 53G, Chapter 11, Part 4, Background Checks;~~

~~(c) documentation of student enrollment and participation consistent with a standard of active participation on record with the Superintendent; and~~

~~(d) compliance with:~~

~~(i) the IDEA;~~

~~(ii) Section 504; and~~

~~(iii) requirements for multilingual students.~~

~~(5) A provider shall receive payments for a student properly enrolled in the program from the Superintendent consistent with:~~

~~(a) Board procedures;~~

~~(b) Board timelines; and~~

~~(c) Sections 53F-4-505 through 53F-4-508, Section 53F-4-518, and Board rule.~~

~~(6)(a) A provider may charge a fee consistent with other secondary schools and in accordance with Title 53G, Chapter 7, Part 5, Student Fees, and Rule R277-407.~~

~~(b) If a provider intends to charge a fee of any kind, the provider:~~

~~(i) shall notify the primary school with whom the provider has the CCA of the purpose for fees and amounts of fees;~~

~~(ii) shall provide timely notice to a parent of required fees and fee waiver opportunities;~~

~~(iii) shall post fees on the provider website and disclose fees in course notes provided to the Superintendent as part of the provider's annual submission of course lists;~~

~~(iv) shall provide materials for a student who qualifies for fee waivers;~~

~~(v) shall satisfy the requirements of Rule R277-407, as applicable; and~~

~~(vi) shall provide fee waivers to a home school student who meets fee waiver eligibility at the provider's expense.~~

~~(7) A provider shall maintain a student's records and comply with the federal Family Educational Rights and Privacy Act, Title 53E, Chapter 9, Part 3, Student Data Protection, and Rule R277-487, including:~~

~~(a) protecting the confidentiality of a student's records and providing a parent and an eligible student access to records; and~~

~~(b) providing a parent or student timely documentation of and access to evidence and records of educational performance, including:~~

~~(i) test scores;~~

~~(ii) grades;~~

~~(iii) progress and performance measures; and~~

~~(iv) completion of credit.~~

~~(8) Except as otherwise provided in this rule, a provider shall, using processes and applications provided by the Superintendent within five business days following the 20 school day statutory period allowed for student withdrawal:~~

~~(a) confirm that a student is participating in a course; or~~

~~(b) record a student's lack of participation.~~

~~(9) Following confirmation of a student's active participation, a provider shall:~~

~~(a) routinely update SOEP enrolment and tracking system records and local records stored in the provider's SIS to reflect continuing student participation as determined by student credit accruals and to maintain parity across data storage and reporting tools;~~

~~(b) submit a student's credit and grade to the Superintendent by enrolling the student, per UTREx specifications, in an appropriately marked course with a start date within the provider's school calendar;~~

~~(c) provide for each included course:~~

~~(i) the core code;~~

~~(ii) a local section code;~~

~~(iii) teacher of record information; and~~

~~(iv) as necessary, the unique title a provider utilizes to identify a course to a designated counselor or registrar at the primary school, and the student's parent; and~~

~~(d) complete the submissions required under Subsection (9)(c) and submit official transcripts of grade and credit for each .25, .5, or greater credit earned by a student by a secure means to the student's parent and the primary LEA by the earlier of:~~

~~(i) 30 days after a student satisfactorily completes an online semester or quarter course; or~~

~~(ii) by June 30 annually.~~

~~(10) A provider shall provide an official transcript to a student's parent and primary school:~~

~~(a) no later than June 30 for students in grades 6-11; or~~

~~(b) within the reasonably requested timeline of a primary school for a student in grade 12.~~

~~(11) A provider may not withhold a student's credits, grades, or transcripts from the student, parent, or the student's primary school for any reason.~~

~~(12)(a) If a provider suspends or expels a student from an online course for disciplinary reasons, the provider shall notify the student's primary LEA by placing the student on disciplinary withdrawal.~~

~~(b) A provider is responsible for due process procedures for student disciplinary actions in the provider's program.~~

~~(c)(i) A provider shall notify a student, parent, and a counselor at the student's primary school of if the provider intends to administratively withdraw the student, as a result of the student being inactive in a course for more than ten days.~~

~~(ii) If a student, parent, or counselor fails to request reinstatement following notification under Subsection (c)(i), the provider shall formally withdraw the student within five school days by changing the status of the course to administrative withdrawal, which will automatically notify the student, parent, and primary LEA of the action.~~

~~(13) If a student entitled to services under the IDEA is removed from an online course, the primary LEA shall work with the student and the student's parents to identify alternatives to provide a free and appropriate public education.~~

~~(14)(a) A provider shall provide to the Superintendent a list of course options using USBE-provided course codes.~~

~~(b) A provider shall update the provider's course offerings by March 1 annually.~~

~~(c) If a course may reference mature subject matter, a provider shall attach a disclaimer to the course description that states, "This course may contain mature content and may not be suitable for students of all ages."~~

~~(15) A provider shall serve a student on a first-come-first-served basis.~~

~~(16) A provider shall maintain and provide records and systems as part of a public online school or program, including:~~

~~(a) financial and enrollment records;~~

~~(b) information for accountability, program monitoring, and audit purposes;~~

~~(c) timely documentation of student participation, enrollment, and educator credentials; and~~

~~(d) records of services provided through third parties.~~

~~(17) A provider shall maintain the following for at least five calendar years after the student graduates:~~

~~(a) test scores;~~

~~(b) student grades;~~

~~(c) completion of credit; and~~

~~(d) other progress and performance measures.~~

~~(18)(a) A provider is responsible for complete and timely submissions of record changes to executed CCAs and submission of other reports and records as required by the Superintendent.~~

~~(b) A provider shall update CCAs to the nearest credit value earned by June 30 annually.~~

~~(c) A provider may only maintain an CCA open after June 30 if a student remains actively engaged in coursework, meeting the provider's standard of active participation.~~

~~(19) A provider shall inform a student and the student's parent of travel expectations to fulfill course requirements or participate in statewide assessments, before the start of the course.~~

~~(20)(a) An LEA may participate in the program as a provider by offering a school or program consistent with Rule R277-115 to a Utah student in grades 6-12 who is not a resident student of the LEA and a regularly-enrolled student of the LEA consistent with Sections 53F-4-501 and 53F-4-503.~~

~~(b) An LEA program created in accordance with Subsection (20)(a) for serving students in grades 9-12 online must partner with an accredited school and shall:~~

~~(i) report grades and credit earned by a student to the Superintendent; and~~

~~(ii) record educator assignments consistent with Rule R277-484.~~

~~(21) A program school or program shall:~~

~~(a) be accredited consistent with Rule R277-410;~~

~~(b) have a designated administrator who meets the requirements of Rule R277-309;~~

~~(c) ensure that a student who qualifies for a fee waiver receives services offered by and through the public schools consistent with Section 53G-7-504 and Rule R277-407;~~

~~(d) maintain student records consistent with:~~

~~(i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and 34 CFR Part 99;~~

~~(ii) Rule R277-487;~~

~~(iii) this rule; and~~

~~(e) shall offer course work:~~

~~(i) aligned with Utah Core standards as described in Sections 53E-4-202, 53F-4-505, and 53F-4-514;~~

~~(ii) in accordance with program requirements; and~~

~~(iii) in accordance with Rules R277-700 and R277-404;~~

~~(f) may not issue transcripts under the name of a third-party provider; and~~

~~(g) shall record teaching assignments in CACTUS or USIMS by October 13 annually consistent with Rule R277-484 and Section R277-312-3.~~

~~(22) An LEA that offers an online program or school as a provider under the program:~~

~~(a) shall employ only educators licensed in Utah as teachers;~~

~~(b) may not employ an individual whose educator license has been suspended or revoked;~~

~~(c) shall require employees to meet requirements of Title 53G, Chapter 11, Part 4, Background Checks, before offering services to a student;~~

~~(d) may only employ teachers who meet the requirements of Section 53E-6-201, Section 53F-4-504, and Rule R277-309;~~

~~(e) shall agree to administer and, before approval as an authorized online course provider, have the capacity to proctor, and carry out the applicable statewide assessments, consistent with Sections 53E-4-302, 53F-2-103, and Rule R277-404;~~

~~(f) in accordance with Section R277-726-8, shall provide services to a student consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights Act of 1964 for multilingual students;~~

~~(g) shall submit CCAs to the Superintendent before the provider initiates instruction of a student; and~~

~~(h) may not begin instruction until the Superintendent issues a notice of enrollment.~~

~~(23) A provider shall prominently post required information on the provider's website.~~

~~(24) A provider shall develop a written monitoring plan to supervise any third-party providing educational services to a student to ensure:~~

~~(a) the third-party provider complies with:~~

~~(i) federal law;~~

~~(ii) state law; and~~

~~(iii) Board rules;~~

~~(b) the third-party provider understands that it is under an obligation to provide appropriate services to students;~~

~~(c) the third-party provider provides the provider with access to curriculum for alignment and adjustment to ensure the curriculum is consistent with the Utah core standards in Rule R277-700 and a Board approved core code; and~~

~~(d) compliance with the provider's administrative records retention schedule.~~

~~(25) A provider shall establish contractual and procedural safeguards with any third-party, through which the provider retains legal and procedural authority to open coursework to a participating student only upon issuance of a notice of enrollment by the Superintendent.~~

~~(26) A provider shall offer services as outlined in the Statewide Services Agreement, which may be updated or amended to reflect changes in law, rule, policy or recommended practice.~~

~~(27) A provider is not required to independently verify:~~

~~(a) early graduation status; or~~

~~(b) that high school courses taken through the Statewide Online Education Program did not replace Middle School courses.~~

~~(28) A provider shall adhere to program requirements, including:~~

~~(a) ensuring that all assigned educators are appropriately licensed, endorsed, and aligned with course assignments before providing services to students;~~

~~(b) complying with requirements applicable to an authorized online course provider described in this Rule R277-726, including the requirement to maintain a course completion rate of at least 80% based on the provider's year-end UTREx submission;~~

~~(c) maintaining parity of no more than 5% discrepancy at all points in the school year between the Student Enrollment and Tracking System, "SEATS," or a relevant alternative local student information system, and UTREx; and~~

~~(d) complying with timelines specified in law and rule regarding course acceptance, updating of data systems, and transcript submissions.~~

~~(29) If the Superintendent finds that an authorized online course provider is out of compliance with Subsection (28), the Superintendent shall provide the provider with a list of violations and a reasonable timeline for provider to correct the non-compliance.~~

~~(30) If an authorized online course provider fails to correct a violation identified under Subsection (29) within the time provided, the Superintendent may remove the provider from participation in the program.~~

~~(31) A provider may only offer a course designed for original credit through the program.~~

~~(32) A provider may not offer competency-based awards of credit without a student engaging in a course of digital, teacher-led instruction under the program.~~

~~(33) A provider may not grade a student on a pass-fail basis.~~

~~(34) If a student fails to complete a course of instruction following course confirmation, a provider shall issue a transcript reflecting a grade of Incomplete (I) or No Grade (NG).~~

~~(35) If a student completes a course of instruction but fails to earn a passing grade or refuses an offer to remediate, the provider shall issue the student a failing grade.~~

~~(36) A provider may not encourage a student to withdraw from a course.~~

~~R277-726-8. Students with Disabilities and Other Unique Learning Needs.~~

~~(1) A primary school shall provide an online provider with an existing Section 504 plan for a student enrolling in the program.~~

~~(2)(a) If a student without an existing Section 504 plan wishes to receive services under Section 504 of the Rehabilitation Act of 1973, the student shall make a request with either the student's primary school or a provider.~~

~~(b) Responsibility for ensuring a request is evaluated in accordance with federal law, Utah Code, and Board Rule resides with the student's primary school.~~

~~(c) If a student's request for services is initially directed to a provider, the provider shall immediately contact the 504 coordinator of the student's primary school.~~

~~(d) Under the direction of the primary school, the student's primary school and the provider shall jointly evaluate a student's request under Subsection (1)(a) and determine if the student is eligible for related aids, accommodations, and services under Section 504.~~

~~(e) The provider shall implement the Section 504 plan in accordance with Subsection (1)(d).~~

~~(3) If a student with an existing Section 504 plan for related aids, accommodations, or services requests amendments related to an existing plan for related aids, accommodations, and services:~~

~~(a) the primary school and the provider shall jointly amend the Section 504 plan in accordance with Subsection (4); and~~

~~(b) the provider shall implement the Section 504 plan and provide related aids, accommodations, and services to the student in accordance with the student's Section 504 plan.~~

~~(4) To prepare or amend a 504 plan for related aids, accommodations, and services, the committee evaluating the student shall:~~

~~(a) be drawn jointly from the student's primary school and the provider; and~~

~~(b) include persons knowledgeable about the student, the meaning of the evaluation data, and placement options available in a virtual environment.~~

~~(5) If a student's request for services is initially directed to a provider and a good faith effort at cooperation with the student's primary school is unsuccessful, the provider may determine student eligibility and provide services.~~

~~(6) If a home school student requests services under Section 504, a provider may determine student eligibility, prepare a 504 plan, and provide related aids, accommodations, and services.~~

~~(7) If a student participating in the program qualifies to receive services under the IDEA:~~

~~(a) the student's primary LEA of enrollment shall:~~

~~(i) forward a copy of an existing IEP or relevant sections to a provider within three school days of receiving a notice of enrollment;~~

~~(ii) working with a provider, review and determine implementation of the IEP for the student within a timeline consistent with IDEA requirements;~~

~~(iii) working with a provider revise the IEP with accommodations and services, appropriate for the courses selected by the student;~~

~~(iv) collaborate with a provider to develop digital options if the IEP team has determined that services are best provided in an online environment;~~

~~(v) provide the amended IEP to the provider within three school days; and~~

~~(vi) continue to claim the student in the primary LEA's membership; and~~

~~(b) the provider shall provide special education services and accommodations as required for the student to access the curriculum in accordance with the student's IEP.~~

~~(8) If a home school student requests an evaluation for eligibility to receive special education services:~~

~~(a) the home school student's LEA of residence shall:~~

~~(i) evaluate the student's eligibility for services under the IDEA;~~

~~(ii) if eligible, consider enrolling the student in the primary LEA, which will prepare an IEP for the student, with input from the provider, in accordance with the timelines required by the IDEA;~~

~~(iii) provide the IEP described in Subsection (ii) to the provider within three school days of completion of the student's IEP; and~~

~~(b) the provider shall provide special education services and accommodations to the student in accordance with the student's IEP described in Subsection (a)(i).~~

~~(9)(a) A provider shall administer a home language survey upon initial student registration.~~

~~(b) If a provider suspects that a student qualifies for alternative language services or other Title III services, the provider shall contact the Title III Coordinator at the student's primary LEA or primary school.~~

~~(c) If a student has an individual learning plan, the provider shall implement the plan provided by the student's primary LEA or primary school.~~

~~(10) For a student needing alternative language services, who does not have an individual learning plan:~~

~~(a) the primary LEA or primary school shall identify the need for alternative language services;~~

~~(b) the provider and the primary LEA or primary school shall develop an individual learning plan in cooperation with persons knowledgeable about the student, the meaning of the evaluation data, and the placement options available for the student in a virtual environment, which outlines a student's current level of ability, and identifies specific goals for future attainment, progress, and exit criteria; and~~

~~(c) the primary LEA or primary school shall administer a language instruction Educational Program in which a student learning English is placed for developing and attaining English proficiency.~~

~~R277-726-9. Limited Appropriations for Small Schools.~~

~~(1) "Small school" means, for purposes of this section, a public high school with a student population of less than 1,000 students and at least one student enrolled in grades 9-12.~~

~~(2) The Superintendent shall incentivize SOEP use for small schools through funding available for the purpose based on the demonstrated inability of eligible schools to provide depth and range in:~~

~~(a) Career and Technical Education pathways;~~

~~(b) Advanced Placement and other advanced coursework;~~

~~(c) foundation, applied and advanced courses enabling students to move forward in technology-intensive paths requiring an educator with advanced license or endorsement areas; and established facilities and programs.~~

~~(3)(a) The Superintendent shall determine eligibility using end of year UTREx data from the prior year.~~

~~(b) The Superintendent shall determine funding and distributions, with annual adjustments, based on an assessment of demonstrated inability to provide needed courses due to:~~

~~(i) insufficient student enrollment to justify full course selections;~~

~~(ii) geographic isolation from qualified instructors;~~

~~(iii) limited staff capacity to teach courses;~~

~~(iv) financial constraints in hiring qualified educators; or~~

~~(v) other similar factors limiting a school's ability to meet student needs in areas specified in this section.~~

~~(4) The Superintendent shall prioritize funding to eligible schools using the following funding tiers:~~

~~(a) A Tier One school:~~

~~(i) is eligible for Title I funding in the current or previous school year;~~

~~(ii) is located within an area within National Center for Education Statistics locale code of 33 or higher;~~

~~(iii) is located within a school district in a county of the fourth, fifth, or sixth class as described in Section 17-50-501;~~

~~(iv) demonstrates a high average cost of providing educational services relative to larger school districts due to location factors;~~

~~(v) does not serve students online; and~~

~~(vi) is not a specialty, technical, or alternative school.~~

~~(b) A Tier Two School:~~

~~(i) is located within an area within National Center for Education Statistics locale code of 33 or higher;~~

~~(ii) is located within a school district in a county of the fourth, fifth, or sixth class as described in Section 17-50-501;~~

~~(iii) demonstrates a high average cost of providing educational services relative to larger school districts due to location factors;~~

~~(iv) does not serve students online; and~~

~~(v) is not a specialty, technical, or alternative school.~~

~~(c) A Tier Three School:~~

~~(i) is located within a school district in a county of the third, fourth, fifth, or sixth class as described in Section 17-50-501;~~

~~(ii) demonstrates a high average cost of providing educational services relative to larger school districts due to location factors;~~

~~(iii) does not serve students online; and~~

~~(iv) is not a specialty, technical, or alternative school.~~

~~(d) A Tier Four School:~~

~~(i) is operated by the Utah Schools for the Deaf and the Blind.~~

~~(ii) is located within a school district in a county of the fourth, fifth, or sixth class as described in Section 17-50-501;~~

~~(iii) demonstrates a high average cost of providing educational services relative to larger school districts due to location factors;~~

~~(iv) does not serve students online; and~~

~~(v) is not a specialty, technical, or alternative school.~~

~~(e) A Tier Five School:~~

~~(i) is located within an area within National Center for Education Statistics locale code of 33 or higher;~~

~~(ii) does not serve students online; and~~

~~(iii) is not a specialty, technical, or alternative school.~~

~~(f) A Tier Six school is any small school that does not meet the criteria of Tiers One through Five.~~

~~(5)(a) Subject to legislative appropriations, a school designed as Tiers One, Two, or Three will receive a monthly offset to cover course fees deducted from the school's Minimum School Program allocation.~~

~~(b) After May 1 annually, if all obligations to schools under Subsection (5)(a) are met, a school designated as Tiers Four, Five, or Six may receive funds on a prorated basis, by tier, to cover course fees previously deducted from the school's Minimum School Program allocation.~~

~~**R277-726-10. Limited Appropriations for Home School Students.**~~

~~(1) The Superintendent shall allocate the annual appropriation for home school tuition, along with any carryover or unobligated funds.~~

~~(2) The Superintendent shall distribute funds appropriated to the Statewide Online Education Program to support home school students based on the needs of the eligible students.~~

~~**R277-726-11. Other Information.**~~

~~(1) A primary school shall communicate with a provider, where necessary, to set reasonable timelines and standards and shall inform providers of timelines necessary for reporting grades and credit for graduating seniors.~~

~~(2) A provider shall adhere to timelines and standards described in Subsection (1) for student grades and enrollment in online courses for purposes of:~~

~~(a) school awards and honors;~~

~~(b) Utah High School Activities Association participation; and~~

~~(c) high school graduation.~~

~~(3) If a student is at risk of academic failure or at risk of not graduating with the student's graduation cohort, a provider shall utilize automated notices or other means to:~~

~~(a) inform counselors at the student's primary school that the student is at risk of academic or other failure; and~~

~~(b) before quarter 4 of an SOEP student's senior school year, or as soon as possible, inform counselors at the student's primary school that the senior student is at risk of failure.~~

~~**R277-726-12. Certified and Authorized Online Course Provider Application Approval, Program Requirements, and Fees.**~~

~~(1) An entity that does not otherwise meet criteria to be an authorized online course provider may become a certified online course provider as provided in this section.~~

~~(2) An entity shall submit an application on or before the annual deadline established by the Superintendent.~~

~~(3) The Superintendent shall review each application within a reasonable amount of time and may invite prospective providers for interviews.~~

~~(4) The Superintendent shall forward the application to the Board for approval.~~

~~(5) Once approved by the Board, an entity shall become a certified online course provider.~~

~~(6) A certified online course provider shall remit fees to the Superintendent for participation in the program as follows:~~

~~(a) 5% of revenue collected for the first $200,000 received pursuant to Section 53F-4-505; and~~

~~(b) 1% of revenue collected after the first $200,000 received pursuant to Sections 53F-4-505 and 53F-4-514.~~

~~**R277-726-13. Online Concurrent Enrollment.**~~

~~For a student enrolled in a concurrent enrollment course through an SOEP provider, to the extent there is a conflict between this rule and Title 53F, Chapter 4, Part 5, Statewide Online Education Program, and Title 53E, Chapter 10, Part 3, Concurrent Enrollment, the concurrent enrollment code provisions shall govern.~~]

R277-726-3. Superintendent Responsibilities.

(1) The Superintendent shall establish, publish, and provide training on comprehensive policies and procedures to facilitate the effective operation of the program.

(2) The Superintendent shall prepare and make available program applications and program agreements.

(3) An online provider approved by the Superintendent by June 30 shall begin service on July 1 of the following year.

(4) Before approving an online provider, the Superintendent shall:

(a) review annual financial reports and state-administered test data to establish the capacity of a provider to serve students while meeting program requirements;

(b) disclose problematic findings to the applicant and the Board; and

(c) verify that a prospective non-LEA online provider, before certification:

(i) has a student information system that is compatible with UTREx and USIMS;

(ii) is a 501(c)(3) non-profit entity;

(iii) demonstrates data security and privacy compliance consistent with federal and state law through submission of a report selected by the Superintendent or developed by the American Institute of Certified Public Accountants;

(iv) provides a description of the applicant's academic service experience, including:

(A) familiarity with education broadly;

(B) competency in instruction; and

(C) academic philosophy; and

(v) meets other requirements identified by the Superintendent to establish the capacity of the online provider to act as an LEA for purposes of program participation.

(5)(a) With the exception of the requirements of Subsection 53F-4-514(2), the Superintendent may determine space availability standards and appropriate course load standards for online courses consistent with Subsection 53F-4-512(3)(g).

(b) Course load standards may differ based on subject matter.

(6) The Superintendent may restrict an online provider from offering coursework if the online provider has repeatedly demonstrated low performance on statewide assessments in English language arts, mathematics, or science taking into consideration the assessment performance of other districts, charters, and online providers.

(7) The Superintendent may refuse to provide funds to an online provider if information has been submitted fraudulently or in violation of law or Board rule by any party to a course credit acknowledgment.

(8) The Superintendent may withhold funds from an online provider for failure to comply with reasonable requests for records or information.

(9) The Superintendent shall receive and investigate complaints concerning course integrity, financial mismanagement, enrollment fraud or inaccuracies, or violations of law or Board rules, and may impose sanction where appropriate.

(10) If an investigation by the Superintendent or a federal agency finds that an online provider has violated the IDEA or Section 504, the online provider shall compensate the student's primary LEA for costs incurred in achieving compliance.

(11) The Superintendent may monitor an LEA or online provider to ensure compliance with law or rule.

(12) The Superintendent may make decisions regarding unresolved questions or issues arising from Title 53F, Chapter 4, Part 5, Statewide Online Education Program, or Board rule on a case-by-case basis.

R277-726-4. Student Rights and Requirements.

(1) A student shall adhere to the student's primary LEA's established deadlines when dropping a physical course for a program course.

(2) A student may enroll in program courses at any time during the calendar year, if the student is underenrolled.

(3) A student shall immediately notify an online provider of any LEA enrollment changes or withdrawals.

(4)(a) A student is not required to meet with the primary school for approval of a program course request.

(b) A program course request constitutes a simultaneous request to drop any identical physical course, which shall result in automatic substitution by the primary school.

(5)(a) A student may take up to six program credits per academic year unless the student's primary school agrees that more credits better meet the academic needs of the student.

(b) A student may only exceed six program credits where there is an approved early graduation plan or exception allowed under the primary LEA's local policy.

(c) The Superintendent may not fund program credits over full-time enrollment unless:

(i) an approved plan for early graduation is reflected in the student's records; and

(ii) the student's primary LEA has increased membership to account for excess credits.

(6) A student shall complete courses in a timely manner and meet all attendance and participation standards.

(7) A student enrolling in program courses for grade replacement purposes shall follow the procedures outlined in Rule R277-717.

R277-726-5. LEA Responsibilities.

(1) If a program course aligns with a student's college and career plan, an LEA shall assist a student with scheduling the course if:

(a) the student has completed any required prerequisites; and

(b) the course is open for enrollment.

(2) An LEA may not give preference to a specific online provider or LEA online program for a student course request under Subsection (1).

(3) A primary LEA shall include a student's program courses in the student's schedule and enrollment records.

(4) A primary LEA may only receive funding for original credit courses.

(5) A primary LEA shall respond to a course credit acknowledgment in the SEATS within three business days following the Superintendent's established procedures for approval or rejection.

(6)(a) A primary LEA shall determine fee waiver eligibility for participating public school students pursuant to Rule R277-407.

(b) If a student qualifies for a fee waiver, the primary LEA shall provide access to a program course by:

(i) allowing the student access to necessary technology in a computer lab or other space within the school building during a school period or during the regular school day; or

(ii) providing the student the technology and internet access needed for participation outside of the school building.

(7) A primary school shall provide participating students access to facilities necessary to participate in a program course during the regular school day.

(8) If a student uses an LEA device for program courses, the LEA shall configure the device to allow access, including:

(a) creating a separate user account for the student; and

(b) ensuring the device allows access to an online provider's materials using the credentials provided.

(9) A primary school may not restrict a participating student, regardless of the proportion of in-person versus program courses, from:

(a) special education services;

(b) leadership opportunities;

(c) extracurricular activities;

(d) co-curricular activities;

(e) counseling;

(f) graduation participation;

(g) honors and awards;

(h) school activities and events; or

(i) other non-instructional services offered to all students.

(10) A primary LEA shall include program course grades and credits on a student's transcript, including high school coursework completed before grade 9 using course titles and core codes.

(11) A primary LEA shall inform students taking program courses about the course completion deadlines required for graduation.

(12) The primary LEA has sole authority to certify graduation requirements and issue diplomas.

(13) A primary LEA shall provide information about program courses:

(a) in registration materials; and

(b) on school and LEA websites.

R277-726-6. Online Provider Responsibilities.

(1) An online provider shall function as an LEA for purposes of assessment, accountability, and other program requirements when providing program services.

(2) An online provider shall adhere to all program policies and procedures established by the Superintendent.

(3) An online provider shall ensure that third-party program providers comply with all applicable laws and Board rules.

(4) An online provider may not grade on a pass/fail basis or issue transcripts with a pass/fail grade unless a student is participating in a focused graduation pathway consistent with Rule R277-722.

(5) An online provider shall record teaching assignments in USIMS by October 13 annually.

(6) An online provider shall identify educators and a course start date at the time of CCA acceptance, consistent with Sections 53F-4-506 and 53F-4-508.

(7) An online provider may not encourage a student to withdraw from a course and shall retain a record of any student request to withdraw, including content, date, and rationale.

(8)(a) An online provider shall notify a student, parent, and school counselor of the intent to change a CCA to administrative withdrawal due to inactivity exceeding ten days.

(b) If a student, parent, or school counselor fails to request reinstatement following the notification, the online provider shall withdraw the student on the sixth day after the notice is sent by changing the status of the course to administrative withdrawal, which will automatically notify the student, parent, and primary LEA of the action.

(9) By June 30, an online provider shall ensure appropriate closure of each CCA through selection of a SEATS closeout status.

(10)(a) An online provider may charge fees consistent with Title 53G, Chapter 7, Part 5, Student Fees, and Rule R277-407.

(b) If an online provider charges fees, the provider shall:

(i) notify the primary school of the fee purpose and amount;

(ii) provide timely notice to parents of fees and fee waiver opportunities;

(iii) post fees on the provider website and include them in course submissions;

(iv) provide materials for students eligible for fee waiver;

(v) comply with Rule R277-407; and

(vi) provide fee waivers to eligible home school students at the online provider's expense.

R277-726-7. Appropriations for Small Schools.

(1) The Superintendent shall incentivize program use for small schools through funding available for the purpose based on the demonstrated inability of eligible schools to provide depth and range in courses.

(2) The Superintendent shall determine eligibility for small school funding using end-of-year UTREx data from the prior year.

(3) The Superintendent shall determine funding and distributions, with annual adjustments, based on an assessment of demonstrated inability to provide needed courses due to:

(a) insufficient student enrollment to justify full course selections;

(b) geographic isolation from qualified instructors;

(c) limited staff capacity to teach courses;

(d) financial constraints in hiring qualified educators; or

(e) other similar factors limiting a school's ability to meet student needs in areas specified in this section.

R277-726-8. Online Concurrent Enrollment.

The provisions of code shall govern to the extent there is a conflict for a student enrolled in concurrent enrollment through an online provider, if there is a conflict between this rule and:

(1) Title 53F, Chapter 4, Part 5, Statewide Online Education Program; or

(2) Title 53E, Chapter 10, Part 3, Concurrent Enrollment.

KEY: statewide online education program
Date of Last Change: [~~March 10,~~] 2026
Notice of Continuation: January 13, 2022
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-4-510; 53F-4-514; 53E-3-401

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58069**
Rule or section number:	**R277-801**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:

R277-801. Services for Students who are Deaf, Hard of Hearing, Blind, Visually Impaired, and Deaf-Blind

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

The amendments clarify the responsibilities of Local Education Agencies (LEAs) providing services to students who are deaf, hard of hearing, blind, visually impaired, and deaf-blind.

C. Summary of the new rule or change:

The amendments specify that a qualifying student may receive services under the Individuals with Disabilities Education Act (IDEA).

The amendments also clarify the requirements for the Utah Schools for the Deaf and the Blind (USDB) designation as an LEA.

In addition, the amendments update the services provided for qualifying students, including the addition of audiological assessments to the list of services provided to LEAs at no cost.

5. Fiscal Information

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

A. State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures.

The proposed amendments introduce two key changes:
1) they require the USDB and a student's LEA of record to enter into an educational partnership agreement when the USDB is designated as the LEA (Subsection R277-801-4(1)(b)), and
2) they add "audiological assessments" to the list of services that USDB must provide free of charge to all LEAs (Subsection R277-801-6(4)(m)).

As a state-operated entity, the USDB already employs audiologists and maintains the specialized clinical infrastructure to conduct these evaluations. Explicitly adding assessments to the free service list formalizes an operational mandate that the USDB will absorb within its existing legislative line-item appropriations.

Because these provisions do not require additional state-level General Fund appropriations or structural expansions, there are no incremental costs 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. The rule updates impact local school districts and charter schools in two ways: 1) Educational Partnership Agreement: The new requirement to formalize a written partnership agreement with the USDB involves a minor administrative step. Because this document is executed concurrently with routine Individualized Education Program (IEP) placement adjustments, it will be absorbed by existing school split-enrollment and special education staff without adding measurable local costs. 2) Free Audiological Assessments: By requiring the USDB to provide audiological assessments free of charge to every LEA regardless of size, local governments will realize an incremental fiscal savings. Previously, LEAs without internal audiologists had to pay out-of-pocket or contract with external private entities to fulfill these diagnostic testing requirements under the Individuals with Disabilities Education Act (IDEA). A precise aggregate dollar amount for these savings cannot be estimated because it is entirely dependent on dynamic, unpredictable local variables. Specifically, the total savings fluctuate based on the exact number of students requiring an audiological evaluation in any given school year across Utah's 41 school districts and over 100 charter schools, alongside the varying local market rates that individual LEAs would have otherwise paid to third-party diagnostic clinics.
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 administrative rule delineates the institutional roles, service structures, and billing frameworks shared between public school districts, public charter schools, and a state-run special education school (USDB). It contains no regulatory constraints, licensing updates, or compliance changes that apply to private commercial operations. Therefore, it has zero aggregate economic 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. Under federal IDEA regulations, qualifying public education students with sensory disabilities are legally entitled to receive special education services, accommodations, and diagnostic assessments at no cost to their families (Free Appropriate Public Education). Shifting the administrative arrangement and ensuring that USDB performs these audiological assessments without billing local schools alters the internal public accounting stream but does not create any new out-of-pocket costs, fees, or personal financial savings for parents, students, or taxpayers as an aggregate class.
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. Because there are no operational directives or reporting burdens placed upon individual educators, parents, or private citizens by these structural revisions, no single person or individual entity within an affected class faces compliance-related outlays. The incremental individual compliance cost is $0.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Section 53E-8-401

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-801. Services for Students who are Deaf, Hard of Hearing, Blind, Visually Impaired, and Deaf-Blind.
R277-801-1. Authority and Purpose.

(1) This rule is authorized by:

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

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

(c) Section 53E-8-201, which creates USDB, and authorizes USDB to provide services to qualifying students.

(2) The purpose of this rule is to establish rules for LEAs and USDB to provide services to students who are deaf, hard of hearing, blind, visually impaired, and deaf-blind.

R277-801-2. Definitions.

(1) "504 plan" means a plan required by Section 504, which is designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

(2)(a) "Intensive services" means services requiring vision, deaf-blind, or hearing services:

(i) in excess of 180 minutes a day for k-12 or post-high school students; or

(ii) in excess of 90 minutes a day for pre-school students.

(b) "Intensive services" does not include services that are not vision, deaf-blind, or hearing specific.

(3) "Intervener" means a specially trained paraprofessional who provides access to information and communication and facilitates the development of social and emotional well-being for children who are deaf-blind.

(4) "Medicaid time study" means the primary mechanism for identifying and categorizing Medicaid administrative activities performed by an LEA's staff, which serves as the basis for developing claims for the costs of administrative activities that may be properly reimbursed under Medicaid.

(5) "Minimum school program" or "MSP" means the same as that terms is defined in Section 53F-2-102.

(6) "Qualifying student" means a student who is deaf, hard of hearing, blind, visually impaired, or deaf-blind who qualifies for services in accordance with Subsection 53E-8-401(1).

(7) "Section 504" means Section 504 of the Rehabilitation Act of 1973, codified at 29 USC 701, et seq.

(8) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows individual detailed student records to be exchanged electronically among LEAs and the Board, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

(9) "Weighted pupil unit" or "WPU" means the basic per pupil unit used to calculate the amount of state funds for which a school district is eligible.

R277-801-3. Responsibilities of LEAs.

(1)(a) An LEA is the single point of entry for USDB services for qualifying students.

(b) A qualifying student may not enroll in a USDB program without a referral from an LEA.

(c) When evaluating services for a qualifying student, an LEA and the USDB shall consider:

(i) primary disabilities;

(ii) secondary disabilities; and

(iii) other factors, including:

(A) transportation needs; and

(B) length of time the student would spend in transport daily.

(2) Notwithstanding Subsection (1), a qualifying student may enroll directly in USDB if:

(a) the student's previous primary instruction was in American Sign Language; and

(b) USDB's program most closely matches the qualifying student's prior program of instruction.

(3) A qualifying student may receive services under:

(a) <u>the Individuals with Disabilities Education Act (</u>IDEA<u>)</u>;

(b) Section 504; or

(c) a USDB preschool services plan.

(4) An LEA shall annually provide to the Superintendent the name and contact information for any student with vision loss or hearing loss, even if it isn't the student's primary disability.

(5)(a) An LEA has the responsibility for the design and implementation of and IEP or Section 504 plan for qualifying students.

(b) Specific details of required intensive services for a student shall be defined within the student's IEP.

(c) A qualifying student who enrolls in a Utah school district or charter school may be eligible to receive intensive services from sensory specialists employed by USDB, if appropriately designated as specialized instruction or a related services as part of an IEP or Section 504 plan.

(6)(a) An LEA may elect to contract with USDB to provide outreach services.

(b) An LEA may employ their own sensory specialists to meet the IEP or 504 plan needs of qualifying students.

(7)(a) An LEA is responsible for the development of a qualifying student's IEP, including any assessments necessary for initial placement.

(b) Notwithstanding Subsection (7)(a), an LEA may not commit USDB to provide services to qualifying students unless USDB has participated in the IEP.

(c)(i) An LEA and USDB shall consider least restrictive environment, as well as intensive services needs of a qualifying student in determining an appropriate placement.

(ii) In the case of deaf or hard of hearing students, an IEP team should consider the opportunity for a student to have direct communication with teachers and peers.

(8) Notwithstanding Subsection (7), if a qualifying student enrolls directly with USDB in accordance with Subsection (2), USDB shall develop the student's IEP, including any assessments necessary for initial placement.

(9) If an LEA is working with USDB staff:

(a) the LEA shall provide internet access and technical support to permit USDB staff to access the internet through technology and hardware;

(b) the LEA and USDB technology staff will jointly determine procedures to ensure access to LEA technology systems; and

(c) USDB shall provide and maintain all needed hardware and software provided to USDB staff.

(10) An LEA shall provide an assistive technology device a student if the assistive technology device is required for the implementation of the student's IEP.

R277-801-4. Designation of USDB as an LEA.

(1)(a) In order to meet the educational needs of qualifying students, an IEP team may enroll a qualifying student in a USDB program and may designate USDB as the LEA for the qualifying student.

(b) When USDB is designated as the LEA, USDB and the student's LEA of record shall enter into an educational partnership agreement consistent with Subsection 53E-8-201(2)(b).

[~~(b)~~](c) If USDB is designated as the LEA under Subsection (1)(a), the USDB program shall be treated as a placement option within the LEA continuum, and the referring LEA staff shall continue to attend IEP meetings.

(2)(a) If USDB is designated as a qualifying student's LEA, USDB is responsible from that point on for the design and implementation of the student's IEP, 504 Plan, or USDB preschool service plan.

(b) USDB shall provide all special education and related services and costs documented in an IEP for a qualifying student described in Subsection (2)(a).

(c) USDB may request consultation from the referring LEA for the design of services that are required by the student beyond the student's sensory needs.

R277-801-5. Correlation of Responsibilities.

(1) For qualifying students currently enrolled with an LEA and receiving services through USDB outreach programs, an LEA will provide a list of students and their IEP due dates for the upcoming school year to USDB no later than June 30 annually.

(2) An LEA shall invite USDB staff to attend IEP or 504 plan meetings for qualifying students, including meetings for:

(a) students transitioning from Part C to Part B;

(b) students moving from out-of-state; and

(c) students transferring between LEAs.

(3)(a) For qualifying students enrolled in an LEA and receiving no services from USDB, an LEA shall invite USDB to attend any meeting where USDB services may be considered for that student.

(b) If a change of placement is considered, both the referring LEA and USDB will participate and establish a timeline to ensure a successful transition for the student.

(4) IEP or 504 plan meetings shall be at a mutually agreed upon time and location, with appropriate notification to all parties.

(5)(a) The Board and USDB shall provide ongoing interpreter training toward certification and mentoring for all interpreters, as requested by individual LEAs.

(b) Training provided under Subsection (5)(a) shall provide certified interpreters with the opportunity to improve skills and move up to a higher level of certification.

(c) An LEA may contract with USDB to provide interpreter services for students attending the LEA or an LEA school where a USDB extension classroom is located.

(6)(a) Each LEA, including USDB as the designated LEA, is responsible for ensuring the timely provision of textbooks and material as required by the IDEA.

(b) The Board shall annually provide information to LEAs regarding the costs of accessible materials in the state.

R277-801-6. Services for Qualifying Students.

(1) If a qualifying student is enrolled with USDB as the designated LEA:

(a) USDB shall include the qualifying student in all Board-required enrollment reports including:

(i) fall enrollment counts;

(ii) the child count of students with disabilities; and

(iii) the end-of-year enrollment report;

(b) Any agreements between the referring LEA and USDB shall be documented as part of a written agreement, which shall be reviewed at least annually;

(c)(i) A qualifying student's IEP team shall determine the student's transportation needs;

(ii) USDB shall provide transportation as a related service in an IEP or if required to implement a 504 plan; and

(iii) A referring LEA shall combine resources with USDB, when possible, to provide within-LEA transportation;

(d)(i) USDB shall annually administer all Board-required assessments.

(ii) USDB may provide alternate tests in accordance with a student's IEP and state law; and

(e) USDB shall develop and implement all programs, policies, and procedures required of an LEA by the Board and state law.

(2) If a qualifying student attends USDB extension classrooms located within an LEA:

(a) the student shall be enrolled in the general education program of the LEA school the student is attending;

(b) the LEA school shall be designated as the "school of record" for the student;

(c) the student shall be included by the LEA school or district in all required reports and uploads to UTREx;

(d) the student shall be counted in the LEA school or district total enrollment, and will be included in the calculation of all funding formulas, including Weighted Pupil Units and Minimum School Program;

(e) the student shall receive access to LEA programs and services consistent with their IEP or 504 plan, consistent with services available to other students enrolled in the student's school;

(f) the student may not be enrolled in the special education program of the LEA school the student is attending;

(g) USDB shall ensure the student receives a free appropriate public education;

(h) USDB shall ensure the student receives all special education and related services, including interpreting services, as required on the student's IEP or 504 plan;

(i) the LEA school shall generate general education funding or WPU for the student;

(j) USDB shall receive federal IDEA funding in accordance with USDB's legislative line item funding;

(k) the LEA school shall receive no state or federal special education funding for the student;

(l)(i) USDB shall provide transportation for the student as a related service when it is included in an IEP.

(ii) an LEA school shall combine resources with USDB, when possible, to provide within-LEA transportation; and

(m) an LEA school and USDB shall jointly ensure that any portable classrooms have access to intercom and phone service.

(3) If a qualifying student receives USDB outreach or consulting services:

(a) the student shall be enrolled in the general and special education programs of the LEA school the student attends;

(b) the LEA shall include the student in the calculation of state special education and IDEA funds for the school district or charter school; and

(c) USDB may not submit the students to UTREx and may not receive state or federal special education funding.

(4) USDB shall provide the following services free of charge to every LEA, regardless of size, exclusive of additional related services:

(a) Educational Resource Center resources, including loaner equipment;

(b) USIMAC materials;

(c) interpreter training;

(d) professional development;

(e) expanded core curriculum;

(f) enrichment programs and activities;

(g) consultations;

(h) psychological assessments for the deaf and the blind;

(i) speech assessments for deaf students;

(j) behavioral intervention and supports;

(k) deaf-blind specialists;[~~ and~~]

(l) deaf-blind interveners[~~.~~]; and

(m) audiological assessments.

(5) USDB may offer to provide the following other services to LEAs for deaf, blind, and deaf-blind qualifying students, exclusive of additional related services:

(a) Teachers of the Blind and Visually Impaired or "TVI;"

(b) Orientation and Mobility or "O&M;"

(c) educational and assistive technology;

(d) vision screenings;

(e) low vision support and evaluations;

(f) extended school year services in accordance with Rule R277-751;

(g) teachers for the deaf and hard of hearing;

(h) audiological services; and

(i) American Sign Language-English interpreters.

(6) An LEA may contract with USDB to provide services for students.

(a) An LEA and USDB shall sign contracts before initiation of services.

(b) An LEA shall make payments in two installments, in January and June.

(c) The Board may assist USDB in collection of outstanding balances upon request.

(7) An LEA and USDB may contract for services beyond those specified in this Rule R277-801.

(8) Notwithstanding this Section R277-801-6, USDB shall maintain all funded outreach services offered to each LEA, as of the 2024-2025 school year.

(9)(a) USDB may participate in Medicaid time studies for services provided directly by USDB.

(b) An LEA may not include services provided directly by USDB in the LEA's Medicaid time studies.

(c) If an LEA contracts with USDB for payable services, an LEA shall include those services in the LEA's Medicaid time study.

KEY: deaf, blind, students, services
Date of Last Change: 2026[~~June 9, 2025~~]
Notice of Continuation: March 12, 2022
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-8-401

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58070**
Rule or section number:	**R277-911**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:

R277-911. Secondary Career and Technical Education

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

The amendments are a result of the passage of HB 1 during the 2026 General Session.

C. Summary of the new rule or change:

The amendments update the Weighted Pupil Unit (WPU) provisions for career and technical education programs to address eligibility for Career and Technical Education center funding.

The amendments make several specific changes, including:
1) Moving the funding guidelines for College and Career Awareness into the "Added Cost Funds" section of this rule. Local Education Agencies (LEAs) may now use these funds for middle school course equipment and supplies, subject to strict new guardrails that prohibit spending on personnel, teacher personal use, or social activities.

2) Removing the standalone disbursement section for Career and Technical Education (CTE) Leadership Organization funds. Instead, the definition and list of approved organizations have been moved to the general definitions section.

3) Removing the strict requirement that technical centers must provide a separate facility from an existing high school and employ a separate full-time CTE administrator. Technical centers may now include comprehensive high schools and serve as regional hubs.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 1 (2026 General Session)

5. Fiscal Information

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

A. State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures.

The rule change is due to the passage of HB 1 (2026).

The Utah State Board of Education (USBE) believes that any fiscal impacts were captured in the fiscal note for HB 1 (2026).
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The rule change is due to the passage of HB 1 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note for HB 1 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. The rule change is due to the passage of HB 1 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note for HB 1 (2026).
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 change is due to the passage of HB 1 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note for HB 1 (2026).
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. The rule change is due to the passage of HB 1 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note for HB 1 (2026).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**

State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Section 53E-3-507	Section 53F-2-311
Section 53G-6-708		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-911. Secondary Career and Technical Education.
R277-911-1. 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-3-507, which allows the Board to establish minimum standards for Career and Technical Education (CTE)[~~CTE~~] programs in the public education system; and

(d) Section[~~s~~] 53F-2-311, which directs the Board to distribute specific amounts and percentages for specific Career and Technical Education (CTE) programs and facilitate administration of various programs.

(2) This rule establishes standards and procedures for an LEA to qualify for funds administered by the Board for CTE programs in the public education system.

R277-911-2. Definitions.

(1) "Added instructional costs," "add-on funds," or "CTE add-on funds" means program expenses beyond those normally encountered at the secondary level resulting from higher program operations, maintenance, and improvement expenses and may not include:

(a) direct charges that would otherwise be incurred by the LEA if CTE programs were not offered;

(b) direct charges required by other non-CTE state or federal programs, rules or laws;

(c) charges that have been submitted as part of the LEA's indirect cost rate calculation; and

(d) charges that are used to supplant other LEA funding sources.

(2) "Advisory committee" means a group of individuals working in the occupational area which provides industry feedback for each state funded and approved CTE program at the State, LEA, or regional level.

(3) "Aggregate CTE membership" means the sum of all days in membership during a school year for:

(a) the student;

(b) the course;

(c) the program;

(d) the school;

(e) the LEA; or

(f) the state.

(4) "Approved program" means a program annually approved by the Board through the consent calendar process that meets or exceeds the state program standards or outcomes for career and technical education programs.

(5) "Career and technical education" or "CTE" means organized educational programs that:

(a) prepare students for a wide range of high-skill, high-demand or emerging careers;

(b) provide all students with a seamless education system from public education to postsecondary education, driven by a Plan for College and Career Readiness as defined in Rule R277-462; and

(c) provide students competency-based instruction, hands-on experiences, and certified occupational skills, culminating in meaningful employment.

(6) "Comprehensive high school" means an accredited district school providing a range of courses and offerings including diverse academics, career and technical education, and extracurricular activities from which students can graduate.

[~~(6)~~](7) "CTE career cluster" means approved CTE programs with related knowledge and skills organized into industry sectors.

(8) "CTE leadership organization" means a qualifying organization that is nationally and state chartered by March 15 annually, which may include:

(a) SkillsUSA;

(b) DECA;

(c) FFA;

(d) HOSA - Future Health Professionals;

(e) FBLA - Future Business Leaders of America;

(f) FCCLA;

(g) TSA (Technology Student Association); and

(h) Other organizations that may be approved by the Superintendent.

[~~(7)~~](9) "CTE pathway" means a planned sequence of courses within a program of study structured to assure strong academic and technical preparation while connecting high school course work including:

(a) concurrent enrollment opportunities to employment beyond high school; and

(b) other postsecondary options, including:

(i) on-the-job training;

(ii) certification opportunities; and

(iii) two- and four-year college degrees.

[~~(8)~~](10) "Course" means an individual CTE class structured by state[-] approved core codes and standards which may require one or two periods for up to one year and may be completed by demonstrated competencies or by course completion.

[~~(9)~~](11) "Maintenance of Effort" or "MOE" means the expenditure plan outlined in Subsection R277-911-4(1).

[~~(10)~~](12) "Pathway completion" means a student has met all course and credit requirements of a CTE pathway and is on track to graduate from high school.

[~~(11)~~](13) "Program" means a structured sequence or combination of CTE courses within a CTE pathway and cluster that provides the competencies needed for specific certifications, job placement, or continued postsecondary training.

[~~(12)~~](14) "School District Technical Center" means a career and technical education center that meets the requirements in Section R277-911-7[~~ and is not~~], which may include a comprehensive high school and serves as a hub for a minimum of three high schools or is one high school serving a minimum of two additional high schools within the same LEA.

[~~(13)~~](15) "Skill certification" or "competency attainment" means a verification of industry standard knowledge and skills including both state or nationally approved program certifications and is an integral part of a CTE program.

[~~(14)~~](16) "Spend Plan" means an application submitted to the USBE requesting the use of local CTE carryforward funds as described in Section R277-911-4.

[~~(15)~~](17) "Summer Agriculture Program" means a teacher or college intern supervised, intensive, individualized educational experience that is the practical application of instructional competencies in agriculture education.

[~~(16)~~](18) "Weighted pupil unit" or "WPU" means the same as the term is defined in Subsection 53F-2-102(5).

[~~(17)~~](19) "Work-based learning" or "WBL" means the same as the term is defined in Section R277-915-2.

R277-911-3. CTE Program Approval and LEA CTE Program Annual Review or Initial Application Review.

(1) The Superintendent shall forward to the Board a comprehensive list of proposed secondary CTE programs for the Board to approve as the approved programs.

(2) The Superintendent shall determine if a secondary CTE program offering shall be forwarded to the Board based upon needs in a specific area including:

(a) a program need supported by data, including:
(i) local, regional, state, and federal workforce projections;
(ii) State level advisory committee recommendations for a program or program update in the related program area;
(iii) a need for new or updated technical training and marketable job skills for the related program area; or
(iv) a need related to an industry upgrade or upskill specifications to keep a program current or relevant; and
(b) new or emerging economic need with occupational opportunities for a student in a program area with clear competencies.
(3) An LEA shall qualify for a funding disbursement pursuant to Section 53F-2-311 and this rule only for approved programs and subsequently be subject to the requirements for an annual review or application as described in Subsection (5).
(4) An LEA that implements an approved program and applies for a funding disbursement shall provide all necessary materials required by the Superintendent to conduct an annual review or initial application review by May 1.
(5) The annual review or initial application review shall include:
(a) the LEA's Plan for College and Career Readiness consistent with Sections 53E-2-304 and R277-462-5;
(b) the LEA's results of an annual placement survey for grade 12 CTE pathway concentrators from the prior school year;
(c) adherence to current industry standards for each implemented CTE program including a demonstration of the industry standards being reflected in:
(i) available resources for the program; and
(ii) program instructional materials including:
(A) textbooks;
(B) reference materials; and
(C) additional media.
(d) a demonstration the LEA:
(i) used curricula and instruction that is directly related to business and industry validated competencies;
(ii) provided approved certification opportunities for students enrolled in each CTE program to verify successful completion of competencies;
(iii) provided instruction in proper and safe use of equipment required within each CTE program and maintained a local safety plan;
(iv) provided and safely maintained equipment and facilities, consistent with the validated competencies identified in:
(A) the instruction standard for the CTE program;
(B) state risk management; and
(C) other applicable state and federal laws;
(v) employed instructional staff in each CTE program that:
(A) holds a valid Utah teaching licenses with appropriate endorsements pursuant to Rule R277-301 for the CTE program; and
(B) maintains technical and professional skills current through professional learning, business and industry partnerships to ensure that students are provided current industry standard programs.
(vi) conducted a local needs assessment with stakeholder engagement;
(vii) performed an annual CTE program self-evaluation by the CTE director;
(viii) conducted CTE programs consistent with Board policies and state and federal laws pertaining to CTE program access that prohibit discrimination as required by law; and
(ix) established an active advisory committee to inform CTE programs annually as described in Subsection (6); and
(e) any other requirements identified by the Superintendent.
(6) An LEA implementing an approved program shall:
(a) create an advisory committee that includes education and industry stakeholders which may serve several LEAs or a region; or
(b) utilize an existing advisory committee created by an LEA that is implementing an approved CTE program.
(7) An advisory committee described in Subsection (6) shall review and make recommendations to an LEA that is implementing an approved CTE program regarding:
(a) program offerings;
(b) quality of programs;
(c) equipment needs; and
(d) work-based learning opportunities.
(8) An LEA may make the LEA's CTE leadership opportunities available through Career and Technical Student Organization (CTSOs) for each career cluster offered by the LEA.

R277-911-4. Disbursement and Expenditure of CTE Funds -- General Standards for Qualification.
(1) To be eligible for any funding disbursement pursuant to Section 53F-2-311 and this rule, an LEA shall first expend for an approved CTE program, an amount equivalent to the regular WPU for students in the approved CTE programs, grades 9 through 12, based on prior year aggregate membership in funded CTE programs, multiplied by the current year WPU value and minus the amount for:
(a) college and career awareness;
(b) work-based learning; and
(c) school counseling.
(2) An LEA shall expend the amount required in Subsection (1) to remain eligible for a funding disbursement for approved programs in grades 9 through 12.
(3) Expenses charged to state CTE add-on funds must use the unrestricted indirect cost rate and be directly related to approved CTE programs.

R277-911-5. Disbursement of Funds -- Administrative WPUs for School Districts and Charter Schools.

(1) Except as provided for in Subsection (3), pursuant to Subsection 53F-2-311(3)(a), the Superintendent shall distribute 20 WPUs to a school district for costs associated with the administration of a CTE program.

(2) To qualify for an administrative WPU disbursement, an LEA shall:

(a) employ a minimum one-half time CTE director; and

(b) place the administrative assignment for CTE in the educator licensing system.

(3) Except as provided for in Subsection (10) and pursuant to Subsection 53F-2-311(3)(a), the Superintendent shall distribute 25 WPUs to a school district that consolidates CTE administrative services with one or more other school districts.

(4) To qualify for the consolidated CTE administrative WPU disbursement described in Subsection (3), the school district consolidating the administrative services shall employ a full-time CTE director.

(5) The Superintendent shall distribute 25 WPUs to a single charter school acting as fiscal agent, to provide CTE administrative services.

(6) To [~~quality~~]qualify for the administrative WPU described in Subsection (5), a charter school shall:

(a) provide CTE administrative services to a group of at least 10, but not more than 15, charter schools offering approved CTE programs to students in grades 9 through 12; and

(b) if the charter school services 11 through 15 charter schools the Superintendent shall distribute an additional five administrative WPUs for each charter school up to 25 additional administrative WPUs.

(7) To qualify for the charter school administrative WPU described in Subsection (6), the charter school acting as fiscal agent shall employ a full-time CTE director.

(8) An LEA receiving additional WPUs under Subsection (3) or (6) shall annually submit to the Superintendent a memorandum of understanding with each partnering LEA, which shall include:

(a) a scope of work to be performed by the full-time CTE director for each LEA involved;

(b) provisions for sharing data under the agreement, including provisions for protecting the privacy of student education records under FERPA 20 USC 1232g;

(c) maintenance of effort requirements; and

(d) other information as directed by the Superintendent.

(9) The Superintendent may withhold funds from an LEA for failure to submit a memorandum of understanding as required by Subsection (8).

(10) The Superintendent shall distribute 10 WPUs to a small school district consisting only of necessarily existent small high schools as described in Section 53F-2-304, where multi-district CTE administration described in Subsection (3) is not feasible.

(11) To qualify for the administrative WPU described in Subsection (10) a small school district shall assign a CTE director to a minimum of part-time CTE program administration.

(12) To qualify for any administrative WPUs as provided in Subsections (1) through (11) an LEA shall ensure a CTE director:

(a) hold requirements for a School Leadership License Area of Concentration described in Rule R277-301;

(b) have an endorsement in at least one career and technical area listed in Subsection R277-309-4(8)(a); and

(c) one of the following:

(i) have four years of experience as a full-time career and technical educator; or

(ii) complete a prescribed professional development program provided by the Superintendent within a period of two years following board appointment as an LEA CTE director.

R277-911-6. Disbursement of Funds -- High School WPUs.

(1) Pursuant to Subsection 53F-2-311(3)(b), the Superintendent shall allocate funds to each high school offering approved CTE programs as described in this section.

(2) The Superintendent shall distribute 10 WPUs to an LEA for each high school that:

(a) conducts approved programs in a minimum of two CTE career cluster areas;

(b) conducts a minimum of six different state approved CTE courses including at least the ability to concentrate in two CTE pathways and complete one pathway; and

(c) has at least one approved career and technical student leadership organization that aligns with the pathways offered by the LEA.

(3) The Superintendent shall distribute 15 WPUs to an LEA for each high school that:

(a) conducts approved programs in a minimum of three CTE career cluster areas.

(b) conducts a minimum of nine different state approved CTE courses including at least the ability to concentrate in three CTE pathways and complete one pathway; and

(c) has at least one approved CTE student leadership organizations that aligns with a pathway offered by the LEA.

(4) The Superintendent shall distribute 20 WPUs to an LEA for each high school that:

(a) conducts approved programs in a minimum of four CTE career cluster areas.

(b) conducts a minimum of 12 different state approved CTE courses including at least the ability to concentrate in four CTE pathways and complete two pathways; and

(c) has at least two approved CTE student leadership organizations that align with the pathways offered by the LEA.

(5) The Superintendent shall distribute 25 WPUs to an LEA for each high school that:

(a) conducts approved programs in a minimum of five CTE career cluster areas.

(b) conducts a minimum of 15 different state approved CTE courses including the ability to concentrate in at least five CTE pathways and complete three pathways; and

(c) has at least three approved CTE student leadership organizations that align with the pathways offered by the LEA.

(6) A maximum of one alternative high school per LEA may qualify for funds under this section.

(7) Exceptions for advanced pathway completion requirements may be approved annually for an LEA that has a sponsorship or partnership with a degree granting public higher education institution by the Superintendent through specific contractual agreements.

(8) Programs and courses provided through school district technical centers may not receive funding under this section.

R277-911-7. Disbursement of Funds -- School District Technical Centers.

(1) Pursuant to Subsection 53F-2-311(3)(c), the Superintendent shall disburse 40 WPUs to a school district operating an approved school district technical center.

(2) Except as provided in Subsection (4), to qualify for the school district technical center WPU disbursement, the school district[~~, schools~~] shall:

[~~(a) provide at least one facility other than an existing high school as a designated school district technical center;~~

~~(b) employ a full-time CTE administrator for the center in addition to the district CTE director;~~]

[~~(c)~~](a) enroll a minimum of 400 students grades 9 through 12 in the school district technical center courses;

[~~(d)~~](b) prevent unwarranted duplication by the school district technical center of courses offered in existing high schools, and partnering higher education institutions;

[~~(e)~~](c) centralize high-cost programs in the school district technical center;

[~~(f)~~](d) conduct approved programs in a minimum of five CTE career cluster areas;

[~~(g)~~](e) conduct a minimum of 15 different state approved CTE concentrator and completer courses; and

[~~(h)~~](f) submit verification of all requirements stated in this section annually or as requested to the Superintendent.

(3) A school district that serves 18,000 students or more in grades 9-12 may qualify for up to two school district technical center locations through an application process prescribed by the Superintendent.

(4) To qualify for the school district technical center WPU disbursement, a school district serving rural and necessarily existent small schools, as described in Section 53F-2-304 shall:

[~~(a) provide at least one facility other than an existing high school as a designated school district technical center;~~

~~(b) employ a full-time CTE administrator for the center in addition to the district CTE director;~~]

(a) determine the administrative structure for the career and technical education center, which may or may not include a separate administrator;

[~~(c)~~](b) enroll a minimum of 300 students in the school district technical center courses;

[~~(d)~~](c) prevent unwarranted duplication by the school district technical center of courses offered in existing high schools, and partnering higher education institutions;

[~~(e)~~](d) centralize high-cost programs in the school district technical center;

[~~(f)~~](e) conduct approved programs in a minimum of four CTE career cluster areas;

[~~(g)~~](f) conduct a minimum of 12 different state approved CTE concentrator and completer courses; and

[~~(h)~~](g) submit verification of all requirements stated in this section annually and as requested to the Superintendent.

R277-911-8. Disbursement of Funds -- Skill Certification.

(1) Pursuant to Subsection 53F-2-311(2)(c), an LEA may receive additional disbursement for competency attainment of student achievement on approved program certifications.

(2) To be eligible for skill certification compensation, an approved LEA shall demonstrate the LEA's students have demonstrated mastery of established standards for the CTE program.

(3) The LEA shall demonstrate the mastery through an authorized test administrator that shall follow test administration and ethics requirements identified in Rule R277-404.

(4) An LEA shall keep records of the certification and skill verification tests or processes used to demonstrate mastery as described in Subsection (3) for monitoring and auditing purposes.

(5) The Superintendent shall distribute funds to an LEA by the following formula:

(a) an amount determined by using a count of total points of skill certification weight points determined by the Superintendent from a student's skill certification earned by June 15 annually; and

(b) a proportionate amount of the available funding based on the LEA's number of skill certification points earned proportionate to the total number of skill certification points earned statewide for the prior year.

[~~R277-911-9. Disbursement of Funds -- CTE Leadership Organization Funds.~~

~~(1) Pursuant to Subsection 53F-2-311(2)(d), an LEA may receive an additional disbursement for student participation costs in approved student leadership organizations also known as Career and Technical Student Organizations (CTSO) as described in Subsection (4).~~

~~(2) The Superintendent shall distribute funds to an LEA with:~~

~~(a) an approved CTE program; and~~

~~(b) evidence of student participation in CTSOs with related expenses.~~

~~(3) The Superintendent shall distribute funds to an LEA that meets the criteria listed in Subsection (2) using the following formula:~~

~~(a) an amount using a count of the LEA's total CTSO student members by March 15 annually; and~~

~~(b) a proportionate amount of the available funding based on the LEA's number of CTSO members proportionate to the total number of student members in the state for the prior year.~~

~~(4) An LEA shall use the student leadership disbursement for qualifying CTE leadership organizations that are nationally and state chartered by March 15 annually and include:~~
~~(a) SkillsUSA;~~
~~(b) DECA;~~
~~(c) FFA;~~
~~(d) HOSA - Future Health Professionals;~~
~~(e) FBLA - Future Business Leaders of America;~~
~~(f) FCCLA;~~
~~(g) TSA (Technology Student Association); and~~
~~(h) Other organizations that may be approved by the Superintendent that meet qualifications identified in Subsection R277-914-2(3).~~
~~(5) An LEA shall use the funds disbursed under this section only for the LEA's CTE leadership organization expenses.~~]

R277-911-[~~10~~]9. Disbursement of Funds -- Summer CTE Agriculture Programs.

(1) Pursuant to Subsection 53F-2-311(3)(d), an LEA shall receive a 5 WPU disbursement for a qualifying summer CTE agriculture program as described in this section.

(2) To receive state summer CTE agriculture program funds, an LEA shall apply using a form and timeline specified by the Superintendent each year.

(3) If approved, the LEA shall:

(a) provide evidence or assure that a teacher of the summer CTE agriculture program:

(i) holds a valid Utah teaching license, with an endorsement in agriculture, as outlined in Subsection R277-911-3(5)(d)(v);

(ii) has developed a calendar of activities which shall be approved by the LEA's administration and reviewed by the Superintendent;

(iii) has or will work a minimum of 360 hours in the summer CTE agriculture program;

(iv) has or will not engage in other employment, including self-employment, which conflicts with the teacher's performance in the summer CTE agriculture program;

(v) has developed and filed a weekly schedule and a monthly report outlining accomplishments related to the calendar of activities with:

(A) the school principal;

(B) the LEA CTE director; and

(C) the Superintendent; and

(vi) has a minimum of 35 students enrolled in the summer CTE agriculture program; and

(vii) visits the participating students a minimum of two times during the summer program with a minimum average of four on-site visits to students; and

(b) provides evidence or assures that a student enrolled in the summer CTE agriculture program:

(i) has on file in the LEA office the student's Plan for College and Career Readiness goal related to agriculture;

(ii) in conjunction with the student's parent or employer and the teacher, has a developed individualized plan of activities, including a supervised occupational experience program;

(iii) has completed the eighth grade; and

(iv) has not graduated from high school.

(4) A college intern may be approved to be the instructor of a summer CTE agriculture program upon approval by the Superintendent.

(5) To be approved as an instructor, the LEA shall provide evidence or assure that the college intern shall:

(a) be enrolled in an approved postsecondary Agricultural Education-Teacher Preparation program, minimally at the junior or senior level;

(b) under the guidance of the supervising teacher, develop a calendar of activities which shall be approved by LEA administration and reviewed by the Superintendent;

(c) work a minimum of 360 hours in the CTE summer agriculture program;

(d) not engage in other employment, including self-employment, which conflicts with the intern's performance in the CTE summer agriculture program;

(e) under the guidance of the supervising teacher, develop and file a weekly schedule and a monthly report outlining accomplishments related to the calendar of activities with:

(i) the school principal;

(ii) the LEA CTE director; and

(iii) the Superintendent; and

(g) enroll a minimum of 20 students in the summer CTE agriculture program; and

(h) visit the participating students a minimum of two times during the summer program with a minimum average of four on-site visits to students.

(6) The Superintendent shall collect data from the program and staff of each LEA to ensure compliance with approved standards.

(7) An LEA shall submit to the Superintendent a final program report through the funding application due August 31 annually.

(8) The Superintendent shall allocate Summer CTE agricultural funding to each LEA conducting an approved program for no more than 360 hours and 35 students.

(9) An LEA operating a program with a supervising teacher and college intern shall receive a combined total of seven WPUs of the summer CTE agricultural allocation.

R277-911-[~~11~~]10. Disbursement of Funds -- [~~School Counseling,~~]College and Career Awareness, and Work-Based Learning Programs.

(1) Pursuant to Subsection 53F-2-311(2)(b)(ii), the Superintendent shall distribute funds to an LEA as described by each respective provision listed in Subsection (2).

[~~(2) An LEA shall use the distributed funds for school counseling consistent with Subsection 53E-2-304(2)(b) and Rule R277-462.~~]

[~~(3)~~](2) An LEA may use funds distributed under this section for[~~:~~

~~(a)~~] work-based learning programs consistent with Rule R277-915[~~; and~~

~~(b) Career Awareness programs consistent with Rule R277-916~~].

R277-911-[~~12~~]11. Disbursement and Use of Funds -- Added Cost Funds.

(1) Subject to remaining funds and pursuant to Subsection 53F-2-311(4), an LEA may receive an additional distribution for added costs of a CTE program after all other distributions have been allocated pursuant to Subsections 53F-2-311(2) and (3) as further described in this rule.

(2) An LEA's added cost distribution shall be a proportionate amount of the remaining funds calculated by:

(a) using the LEA's grades 9 through 12 aggregate membership in approved CTE programs from the previous school year to calculate a CTE average daily membership (ADM); and

(b) determining the LEA's proportionate amount of CTE ADM compared to the statewide CTE ADM.

(3) An LEA may not utilize the following for purposes of generating CTE ADM:

(a) travel time, except as described in Subsection R277-419-8(9)(b);

(b) a student who has yet to attend an approved CTE course;

(c) a student who has been absent, without excuse, for the previous 10 days; and

(d) for student enrollment in courses taken outside of the regular school day or school year.

(4) Except as provided for in Rules R277-462, R277-915, and R277-916, an LEA that experiences CTE membership growth of 1-10% from the LEA's previous CTE ADM shall qualify for a growth factor equivalent to the growth percentage to be applied to the LEA's added cost distribution amount described in Subsection (2).

(5) An LEA that receives an added cost distribution shall maintain records to accurately demonstrate:

(a) the entry and exit date of each student; and

(b) whether a student has been absent from a CTE course ten consecutive days.

(6) An LEA shall maintain electronic records, including data system records, for each CTE program which shall include:

(a) LEA name;

(b) school name;

(c) teacher of each CTE course;

(d) each CTE course name;

(e) each CTE course core code;

(f) each CTE course section;

(g) semester each CTE course is offered;

(h) period the student had each CTE course;

(i) student membership;

(j) total enrollments; and

(k) total membership.

(7) An LEA that receives an added cost distribution shall only use the funds for the following expenditures:

(a) instructional and program materials and supplies;

(b) equipment necessary to the program above and beyond equipment provided to non-CTE classrooms;

(c) CTE Instructor salaries;

(d) contracted services for equipment service and specialized program needs;[~~ and~~]

(e) professional expenses for CTE-related professional learning, professional organizations, and CTSOs; and

(f) college and career awareness middle school courses to purchase and maintain needed student equipment and supplies for the course subject to the following:

(i) LEA expenditures shall be reasonable and necessary to sustain the College and Career Awareness program;

(ii) LEA expenditures shall be adequately documented;

(iii) an LEA may not use for personnel costs;

(iv) an LEA may not use funds to cover the cost of goods and services for teacher personal use, such as teacher equipment, materials, and supplies;

(v) an LEA may not use funds for costs associated with:

(A) entertainment;

(B) amusement;

(C) diversion;

(D) social activities;

(E) incentives;

(F) marketing materials; or

(G) thank you gifts; and

(vi) an LEA may only use funds for costs that will directly achieve program outcomes for students.

(8) Notwithstanding, Subsection (f), an LEA may use up to 15% of available funds for teachers and counselors to participate in ongoing professional development sponsored by the Board.

[~~(8)~~](9) Programs and courses provided through technical colleges and degree granting institutions may not qualify for an added cost distribution unless approved by the Superintendent.

R277-911-[~~13~~]12. Corrective Action.

An LEA that does not comply with the requirements of this Rule R277-911, including not providing MOE of CTE programs, may be subject to a corrective action plan and potential reduction of funds or penalty in accordance with Rule R277-114.

KEY: career and technical education
Date of Last Change: 2026[~~December 19, 2025~~]
Notice of Continuation: May 16, 2022
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-507; 53F-2-311; 53G-6-708

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Repeal	**Filing ID: 58053**
Rule or section number:	**R277-916**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-916. College and Career Awareness
B. Purpose of the new rule or reason for the change:
This repeal is needed due to the passage of SB 2 during the 2026 General Session.
C. Summary of the new rule or change:
This rule is no longer necessary because many of the previous requirements were removed from statute and the remaining requirements will be specified in another Rule R277-911. This rule is repealed in its entirety. (EDITOR'S NOTE: The proposed amendment to Rule R277-911 is under ID 58070 in this issue, July 1, 2026, of the Bulletin.)

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 2 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The rule change is due to the passage of SB 2 (2026). The Utah State Board of Education (USBE) believes that any fiscal impacts were captured in the fiscal note for SB 2 (2026).
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The rule change is due to the passage of SB 2 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note for SB 2 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to the USBE and Local Education Agencies (LEAs).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The rule change is due to the passage of SB 2 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note for SB 2 (2026).
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. The rule change is due to the passage of SB 2 (2026). The USBE believes that any fiscal impacts were captured in the fiscal note for SB 2 (2026).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0

Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Section 53E-3-507
Section 53F-2-311		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.

[~~**R277-916. College and Career Awareness.**~~

~~**R277-916-1. 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-3-507, which allows the Board to establish minimum standards for career and technical education programs in the public education system; and~~

~~(d) Section 53F-2-311, which directs the Board to distribute specific funds to LEAs.~~

~~(2) The purpose of this rule is to establish standards and procedures for LEAs seeking to qualify for College and Career Awareness Program funds administered by the Board.~~

~~**R277-916-2. Definitions.**~~

~~(1) "Approved school" means a school approved by the Superintendent through an application process.~~

~~(2)(a) "College and Career Awareness" means a 7th grade or 8th grade core course comprised of activities encouraging students to explore college and career opportunities.~~
~~(b) "College and Career Awareness" is coordinated with the School Counseling program.~~
~~(3) "Weighted Pupil Unit" or "WPU" means the unit of measure that is computed in accordance with Section 53F-2-302, to determine the costs of a program on a uniform basis for each LEA.~~
~~(4) "Work-Based Learning" or "WBL" means a continuum of awareness, exploration, preparation, and training activities that combine structured learning and authentic work experiences implemented through industry and education partnerships.~~

~~R277-916-3. Disbursement of Funds.~~
~~(1)(a) An LEA shall utilize College and Career Awareness funds to purchase and maintain needed student equipment and supplies for the course, subject to the following:~~
~~(i) LEA expenditures shall be reasonable and necessary to sustain the College and Career Awareness program;~~
~~(ii) LEA expenditures shall be adequately documented;~~
~~(iii) an LEA may not use for personnel costs;~~
~~(iv) an LEA may not use funds to cover the cost of goods and services for teacher personal use, such as teacher equipment, materials, and supplies;~~
~~(v) an LEA may not use funds for costs associated with:~~
~~(A) entertainment;~~
~~(B) amusement;~~
~~(C) diversion;~~
~~(D) social activities;~~
~~(E) incentives;~~
~~(F) marketing materials; or~~
~~(G) thank you gifts; and~~
~~(vi) an LEA may only use funds for costs that will directly achieve program outcomes for students.~~
~~(b) Notwithstanding, Subsection (1)(a), an LEA may use up to 15% of available funds for teachers and counselors to participate in ongoing professional development sponsored by the Board.~~
~~(2) An LEA shall meet all requirements of this rule to receive College and Career Awareness funding.~~
~~(3) College and Career Awareness funds shall be allocated to an LEA for an approved school using a base amount per school.~~
~~(4) The Superintendent shall distribute funds remaining after funds are distributed under Subsection (3) to approved schools, based on the prior school year's October 1 grade 7 enrollment.~~
~~(5) An LEA shall annually complete a funding application with assurances of each school meeting College and Career Awareness standards.~~
~~(6) The Superintendent shall annually provide training to personnel from each school receiving funds under this Subsection (3).~~
~~(7) The Superintendent shall allocate continued funding to an LEA based on the LEA's success in meeting established standards.~~

~~R277-916-4. Standards.~~
~~(1) An LEA may qualify for College and Career Awareness funds consistent with the following:~~
~~(a) College and Career Awareness standards are implemented in their entirety regardless of LEA scheduling;~~
~~(b) College and Career Awareness teachers and counselors shall have appropriate licenses and endorsements;~~
~~(c) a school shall utilize the services of a WBL coordinator, where available, to integrate grade level appropriate WBL activities into College and Career Awareness;~~
~~(d) if a WBL coordinator is not available, the College and Career Awareness team shall plan and provide WBL activities;~~
~~(e) a school shall integrate the services of a school counselor in the program;~~
~~(f) an LEA shall support staff development activities relevant to the core College and Career Awareness content adopted by the Board; and~~
~~(g) a College and Career Awareness team in a school shall fully participate in a program evaluation every four years.~~

~~KEY: college and career awareness, public schools~~
~~Date of Last Change: May 11, 2022~~
~~Notice of Continuation: February 9, 2022~~
~~Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-507; 53F-2-311~~]

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: New	**Filing ID: 58052**
Rule or section number:	**R277-917**

1. Agency Information

Title catchline:	Education, Administration

Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-917. Gold Medal Schools Pilot Program
B. Purpose of the new rule or reason for the change:
This new rule is created as a result of HB 36 passed during the 2026 General Session.
C. Summary of the new rule or change:
This rule establishes procedures and requirements for the administration of the Gold Medal Schools Pilot Program, including eligibility, application, selection, funding, and reporting. This new rule establishes definitions consistent with statute, creates an application and selection process for eligible schools, establishes criteria for participation and for earning a gold medal recognition award, defines allowable uses and distribution of program funds including administrative cost limitations, establishes reporting, monitoring, and accountability requirements for participating schools, and specifies that program implementation is contingent upon the receipt of sufficient federal funding by the Department of Health and Human Services.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 36 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This new rule is not expected to have fiscal impact on state government revenues or expenditures. This new rule is created due to the passage of HB 36 (2026). The Utah State Board of Education (USBE) believes any fiscal impacts were captured in the fiscal note to HB 36 (2026).
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This new rule is created due to the passage of HB 36 (2026). The USBE believes any fiscal impacts were captured in the fiscal note to HB 36 (2026).

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 new rule is created due to the passage of HB 36 (2026). The USBE believes any fiscal impacts were captured in the fiscal note to HB 36 (2026).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This new rule is created due to the passage of HB 36 (2026). The USBE believes any fiscal impacts were captured in the fiscal note to HB 36 (2026).
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. This new rule is created due to the passage of HB 36 (2026). The USBE believes any fiscal impacts were captured in the fiscal note to HB 36 (2026).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Section 53E-3-401	Section 53F-5-224
Title 63G, Chapter 3		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-917 . Gold Medal Schools Pilot Program.
R277-917-1. 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 authorizes the Board to make rules to execute the Board's duties and responsibilities;
(c) Subsection 53F-5-224(3), which directs the Board to make rules to administer the Gold Medal Schools Pilot Program; and
(d) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(2)(a) The purpose of this rule is to establish standards and procedures for the administration of the Gold Medal Schools Pilot Program.
(b) The standards in this rule apply to an eligible school seeking to participate in or receiving funding under the program.

R277-917-2. Definitions.
(1) "Eligible school" means a district or charter elementary school that:
(a) provides instruction to students in kindergarten or grade 1, 2, 3, 4, 5, or 6;
(i) is located in a county of the third, fourth, fifth, or sixth class as described in Section 17-60-104.
(2) "Gold medal recognition award" means recognition through a certificate the state board awards to an eligible school that meets the physical education criteria the state board establishes as described in Section 53F-5-224.
(3) "Participating school" means an eligible school selected by the Board to participate in the program.
(4) "Physical education criteria" means measurable Core Standards established by the Board.
(5) "Program" means the Gold Medal Schools Pilot Program established in Section 53F-5-224.

R277-917-3. Program Administration and General Requirements.
(1) The Board shall administer the program in accordance with Section 53F-5-224 and this rule.
(2) In accordance with Subsection 53F-5-224(3), implementation of the program is contingent upon the Department of Health and Human Services receiving federal funding sufficient to support the program.
(3) The Superintendent shall:
(a) develop and publish application procedures, timelines, and evaluation criteria;
(b) create an application process;
(c) establish funding distribution and allowable use requirements; and
(d) adopt procedures to monitor program implementation and outcomes.

R277-917-4. Application Requirements and Selection Criteria.

(1) An eligible school seeking participation shall submit an application in a form approved by the Superintendent.

(2) An application shall include:

(a) a detailed implementation plan in alignment with the Rural Health Transformation Program describing how the school will:

(i) increase student physical activity and fitness assessments;

(ii) improve student nutrition education; and

(iii) implement a local school wellness policy focusing on the areas of physical fitness and nutrition;

(b) measurable, time-bound goals aligned with the purposes of the program;

(c) evidence-based strategies supporting the proposed goals;

(d) baseline data related to student health or wellness indicators, if available and as determined by the Board;

(e) a plan for family engagement within the program goals; and

(f) a description of partnerships with local entities, including health organizations, community groups, or local governments, if applicable.

(3) The Superintendent may prioritize an eligible school that:

(a) is located in a community with limited access to health or wellness resources; or

(b) demonstrates a higher prevalence of risk factors related to student health.

R277-917-5. Physical Education Criteria and Gold Medal Recognition.

(1) The Board shall establish physical education criteria that require a participating school to demonstrate implementation of:

(a) regular opportunities for student physical activity throughout the school day;

(b) resources for encouraging physical activity at home;

(c) standards-based physical education instruction;

(d) nutrition education or programs promoting healthy eating habits; and

(e) school policies or practices that support student nutritional health and physical activity.

(2) The Board shall ensure that physical education criteria:

(a) are measurable and evidence-based; and

(b) align with state or national recommendations for student physical health and physical activity, where appropriate.

(3) The Superintendent shall provide alternative or modified criteria for a student with a physical limitation or disability, consistent with applicable federal and state law.

(4) A participating school shall demonstrate compliance with the Board's physical education criteria through:

(a) documented program implementation;

(b) student participation data;

(c) participation in a fitness assessment; and

(d) other evidence required by the Rural Health Transformation Program.

(5) The Superintendent shall award funds for participating schools based on:

(a) demonstrated need for improvement in student health outcomes;

(b) the extent to which proposed goals are measurable and achievable;

(c) the use of evidence-based strategies;

(d) the quality and feasibility of the implementation plan; and

(e) the presence of partnerships, family engagement, or community support.

(6) The Superintendent may award a gold medal recognition award to a participating school that meets or exceeds the established criteria.

R277-917-6. Distribution and Use of Program Funds.

(1) Subject to legislative appropriations, the Superintendent shall distribute program funds equally among participating schools that:

(a) meet the physical education criteria established by the Board; and

(b) comply with the requirements of Section 53F-5-224 and this rule.

(2) A participating school shall use program funds only for activities that directly support the purposes of the program, including:

(a) expanding or enhancing physical activity opportunities;

(b) improving nutrition programs or food access;

(c) implementing or streamlining wellness initiatives and policies; and

(d) supporting families and partnerships that promote student health.

(3) A participating school may not use program funds for:

(a) general operating expenses unrelated to the program; or

(b) activities that do not directly support student physical activity, nutrition, or wellness in accordance with Section 53F-5-224.

(4) The Superintendent may require documentation or verification of expenditures.

(5) The Board may use no more than 6.25% of appropriated funds for administrative costs.

R277-917-7. Reporting, Monitoring, and Accountability.

(1) A participating school shall submit an annual report to the Superintendent that includes:

(a) progress toward the measurable goals identified in the school's application;

(b) evidence of compliance with the Board's physical education criteria;

(c) data demonstrating student participation or outcomes, if available; and
(d) a detailed accounting of how program funds were used.
(2) The Superintendent shall:
(a) review each report for compliance and program effectiveness;
(b) monitor participating schools for continued eligibility; and
(c) require corrective action if a participating school fails to meet program requirements.
(3) The Superintendent may remove a participating school from the program for:
(a) failure to comply with this rule;
(b) misuse of funds; or
(c) failure to demonstrate reasonable progress toward program goals.
(4) The Board shall provide program reports to the Legislature upon request in accordance with Section 53F-5-224.

R277-917-8. Program Duration and Sunset.
(1) This rule governs the administration of the Gold Medal Schools Pilot Program established in Section 53F-5-224.
(2) The program is repealed July 1, 2031, unless extended by the Legislature.

KEY: physical activity, nutrition, wellness, pilot program
Date of Last Change: 2026
Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401; 53F-5-224; 63G-3

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58071**
Rule or section number:	**R277-923**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-923. American Indian and Alaskan Native Education State Plan Programs
B. Purpose of the new rule or reason for the change:
The amendments are the result of the passage of HB 75 during the 2026 General Session.
C. Summary of the new rule or change:
The amendments update statutory language and require adoption of a statewide education plan. The amendments update terminology to reflect current statutory language, incorporate references to the American Indian and Alaska Native education state plan, and align grant program administration with statutory requirements. The amendments specifically remove the "n" from "Alaskan".

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 75 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. This rule change is due to the passage of HB 75 (2026). The Utah State Board of Education (USBE) believes any fiscal impacts were captured in the fiscal note to HB 75 (2026).
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This rule change is due to the passage of HB 75 (2026). The USBE believes any fiscal impacts were captured in the fiscal note to HB 75 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This rule change is due to the passage of HB 75 (2026). The USBE believes any fiscal impacts were captured in the fiscal note to HB 75 (2026).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. This rule change is due to the passage of HB 75 (2026). The USBE believes any fiscal impacts were captured in the fiscal note to HB 75 (2026).
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. This rule change is due to the passage of HB 75 (2026). The USBE believes any fiscal impacts were captured in the fiscal note to HB 75 (2026).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Utah Constitution, Article X, Section 3	Section 53F-5-603	Subsection 53E-3-401(4)

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

R277. Education, Administration.
R277-923. American Indian and Alaska[~~n~~] Native Education State Plan Programs.
R277-923-1. 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) Section 53F-5-603, which provides that the Board may make rules related to the programs; and

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

(2) The purpose of this rule is to provide:

(a) for implementation of the American Indian and Alaska Native education state plan through locally developed LEA plans in accordance with Section 53F-5-604;

[~~(a)~~](b) criteria for evaluating grant applications; and

[~~(b)~~](c) procedures for:

(i) a school district to apply to the Board to receive grant money; and

(ii) the review of the use of grant money.

R277-923-2. Definitions.

(1) "American Indian and Alaska[~~n~~] Native concentrated school" has the same meaning as that term is defined in Section 53F-5-601.

(2) "Program site" means the school where an LEA plans to use grant money and implement the LEA's program.

R277-923-3. Grant Application.

(1) An LEA may apply for a grant described in Section 53F-5-603 by submitting an application to the Superintendent on or before the last Friday in May.

(2) The Superintendent shall develop a grant application and make the grant application available to LEAs that meet the eligibility as an American Indian and Alaska[~~n~~] Native concentrated school.

(3) An LEA applying for a grant shall include in the application:

(a) a description of how the proposed program aligns with the American Indian and Alaska Native education state plan described in Section 53F-5-605;

(b) identification of the specific academic needs of American Indian and Alaska Native students the program is designed to address;

(c) a description of the evidence-based strategies or data supporting the proposed program;

(d) a plan for measuring student outcomes and program effectiveness;

(e) a description of how the LEA will coordinate with existing programs and resources identified in the state plan; and

(f) a description of any consultation with tribal leaders or stakeholders in developing the proposal.

R277-923-4. Procedure and Criteria for Awarding a Grant.

(1) The Superintendent shall award:

(a) one American Indian and Alaska[~~n~~] Native Education State Plan Program grant to an LEA to serve one or more program sites for the five-year program created in Subsection 53F-5-602(1); and

(b) one grant to an LEA to serve one or more program sites for the four-year program created in Subsection 53F-5-602(2).

[~~(3)~~](2) The Superintendent shall award a grant described in Subsection (1) to an LEA based on the following criteria:

(a) up to 20 points will be awarded based on the percentage of American Indian and Alaska[~~n~~] Native students enrolled in the program sites;

(b) up to 15 points will be awarded based on the educator recruiting and retention needs of the program sites;

(c) up to 15 points will be awarded based on the strength of the LEA's program design plan, including consideration of the state plan and use of evidence-based strategies;

(d) up to 10 points will be awarded based on the LEA's plan to objectively evaluate [~~the success of the LEA's program design plan; and~~]program effectiveness, including use of data and measurable outcomes informed by the state plan; and

(e) up to 10 points will be awarded based on the strength of the LEA's proposed budget and how many educators the LEA plans to serve.

(f) up to 10 points will be awarded based on the LEA's plan to recruit, retain, and support highly qualified teachers consistent with the state plan;

(g) up to 10 points will be awarded based on the LEA's coordination with existing programs and efficient use of available resources; and

(h) up to 10 points will be awarded based on the extent of consultation with tribal leaders and stakeholders.

(3) The Superintendent shall ensure that grants awarded under this rule:

(a) support the purposes of the program described in Section 53F-5-602 by addressing the identified academic and educator workforce needs of American Indian and Alaska Native students;

(b) reflect and consider the goals, priorities, and outcomes of the American Indian and Alaska Native education state plan described in Section 53F-5-605 through the LEA's locally developed plan; and

(c) are awarded in accordance with Subsection 53F-5-602(1)(c), including prioritizing American Indian and Alaska Native concentrated schools located in qualifying counties for at least two-thirds of the available funds.

R277-923-5. American Indian and Alaska Native Education State Plan.

(1) In accordance with Section 53F-5-605, the Board shall adopt an American Indian and Alaska Native education state plan.

(2) In developing the state plan, the Board shall:

(a) engage in meaningful consultation with tribal leaders and stakeholders; and

(b) present the proposed state plan to the Native American Legislative Liaison Committee, in accordance with Section 53F-5-605.

(3) The Superintendent shall:

(a) support the development of the state plan and its implementation through locally developed LEA plans;

(b) ensure that grant application materials and evaluation criteria support LEAs in incorporating the state plan into locally developed plans; and

(c) provide guidance to LEAs to support implementation of the state plan through LEA-developed programs and plans.

(4) An LEA receiving a grant under this rule shall implement program activities through the LEA's locally developed plan that consider the goals and priorities of the state plan, while allowing the LEA to determine the specific design and implementation based on local needs.

(5) The Superintendent shall require an LEA receiving a grant to:

(a) collect and report data on student outcomes and program effectiveness; and

(b) participate in any statewide evaluation or reporting required to measure implementation of the state plan.

(6) The Superintendent may establish reporting requirements to support consistency with the state plan described in Subsection 53F-5-604(2).

KEY: Native Americans, Alaska[~~n~~] Natives, grant programs, teacher retention
Date of Last Change: 2026[~~March 11, 2021~~]
Notice of Continuation: June 16, 2026
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-5-603; 53E-3-401(4)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58034**
Rule or section number:	**R307-102**

1. Agency Information

Title catchline:	Environmental Quality, Air Quality
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

2. Contact Persons

Name:	**Phone:**	**Email:**
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule or section catchline:
R307-102. General Requirements: Broadly Applicable Requirements
B. Purpose of the new rule or reason for the change:
This rule amendment is being made in response to HB 147 (2026 General Session), Government Form Submission Amendments, which requires that a state agency provide an electronic filing option for submitting forms. This amendment adds a statement to Rule R307-102 clarifying the accepted methods for submissions.
C. Summary of the new rule or change:
While the Division of Air Quality (Division) already accepts many submissions by electronic means, this amendment adds a statement to Rule R307-102 clarifying that the Division accepts submissions in person, by mail, or electronically except reports that are applicable to the Environmental Protection Agency's Cross-Media Electronic Reporting Rule (CROMERR) Requirements which does not allow for reports to be submitted via email attachment and does not consider scanned signatures to be valid e-signatures. Changes are also being made to bring Rule R307-102 into compliance with the Utah Rulewriting Manual for Utah and the Executive Order No. 2021-12.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 147 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule amendment will have no effect on the state budget because it will not change the workload or operating procedures of state government.
B. Local governments:
This rule amendment will have no impact on local governments because it does not apply to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
Although many small businesses already submit documents electronically, this rule amendment may have a small impact on small businesses who submit documents in person or by mail by saving costs associated with postal mailing or driving mileage. This cost is unquantifiable as the Division has no data to estimate how much postal mailing or driving mileage currently costs these small businesses. Small businesses who must adhere to CROMERR original signature requirements are still required to submit documents in person or by mail.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
Although many non-small businesses already submit documents electronically, this rule amendment may have a small impact on non-small businesses who submit documents in person or by mail by saving costs associated with postal mailing or driving mileage. This cost is unquantifiable as the Division has no data to estimate how much postal mailing or driving mileage currently costs these non-small businesses. Non-small businesses who must adhere to CROMERR original signature requirements are still required to submit documents in person or by mail.
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***)**:**
Although many persons other than small businesses, non-small businesses, state, or local government entities already submit documents electronically, this rule amendment may have a small impact on persons who submit documents in person or by mail by saving costs associated with postal mailing or driving mileage. This cost is unquantifiable as the Division has no data to estimate how much postal mailing or driving mileage currently costs these persons. Persons who must adhere to CROMERR original signature requirements are still required to submit documents in person or by mail.
F. Compliance costs for affected persons:
There is no compliance costs associated with this rule amendment.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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 19-2-104	Cross-Media Electronic Reporting Rule (CROMERR)	Section 63G-34-102

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

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

Date:	**Time:**	**Place** (physical address or URL)**:**
07/28/2026	9:00AM - 10:00AM	A public hearing is set for 07/28/2026. Further details may be found below. The hearing will be cancelled should no request for one be made by 07/23/2026, at 10 AM MST. The final status of the public hearing will be posted on 07/23/2026, after 10 AM MST. The status of the public hearing may be checked at the following website location under the corresponding rule.

		https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment Interested Persons can participate in person or electronically, via the internet. In Person: MASOB 195 N 1950 W Salt Lake City, UT First Floor, Air Quality Board Room Virtual Attendance: Time zone: America/Denver Google Meet joining info: Video call link: https://meet.google.com/sax-euqt-ncc Or dial: (US) +1 443-585-0419 PIN: 227 819 682#

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	09/02/2026

13. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	05/18/2026

R307. Environmental Quality, Air Quality.
R307-102. General Requirements: Broadly Applicable Requirements.
R307-102-1. Air Pollution Prohibited; Periodic Reports Required.

(1) Emission of air pollutants in sufficient quantities to cause air pollution as defined in Section R307-101-2 is prohibited. The [~~S~~]state statute provides for penalties up to $50,000[~~/~~] per day for violation of [~~S~~]state statutes, regulations, rules or standards. [~~(~~]See Section 19-2-115 for further details[~~)~~].

(2) Periodic Reports and Availability of Information. The owner or operator of any stationary air pollutant source in Utah shall furnish to the director the periodic reports required under [~~Section~~]Subsection 19-2-104(1)(c) and any other information as the director may [~~deem~~]consider necessary to determine whether the source is in compliance with Utah and Federal regulations and standards. The information thus obtained will be correlated with applicable emission standards or limitations and will be available to the public during normal business hours at the Division of Air Quality. Reports, forms, and information submitted to the Division of Air Quality may be submitted in person, by mail, or electronically, except reports that are applicable to the Environmental Protection Agency's Cross-Media Electronic Reporting Rule (CROMERR) original signature requirements.

R307-102-2. Confidentiality of Information.

Any person submitting information pursuant to [~~these regulations~~]Title R307 may request that such information be treated as a trade secret or on a confidential basis, in which case the director shall so treat such information. If no claim is made at the time of submission, the director may make the information available to the public without further notice. Information required to be disclosed to the public under [~~S~~]state or [~~F~~]federal law may not be requested to be kept confidential. Justification supporting claims of confidentiality shall be provided at the time of submission on the information. Each page claimed "confidential" shall be marked "confidential business information" by the applicant and the confidential information on each page shall be clearly specified. Claims of confidentiality for the name and address of applicants for an approval order will be denied. Confidential information or any other information or report received by the director shall be available to EPA upon request and the person who submitted the information shall be notified simultaneously of its release to EPA.

R307-102-3. Reserved.

Reserved.

R307-102-4. Variances Authorized.

(1) Variance from [~~these regulations~~]Title R307 may be granted by the Board as provided by law, [~~(S~~]see Section 19-2-113,[~~)~~] unless prohibited by the Clean Air Act:

(a) to permit operation of an air pollution source for the time period involved in installing or constructing air pollution control equipment in accordance with a compliance schedule negotiated by the director and approved by the Board.

(b) to permit operation of an air pollution source where there is no practicable means known or available for adequate prevention, abatement or control of the air pollutants involved. Such a variance shall be only until the necessary means for prevention, abatement or control becomes known and available, subject to the use of substitute or alternate measures the Board may prescribe.

(c) to permit operation of an air pollution source where the control measures, because of their extent or cost, must be spread over a considerable period[~~ of time~~].

(2) Variance requests, as set forth in Section 19-2-113, may be submitted by the owner or operator who is in control of any plant, building, structure, establishment, process or equipment.

R307-102-5. No Reduction in Pay.

In accordance with paragraph 110(a)(6), Clean Air Act as amended August 1977, owners or operators may not temporarily reduce the pay of any employee by reason of the use of a supplemental or intermittent or other dispersion dependent control system for the purposes of meeting any air pollution requirement adopted pursuant to the Clean Air Act as amended August 1977.

R307-102-6. Emissions Standards.

Other provisions of Title R307 may require more stringent controls than listed [~~herein~~]in this rule, in which case those requirements must be met.

KEY: air pollution, confidentiality of information, variances
Date of Last Change: [~~December 15, 2015~~]2026
Notice of Continuation: December 7, 2022
Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-113

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58035**
Rule or section number:	**R307-110-34**

1. Agency Information

Title catchline:	Environmental Quality, Air Quality
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

2. Contact Persons

Name:	**Phone:**	**Email:**
Devin Mulrooney	385-315-3368	dmulrooney@utah.gov
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule or section catchline:
R307-110-34. Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County
B. Purpose of the new rule or reason for the change:
The Utah Air Quality Board (Board) has proposed for public comment amended Utah State Implementation Plan (SIP), Section X, Part D. Section R307-110-34 incorporates SIP Section X, Part D, into this section and must be amended to change the Board adoption date to the anticipated adoption date of the amended plan.

C. Summary of the new rule or change:
Section R307-110-34 incorporates Section X Part D of the SIP. Part D contains the requirements of Utah County's Vehicle Inspection/Maintenance (I/M) program. Amendments to Part D update the plan to incorporate changes to Utah County's I/M regulation to ensure that the SIP reflects the current program. This rule amendment aligns the SIP with the current Utah County Ordinance 2025-1065 and recently enacted HB 22, Vintage Vehicle Amendments (passed in the 2026 General Session). HB 22 (2026) includes several statutory changes affecting vehicle regulation, three of which directly impact I/M programs in Utah. Specifically, the bill: (1) prohibits denial of vehicle registration based solely on the presence of a defeat device covered under the Mercedes-Benz USA, LLC and Mercedes-Benz Group AG consent decree; (2) exempts vehicles of model year 1995 and older; and (3) exempts vehicles not equipped with On-Board Diagnostics II (OBDII) technology, provided they have not been tampered with or modified. Section R307-110-34 is amended by changing the date of the last adoption by the Air Quality Board to 09/02/2026. These changes were already legally enforceable, and the amendment is bringing this rule in line with federal law.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 22 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change will not have any fiscal impact on the state budget because it does not enact or remove any new requirements.
B. Local governments:
This rule change will result in a minor negative fiscal impact to local governments, specifically the Utah County Health Department, which administers the vehicle Inspection and Maintenance program. Utah County operates a decentralized I/M program through a network of private inspection stations. As part of each emissions test, the County is authorized to collect a $3.25 fee for each test, which supports program operations. Under this rule change, vehicles model year 1995 and older will no longer be subject to emissions testing. In the calendar year 2024, approximately 6,358 such vehicles were tested. Based on the $3.25 per-test fee, this corresponds to an estimated annual revenue reduction of approximately $20,000. For context, Utah County conducted approximately 373,657 total emissions tests in 2024, generating roughly $1,400,000 in fee revenue. The estimated $20,000 reduction represents about 2% of total program revenues. This impact is expected to decline over time as older vehicles naturally phase out of the fleet.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change will result in a minor positive fiscal impact to small businesses, specifically automotive repair shops that conduct emissions inspections of which the majority are small businesses. Inspection stations typically charge between $30 and $50 per emissions test, including the county administrative fee ($3.25). Utah County's average price for an emissions test is $45. The inspection station retains $41.75 after the county fee. Based on

6,358 model year 1995 and older vehicles tested in Utah County in 2024, this corresponds to approximately $265,000 in gross revenue associated with these tests.

However, this revenue does not reflect profitability. Testing older vehicles requires specialized emissions testing equipment and additional technician training, both of which have become increasingly costly. At the same time, the number of vehicles requiring this type of test has steadily declined, resulting in low utilization of the required equipment. As a result, many inspection stations incur ongoing equipment and training costs that exceed the revenue generated from testing these vehicles.

Because equipment and service arrangements vary by vendor and by shop and depend on factors such as shop size and testing volume, quantifying these costs is not practicable.

However, based on stakeholder input from small businesses requesting this change, it is reasonable to conclude that these tests were operating at a net loss for some inspection stations.

Accordingly, eliminating the requirement to test model year 1995 and older vehicles is expected to reduce or eliminate these losses, resulting in a net positive fiscal impact to affected small businesses.

The overall fiscal impact to small business will be estimated as a net zero because of the lack of quantifiability.

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

This rule change will result in a minor positive fiscal impact to non-small businesses, specifically automotive repair shops that conduct emissions inspections of which few are non-small businesses.

Inspection stations typically charge between $30 and $50 per emissions test, including the county administrative fee ($3.25). Utah County's average price for an emissions test is $45. The inspection station retains $41.75 after the county fee. Based on 6,358 model year 1995 and older vehicles tested in Utah County in 2024, this corresponds to approximately $265,000 in gross revenue associated with these tests.

However, this revenue does not reflect profitability. Testing older vehicles requires specialized emissions testing equipment and additional technician training, both of which have become increasingly costly. At the same time, the number of vehicles requiring this type of test has steadily declined, resulting in low utilization of the required equipment. As a result, many inspection stations incur ongoing equipment and training costs that exceed the revenue generated from testing these vehicles.

Because equipment and service arrangements vary by vendor and by shop and depend on factors such as shop size and testing volume, quantifying these costs is not practicable.

However, based on stakeholder input from non-small businesses requesting this change, it is reasonable to conclude that these tests were operating at a net loss for some inspection stations.

Accordingly, eliminating the requirement to test model year 1995 and older vehicles is expected to reduce or eliminate these losses, resulting in a net positive fiscal impact to affected non-small businesses.

The overall fiscal impact to non-small business will be estimated as a net zero because of the lack of quantifiability.

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***)**:**

Individual citizens will experience a minor positive fiscal impact. Owners of model year 1995 and older vehicles will no longer be required to obtain an emissions inspection in order to register their vehicles.

This will result in an estimated annual savings of approximately $45 per affected vehicle, in addition to reduced time spent obtaining an emissions test prior to registration.

Based on 2024 data, there were 6,358 vehicles tested, and we estimate a total savings of $286,110 for vehicle owners in Utah county. Six thousand vehicles were used to calculate the FY impact in Section 6 of this rule analysis form.

F. Compliance costs for affected persons:

No additional compliance costs are anticipated as a result of this rule change.

Instead, compliance costs for owners of model year 1995 and older vehicles will be eliminated because these vehicles will no longer be required to obtain an emissions inspection as a condition of registration.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$20,000	$20,000	$20,000	$20,000	$20,000
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$20,000**	**$20,000**	**$20,000**	**$20,000**	**$20,000**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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	$270,000	$270,000	$270,000	$270,000	$270,000
Total Fiscal Benefits	**$270,000**	**$270,000**	**$270,000**	**$270,000**	**$270,000**
Net Fiscal Benefits	**$250,000**	**$250,000**	**$250,000**	**$250,000**	**$250,000**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

B. Summary of reasonable alternatives or modifications:
This rule will positively impact family stability by decreasing the fees they have to pay for vehicle emissions tests providing relief.

9. Citation Information

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 19-2-104	40 CFR 51 Subpart S	Section 41-6a-1642

10. Incorporation by Reference Information

Incorporation by Reference:	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*)**:**	
Official Title of Materials Incorporated '(from title page)	Utah State Implementation Plan, Section X.D, Utah County Vehicle Inspection and Maintenance Program.
Publisher	Division of Air Quality, Utah Department of Environmental Quality
Issue Date	September 2, 2026

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.)**:**		
Date:	**Time:**	**Place** (physical address or URL)**:**
07/30/2026	2:00PM - 3:00PM	A public hearing is set for 07/30/2026. Further details may be found below. The hearing will be cancelled should no request for one be made by 07/27/2026, at 10 AM MST. The final status of the public hearing will be posted on 07/27/2026, after 10 AM MST. The status of the public hearing may be checked at the following website location under the corresponding rule. https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment Interested Persons can participate in person or electronically, via the internet. In Person: MASOB 195 N 1950 W Salt Lake City, UT First Floor, Air Quality Board Room Virtual Attendance: Time zone: America/Denver Google Meet joining info: Video call link: https://meet.google.com/rpm-xnmm-cai Or dial: (US) +1 334-518-1186 PIN: 188 519 873#

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	09/02/2026

13. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	05/18/2026

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-34. Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County, as most recently amended by the Utah Air Quality Board on [~~December 5, 2012~~]<u>September 2, 2026</u>, pursuant to Section 19-2-104, is [~~hereby~~]incorporated by reference and made a part of [~~these rules~~]<u>Rule R307-110</u>.

KEY: air pollution, PM10, PM2.5, ozone
Date of Last Change: [~~July 2, 2025~~]<u>2026</u>
Notice of Continuation: December 1, 2021
Authorizing, and Implemented or Interpreted Law: 19-2-104

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58050**
Rule or section number:	**R477-7**

1. Agency Information

Title catchline:	Government Operations, Human Resource Management
Building:	Taylorsville State Office Building
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 141531
City, state and zip:	Salt Lake City, UT 84114-1531

2. Contact Persons

Name:	**Phone:**	**Email:**
Bryan Embley	801-618-6720	bkembley@utah.gov

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

3. General Information

A. Rule or section catchline:
R477-7. Leave
B. Purpose of the new rule or reason for the change:
The changes implement provisions relating to an Executive Order and clean up two provisions relating to HB 329 (passed in the 2026 General Session) that the rules revised in the May 15, 2026 Utah State Bulletin missed.
C. Summary of the new rule or change:
The changes implement mental health leave consistent with an Executive Order, 10/12/2021 and adds the requirement that adoption and foster leave be used within six months of the qualifying event.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 329 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The legislative fiscal note anticipates no fiscal impact on state government revenues or expenditures as indicated on the bill page for HB 329 (2026 General Session): https://le.utah.gov/~2026/bills/static/HB0329.html.
B. Local governments:
These amendments are not expected to have any fiscal impact on local governments because this rule only applies to the executive branch of state government.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
These amendments are not expected to have any fiscal impact on small businesses because this rule only applies to the executive branch of state government.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
These amendments are not expected to have any fiscal impact on non-small businesses because this rule only applies to the executive branch of state government.
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***)**:**
These amendments are not expected to have any fiscal impact on other individuals because this rule only applies to the executive branch of state government.
F. Compliance costs for affected persons:
There are no direct compliance costs for these amendments. This rule only affects the executive branch of state government and will have no impact on other persons. This rule has no financial impact on state employees.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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 63A-17-106	Section 34-43-103	Section 39-3-1
Section 63G-1-301	Section 63A-17-504	Section 63A-17-505
Section 63A-17-511	Section 63A-17-516	Subsection 71A-8-102(3)

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	John Barrand, Division Director, DHRM	**Date:**	06/04/2026

R477. Government Operations, Human Resource Management.
R477-7. Leave.
R477-7-7. Administrative Leave.

(1) Management may grant administrative leave to any employee consistent with agency policy for the following reasons:
(a) administrative;
(i) governor approved holiday leave;
(ii) during management decisions that benefit the organization;
(iii) when no work is available due to unavoidable conditions or influences; or
(iv) other reasons consistent with agency policy;
(b) protected;
(i) suspension with pay pending hearing results;
(ii) personnel decision-making before discipline;
(iii) removal from adverse or hostile work environment situations;
(iv) fitness for duty or employee assistance; or
(v) other reasons consistent with agency policy;
(c) reward in lieu of cash;
(i) the agency head or designee may grant paid administrative leave up to one day per occurrence;
(ii) management may not grant administrative leave exceeding one day without written approval from the agency head;
(iii) management may not grant more than 40 hours of administrative leave per fiscal year as a reward in lieu of cash;
(iv) management may grant administrative leave as a reward in lieu of cash to employees of another agency if both agency heads agree in advance; or
(d) employee education assistance.

(2) Management shall grant an employee up to two hours of administrative leave to vote in an official election if the employee has fewer than three total hours off the job between the time the polls open and close, and the employee applies for the leave at least 24 hours in advance. Management may specify the hours when the employee may be absent.

(3) Management shall grant an employee up to four hours of administrative leave per fiscal year for mental health care or mental health care education consistent with the Governor's Executive Order, 10/12/2021. The leave may be used intermittently in increments of at least one hour. Employees must obtain advance approval to minimize disruptions to operations. Management may not require a doctor's note or any other proof of attendance or participation in mental health promoting activities.

(4) Management shall include employees who are on leave under the FMLA or military leave under USERRA in a grant of administrative leave for non-performance based purposes if the leave would have been given had the employee been in a working status.

([4]5) Administrative leave taken shall be documented in the employee's leave record.

([~~5~~]6) Administrative leave is not an employee right and management may grant it disparately within its workforce depending on agency needs.

R477-7-20. Adoption, Foster, Parental, and Postpartum Recovery Leave.

(1) An employee is eligible for adoption, foster, parental, or postpartum recovery leave when the employee:
(a) is eligible for benefits under Subsections R477-6-8(1) and R477-7-1(1);
(b) is not reemployed post retirement as defined in Section 49-11-1202; and
(c) is not an employee of an independent entity as defined in Section 63E-1-102.

(2) An employee or a spokesperson shall notify management of their plan to use adoption, foster, parental, or postpartum recovery leave:
(a) thirty days in advance; or
(b) as soon as practicable in emergencies.

(3) Management may not charge adoption, foster, parental, or postpartum recovery leave against any accrued leave balance on the employee's record.

(4) No person may interfere with an employee's intent to use adoption, foster, parental, or postpartum recovery leave or retaliate against an employee who receives parental or postpartum recovery leave.

(5) Parental leave is administered as follows:

(a) An employee is qualified for parental leave when the employee is assuming a parental role for a child or incapacitated adult and:

(i) is the child's biological parent;

(ii) is the spouse of the person who gave birth to the child;

(iii) is the adoptive parent of the child, unless the employee is the spouse of the pre-existing parent;

(iv) is the intended parent of a child born under a valid gestational agreement; or

(v) is appointed the legal guardian of a child or incapacitated adult.

(b) Management shall grant up to three weeks of paid parental leave to an employee who gives notice that they intend to use paid parental leave.

(c) Management calculates the amount of leave for each employee based on the number of hours the employee would have worked per week if they had not taken parental leave.

(d) An employee may use parental leave within the six months immediately following the qualifying event from Subsection (5)(a).

(e) An employee may use parental leave intermittently when:

(i) the employee and management have written mutual consent for intermittent use; or

(ii) a health care provider certifies the need for intermittent leave due to the child's serious health condition.

(f) Parental leave:

(i) runs concurrently with leave under the FMLA;

(ii) runs consecutively with postpartum recovery leave pursuant to Subsection (6)(f)(ii);

(iii) is limited to three weeks within any 12-month period; and

(iv) does not increase when:

(A) more than one child is born from the same pregnancy;

(B) more than one child is adopted; or

(C) the employee is appointed legal guardian of more than one minor child or incapacitated adult.

(6) Postpartum recovery leave is administered as follows:

(a) An employee is qualified for postpartum recovery leave when the employee gives birth at 20 weeks or greater gestation.

(b) Management shall grant up to six weeks of paid postpartum recovery leave to an employee who gives notice that they intend to use paid postpartum recovery leave.

(c) Management calculates the amount of leave for each employee based on the number of hours the employee would have worked per week if they had not taken postpartum recovery leave.

(d) Postpartum recovery leave begins on the date the employee gives birth unless a health care provider certifies the medical necessity of an earlier start date.

(e) An employee shall use postpartum recovery leave in a single continuous period, unless otherwise authorized in writing by the director of the division.

(f) Postpartum recovery leave:

(i) runs concurrently with leave under the FMLA;

(ii) runs consecutively with parental leave under Subsection (6) with postpartum recovery leave used first pursuant to restrictions in Subsection (d); and

(iii) does not increase when more than one child is born from the same pregnancy.

(7) Adoption leave is administered as follows:

(a) An employee is qualified for adoption leave when they legally adopt a young child, who is younger than six years old, unless the employee is the spouse of the pre-existing parent;

(b) Management shall grant up to six weeks of paid adoption leave within a single 12-month period to an employee who gives notice that they intend to use adoption leave. If two adoption leave eligible employees adopt a child, they must share the six weeks of leave;

(c) Management calculates the amount of leave for each employee based on the number of hours the employee would have worked per week if they had not taken adoption leave;

(d) An employee may use adoption leave within the six months immediately following the adoption of the young child;

(e) Adoption leave may not begin before the day the employee adopts the child;

([~~e~~]f) An employee may use adoption leave intermittently when:

(i) the employee and management have written mutual consent for intermittent use; or

(ii) a health care provider certifies the need for intermittent leave due to the child's serious health condition;

([~~f~~]g) Adoption leave:

(i) runs concurrently with leave under the FMLA;

(ii) runs consecutively with parental leave taken for the adoption of a child;

(iii) is limited to six weeks within any 12-month period; and

(iv) does not increase when the employee adopts more than one child.

(8) Foster leave is administered as follows:

(a) An employee is qualified for foster leave when a child is placed with the employee for foster care;

(b) Management shall grant up to four weeks of paid foster leave to an employee who gives notice they intend to use paid foster leave. If two foster leave eligible employees foster a child, they must share the four weeks of leave;

(c) Management calculates the amount of leave for each employee based on the number of hours the employee would have worked per week if they had not taken foster leave;

(d) An employee may use foster leave within the six months immediately following the placement of the child with the eligible employee for foster care;

(e) Foster leave may not begin before the day the child is placed with the employee for foster care;

([~~e~~]f) Foster leave may be used intermittently;

([~~f~~]g) Foster leave:

(i) runs concurrently with leave under the FMLA;

(ii) is limited to four weeks within any 12-month period; and

(iii) does not increase when more than one child is placed with an employee for foster care;

([~~g~~]h) An employee who uses any amount of foster leave may not use parental leave with respect to the same child or adoption leave with respect to the same young child.

KEY: holidays, leave benefits, vacations
Date of Last Change: [~~January 21,~~] 2026
Notice of Continuation: March 9, 2022
Authorizing, and Implemented or Interpreted Law: 34-43-103; 39-3-1; 63G-1-301; 63A-17-106; 63A-17-504; 63A-17-505; 71A-8-102(3)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58049**
Rule or section number:	**R651-612**

1. Agency Information

Title catchline:	Natural Resources, State Parks
Building:	Natural Resources
Street address:	1594 W North Temple, Suite #116
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146001
City, state and zip:	Salt Lake City, UT 84114-6001

2. Contact Persons

Name:	Phone:	Email:
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov

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

3. General Information

A. Rule or section catchline:
R651-612 Veterans with Disabilities Honor Pass
B. Purpose of the new rule or reason for the change:
This rule amendment is to change the honor pass to a lifetime pass rather than have the veteran with disabilities having to renew their honor pass each year.
C. Summary of the new rule or change:
This rule amendment makes it easier for the veteran with disabilities to get their honor pass. It will only have to be attained once in their lifetime rather than have to go through the process of attaining it each year. This will make it easier for both the veterans and the Division of State Parks (Division).

5. Fiscal Information

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

A. State budget:
This proposed rule amendment is expected to have a fiscal impact on state government expenditures by only having to issue a one-time lifetime pass to disabled veterans rather than an annual pass. The cost savings will be in the form of saved staff time, but no staff will be terminated because of this amendment, for this reason the Division cannot estimate the impact of the savings.
B. Local governments:
This proposed rule amendment will have no fiscal impact on local governments revenues or expenditures because this rule does not regulate local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This proposed rule amendment will have no fiscal impact on small businesses revenues or expenditures because this rule does not regulate small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This proposed rule amendment could have a cost savings because disabled veterans will no longer have to appear to a state park to apply for their annual honor pass; however, this savings cannot be estimated because the financial burden varies for each person.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This proposed rule amendment is not expected to have a fiscal impact on compliance costs for affected persons revenues or expenditures because participation in the program is optional and there is no application fee.
F. Compliance costs for affected persons:
There are no compliance costs for affected persons. The current Honor pass is free of charge, and the lifetime pass will be free of charge. It will save time for disabled veteran's to not have to renew their pass each year.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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 79-4-207	Section 79-4-1002	

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Scott Strong, Director	**Date:**	06/11/2026

R651. Natural Resources, State Parks.
R651-612. Veterans with Disabilities Honor Pass.
R651-612-1. Authority.

This rule is established pursuant to [~~Subs~~]Section 79-4-1002[~~(1)~~].

R651-612-2. Definitions.

(1) "Division" means the Division of State Parks.

(2) "Veterans with Disabilities Honor Pass" means an admission pass issued by the Division that:

(a) is valid for admission to state park areas [~~until the end of the calendar year for which it is issued;~~]<u>for the lifetime of the qualified veteran to whom it is issued, or until they no longer meet the requirements described in Subsection R651-612-3(1);</u>

(b) is valid for day-use admittance for the pass holder and [~~up to seven~~]guests arriving in the pass holder's same private vehicle;

(c) is not valid at This Is the Place Heritage Park;

(d) is not valid for charges or fees charged by Davis County for travel on the Antelope Island Causeway; and

(e) is not valid for special charges or fees within a park area.

R651-612-3. Veterans with Disabilities Honor Pass.

(1) The Division shall, upon request, provide a Veterans with Disabilities Honor Pass to an honorably discharged veteran who:

(a) is a resident of the state; and

(b) has a current service-connected disability rating issued by the United States Veterans Benefits Administration.

(2) An individual requesting a Veterans with Disabilities Honor Pass pursuant to Subsection (1) shall provide documentation to a pass provider that shows the individual:

(a) is an honorably discharged veteran;

(b) is a resident of the state; and

(c) has a current service-connected disability rating issued by the United States Veterans Benefits Administration.

<u>(3) Should the individual no longer meet the requirements outlined in Subsection R651-612-3(1), they are asked to destroy and dispose of the Honor Pass, or to return it to an approved Honor Pass distribution site.</u>

R651-612-4. Free Daily Admission to State Park Areas for Disabled Utah Veterans.

(1) The Division shall, upon request, grant free daily admission to a state park area to an honorably discharged veteran who:

(a) is a resident of the state; and

(b) has a current service-connected disability rating issued by the United States Veterans Benefits Administration.

(2) An individual requesting free admission to a state park area pursuant to Subsection (1) shall provide documentation to state parks entrance station staff that shows the individual:

(a) is an honorably discharged veteran;

(b) is a resident of the state; and

(c) has a current service-connected disability rating issued by the United States Veterans Benefits Administration.

KEY: state parks, Parkspass, veterans
Date of Last Change: 2026[~~September 16, 2025~~]
Notice of Continuation: June 11, 2026
Authorizing, and Implemented or Interpreted Law: 79-4-1002[~~; 79-4-304~~]

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Repeal and Readopt	**Filing ID: 58074**
Rule or section number:	**R652-122**

1. Agency Information

Title catchline:	Natural Resources; Forestry, Fire and State Lands
Building:	DNR Office Building
Street address:	1594 W North Temple, Suite 3520
City, state:	Salt Lake City, UT
Mailing address:	1594 W North Temple, Suite 3520
City, state and zip:	Salt Lake City, UT 84116

2. Contact Persons

Name:	Phone:	Email:
Joseph Anderson	385-786-5588	randerson3@utah.gov

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

3. General Information

A. Rule or section catchline:
R652-122. Cooperative Agreements
B. Purpose of the new rule or reason for the change:
The purpose of this filing is to establish rules for Cooperative Agreements, as Directed by HB 307 from the 2025 General Session.
C. Summary of the new rule or change:
The rule established the procedures by which the Division of Forestry, Fire and State Lands will disburse funds within the Utah Wildfire Fund. The changes in HB 307 (2025) required the renaming of the fund and established new methods of funding and disbursement of funds within the Fund. This repeal and readoption filing implements those changes, including the establishment of a new procedure to disburse funds to pay for wildfire prevention costs.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 307 (2025 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule is put in place according to HB 307 (2025), and all fiscal impact was accounted for in the fiscal note of that bill, which described how the old suppression fund is being transferred into the new Utah Wildfire Fund.
B. Local governments:
This rule is put in place according to HB 307 (2025), and all fiscal impact was accounted for in the fiscal note of that bill. There is not expected to be a change in impact to local governments from this repeal and readoption.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule is put in place according to HB 307 (2025), and all fiscal impact was accounted for in the fiscal note of that bill. There is not expected to be a change in impact to small businesses from this repeal and readoption.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This rule is put in place according to HB 307 (2025), and all fiscal impact was accounted for in the fiscal note of that bill. There is not expected to be a change in impact to non-small businesses from this repeal and readoption.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule is put in place according to HB 307 (2025), and all fiscal impact was accounted for in the fiscal note of that bill. There is not expected to be a change in impact on other persons from this repeal and readoption.
F. Compliance costs for affected persons:
This rule is put in place according to HB 307 (2025), and all fiscal impact was accounted for in the fiscal note of that bill.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2027**	**FY2027**	**FY2027**	**FY2027**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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 65A-8-217		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Jamie Barnes, Division Director and State Forester	**Date:**	06/16/2026

R652. Natural Resources; Forestry, Fire and State Lands.

[~~R652-122. Cooperative Agreements.~~

~~R652-122-100. Authority.~~

~~This rule implements Subsection 65A-8-203(5)(b), which authorizes the division to make rules concerning cooperative agreements; Subsection 65A-8-203(4)(a) and Subsection 65A-8-203(3)(b) which require the division to establish minimum standards for a county wildland fire ordinance and to specify minimum standards for wildland fire training, certification, and wildland fire suppression equipment; Section 65A-8-203.1, which defines delegation of fire management authority, and Section 65A-8-203.2, which concerns billing for costs of wildland fire suppression for counties or municipalities that do not have a cooperative agreement with the division.~~

~~R652-122-200. Cooperative Agreements.~~

~~1. The governing body of any eligible entity, as defined in Subsection R652-1-200(13), may enter into a cooperative agreement with the division to receive financial and wildfire management cooperation and assistance, as described in Title 65A-8-2, Part 2 Fire Control.~~

~~2. The division shall determine the provisions of the cooperative agreement consistent with statutory requirements.~~

~~3. A cooperative agreement shall last for a term of no more than five years and be renewable if the eligible entity continues to meet the requirements.~~

~~(a) the state shall assume an eligible entity's cost of suppressing catastrophic wildfire as defined in the cooperative agreement if the eligible entity has entered into, and is in full compliance with the cooperative agreement with the division.~~

~~4. A county or municipality that has not entered into a cooperative agreement with the division, as described in Title R652, or whose Cooperative Agreement has been revoked shall be responsible for wildland fire costs within the county or municipality jurisdiction as outlined in Section R652-120-1000.~~

~~5. To enter into a cooperative agreement an eligible entity shall:~~

~~(a) if the eligible entity is a county, adopt and enforce unincorporated land and wildland fire ordinance based upon minimum standards established by the division or Uniform Building Code Commission.~~

~~(b) agree to require that the fire department or equivalent fire service provider under contract with, or delegated by, the eligible entity on unincorporated land meet the minimum standards for wildland fire training, certification and suppression equipment based upon nationally accepted standards as specified by the division;~~

~~(c) agree to a participation commitment which requires investment in prevention, preparedness, and mitigation efforts as agreed to with the division intended to reduce the eligible entity's risk of catastrophic wildfire;~~

~~(d)(i) agree to file with the division an annual accounting of wildfire prevention, preparedness, mitigation actions, and associated costs.~~

~~(ii) meet the eligibility entity's participation commitment by making direct payments to the division; or~~

~~(iii) do a combination of Subsections R652-122-200(5)(d)(i) and (ii);~~

~~(e) agree to return the financial statement described in Subsection (5), signed by the chief executive officer of the eligible entity, to the division on or before the date set by the division.~~

~~(f) if the eligible entity is a county, agree to have a designated fire warden as described in Section 65A-8-209.1.~~

~~6. The division shall:~~

~~(a) send an Annual Statement to each eligible entity that details the eligible entity's participation commitment for the coming fiscal year, including the preparedness, prevention, and mitigation actions agreed to in Subsection (5)(c).~~

~~(b) financial statements shall be effective for one calendar year, beginning on the date set by the division.~~

~~R652-122-300. Determination of Participation Commitment.~~

~~1. The division shall determine a participation commitment for each entity with a cooperative agreement participating in the wildland fire suppression fund.~~

~~2. The participation commitment will be calculated by adding the Risk Assessment by Acres to the Historic Fire Cost Average in each jurisdiction.~~

~~3. An entity may appeal the participation commitment determination to the State Forester by informing the division in writing of the entity's disagreement with the division's determination and stating the reasons for the disagreement.~~

~~4. The State Forester may hold an informal hearing or request additional information. After deliberation, the State Forester shall make a final determination of the participation commitment and communicate it to the entity.~~

~~R652-122-400. Determination of Risk Assessment by Acres.~~

~~1. The Risk Assessment by Acres is calculated using the division's "Utah Wildfire Risk Assessment Portal" (UWRAP).~~

~~(a) county "high risk" (red) acres are assessed at $0.40 per acre and county "medium risk" (yellow) acres are assessed at $0.30 per acre.~~

~~(b) municipal "high risk" (red) acres are assessed at $3.50 per acre and municipal "medium risk" (yellow) acres are assessed at $2 per acre~~

~~2. UWRAP will be updated every two years by FFSL, as data sources and technology allow, to maintain the most current and defensible risk assessment.~~

~~R652-122-500. Determination of Historic Fire Cost Average.~~

~~1. Only wildfire suppression costs that are accrued and paid by the state on behalf of a participating entity are counted toward that entity's Historic Fire Cost Average, this includes state-paid costs after a Delegation of Fire Management Authority and Transfer of Fiscal Responsibility has occurred.~~

~~2. The historic fire cost average is calculated on a rolling ten-year average, dropping the highest and lowest cost years and adjusting for inflation, using the CPI; therefore, each ten-year average will have eight data points.~~

~~3. The historic fire cost average includes only suppression costs for which that entity who has fire suppression responsibility and taxation authority.~~

~~4. A county's historic fire cost average will only include state-paid suppression costs on all unincorporated land other than federal and state.~~

~~5. A municipality's historic fire cost average will only include state-paid suppression costs on all incorporated land other than federal and state.~~

~~6. An entity with both county and municipality responsibilities will include state-paid suppression costs on all unincorporated land other than federal, within a county and state-paid suppression costs on all incorporated land other than federal, within their jurisdiction.~~

~~R652-122-600. Annual Participation Commitment Report.~~

~~1. An entity may meet its participation commitment requirement either through direct expenditure of funds, or by "in-kind" expenditures in support of prevention, preparedness, or mitigation efforts including: prevention material costs, fuels crew labor costs, and other expenditures determined by the division to be eligible toward the participation commitment.~~

~~2. The participating entity is responsible to record and account for its participation commitment actions and expenditures and to provide an annual accounting to the division for review and approval.~~

~~3. The participating entity shall provide an annual participation commitment report to the division detailing the actual expenditures and activities in compliance with the participation commitment during the fiscal year.~~

~~4. The division may request additional information related to participation expenditures and actions.~~

~~R652-122-700. Participation Commitment Carry-Over.~~

~~1. The value of Participation Commitment actions may, in certain instances, "carry-over" to the next fiscal year with the approval of the respective FFSL Area Manager.~~

~~2. It is the responsibility of the Participating Eligible Entity to receive approval from their respective FFSL Area Manager in advance of pursuing a carry-over and account for, track and report the carry-over from year to year.~~

~~3. Decisions of the Area Manager may be appealed to the State Forester. The State Forester may hold a hearing or request additional information before making a final decision.~~

~~**R652-122-800. Annual Participation Commitment Statement.**~~

~~1. Every year, after the fire business and accounting for the prior year is finalized, the division will send to each participating eligible entity an Annual Financial Statement containing the determination of the calculated Participation Commitment for the entity's coming fiscal year.~~

~~2. The Participating Eligible entity's chief executive officer must then sign and return the Annual Participation Commitment Statement to the division by a due date determined by the division, thereby acknowledging the entity's participation for the coming fiscal year.~~

~~3. Unless the division has approved an extension, if an entity fails to return the signed Annual Participation Commitment Statement to the division by the due date, the cooperative agreement shall be considered revoked and the entity shall be withdrawn from participation in the wildland fire suppression fund.~~

~~**R652-122-900. Revocation of Cooperative Agreement.**~~

~~1. An eligible entity may revoke a cooperative agreement before the end of the agreement's term by:~~

~~(a) informing the division, in writing, of the eligible entity's intention to revoke the cooperative agreement; or~~

~~(b) failing to sign and return the annual participation commitment statement as described in Section R652-122-800, unless an extension has been granted by the division.~~

~~2. A cooperative agreement may not be revoked before the end of the fiscal year if the participating entity signed and returned an Annual Participation Commitment Statement. The revocation will be effective the next fiscal year.~~

~~3. The division may revoke a cooperative agreement only pursuant to division rules and the terms of the cooperative agreement.~~

~~4. An eligible entity whose cooperative agreement has been revoked shall be responsible for the costs of wildfire suppression within in its jurisdiction for any time period during which the entity failed to meet the requirements of the cooperative agreement.~~

~~**R652-122-1000. Allocation of Wildland Fire Suppression Costs to Entity Without Valid Cooperative Agreement.**~~

~~1. The division shall bill an entity that has not entered into a cooperative agreement with the division as described in Section 65A-8-203, or whose agreement has been revoked pursuant to Section R652-121-900, for the cost of wildfire suppression accrued by the state within the jurisdiction of that entity.~~

~~2. The cost of wildfire suppression to an entity that has not entered into a cooperative agreement with the division as described in Section 65A-8-203, or whose agreement has been revoked pursuant to Section R652-121-900, shall be calculated by determining the number of acres burned within the borders of the entity, dividing that number by the total number of nonfederal acres burned by a wildfire, and multiplying the resulting percentage by the state's total cost of wildfire suppression for that wildfire.~~

~~3. An entity that receives a bill from the division, pursuant to Title R652, shall pay the bill, or make arrangements to pay the bill, within 90 days of receipt of the bill, subject to the entity's right to appeal, as described in Subsection 65A-8-203(5)(b)(vi).~~

~~**R652-122-1100. Accounting System for Determining Suppression Costs.**~~

~~Suppression costs for a wildland fire shall be calculated by determining the number of acres burned within the jurisdictional boundary of the entity, dividing that number by the total number of nonfederal acres burned by a wildfire, and multiplying the resulting percentage by the state's total cost of wildfire suppression for that wildfire.~~

~~**R652-122-1200. Delegation of Fire Management Authority.**~~

~~1. Delegation of Fire Management Authority occurs when:~~

~~(a) State or Federally owned lands are involved in the incident; or,~~

~~(b) firefighting resources are ordered through an Interagency Fire Center beyond "pre-planned dispatch";~~

~~(c) at the request of the participating entity, local fire official on scene, having jurisdiction; or~~

~~(d) at the discretion of the State Forester after consultation with local authorities.~~

~~**R652-122-1300. Minimum Standards for County Wildland Fire Ordinance.**~~

~~(1) The division uses the International Urban-Wildland Interface Code as a basis for establishing the minimum standards discussed in this document.~~

~~(2) The division incorporates by reference the 2003 International Code Council Urban-Wildland Interface Code as the minimum standard for wildland fire ordinance with these exceptions:~~

~~(a) Section 101.1 Delete;~~

~~(b) Section 101.3 Delete "The extent of this regulation is intended to be tiered commensurate with the relative level of hazard present";~~

~~(c) Section 101.3 Second paragraph, substitute "development and" for "unrestricted";~~

~~(d) Section 101.4 Delete Exception;~~

~~(e) Section 101.5 In the Exception, delete "section 402.3";~~

~~(f) Section 105.2 Delete "For buildings or structures erected for temporary uses, see Appendix A, Section A108.3, of this code";~~

~~(g) Section 105.2 Add a number 15 to the list of activities that need a permit to read "Or other activities as determined by the code official";~~

~~(h) Section 202 Delete "Critical Fire Weather, Ignition-Resistant Construction Class 1,2 and 3, Urban-Wildland Interface area";~~

~~(i) Section 202 "See Critical Fire Weather" from Fire Weather definition;~~

~~(j) Section 202 Replace Fuel, Heavy definition with "Vegetation consisting of round wood 3 inches (76 mm) or larger in diameter. The amount of fuel (vegetation) would be 6 tons per acre or greater";~~

~~(k) Section 202 Replace Fuel, Light definition with "Vegetation consisting of herbaceous and round wood less than 1/4 inch (6.4 mm) in diameter. The amount of fuel (vegetation) would be 1/2 ton to 2 tons per acre";~~

~~(l) Section 202 Replace Fuel, Medium definition with "Vegetation consisting of round wood 1/4 to 3 inches (6.4mm to 76 mm) in diameter. The amount of fuel (vegetation) would be 2 to 6 tons per acre";~~

~~(m) Section 202 Add the term Legislative Body with the following definition: "The governing body of the political jurisdiction administering this code";~~

~~(n) Section 202 Add the term Brush, Tall with the following definition: "Arbor-like varieties of brush species and/or short varieties of broad-leaf trees that grow in compact groups or clumps. These groups or clumps reach heights of 4 to 20 feet. In Utah, this includes primary varieties of oak, maples, chokecherry, serviceberry and mahogany, but may also include other species";~~

~~(o) Section 202 Add the term Brush, Short with the following definition: "Low-growing species that reach heights of 1 to 3 feet. Sagebrush, snowberry, and rabbitbrush are some varieties";~~

~~(p) Section 202 Add the term Wildland Urban Interface with the following definition "The line, area or zone where structures or other human development (including critical infrastructure that if destroyed would result in hardship to communities meet or intermingle with undeveloped wildland or vegetative fuel";~~

~~(q) Section 301 Delete;~~

~~(r) Section 302.1 Replace with " The legislative body shall declare the urban-wildland interface areas within the jurisdiction. The urban-wildland interface areas shall be based on the maps created through Section 302";~~

~~(s) Section 302.2 Replace with " In cooperation, the code official and the Division of Forestry, Fire and State Lands (FFSL) wildfire representative, per participating agreement between county and FFSL, will create or review Wildland-Urban Interface area maps, to be recorded and field with the clerk of the jurisdiction. These areas shall become effective immediately thereafter";~~

~~(t) Section 302.3 Add "and the FFSL wildfire representative" between "official" and "shall";~~

~~(u) Section 402.3 Delete;~~

~~(v) Section 403.2 Delete Exception;~~

~~(w) Section 403.3 Replace "typically used to respond to that location" to "to protect structures and wildlands";~~

~~(x) Section 403.7 Add "It will be up to the code official to ascertain the standard based on local fire equipment, grade not to exceed 12%";~~

~~(y) Section 404.1 Delete "or as required . . . with Section 402.1.2";~~

~~(z) Section 404.1 Delete Exception;~~

~~(aa) Section 404.3 Delete "The draft site shall have emergency . . . with Section 402";~~

~~(bb) Section 404.5 Replace "as follows: determined" with "by the local jurisdiction. NFPA 1142 may be used as a reference";~~

~~(cc) Section 404.5.1 Delete entire section including Exception;~~

~~(dd) Section 404.5.2 Delete entire section including Exception;~~

~~(ee) Section 404.6 Replace with "The water system required by this code can only be considered conforming for purposes of determining the level of ignition-resistant construction (see Table 503.1)";~~

~~(ff) Section 404.8 Delete the words "and hydrants";~~

~~(gg) Section 404.9 After " . . . periodic tests as required by the code official." add the sentences "Code official shall establish a periodic testing schedule. Costs are to be covered by the water provider";~~

~~(hh) Section 404.9 After the last sentence, add "Mains and appurtenances shall be installed in accordance with NFPA 24. Water tanks for private fire protection shall be installed in accordance with NFPA 22. Costs are to be covered by the water provider.";~~

~~(ii) Section 404.10.3 After ". . . dependent on electrical power" add "supplied by power grid" and after " . . . demands shall provide . . ." add "functional";~~

~~(jj) Section 404.10.3 Replace "Exceptions" in its entirety with "When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground or on-site generator.";~~

~~(kk) Section 405 Before Section 405.1 Add "The purpose of the plan is to provide a basis to determine overall compliance with this code, for determination of Ignition-Resistant Construction (IRC), see Table 503.1, and for determining the need for alternative materials and methods";~~

~~(ll) Section 405.1 After "When required by a code official, a fire protection plan shall be prepared" add the words "and approved before the first building permit issuance or subdivision approval";~~

~~(mm) Chapter 5, Delete Table 502;~~

~~(nn) Section 505.2 Replace "Class B roof covering" with "Class A roof covering";~~

~~(oo) Section 506.2 replace "Class C roof covering" with "Class A roof covering";~~

~~(pp) Section 602 Delete;~~

~~(qq) Section 603.2 Replace "for the purpose of Table 503.1" with "for individual buildings or structures on a property";~~

~~(rr) Section 603.2 Replace "10 feet or to the property line" with "30 feet or to the property line";~~

~~(ss) Section 603.2 replace "along the grade" with "on a horizontal plane";~~

~~(tt) Section 603.2 replace "may be increased" with "may be modified";~~

~~(uu) Section 603.2 Delete "crowns of trees and structures";~~

~~(vv) Add new Section 603.3 titled "Community fuel modification zones" with the following text: Fuel modification zones to protect new communities shall be provided when required by the code official in accordance with Section 603 to reduce fuel loads adjacent to communities and structures;~~

~~(ww) Add new Section 603.3.1 titled "Land ownership" with the following text: Fuel modification zone land used to protect a community shall be under the control of an association or other common ownership instrument for the life of the community to be protected;~~

~~(xx) Add new Section 603.3.2 titled "Fuel modification zone plans" with the following text: Fuel modification zone plans shall be approved before fuel modification work and shall be placed on a site grading plan shown in plan view. An elevation plan shall also be provided to show the length of the fuel modification zone on the slope. Fuel modification zone plans shall include, the following:~~

~~(i) Plan showing existing vegetation;~~

~~(ii) Photographs showing natural conditions before work is performed;~~

~~(iii) Grading plan showing location of proposed buildings and structures, and setbacks from top of slope to all buildings or structures;~~

~~(yy) Section 604.1 Add "annually, or as necessary" after "maintained";~~

~~(zz) Section 604.4 First sentence should read "Individual trees and/or small clumps of trees or brush crowns extending to within . . . ";~~

~~(aaa) Section 607 change "20 feet" to "30 feet";~~

~~(bbb) Chapter 7 Delete;~~

~~(ccc) Appendix A is included as optional recommendations rather than mandatory;~~

~~(ddd) Appendix B Last sentence changed to "Continuous maintenance of the clearance is required.";~~

~~(eee) Appendix C Below title, add "This appendix is to be used to determine the fire hazard severity.";~~

~~(fff) Appendix C-A1. Change to "One-lane road in, one-lane road out" and points change to 1, 10 and 15;~~

~~(ggg) Appendix C-A2. Points change to 1 and 5;~~

~~(hhh) Appendix C-A3 Change to 3 entries: Road grade 5% or less, road grade 5-10% and road grade greater than 10%, with points at 1,5 and 10, respectively;~~

~~(iii) Appendix C-A4. Points are now 1, 5, 8 and 10;~~

~~(jjj) Appendix C-A5 Change to "Present but unapproved" for 3 points, and "not present" for 5 points;~~

~~(kkk) Appendix C-B1. Fuel Types change to "Surface" and "Overstory". Surface has 4 categories -- Lawn/noncombustible, Grass/short brush, Scattered dead/down woody material, Abundant dead/down woody material; and the points are 1, 5, 10 and 15, respectively. Overstory has 4 categories -- Deciduous trees (except tall brush), Mixed deciduous trees and tall brush, Clumped/scattered conifers and/or tall brush, Contiguous conifer and/or tall brush; and the points are 3, 10, 15 and 20, respectively;~~

~~(lll) Appendix C-B2. The 3 categories are changed to "70% or more of lots completed", "30% to 70% of lots completed" and "Less than 30% of lots completed" and the points would be 1, 10 and 20, respectively;~~

~~(mmm) Appendix C-C Replace first category with "Located on flat, base of hill, or setback at crest of hill"; Replace second category with "On slope with 0-20%grade"; Replace third category with "On slope with 21-30% grade"; Replace fourth category with "On slope with 31%grade or greater"; Add fifth category that reads "At crest of hill with unmitigated vegetation below"; replace the points with 1, 5, 10, 15 and 20 for the five categories;~~

~~(nnn) Appendix C-E. Change the points to 1, 5, 10, 15 and 20;~~

~~(ooo) Appendix C-F. Drop down the second and third categories to third and fourth and insert new second category to read "Combustible siding/no deck"; The points for the four categories are 1, 5, 10 and 15;~~

~~(ppp) The new totals for "Moderate Hazard" are 50-75; "High Hazard" are 76-100; "Extreme Hazard" are 101+; and~~

~~(qqq) Appendices D-H Delete.~~

~~R652-122-1400. Minimum Standards for Wildland Fire Training.~~

~~1. At a minimum, the Participating Entity will ensure that firefighters providing Initial Attack to wildland fire within the Participating Entity's jurisdiction will be trained in NWCG S130 Firefighter Training and S190 Introduction to Wildland Fire Behavior. FFSL also recommends S215 Wildland Urban Interface Firefighting Operations.~~

~~(a) This includes firefighters who are directly involved in the suppression of a wildland fire; firefighters on scene who have supervisory responsibility or decision-making authority over those involved in the suppression of a wildland fire; or individuals who have fire suppression responsibilities within close proximity of the fire perimeter.~~

~~(b) This does not include a person used as a courier, driver of a vehicle not used for fire suppression, or a person used in a non-tactical support or other peripheral function not in close proximity to a wildland fire.~~

~~(c) Upon the Delegation of Fire Management Authority, Firefighters not certified by the Utah Fire Certification Council as Wildland Firefighter I will be released from Initial Attack or reassigned to other firefighting duties.~~

~~R652-122-1500. Minimum Standards for Wildland Firefighting Equipment.~~

~~(1) The following standards are applicable to equipment used by fire departments representing those counties who have cooperative wildland fire protection agreements with the state. This includes county fire departments and other fire departments which are contracted with the counties to provide fire protection on private wildland. The Utah Division of Forestry, Fire and State Lands has determined that this standard be met by June 1, 2006.~~

~~(2) Engines and water tenders used on private wildland fires within the county's jurisdiction will meet the standard for the type of equipment plus appropriate hand tools and water handling equipment as determined by the National Wildfire Coordinating Group.~~

~~TABLE 1~~
~~Engines~~

~~Component~~	~~Type 1~~	~~Type 2~~	~~Type 3~~
~~Pump Rating - gpm~~	~~1,000+ @ 150 psi~~	~~250+ @ 150 psi~~	~~150+ @ 250 psi~~
~~Tank Capacity - gal~~	~~400+~~	~~400+~~	~~500+~~
~~Hose 2.5 inch~~	~~1,200 ft~~	~~1,000 ft~~	~~--~~

~~Hose 1.5 inch~~	~~400 ft~~	~~500 ft~~	~~500 ft~~
~~Hose 1 inch~~	~~--~~	~~--~~	~~500 ft~~
~~Ladders~~	~~48 ft~~	~~48 ft~~	~~--~~
~~Master Stream -- gpm~~	~~500~~	~~--~~	~~--~~
~~Personnel -- minimum~~	~~4~~	~~3~~	~~2~~

~~Component~~	~~Type 4~~	~~Type 5~~	~~Type 6~~
~~Pump Rating -- gpm~~	~~50 @ 100 psi~~	~~50 @ 100 psi~~	~~30 @ 100 psi~~
~~Tank Capacity -- gal~~	~~750+~~	~~400 - 750~~	~~150 - 400~~
~~Hose 2.5 inch~~	~~--~~	~~--~~	~~--~~
~~Hose 1.5 inch~~	~~300 ft~~	~~300 ft~~	~~300 ft~~
~~Hose 1 inch~~	~~300 ft~~	~~300 ft~~	~~300 ft~~
~~Ladders~~	~~--~~	~~--~~	~~--~~
~~Master Stream -- gpm~~	~~--~~	~~--~~	~~--~~
~~Personnel -- minimum~~	~~2~~	~~2~~	~~2~~

~~TABLE 2~~
~~Water Tenders~~

~~Component~~	~~Type 1~~	~~Type 2~~	~~Type 3~~
~~Tank Capacity -- gal~~	~~5,000+~~	~~2,500+~~	~~1,000+~~
~~Pump Capacity -- gpm~~	~~300+~~	~~200+~~	~~200+~~
~~Off Load Capacity -- gpm~~	~~300+~~	~~200+~~	~~200+~~
~~Max Refill Time -- min~~	~~30~~	~~20~~	~~15~~
~~Personnel tactical/nontactical~~	~~2/1~~	~~2/1~~	~~2/1~~

]R652-122. Cooperative Agreements.

R652-122-100. Authority.

This rule implements Subsection 65A-8-203(5)(b), which authorizes the division to make rules concerning cooperative agreements; Subsection 65A-8-203(4)(a) which requires the division to specify minimum standards for wildland fire training, certification, and wildland fire suppression equipment; Section 65A-8-203.1, which defines delegation of fire management authority, and Section 65A-8-217, which concerns billing for wildland fire suppression costs.

R652-122-200. Cooperative Agreements.

(1) The governing body of any eligible entity, as defined in Subsection R652-1-200(13), may enter into a cooperative agreement with the division to receive financial and wildfire management cooperation and assistance, as described in Section 65A-8-2, Fire Control.

(2) The division shall determine the provisions of the cooperative agreement consistent with statutory requirements.

(3) A cooperative agreement shall last for a term of no more than five years and be renewable if the eligible entity continues to meet the requirements.

(4) A county that is assigned high risk wildland urban interface shall enter into a cooperative agreement with the division, pursuant to Section 17E-7-401.

(5) The state shall assume all wildfire suppression costs beyond the delegation of authority to the state within the jurisdiction of the eligible entity to be paid by the Utah Wildfire Fund, except costs resulting from services within the eligible entity's regular budget or activities, if the eligible entity has entered into, and is in full compliance with the cooperative agreement with the division.

(6) A county or municipality that has not entered into a cooperative agreement with the division, as described in Rule R652-122, or whose cooperative agreement has been revoked by the entity or the division, shall be responsible for abating the public nuisance caused by wildfire and for all associated costs within the county or municipality jurisdiction as outlined in Sections R652-120-300 through R652-120-400.

(7) To enter into a cooperative agreement an eligible entity shall.

(a) If the eligible entity is a county or municipality, adopt and enforce the wildland fire ordinance based upon minimum standards established in the Uniform Building Code in Section 15A-2-103;

(b) Agree to require that the fire department or equivalent fire service provider under contract with, or delegated by, the eligible entity meet the minimum standards for wildland fire training, certification, and suppression equipment based upon nationally accepted standards as specified by the division;

(c) Agree to a participation commitment requiring investment in prevention, preparedness, and mitigation efforts as agreed to with the division, which is intended to reduce the eligible entity's risk of catastrophic wildfire;

(d) Agree to file with the division an annual accounting of participation commitment actions and compliance with the cooperative agreement. The accounting requirements shall be set forth by the division in policy and include at minimum the approved actions taken to meet the participation commitment;

(e) Agree to return the Participation Commitment Statement described in Section R652-122-800, signed by the chief executive officer of the eligible entity, to the division on or before the date set by the division;

(f) If the eligible entity is a county, agree to have a designated fire warden as described in Section 65A-8-209.1;

(g) Take action to recover suppression costs pursuant to Section 65A-3-3; and

(h) if the eligible entity is a political subdivision of a county or municipality, the county or municipality that is assigned high risk wildland urban interface pursuant to Section 17-16-22 must first have a cooperative agreement with the division prior to the political subdivision entering into an agreement.

(8) The division shall send a Participation Commitment Statement to each eligible entity that details the eligible entity's participation commitment for the coming calendar year, including the preparedness, prevention, and mitigation actions agreed to by the eligible entity and the division.

(9) Participation Commitment Statements are effective for one calendar year, beginning on the date set by the division.

(10) A county or municipality may only assign to a political subdivision the following responsibilities in the cooperative agreement:

(a) Wildfire suppression activities;

(b) Fulfilling the participation commitment through wildfire prevention, preparedness, mitigation, or direct payment; and

(c) Annually reporting on participation commitment actions.

(11) If a county or municipality or political subdivision with assigned responsibilities under a cooperative agreement fails to comply with the cooperative agreement requirements, the division may assign to the county or municipality wildland fire suppression costs incurred on their behalf.

R652-122-300. Determination of Participation Commitment.

(1) The division shall determine a participation commitment for each entity with a cooperative agreement participating in the Utah Wildfire Fund.

(2) Participation commitment is calculated by adding the Risk Assessment by Acres to the Historic Fire Cost Average in each jurisdiction.

(3) Counties and municipalities may assign all or part of their participation commitment responsibility to a fire service provider.

(4) An entity may appeal the participation commitment determination to the State Forester by informing the division in writing of the entity's disagreement with the division's determination and stating the reasons for the disagreement.

(5) The State Forester may hold an informal hearing or request additional information. After deliberation, the State Forester shall make a final determination of the participation commitment and communicate it to the entity.

R652-122-400. Determination of Risk Assessment by Acres.

(1) The risk assessment by acres is calculated using the Division's "Utah Wildfire Risk Assessment Portal" (UWRAP) and is subject to the following:

(a) county "high risk" (red) acres are assessed at $0.40 per acre and county "medium risk" (yellow) acres are assessed at $0.30 per acre; and

(b) municipal "high risk" (red) acres are assessed at $3.50 per acre and municipal "medium risk" (yellow) acres are assessed at $2 per acre

(2) Risk assessment values may be adjusted by the Division based on the Consumer Price Index.

(3) The Division shall update UWRAP every two years, as data sources and technology allow, to maintain the most current and defensible risk assessment.

R652-122-500. Determination of Historic Fire Cost Average.

(1) All wildland fire suppression costs accrued and paid by the state on behalf of a participating entity are counted toward that entity's historic fire cost average, including: state-paid costs before and after a delegation of fire management authority and transfer of fiscal responsibility.

(2) The historic fire cost average is calculated on a rolling ten-year average, dropping the highest and lowest cost years and adjusting for inflation, using the Consumer Price Index. As a result, each ten-year average will have eight data points.

(3) A county's historic fire cost average will only include state-paid wildland fire suppression costs on all unincorporated land other than federal and state lands.

(4) A municipality's historic fire cost average will only include state-paid wildland fire suppression costs on all incorporated land other than federal and state lands.

(5) A participating entity with both county and municipality responsibilities will include state-paid wildland fire suppression costs on all unincorporated land, other than federal and state land, within a county, and state-paid wildland fire suppression costs on all incorporated land, other than federal and state land, within their jurisdiction.

R652-122-600. Annual Participation Commitment Report.

(1) An entity may meet its participation commitment requirement either through direct expenditure of funds; "in-kind" expenditures in support of prevention, preparedness, or mitigation efforts, as determined by the Division to be eligible toward the participation commitment; direct payment to the Division; or a combination of these options.

(2) The participating entity is responsible to record and account for its participation commitment actions and expenditures in a manner specified in the cooperative agreement.

(3) The participating entity shall report annually to the Division detailing the actual expenditures and activities in compliance with the participation commitment during the calendar year.

(4) The Division may request additional information related to participation expenditures and actions.

(5) The Division area manager shall determine the eligibility of reported participation commitment actions. Actions may not meet eligibility criteria if they:

(a) lack sufficient documentation; or
(b) do not qualify for participation commitment pursuant to Division policy; or
(c) are not previously agreed to by the Division for that year's Participation Commitment Statement.
(6) Decisions of the Division area manager may be appealed to the State Forester. The State Forester may hold a hearing or request additional information before making a final decision. The State Forester shall communicate a final decision to the participating entity.

R652-122-700. Participation Commitment Carry-Over.
(1) The value of participation commitment actions may, in certain instances, "carry-over" to the next calendar year with the approval of the respective Division area manager.
(2) It is the responsibility of the participating entity to receive written approval from their respective Division area manager in advance of pursuing a carry-over, and to account for, track, and report the carry-over from year to year.

R652-122-800. Annual Participation Commitment Statement.
(1) Every year, after the fire business and accounting for the prior year is finalized, the Division shall send to each participating entity a Participation Commitment Statement containing the determination of the calculated participation commitment for the entity's coming calendar year.
(2) The participating entity shall complete the Participation Commitment Statement by documenting their plan of action to meet the calculated participation commitment. Planned wildfire mitigation, preparedness, and prevention activities shall be drawn from the participating entity's Community Wildfire Preparedness Plan.
(3) The participating entity's chief executive officer must then sign and return the Participation Commitment Statement to the Division by a due date determined by the Division, thereby acknowledging the entity's participation for the coming calendar year.
(4) Unless the Division has approved an extension, if an entity fails to return the signed Participation Commitment Statement to the Division by the due date, the cooperative agreement shall be considered revoked.

R652-122-900. Revocation of Cooperative Agreement.
(1) A participating entity may revoke a cooperative agreement before the end of the agreement's term by:
(a) informing the Division, in writing, of the participating entity's intention to revoke the cooperative agreement; or
(b) failing to sign and return the annual Participation Commitment Statement as described in Section R652-122-800, unless an extension has been granted by the Division.
(2) The Division may revoke a cooperative agreement before the end of the agreement's term for failure to comply with the terms of its cooperative agreement with the Division.
(3) The Division shall notify a participating entity in writing of any breach of its cooperative agreement.
(4) An entity's failure to remedy a breach may result in the Division's revocation of the participating entity's cooperative agreement pursuant to the terms of the cooperative agreement.
(5) A cooperative agreement may not be revoked before the end of the calendar year if the participating entity signed and returned an annual Participation Commitment Statement. The revocation will be effective for the next calendar year.
(6) A participating entity whose cooperative agreement has been revoked shall be responsible for wildfire suppression costs within its jurisdiction for any time period during which the entity failed to meet the requirements of the cooperative agreement.
(7) If the Division revokes an entity's cooperative agreement, the entity may informally appeal the revocation to the State Forester within 30 days of the notice of revocation. During the appeal, the State Forester may conduct an investigation, hold an informal hearing, or request additional information from the entity. The final decision of the State Forester will be provided in writing to the entity.

R652-122-1000. Reinstatement of Cooperative Agreement.
(1) An eligible entity that voluntarily revokes its cooperative agreement pursuant to Section R652-122-900, may enter into a new cooperative agreement with the Division and become a participating entity.
(2) An eligible entity whose cooperative agreement was revoked by the Division pursuant to Section R652-122-900,may enter into a new cooperative agreement with the Division and become a participating entity only after remedying the breach that resulted in the revocation.
(3) An eligible entity that seeks to enter into a new cooperative agreement with the Division must first pay any outstanding wildland fire suppression costs billed to the entity by the Division.

R652-122-1100. Allocation of Wildland Fire Costs to an Entity Without a Valid Cooperative Agreement.
(1) The Division shall bill a county or municipality that has not entered into a cooperative agreement with the Division as described in Section 65A-8-203, or whose agreement has been revoked pursuant to Section R652-122-900, for wildland fire suppression costs accrued by the state within the jurisdiction of that entity.
(2) A county or municipality that receives a bill from the Division, pursuant to Title R652, shall pay the bill, or make arrangements to pay the bill, within 90 days of receipt of the bill, subject to the entity's right to appeal, as described in Subsection 65A-8-203(5)(b)(vi).

R652-122-1200. Accounting System for Determining Wildland Fire Suppression Costs.
Wildfire suppression costs shall be calculated by determining the number of acres burned within the jurisdictional boundary of the entity, dividing that number by the total number of nonfederal acres burned by a wildfire, and multiplying the resulting percentage by the state's total cost of wildfire suppression for that wildfire.

R652-122-1300. Delegation of Fire Management Authority.

Delegation of Fire Management Authority occurs when:

(1) State or Federally owned lands are involved in the incident; or,

(2) firefighting resources are ordered through an Interagency Fire Center beyond "pre-planned dispatch";

(3) at the request of the participating entity, local fire official on scene, having jurisdiction; or

(4) at the discretion of the State Forester after consultation with local authorities.

R652-122-1400. Minimum Standards for Wildland Fire Training.

(1) At a minimum, the participating entity shall ensure that firefighters providing Initial Attack to wildland fire within the participating entity's jurisdiction are trained in NWCG S130 Firefighter Training and S190 Introduction to Wildland Fire Behavior. The Division also recommends training in S215 Wildland Urban Interface Firefighting Operations.

(2) The participating entity shall ensure that firefighters providing Initial Attack to wildland fire within its jurisdiction complete RT130 Annual Fireline Safety Refresher Training prior to each statutory "closed fire season" pursuant to Section 65A-8-211.

(3) For the purposes of this rule, firefighters providing Initial Attack include: firefighters directly involved in the suppression of a wildland fire; firefighters on scene who have supervisory responsibility or decision-making authority over those involved in the suppression of a wildland fire; and individuals who have fire suppression responsibilities within close proximity of the fire perimeter. This does not include an individual acting as a courier, a driver not providing fire suppression, or an individual operating in a non-tactical support or other peripheral function not in close proximity to a wildland fire.

(4) Upon the Delegation of Fire Management Authority to the Division, Firefighters not NWCG certified as Firefighter Type 2 or higher shall be released, where conditions allow. In situations where the local cooperator has legal jurisdiction over an involved geographic area, the training standard of that agency may apply to those jurisdictions.

R652-122-1500. Community Wildfire Preparedness Plans.

(1) The participating entity shall adopt a Community Wildfire Preparedness Plan or, subject to Division's approval, equivalent wildland fire preparedness plan (collectively referred to as the "Plan").

(2) Following adoption, the participating entity shall update the Plan at least every five (5) years from initial adoption.

(3) The Plan shall include actions that:

(a) Are qualitative and quantitative; and

(b) identify and prioritize hazardous fuel reduction treatments; and

(c) Recommend measures that homeowners and communities can take to reduce the ignitability of structures.

(4) The participating entity shall implement prevention, preparedness, and mitigation actions identified in its Plan.

(5) When developing a Plan, the participating entity shall collaborate with the following as decision-makers and signatories:

(a) The Division; and

(b) Local fire department(s) with wildfire suppression jurisdiction included in the Plan area.

(c) Other collaborators or stakeholders may participate, but not as decision-makers.

(6) Signed Plans must be filed with the Division in a manner specified by the Division.

KEY: minimum standards, wildland urban interface, cooperative agreements
Date of Last Change: 2026[~~June 21, 2024~~]
Notice of Continuation: January 8, 2026
Authorizing, and Implemented or Interpreted Law: 65A-8-203

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: New	**Filing ID: 58072**
Rule or section number:	**R765-135**

1. Agency Information

Title catchline:	Higher Education (Utah Board of), Administration
Building:	Utah Board of Higher Education Building, The Gateway
Street address:	60 S 400 W
City, state:	Salt Lake City, UT 84101

2. Contact Persons

Name:	**Phone:**	**Email:**
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu

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

3. General Information

A. Rule or section catchline:
R765-135. Legal Services for Utah System of Higher Education Degree-Granting Institutions
B. Purpose of the new rule or reason for the change:
This new administrative rule, R765-135, outlines the appointment, scope of authority, systemwide coordination, and funding of legal counsel at degree-granting institutions in the Utah System of Higher Education (USHE). Rule R765-135 also outlines the responsibilities of the presidents of degree-granting institution presidents related to legal services. Rule R765-135 also provides requirements for USHE institutions to comply with SB 240 (passed in the 2026 General Session).
C. Summary of the new rule or change:
This new administrative rule provides procedures for the provision of legal services for USHE degree-granting institutions. New Rule R765-135 is being enacted to comply with SB 240 (2026) and Section 53H-3-405. Rule R765-135 outlines how legal counsel at USHE institutions are appointed, as well as the scope of their authority. The rule also contains provisions related to USHE-wide coordination of legal services, the funding of legal services at degree-granting institutions, and the responsibilities of presidents of degree-granting USHE institution presidents as they relate to institutional legal counsel.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 240 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
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 provides procedures related to the appointment, scope of authority, systemwide coordination, and funding of legal counsel at degree-granting institutions in the USHE, as well as related responsibilities of institutional presidents. This rule does not make any changes or impose any requirements that would create either any cost to or savings for the state budget. While Rule R765-135 complies with SB 240 (2026), the possible costs outlined in that bill's fiscal note do not relate to or affect any of the provisions in Rule R765-135.
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 provides procedures related to the appointment, scope of authority, systemwide coordination, and funding of legal counsel at degree-granting institutions in the USHE, as well as related responsibilities of institutional presidents. This rule does not make any changes or impose any requirements that would create either any cost to or savings for local governments. Rule R765-135 complies with SB 240 (2026) and the fiscal note for SB 240 (2026) states that enactment of that bill would likely not result in direct, measurable costs for local governments.

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 provides procedures related to the appointment, scope of authority, systemwide coordination, and funding of legal counsel at degree-granting institutions in the USHE, as well as related responsibilities of institutional presidents. This rule does not make any changes or impose any requirements that would create either any cost to or savings for small businesses. Rule R765-135 complies with SB 240 (2026) and the fiscal note for SB 240 (2026) states that enactment of that bill would likely not result in direct, measurable costs for individuals and businesses.
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 provides procedures related to the appointment, scope of authority, systemwide coordination, and funding of legal counsel at degree-granting institutions in the USHE, as well as related responsibilities of institutional presidents. This rule does not make any changes or impose any requirements that would create either any cost to or savings for non-small businesses. Rule R765-135 complies with SB 240 (2026), and the fiscal note for SB 240 (2026) states that enactment would likely not result in direct, measurable costs for individuals and 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 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 provides procedures related to the appointment, scope of authority, systemwide coordination, and funding of legal counsel at degree-granting institutions in the USHE, as well as related responsibilities of institutional presidents. This rule does not make any changes or impose any requirements that would create either any cost to or savings for persons other than small businesses, non-small businesses, state, or local government entities. Rule R765-135 complies with SB 240 (2026), and the fiscal note for SB 240 (2026) states that enactment would likely not result in direct, measurable costs for individuals and businesses.
F. Compliance costs for affected persons:
This rule does not impose any compliance costs for affected persons because this rule provides procedures related to the appointment, scope of authority, systemwide coordination, and funding of legal counsel at degree-granting institutions in the USHE, as well as related responsibilities of institutional presidents. While Rule R765-135 complies with SB 240 (2026), the possible costs outlined in that bill's fiscal note do not relate to or affect any of the provisions in Rule R765-135.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0

Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

The Commissioner of Utah Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

B. Summary of reasonable alternatives or modifications:
The Utah Board of Higher Education does not expect that the implementation of new Rule R765-135 will have a measurable negative impact on family health, stability, or formation, and as such, no alternatives or modifications are necessary.

9. Citation Information

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-3-405		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Alison Adams, Board Secretary and Designee	**Date:**	06/16/2026

R765. Higher Education (Utah Board of), Administration.
R765-135. Legal Services for Utah System of Higher Education Degree-Granting Institutions.
R765-135-1. Purpose.

This rule outlines the appointment, scope of authority, systemwide coordination, and funding of legal counsel at Utah System of Higher Education (USHE) degree-granting institutions. It also outlines a degree-granting institution president's responsibilities related to legal services.

R765-135-2. Authority.

This rule is authorized by Section 53H-3-405.

R765-135-3. Definitions.

(1) "Legal counsel" means an attorney hired as an employee of a USHE degree-granting institution to provide legal services. For purposes of this rule, "legal counsel" does not include an Assistant Attorney General.

(2) "Formal legal opinion" means an official opinion issued by the Attorney General that interprets federal or state statutes, regulations, or rules.

R765-135-4. Appointment of Legal Counsel.

The president of a degree-granting USHE institution may appoint one or more legal counsel. Legal counsel shall provide legal advice to the institution's Board of Trustees, president, administration, and other representatives of the institution, and coordinate legal affairs within the institution as authorized under Sections R765-135-4 through R765-135-7.

R765-135-5. Legal Counsel Scope of Authority.

Legal counsel:

(1) Shall be licensed to practice law in Utah;

(2) Shall adhere to the Utah Rules of Professional Conduct and the Utah Standards of Professionalism and Civility;

(3) Represents the USHE institution as the client;

(4) Has the responsibility and authority to advise the institution on all relevant state, federal, and international laws, policies, rules and regulations;

(5) When advising, may consider and refer not only to the law, but to moral, economic, social, political, and other factors that may be relevant to the institution's situation. See Utah R. Prof. Conduct 2.1.

(6) Within the scope set by the institution's president, may act as legal representation for the Board of Trustees, president, administration, and other representatives of the institution in all matters;

(7) Except within the scope of authority set by the president, does not make decisions on behalf of the institution;

(8) May not conduct litigation;

(9) May not settle claims covered by the State Risk Management Fund;

(10) May not issue formal legal opinions;

(11) May not serve in or exercise a role outside the scope of authority articulated in this rule; and

(12) Except as provided in Subsection R765-135-5(11) shall not serve in or exercise an administrative role, function or office that is not primarily legal or regulatory.

R765-135-6. President's Responsibility for Legal Services.

The president of a USHE degree-granting institution:

(1) Has the authority to define the scope and authority of legal counsel consistent with this rule;

(2) Except as otherwise outlined under Utah law and Utah Board of Higher Education (Board) policy and subject to oversight by the Board and the institution's Board of Trustees, is the final decisionmaker on issues impacting the institution;

(3) When seeking legal advice, shall work to ensure legal counsel has full context so legal counsel can provide the best legal advice;

(4) May consult legal counsel for strategic advice;

(5) May not defer institutional representation in legislative meetings to legal counsel;

(6) Shall seek advice, rather than approval, from legal counsel;

(7) Shall act as the final decisionmaker on matters impacting the institution and may not defer final decision-making authority or responsibility outside of the scope of legal counsel's authority to legal counsel;

(8) May assign legal counsel to oversee legal and regulatory functions, including compliance, contracts, policy, records management, and risk management, but may not do so in a manner that relinquishes the president's role as decisionmaker on issues impacting the institution;

(9) May assign legal counsel to act as Board Secretary for the institution's Board of Trustees in accordance with guidance issued by the Utah Board of Higher Education;

(10) Except for matters in which legal counsel has been conflicted off, shall seek advice from legal counsel before engaging on institutional matters with an attorney not employed by the institution; and

(11) May not appoint, contract, hire, or retain an outside attorney to prosecute or defend litigation without the written consent of the Attorney General or the Attorney General's designee.

R765-135-7. Coordination.

The Board shall coordinate the activities of legal counsel. The Commissioner of Higher Education or their designee shall coordinate, with the Attorney General's Office, to provide statewide training and development opportunities for legal counsel at USHE degree-granting institutions and to enhance the exchange of information, ideas, and expertise between and among legal counsel and attorneys in the Attorney General's Office. By its effective coordination of legal counsel and with the Attorney General's Office, the Board shall seek to optimize legal support to USHE as a whole and to each institution.

R765-135-8. Cooperation with the Attorney General's Office.

(1) In providing legal representation to their institution, legal counsel shall cooperate with the Attorney General's Office.

(2) Legal counsel shall communicate to and cooperate with both the Board's general counsel and the Attorney General's Office on all matters that may be expected to have a litigation risk for the Board or other USHE institutions.

(3) Only the Attorney General's Office may issue formal legal opinions.

R765-135-9. Funding for Legal Counsel.
Each USHE degree-granting institution shall fund legal counsel compensation, benefit costs, and other related expenses through the institution's budget.

KEY: Utah Board of Higher Education, Legal Services for Degree-granting Institutions
Date of Last Change: 2026
Authorizing, and Implemented or Interpreted Law: 53H-3-405

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58043**
Rule or section number:	**R765-606**

1. Agency Information

Title catchline:	Higher Education (Utah Board of), Administration
Building:	Utah Board of Higher Education Building, The Gateway
Street address:	60 S 400 W
City, state:	Salt Lake City, UT 84101

2. Contact Persons

Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu

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

3. General Information

A. Rule or section catchline:

R765-606. USHE Employee Partner Scholarship

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

This filing amends Rule R765-606 based on revisions passed by the Utah Board of Higher Education. Those revisions clarify the length of award eligibility for the Utah System of Higher Education (USHE) Employee Partner Scholarship (Scholarship) to comply with Section 53H-11-414 and make other minor updates to rule language for consistency and clarity.

C. Summary of the new rule or change:

The amendments to Rule R765-606 include revisions to the language of this rule that clarify the length of time for which an individual can be eligible for the USHE Scholarship consistent with Section 53H-11-414.

The changes to this rule also include updates to the requirements for continued eligibility for the Scholarship and additional requirements related to the rescission of a recipient's scholarship, reapplication for the Scholarship, and priority for the Scholarship in subsequent years.

5. Fiscal Information

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

A. State budget:

The amendments to Rule R765-606 will not have any fiscal impact on the state budget.

There is no fiscal impact on the state budget because this rule clarifies the length of time for which an individual can be eligible for the USHE Scholarship and makes other updates to the rule language for consistency and clarity.

The changes made to the provisions of this rule do not create any cost to or any savings for the state budget. Although appropriations are required to fund the Program, those appropriations occur separately from the processes set forth in this rule and, as such, the changes made to this rule have no impact on the state budget.
B. Local governments:
The amendments to Rule R765-606 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 USHE Scholarship clarifies the length of time for which an individual can be eligible for the USHE Scholarship, and makes other updates to this rule language for consistency and clarity. The changes made to the provisions of this rule do not create any cost to or any savings for local governments. Although appropriations are required to fund the Program, those appropriations occur separately from the processes set forth in this rule and, as such, the changes made to this rule have no impact on local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
The amendments to Rule R765-606 will not have any fiscal impact on small businesses. There is no fiscal impact on small businesses because the rule provides procedures for administering the USHE Scholarship, clarifies the length of time for which an individual can be eligible for the USHE Scholarship, and makes other updates to the rule language for consistency and clarity. The changes made to the provisions of this rule do not create any cost to or any savings for small businesses. Although appropriations are required to fund the Program, those appropriations occur separately from the processes set forth in this rule and, as such, the changes made to this rule have no impact on small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
The amendments to Rule R765-606 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 USHE Scholarship, clarifies the length of time for which an individual can be eligible for the USHE Scholarship, and makes other updates to the rule language for consistency and clarity. The changes made to the provisions of this rule do not create any cost to or any savings for non-small businesses. Although appropriations are required to fund the Program, those appropriations occur separately from the processes set forth in this rule and, as such, the changes made to this rule have no impact on non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
The amendments to Rule R765-606 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 the rule provides procedures for administering the USHE Scholarship, clarifies the length of time for which an individual can be eligible for the USHE Scholarship, and makes other updates to this rule language for consistency and clarity. 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. Although appropriations are required to fund the Program, those appropriations occur separately from the processes set forth in this rule and, as such, the changes made to this rule have no impact on persons other than small businesses, non-small businesses, state, or local government entities.
F. Compliance costs for affected persons:
The amendments to Rule R765-606 will not impose any compliance costs on affected persons.

There are no compliance costs because this rule provides procedures for administering the USHE Scholarship and the changes made to the provisions of this rule do not create any such compliance costs.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

The Commissioner of Utah Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Alison Adams, General Counsel	**Date:**	06/09/2026

R765. Higher Education (Utah Board of), Administration.
R765-606. USHE Employee Partner Scholarship.
R765-606-1. Purpose.

This rule outlines the process and application procedures for employees of a USHE institution to receive a scholarship to attend another USHE institution.

R765-606-2. Authority.

This rule is authorized by [~~Subs~~]Section 53H-11-414.

R765-606-3. Definitions.

(1) "Board" means Utah Board of Higher Education.

(2) "Commissioner" means Commissioner of Higher Education.

(3) "OCHE" means Office of the Commissioner of Higher Education.

(4) "USHE Employee Partner Scholarship" means a scholarship award available to employees of a USHE institution or the Office of the Commissioner of Higher Education.

(5) "USHE Employee Scholarship Advisory Committee" or "Committee" means a committee comprised of representatives appointed by the Commissioner of Higher Education to provide recommendations for awarding scholarships.

(6) "USHE institution" means an institution of higher education described in Section 53H-1-102.

(7) "Fiscal Year" means the calendar year starting July 1 and ending June 30. For degree-granting USHE institutions, this includes Summer, Fall, and Spring semesters of the corresponding academic year.

R765-606-4. Scholarship Award.

(1) The Commissioner, or their[~~ Commissioner's~~] designee, may award a one-year USHE Employee Partner Scholarship to an individual employed at a USHE institution for up to 50% of tuition and fees if the employee:

(a) is employed at a USHE institution full-time;

(b) has been admitted to a USHE institution other than the one at which the employee is employed, and has declared intention to enroll; and

(c) intends to pursue a program of study leading to a certificate, degree or other credential related to the employee's current job duties or a related career progression.

(2) To continue to receive the scholarship award each semester, a recipient must successfully complete each course for which they received the scholarship award.

(3) Recipients may receive a scholarship award until the earlier of four years after the day on which the recipient initially receives the scholarship award, for eight semesters, or when the recipient completes an approved program, subject to the requirements of this rule.

R765-606-5. Application Procedures.

(1) An eligible employee must submit a scholarship application by a deadline set by OCHE.

(2) Annually, the scholarship application shall be made available to the human resource director of each USHE institution, or the director's identified equivalent, who is responsible for notifying USHE employees at the director's institution about this program.

(3) Each applicant must receive, and include in the application, written approval of a dean, assistant vice president or equivalent, or any other employee more senior, that the applicant's educational pursuit is related to the applicant's current job duties or related career progression.

(4) Each applicant must submit the scholarship application published by OCHE.

R765-606-6. Scholarship Administration.

(1)(a) The Commissioner, or their[~~ Commissioner's~~] designee, shall annually determine the available funds to be applied to this program, the maximum scholarship award amount, and each applicant [~~that~~]who may receive an award.

(b) When determining scholarship awards under this [~~policy~~]rule, the Commissioner, or their[~~ Commissioner's~~] designee, shall consider recommendations submitted by the USHE Employee Scholarship Advisory Committee.

(2) A scholarship award cannot exceed 50% of tuition and fees during the fiscal year for which the award is made or for the total duration of the program in which the recipient is enrolled, whichever occurs first.

(3) OCHE shall transfer award funds to the appropriate USHE institution on behalf of each recipient.

(4) Each USHE institution shall return any unexpended funds awarded to a recipient during the fiscal year and accompanying expenditure documentation by June 30 of the corresponding fiscal year.

(5) After providing a recipient notice and an opportunity to respond, OCHE may rescind a recipient's scholarship if it determines the recipient no longer meets the requirements of Section R765-606-4.

(6)(a) A recipient must reapply for the USHE Employee Partner Scholarship annually.

(b) A recipient who received the scholarship during the previous year shall be given priority in the application and award process.

R765-606-7. USHE Employee Scholarship Advisory Committee.

(1) Annually, each USHE institution president shall identify one employee for consideration to serve on the USHE Employee Scholarship Advisory Committee.

(2) Annually, the Commissioner shall appoint up to six employees from any USHE institution from nominees identified by USHE presidents to serve on the Committee.

(3) A nominee may not apply for a scholarship award for the year in which the nominee serves on the Committee.

(4) The Committee shall recommend to the Commissioner, or their [~~Commissioner's~~]designee, the proportion of scholarship awards to be awarded for any certificate or degree type offered at a USHE institution.

(5) The Committee shall use the available information to inform its recommendation, including:

(a) available funds;

(b) programs of study current applicants intend to pursue;

(c) programs considered to most advance the skills of current applicants; and

(d) the extent to which the current applicants will fulfill the strategic objectives of the [~~b~~]Board by receiving an award.

(6) The Committee shall submit its recommendation to the Commissioner, or their[~~ Commissioner's~~] designee, by June 30 annually.

[~~R765-606-8. Scholarship Administration.~~

~~(1) After providing a recipient notice and an opportunity to respond, a USHE institution may rescind a recipient's scholarship if it determines the recipient has not met the requirements of Section (4).~~

~~(2)(a) A recipient may reapply for the scholarship annually.~~

~~(b) Each recipient who receives the scholarship during the previous year shall be given priority in the application and award process.~~

~~(3) Recipients may receive a scholarship award for up to five consecutive years in a single program, subject to the requirements of this subsection.~~]

R765-606-[~~9~~]8. Transfers.

(1) Each recipient may transfer to the same program at another eligible USHE institution and keep the scholarship if the recipient meets the requirements [~~in Section (4)~~]and eligibility under this rule.

(2)(a) Each transfer student is ultimately responsible for communication with financial aid offices at each USHE institution and OCHE well in advance.

(b) Each transfer student must maintain full-time employment status at the same institution at which the student was employed at the time of application.

(3)(a) The receiving institution is responsible to make any adjustments in a recipient's award.

(b) Higher cost of tuition and fees at the new institution [~~are~~]is subject to available funding in this program at the time of transfer.

R765-606-[~~10~~]9. Reporting.

(1) As specified by OCHE, each USHE 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 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, USHE Employee Partner Scholarship
Date of Last Change: [~~April 23,~~]2026
Authorizing, and Implemented or Interpreted Law: 53H-11-414

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58047**
Rule or section number:	**R861-1A-32**

1. Agency Information

Title catchline:	Tax Commission, Administration
Building:	Tax Commission
Street address:	210 N 1950 W
City, state:	Salt Lake City, UT

2. Contact Persons

Name:	**Phone:**	**Email:**
Chantay Asper	801-297-3901	casper@utah.gov

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

3. General Information

A. Rule or section catchline:
R861-1A-32. Mediation Process Pursuant to Utah Code Section 63G-4-102
B. Purpose of the new rule or reason for the change:
The agency is updating this section with information used in the notice of mediation.
C. Summary of the new rule or change:
The rule amendment requires that when a party participates in mediation to settle an appeal under the Utah Administrative Procedures Act, the person must have authority to settle and also participate in good faith.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This amendment is not expected to impact the state budget because it merely clarifies existing requirements for mediation.
B. Local governments:
This amendment is not expected to impact local governments because it merely clarifies existing requirements for mediation.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This amendment is not expected to impact small businesses because it merely clarifies existing requirements for mediation.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This amendment is not expected to impact non-small businesses because it merely clarifies existing requirements for mediation.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This amendment is not expected to impact persons other than small businesses, non-small businesses, state, or local governments because it merely clarifies existing requirements for mediation.
F. Compliance costs for affected persons:
This amendment is not expected to impose additional compliance costs on affected persons because it merely clarifies existing requirements for mediation.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0

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

7. Regulatory Impact Analysis Approval

The Commissioner of the Tax Commission, Rebecca L. Rockwell, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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 63G-4-102		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Rebecca Rockwell, Commissioner	**Date:**	06/11/2026

R861. Tax Commission, Administration.
R861-1A. Administrative Procedures.
R861-1A-32. Mediation Process Pursuant to Utah Code Section 63G-4-102.

(1) Except as otherwise precluded by law, a resolution to any matter of dispute may be pursued through mediation.

(a) The parties may agree to pursue mediation any time before the formal hearing on the record.

(b) The choice of mediator and the apportionment of costs shall be determined by agreement of the parties.

(c) If a party participates in mediation, the person attending the mediation shall:

(i) have authority to settle the appeal; and

(ii) participate in good faith.

(2) If mediation produces a settlement agreement, the agreement shall be submitted to the presiding officer pursuant to Section R861-1A-33.

(a) The settlement agreement shall be prepared by the parties or by the mediator, and promptly filed with the presiding officer.

(b) The settlement agreement shall be adopted by the commission if it is not contrary to law.

(c) If the mediation does not resolve [~~all of the issues~~]the dispute, the parties shall prepare a stipulation that identifies the issues resolved and the issues that remain in dispute.

(d) If any issues remain unresolved, the appeal will be scheduled for a formal hearing pursuant to Section R861-1A-23.

KEY: developmental disabilities, grievance procedures, taxation, disclosure requirements
Date of Last Change: 2026[~~November 13, 2025~~]
Notice of Continuation: November 9, 2021
Authorizing, and Implemented or Interpreted Law: 10-1-405; 41-1a-209; 52-4-207; 59-1-205; 59-1-207; 59-1-210; 59-1-301; 59-1-302.1; 59-1-304; 59-1-401; 59-1-403; 59-1-404; 59-1-405; 59-1-501; 59-1-502.5; 59-1-602; 59-1-611; 59-1-705; 59-1-706; 59-1-1004; 59-1-1404; 59-7-505; 59-10-512; 59-10-532; 59-10-533; 59-10-535; 59-12-107; 59-12-114; 59-12-118; 59-13-206; 59-13-210; 59-13-307; 59-10-544; 59-14-404; 59-2-212; 59-2-701; 59-2-705; 59-2-1003; 59-2-1004; 59-2-1006; 59-2-1007; 59-2-704; 59-2-924; 59-7-517; 63G-3-301; 63G-

4-102; 76-8-502; 76-8-503; 59-2-701; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-204; 63G-4-205 through 63G-4-209; 63G-4-302; 63G-4-401; 63G-4-503; 63G-3-201(2); 68-3-7; 68-3-8.5; 69-2-5; 42 USC 12201; 28 CFR 25.107 1992 Edition

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58048**
Rule or section number:	**R865-19S-43**

1. Agency Information

Title catchline:	Tax Commission, Auditing
Building:	Tax Commission
Street address:	210 N 1950 W
City, state:	Salt Lake City, UT

2. Contact Persons

Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov

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

3. General Information

A. Rule or section catchline:

R865-19S-43. Sales to or by Religious and Charitable Institutions Pursuant to Utah Code Ann. Section 59-12-104

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

In the 2026 General Session, the Legislature passed SB 276, Veteran Organization Amendments, sponsored by Senator Ann Millner. The bill allows an entity that is exempt from federal income taxation under Section 501(c)(3) or (19) of the Internal Revenue Code to claim an exemption from Utah sales and use tax as a religious or charitable institution.

This rule amendment reflects the changes in SB 276 (2026).

C. Summary of the new rule or change:

The rule amendment expands the sales and use tax exemption to include an organization recognized by the Internal Revenue Service under Section 501(c)(19) of the Internal Revenue Code.

The amendment also makes technical updates to the rule language.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 276 (2026 General Session)

5. Fiscal Information

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

A. State budget:

This proposed amendment is not expected to have any fiscal impact on state government revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for SB 276 (2026).

B. Local governments:

This proposed amendment is not expected to have any fiscal impact on local governments' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for SB 276 (2026).

C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This proposed amendment is not expected to have any fiscal impact on small businesses' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for SB 276 (2026).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This proposed amendment is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for SB 276 (2026).
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This proposed amendment is not expected to result in costs or savings to persons other than small businesses or local governments because any fiscal impact would have been addressed in the legislative fiscal note for SB 276 (2026).
F. Compliance costs for affected persons:
This proposed rule is not expected to impose any compliance costs on affected persons because any fiscal impact would have been addressed in the legislative fiscal note for SB 276 (2026).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

The Commissioner of the Tax Commission, Rebecca L. Rockwell, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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 59-12-104		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Rebecca Rockwell, Commissioner	**Date:**	06/11/2026

R865. Tax Commission, Auditing.
R865-19S. Sales and Use Tax.
R865-19S-43. Sales to or by Religious and Charitable Institutions Pursuant to Utah Code Ann. Section 59-12-104.

[~~A.~~](1) [~~In order to~~]To qualify for [~~an~~]a sales and use tax exemption [~~from sales tax~~]as a religious or charitable institution, an organization must be recognized by the Internal Revenue Service as exempt from tax under Section 501(c)(3) or (c)(19),[~~of the~~] Internal Revenue Code.

[~~B.~~](2)(a) As used in Subsection (2)(b), "unrelated trade or business" means the same as that term is defined in Section 513, Internal Revenue Code.

(b) Unless otherwise exempt by law, [~~R~~]religious and charitable institutions must report, collect, and remit sales or use tax to the Tax Commission on the sales price or purchase price of any sales or purchases[~~income~~] arising from an unrelated trade[~~s~~] or business[~~es and report that sales tax to the Tax Commission unless the sales are otherwise exempted by law~~].

[~~1. The definition of the phrase "unrelated trades or businesses" shall be the definition of that phrase in 26 U.S.C.A. Section 513 (West Supp. 1993), which is adopted and incorporated by reference.~~

~~C. Every institution claiming exemption from sales tax under this rule must submit f~~] (3)(a) An organization that seeks to claim a sales or use tax exemption for religious or charitable institutions shall submit Form TC-160, Application for Sales Tax Exemption Number for Religious or Charitable Institutions, along with any other information [~~that form~~]Form TC-160 requires, to the Tax Commission for its determination.[~~ Vendors making sales to institutions exempt from sales tax are subject to the requirements of~~]

(b) A seller that makes a sale to a religious or charitable institution is subject to [~~Rule~~]Section R865-19S-23.

KEY: charities, tax exemptions, religious activities, sales tax
Date of Last Change: [~~January 1,~~] 2026
Notice of Continuation: November 9, 2021
Authorizing, and Implemented or Interpreted Law: 9-2-1702; 9-2-1703; 10-1-303; 10-1-306; 10-1-307; 10-1-405; 19-6-808; 26-32a-101 through 26-32a-113; 59-1-210; 59-12; 59-12-102; 59-12-103; 59-12-104; 59-12-105; 59-12-106; 59-12-107; 59-12-108; 59-12-118; 59-12-301; 59-12-352; 59-12-353

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R156-55a**	**Filing ID: 57745**

Effective date:	**06/09/2026**

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	**Phone:**	**Email:**
Matt Johnson	801-530-6628	mmjohnson@utah.gov

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

3. General Information

A. Rule catchline:
R156-55a. Utah Construction Trades Licensing Act Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 58-1-106(1)(a)	Among the enumerated powers of the Division of Professional Licensing (Division) under Title 58, this subsection includes "prescribing, adopting, and enforcing rules to administer [Title 58]."
Subsection 58-1-202(1)(a)	Among the enumerated powers of Boards created under Title 58, this subsection includes "recommending to the director appropriate rules."
Section 58-55-101	Chapter 55 creates the framework for the Division's administration over the Utah Construction Trades Licensing Act.

Subsection 58-55-308(1)(a)	Among the enumerated powers of the Commission to include adopting reasonable rules pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with the concurrence of the Division.
Subsection 58-55-102(39)(a)	Creates the framework for the Division and Commission to create rules over the administration over the Utah Construction Trades Licensing Act.

C. 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 from interested persons supporting or opposing this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Title 58, Chapter 55, the Construction Trades Licensing Act, remains in force. This rule is the means by which the Division faithfully regulates that Act. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Adam Watson, Assistant Division Director	**Date:**	06/09/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R277-317**	**Filing ID: 57108**

Effective date:	**06/16/2026**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-317. Incentives for National Board Certification

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

Section 53F-5-202	Requires the Board to make rules to specify procedures and timelines for reimbursing educators for the cost to attain or renew a National Board certification.
Section 53F-2-523	Requires the Board to implement a salary supplement for eligible educators.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No public comments received since the last five-year review of this rule.
D. 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 specifies procedures and timelines for reimbursements to educators under Section 53F-5-202 and applications for the salary supplement under Section 53F-2-523. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R277-328**	**Filing ID: 56325**

Effective date:	**06/16/2026**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-328. Equal Opportunity in Education

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

Subsection 53E-3-501(1)(c)(iv)	States the board shall establish rules and minimum standards governing curriculum and instruction requirements.
Subsection 53E-3-502(8)	Requests the Board help school districts develop and implement guidelines, strategies, and professional development programs for administrators and teachers consistent with Subsections 53E-2-302(7) and 53E-6-103(1)(b), (2)(a) and (b) focused on improving interaction with parents and promoting greater parental involvement in the public schools.
Section 53G-10-206	Requires the Board, Local Education Agencies (LEAs), and the Superintendent to ensure that instructional materials and classroom instruction are consistent with certain principles of educational freedom.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No public comments received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule provides LEAs with the standards for educators and LEAs for professional learning regarding equal opportunities in education and prohibited discriminatory practices. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R277-404**	**Filing ID: 57020**

Effective date:	**06/16/2026**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-404. Requirements for Assessments of Student Achievement

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Section 53E-4-302	Directs the Board to adopt rules for the administration of statewide assessment.
Subsection 53G-6-803(9)(b)	Requires the Board to adopt rules to establish a statewide procedure for exempting a student from taking certain assessments.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No public comments received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule provides consistent definitions and assigns responsibilities and procedures for the administration of statewide assessments, as required by state and federal law. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R277-407**	**Filing ID: 57554**

Effective date:	**06/16/2026**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-407. School Fees

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Utah Constitution, Article X, Section 2	Provides that public elementary schools shall be free and secondary schools shall be free, unless the Legislature authorizes the imposition of fees.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Subsection 53G-7-503(4)	Requires the Board to adopt rules regarding student fees.
Section 53G-7-504	Authorizes waiver of fees for eligible students with appropriate documentation.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No public comments received since the last five-year review of this rule.
D. 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 permits the orderly establishment of a system of reasonable fees to provide adequate notice to students and families of fees and fee waiver requirements and prohibit practices that would exclude those unable to pay from participation in school-sponsored activities or create a burden on a student or family as to have a detrimental impact on participation. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R277-419**	**Filing ID: 56985**

Effective date:	**06/16/2026**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-419. Pupil Accounting

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Subsection 53E-3-501(1)(e)	Directs the Board to establish rules and standards regarding cost-effectiveness, school budget formats, and financial, statistical, and student accounting requirements.
Subsection 53E-3-602(2)	Requires a local school board's auditing standards to include financial accounting and student accounting.
Subsection 53E-3-301(3)(d)	Requires the Superintendent to present to the Governor and the Legislature data on the funds allocated to Local Education Agencies (LEAs).
Section 53G-4-404	Requires annual financial reports from school districts.
Subsection 53G-5-404(4)	Requires charter schools to make the same annual reports required of other public schools.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No public comments received since the last five-year review of this rule.
D. 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 specifies pupil accounting procedures used in apportioning and distributing state funds for education. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R277-477**	**Filing ID: 57725**

Effective date:	**06/16/2026**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200

City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53F-2-404(2)(d)	Allows the Board to adopt rules regarding the time and manner in which a student count shall be made for allocation of funds.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Section 53D-2-202	Through representation on the Land Trusts Protection and Advocacy Committee, the Board exercises trust oversight of the Common School Trust, the School for the Deaf Trust, and the School for the Blind Trust.
Section 53G-7-1205	Allows the Board to implement the School LAND Trust program and provide oversight, support, and training for school community councils and Charter Trust Land Councils.
Section 53G-7-1206	Allows the Board to implement the School LAND Trust program and provide oversight, support, and training for school community councils and Charter Trust Land Councils.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No public comments received since the last five-year review of this rule.
D. 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: a) provides financial resources to a public school to implement a component of a school's Teacher and Student Success Plan to enhance and improve student academic achievement; b) provides a means to involve a parent of a school's student in decision-making regarding the expenditure of School LAND Trust program funds allocated to the school; c) provides direction in the distribution of funds from the Trust Distribution Account, as funded in Section 53F-2-404; d) provides for appropriate and adequate oversight of the expenditure and use of funds by an approving entity, school administration, and the Board; e) provides for proper allocation of funds as stated in Section 53F-2-404, and the appropriate and timely distribution of the funds; f) enforces compliance with statutory and rule requirements, including the responsibility for a school community council to notify school community members regarding the use of funds; and g) defines the roles, duties, and responsibilities of the Superintendent with regards to the School Children's Trust. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R277-484**	**Filing ID: 57855**

Effective date:	**06/16/2026**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-484. Data Standards

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.
Subsection 53E-3-401(4)	Allows the Utah State Board of Education (Board) to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Subsection 53E-3-401(8)(a)	Allows the Board to take corrective action against an education entity that fails to comply with Board rules.
Subsection 53E-3-511(8)	Requires the Board to ensure Local Education Agencies (LEAs) inclusion of data in a LEA's Student Information System.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No public comments received since the last five-year review of this rule.

D. 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 supports the operation of required educational accountability and financial systems by ensuring timely submission of data by LEAs, supports the provision of equal opportunity for students, supports accuracy, efficiency, and consistency of data, and ensures maintenance of basic contact and demographic information for each LEA and school. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R277-605**	**Filing ID: 54627**

Effective date:	**06/16/2026**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-605. Coaching Standards and Athletic Clinics

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Subsection 53E-3-501(1)(b)	Directs the Board to adopt rules regarding access to programs.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No public comments received since the last five-year review of this rule.

D. 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 specifies standards for coaches and standards for extracurricular clinics and workshops. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R277-923**	**Filing ID: 53282**

Effective date:	**06/16/2026**

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	**Phone:**	**Email:**
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-923. American Indian and Alaskan Native Education State Plan Programs

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Section 53F-5-603	Provides that the Board may make rules related to the programs.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No public comments received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule provides criteria for evaluating grant applications, and procedures for a school district to apply to the Board to receive grant money and the review of the use of grant money. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	**Date:**	06/16/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R315-319**	**Filing ID: 57334**

Effective date:	**06/16/2026**

1. Agency Information

Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management
Building:	Multi-Agency State Office Building (MASOB)
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144880
City, state and zip:	Salt Lake City, UT 84114-4880

2. Contact Persons

Name:	**Phone:**	**Email:**
Brandon Davis	385-622-1873	bbdavis@utah.gov
Brian Speer	385-499-0010	bspeer@utah.gov

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

3. General Information

A. Rule catchline:
R315-319. Coal Combustion Residuals Requirements

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-6-108	This section requires a person who plans to own and operate a facility that receives waste generated from the combustion of coal at electric utilities and independent power producer to submit a request to and receive the approval of the director for an operation plan for that facility or site prior to purchasing, constructing, modifying, or operating it. This rule sets out the procedures and information that must be submitted to meet the requirements.

C. 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.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R315-319 contains the permit requirements, scope and applicability, definitions, restrictions, design and operating criteria, environmental monitoring requirements, closure requirements, and recordkeeping requirements for a coal combustion residuals disposal facility. This rule forms the basis of the coal combustion residuals disposal facility permitting program required by the Solid and Hazardous Waste Act. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ted H. Sonnenburg, PE, LEHS, Division Director	**Date:**	06/04/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R357-39**	**Filing ID: 58018**

Effective date:	**06/11/2026**

1. Agency Information

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

2. 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.

3. General Information

A. Rule catchline:
R357-39. Talent Development Grant Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 63G-3-201(2)	This subsection states that an agency may make a rule if authorized implicitly by statute.
Section 63N-3-112	This section creates talent development grants. This rule is necessary in order to administer the grants and is therefore implicitly authorized.

C. 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.
D. 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 administer talent development grants. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Greg Jeffs, designee	**Date:**	06/11/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R362-4**	**Filing ID: 53145**

Effective date:	**06/16/2026**

1. Agency Information

Title catchline:	Natural Resources, Energy Development (Office of)
Building:	Martha S Hughes Cannon Building
Street address:	288 N 1460 W, Fourth Floor
City, state:	Salt Lake City, UT
Mailing address:	288 N 1460 W, Fourth Floor
City, state and zip:	Salt Lake City, UT 84116

2. Contact Persons

Name:	Phone:	Email:
Alex Motro	385-370-4151	amotro@utah.gov
Luke Vosse	801-631-6784	lvoss@utah.gov

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

3. General Information

A. Rule catchline:
R362-4. High Cost Infrastructure Development Tax Credit Act

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Title 79, Chapter 6, Part 6	This act defines the High Cost Infrastructure Tax Credit and its provisions and operations
Section 79-6-606	This section allows the ability for the agency to create administrative rules for this act per Title 63G, Chapter 3.

C. 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 and any legislative amendments through legislative sessions.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The tax credit continues to be applied for and utilized by Utahns and companies doing business in Utah, and the legislature has made no indication that it will be sunset or will expire any time soon. This rule is necessary in order to give the Office of Energy Development the ability to manage it properly. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Emy Lesofski, Director	**Date:**	06/16/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R592-11**	**Filing ID: 56961**

Effective date:	**06/08/2026**

1. Agency Information

Title catchline:	Insurance, Title and Escrow Commission
Building:	Taylorsville State Office Building
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901

2. Contact Persons

Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov

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

3. General Information

A. Rule catchline:
R592-11. Title Insurance Producer Annual Reports

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 31A-2-404	Requires the Title and Escrow Commission to write rules related to title insurance.
Section 31A-23a-406	Requires title licensees to maintain a physical office in Utah for the processing of escrow, which is required to be reported in Section R592-11-3.
Section 31A-23a-413	Requires the annual filing of a report by each title insurance producer, as defined in Section R592-11-3.

C. 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.
D. 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 needed to establish the form and filing deadline for the Title Insurance Producer Annual Report required by Section 31A-23a-413. Therefore, this rule should be continued. The Title and Escrow Commission voted at its 06/08/ meeting to continue this rule by a vote of 5 to 0.

4. Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	**Date:**	06/08/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R602-1**	**Filing ID: 53711**

Effective date:	**06/05/2026**

1. Agency Information

Title catchline:	Labor Commission, Adjudication
Building:	Heber M Wells Building
Street address:	160 E 300 S, 3rd Floor
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146600
City, state and zip:	Salt Lake City, UT 84114-6600

2. Contact Persons

Name:	Phone:	Email:
M. Alex Natt	801-530-6800	mnatt@utah.gov
Chris Hill	801-530-6113	chill@utah.gov

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

3. General Information

A. Rule catchline:
R602-1. Office Record

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 34A-1-104	Authorizes the Labor Commission (Commission) to adopt rules and conduct adjudicative proceedings. In order to administer an orderly system of adjudication, it is necessary for the Commission to set standards for computing file deadlines and other time limits involved in the adjudicative process, and to set witness fees.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during the last five-year review period.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule remains necessary to establish standard for computing time limits and setting witness fees in the Commission's adjudicative process. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Jaceson R. Maughan, Commissioner	**Date:**	06/30/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R602-2**	**Filing ID: 53751**

Effective date:	**06/05/2026**

1. Agency Information

Title catchline:	Labor Commission, Adjudication
Building:	Heber M Wells Bldg
Street address:	160 E 300 S, 3rd Floor
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146600
City, state and zip:	Salt Lake City, UT 84114-6600

2. Contact Persons

Name:	Phone:	Email:
M. Alex Natt	801-530-6800	mnatt@utah.gov
Chris Hill	801-530-6113	chill@utah.gov

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

3. General Information

A. Rule catchline:
R602-2. Adjudication of Workers' Compensation and Occupational Disease Claims

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 34A-1-104	Authorizes the Labor Commission (Commission) to adopt rules and conduct adjudicative proceedings to resolve workers; compensation and occupational disease claims. It also authorizes the Commission to adopt rules to carry out those adjudicative functions.
Section 34A-2-802	Authorizes the Commission to adopt rules to carry out adjudicative functions for workers' compensation and occupational disease claims.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during the last five-year review period.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
As part of the Commission's continuing responsibility to administer a system for adjudication of workers' compensation and occupational disease claims, it is necessary for the Commission to establish procedures for pleadings and discovery, standards for use and compensation of medical panels, as well as standards for evaluating settlement agreements. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Jaceson R. Maughan, Commissioner	**Date:**	06/05/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R651-612**	**Filing ID: 57176**

Effective date:	**06/11/2026**

1. Agency Information

Title catchline:	Natural Resources, State Parks
Building:	Natural Resources
Street address:	1594 W North Temple, Suite #116
City, state:	Salt Lake City, UT 84116
Mailing address:	PO Box 146001
City, state and zip:	Salt Lake City, UT 84114-6001

2. Contact Persons

Name:	Phone:	Email:
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov

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

3. General Information

A. Rule catchline:
R651-612. Veterans with Disabilities Honor Pass

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 79-4-207	This section requires state parks implement a program for veteran access to state parks.
Section 79-4-1002	This section requires the Division of State Parks to make rules granting free admission to resident disabled veterans in conjunction with the US Veterans Benefits Administration.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Division of State Parks has received no comments regarding this rule in the last five years.
D. 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 benefits the disabled veterans of the state of Utah by giving them free access to our state parks. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Scott Strong, Director	**Date:**	06/11/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R657-9**	**Filing ID: 57450**

Effective date:	**06/02/2026**

1. Agency Information

Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84116
Mailing address:	PO Box 146301
City, state and zip:	Salt Lake City, UT 84114-6301

2. Contact Persons

Name:	**Phone:**	**Email:**
Staci Coons	801-450-3093	stacicoons@utah.gov

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

3. General Information

A. Rule catchline:
R657-9. Taking Migratory Game Birds – Waterfowl, Snipe, Coot, American Crow, Band-Tailed Pigeon, Mourning Dove, White-Winged Dove, and Sandhill Crane

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 23A-2-304	The Wildlife Board shall exercise the Wildlife Board's powers by making rules and issuing proclamations and orders pursuant to Wildlife Resources.
Section 23A-2-305	Provide an adequate and flexible system of protection, propagation, introduction, increase, control, harvest, management, and conservation of protected wildlife in this state and to provide for the use and development of protected wildlife for public recreation and food supply while maintaining a sustainable population of protected wildlife, the Wildlife Board shall determine the circumstances, time, location, means, and the amounts and numbers of protected wildlife that may be taken.

C. 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.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R657-9 provides the procedures and standards necessary to manage the waterfowl, Wilson's snipe and coot program for the Division of Wildlife Resources. The provisions adopted in this rule are effective in administering the state's waterfowl management program. This rule is necessary for its future success. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Riley Peck, Division Director	**Date:**	06/02/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R657-10**	**Filing ID: 57296**

Effective date:	**06/02/2026**

1. Agency Information

Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84116
Mailing address:	PO Box 146301
City, state and zip:	Salt Lake City, UT 84114-6301

2. Contact Persons

Name:	**Phone:**	**Email:**
Staci Coons	801-450-3093	stacicoons@utah.gov

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

3. General Information

A. Rule catchline:
R657-10. Taking Cougar

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 23A-2-304	The Wildlife Board shall exercise the Wildlife Board's powers by making rules and issuing proclamations and orders pursuant to Wildlife Resources.
Section 23A-2-305	Provide an adequate and flexible system of protection, propagation, introduction, increase, control, harvest, management, and conservation of protected wildlife in this state and to provide for the use and development of protected wildlife for public recreation and food supply while maintaining a sustainable population of protected wildlife, the Wildlife Board shall determine the circumstances, time, location, means, and the amounts and numbers of protected wildlife that may be taken.

C. 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.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R657-10 provides the procedures and standards for taking and pursuing cougar. The provisions adopted in this rule are effective in administering the state's cougar management program. This rule is necessary for its future success. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Riley Peck, Division Director	**Date:**	06/02/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	**R657-26**	**Filing ID: 55765**

Effective date:	**06/02/2026**

1. Agency Information

Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84116
Mailing address:	PO Box 146301
City, state and zip:	Salt Lake City, UT 84114-6301

2. Contact Persons

Name:	**Phone:**	**Email:**
Staci Coons	801-450-3093	stacicoons@utah.gov

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

3. General Information

A. Rule catchline:
R657-26. Adjudicative Proceedings for a License, Permit, or Certificate of Registration

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 23A-4-1106	The Wildlife Board shall exercise the Wildlife Board's powers by making rules and establishing guidelines that a hearing officer shall consider in determining the type of license or permit privileges to suspend; and the duration of the suspension.

C. 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.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R657-26 provides the procedures and standards for the suspension of the privilege of applying for, purchasing and exercising the benefits conferred by a license or permit and the suspension of a certificate of registration. This rule is necessary for its future success. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Riley Peck, Division Director	**Date:**	06/02/2026

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF
RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Agriculture and Food
Administration
No. 57932 (Repeal and Reenact) R51-2: Administrative Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food
Published: 05/15/2026
Effective: 06/24/2026

Animal Industry
No. 57933 (Repeal) R58-19: Compliance Procedures
Published: 05/15/2026
Effective: 06/24/2026

Specialized Products
No. 57959 (Amendment) R66-50: Kratom Retail Permit
Published: 05/15/2026
Effective: 07/02/2026

No. 57960 (Amendment) R66-51: Kratom Product Registration and Labeling
Published: 05/15/2026
Effective: 07/02/2026

No. 57961 (Amendment) R66-52: Kratom Product Testing
Published: 05/15/2026
Effective: 07/02/2026

No. 57962 (New Rule) R66-53: Kratom Processors
Published: 05/15/2026
Effective: 07/02/2026

Plant Industry
No. 57934 (Repeal) R68-19: Compliance Procedures
Published: 05/15/2026
Effective: 06/24/2026

Regulatory Services
No. 57935 (Repeal) R70-201: Compliance Procedures
Published: 05/15/2026
Effective: 06/24/2026

Alcoholic Beverage Services
Administration
No. 57878 (Amendment) R82-4: Criminal Offenses and Procedure
Published: 04/15/2026
Effective: 06/05/2026

Attorney General
Administration
No. 57874 (Amendment) R105-1: Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services
Published: 04/15/2026
Effective: 06/01/2026

Commerce
Professional Licensing
No. 57902 (Amendment) R156-38a: Residence Lien Restriction and Lien Recovery Fund Rule
Published: 05/15/2026
Effective: 06/25/2026

No. 57949 (Amendment) R156-55a: Utah Construction Trades Licensing Act Rule
Published: 05/15/2026
Effective: 06/25/2026

County Recorder Standards
Administration
No. 57898 (New Rule) R255-30: County Recorder Standards Rule
Published: 05/01/2026
Effective: 06/08/2026

Education
Administration
No. 57894 (Amendment) R277-102: Adjudicative Proceedings
Published: 05/01/2026
Effective: 06/08/2026

No. 57895 (Amendment) R277-309: Appropriate Licensing and Assignment of Teachers
Published: 05/01/2026
Effective: 06/08/2026

Environmental Quality
Administration
No. 57903 (New Rule) R305-12: Extraordinary Enforcement Expenses
Published: 05/15/2026
Effective: 06/23/2026

Water Quality
No. 57927 (Amendment) R317-1-7: TMDLs
Published: 05/15/2026
Effective: 06/24/2026

Government Operations
Human Resource Management
No. 57914 (Amendment) R477-1: Definitions
Published: 05/15/2026
Effective: 07/01/2026

No. 57915 (Amendment) R477-5-2: Probationary Period
Published: 05/15/2026
Effective: 07/01/2026

No. 57918 (Amendment) R477-7: Leave
Published: 05/15/2026
Effective: 07/01/2026

No. 57919 (Amendment) R477-9-5: Employee Reporting Protections
Published: 05/15/2026
Effective: 07/01/2026

No. 57920 (Amendment) R477-10-1: Performance Evaluation
Published: 05/15/2026
Effective: 07/01/2026

No. 57921 (Amendment) R477-11-2: Dismissal or Demotion
Published: 05/15/2026
Effective: 07/01/2026

Health and Human Services
Administration
No. 57873 (Amendment) R380-350: Community Health Worker Certification
Published: 04/15/2026
Effective: 06/16/2026

Child Care Center Licensing
No. 57869 (Amendment) R381-70: Out-of-School-Time Child Care Programs
Published: 04/15/2026
Effective: 06/05/2026

Population Health, Environmental Epidemiology
No. 57823 (Repeal and Reenact) R386-702: Communicable Disease Rule
Published: 03/15/2026
Effective: 06/01/2026

No. 57859 (Amendment) R414-510: Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program and Education
Published: 04/01/2026
Effective: 06/24/2026

Residential Child Care Licensing
No. 57870 (Amendment) R430-50: Residential Certificate Child Care
Published: 04/15/2026
Effective: 06/05/2026

No. 57871 (Amendment) R430-90: Licensed Family Child Care
Published: 04/15/2026
Effective: 06/05/2026

Health Care Facility Licensing
No. 57644 (Amendment) R432-100: General Hospital Stand
Published: 12/01/2025
Effective: 06/05/2026

No. 57644 (Change in Proposed Rule) R432-100: General Hospital Stand
Published: 04/15/2026
Effective: 06/05/2026

No. 57643 (Amendment) R432-950: Mammography Quality Assurance
Published: 12/01/2025
Effective: 06/05/2026

No. 57643 (Change in Proposed Rule) R432-950: Mammography Quality Assurance
Published: 04/15/2026
Effective: 06/05/2026

Human Services Program Licensing
No. 57649 (Amendment) R501-22: Residential Support Programs
Published: 12/01/2025
Effective: 06/22/2026

No. 57649 (Change in Proposed Rule) R501-22: Residential Support Programs
Published: 04/01/2026
Effective: 06/22/2026

No. 57650 (New Rule) R501-22A: Residential Support Programs, Homeless Facilities
Published: 12/01/2025
Effective: 06/22/2026

No. 57650 (Change in Proposed Rule) R501-22A: Residential Support Programs, Homeless Facilities
Published: 04/01/2026
Effective: 06/22/2026

No. 57651 (New Rule) R501-24: Behavioral Health Receiving Centers
Published: 12/01/2025
Effective: 06/16/2026

No. 57651 (Change in Proposed Rule) R501-24: Behavioral Health Receiving Centers
Published: 04/01/2026
Effective: 06/16/2026

Services for People with Disabilities
No. 57818 (Amendment) R539-1: Eligibility
Published: 03/15/2026
Effective: 06/16/2026

No. 57819 (Amendment) R539-5: Self-Administered Services
Published: 03/15/2026
Effective: 06/16/2026

No. 57820 (Repeal and Reenact) R539-10: Short-Term, Limited Services for the Waiting List
Published: 03/15/2026
Effective: 06/16/2026

No. 57821 (Amendment) R539-13: Division Definitions
Published: 03/15/2026
Effective: 06/16/2026

No. 57822 (Amendment) R539-16: Caregiver Compensation
Published: 03/15/2026
Effective: 06/16/2026

Higher Education (Utah Board of)
Administration
No. 57900 (Repeal) R765-119: Utah Board of Higher Education Qualifications
Published: 05/01/2026
Effective: 06/10/2026

No. 57884 (Amendment) R765-256: Student Disciplinary Processes
Published: 05/01/2026
Effective: 06/09/2026

<u>Insurance</u>
Administration
No. 57956 (Amendment) R590-274: Submission and Required Disclosures of Public Adjuster Contracts
Published: 05/15/2026
Effective: 06/23/2026

No. 57957 (Amendment) R590-281-4: Eligibility to Apply for a License
Published: 05/15/2026
Effective: 06/23/2026

Title and Escrow Commission
No. 57958 (Amendment) R592-6-4: Prohibited Unfair Methods of Competition
Published: 05/15/2026
Effective: 06/23/2026

<u>Natural Resources</u>
Oil, Gas and Mining; Oil and Gas
No. 57709 (Amendment) R649-1: Oil and Gas Definitions
Published: 01/01/2026
Effective: 07/08/2026

No. 57709 (Change in Proposed Rule) R649-1: Oil and Gas Definitions
Published: 04/01/2026
Effective: 07/08/2026

No. 57714 (Amendment) R649-3: Surface Owner Protection Act Provisions
Published: 01/01/2026
Effective: 07/08/2026

No. 57714 (Change in Proposed Rule) R649-3: Surface Owner Protection Act Provisions
Published: 04/01/2026
Effective: 07/08/2026

No. 57831 (Amendment) R649-3: Shut-in and Temporarily Abandoned
Published: 04/01/2026
Effective: 07/08/2026

Outdoor Recreation
No. 57931 (Amendment) R650-301: Off-Highway Vehicle Recreation Grant Program
Published: 05/15/2026
Effective: 06/23/2026

Wildlife Resources
No. 57938 (Amendment) R657-9: Taking Migratory Game Birds - Waterfowl, Snipe, Coot, American Crow, Band-Tailed Pigeon, Mourning Dove, White-Winged Dove, and Sandhill Crane
Published: 05/15/2026
Effective: 06/23/2026

<u>Natural Resources</u>
Wildlife Resources
No. 57939 (Amendment) R657-12: Hunting and Fishing Accommodations for People with Disabilities
Published: 05/15/2026
Effective: 06/23/2026

No. 57941 (Amendment) R657-13: Taking Fish and Crayfish
Published: 05/15/2026
Effective: 06/23/2026

No. 57942 (Amendment) R657-30: Fishing License for the Terminally Ill
Published: 05/15/2026
Effective: 06/23/2026

No. 57943 (Amendment) R657-42: Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents
Published: 05/15/2026
Effective: 06/23/2026

No. 57946 (Amendment) R657-43: Landowner Permits
Published: 05/15/2026
Effective: 06/23/2026

No. 57944 (Amendment) R657-60: Aquatic Invasive Species Interdiction
Published: 05/15/2026
Effective: 06/23/2026

No. 57945 (Amendment) R657-72: Licensing and Operation of Outfitters, Guides, and Spotters
Published: 05/15/2026
Effective: 06/23/2026

<u>Public Safety</u>
Driver License
No. 57913 (New Rule) R708-56: Interdicted Person Identifier on Driving Certificates and Identification Cards
Published: 05/15/2026
Effective: 06/23/2026

<u>Transportation</u>
Motor Carrier
No. 57904 (Amendment) R909-1: Safety Regulations for Motor Carriers
Published: 05/15/2026
Effective: 06/23/2026

No. 57912 (Repeal) R909-75: Safety Regulations for Motor Carriers Transporting Hazardous Materials or Hazardous Wastes
Published: 05/15/2026
Effective: 06/23/2026

Program Development
No. 57867 (Amendment) R926-9: Establishment, Designation and Operation of Tollways
Published: 04/15/2026
Effective: 06/12/2026

End of the Notices of Rule Effective Dates Section